Proceedings of Council.

SECOND MUNICIPALITY.

TUESDAY, 25th *September* 1838.

The Council met pursuant to adjournment.—Present: the Hon. Joshua Baldwin, Recorder, Aldermen Caldwell, Hall, Moux, Nixon, Peters and Sewell.

The Journal of the preceding meeting was read and approved.

A message from the Mayor was received returning with his objections, the resolution passed at the last sitting authorising the payment to Gloyd and McDonall a certain sum for refreshments furnished the Judges during the election in July last.

Upon motion of Mr. Peters it was

Resolved, that the Council do persist notwithstanding the objections of their Mayor, in their resolution of the 18th instant authorising the payment to Gloyd & McDonnell of one hundred and forty dollars, for refreshments furnished the Judges of elections in July last.

Upon the adoption of this resolution the yeas and nays were called for, Messrs. Caldwell, Hall, Moux, Peters and Sewell voted in the affirmative and Mr. Nixon in the negative.

A petition was read complaining against commissary Elliott which was referred to the Police committee.

Mr. Peters as chairman of the Finance committee made the following report accompanied with the annexed resolutions; which the rules being dispensed with, were taken up and adopted.

The Finance Committee deem it important to call the attention of the Council to the subject of the issue of small Municipality notes now amounting to $371,423.

Immediately after the suspension of specie payments by the Banks throughout the U. S. in May 1837, all the specie previously in active circulation ceased to perform the functions of a currency, and the public convenience rendered the emission of small notes under the denomination of five dollars, an imperative duty of the Council; the same cause produced the same effects in nearly all the cities of the Union, and so great was the necessity, that in many cases, altho' in open violation of charters and in opposition to the will of the administrative authorities at first, the issue of small notes was resorted to as the only safe means of furnishing a circulation to replace that withdrawn.

The ordinance of the 20th May 1837 authorising the emission of these notes, stipulates that they shall be at all times redeemable in current Bank notes at the Treasurer's office, and in specie so soon as the Banks shall have resumed specie payments. The first provision has been strictly adhered to, and to that circumstance may be ascribed the very general circulation that these notes have obtained in Louisiana and neighbouring states

The causes which led to the issue of these notes will soon cease to operate, the Banks having determined to resume their payments in specie on the first Monday in January next; it therefore becomes the duty of the Council to make arrangements to comply with the second condition, and be prepared to redeem these notes in specie, at that period. The finance committee consequently submit to the consideration of the Council a resolution authorising the comptroller to advertise for proposals for three hundred thousand dollars bonds of this municipality, payable in thirty years, bearing an interest of six per centum per annum, payable semi-annually.

The sinking fund of the Municipality will amply provide for the payment of these bonds, as well as all others that have been issued, so no provision is necessary for that object. The fund will amount to nearly $400,000 in January next, and if it continues to be prudently managed, it will amount to more than two millions dollars at the maturity of these bonds, and after having paid all those that have been issued to this period.

SAM'L. J. PETERS,
JOHN HALL, Chairman.

Resolved, That the Comptroller be and he is hereby authorized to advertise during one month in the True American and Bulletin of this city, in the Courier & Enquirer and Journal of Commerce of New York; and the National Gazette of Philadelphia, for proposals for $300,000 bonds of this Municipality, payable in thirty years, and bearing six per centum per annum interest. The interest payable semi-annually in London, New York or this city, as may be agreed on.

The Bonds to be for $1000 each if the interest be payable in the U. States; and for £250 stg. each, if the interest be payable in London. The proposals to be sealed and endorsed "*Proposals for bonds*" and to be received until Tuesday the 25th day of November next.

On motion of the same gentleman, the rules being dispensed with, it was

Resolved, That the Comptroller be authorised, after advertising ten days for proposals, to contract with the lowest bidder for the furnishing of this Municipality with five thousand gallons of first quality winter pressed sperm oil, to be delivered at a time to be agreed upon.

Be it further resolved, that the Comptroller be and is hereby charged with the distribution of said oil.

Mr. Caldwell, as Chairman of the Committee on Streets and Landings, introduced the following resolutions, which, the rules being dispensed with, were taken up and adopted.

REPORT

Of the Committee on Streets and Landings.

Resolved, that the Wharfinger be, and he is hereby authorised to employ an assistant from the 1st day of October till the 1st day of June next, provided that the monthly salary of said assistant shall not exceed seventy five dollars per month.

Resolved, that the Recorder be authorised to order from the Gas Co. the erection of four additional lamp posts on La Fayette Square; viz: One in the centre of the N. E. S. W. corners of said square, and that the same shall be lighted with gas, in conformity with contract for the lighting of this Municipality.

Resolved, that the Wharfinger be, and he is hereby authorised to order an iron buoy for the use of this Municipality, provided the cost of the same shall not exceed the sum of $200.

Resolved, that the Wharfinger be, and he is hereby authorised to advertise all the unclaimed articles now in the public store, for sale, after 10 days previous notice in two newspapers, in English and in French, and hand the proceeds to the Treasurer, by him to be paid to the proper owners thereof, after deducting the fines, cost and charge.

JAMES H. CALDWELL,
EDW'D. W. SEWELL,
SAM'L. J. PETERS.

On motion of the same gentleman it was

Resolved, that the Mayor be, and he is hereby authorised to draw his warrant in favor of Joseph Filie, for sixty five dollars, for plans executed for the use of this Municipality.

Mr. Peters, in behalf of the majority of the same committee, presented the following report and resolution; to which the chairman, Mr. Caldwell, made the subjoined counter report; on motion the rules being dispensed with, the report and resolution of the majority was adopted.

The Committee on Streets and Landings, to whom was referred the communication of the Commissary of St. Mary's Market, in relation to the roof of said building, report the following resolution.

SAM'L. J. PETERS,
EDWD. W. SEWELL.

Resolved, that the Surveyor be and he is hereby authorised to repair the roof of St. Mary's Market without delay.

The chairman of the Committee on Streets and Landings does not sign the report of the majority of the committee, because, upon examination and consultation with a competent architect he is of opinion, that the covering is radically a bad one, and cannot be repaired without continued annoyances, complained of by the commissary, of continual leaks—the chairman reports that nothing less than a new covering of slate can make a permanent and tight roof.

JAMES H. CALDWELL.

ORDER OF THE DAY.

The ordinance, introduced by Mr. Peters at a previous sitting in relation to the Poydras Market being in order, was taken up section by section, and with certain amendments adopted as follows.

AN ORDINANCE

Concerning the Poydras st. market, and providing for farming the revenue thereof.

The council of Municipality No. Two ordain as follows:

Art. 1. On the first of December, in each year, the comptroller shall adjudicate or cause to be adjudicated, at his office, the collection of the revenue of the Poydras street market, for one year. He shall give ten days notice in the official gazette of the municipality of the day and hour at which said adjudication shall take place.

Art 2. The contract to be entered into with the comptroller, by the farmer or lessee for the collection of the revenue of said market, shall be for one year, from the first of January of each year; and at the end of said year, said contract shall be renewed in the manner prescribed in the preceding article.

Art 3 The farmer or lessee shall within five days after said adjudication, furnish his promissory notes, endorsed to the satisfaction of the council, payable from the first day of January at 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 months. Should he refuse or neglect to furnish his notes as aforesaid, the comptroller is authorised to cause a new adjudication to be made, for the account and risk of said farmer or lessee.

Art 4 For the more ample security for the payment of the notes furnished for said lease, the farmer or lessee shall affect and mortgage, in favor of this municipality, all the rights on which the collection of said revenue is hereby farmed, so that in default of payment of any of the aforesaid notes on their becoming due, the municipality may have the power of seizing provisionally the aforesaid rights so affected and mortgaged as a pledge; which it shall be the duty of the Treasurer to do, within three days after the protest of any of the aforesaid bills or promissory notes.

Art 5 The farmer or lessee of said revenue shall not be entitled to collect other duties than those hereinafter mentioned, to wit:

For every head of large horned cattle, eighty seven and a half cents, or seven bits.

For every head of veal, mutton, pork or venison twenty five cents or two bits. (It being well understood that when the forequarter of a veal shall weigh more than forty pounds, the farmer or lessee of the revenue may levy for the sale of sail veal eighty seven and a half cents, or seven bits, instead of twenty five cents or two bits.)

For each stall and half table including the frames with hooks on which to hang the meat, twenty five cents or two bits per day.

For every bench for the sale of fish, twelve and a half cents, or a bit per day.

All butchers and retailers of fish shall be answerable for the frames with hooks, so rented to them by said farmer.

Art 6 All kinds of meat, fowls, game, fish, vegetables and all other articles destined for the daily supply of the city may be bought and sold at said market.

Art 7 The surveyor is required to cause chains to be placed at the ends of the two streets running parallel with said market, in order to prevent the passing of carriages during market hours.

Art 8 Said market shall open at the dawn of day, and shall close at twelve o'clock precisely from the first of April to the first of November, and at one o'clock in the afternoon during the remainder of the year: and the closing of the market shall be announced by the market bell, which it shall be the duty of the commissary to ring or cause to be rung.

Art 9 The two sides of the middle Alley of said market from Circus street to the end near Baronne street with exception of the four feet passages and the space occupied by Philippa street, to be for butchers—and in case all the tables of said Alley are not taken up by the butchers, the western extremity of the same to be allotted to retailers of salt meat: provided always that whenever any or all of the tables are in demand for Butchers, or required for them; that the said vendor or vendors of salt meat give place to the Butcher or Butchers applying for the same.

The South Alley to be divided into six portions, from the entrance at Circus street to that near Baronne street. The first portion situated at the western extremity of said Alley to be for Fish. The second for salt meat. The third for poultry and game. The fourth and fifth for groceries, and the sixth situated at the eastern extremity of said Alley to be for fruit. The cross passages and the space occupied by Philippa street are excepted.

The North Alley in its whole extent from Circus street to the end near Baronne street, with the exception of all crossings, to be for vegetables.

Art 10 When the various places within said market are taken up, or occupied, the farmer to be, and he is hereby authorized to let the corresponding spaces on the footway without the market, ranging them immediately along the outer line of the columns, and in such way as in no case to obstruct the cross passages from the sides of the market or the entrances at either extremity or end of it;—and preference must always be given to retailers of such articles as are sold or exhibited for sale on the inside of the market agreeably to Art. 9 of this Ordinance.

Art 11 When the stalls or tables in said market appropriated therefor, shall not be occupied by sellers of fresh meat, the farmer or lessee may let them to retailers of salt meat. In cases where all the tables and stalls shall be occupied by sellers of fresh meat the venders of salt meat shall be placed outside of said market, and make their sales on benches or tables furnished at their cost, and for which they shall pay to the farmer or lessee, twelve and half a cents, or a bit per day.

Art 12 During the half hour immediately following the closing of said market, the butchers and other persons hiring or occupying stalls shall be bound to scrape, wash and cleanse their respective stalls and tables so as to keep the same in the highest state of cleanliness, and every person neglecting to comply punctually with the disposition of the present article, or who shall not quit the said market at the hours specified in article eight of the present ordinance, shall pay a fine of five dollars foreach offence. And no person shall be permited to sub-lease any stall or table under a penalty of fifty dollars. Any Butcher, or other person vending in said market, if absent therefrom three days, leaving his stall or table unoccupied, shall be deemed to have abandoned the same, and the farmer may hire it to another.

Art 13 It shall be the duty of the farmer, or other persons authorized by this municipality to collect the above established duties, to keep an exact register of the persons to whom he lets the stalls, stands, tables and frames with hooks, at market hours, and deliver certificates thereof to persons occupying the same. Anyperson occupying any table, stand or stall without the consent of the said farmer or collector, and who shall refuse to deliver up the same on the first request which shall be made to them by the commissary of the market shall pay a fine of ten dollars for each offance, and shall be compelled to conform to the provisions of the present enactment.

Art 14 No person shall place within the market house, on the footway thereof, nor on the space situated between the two sections of said market any other stalls or tables than those fixed there by authority of this council under a penalty of five dollars for each offence, and the said tables or stalls shall besides be removed by the commissary of the market.

Art 15 If any person shall sell or expose for sale within the market aforesaid, any blown, stale, imperfect or unwholesome provisions, or meat of any animal that died of disease, such provisions or meat shall be seized by the commissary and be thrown into the nuisance boat, and the offender shall be fined from ten to fifty dollars for the first offence, and for the second he shall be deprived of the right of vending in said market or of hiring any stall within its limits. It shall be the duty of the commissary of the market, alone, or with two assistants appointed by the Recorder and sworn before him, daily to make a strict inspection of the butchers' meat and of other provisions exposed for sale at the said market and to enforce the strict observance of this regulation.

Art 16 Butchers, or other retailers of butcher's meats shall not expose them for sale elsewhere than at the markets established by law, under a penalty of 25 dollars for each offence. They shall be compelled to saw the bones of the meat; and they shall not, under any pretext break them down with a hatchet, or cleaver, under a penalty of five dollars for each offence.

Art 17 It shall be obligatory on the commissary of the market always to have in the said market scales and weights, to be used at the request of any person, who, at the time of purchase, may desire to prove the right weight of any meat or other provisions, and no scales and weights shall be used in said market, unless they are proved and stamped according to law, nor shall steelyards be used within said market under any circumstances whatever. Any violation of the provisions of this section, or selling by false weights, shall subject the offender to a fine of $10 for each and every offence.

Art 18 Any person who shall forestall or cause to be forestalled any provisions at the market before ten o'clock in the morning, shall pay a fine of twenty dollars for each offence.

Art 19 It is expressly forbidden, under a penalty of fifty dollars for each offence, to sell or cause to be sold, within the said market or on the footways which surround it, any spirituous or ardent liquors.

Art 20 It shall be the duty of every butcher or other person selling butcher's or other meat at the said market to be cleanly dressed, and moreover to wear in selling the same, a large white apron, which shall constantly be kept in the greatest state of cleanliness, and it shall not be lawful for any person vending in said market to smoke while to employed within said market under a penalty of five dollars for each offence if the offender is a free person, and ten lashes if a slave.

Art 21 It is forbidden to all hawkers and pedlars to sell any sort of goods or merchandise in the said market, or on the footways surrounding the same, under a penalty of ten dollars for each offence, if the offender be a free person, and ten lashes if a slave, unless the master prefer to pay said fine.

Art 22 The surveyor shall cause the columns to be painted and the ceilings to be white-washed of said market on or about the 1st October of each year; at which time Butchers and other persons occuping stands in said market, shall be bound to repair, cleanse and paint in a proper manner their respective stalls or stands, under a penalty of twenty-five dollars.

Art 23 All vegetables, melons, potatoes, onions, fish, shrimp, crab, crawfish, turtles and game, destined for the daily supply of this Municipality shall be brought to the markets, established by law for the sale thereof, and all persons exposing for sale any of said articles in the streets or in any other part than at said markets during the hours prescribed by this ordinance shall incur a fine of from five to fifteen dollars for every offence.

Art 24 Carts or wagons for the conveyance of all supplies whatever to said market shall be placed under the inspection of the commissary of said market.

Art 25 All persons are forbidden to stand, sit or lie on the stalls or tables of said market, under a penalty of two dollars if the offender is free, and ten lashes if a slave.

Art 26 The farmer shall furnish, at his own expense, all things necessary for sweeping and cleaning said market, the footways thereof included. The sweeping and cleaning of said market shall be done by the negroes belonging to the chain gang under the superintendance of the overseer of said negroes and of the commissary.

Art 27 It shall be the duty of the commissary of said market to see that the ordinances relating thereto are fully enforced, and that no offence is perpetrated against the farmer of the duties of said market; to keep order in said market, to have arrested all persons who disturb the public peace and to conduct them before the mayor, the recorder, or any other magistrate, to be punished according to law. The said commissary shall always be present in said market, during market hours, except in case of sickness; and in such case he shall give notice to the mayor, who shall place another to do his duty until the Council shall act thereon. In case of neglect of his duties, the commissary shall pay a fine of twenty dollars for each offence, and further, he shall be liable to be removed by the council.

Art 28 The said farmer shall be bound to comply with all the regulations contained in this ordinance in all that relates to him. He shall not be entitled to any indemnification from the Council under the pretext that the ordinances, by virtue of which he has formed his contract are not sufficiently clear or are not enforced, either by the negligence of the officers of the police nominated to protect them, or by violations committed by individuals; the farmer having the right to prosecute the said officers or individuals as the case may be, to have them punished with the fine or other penalties fixed for these offences.

Art 29 The farmer shall not under any pretext whatever, exact or receive fees of any person selling in any other places than those designated by the present ordinance, under a penalty of twenty dollars for each offence.

Art 30 All fines fixed by this ordinance shall be recoverable before any court of competent jurisdiction for the benefit of this municipality

Art 31 It shall be the duty of the commissary of the market to cause to be posted up, at all times, in at least six places in said market, this ordinance, in the French and English languages.

Agreeably to previous notice Mr. Caldwell introduced the following ordinance upon paving, which on motion, was ordered to be printed and made the order of the day for the next meeting.

AN ORDINANCE ON PAVING.

Sec. 1. Be it ordained by the Council of Municipality No. 2, of this city of New Orleans, that the following streets be paved with cubic blocks of granite, like the pavement now being made in Gravier street between Tchoupitoulas and Magazine sts., and that said streets be paved in the following order, to wit:

Gravier street from Circus to St. Marc street, Common from Carondelet to Claiborne; Circus from Canal to Julia street landing; Canal from Baronne to Claiborne; Poydras from Baronne to St Marc; Perdido from Baronne to St. Marc; Camp from Delord to the upper line of the Municipality; Carondelet, Girod to Triton Walk.

Sec. 2. Be it further ordained; that the following streets be paved with hexagonal blocks of wood; and in the following order, to wit:

Hevia street from Carondelet to St. Paul; Jackson from Basin to Claiborne; St. Marc from Common to the Protestant Cemetary; Franklin, Robertson, Marais and Treme streets from Canal to Common street; Paullipa from Canal to Julia; St. John, St. Peter and St. Paul, from Common to Julia street landing; St. Mary, Freret and Gironde from Common to the Protestant Cemetary.

Sec. 3. Be it further ordained, that to facilitate the paving of the foregoing streets. The Mayor be and he is hereby authorised to advertise, in three newspapers in the following cities and states each, in New York, Philadelphia, Boston, Maine, Connecticut, New Hampshire, Rhode Island and in New Orleans, for three months, that this Council will receive proposals for the delivery on the landings of the Municipality of 86,000 square yards of cubic blocks of granite of the following dimensions: 6 to 8 inches by from 10 to 24 inches on the surface and from 6 to 8 inches deep, squared at the sides and ends so as to form a close joint; to be delivered within two years from the time of the contract, in not less than 10,000 yards every 90 days after the first delivery, which is hereby fixed for the 1st day of May next, 1839.

Sec. 4. Be it further ordained, that payment to the contractors for the aforesaid stone shall be made in the bonds of the Municipality, having 30 years to run, and at par, and bearing an interest of 6 per cent per annum, which interest shall be paid at the Treasurer's Office, of the Municipality, or in the city of New York, at the option of the contractor, provided that the payment for the stone aforesaid, shall be made in the bonds aforesaid, at par, upon the delivery of each and every 10,000 square yards.

Sec. 5. Be it further ordained, that the Surveyor be and he is hereby required to adjudicate to the lowest bidder, on the 4th Monday of October next, and after twenty days previous notice, in two newspapers of this city, the furnishing of 80,000 square yards of hexagonal wooden blocks, and also the laying of the same, agreeably to a plan and specifications now in his office.

On motion of Mr. Nixon, the rules being dispensed with, the following resolution was unanimously adopted.

Resolved, that no alderman or other officer of this Municipality shall be either directly or indirectly interested in contracts for works to be done for, or for supplies to be furnished to this municipality; that no alderman or other officer of this municipality shall either by himself or by any other person for him, be lessee or farmer of any branch of the revenues of this municipality; and that no alderman, during his continuance in office, shall receive or be paid any commission or compensation for services rendered or to be rendered to this Municipality.

On motion the Council adjourned to Tuesday next, the 2d October, at 5 o'clock, P. M.

JOHN GIBSON,
Secretary.

THE TRUE AMERICAN.

EDITED BY JOHN GIBSON.

FAITHFUL AND BOLD.

NEW ORLEANS:

THURSDAY...SEPTEMBER 27, 1838

☞ The Express Mail arrived yesterday, but brought no intelligence from beyond Charleston.

THE MILITIA REVIEW,

Yesterday, as by law appointed, the fourth regiment of Louisiana Militia mustered on Lafayette Square, under the command of Col. M. White, Lt. Colonel Kelly, Major Willard, Adjutant Dakin and other officers. The muster was, highly creditable to the Municipality, for nearly two thousand men appeared under arms, among whom were several uniform companies that would be an honor to the oldest corps in the country. The gallant Washington Guards, under their old Captain Hozey were at the right of the line, while the Louisiana Greys took their place on the left. Of these two established and elegant companies it is needless to speak, as their soldierly appearance, and discipline are so well known. Capt. Johns' company of Orleans Dragoons, now attached to the 4th Regiment, were also there, and by their martial bearing attracted much notice and high commendation, although they did not muster very strong owing to the unusual degree of sickness in the company. One of the most gratifying portions of the Review, however, was to see the new companies turn out that had so recently been formed among our spirited young men. Of these there were no less than five, and all embodied within two or three weeks.

The Louisiana Rifles, Captain Pickrell made a most elegant display in their new uniforms of green. This spirited company, although only two weeks in drill, might have been shown well and proudly even in the presence of veterans. They marched with the precision of old soldiers, and their whole manual must have been admired by the fverieet *martinet* in the regular service. The Rifles formed the centre, and had the honor of bearing the State and Regimental Colours throughout the review. Besides these there were several other new companies on the ground, although they did not appear in their uniforms, owing to the brief preparation allowed them. There were the "Black Watch," Captain Taylor, but under the command of Lieut. George Pore. This company presented an elegant appearance, for although not in military array their citizens dresses, their march, and carriage, were as *uniform* as though they had been long embodied. The *Lafayette Guards*, Capt Dalahousie, mustered strong, and gave evidence of being eventually a very fine company. The *Pulaski Cadets*, recently called the "Delawares," were there under the temporary care and charge of Mr. Shepherd of the Washington Guards, although regularly commanded by Captain Pickett. The guns were admirably served by the new company of the Washington Artillery, Capt. E. L. Tracy, and the whole effect of the scene was such as our Municipality may well be proud of. Before the 8th of next January, not only will all these companies be completely drilled, uniformed, armed, and equipped, but many others new in embryo will appear on parade to give full effect to the honors shown to that immortal day. One of these is the Governor's Guards, Captain Cross, whose uniform, horses, and equipments could not be procured in time for yesterday's "turn out," but the gallant Captain was on the ground, and by his chivalrous, and soldierly aspect presented an admirable specimen of what may be expected when the full company is seen upon the field.

The new Militia Law under which this great improvement in our armed force has progressed and still progresses, is daily commending itself to all well judging men. The great necessity for disciplined force in a community like ours is palpable to all, and the promptitude with which the law has been complied with is not less a proof of its innate necessity, than of the good sense of our citizens in so cheerfully complying with its enactments. Great credit is due to the officers of the Regiments for the great exertions they have made in fostering the military ardour of our spirited young men, and in assisting to organize so many uniform companies, that in a few months our municipality troops will not be surpassed by any in the Union. Col. Kelly, Major Willard, and Adjutant Dakin have been indefatigable, and deserve the warm thanks of all their fellow citizens.

Not an appearance of disorder, or even of indecorum, was manifested throughout: all seemed impressed with the necessity of obedience and attention, and even the uninitiated citizens endeavoured to make up by care, what they lacked in practice.

On the 8th of January, the uniform companies of the fourth Regiment of Louisiana Militia, will be a credit to any city in the Union.

BAD WATER.

Although we have been for two weeks past apprised of the existence of one of the greatest evils under which a large city can labour, we have desisted from raising our voice against it, purely from the hope that the cause was temporary, and would be remedied by the parties concerned, from a sense of public duty and justice. We advert to the shamefully impure state in which the water is sent through the pipes, and hydrants, for the supply of the city. If there be one means more conducive to general health than another, it is an ample supply of pure water, yet from some cause or other the element, as meted out by the Commercial Water Works, for some time past has been unfit for human use. There is scarcely to be found any one citizen, dependant for his supply upon the Water Works, but has been obliged to put up with a filthy fluid which even cattle would refuse to drink. Why this is so, we do not now take upon us to say, but that it should not be so requires little logic to prove, and less to make believed. The Water as now given by the "Commercial" is unfit for food: it is impure even in aspect, is nauseous to the palate, and filthy to the senses. The citizens are not to be poisoned by wholesale in order to save the Water Works from the expense of more frequently refreshing, cleansing, and filling their reservoirs. Though men be not all chemists they know full well that Mississippi water when left in a stagnant body for a length of time, is unsuited to the health and uses of man; and we hope the directors of the Water Works will, now that they have learned the existing evil, save us the further trouble of prosecuting this complaint, and our citizens generally from stench and impurity, with their consequent unhealthiness, by giving—as they are fully capable of doing—an abundant supply of fresh and wholesome water.

☞ The *St. Charles Theatre* opens on Monday without fail. Many of the actors have already arrived, sufficient for a commencement, and others are daily heard from, or are pouring in. On Saturday we shall be enabled to give a list of the Company, and some slight sketch of the ensuing Campaign.

Mr. Barrett has already sailed from New York with his Camp Street Company, which is both full and complete. Of the talent of its different members, the northern critics speaks in terms of high praise. Many of them are already known to a large portion of our citizens, and the strangers come recommended to us by the best of characters. With two fine companies at the St. Charles and the Camp: with both theatres entirely, and elegantly re-decorated: with an abundant supply of novelties, and a liberal supply of the best artists our coming theatrical season is bound to be one of unexampled brilliancy. Ellen Tree, Celeste, Clifton, Barnes, Shaw,—Booth, Forrest, Power, Finn, Browne, Scott, Barnes, *cum multus aliis*, form a galaxy of stars seldom seen in any one winter.

☞ Nearly forty vessels bound to this port from the North are yet due. Many of these have been detained by calms, and many more by adverse winds, and stormy weather, lately so prevalent upon our coast. The recent change will doubtless bring many of these involuntary truants into port, and with them will come many a wished for old friend, and many a welcome stranger. A few days will doubtless produce an extraordinary difference in the business aspect of our wharves and streets. Judging from the multitude of invoices, bills of lading, and other commercial intelligence already received, these absent ships will bring to our port so large a quantity of goods, that trade will have a most unusual, and sudden impetus The season will begin briskly, and no doubt will continue active throughout. We may well congratulate ourselves therefore on the opening of a fresh and most prosperous season, and with the reaction ever consequent on such a depression as we have lately experienced, we may fairly calculate that the success of the coming year will remove entirely the losses of the past.

☞ Jack Frost Esqr., that most welcome visitor, has been seen in our neighborhood although not officially announced among our city arrivals. We have it on positive, dependable authority that Frost was seen on the Metairie Ridge on Tuesday morning last. We would not so positively declare this setting in of "fall weather" were we not perfectly persuaded of its truth, from the correct source our information come from, backed by the experience of all long residents who are fully aware that Frost is always found in the suburbs, before he visits the city, and that too from palpable and evident reasons. We are therefore perfectly satisfied that all fears of an epidemic are at an end, and that our absent citizens may return in perfect safety. That many feel and know this fact, is evident from the number of fresh faces congregating in our streets, and the downcast, disappointed looks of so many of our MD's. Their gigs have long been sacrificed to pay their horse feed, and now their uncalled for stocks of drugs and fluids have as melancholy a look as *empty bottles* have with more convivial cits.

☞ It will be perceived that Mr. Caldwell has proposed an Ordinance for paving the majority of the yet unpaved streets in the second Municipality with cubic granite, or hexagonal blocks of wood. We would willingly go into the argument in favor of this proposition, but hope the public spirited proposer will find some way of letting our citizens know the reasons that prompt to achieve this great public good.

Why does not the Commissary of the 3rd ward see to the removal of the many annoyances now existing in his district? Numbers of the streets in his whereabouts are obstructed by piles of rubbish, steamboat shimneys, and other nuisances which have remained untouched for weeks and weeks, and are yet unnoticed, and likely to continue. These obstructions should have been long since taken away, and we hope we shall not be again obliged to advert to their unlawful presence by breaking our shins over them at night, or listening to complaints of the neighbourhood all day.

Our whole establishment is filled with white-washers, painters, scrubbers, and others of that genus, who whenever they begin to set to rights are sure to set to wrongs. The Council proceedings are so lengthy, and so important, that they occupy the greater portion of our columns; and from the paucity, and meagreness of the mails, we have so little intelligence that is either interesting or agreeable, that we are compelled to make our editorials somewhat too brief to-day. When we are clear of our rubbers, and scrubbers: when we have less legislation, and more news, we will endeavor to make amends to our readers by giving them all that is important, all that is agreeable, and more that is new and strange than any Caleb Quotem would require in a twelvemonth.

Many stories we see are afloat regarding the unhappy duel which took place at Bayou St. Louis on Monday morning. Our object in noticing the matter is not to enter minutely into the subject, but to correct some of the many errors that have crept into the press upon this subject. The parties quarrelled on Saturday, and were bound over to keep the peace within this state of Louisiana. This was the reason for the journey to the Bay, that place being in Mississippi. They fought with *broad*, and not *small* swords: there was but one blow given by each party: the thrust of one took effect in the lower part of his adversary's abdomen, close upon the groin: the blow of the other fell while distended on the lunge, making a most severe cut through the right shoulder, and slightly wounding the head. We rejoice to learn that the wound of the former, Mr. C——l, has not proved fatal, how his adversary fares we have not heard.

While our own city is absolutely revelling in the enjoyment of robust health tidings of sickness reach us from all quarters. In Charleston the Strangers fever is committing awful ravages among the laboring people lately arrived there. In Louisville, we also learn, there is some sort of fatal fever which carries its victims to the grave in one or two days. The city is extremely unhealthy. In Knoxville, Tenn., a fatal epidemic is now raging, and has carried off large numbers of the inhabitants, including the post master, Capt. Crozier. In Florida, also, there is much sickness, and accounts from the troops are greatly disheartening.

The South Carolina 6 per cent. State Bonds, issued for the re-building of Charleston, have been readily sold in England at 95, Gen'l. Hamilton having disposed of a million at that rate immediately on offering them.

Army and Navy.—The 1st regiment (10 companies) U. S. Infantry arrived at Plattsburg on the 5th inst.

Col. Worth has been appointed to the command of the new regiment (the 8th) and has chosen Sackett's Harbor for his head quarters.

Col. Cutler has been ordered to take command of Fort Gibson.

GENERAL ORDER.—An official note from the Adjutant General's office, Washington, under date of September 6th, directs the several field and company officers temporarily detached from their regiments, for service on the Northern frontiers, or elsewhere, and all officers absent on leave, to proceed without delay to join their proper regiments and companies in Florida, the Cherokee country, and the southwestern frontier. The graduates of July 1838, appointed second lieutenants, and subsequently ordered to service in the field, are to join their respective regiments without delay.

NAVAL MOVEMENTS.—The frigate Constellation and sloop of War Concord will shortly return to the North from the West India station. The frigate Macedonian will be the next flag ship of the West India squadron. Commander Breese has been relieved from the Ontario, and Commander Williamson, from his orders to the Vandalia. Commander U. P. Levy is under orders for the Ontario, and Commander F. Forrest for the Vandalia.

No officers have yet been ordered to the Ohio, 74, and a Surgeon only, who resides at a distance, to the Constitution.

Dr. Edwards, Fleet Surgeon, of the West India squadron, has permission to return home, but no successor is yet appointed.

The Levant and Warren, it is understood, will return to the West Indies, and the St. Louis be sent to the Mediterranean. The orders to the several officers mentioned in the Chronicle of the 30th ult. to take passage in the Levant, have been countermanded, some of them are to proceed immediately, and others are to hold themselves in readiness for future orders.

PORT OF NEW ORLEANS.

CLEARANCES.

Ship Concordia, Marston, Boston. J A Merritt
Schr Col De Rose, Berry, River St Josephs, D Goldsmith
Schr Elizabeth, Forsyth, Pensacola, Master
Bark E M Miller, Thomas, T H Jenkins
Packet ship Vicksburg, Whitemore, New York.
Brig Alvira, Springer, Havana, E Lamide.
Bark Gallaleo, Lombard, New York, G H Abbott & co

ARRIVALS.

Steamer John Jay, Cochran, Paducah.
Steam towboat Post Boy, Paulding, from the Passes; brought up ship Eliza Ann, and schr Mount Moriah. Left 25th, reports. nothing in sight at either Pass.
Ship Eliza Ann, Boswell, from Boston, to Master.
U S schr Mount Moriah, Hawthorn, 30 hours from St Mark, in ballast, to S & J P Whitney. Sailed in company with brig Somerset and schr Henry, both in the river.
Steamer Sensphore, Clark, Baton Rouge.
Steamer Mariner, Noland, Baton Rouge.

COMMERCIAL.

EXPORTS

ST JOSEPHS—Schr Col De Rose, cargo: U. States stores.
BOSTON—Ship Concordia, cargo: 42 hhds tobacco, 218 bales cotton, 4,267 pigs lead, 31 kegs butter, 1 trunk mulze.
PENSACOLA—Schr Elizabeth, cargo: 450 bbls bread, 64 do flour, 12 do molasses, 100 do whiskey, 30 do vinegar, 25 do lime, 10 casks rice, 34 boxes candles, 6 coils wire, 40 bags corn, 35 kegs butter, 40 boxes mdze.
TAMPA BAY—Bark E M Miller, cargo: United States stores.
HAVANA—Per brig Alvira, cargo: 256 bbls flour, 12 bbls tobacco, 2,048 kegs lard, 4 boxes clear pork.
NEW YORK—Per ship Vicksburg, cargo: 6,180 pigs lead, 553 bales cotton, 50 hhds tobacco, 180 bales tobacco, 171 wet hides, 20 bbls vinegar, 157 do pork, 23 do, 2 do tallow, sundry boxes, trunks and cases, dry goods and clothing, &c., 2 casks ginseng.
Per bark Gallaleo, 3,133 pigs lead, 322 bales cotton, 113 hhds tobacco, 13 bbls flaxseed, 33 bundles snake root, 4 boxes snake root, 3 casks nutmegs.

IMPORTS.

BOSTON—Per ship Eliza Ann, cargo: assorted mdze, to H R Lee, Hiler & Waterman, F M Weld & co, Long & Aldrich, J Cockerane, J Bridge, Redder & Hood, P W Richards, C Flint, F Carlton, W Kenyon, S Slater, R H McGill, J Baily, C Doane, C Tolman, G Green, J N Roberts, J L Boncaier, Vining & Tyrrill, A T Dunbar, Stetson Avery, W & J Gaspard, Godfrey, Laurie & Small, Lawrence & co, Nugent, Turpin & co, A Oliver & order.

RECEIPTS PRODUCE.

Paducah—Steamer John Jay—cargo: 100 bales cotton, W Rogers; 60 do, Bennett; Ferriday & co, 13 do L C Morrell, 50 bbls flour, P & J Ferguson; 350 do, Forsyth & Leverich; 111 do, J. W Dwyer; 156 do, W E Buchanan; 300 do, 20 coils rope, 11 ps bagging, Ogden & Southgate; 4o cabin and way passengers.
Baton Rouge—Per steamer Sensphore, cargo: 32 bales cotton, to Prescott, Jones & co. 18 do, M White & co; 10 do G M Lee; 15 do, A Mouton & co; 4 do B Laudumey, 7 do A Rivarde & co; 6 do, Follain, Rebora & Degedek; 25 bbls molasses, J W Stillwell & co, 3 hhds sugar, J H Levergeh & co
Baton Rouge—Per steamer Mariner, cargo: 11 bales cotton, to Allan Monroe, 125 bbls molasses, 43 do sugar, Brand & Cassidy; [illegible] 25 bbls molasses, R Bregier; sundries to order.

PASSENGERS.

Boston—Per ship Eliza Ann, Mr Lemuel Gay and George Adams.
Bayou Sara, Per Steamer Sensphore, Dr Isoard & lady, Mr Biscuet & 2 ladies, E Fortier & lady, Miss Resandez, P Segond, J P Timoney, A Sanchez, J Lowry, Ducor, E J Ford, J F Davis, C Murray, J Emmet and 8 deck.

NOTICE.

Messrs. Beaucherry, Dutilloy, Salvador Fernandez, Chas. Vouillarmet, and Visnier, consignees per ship Zotoff, from Havre, are requested to call at the subscriber's office, and receive their goods.

LEVI H GALE,
sep27 93 Common st

ATTENTION!!!

GOVERNOR'S HORSE GUARDS,

YOU will attend muster in full winter uniform, at the drill room, for inspection, Magazine street, next door to the Atchafalaya Bank, on Saturday evening, at 1-2 past 7 o'clock, precisely. By order of Captain Osborne Cross.

JOHN GIBSON,
sep27 Orderly Serg't.

CLOTHING—11 cases, comprising an assortment of sattinet Round Jackets, Pantaloons and Vests; Blue Berry and Cottonade pantaloons; Heavy Liverpool striped trilled and cotton shirts; White Angola Flanned Under shirts, and Lowell cottonade Frocks, landing from ship Eliza Ann, for sale by

ISAAC BRIDGE & CO,
sep27 134 Magazine st

LONG CLOTHS, &c.—5 cases Hillsboro 4-4 linen-fold bleached shirtings, and 10 bales Davisville brown 5-4 Long Cloths, landing from ship Cherokee and Seaman, and for sale by

ISAAC BRIDGE & CO,
sep27 134 Magazine st

BAGGING & Rope. 400 ps Bagging and 600 coils rope, in store and for sale by

LAYET & AMELUNG,
sep25 17 Commerce st

PORK—29 bbls mess; 25 bbls clear; 12 bbls soft clear; 80 bbls soft mess; 30 bbls shoulders; 20 bbls M O Pork, in store and for sale by

LAYET & AMELUNG,
sep25 17 Commerce st

FLOUR—240 bbls superfine; 120 bbls fine flour new wheat in store and for sale by

LAYET & AMELUNG,
sep27 17 Commerce st

BACON SIDES—50 Hhds Bacon Sides, in store and for sale by

LAYET & AMELUNG,
sep27 17 Commerce st

WESTERN BUTTER—25 kegs superior quality Western butter, received and for sale by

STETSON & AVERY,
sep27 38 Gravier st

ST. CHARLES THEATRE.

THIS magnificent structure has undergone, during the recess, an entire new order of embellishment; the whole of the interior has been repaired: the Ch