Proceedings of Council.

SECOND MUNICIPALITY.

TUESDAY, 27th Nov., 1838.

The Council met pursuant to adjournment: present the Hon. Joshua Baldwin, Recorder; Aldermen Caldwell, Gloyd, Hall, Lockett, Moux, Nixon, Peters, Sewell and Yorke.

The Journal of the preceding meeting having been read and approved,

A Communication was received from the Comptroller, transmitting proposals of the City Bank, for the loan to the Municipality for $300,000; authorised by a resolution of the 25th September last, which was on motion referred to a Special Committee, composed of Messrs. Caldwell, Yorke and Hall.

A second part of the same communication in reference to the account of the Gas Light and Banking Co., was referred to the Finance Committee.

The weekly statement of the Treasurer was submitted, shewing the receipts of the week to have amounted to $2,787 25; issue of Municipality notes, $12,000; balance, $52,567 00; balance last report, $42,649 49; expended, $24,672 85; notes cancelled, $82 00.

A Communication from the same officer, in relation to a note of Thomas Banks, was referred to the Finance Committee.

An account of the same officer, of the Municipal notes destroyed, was ordered to be filed in the Archives, and an account of Geo. Doane, transmitted by the Treasurer, was referred to the Finance Committee.

A Communication was received from the Surveyor, stating to the Council that certain persons were engaged in digging up and removing a portion of the public landings, between Robin and Lacourse streets, and otherwise injuring said landings, and that he had received information that these illegal proceedings were authorised by Wm. G. Hewes, Wm. M. Lambeth, A. P. Gray and others; whereupon Mr. Peters introduced the following which, the rules being dispensed with, was taken up and adopted.

Whereas, The Council is informed by the Surveyor, that Wm. G. Hewes, Wm. M. Lambeth, A. P. Gray and others, have employed certain persons to dig, and otherwise injure, impair, and interfere with the banks of the river, in front of that portion of this Municipality, bounded by Lacourse and Robin streets, in violation of the laws of this State, and of the rights of the people of the Second Municipality,

Be it Resolved, That the Mayor be and he is hereby authorised and requested to prevent by the most immediate and effectual means, this infringement of the public rights; and to cause to be arrested forthwith any person or persons engaged in digging or otherwise impairing the Levees and Landings in front of this Municipality.

A Communication from the St. Mary's Market Steam Ferry Company, transmitting proceedings of general meeting of said Company, was read and referred to the Committee on Streets and Landings.

A letter from Seth W. Nye, was referred to the Finance Committee.

Of H. L. Denis, to Streets and Landings.

Of E. Johns & Co., laid on the table till next meeting.

Petition of certain watchmen for an increase of pay, referred to the Police.

Of Nathan Nichols, to Streets and Landings.

Of certain property holders in Circus street, praying that the same be paved with square stones, or hexagonal wooden blocks, referred to Streets and Landings.

Mr. Peters as Chairman of the Committee of Finance, introduced the following ordinance, which was read and made the order of the day for next meeting.

AN ORDINANCE

Providing for the assessment and collection of the Taxes on Real Estate and Slaves, within the taxable limits of the Second Municipality.

Art. 1. *Be it Ordained*, That on the first Tuesday in January of each year, there shall be appointed by the Council, three Assessors of the Municipal Tax, one to be chosen from each ward, who, after being duly sworn by the Mayor, shall proceed to make an accurate assessment roll of all the Real Estate and Slaves, subject to said tax, within the taxable limits of the Municipality, taking as their guide for the numbering and boundaries of the squares, a plan deposited in the Treasurer's Office.

Art. 2. *Be it further Ordained*, That on or before the first day of May in each year, said assessors shall deliver the assessment roll to the Treasurer, who shall cause said roll to be copied alphabetically in the Tax Book with an index, and have the tax bills made out, after which he shall proceed to collect the tax, giving ten days previous notice in two newspapers in French and English; and in default of the payment of the whole amount of said assessment roll by the thirty first day of December in the same year, it shall be the duty of the Treasurer to bring suit, without delay, before any court of competent jurisdiction against all who may be in arrears, including interest on the amount at the rate of eight per centum per annum from the day on which the assessment roll is dated: *Provided*, however, that no suit shall be brought against any person, until ten days after he has been notified to appear at the Treasurer's office and pay said tax, unless he is a non-resident or unknown, in which case an order shall be obtained by this Municipality from any competent tribunal to have the property subject to said tax seized and sold for the payment thereof, after due notice, in French and English, during ten days, shall have been inserted in at least two newspapers printed in this city, giving the advertisement three insertions in each of said papers at the expense of the property advertised.

Art. 3. *Be it further Ordained*, That if after said assessment roll is deposited in the Treasurer's office, it should appear to the satisfaction of the Comptroller and Treasurer that any person has been assessed for property not belonging to him, said Comptroller and Treasurer shall have power to make such deduction from the bill of the person erroneously taxed as to them may seem just and proper; and it shall be their duty to keep a correct account of all taxes thus remitted, to the end that if the proper owner cannot be found, the property may be proceeded against as provided in the second article of this Ordinance.

Art. 4. *Be it further Ordained*, That the sum to be paid to each of the Assessors is hereby fixed at three hundred dollars, which shall be considered a full compensation for their services.

Art. 5. *Be it further Ordained*, That all Ordinances or parts of Ordinances, contrary to the provisions of this, are hereby repealed.

The same chairman, also introduced the three following resolutions, which the rules being dispensed with, were severally taken up and adopted.

Resolved, that the Finance Committee be authorised to fix the minimum price at which the farm of the St Mary's Market and the Poydras market, shall be adjudged on the 1st proximo.

Resolved, that in adjudicating the farm of the St Mary's Market, on the 1st day of December next, for the year 1839, it shall be made a condition of the adjudication that the farmer shall not have any claim on the Municipality in consequence of the construction of the projected Vegetable Market at the junction of Tchoupitoulas and Annunciation Streets; the farmer, however, to have the right of letting said projected market when completed at $416 66 per month, for and during his term of the St Mary's Market, to wit, until the 31st December, 1839; it being understood, that in no case during the year 1839 shall any alterations be made in the Ordinances relating to the St Mary's Market, by which the sale of vegetables or other articles now authorised to be sold therein shall be prohibited.

Resolved, that on Tuesday next, the Council will proceed to elect the Commissary of the Poydras street Market.

Mr Gloyd as Chairman of the Committee on Streets and Landings, made the following report, which on motion was adopted:

The Committe of Streets and Landings, to whom was referred the petition of J Jordan Walt n & co. and others, asking for some convenient wharf or landing, for the exclusive accommodation of the Bayon Sara Packets, beg leave respectfully to report:

That, it is the opinion of your Committe, that no exclusive wharf or landings should be granted by this Council to any line of Steam Packets or Ships; being satisfied that granting such privileges would be injurious to the prosperity and interest of this Municipality. The Committee are therefore of the opinion that the prayer of the petitioners ought to be rejected.

SPENCER GLOYD, Chairman.
SAMUEL J. PETERS.

On motion, the Council adjourned to Tuesday next, the 4th Dec. instant, at 5 o'clock, P. M.

JOHN GIBSON,
Secretary.

NEW ANNUALS FOR 1839:
Carrica ure Annual, London;
Finden's Gallery of Graces;
The Imperial, London Annual;
Alaric A Watts, Christmas Tales, for 1839;
Young Lady's Annual, for 1839;
Young Gentleman's Annual, for 1839;
The Gift; The Violet;
E Johns & Co's Louisiana Almanac for 1839;
Just received and for sale by
E JOHNS & CO,
nov17 cor St Charles & Common s

COAL—290 tons Anthracite Coal landing from the barque Cossack, from Philadelphia, in quantities to suit purchasers; 160 tons Scotch Coal on board ship Mars from Glasgow, for sale by
HOLMES & MILLS,
nov20 9 Bank Place

WINDOW GLASS, LINSEED OIL—200 boxes of Window Glass, 1300 gallons Oil; 10 barrels of Varnishes; 15 doz of Paint Brushes, received per ship St Louis and Barque Voucher, and for sale by
ROBT. CLANNON,
nov27 12 Camp st

PORT OF NEW ORLEANS.

CLEARANCES. November 28.

Brig Catharine, Merrill, for West Indies, R Groning & co.
Brig Chapman, Thompson, for Charleston, J A Barelli & co
Brig Majestic, Ames, for St Marks, S & J P Whitney.
Bark Valeorsa, Mora, Truxillo, Spa, J W Zacharie & co
Schr Doric, Jones, St Jago de Cuba, Kohn, Daren & co.

ARRIVALS.

Towboat Tennessean, McDonnell, from S W Pass; proceeded down light. Brought up bark Bohemia, brig Vancedor, and schr Lapwing. Left the S W Pass on the 27th inst, at sun rise; reports 4 ships off the Bar; ship Delaware, bark Nimrod and 3 brigs at the Turn.

Towboat Tennessean, McDonnell, from the Turn. Brought up ship Delaware, reports 2 brigs at the Turn.

Ship Delaware, Patten, 18 days from Bath..cargo, 400 bels hay, and 200 bels potatoes, to Master.

Bark Bohemia, from Turks Island, to Master.

Brig Vancedor, Gorey, 13 days from Havana, to R Groning & co.

Schr Lapwing, Smith, from Galveston, Texas, in ballast, to master. 3 passengers

Towboat Pontchartrain, Sheridan, from N E Pass proceeded down light. Returned to the city with ship Pontiac; Schr Ulici. Left the N E Pass on the 27th inst, at 10 a m Reports nothing off the Bar, nothing in river.

Ship Pontiac, Parker, 16 days from Portsmouth, to Master . Col Vogan, passenger.

Schr Ulici, Marsiliny, 43 days from Maliga, to Calcutta, Lapeyre & co.

Towboat Mohican, Eaton, from S W Pass; towed to sea ship Huntsville. Brought up ships Jupiter, and Apollo, and schr Messenger. Reports bark Nimrod, ships Antioch, and Princess Victoria in the river.

Ship Apollo, Ricker, 34 days from Portsmouth, to Master.. Passenger, John Cornelius

Ship Jupiter, Harter, 34 days from Bordeaux, to J Chaney, jr.

Schr St Ann, Grams, from the Coast..cargo, 127 shds sugar, and 11 bls molasses, Brandor & Laupry, M Field, R Brugier, and P Henry.

Steamer Augusta, Day, from Vickeburg.

Steamer Velocipede, Dalman, from Black River.

Steamer A M Phillips, McClean, Cincinnati.

Steamer American, from Mouth of Ohio. Towed down 2 flat boats loaded with live stock; say, beeves, hogs, and beaves, 37 sacks corn on board for sale.

Steamer Symphore, Clark, from Baton Rouge.

Steamer Rodney, Holland, from Little Rock.

Steamer Isabella, Walker, from Mobile.

Steamer Giraffe, from Mobile.

Steamer Tiber, Strodee, from Louisville.

Steamer Mariner, Nolan, from Iberville.

Brian Boroihme, Sweeney, from Fort Adams.

Steamer Western, Price, from Cidcinnati.

COMMERCIAL.

Latest Dates.

Charleston Nov	23	Washington, Nov	21
New York, Nov	24	Cincinnati, do	22
Philadelphia Nov	22	Louisville, do	23
Baltimore do	22	St. Louis, Nov	18
Savannah, Nov	23	Liverpool, Oct	27
Houston (Texas) Nov	19	Paris Oct	21
Boston, Nov	19	London, do	27
Nashville, Nov	24	Havre do	26

EXPORTS.

WEST INDIES..Per brig Catharine..cargo, 1819 kegs lard and 320 brls flour.

CHARLESTON..Per brig Chapman..cargo, 371 brls molasses 12 pckgs glass ware, 24 pckg bugging, and 50 hhds sugar.

ST MARKS..Per brig Majestic..cargo, 752 sacks corn, 189 sacks oats, 95 brls flour, 25 kegs lard, 1 hhd hams, 4 hhds bacon, 3 brls whiskey, 5 brls molasses, 2 bags and 3 brls sugar, and 1 bag

TRUXILLA, Spa..Per bark Valeorsa..In ballast, 10 brls flour, and 10 brls dry Malaga wine.

ST JAGO DE CUBA..Per schr Doris..cargo, 1300 kegs, lard.

IMPORTS.

TURKS ISLAND..Per bark Bohemia..cargo, 9,000 bushels salt, 100 bls potatoes, and 8 tierces onions, to order

HAVANA..Per brig Vancedor..cargo, 404 sacks coffee, 14,000 cigars, fruit, &c, J M Cabanello, M Lopez, and A Castello.

MALAGA..Per schr Ulici..cargo, fruits, wines; and brandy, to Calcutta, Lapeyre & co.

PORTSMOUTH..Per ship Pontiac..cargo, 120 tons hay, to master

.....Per ship Apollo..cargo, 900 bundles hays, 100 bls potatoes, 200 bags fine salt, to master.

BORDEAUX..Per ship Jupiter—cargo, wines, sweet meats, brandy preserves, vicegar, turpentine, pewter ware and mdse.

RECEIPTS OF PRODUCE.

Little Rock..Per steamer Rodney..5 bales mdse T R Hyde & co, 10 bls cotton, Beard & Blower, 46 hhds sugar, Champomier & Girard, 42 bls molasses, same consignees

Baton Rouge..Per steamer Symphore..33 bls cotton C Mehul, 43 do W Flower, 23 do Caldwell & Hickey, 26 do Gardner & Bennett, 21 do, Pierce Shannon & Bro, 17 do J Morris & co, 18 do Henry A Laurient, 6 do Follain, Bellosp & Depelos, 52 ses and 46 brls molasses, Gourdon J Bonnet, 108 bls molasses Follain, Belocq & Deculos, 26 hhds sugar, and 100 bels molasses B Landry, 50 ses molasses, Louis Le Carpentier, 34 hhds sugar Ulge, Laurie & co, 30 brls whiskey Owners on board, 2 hhds, 2 bels, and 3 coops Owners on board Proof of bills. Per steamer American..22 bags feathers, 3 reams paper, Price, Johnson & co, 1 carriage and 1 pr carriage horses, 4 cask bacon, 4 brl dry peaches, 24 kgs sundries, 4 kags nails, 15 bags corn, and 300 sacks corn, Price, Johnston, & co, 100 bls flour, 4 do peach brandy, J Varin & co 57 sacks corn. Owners on board.

Vicksburg..Per steamer Augusta..337 bales cotton W Bogart, 182 do Merrifield, Pierson, & co, 132 do Richard Beck, 186 do Burke, Watt & co, 317 do Buckner, Stanton & co, 93 do Bennett, Ferriday & co, 25 do Thomas Barrett, 15 do Lyons, Harris & co, 26 do Morris Willard, 23 do, Franklin & Hendrickson, 24 sacks cotton seed, Burke, Watt & co, 5 do Turner & Woodruff, 5 bls cotton, J H Levenich, 5 do Wm Flower.

Blue River..Per steamer Velocipede..14 bls cotton, Kirkman, Abernathy & Hanna, 14 do Prescott, Jones & co, 20 do Thomas Barrett, 49 do Leavitch & Thompson, 12 do Follain, Belocq & Depelos, 7 do Brown & Landery.

Cincinnati..Per steamer A M Phillips..561 bels flour Geo Dorsey, 275 bels do Order, 2 bls bacon Thos Tuby, 6 bls flour, 5 bels whiskey, 3 do butter, and 1 do sundries, Smith & Voorhees, 3 brls eggs, Owners on board, for furniture, Owners on board, 19 horses 4 cows, Owners on board.

Louisville..Per steamer Tiber..cargo 100 bls flour, G Dorsey; 110 do A Ladhson; 100 do A H Walker & co; 100 do bagging, 116 coils rope, 128 ps bagging, 26 coils rope, 63 bags feathers, 40 kegs lard and 10 bbls pork, Champomier & Grand; 81 coils rope, 50 coils yarn and 14 bales twine, Hierod Shannon & Brothers; 1200 head cabbage, 18 bbls meat and pickles, 20 coops containing 25 dozen ducks and chickens, 40 geese on board; 19 fast trotting and pacing horses, owner on board; 15 horses and colts, W Simms.

Iberville..Per steamer Mariner..37 bls cotton, J B Plaudie & co, 18 do Gourdain & Bennett, 10 do A H Verret, 32 do A Rivarde & co, 8 do Beard & Landry, 64 hhds sugar, and 26 bels molasses W B Lavery; 21 hhds sugar Harris, Clegg & co, 23 hhds sugar, and 40 brls molasses, P Dudon, 10 hhds sugar, R Brugier, 26 brls J H Field & co, 8 brls sundries, Owners on board.

Cincinnati—Per Steamer Western..120 bbls flour G Dorsey, 70 do do Order, 20 casks lard, A Grice; 50 bbls whiskey, 100 do flour Order & Southgate, 5 bbls 20 half do beef, 3 boxes tongues Mulford & Ferguson, 42 kegs Lard, 3 bbls 3 half do beef, 5 bbls and 4 do pork, 14 kegs butter, 183 doz brooms, 3 kegs flour meal, A Dower; 1 bbl flour, 2 do molasses, 39 bbls eggs, 10 do flour, 3 boxes flour, owner on board; 5 bales mdse J H Lee A co; 1 stove and 2 boxes mdse, 2 casks iron, G Elderly; 1 box and 1 bbl flour, I Ice furniture, M Barton; 2 carpets, J Gabel; 5 boxes mdse Hts Hill, sugar refg machine, G L Thompson; 1 carriage, W Metcalf.

Brian Boroihme, Geo Sweeny, from Fort Adams..156 bales cotton, M White & co; 14 James Amoss; 24 do G M Lee; 76 do S W Cosey, 170 do Reynolds, Byrne & co; 10 do Lambeth & Thompson, 35 do T O Stark; 48 do Taylor, Gardner & co; 63 do Buckner, Stanton & co.

CONSIGNEES.

Bordeaux..Per ship Jupiter..J Charry, jr, A Moller, J Mayor, B Lovett, Lecoulc & Berniere, Allain, Rocheron, J Barrere, J Albert, A Bain, Kolliq, Fleurot, A Lavoier, Kohn, Daren & co, G C Urquhart, A Rivarde & co, M Martin, Gandolphus, Alex Rocheron, L Delsch, V Rommage, Oliver & Brara, Lotour & Ducrest, Barbat, G Marmich, Garros, Pourveau, C Kedon, Henry, O Guzan, H Brown & co.

PASSENGERS.

Vicksburg..Per steamer Augusta..Miss Gates, Delathro Ferguson, Chelips, J D Barthing, Officer, Gladwin, Brock

Black River..Per steamer Velocipede..A Gutsch, Montrand, Rossi, Sardieu, Colo, Landry.

Cincinnati..Per steamer A M Phillips..T N Pierce & lady, Gow, Robinson, Silsee, Thompson, Ludlum, Lum, Mead, Blair, Flora, Smith, Mrs Price & set, Barton and lady, Hay, McNeill, Shannon and lady, Coley, Foley, Foster, Green, Collens, Brown, and 22 on deck.

Mouth of Ohio..Per steamer American..Thos K Price, lady and daughter, and 4 sons, W A Bennett, F M Haynes, Ledyard, Miss Freeis, 10 any cabin and 40 on deck

Baton Rouge..Per steamer Symphore..J A Floret, Duncan and lady, John Andrews Meaux.

Little Rock..Per steamer symphore..M Darsil, G L Fisk, John Horne, Williams Pennant, Getts, Loomis, Fulton.

Mobile..Per steamer Isabella..Mr Pope, lady and wife, Mr Torres, lady and child, Messrs Starke, Forsyth, Story, Carter McGlothey, Smith, Milton, Gray, Fanning, Nash, McKue, Hilal, jr Gay, Parrot, Hughes, Lyons, Jenkins, Mason, Bioren, Conley Rhoader, Evans, Jordon, Clarke, Hall, Hobbell, Waldron, Ferrill, McNally, Sheany, Holland, Chandron, and 4 on deck.

Mobile..Per steamer Giraffe..Hedson, Richard Tankersley, S J Leach, T W Kornegay, W C Whitridge, jr, S A Hunt, lady and set, Miss M Lea, Miss A C Lea, C J Meekor, G E Kousset, C M Sewell, Sol J Hutchison, & 2 svts, W C Dickey and lady, Juan L Canset, Belays.

Louisville..Per steamer Tiber..Mr Enston, C Y Bennett, Baker, Smith, Elliott, D Pollard, Brannon, Wedley U D Hutchinson, W M Sims, Turpin, N Jennett Hixson, F Chase, Geo Rees, W H Crane, 77 on deck and 18 way cabin passengers.

Iberville..Per steamer Mariner..Mrs Butterly and child, Mad V P Dufronde and 2 svts, Miss L Dufronde, Mss D Dufronde, Falconer, H Lachaise, F Vaussaire & son, W Priestly, M Mussou, Marsh, Vickers, M Sein, D Martinez, S Roman & svt, E Lindstrom, A Rhiel M & A Grouer J Parks, Verzillet, Peres, J L Lasalle, Anderman, L Rodorique, J Miller, Richardson, and 6 on deck.

Fort Adams..Per Steamer Brian Boroihme..Mrs Smith, Chabinal Bonell, Simpson, Marmion.

Cincinnati—Per Steamer Western—Z Gleason, Massey, E L Merrick, Lieut Walbrack, U N S Wintbrop, G L Thompson, L E Coffin, W McCall, W Griffin, Swain, Morrell, Mitchell, J R Clark, Palmer, Pickens, Miss Beaver, Miss Osborne Hudson, Sharpe, Leonard, Helm, Brueeway Mrs Hill, Keller, Curtis, Collier, Dunbaston and lady, Morris, Millinghly, Miss Young, Mrs Goodwin, Ford and lady, Campbell, Freres, Mr Markle, the Yankee Comedian.

MEMORANDA.

In the channel of the Ohio River, over Cumberland Bar, 5½ feet water. Several steam boats aground and the river falling. Ship Apollo spoke off Hole in the Wall ship Pocahontas.

Steamer Tiber left Portland, 21st inst, at 4 p. m., water falling. Passed same evening Cumberland sunk, below Salt River. 25th saw a boat aground in Blue River. Tarquin aground at Fort Island, and Huron lying too 5 feet water; passed Favorite at Oil Creek and Gauges at Rockport, and at Rattlesnake Rock; 10 Cork around the head of Cumberland Island; passed Edward Shippen in dry dock, boxing broken 2 of her timbers at the foot of the Sisters; Wm French, Algonquin at Patrick Henry aground at foot of Cumberland Island; passed Orono and Albany at Cotton Wood Bar; passed W H Harrison at Cash Island; two boats lying too at the foot of No 8; passed Shakespeare weeding at Bar; passed Hannibal with four flats in tow at Little Prairie; passed Burlington at No. 20; 22d, left Gronake, Walk in the Water and Pennsylvania at Commodore; W H Harrison and Gen Brown at Helena; the Gen Brown a wreck from the explosion of her boiler, by which the captain, pilot and one of the engineers have lost their lives, together with 30 passengers, all of which lost their lives.

New York, 26th Nov..cld Ships Pontheon, Astor; Henrietta, Burgess; and Flavius, Jones, for N O

Philadelphia, 22d Nov..cld bark Gazelle, Eldridge, for N O

Boston, 17th Nov—cld schr Greek, Eldridge, for N O.

MARKETS.

MONEY MARKET, &c—November 21.

A further heavy decline was experienced yesterday in Fancy Stocks of every description, and the tendency in the closing prices was still downwards. United States Bank sold at 120, Manhattan Bank at 131 and North American Trust and Banking Company at 92. Amongst the principal fluctuations, Delaware and Hudson fell off 3 per cent, Mohawk Railroad 2½ per cent, Patterson and Stonington Railroads 2, and Harlem Railroad 5 per cent; 500 shares Vicksburg Bank were sold closing at 72½ seller 60 days.

The rates of Exchange per the London Packet, which sailed yesterday morning, rated at 10 per cent. on England and 5 frs 75 on France, at which a limited business was transacted. The Bank of the United States is not at present in Market, but will we learn have a supply of bills on Thursday morning for transmission by the Great Western, when a reduction in the rates of premium will probably ensue.

NEW YORK MARKET—Wednesday p m.

In Coffee no change of the least moment has occurred. The Cotton market is very quiet and rather declining, the sales are exclusively for home use, and include for the last three days about 1000 bales. Flour remains as previously noticed the receipts of Western are large and demand moderate; holders however evince much firmness. Molasses is dull and has declined considerably, sales of Sweet Cuba at 30 @ 32 cents, and Porto Rico at 36 @ 38 cents. Sugars are dull, but in price no material change has occurred. The Tea sale on Tuesday went off less briskly, and prices were barely sustained. Sales of Whitebone at 30 @ 32½ cents.

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THE TRUE AMERICAN.

EDITED BY JOHN GIBSON.

FAITHFUL AND BOLD.

NEW ORLEANS:

THURSDAY, NOVEMBER 29, 1838

Canada—The accounts received from the seat of War continue extremely interesting but are, as usual, of so contradictory a nature that truth is as difficult to arrive at, as the 'far west.' For instance the Ogdensburg 'Times' states that the British opened a heavy fire on the party in the Windmill after the Prescott affair, but that the Canadians made a sortie, beat back the loyalists, burnt the building in which they sheltered, and captured their cannon. In opposition to which account, an endorsement on the western mail received at Albany states that the patriots in the Windmill had, to a man, been taken prisoners or cut up by the loyalists.

The prisoners taken to Montreal after the affairs of Odletown and Napierville are to be put on their trial before the Court Martial immediately. The most prominent among them is Charles Hindelang or San Martin whose confession we published yesterday.

The Albany Argus has a long and minute account of the proceedings on board the American steamboat United States, communicated to that paper by a passenger, entitled to the highest credit. At Oswego seventy or eighty men took men took deck passages, but the writer noticed nothing remarkable in their appearance, upon their coming on board. At Sackett's Harbor, Cape Vincent and French Creek, forty or fifty more persons of the same description came on board, and after leaving the latter place the writer says he took more notice of the passengers. A large proportion of them appeared to be American citizens, with a sprinkling of Canadians, French and English; but they were very quiet—said little, drank nothing, and apparently were without arms.

When a little below Cape Vincent, Capt. Van Cleve was applied to by a passenger of respectable appearance to take in tow two schooners, which he said were lying in the river or below, loaded with merchandize for Ogdensburg, which he was desirous of getting into port the next morning; and, upon inquiry by the captain, he assured him that the vessels had no connexion whatever with the passengers, who by this time were understood to be patriots, (as they are called). The captain unfortunately yielded to the request of this individual, and the vessels, when reached, were taken in tow—one being lashed on to each side of the steamboat. They had boxes and barrels on deck, and but just men enough in sight to navigate them.

Immediately after I became acquainted with the presence of the schooners, I observed men climbing from them into the steamboat, and it was soon obvious that their holds were filled with men of a similar character with those already on the boat, and that they in all probability contemplated a descent upon some of the Canadian towns on the river. They were then mere open in their conduct. I remarked a sword under the cloak of one, and pistols in the hands of another.

A consultation was here held between two of the proprietors of the boat, who happened to be on board, and the captain. They feared to thwart the patriots openly lest they should take possession of the boat, and accordingly decided to lay by at Morristown, and send an express to Ogdensburgh from thence. As the boat turned into Morristown, the patriots themselves cast off the schooners, and transferred to them about 100 men, leaving as many on board the boat. These left her at Ogdensburgh, when she arrived there.

The next morning—or rather the same morning, after daylight, the patriots came down and seized the boat, as has been before stated. The writer says that a portion of the men belonging to her were born fide prisoned—and others without much reluctance. The chief engineer went on board with a dagger at his throat—Of some of the 'leading' patriots we subjoin a few sentences—proving that they are to conscious of the value of their lives to the patriot service to jeopard them willingly:

On the return of the steamboat, she was given up by the patriots, and taken possession of by her owners, and immediately seized by the authority of the U. States.—At the request of Messrs. Morgan & Crocker, I accompanied them on board of her, on her arrival; and in the cabin, laying on a settee, found *General* J Ward Barry, who I was told was the commander in chief, and who signs himself, in several printed proclamations which I have seen, "Brigadier General Eastern Division of the Patriot Army." He had gone out in the boat, but most unfortunately for his martial reputation, he was suddenly taken very ill, and unable to keep the deck.—The object of the owners being to obtain possession of the boat, they naturally desired that the General should be removed. It was at first thought that he was too sick to be taken from his couch, but after finding that the thing was to be done, the General found the use of his limbs, and timely went on board a small boat, and was taken ashore. The appearance of his countenance, and the muscular energy which he exerted in getting down the gangway produced an impression on the part of every one of a most unfavorable character touching his possession of a certain quality generally esteemed essential in such enterprises as that in which he had embarked.

At this time I had an opportunity of seeing the celebrated "Bill Johnson." He came on board to induce the Patriots who had returned in the "States," to join the party at the Point, and I heard him make his appeal to them. He speaks with great earnestness, and I should think him well qualified to impress his own views upon inexperienced men.

It is a singular circumstance that, during the battle yesterday morning, nearly all the leaders of the Patriots were in Ogdensburgh. General Birge remained indisposed, it is reported the Council of War on this side appointed Bill Johnson to an important command on Monday evening yet he was on this side during the battle; though he crossed over repeatedly the evening before. O. B. Pierce, an itinerant lecturer on grammar and phrenology, had the actual command of the steamboat U. S. during her last perilous trip, and displayed a good deal of spirit, standing on the wheel-house and cheering the men, while the balls were flying around; yet he was not in Canada during the engagement. I saw him in the streets in Ogdensburgh several times during the morning, and several others who are ascertained to have taken a prominent part in bringing those men together and conducting them down the river, were in safety on our own soil during the time of peril. I suppose they have their excuses, which I hope may be satisfactory to the poor fellows on the Point, if they should survive to hear them.

On looking further into the Canadian matters we find little doubt remains as of the finish of the Prescott affair. The following extract from a letter in the 'Herald' sets the matter at rest.

During last night, two steamboats arrived from above, loaded with troops and cannon for the British. About three or half past two, P. M, having made their arrangements the British force commenced the attack. The land force numbered probably between 1500 and 2000, with three large pieces of cannon, and a company of cavalry—the water force, two steamboats completely filled with cannon and regulars, each towing a large gun boat or floating battery, fitted up likewise with large cannon, and soldiers brought from the Fort at Kingston. Fixing their cannon at three points, the whole force commenced at once a tremendous fire upon them. Probably ten pieces of cannon were all pouring their balls upon one point, and so continued until dark.

This tremendous cannonade continued until darkness covered the combatants. Suddenly a tremendous fire of small arms broke out around the circle, which lasted for ten or fifteen minutes; then all was still. From information since obtained, the Patriots, finding their situation untenable and no mercy expected, made a general rush on the troops—but how many, or if any escaped, I know not. The British set fire to the buildings, &c. and the lights now illuminate our sky. So ends the affair. Horrible!!

Steamer Liverpool. Some slender tidings have been gathered of this missing packet, but whether they be true or not, is yet uncertain. A letter was received in New York from Boston stating that the Liverpool had been spoken off Nantucket by a brig arrived at Halifax, N. S. We sincerely trust the intelligence to be well founded, though it is somewhat strange that no tidings should have reached New York more directly. Upon the chance, however, the collector of New York has dispatched a fine brig of 200 tons, well supplied with provisions, in the hope of falling in with the steamer. The following sailing orders have been given to her commander.

CUSTOM HOUSE, New York, Nov 20, 1838.

Sir—I yesterday ordered the cutter Washington under our command, to be put in condition to go to sea this day at 12 o'clock, noon, and at the same time informed you that I would send you particular orders for the cruise which I now do.

It has been suggested that the steamer Liverpool bound from Liverpool, England, to New York, may have got out of fuel, and has not the means of reaching any port, and that she may possibly be somewhere in the vicinity of the Great Banks.

You are probably aware of the ordinary track that steam ships would be likely to take on such a passage; but lest you do not, I send you herewith the log of the Great Western, on her first voyage for your perusal. I desire that you will speak on your cruise all the vessels you conveniently can, and request them to report you to the Collector of this port as soon as they arrive, or if not bound to this port, to the collector of any port where they may arrive.

I also enclose you a note from captain Hoskens, of the Great Western, addressed to Jacob Harvey, Esq., by which you will perceive that it is his opinion that it would be useless to cruise to the northward of 42 degrees. The probability is that the Liverpool, if she continued her voyage and got out of fuel, made for a southern latitude.

I am at a loss to know how long it will be expedient for you to remain out; but this I must leave somewhat to your discretion. You are aware of the object I have in view, and I trust somewhat to your discretion in accomplishing it.

Should you fall in with the steamer, or any other vessel in distress, you will render all the aid in your power for the preservation of the lives of the persons you may find on board, and render such other assistance, as the case may require, and as you have in your power to afford. Wishing you a prosperous cruise, I remain, very respectfully,

Your obdt servant,
J HOYT, collector.

To Lieut Frazer, commanding U. S. cutter Washington.

COLLENS' CASE.

The case of the illegal imprisonment of T. W. Collens, deputy clerk of the Circuit Court of the United States, was brought yesterday before the Hon A. M. Buchanan, judge of the District court of the State, by a writ of *Habeas Corpus*. The argument on the part of the prisoner was ably and irresistibly made by Messrs. Grymes, Conrad and Chim who are entitled to all praise for their powerful exertions on behalf of the cause of justice and the fundamental rights guaranteed by our free institutions. Thos. Slidell, Esq., made an attempt to gloss over and palliate the conduct of P. K. Lawrence, but it was evident that with the public at least his exertions were fruitless. The community has set its seal of indignation upon the whole proceeding. The court will give its decis on this morning at ten o'clock. It is the earnest hope of every one that Judge Buchanan will sustain his reputation by a judgment in accordance with the principles on which the charter of our rights are drafted.

En passant, let us remark that the conduct of Judge Lawrence throughout this whole has been characterised by vindictiveness controlled by ignorance and imbecellity. He gave Collens time to produce the records, and yet punished him for contempt for not producing them before the time was expired. On one hand he directed his clerk to take the records from Collens, while on the other he directed Collens to bring them into court; thus placing him between two contrary orders. He inflicted the punishment of perpetual imprisonment without permitting the party to purge himself under oath as usual in such cases. He issued the writ without a hearing. He caused a seal wholly illegal and contrary to law to be affixed to the writ of incarceration. He took advantage of the absence of the senior judge of the court to carry out a measure clearly unjust and arbitrary, to gratify a personal feeling, setting up his own opinion as infallible. He forgot all courtesy to his superior associate in endeavouring to force by tyrannical measures a result entirely contrary to the solemnly expressed opinion of said associate. In fact, we can hardly conceive how in fact, we can hardly conceive how such a case of accumulated error and wickedness on the part of one appointed to administer the law, could possibly take place.

U. S. Bank Stock on the 21st was at 120 3-4 in New York.

We are glad to learn that General Scott has been again ordered to the Northern frontier, where his presence and the forces placed under his control will, we trust, prevent any such cooperation of our border citizens with the revolted Canadians as will endanger the peaceable condition of our relations with England.

Office Seekers.—There are between one and two dozen candidates for the clerkship of the House of Representatives vacant by the death of W. S. Franklin.

Rumors.—A correspondent of the New York American, writing from Washington says: "From some cause or other, a strict investigation is making into the accounts of several high officers in the Executive departments. You are probably aware that Mr. C. A. Harris, Commissioner of Indian Affairs, has been removed; and rumor says that three others will soon be requested to resign. Their names are uncared, but I think at this period, I should not be justified in giving them publicity. I am informed from an authentic source that the examination hitherto has proved very unsatisfactory."

The Kingston U. C. Chronicle states that in the affair with the "Patriots" near Prescott, Lieut. Johnson, of the 83d regiment, Lieut. Dulunge, of the Grenville militia, 4 privates, and 3 women were killed. Lieut. Col. Gowan, Capt. Geo. McDonald, Lieut. Parker, Sergeant Clarke, and more than 40 privates, were wounded.

Twenty-six "Patriots" were taken prisoners, and lodged in the fort at Kingston.

Trial Postponed.—The trial for murder, of Mrs. Doyle and her confederates, Johnson, Smith and Davis, which was to have been held yesterday, was postponed on account of the alleged incapacity of a material witness, till the second Monday in January next.

Commerce of Florida.—Two miles above the light house of St. Marks (Fla.) a new channel has been discovered in the St. Marks river, in which with very little expense 12 feet water can be obtained. A vessel drawing 9 feet has passed through it with ease.

Reported Murder of a British Officer at Chippewa.—The Buffalo Journal says, "there is a report in town that a British officer was murdered at his residence on Wednesday night last, by two armed ruffians in disguise. The assassins knocked at his door, and Captain Usher stepped to it, when one of the assassins snapped a pistol at him, which missed fire; he closed the door, and opened a window, and was shot in the breast; the assassin then rushed into the house, and shot the captain again, and he fell dead into the arms of his wife.—Capt. Usher is said to have been concerned in the Caroline affair.

There was also a rumor (not credited) that Captain Drew had been assassinated.

☞ The New York Herald with its usual consistency is now engaged in decrying Ocean Steam Navigation with all its force, and cracking up the packets, and the packet system, as far preferable in every way, in safety, in comfort, in cooking, and in the food. What amount of *douceur* has worked this sudden change we are not informed. But yesterday there was nothing equal to the steamers and ocean steam navigation was to revolutionize the world. To-day the boats are worthless, their management still worse, and their failure inevitable.

☞ Alexander Ming jr. has been removed from his office in the New York Custom house, by the President on upon attempt at disorganization in making himself so conspicuous at the meeting on behalf of the Canadians in New York. What cares such a low-born leveller as *Ming* whether two countries be embroiled in war, so long as he can indulge his demagogueic partialities in personal safety!

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