Mail Regulations.

The Great Eastern Mail is closed every day at 10 o'clock, A M—Is due every day at 12, M.

The Express Mail is closed every day at half-past 10 A M—Is due with the great Eastern Mail, every day.

The Lake Mail (via Covington, La.) is closed every Monday, Wednesday and Friday, at 6 o'clock, A M—Is due every Tuesday, Thursday and Saturday, at 5, P M.

The Louisville or River Mail is closed every Monday, Wednesday and Saturday, at 8 P M—Is sent and returned by steamboats.—Arrives irregularly three times a week.

The Bayou Sara or Coast Mail is closed every Tuesday and Friday, at 8, P M—Is sent and returned by the steamboat Brilliant.

The Alexandria or Red River Mail is sent irregularly by steamboats, twice a week.

Louisville or River Mail.

Monday, Wednesday, and Saturday, } Closes at 8 o'clock, P M.

Coast Mail.

Tuesday and Saturday, } Close at 8 o'clock, P M.

New-Orleans Chamber of Commerce.

OFFICERS FOR THE YEAR 1838.

S. J. Peters, President,
A. Quartier, 1st Vice President,
W. L. Hodge, 2d do.

COMMITTEE OF APPEALS, FOR 1838.

James Dick, Thomas Barrett,
John A Merle, H C Cammack,
Jas H Leverich, Abijah Fisk,
GEO. W. WHITE, Sec'y.

PORT OF NEW ORLEANS.

CLEARANCES. December 4.

Brig Pastora, Farwell, for Havana. R Greaing & co
Brig Aldeboronto, Hughes, for Franklin. Master
Steamer Oconee, Harris, for Apalachicola. Master.

ARRIVALS.

Steamer Little Red, Kennedy, from St Louis.
Steamer Semaphore, Clark, from Baton Rouge,
Schr Cavalier, Allen, 23 days from Thomaston, to Master.. cargo, 1060 cask lime, to order.
Steamer Czar, Hale, from St Louis.
Steamer Bunker Hill, Hale, from Louisville.

COMMERCIAL.

Latest Dates.

Charleston, Nov	29	Washington, Nov	26
New York, Nov	26	Cincinnati, do	26
Philadelphia Nov	26	Louisville, do	27
Baltimore do	27	St. Louis, Nov	23
Savannah, Nov	28	Liverpool, Nov	4
Houston (Texas) Dec	1	Paris Oct	27
Boston, Nov	23	London, Nov	3
Nashville, Nov	28	Havre do	2

EXPORTS.

HAVANA..Per brig Pastora..cargo, 15 boxes, 13 casks, and 1 sample hardware, 3495 kegs lard, 250 brls flour, and 36 bls cotton.

FRANKLIN..Per brig Aldeboronto..cargo, 100 casks lime, 25 bls potatoes, 100 empty brls, 4 bxs bedsteads and 3 do sperm candles.

APALACHICOLA..Per steamer Oconee..cargo, 300 bls flour, 8 hhds and 20 bls sugar, 25 brls molasses, 100 pcs bagging, 3 boxes and 4 tons grate bars.

IMPORTS.

RECEIPTS OF PRODUCE.

St Louis..Per steamer Little Red..3 cases and 1 trunk mdse, Fisk & Law; 5 bls beef and 5 do pork, J & W Dwyer; 1 case shoes, Loyal Cave & co; 29 pigs lead, Comsty & Elder; 1 bls cotton Forsyth & Limesick; 107 brls and 9 half do beef; 53 brls do, Luyet & Amelung; 300 kegs lard, Comstock, Hy Jn & co; 30,000 hoop poles, J & W Dwyer.

Baton Rouge..Per steamer Semaphore..124 bls cotton, to Lambeth & Thompson; 24 do C Toledano; 8 do Caldwell & Hickey; 8 do, 13 hhds sugar, for household furniture, 2 cargooes, Follain, Bellony & Degelas; 8 bls cotton, A Rivarde & co; 25 hhds sugar, A Maurin & co; 12 bls cotton, Ringold & Cammack; 11 do, Lane, Fontaine & co; 110 brls molasses, Wm Porter; 1 trunk, V David; 1 bale, Carriere, Daren & co; 1 do, Gordesiolo & Lacoste; 2 boxes, 2 chests, 1 trunk and negress, E P Garnier; 1 box, Prescot, Jones, & co.

St Louis..Per steamer Czar..1 box and 1 trunk, mdse, to J Bailey, 1 box, W Duncan, jr, 6 bales skins, J A Merle & co; 1 box mdse, to Pierce Shannon & Bro; 1 do, Hass & Hexenbury; 40 head oxen and 3 horses, Godfrey Lanier & Small; 24 bls apples and potatoes, A Blamy; 6 bls and kegs sadze, G Whitney & co; 1 bal mdse, Woodwards; 308 brls flour, 407 sacks do, J Mortimer; 33 mules and 2 horses, W Caldwell; 7 horses and 1 mule, J Mortimer; and 3 do horses, Woodward.

Louisville..Per steamer Bunker Hill..246 bls cotton, Reynolds, Byrne & co; 125 do Burke, Watt & co; 29 do Fackler, Stanton & co; 109 do M Wilford; 41 do A Fulton & co; 636 sacks corn, 100 do oats, Order; 1 cask wine, Christin & Lamnet.

PASSENGERS.

St Louis..Per steamer Little Red..3 R Biggs, R Smith, J F Moorehouse, Lewis & son, G Taylor, McCuller, Masteer, E H Bebe, W Dwyer, C D Pratt, Shaw, Fitzgerald, Lawrence

Baton Rouge..Per steamer Semaphore..P J Beslie, L Roche, Dr Page, J P Kirwan, Johnson, Laporte, T B Coffin, P Meehan and Mr Snyder.

St Louis..Per steamer Czar..J S Coulter, D B Waterman, W Caldwell and son, F Bowzan, L Seymour, T Shaw, J S Hendshut, H Williams, L Bates, C Morgan, Wilson and svt, W W Speed, J Mortimer, T Dillon, C Woodsmith, J C Doane, J Lambeth, Johnson, T L Tate, B Rodriguez, W H Calhoun, Dr Paddock, J W Chinn & svt, J Munker, C D Hunter, D Shroyer & svt, S L Brown and lady, J Simond and lady; Miss Johnson, Mrs Long and child, C Williams, Baptiste and lady, and 187 on deck.

Louisville..Per steamer Bunker Hill..Mrs Wax and child, Mrs Powell, Bourier and lady, J Henderson; Jones, Anderson, D Augustine, Smith, Early, McWilliams, C Milner.

MEMORANDA.

Steamer Little Red reports the Ohio falling.

FOR RICHMOND.

The fine LINCOLN, Capt. Grant, will have despatch, for passage apply to

S & J P WHITNEY,

d5 73 Camp st

FOR NEW YORK,—HOLMES' LINE.

Regular Packet for 7th December.

THE ship ARKANSAS, J S Dennis, Master, is now loading and will sail as above. For freight or passage apply on board, first tier below the Vegetable Market, or to

H C AMES,

d5—tf 48 Camp st

7,000! Capital Prize.

Tickets only $2.

GRAND STATE LOTTERY.

Drawn numbers of the Grand State Lottery, Class 60.

10, 12, 19, 24, 10, 51, 34, 45, 3, 1, 18, 26.

CLASS No. 61. Authorized by the Legislature of the State. To be drawn THURSDAY, Dec. 6th, 1838, at 5 o'clock, P. M. at Bishop's Hotel.

S. DAVIS & CO, Managers.

75 Numbers—12 Drawn Ballots.

SCHEME.

1 Prize of	$7 000	$7 000
1 do	2 000	2 000
1 do	1 200	1 200
1 do	1 000	1 000
2 do	500	1 000
2 do	200	1 200
8 do	120	1 120
10 do	100	1 200
10 do	100	1 000
132 do	70	12 740
63 do	15	945
63 do	10	630
126 do	5	10 08
3006 do	4	15 024
23436 do	2	46 872
27 814 Prizes, amounting to		$94 539

Tickets $2 00—Halves $1 00—Quarters 50 c.

Packages of 25 Tickets for $ 50, warranted to draw at least $24.

Packages of 25 half tickets $25 00, warranted to draw at least $12 00. Packages 25 Quarter Tickets $12 50, warranted to draw at least $6 10. For Packages or single Tickets, apply at the

MANAGERS' OFFICE,

d5 16 Chartres st

OILS, PAINTS AND TURPENTINE—34 casks English, Dutch and American Linseed Oil; 54 casks pure sperm oil; 30 bbls brown rosin's oil; 6 bbls No. 1 castor oil; 200 kegs New York white lead; 250 kegs Philadelphia white lead; 20 kegs green paint; dry chrome green and yellow; 15 bbls spirits Turpentine; 20 tin canisters, do do; together with an assortment of fresh drugs and medicines, for sale by

JARVIS & ANDREWS,

d5 cor Common & Tchopitoulas sts

NEW ORLEANS & CARROLLTON R. R. CO.

Notice—During the Race days the cars will leave the car house, Poydras street, every half hour after 9 A. M., until 5 1-2 o'clock, P. M., and will leave Carrollton every half hour after 8 A. M., until 6 o'clock, P. M., and then regular.

JOHN HAMPSON,

d5 Chf. Eng. N. O. & C. R. R.

NEGRESS FOR SALE.

MARGARET, a mulatto woman, first rate seamstress, washer, ironer, and cook: a good servant in every respect; warranted free from the vices and maladies prescribed by law. Enquire at

R FARIA'S,

d5 17 Custom House st.

HOLLAND GIN, &c—6 casks of a superior quality; an assortment of real Dantzic Cordials, direct importation; 200 rolls Polish Linen, 36 and 40 inches wide, suitable for baling Tobacco and canvassing bales; an assortment of Damask and Diaper Table Linens, Sheetings, Shirtings, Handkerchiefs, Platillas, Crens, Bretagnes, Estapillas, &c., direct from the manufactories in Silesia, (Prussia,) and warranted to be pure Linen. Also, an assortment of Stockings and socks, for sale by JOHN H MARTINSTEIN,

d5—3tp 122 Royal st

OIL—1500 gallons Refined Whale Oil, for sale by WHITRIDGE & CO,

d5 76 Magazine st

TANNER'S OIL—100 barrels, for sale by WHITRIDGE & CO,

d5 76 Magazine st

BAZAAR.

BUSH & ALLEN,

NO. 1, EXCHANGE HOTEL,

Corner of St. Charles and Common sts.

NEW ORLEANS.

IMPORTERS and Dealers in French and English Perfumery; Dressing Cases and Portable Desks, Cutlery, Hosiery, Gloves, Shirts, Stocks, Umbrellas, Canes, and Fancy Articles. d5

MACKEREL—Nos. 1, 2, & 3, landing and for sale by S & J P WHITNEY,

d5 73 Camp st

SALT—2000 bushels Cadiz Salt, in sacks of two bushels each, landing from ship Antioch, and for sale by S & J P WHITNEY,

d5 73 Camp st

MOLASSES—110 barrels, in fine landing order, landing from steam boat Semaphore, opposite Bienville street, and for sale by

WM PORTER,

d5 95 Common st

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☞ The proprietor respectfully calls the attention of the public to the above Card, and assures them that all work intrusted to his care shall be done at the shortest notice, in a style unsurpassed in this city, and at the lowest rates.

THE TRUE AMERICAN.

EDITED BY JOHN GIBSON.

FAITHFUL AND BOLD.

NEW ORLEANS:

WEDNESDAY, DECEMBER 5, 1838

☞ The mails due yesterday did not arrive.

Races postponed.—We are glad to learn that on consultation between the various parties engaged in the race tracks of our city, they have agreed to postpone their meetings for a few days each, owing to the very unpropitious state of the weather. The race intended for this day over the Eclipse Course will take place on Friday, and so go on until the entire purses have been run for. The races on the "Metairie," will be put forward three days, and thus shall we have a chance of enjoying the good sport in prospect in better weather, and under clearer skies.

N. B.—The rules of the Club authorize the postponement of Races on account of bad weather.

A small attempt at getting up a fire, took place last evening between 7 or 8 o'clock at the corner of Common and Carondelet. The lime house, or shed, attached to the buildings now going up at that corner burst into a blaze, but before it could extend its ravages our active firemen destroyed its power of mischief. Sixteen hundred barrels of lime were destroyed however.

The Giraffe. The Council have granted permission to the proprietors of the Giraffe to exhibit their singular, and hitherto unseen animal. They are already actively preparing.

An accident occurred yesterday morning to one of the locomotives on the Carrollton railway which at first threatened much inconvenience. A portion of the machinery got broke while at the horse station, foot of Race street, which prevented the 3 o'clock train from getting to town, and as the races called for much extra power the accident might have thrown out all the arrangements of the day, but the activity of the engineer remedied the evil at least so far as to prevent delay. The Engine from town proceeded on, took the disabled one in tow together with her train, and thus with fifteen cars, the lame locomotive, and her tender, reached Carrollton without delay. The engine will be in order again early this morning.

Owing to a confusion in terms few persons can understand what was really the cause of the steam ship Liverpool being obliged to return to port. Some papers call the damaged portion of the machinery the "escape, pipe," others term it the "expansion pipe,"—and many the "expansion pump." It was the *expansion valve*, as it is termed in England, or the "cut off," as commonly known to us, that required refitting.

ECLIPSE COURSE RACES.

The rain of yesterday was like the reign of the third George, heavy, long continued, destructive and good for nothing. Three nags were entered, but two only came to the post; the imported filly Clinker being drawn. The Brown Elk, and Zelina, came splashing through the mud, fetlock deep, with their tails plaited up like perukes of the past century. The colt poked well, but the "heavy wet" he had taken in reaching the track made him present a very tolerable picture of a drowned rat in the hands of the boys. The mare was evidently in first rate condition, but her coat—we should rather say petti-coat, in deference to the sex—being *well set*, as a Cockney would call it, couldn't shine, though she could. Both nags *slithered* about for a time, like ducks in the mud, and such was the closeness of the atmosphere that it was clear that each had a heat, though neither had started for the race. Zelina was the favorite at odds, yet such were the good looks of the Elk, that some expressed themselves aloud that the knowing ones *might* be taken in! but no one nibbled at the bait. Barney was on the mare's back, and the thing was not to be done.

With a good start they got away, the Elk running like a deer, and making a big gap at first, for Zelina did not like to have dirt thrown in her eyes—the colt could not throw dust.—At the third turn the mare went up, and gently suggesting that if her running companion did not wish her to tread on his heels, he must quicken his pace. Away started Elk on the hint, but whether it came from his pursuer, or his rider's spur we know not, and led Zelina past the stand in 2 m. 2 seconds: at this time Barney and the mare were more covered with mud than glory, and the gap grew wider over again. On the back stretch it gradually got less and less, till on the third turn the mare went up, and after a short sharp brush took the lead and came by, hard in hand. It was now clear that Brown Elk could not win, though it was not until beginning the last half mile that the mare resolved to part company with him altogether, when quickening her pace she hastened home, and in 6 minutes, 14 seconds, assured the judges that Brown was like a corncss crupper, *behind the flag.*

The rain was pouring down throughout the race, and all was dirt, damp, and discomfort, though had the day been fine the accommodations were so excellent that all must have returned well pleased.

Result...New Orleans Races.—Eclipse Course...4th Dec.

Jockey Club Purse $1200...if not more than two starts $1000...3 mile heats.

R Henry A. Taylor's b. m. ZELINA, 5 years old, by Levin } 1
stain, dam by Stockholder: 107 lbs.

T. W. Conn's b. c. BROWN ELK, 4 years old, by Black } 2 dis.
Elk, dam by Sumpter: 100 lbs.

T. J. Wells's imp. b. f. Clinker, 3 years old, by Humphrey Clinker, drawn before race.

Time. 6 min. 44 sec.

By the steam boat 'Little Red,' Capt. Kennedy, arrived yesterday from St. Louis we learn that there were but five and a half feet water in the Upper Mississippi, while the Ohio had risen eight feet.

☞ *The Race on Friday!*—Gentlemen attend! Three interesting females are about to enter on an animated contest on Friday at Carrolton, so all gallants are bound to see fair play. The 2 mile purse has three competitors, all of equal age, all of equal blood, all of equal fame. Here then are the materials for a first rate race. Their names are Britannia, Wren, and the Jewess. The first is a stranger, and yet was never *taken in.* She is from the old country, and has come here to settle. An alien, the daughter of Muley, and half brother to Leviathan. The second is a sort of cousin of the former, one of Leviathan's very numerous and fast going, as well as growing family, and own sister to our favorite Linnet. The third is a daughter of old Luzborough, who came here from England a few years ago. She is a gray headed young thing, full of spirit and speed, and no way inferior to the company she keeps. The three will make as close a run as ever has been run, for it is not upon the cards to say—this is beat.'

[Reported for the N. Y. Sun.]

U. S. CIRCUIT COURT—Before Judge Thompson.

David Parker vs. Silas Constant. This was an action brought to recover the value of 500 gallons of oil, and sold and delivered by the plaintiff to the defendant; payment for which was resisted on the ground that after the oils were placed in the store of the defendant, they were tested by an oliameter, & found to be from 8 to 14 per cent. below the standard of sperm oil, for which it was purchased. The fact of such deterioration was proved by Mr. Sumereaw, the manufacturer of the state oliametors, who testified that a second day or two after the delivery of the oil to the defendant, he tested it by a perfect instrument, and found that it was adulterated some 8, some 14 per cent. It was contended for the plaintiff, that though the oliameter was made, by the statute of this state to prevent frauds in oils, the standard by which oils should be tested, still, it was not an infallible standard, and one of which was legally the incontestible test of the purity or impurity of oils.

As to the question whether the oliameter was or was not, incontestibly the legal standard, and one which in law was paramount evidence of the quality of oils, the court was not prepared to give a decisive opinion. However, if that instrument was as is claimed by the defendant, such a standard, still the statute which enacts that standard, and under which the defence is set up, prescribed that redress shall be sought by penalty against the seller, and not in the shape in which this action is contested.

The jury consequently found a verdict for the plaintiff for the amount claimed, with interest, making $555 25, subject to the opinion of the court as to the legality of the oliameter standard.

Robert Diedrick vs. Samuel Swartwout.—This was an action brought against the defendant, late collector of this port, to recover $1505, the invoice cost of a lot of goods imported by the plaintiff, and which had been sent to the public store for appraisal. After being appraised, and an order for their delivery had been given the plaintiff, they were not to be found in the public store, and were never obtained by the plaintiff. The delivery of the goods, their appraisal, the order of the appraisers for their re-delivery to the plaintiff, and their loss, were fully proved. The defence set up was that the appraisers being appointed by the general government, and the defendant had no hand in their appointment, that consequently could not be considered in the light of a bailee for them. Moreover, that the goods were in the pass session, and consequently that he could not be held responsible for them.

For the plaintiff, George A. Wasson, keeper of the public stores, was sworn. He is appointed by the collector, as his agent, and considers all goods deposited in the public stores as in his possession, from the time of their deposite till their removal—except, perhaps, while they are immediately under the inspection of the appraisers. When goods are placed in the public stores, portions of them are sent to the office of the appraisers for appraisal: the balance remain in the public store. The appraisers exercise no authority over goods except such as is necessary for their convenience in inspecting them.

For the defence, no witnesses were called, but several authorities were quoted by Mr Hamilton, the defendant; and by Mr. Goddard, for the plaintiff, also read several authorities which he claimed sustained the question.

The court charged that the collector was indubitably the person in whose custody rested all goods placed in the public store, and that the store keeper, as his agent, exercised all control of them. If goods deposited in the public store are converted by any person to their own use, and are missing the burden of show what has become of them lies with the collector, who is responsible for them.

The jury found for the plaintiff, for the amount proclaimed.

STATE OF LOUISIANA.

First Judicial District Court.

In the matter of T. W. Collens praying for a habeas corpus.

Judgment delivered by the Hon. A. M. Buchanan, on the application of Thos. W. Collens, Esqr. for a writ of habeas corpus.

The return of the keeper of the prison of this parish, shews that the petitioner was committed to said prison by John H. Holland, U. S. Marshal, upon a warrant issuing from the ninth circuit court of the U. States, holding sessions in New Orleans, of which warrant the following is a tenor:

"Whereas it hath been this day adjudged by the circuit court of the United States, in and for the ninth circuit for the Eastern District of Louisiana, that Thomas W. Collens, who acted as deputy to the former clerk of the said court, hath been guilty of contempt of said court by refusing in their presence to obey their order, commanding him to deliver over and surrender to the court the records of a certain cause therein pending, and entitled Decker Slaughter vs. John Brown and others, and also refusing to the court the use and inspection of the said record, of which he was then and there in possession, when demanded by the judge thereof; You, the said Marshal, are hereby commanded to imprison the said Thomas W. Collens, till the further order of the said court." Of this warrant a copy was furnished by the U. S. Marshal for this District to the Jailer, with the following endorsement:—In obedience to a warrant to me directed, by the Hon. the Circuit Court of the United States for the Eastern District of Louisiana, whereof the within is a true copy, I have committed the within named Thomas W. Collens, esq. to the prison of the parish of Orleans; and the Sheriff of the said parish is here required to keep the said Th. W. Collens, esqr. in safe custody until a further order of said court be made in the premises, or until he be further discharged by due course of law.

In the petition for the habeas corpus, and in the argument upon the return, the counsel of Mr. Collens have taken a very wide range indeed—They have not only canvassed the form of the warrant and commitment, and the questions of law arising therefrom, but they discussed the previous proceedings constituting the contempt for which the petitioner is committed, and have even attempted to make this tribunal the arbiter of a controversy which has existed for some time past respecting the clerkship of the United States Court in this city, justifying the refusal of the petitioner to produce the records of the Circuit Court for this federal district, on the ground that he was the lawful keeper of those records, had been declared to be such by the Circuit Judge, and that the attempt to divest him of them was an attempted usurpation by the district Judge, which it was incumbent on the petitioner to resist.

Such being the extent of the ground covered by the counsel of the petitioner, I consider it incumbent upon me, in order to prevent misconstruction, to premise my judgment upon this application by declaring that I recognise explicitly the doctrine asserted by the supreme court of this state in the case of Buquet vs. Watkins; that when the law has vested in a tribunal, the power of punishing for contempts, such tribunal is the Judge and the sole judge of what constitutes a contempt; and its decision on that head cannot be reviewed by any other tribunal. Indeed, I may be permitted to observe, if it were in order to examine into the cause of imprisonment alleged in the warrant, that I can conceive of no contempt of court so gross, as the withholding of records from the recognizance of the Judge and of the suitors, by any person whatever: a contempt which does not only regard the person of the magistrate, but strikes at the root of public justice by arresting the course of judicial proceedings, and removing the evidence of litigated rights. And I would not consider such contempt as any the less aggravated, because committed by a person claiming to be clerk and keeper of the records; for it is absurd to pretend that there can be a private right of property in public records. This point was indeed settled by our supreme court, if it needed any adjudication, in the case of Lafice vs. Duncan.

Under this view of the law, I cannot examine the matter which influenced the District Judge of the U States, sitting as Circuit Judge, to punish Mr Collens for a contempt, or the circumstances of the contempt.

Upon another branch of the application, I wish to be distinctly understood. Several errors of form in the order of imprisonment, have been urged as grounds for the discharge of the petitioner. But even if I should be of opinion that those objections were valid, they would not justify me in discharging, supposing that no other grounds of discharge were presented; for it would then become my duty, under the 822d article of the Code of Practice, if I interfered at all, to render a new order of arrest, in regular form.

One other point remains—the illegality of the commitment for want of precision as to duration. The imprisonment is to continue until the further order of the court. I think this ground of objection to the warrant well taken, and that the petitioner is entitled to be discharged, on the ground that the Circuit Court of the U States has in this point exceeded its jurisdiction, as defined by law.

By the judiciary act of 1789, section 17, courts of the United States are empowered to punish by fine or imprisonment, at the discretion of the said courts, all contempts of authority in any cause on hearing before the same.

In the present case, I take it for granted that a contempt has been committed. The subject matter was exclusively within the cognizance of the circuit court: and that court has awarded the punishment. But is that punishment such as is contemplated by the act of congress, just cited? Clearly not. For if it were, the court would, in its decree, have exercised the discretionary power intrusted to it by the law. I am not aware that congress has set any precise bounds to the discretion here spoken of. It must, therefore, be construed *arbitrium boni viri*—the measure of a prudent, yet energetic and effectual administration of justice. This discretion, more or less arbitrary in its nature, must yet, in its application to each particular case, end and determinate by the decree of the judge. For it is easy to perceive that, unless the judge, in his sentence for a specific contempt, has fixed a period either of time or of the performance of an act, which shall determine the length of the imprisonment, he has not exercised his discretion; and the sentence is, consequently, not such as the law has contemplated. To illustrate this idea: Some offences are punishable in Louisiana by imprisonment at the discretion of the court; but who ever imagined that upon a verdict of guilty, under these statutes, sentence could be legally pronounced of imprisonment until the further order of the court? And can it be pretended that a sentence, which would not be legal, after all the preliminary formalities of indictment, arraignment, trial by jury, and conviction, would be more legal, where none of those forms had been observed, yet where the result is equally the deprivation of the liberty of the citizen? It seems to me that such a doctrine is alike repudiated by the rules of legal construction, and repugnant to the spirit of our political institutions.

Now, the imprisonment of Collens, being undetermined in duration, by lapse of time, or by the performance of an act, has every element of perpetual imprisonment; for what can be predicated of eternity itself, but that it is without limit! The effect of the warrant being then to consign the prisoner to perpetual confinement, without such perpetuity being decreed in terms by the court, it results, not only that the court has not exercised its discretion in this instance, but has substituted, in the place of its legal discretionary power, a jurisdiction undefined and undefinable.

Considering, therefore, the 822d article of the Code of Practice, which declares that, if it appear to the judge, granting a habeas corpus, that the party applying for the same has been confined by the order of a tribunal, which has, in such order, exceeded its jurisdiction, as defined by law, the judge may restore such party to liberty.

Considering, moreover, that the circuit court of the United States has exceeded its jurisdiction, as defined by law, in not determining, in the order of imprisonment of Thomas W Collens, committed by said court, for a contempt, either by the lapse of time, or by the performance of a specific duration of such imprisonment:

It is ordered and adjudged, that Thomas W. Collens be released and discharged from imprisonment.

NEW ORLEANS

JOCKEY CLUB RACES!!

OVER THE *ECLIPSE COURSE.*—Fall Meeting, 1838. Judges of the winning stand.

Hon Alex Porter, Prest. Dr David C Ker, Cuthbert Bullitt, Esq. J R Stearett, Sec'ty.

Distance Judges.

John Slidell, H C Cammack, Esqrs.

Stewards.

John Hagan jr., Minor Kenner, C M Jones, William Christie, Charles Clegg, Rich'd. Hagan, Peter Cenas, Dr Beaty, H W Palfrey, F M Doyle, G Merrick, and S M Read.

Ladies Committee.

Manuel White, Jos M Kennedy, R M Carter, A K Josephs, Duncan Kenner, Hugh Wilkens.

Second Day—Wednesday the 5th of December.

Proprietors Purse, $1200. Three mile heats. Time between heats 35 minutes. Distance 130 yards.

☞ Races to come off at one o'clock.

ENTRIES:

1st—Minor Kenner enters g. f. *The Jewess*, 4 years old by imp. Luzborough, dam by Sir Archy—Dress, blue and yellow.

2nd—W. J. Minor enters br. f *Britannia*, imp. 4 years old by Muley, dam by Dick Andrews—Dress—Dark Blue.

3d—Stephene Allain enters ch. f. *Wren*, 4 years old, by imp. Leviathan, dam by Marshal Ney. Dress, Blue and Blue.

Y. N. OLIVER,

Proprietor.

METARIE JOCKEY CLUB.

A MEETING of the Members of this Club will be held at No. 19, Exchange Hotel, on Thursday evening next, at 7 o'clock. A full meeting is requested, as business of importance will be brought before the Club.

S M READ,

d4 Sec'y

FASHIONABLE CLOTHING.

ROBINSON & GOODWIN,

No. 68, Chartres Street,

One Door below Bienville,

HAVE constantly on hand every article appertaining to gentlemen's dress, made in the best manner and most fashionable style, which they offer for cash, at reduced prices.

dec4—1838

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WM PORTER,

dec5 95 Common st

FLOUR. 500 bbls landing from steamer Ozark, and for sale by G DORSEY,

dec5 44 New Levee.

FLOUR. 50 bbls landing from steamer Merrimack, G DORSEY,

dec 5 44 New Levee.

WHISKEY—67 bbls landing from steamer Bridgewater, and for sale by G DORSEY,

dec5 44 New Levee

POYDRAS ASYLUM.

WANTED, in the above institution, a middle aged female to fill the situation of MATRON. Also wanted, a female accustomed to the care of young children. Apply at 130 Tchoupitoulas street.

N. B. Unexceptionable testimonials of character and capacity will be required. dec4 6t

FLOUR—500 barrels landing from the steamboat Hudson, and for sale by G. DORSEY

d4 44 New Levee

FLOUR—300 bbls landing from steamer Alarmquin, and for sale by G DORSEY,

dec4 44 New Levee

NEW PORK & BEEF—20 bbls mess, and 40 bbls prime Pork, 20 bbls prime Beef, for sale by G DORSEY,

d4 44 New Levee

COFFEE—150 bags Rio Coffee, for sale by WHITRIDGE & CO,

d4 76 Magazine st

CANDLES—1000 boxes Sperm Candles, for sale by WHITRIDGE & CO,

d4 76 Magazine st

FOR SALE—A servant, like a young negro boy aged fifteen years; he will be sold a bargain, by applying to DOYLE & MAY,

d4 3 Carondelet st

LOOKING GLASSES—4 cases, containing 159 Looking Glasses, at various sizes, for sale by JOSEPH COUKAYNE,

d4 25 Gravier st

RIO COFFEE—200 bags in store, and for sale by ABRAHAM TRIER,

d4 40 Poydras st

ROPE—100 coils in store, and for sale by ABRAHAM TRIER,

d4 40 Poydras st

LOAF SUGAR—100 hhds in store, for sale by ABRAHAM TRIER,

d4 40 Poydras

ALMONDS—10 frails in store, for sale by ABRAHAM TRIER,

d4 40 Poydras st

GUNNY BAGS—10,000 two bushel bags in store, for sale by J THAYER & CO,

d4 74 Poydras st

PORK—20 bbls mess & 5 bbls prime Pork in store, for sale by J THAYER & CO,

d4 74 Poydras st

SIDES—11 hhds Bacon Sides, in good condition in store and for sale by STETSON & AVERY,

nov21 88 Gravier

LOUISIANA

FURNITURE WAREROOMS

No. 53, Bienville street.

WILLIAM R. CARNES, would respectfully inform his friends and the public that he is constantly receiving from New York and Boston a good assortment of Furniture, such as mahogany chairs, sofas, bed-steads, maple and painted chairs, maple and cherry bedsteads, mahogany and cherry tables of all descriptions, bureaus, toilets, secretaryes, writing desks, wardrobes of mahogany and cherry, wash stands, looking glasses, feathers, bedding, &c. &c.

NB. Furniture packed for transportation with great care. nov13

EMPTY HHDS—881 empty hhds, and 19 ditto Tierces, from ship Franco ia, for sale by STETSON & VERY,

nov27 38 Gravier st

PAINTS—14 cases Verdergris and fine Black, ground in oil, a superior article, for sale by ISAAC BRIDGE & CO,

nov27 134 Magazine st

SUGAR—And Molasses on plantation, above and below the city, for sale by ADAMS & WHITALL,

nov27 67 Gravier st

RICE—30 tierces new prime Rice, for sale by ABRAHAM TRIER,

nov17 40 Poydras st

E. JOHNS & CO,

STATIONER'S HALL, corner of St. Charles and Common streets. The subscribers having received and now in store their assortment of goods from England, France and the North, offer for sale the following articles:

English Drawing papers of all sizes,
do writing do super royal, royal medium and demy, foolscap, letter paper, ex. large thin writing do blue laid, do do copying paper, at all sizes,
London and Bristol boards; do fancy letter and note paper, plain, embossed and coral brocade,
American cap, letter and writing papers from the best mills in the Union,
Perryan Pens of all descriptions;
Best German and English quills; Stephen's and Perryan's writing fluids, Morrison's and Perryan's best copying inks; English and American folio and quarto copying paper;
Rodgers & Son's best cutlery, consisting in dirk, pen and desk knives, razors and scissors,
Pocket books and wallet's Russia and Morocco leather,
English wafers and sealing wax, superior quality; Traveling desks and dressing cases,
Ackerman's and Newman's best nature colors,
Brookman's and Ackerman's drawing pencils,
Drawing books, Albums and British and American Annuals, for 1839,
Books—English, French, Spanish, Italian, German and Latin, consisting in classical, law, medical works, literary, &c.

Just received and for sale by

B JOHNS & CO.

nov29

ANTHRACITE COAL.

ONE hundred and twelve hogsheads superior Anthracite Coal, landing from ship New Hampshire from Philadelphia for sale by HOLMES & MILLS,

nov22 9 Bank Place.

SPERM CANDLES—300 boxes New Bedford sperm Candles, assorted sizes, of approved brands
100 boxes mould candles, Jaudon's brand
100 boxes fresh Soap
50 bbls refined Whale Oil
Champaign Wine of superior quality
Imperial, gunpowder, young hyson & souchong Teas
Copper, in sheets, from 12 to 1100 lbs
Black Lead Pots, assorted sizes, for sale by JOSEPH COUKAYNE,

nov 30 25 Gravier st

NOTICE.

Mr. GEORGE MERRICK having resigned the office of chief Engineer of the New Orleans and Carrollton Rail Road, Mr. *John Hampson* has been appointed in his place, to whom all persons having business with, or wishing information regarding said Rail Road will apply at the Rail Road Office, Poydras street,

By order of the Board.

(Signed) JOHN NICHOLSON,

nov17—tf Cashier

COTTON CIRCULARS

☞ PRINTED *with the Greatest Expedition, and in a style unsurpassed in* NEW ORLEANS, *or* elsewhere.

ORDERS *left at* COMPTING ROOM *in* St. Charles Exchange, (*Corner of Gravier St.*) *or at* TRUE AMERICAN PRINTING OFFICE, corner of Poydras and St. Charles Streets, *will be promptly attended to.*

Dec. 1—tf.

WHITE ITALIAN MULBERRY PLANTS.—Several hundred white Italian Mulberry plants, from three to six feet high for sale by the undersigned, residing on the Lake shore, on Castin Bayou, between the town of Mandeville and M Bernard's marigny plantation. JOHN FAURE.

LETTER PAPER—Just received a few cases of very low priced letter paper, blue and white, plain and ruled, for sale very cheap by DAVID FELT & CO, New York Stationers Hall, 24 Chartres st

HAVANA SEGARS—300,000 in store and for sale by ABRAHAM TRIER,

dec3 40 Poydras st

FLOUR—593 bbls. Mill's brand, in store and for sale by G DORSEY,

nov27 44 New Levee

RED BEANS—10 bbls. in store, for sale by G DORSEY,

nov27 44 New Levee

SUGAR & MOLASSES. 20 hhds. Sugar, 100 bbls Molasses, landing from steamer Semaphore and for sale by ADAMS & WHITALL,

nov 29 1w 67 Gravier st.

COAL.—Anthracite Coal in lumps and in casks, an Liverpool coal in casks delivered in lots to suit purchasers. Orders left at the Coal Yard in Canal st. or at HOLMES & MILLS, No. 9 Bank Place.

PASTE BLACKING—400 gross, landing from ship Forum, for sale by ISAAC BRIDGE & CO,

nov23 134 Magazine s

LUMBER—And Potatoes. 26,000 feet clear seasoned Boards. 100 bbls Potatoes, landing from ship Lagrange, and for sale by LEVI H GALE,

nov19 93 Common st

YEAST POWDERS—A large supply of the above Powders for sale by SICKLES & CO,

nov22 40 Canal st

CLARET—200 boxes in store and for sale by ABRAHAM TRIER,

dec3 40 Poydras st

RAISINS—1510 whole and half boxes for sale by ABRAHAM TRIER,

dec3 40 Poydras st

LEMONS—50 boxes in store and for sale by ABRAHAM TRIER,

dec3 40 Poydras st

RICE—200 boxes in store and for sale by ABRAHAM TRIER,

dec3 40 Poydras st

LARD—200 kegs and 13 half kegs Lard landing from steamboat Ozark, and for sale by J THAYER & CO,

dec3 74 Poydras st

SMOKED BEEF—8 bbls smoked beef, and 1 bbl tongues, landing from steamboat Ozark, and for sale by J THAYER & CO,

dec3 74 Poydras st

HOLLAND GIN—5 pipes Holland Gin in store and for sale by J THAYER & CO,

dec3 74 Poydras st

GOSHEN BUTTER—40 kegs prime Goshen Butter in store and for sale by CHRISTIE & SINNOTT,

dec1 27 Common st

LEAF LARD—60 kegs Leaf Lard just received and for sale by CHRISTIE & SINNOTT,

dec1 27 Common st

SOAP—100 boxes No 1 Soap for sale by CHRISTIE & SINNOTT,

dec1 74 Poydras st

GOSHEN CHEESE—50 Goshen Cheese just received and for sale by CHRISTIE & SINNOTT,

dec3 27 Common st