

THE WEEKLY COMET.

GEO. A. PIKE, EDITOR.

OFFICE—OPPOSITE THE BRANCH LA. STATE BANK.

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The Weekly Comet

GEORGE A. PIKE,
EDITOR AND PROPRIETOR.
Official Journal of the Parish of East
Baton Rouge, also of the Grand Terre and
Baton Rouge, and of the Baton Rouge and
Clinton Plant Road Companies.

EAST BATON ROUGE PARISH vs. J. McDONOUGH.—This suit, instituted by the Police Jury of this Parish, against John McDonough, in September, 1840, for the recovery of \$950 for expenses incurred in building a levee in front of his property, on the South side of this City—has just been decided by the Sixth District Court of New Orleans. A trial was had before Judge Buchanan and a judgment for Plaintiff was returned. Defendant then pleaded prescription, and appealed to the Supreme Court. The Supreme Court remanded the case back to the District Court, to take evidence, as to whether the building of the levee was necessary to the protection of defendant's property.

It was made to appear that in 1840, the Inspector of Roads and Levees appointed by the Police Jury of the Parish of East Baton Rouge, sold the contract for building the levee in question to the lowest bidder; that the contract was adjudicated to Francis D. Newcomb; that under an agreement with the President of the Police Jury, he performed the work; that not being paid for it, he sued the Police Jury and obtained judgment against them; that the Police Jury appealed to the Supreme Court, in which judgment of the lower court was confirmed. The Jury, under this judgment, had to pay the contractor. They then instituted the suit against McDonough.

The decision of the Fifth District Court, was given by Judge Augustin.

This case was remanded in May, 1849, by the Supreme Court. The plaintiffs not having made out their case, that high tribunal, in a laudable spirit of consideration for the tax payers of Baton Rouge, sent back the case in order to enable the plaintiff to show: 1st, That defendant was liable upon the *quancum meruit* and that he had been benefited by the work; and 2d, To enable the plaintiffs to controvert the plea of prescription.

The testimony taken in May, 1851, of Alfred Duplantier, J. B. Kleinpeter and Philip Hicky, establishes the value of the work done by the Police Jury at (about \$750) consisting of a levee three and a half arpents front.

The plea of prescription set up by defendant will not apply to this case. The Police Jury of East Baton Rouge cannot be viewed in the light of the men who labored by the day on the road and levee of defendant, but have placed themselves before this court as having by virtue of a *quasi contract*, undertaken and performed a job for the benefit of defendant, and also acting in the exercise of their mandate for the benefit and protection of their constituents. This action cannot be prescribed but by the lapse of ten years, which period of time had not expired when notice of this prosecution was first served on defendant.

It is therefore adjudged and decreed that plaintiffs recover from defendant the sum of \$750 with interest from the day of judicial demand, with costs of suit.

The suggestion of a correspondent from "Bagnelle" is a good one, and we regret that it was not made in time to be acted upon. It is however, too late now to profit by the suggestion.

The National Jubilee.

On account of the inclemency of the weather on the Fourth, a damper was thrown upon the palpitating hearts of the million, anxious to give vent to ebullitions of patriotism on the nation's birth-day. Food for the mind was prepared, as well as food for the body—many places in this section were bedecked in holiday apparel, and we have no doubt that many people elsewhere have done, as did the worthy denizens of this vicinity. How many young and buoyant hearts throbbled at the appearance of the "next cloud," there is no figures to calculate—young Genia looked forward to the day, and young Misses prepared for its approach with all the fine dress and the *jew-gems*, with which beauty will ever adorn itself.

The old man looked forward to see the sun of another glorious Fourth, but alas, it did not come—or if it did, it was so enveloped in fog and mist as to throw a blighting mildew on the prospect. How is it, and why is it that the Almanacs do not arrange this matter! Why is it that *dies non*, the fast days, and the glorious anniversaries of the Saints and martyrs, are not provided for?

Must we say that the great powers that are, are not provided with a programme of the great days, in the world's calendar? We are reluctantly forced to admit the bare possibility. We are naturally inclined to trust too much in Providence—the weather—the good morals of the community and the nature of things is too often referred to: man must help himself in everything that is needful to his happiness—and if he does not get up and put himself to work, he may bawl for assistance until his lungs wear out, and yet none will come.

Another Fourth of July. The birthday of American Independence; and what does the heretage consist of?—Look about and see. Are we not slaves in fact to every species of vice and immorality? Is not the fair face of Heaven disgraced by the dark deeds of man, when the curtain of night is hung over us? Is the world what it seems to be? No, it is anything else, each man wears a mask and is not what he seems. Vice and immorality is made public patronage. There is no excuse for it, the world has light enough, and the whole race of man might be independent, and enjoy the blessings of liberty, but the reverse is the true picture. We are slaves and the title of independence is mockery. If we do not belong to one another, we are bound by the strongest ties of vice and intemperance. Show me an honest man now-a-days, and fifty "better" stand about him ready to assassinate him, and rifle his breeches pockets.

What is good in reference to the individual, holds with equal force to nations. The powers of Europe, gain strength to exterminate other powers and the liberty loving republic looks with a rapacious eye to the acquisition of territory by the force of arms.—What a powerful engine if christian-ism alone, were united for "Peace and good will," instead of private and pecuniary benefit! Then would we growl at the world no more—until which time we must sign ourself the favorite signature of a famous political writer "More Anon."

Miss Martha H. Mowry, M. D. of Providence, R. I. has been elected Professor of Obstetrics and Diseases of Women and Children in the Female Medical College of Pennsylvania.

Printers' Convention.

At 12 o'clock Monday the 4th inst., this body assembled in the Judiciary Committee room, at the Capitol and organized by selecting GEO. A. PIKE, Chairman, and JAS. F. BLACKMAN, Secretary.

The Chairman briefly stated the object of the meeting—to establish a union of the press in Louisiana—to encourage good fellowship, and to unite the craft into an association for mutual protection and benefit. To accomplish this object it was on motion of W. R. Adams, Esq., Resolved "That this association be called the Louisiana Press Union with annual meetings, to take place on the 22nd of February at the State Capitol. A permanent organization was deemed necessary, and George A. Pike was elected President and J. F. Blackman, and P. M. Hatch were elected corresponding Secretaries, and A. P. Converse, Treasurer. On motion of Mr. Blackman it was resolved, that the editorial corps of East and West Baton Rouge, constitute a joint Committee to prepare an address to the Editors, and Printers in the State of Louisiana, on the subject of the Press Union, and also to prepare resolutions to be submitted in circular form, for the approval of the brethren; which resolutions if sanctioned by a majority of the Editors and Printers in the State, shall govern the fraternity until the next annual meeting.

On motion of T. B. R. Hatch the meeting adjourned.

GEO. A. PIKE, Pres't.
J. F. BLACKMAN, Sec'y.

The Meeting that was to have taken place at the Town Hall on Saturday last, was a failure of course. The meeting was called through this paper, and its object was to get together a sufficient number of the citizens to decide what should be done with the grave yard money. Neither "Tabitha," nor "Citizen," nor "Justice," nor Pro Bono Publico, appeared to aid the council with the light of their countenances. Whereupon it was resolved unanimously, by and with the advice and consent of the Treasurer, that the funds be drawn from the hands of W. S. Pike, Esq., and a special deposit of the same, made in the Branch of the La. State Bank, to be called the grave-yard money. On calculating the interest it was found that the sum of \$240.00 had accumulated. We would call "a Citizens" attention to the fact that henceforth it draws no interest. As "a Citizen" and Miss "Tabitha" and others, have made so much fuss about the fund, and as their consent was not obtained to place it at interest, we think that \$240 cannot be claimed as part of the fund.

If the parties are willing to make a voluntary peace offering of it, very good; if not we shall contend that it be appropriated to the purchase of a brass statue to stand on the principal stall, in the market, as an everlasting monument to the virtues of the best looking man in this great city.

We learn by private despatch from Bayou Sara, that the examination of Mr. Thomas Prendergast, before Judge Sterling, of the Seventh Judicial District Court, was resumed in Bayou Sara on Tuesday, and terminated by admitting him to bail in the sum of \$2500.

The man who has taken our umbrella (through a mistake) will oblige us, by leaving the same at this office, when it quits raining.

Correspondence.

PLANTER'S HOTEL, ST. LOUIS,
June 24th, 1853.

Dear Comet: When I wrote you last, I believe, I was at Paducah, and on my way to St. Louis. Before leaving for St. Louis, I concluded to take a short run up to Evansville, and enquire the price of *york*. On arriving, I took a drive through the town and found a beautiful thriving place. It is evidently bound to be a very important place, for it is surrounded by a rich and growing country and almost the head of navigation in very low water. While here, I called to see the beautiful Misses M—It's and found them as gay, as lively and as entertaining as ever. They asked a thousand & one questions about Baton Rouge, its pretty girls and dashing beaux. We had music and song, and then we took a ride, a glorious ride all around the town. I know that many of your elegant young gentlemen, Maj. B. and Mr. P. and Mr. B. jealous and wish Mr. Guy to the very devil, but I can console them all by saying that they were severally inquired after, and numerous messages sent. So gentlemen be quiet if you please and bide your time. I shall take no under advantage, but if you will call on my arrival home, I will "a tale unfold" that will please you all. The cruel, cruel bell, ring the knell of my departure, from those lovely creatures. I tore myself away and amid the waving of snow-white handkerchiefs, I took my leave of Evansville.

In a few hours we were at Cairo.—It is a city of magnificent prospects and great water privileges. The Irishmen are here busily engaged in repairing Levees. The Great Central Railroad is going bravely on, thousands of hands are at work, and soon the cars will be running through the entire route.—The Iron Horse will in a very short time take his coffee out of the Mississippi river, and his tea out of the great Northern Lakes. From Cairo we went up to St. Louis—I have often visited this place and whenever I come here I am more and more astonished at its vast improvements. With the immense immigration to this place alone, it will soon be the Empire City of the West. In manufactures no city at present outstrips it. Her flour mills are celebrated all over the world. Her white-lead factories, lead pipes, stoves, and engines compete with any of the land, and it is here, and here alone, that those rich and delicious French "pates" are put up, the delight of the gourmet, and the joy of the "bon vivant." And then again it is here that the great Belcher lives, the dread of all sugar planters. He has become very wealthy, and is one of the most highly respected citizens in St. Louis. For liberality and honorable dealing none are his superior. But with his profits on sugars who can't get rich, and with his method of importation who will not become wealthy. We are down on him, and in future we intend to see that the Revenue Laws are properly enforced.

While in St. Louis I met a lady, one of Virginia's daughters. I had not seen her for years. When I saw her last she was a young, lovely sylph-like creature. The Belle of the neighborhood, the pride of her family. It was on her wedding night, and never did I see a more lovely form in human shape. But now how changed, time had done its work, and although he had dealt perhaps gently with her, still the change was truly astonishing—with unwinkled face, cap on head and spectacles on nose, she appeared before me the mother of ten children. Mr. Comet, don't you fear old age? Don't you dread the day when you and I shall be as grey, as rats, perhaps wear wigs—and bent down to earth with bodily infirmities? For my part I never intend to get old. I intend to enjoy life while a spark lasts—I intend to be cheerful and gay, and if possible happy till the last sand of life is run out. Before leaving this city, I called to see a valued friend, one of the great belles of St. Louis. She is certainly an ornament to any city and one of the most beautiful and accomplished ladies I ever saw. She has a voice as rich in its natural tones as the melody of all the birds.

She sang for me that lovely Irish song "Cathleen Mavourneen," and that beautiful air "Tis better to laugh than to sigh." She plays with great ease the most difficult pieces of Bellini, Rossini and Donizetti, and revels in all their harmony as a child with its pretty play things. Adieu dear Comet.—The belle of the mammoth steamer Illinois is telling her passengers on board. I will be with you as soon as her ponderous wheels can take me down, 'Mon pouvre porcupines.' I commit these in your charge. In sickness and in health protect them, and you have the lasting gratitude of your old friend,

GUY MANNERING!

The Railroad Tax.

A meeting of the citizens opposed to the rail road tax, took place in New Orleans a day or two ago, at which the following stringent resolutions were adopted. Though every good citizen in the State, desires no doubt to see the work of improvement go forward, yet the imposition of a direct tax upon property to accomplish the object, is a direct violation of a fundamental principle of Republican government—a violation of the Constitution—an interference with individual rights, which the majority have no power to exercise over the minority. The Legislative branch of the State Government has no right to interfere with this sacred principal guaranteed to each citizen of the Union. To say that the majority shall take forcible possession of the whole or any part, of the property of the humblest individual, who has honestly acquired the same, is to admit an arbitrary principal, dangerous to the peace and good order of society.

Here are the resolutions adopted at the meeting above referred to:

First, that such of the judges of the Supreme Court as may be directly or indirectly interested in said railroads, or who directly or indirectly may have been speculating in lots or portions of ground situated in the vicinity of the different depots, on the lines to be traversed by said railroads, be requested, and, if necessary be required, by this meeting to recuse themselves, as they are beforehand recused by public opinion, whenever a suit relative to the railroad tax shall be brought on appeal before the Supreme Court.

Second, that the members of this meeting shall resort to all means in their power, in order to avoid the payment of said tax, inasmuch as it is arbitrary, vexatious and unconstitutional, and that it impairs the right of property.

Third, that were said principales consecrated, no other means would be left to property holders, but to abandon their properties, as every year, under color of a tax, the benefits of the same would be taken away from them, leaving to their charge, the repairs, insurance, &c.

The resolutions having been read in both French and English, to the meeting, they were unanimously passed, and on motion were ordered to be published in French and English, and also in German.

Ed. Comet.—It may not be taken as an impertinent suggestion to our city fathers, to have Lime sprinkled along the gutters in some parts of our town, in order to neutralize any bad effects that may arise from the decay of vegetable matters, that are constantly thrown out in the streets, and which any one walking our Town in the evening, is continually reminded of. Lime scattered along the side-walks in any shape, acts as a purifier of the atmosphere, and though our city can justly boast of its general good health, yet it seems as if it would be wisdom on the part of those who have its good in keeping to prevent as far as possible, any epidemic that might arise from the cause alluded to above.

Mr. GEORGE H. JONES, is spoken of, as a candidate to represent East Feliciana in the next Legislature.