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NEW ORLEANS:
THURSDAY MORNING, JANUARY 11, 1838.

☞ We are requested by Mr J. W. Houston to state that he will shortly prepare an answer to the charges preferred against him in the True American of yesterday.

CANADA.

IMPORTANT INTELLIGENCE.—The message of Sir Francis Head, at the opening of the Parliament, was received in New York, on the 3d instant. It relates almost entirely to the recent events in the province: deprecates in the strongest tone any interference of the American government in the affairs of Canada, declares his surprise and regret at the prospect of an invasion of the province by American citizens, and expresses his intention of repelling any open manifestation of attack. He concludes by stating, that firmly anticipating from the American people a noble vindication of their government and intentions, and holding it but just to allow them a reasonable time to do so, he has communicated with the Governor of New York and the British minister at Washington; and now awaits their replies, having in the mean while reinforced his troops and made every arrangement for a levy en masse.

STEAMBOAT CAROLINE BURNT.
Twenty two Lives Lost.

We learn by the Buffalo Commercial, Advertiser, that the British had crossed over to the *American side* at Fort Schlosser, and attacked the steamboat Caroline, destroying the boat entirely and killing TWENTY TWO OF HER CREW. The attack, it is stated, was made by five boats of armed loyalists containing 100 men or more, who guarded the gangways and cried "no quarter." The Caroline, after the slaughter of all the crew, gave two or three fires, and finally drifted out into the current and went over the falls.

If this intelligence be correct, and we can scarcely question the authenticity of the source from whencent emanates, then the British Canadians have violated most arguably the neutrality existing between Great Britain and America, and have perpetrated a sanguinary and unpardonable outrage on the rights of American citizens.

An express sent from Buffalo to Fort Schlosser returned at four o'clock, P. M. and confirmed the news of the attack and loss of life.

TEXAS.

By the arrival yesterday of the *Steam Ship Constitution*, we have received our files of the Houston Telegraph, up to the 30th ult. An extra number of that journal published on Christmas day, gives a minute account of a battle said to have been fought at San Antonio de Bexar (Bexar) between a considerable body of invading Mexicans, and a part of the Texan army under Colonels Kaines and Wells—on the 20th ult from 9 a. m. till 4 p. m. with doubtful results. But rumor generally exaggerates. The same paper of the 30th ult gives an extract of the account transmitted to the secretary at war by Colonel Kaines. He states that about 50 Mexicans had made an attack on the guard protecting the horses, about 3 miles below the city—killing one and taking the other prisoner, and that they had been pursued unavoidably for 10 miles, as the land had given out. This is however considered an act of retaliation against Texas. The Telegraph adds—possibly the engagement has marked *Texel* on the walls of Mexico.

The Texan government has purchased a brig carrying 11 guns and 200 men. It is anchored in Galveston bay, and will soon be ready for action.

The organization of the militia is gradually progressing. Thos. J. Rusk has been appointed major-general. E. Burleson, M. Baker, J. H. Moore and R. H. Douglas, generals of brigade, and H. B. Mills, adjutant general. A general order was issued on the 1st ins. day by General Rusk, ordering the officers of the militia to have their troops in readiness to march against the enemy at a moment's warning; for it is apprehended that the Mexican army will now shortly invade Texas, in all force. The Texians appear confident of their own strength and success. Volunteers and succorpitions have already been raised to assist the movements of the government and army; and a enthusiastic animosity prevailed that the Texas will now invade Mexico before commencing the present campaign. This is of course a mere chimera, at present.

☞ Who will fail to witness Miss ELLEN TREE's first appearance this evening; the finest actress the stage can boast!

Theatrical.

The indefatigable proprietor of the St. Charles nightly presents us with a profusion of histrionic treasures to dazzle and delight. On Tuesday evening Mrs Bailey made her *debut* before a New Orleans audience, and won their long and loud applause by some of the sweetest minstrelsy that ever captivated the willing ear. Her voice is essentially soft, tender and touching, full of mellow sweetness, cultivated to the highest extent of its powers, and rendered more effective by being mingled with the charm of feeling of a soul teeming with sensibility and seeming spontaneously to warble its impassioned lays. The most delicious tones of music Will rees volume & brilliancy in an Mrs. Gibbs whom we all remember, Mrs. Bailey is endowed with more natural purity, more of that inherent quality of voice by which the attention is awakened and pleasure maintained unbroken. Her execution is ever perfect; it may not soar to that point of splendor, and revel in those artificial though fascinating cadences employed by an accomplished *cantatrice*, but it never falters, or is interrupted, and is always accompanied with that pure, simple gush of melody so eminently attractive to a refined and delicate taste.

The first air "Bid me discourse" was sung with some slight embarrassment; the fair *debutante* was evidently laboring under the confusion and timidity of a first appearance. The indulgent plaudits of the audience soon, however encouraged her, and *Di Piacer* was received with infinite spirit, rich melody and considerable flash. We nevertheless are convinced that this lady's vocal powers are especially adapted to the ballad and, to close compliments & compositions in general, because to do perfect justice to the cavatinas of the Italian school, which are usually written for the volume and compass of a Prima Donna, greater scope and more brilliancy are required—but in airs like the Sicilian Vesper, and others of a similar character, we believe that Mrs. Bailey will be found to be the most delightful songstress ever heard in New Orleans.

Of Mr. Plumer we can likewise speak favorably—he possesses the very first requisite of a male tenor, a fine manly breast voice. In taste, prettiness of fancy, and perfect enunciation of his falsetto he is confessedly inferior to Bishop—in cultivation he is equal, and in original quality of voice far superior. With more accomplished artistes, and with auxiliaries such as Page, Archer, Mrs. Conway and Miss De Flar, Mr. Caldwell may be enabled to boast, perhaps, the best Operatic Company in the Union. We trust that he will avail himself of the advantages, and display the musical talents of his troop, in a series of sterling operas.

Washington—The Calhoun Resolutions.

On the morning of the 3d January, an immense crowd thronged the Senate Chamber, in anxious expectation of the discussions on Mr. Calhoun's resolution. After usually petitions and memorials, one of which was presented by Mr. Webster from a daughter of one of the martyrs at Lexington, praying Congress for relief from poverty, the resolution of Mr. Calhoun was brought forward by that gentleman, with some remarks in their defence.

Mr. Morris demanded a division. He opposed Mr. Calhoun's resolutions warmly and wished to submit his own as an amendment. His remarks were very pointed and bitter. On concluding, the vote was taken on the first resolution, which was adopted by yeas and nays 32 to 13. (Vide Bee of the 8th inst.)

The second resolution was then discussed. Mr. Preston voted to strike out the words, "An Assumption of superiority"—adopted. Mr Morris moved an amendment by erasing "moral, political and religious." Mr Calhoun opposed it violently. Mr Preston moved the amendment only on the ground that the amendment of the Ohio Senator was to be adopted.

Most of the members said something on the question of the amendment—some were in favor, others opposed to it. Mr Bayard of Delaware, said that the resolutions embodied the unmitigated spirit of Nullification in its worst form. Mr Lumpkin of Geo., was a Union Man, but yet zealous in the resolution, and saw nothing in them hostile to his sentiments. Mr. Calhoun defended his resolutions, declared them to have no reference to Nullification. The Senate by yeas and nays 31 to 14, *refused* to strike out the words, "moral, political and religious."

After some discussion of so interesting character between Mr Calhoun and Webster, the second resolution was put to the vote and *passed* by a majority of 31 to 14.

In the House the reception of memorials occupied most of the day, the Abolition and Texian petitions being equally laid on the table without debate.

Mr Bell introduced a resolution instructing the committee on elections, to discriminate between the evidence now before them, and at the special session in regard to the Mississippi contested election—laid aside for the present.

Mr. Calhoun and the Whigs.

We wonder what will be the next charge which the opposition will prefer against this gentleman. Since the bold and uncompromising stand Mr. Calhoun has taken against the aristocracy of paper currency, those lords of the day have through their organs and supporters, exhausted denunciation and calumny upon his devoted head. The accusation of inconsistency has been met and manfully rebutted—that of personal aggrandizement refutes itself, for as it is well known, Mr. Calhoun has hitherto pursued the very course least calculated to subserve his private interests; and when he sustained the measures and announced the principles of the administration, it was at a moment when the Democratic party heretofore popular, was undergoing the dreadful ordeal of the panic, and when the efforts of the monopolists had partially succeeded in propagating the belief, that the universal distress was solely attributable to the unwise policy of the administration. The letter published by Mr. Calhoun explaining his motives with all the frankness of a great mind that known to the head long rout of political partisans, and the attempt to influence him by the terror of his own language has been long and assiduously sought. But still in vain. The reputation of Mr. Calhoun, the honesty of purpose, the purity and integrity of his views whether mistaken or not, have all escaped unscathed from the trials to which they were subjected by the arrows and hostility of his political opponents.

Upon what worm put, thence refuted, thread-bare topic will the ingenuity of the whigs next exert itself, to injure the well earned fame of a man whom they cannot forgive for his advocacy of sentiments to which they are opposed, and for having swayed by his influence the opinions of his native state. Though we cannot imagine what blemish they will next dim over what damning fact they will next produce to rake from the ashes of oblivion, it by no means follows that the effort will no longer be made. Nor do we pretend to be fully aware of all the dexterous subtleties and peculiar perversions which the fruitful imaginations of the whigs continually invent in order to assail the object of their animosity. That he will be relentlessly pursued by the vindictive policy of the opposition there can be little question, and it will be amusing to witness the entrance into being and the gradual growth of the next offspring of their political hostility.

We may be pardoned the republication of the following paragraph from the Pensacola Gazette, particularly when it is remembered that the principles adopted in our journal have been the constant theme of animadversion and attack from the whig papers of this city. It is gratifying, at least, to perceive that our motives can be appreciated by the editor of the paper in question, and by others of a similar stamp.

Amid the base subserviency to the local banks which pervades the country, it is gratifying to meet a pure few instances of staunch and unyielding independence in the press. The uniform course of the New Orleans Bee, has been such, as we think will ensure it the lasting respect of all who truly desire the prosperity of a sound and wholesome circulating medium and who are not willing to bow down to the molten calf, or rather to the rag deity, which has been set up for us to worship.

SENATE OF LOUISIANA.
PRESIDENT MR. C. DERBIGNY.

Sitting of the 11th January 1838.

Mr. Johnson, in the name of the special committee, from the Senate, apprised minority of the House, to investigate the affairs of the Clinton and Port Hudson Banking and Rail Road Company, reported that said committee had performed the duty. The statements prepared by Mr. Johnson explained the condition of this institution.

On motion of the minority the report and accompanying documents were referred to the central committee.

Mr. Hoe, in the name of the central committee appointed to enquire into the condition of the various banks of the country and to draft a bill from the data thus derived, reported a bill which should want to third reading in English; the printing of which, on motion of Mr Scott, was ordered.

Mr. Oliver gave notice that he would shortly introduce a bill to incorporate the Catholic Church of St. Francois, at St. Francisville.

Mr. Bossier likewise gave notice that he would present a bill to change the number of assessors in the parish of Point Coupee.

The same member obtained leave of absence for a few days for the senator from Opelousas.

Mr. Duchamp obtained the dispensation of rule, and presented a resolution supposing a committee of three members, for the purpose of revising the laws of the State, and of presenting a report on the subject as soon as possible. This resolution was adopted.

Messrs. Johnson, Oliver and Bossier were appointed on this committee.

Mr. Ducros, in the name of the special committee, to which had been referred the petition of certain inhabitants of Plaquemine, soliciting its division into two standard parishes, introduced a full establishing and division.

Mr. Labauve, in the name of the special committee from the House, appointed jointly with that from the House, to investigate the present condition of the City of New Orleans and Bank of Orleans, presented a written report accompanied by documents relating to the subject, which, on motion of the same minority, were referred to the central committee.

Mr. Ducros moved that this Senate should take into consideration the petition presented to the Senate by the civil rights of Louisiana. This bill being adopted by the Senate, had been sent to the House for its concurrence. An amendment to the bill in question introduced by the House, on motion of Mr. Burton, the Senate concurred in the amendment.

APPORTIONMENT BILL.

The special order of the day, was the discussion of the bill establishing the apportionment of state representation in the house of representatives.

Mr. Brown thought that the constitutional period had passed during which the legislature could settle the subject, and adopt the bill. The work should have been finished in 1837, the having be so, legislative action could no longer take place. He therefore moved to lay the bill definitely on the table, and would demand the yeas and nays on the subject.

Mr. Oliver said that he was sorry to see such a proposition by his vote. A very exception in the present apportionment system. The constitution gave it that the representation should be equal in number for every parish in the state. Now, many of large parishes had augmented in population and were inadequately represented in the general assembly; others were represented beyond their just claims. In this state could not be constitutionally represented in the manner proposed by the bill in question, the apportionment should nevertheless be made, and should be just, uniform and equal for all. He would, therefore, vote against the motion to lay on the table.

Mr. Hoe wished to fatigue the attention of the senate, by recurring to a subject on which he had frequently spoken. He never believe thought that he could say a few words for the information of some of the members who had just entered the hall. He was induced the honorable member, was pleasured to the senate, coming from the house of representatives, where it had been the subject. The apportionment bill was rejected by a majority of the senate, as unconstitutional but although rejecting it, that by constitutional obligations we to amend it, so as to effect a just and uniform apportionment for every parish in the state. Things being in this position it course to find out a new bill of unconstitution by to destroy the bill, it is to defeat the delay established by the constitution. Unless a law of apportionment, has expired, and that without violating the charter, the question cannot, at present undergo discussion. Hence the motion to lay him finitely on the table.

Mr Hoe here repeated all the arguments employed by him in his previous speeches, to prove the unconstitutionality of the bill. He quoted the constitution which was clearly and formally expressed, and proved that according to the text, the only one adopted by the first convention of Louisiana, since the constitution, including public documents and the records of the familiar to many, was composed of persons of French extraction, who did not understand English. Now, by consulting this text, it would be perceived that all the prescribed formalities were rigorously complied with, that the oath had been made in the year 1837, that it was adopted by the Society in the year 1837; that it was adopted by the senate same year, and that from the long delay in occurring in it, the subject had not yet been terminated. Taking by adopting the proposal to lay it on the table, it would be equivalent to a declaration by the state, that the French text of the constitution was a chimera, and that in manner be consulted, although the supreme court had decided in the most peremptory manner, that doubtful cases, the French text should serve as explanation to the English.

Gentlemen spoke of violating the Constitution, on the point a sovereign deliberation should impose the seal upon the Senate. Does not the constitution require that the state representation be equal and uniform for every parish in the state. Well, was it so? He did not fear saying about that it is not, and whether not alluding to the annexation of Florida he undertook to prove the truth of the assertion by arithmetical calculation.

The number of voters in old Louisiana, according to the official returns of the parishes amounted to 12,500. That portion of the country had only forty representatives in the general assembly, the other, the other land counted 2,000 electors, and had fifteen representatives, so that it followed that old Louisiana possessed one representative for every 312 electors, while Florida possessed one for every 250. Was this justice? Was it that uniformity which the Constitution sought to maintain in every portion of the state.

What! added Mr. Hoe, we have received Florida in our bosom, because we have made it a part of the Louisianian family, should it be said that the territory thus annexed should possess greater advantages, privileges and rights than the ancient population? And yet such would be the case, did the motion to lay on the table prevail.

Constitutional scruples are entertained about discussing the question at the present period, but if the representation were not established from uniform data, would not the Constitution be violated?

The member concluded his remarks by observing that he was sorry to behold the opposition proceed from the members from Florida.

Florida had been annexed to Louisiana, only on condition that her representation should be uniform and proportioned to the number of her inhabitants; it did not dispute this fact, but must not old Louisiana be represented in an equal proportion—this was what he desired—this was what was proposed by the bill now before the Senate. But this was what Florida did not desire.

Mr Johnson observed that that portion of the member's arguments, in which he spoke of the difference between the English and French texts, did not agree with the opinion formed by him; those gentlemen addressed themselves rather to the feelings than to reason. He did not understand French very well, but the greatest just given him by a member to whom this knowledge possessed by him, entitled to the fullest confidence. He quoted from the French text, that the French was familiar, proves that the sense is not divided, and that the whole depends upon the spirit of the section which requires that the apportionment be made within a fixed period.

The honorable member added, that he had opposed the first section of the bill, because it contained an item contrary to the will of the constitution. Now he was opposed to any legislative action on the subject because he firmly believed that the constitutionality of delay had expired.

The minute of what he just spoken, stated that Florida was the only district opposed to the bill; he denied it; he did not wish to speak of Florida because she had nothing to do with the present question, but he must observe that the opposition had been unanimous with himself, by an honorable gentleman from Plaquemine, from Jefferson, from Rapides and from Concordia. These merits ra had acted in union with the delegation from Florida, because they saw in the proposed measures a violation of the constitution. It was the opinion that the Senator from Orleans had formed in regard to the Mississippi contested election—laid aside for the present.

Mr. Calhoun and the Whigs.

We wonder what will be the next charge which the opposition will prefer against this gentleman. Since the bold and uncompromising stand Mr. Calhoun has taken against the aristocracy of paper currency, those lords of the day have through their organs and supporters, exhausted denunciation and calumny upon his devoted head. The accusation of inconsistency has been met and manfully rebutted—that of personal aggrandizement refutes itself, for as it is well known, Mr. Calhoun has hitherto pursued the very course least calculated to subserve his private interests; and when he sustained the measures and announced the principles of the administration, it was at a moment when the Democratic party heretofore popular, was undergoing the dreadful ordeal of the panic, and when the efforts of the monopolists had partially succeeded in propagating the belief, that the universal distress was solely attributable to the unwise policy of the administration. The letter published by Mr. Calhoun explaining his motives with all the frankness of a great mind that

the charter of Louisiana to fix a limited time, after which the apportionment of state representation could no longer be made. For from all that took place it might be concluded that the discussion usually accompanying such questions might prolong it beyond the specified delay—it would then be permitted to destroy the bill and thus include the will of the constitution; so that the instrument would be for us a mere delusion, and impotence would take the place of justice and impartiality.

Injustice often produces deplorable results, if the apportionment be not made, injustice will be done to certain portions of the state, and this would give rise to great disorders, the effects of which it would be impossible to calculate.

If the apportionment is not made, Louisiana will not be adequately and constitutionally represented. In such a conjuncture the administration of public affairs cannot be otherwise than defective, for then will there neither be pilot and helm to direct the ship of state.

We should not be animated by sectional motives—we should not consider whether we are members of such or such a district—the duty was to establish a uniform and just representation. The apportionment bill not been made for two years, and it would must be made, or the legislature would treat with partiality certain portions of the state.

With regard to himself, it his parish should lose by the new apportionment, he would not hesitate to vote for it, because justice claimed an equal representation.

The very question now before the legislature requires all its attention, for the interests of the state in general are involved. But if we recurred to the constitution, they have nothing to do with the other, the important point was 1831 the apportionment should be made, this fact admitted, it was impossible to vote for the motion. Laying on the table, without wishing to expose ourselves to all the evils flowing from this act of injustice.

Mr. BRIGGS said he did not vote in favor of the motion because he conscientiously believed that the period for action had expired. He had no interest in the question since his parish had nothing at her to gain or lose. He would respect the vote of those members, whose opinions had been formed upon the difference between the French and English texts, for himself, he could not judge of this difference, he was only acquainted with the English, and by virtue of the oath he had taken in conformity with the present and all the members, it was his duty to see that the constitution, as he understood it in that language, should be observed.

In adhering to the letter of this text, it was impossible for the apportionment to be made at present—the legislature had been convoked on the second Monday in December—the Monday fixed for the session. He, Mr. Briggs, was at his post, disposed to vote for every amendment the state. Delay were allowed to take place and now the question was no longer within the scope of the Legislature. He would vote therefore in favor of the motion.

Mr. LABAUVE, that he might be considered disinterested, for like the members who had first spoken, his parish could neither gain nor lose by the proposed apportionment. He therefore consulted but one motive. The question was no longer doubtful but, in order to referring to the act of the Legislature passed in the course of the last session, the present session had been convoked on the 3rd Monday in December solely for the purpose of bringing about a discussion of the apportionment question, before the year 1838. It seems had not been required by law, it might equally have been accomplished in 1837 and 40. He therefore considered the subject as concluded, and would have to lay it indefinitely on the table.

Mr. McDOUGLAS the senator to speak on the question, not intending to influence the members, but to explain the motives which would induce his vote.

Mr. Duchamp said that a dilemma existed from which extraction was by no means easy. The constitution positively required a uniform apportionment of parishes in the state, but when was it to be done? There was the difficulty. The French text said it was to establish the time, but the English text said it was to be so that in his opinion, the French code should be explained by the English.

But dilemma did not consist in this doubt, it lay entirely in the following point—if we did not make the apportionment, we would violate the constitution, if we made it the constitution would be equally violated. If then in either way the constitution must be violated, he would, he only would vote for the original bill. The amendment proposed by the Senator from Ouachita, Mr. Scott, was the best, because it was just and uniform, but since he must prefer one of the two evils, he would vote for the original bill.

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