NEW-ORLEANS BEE.

BY BULLIT, BULLEN & MAGNE.

At No. 91 Chartres street.

"TRUTH IS OMNIPOTENT AND PUBLIC JUSTICE CERTAIN."

NEW-ORLEANS:
SATURDAY MORNING, JUNE 1, 1839.

FOR PRESIDENT OF THE UNITED STATES.

HENRY CLAY,

OF KENTUCKY.

Subject to the decision of a National Convention.

CHANGE IN POLITICAL OPINION.

The political sentiment of the country has wonderfully changed within the last year; and never was any change accompanied with more manifest reasons. They are as obvious as the causes of the revolutionary war. The people have for once been deceived, and they see the deception. They have been made to feel that men in office, professing patriotism, and the best intentions, may nevertheless do that which frustrates those intentions, and speaks very little in favor of their statesmanship. They are now convinced that a fanciful "monster" did more good than it was possible for it to do harm. It was slain by executive dictation, and the majority approved the deed. They were made to believe that there was a better thing under the sun than they enjoyed, and they cried out with the Children in the Wood, "Kill him again, Walter, such a monster can't be *too* dead!" The eye of the nation was directed by the pointing finger of a senator of the United States to the yellow coin lying on his desk.—The people admired the gold; and not reflecting that the honorable gentleman was likely to keep what he had, and to obtain more for himself than it was possible for them even to look upon as their own, were ready to join in the glittering scheme, and treat with contempt the sober colored currency which had been so much use to them. The senator's finger, for aught we know to the contrary, is still pointing at the gold. There is just enough to cure, and none to use.—But after locking at the heavily ragged thousands of travel all over the world without being laughed at, they became so unseemly in our eyes as not to be treated with common civility. The best kind of paper was destroyed. The false hope of obtaining a golden substitute vanished—the paper that effects has depreciated in value, and forms a miserable means of exchange even between one state and another of our own Union.—Still the ruinous system of government that has brought things to this complexion is persisted in, despite the lamentations of the people." The promised better currency has not been given us, and the remedy" has extended no further than the pockets of office-holders under government. Gentlemen who fought their "long silk purses" in anticipation of filling them with golden coin are somewhat disappointed; and are every where exclaiming with the poet,

"The *man* is still the*re*, but the *empire* have *fo*ne."

The president said, let the government have "gold at any rate, and the people may get it if they can; they care not what they please for a currency, but the government must have the precious metals, and nothing else—though the "follower in the footsteps" thought it best to issue a few millions of treasury paper, he would not do any thing to encourage banks for the present exigencies of government. The office-holders were to be remunerated in gold, "as far as it went" and the balance in treasury notes. The laboring seamen were all to be paid in this paper—and as for commerce it might take care of itself.

Now this was not the language, nor were these the measures the people were led to expect. They did expect a "better currency"—not only for the favored few, but for all—although they had no definite idea how they were to get it. They placed such unbounded reliance on the promises of a party and party man, that they have been deceived. They were made to believe that there was too much iniquity in the old state of things, and to imagine too much saving virtue in the tried experiments. They were over fond of being *safe*. If no real evil existed to be saved from, that of the seeker has been most successful who conjured up some fancied monster to destroy, or promised some reformation of fancied error. *Reform!!* (heaven save the mark,) has had full sway, and we find ourselves much the worse for it.

Returning sanity in respect to the currency of the country is, in our opinion, one of the great causes of the approaching triumph of the whig party. We had intended to make a few remarks upon other conclusive influences to this result, but will defer them till another time.

☞ We call public attention to the sale of a valuable piece of property in the parish of *Jefferson*, a little above Carrollton. The sale will take place this day at 12 o'clock at the St. Louis Exchange, by Mr. Harmet Sen'r. Auctioneer.

☞ The governor has signed the warrant for the execution of *Cheri Bonanay* guilty of the murder of Antoine Marcou. The execution is to take place on Monday next.

☞ The KNICKERBOCKER for April, is enriched with its usual variety of interesting contributions. The leading article "The Battle of Long Island," is a vigorous and graphically delineated sketch of that disastrous event in the revolutionary struggle, in the course of which the writer takes occasion signally and successfully to vindicate the American army from the slur of having tamely submitted to a shameful defeat. The difficulties with which the American forces had to contend—hemmed in on all sides, environed in the front, flank and rear, by the forces of the enemy, which by a successful stratagem had succeeded in reaching Brooklyn by a single undefended pass; the undaunted though hopeless bravery of the revolutionary heroes, and the horrors of the carnage that closed that eventful day, are depicted in a highly animated and glowing style, and, we doubt now, with scrupulous exactitude. Another interesting matter we find "a chronicle of Washington's Roost," by Washington Irving. It is written in his happiest vein, and is distinguished by its easiness, yet prodignity of quiet humor, inimitable delicacy of style, and fertility of invention. What a contrast there is between the exuberant genius, yet unpretending modesty and simplicity of character that mark the author of the "Sketch Book," and the same intellectual superiority united to a fretful irritability and proclivity to litigation and controversy, which characterizes the author of the "Spy," and associates his gifted powers with much that detracts from his well earned reputation.

The editor's table and the literary notices display tact and discrimination.

NEW BOOKS.

HORACE VERNOY.—This is a tale of fashionable life, by a writer who chooses to remain incognito. We have only had time to glance at the first dozen pages, and can therefore offer no opinion respecting its merits. We may, however, state that its commencement is highly interesting.

AMERICAN JOE MILLER.—The compiler of this selection assures the public, that it is purely original and wholly American. Many of the anecdotes are racy and humorous enough, and many are novel; it is worthless indubitable, that the author has ransacked several ancient collections of jests in order to complete his stores. The reader will, however, find ample materials in this volume for smiles, laughter, and all the most infallible and best approved remedies for the spleen and hypochondria.

BEAUTIES OF DANIEL WEBSTER.—This is the title of an exceedingly thin volume, arranged and compiled by Mr. James Rees, of New York. How the emanations of such a mind as Daniel Webster's can be split up and subdivided into single particles, puzzles somewhat our apprehension. Mr. Webster's oratory is not of that species of declamatory elocution in which the isolated gems of eloquence sparkle at intervals, and may be extracted without materially marring the effect of the whole. On the contrary, his speeches are closely woven, lucid and comprehensive arguments, distinguished for originality of genius, intellectual power and majesty, and slit rarely diversified by occasional and overpowering bursts of passion. The latter may be presented apart—yet, however, beautiful and effective, they inspire but a crude and imperfect conception of the matchless intellect of their author. But to attempt to clip beauties from those splendid efforts of argumentative ability in which thought follows thought in harmonious and inseparable association; in which division without deterioration is impracticable, would be to shatter a costly jewel to fragments and to display the shining atoms as evidences of the splendor, magnitude and priceless value of the unbroken gem. Our speech of Mr. Webster's will convey a far more accurate impression of his wonderful intellect than one hundred specimens of his oratorical "beauties."

The foregoing works may be obtained at Messrs Norman, Steel & Co. 14 Camp street.

☞ COOPER'S new work the "History of the American navy" is highly spoken of by the New York press. The American has a long critique upon the book, in which, though dissenting in several respects from the opinions maintained by the author, he awards it much praise as abounding in strong sense, and furnishing a rich collection of naval incidents, hitherto unrescued from the obscurity of the past.

THE MISSOURIAN.—The St. Louis Republican of the 24th says "there is a considerable fine in the Mississippi river, reported to be from the Missouri. The river before was at a very fine stage, and yesterday rose about a foot in twelve hours. This, considering the stage it was at, is very rapid."

We copy the following from the Courier of last evening:

ACT DESERVING OF ALL PRAISE.

The grand jury empanelled in and for the parishes of Orleans, Jefferson and Plaquemines, deem it their duty to present,

That whereas they have learned with deep regret that some inhabitants of the parish of Jefferson, residing at Lafayette, did, against the peace of said parish and the dignity of the laws, on the 25th day of this month, endeavor to hold up to public contempt, the highest officer of the criminal court of these parishes.

And, whereas, said act, if permitted to pass by without repeal, from this panel, instructed by law, and under oath, to preserve the peace, and good morals of this community, from such outrages against the law; and being fully convinced that the officer, upon whom said injury was attempted, has always, not only in the capacity of a citizen, and father of a family, but as presiding judge at our criminal court, fulfilled the duties of a good citizen, and impartial judge.

They therefore present the act perpetrated on the 25th day of this month, in the city of Lafayette, as being one outrageous and worthy the indignation of every good citizen of these parishes, and if permitted to pass over in silence, will tend to produce a state of things in our society which never yet existed.

31st May, 1839.

JAMES DOE, foreman.

J. M. Cordeau,	Victor Rotange,
Wm. J. Whiting,	Peter Tessier,
C. E. Pentell,	Lawrence Jones,
Adolphe Meynier,	Buckhart Loring,
James Allen,	L. C. Adam,
M. Robitaille,	G. B. Stringer,
Thos. Gossard, jr.	E. Saint,

To the Editors of the New-Orleans Bee:

The following judicial opinion of the Hon. John McKinley, presiding judge of the Circuit court of the United States now in session in this city, will be read with pleasure by all the captains and owners of steamboats trading upon the waters of the Mississippi, and by all others who are interested in the administration thereof. It settles definitively also the construction of a most important law, and in effect decides about one hundred and thirty suits pending in that court, in favor of the defendants. These suits have been instituted by the United States, as plaintiff, in the District court of the United States, against almost all the captains of steamboats that have arrived at this port from up the river, since the 1st day of October last, to secure the penalty, in each case, of $300, for navigating their respective steamboats upon the river Mississippi, "within the eastern district of Louisiana," without the use of iron rods or chains instead of wheel or tiller ropes, in contravention to the 9th section of the act of congress, approved July 7th, 1838. The defendants have generally relied upon the following point in their defence: 1st—That said section of the law does not apply to boats navigating the rivers of the United States, but only has reference to those upon the northern lakes and on the seas. 2d—That said section is unconstitutional, as several grants of land under said law and the pleadings in these suits must be dismissed, as congress has no power or control over the internal commerce and navigation that is carried on in this state. Several suits were tried in the Eastern Court, and verdicts and judgments uniformly rendered in favor of the defendants, which by consent of counsel a few argued cases were transferred to the Circuit court, upon the facts set forth in the following opinion, leaving the balance to abide the issue in the Circuit court.

These cases were finally argued by Thomas Slidell, United States' district attorney, on the part of the plaintiff, and by C. M. Randall, T. N. Pierce, W. Slidell and J. T. Preston, esqrs. on the part of the defendants.

U. S. CIRCUIT COURT.—DECISION ON THE STEAMBOAT LAW OF CONGRESS.

The United States vs. Price & Co.

This case has been submitted for the consideration and judgment of the court, upon the following admission of facts: First, the allegations in the petition are true; second, the steamboat named in the petition left the port of October, 1838, unrelied; third the plaintiffs are capable to prove the fact that the boat plies between Louisville and New Orleans. The defendant reserves the right to object to the admissibility of this evidence, and insists that the act of congress under which this suit was brought, is unconstitutional and inapplicable to boats navigating rivers only.

This suit is brought to recover the penalty of three hundred dollars for failing to navigate a steamboat on the Mississippi river, with iron rods or chains instead of wheel or tiller ropes, according to the 9th section of the act of congress entitled "an act to provide for the better security of lives of passengers on board of vessels propelled in whole or in part by steam."—Whether this provision of the act applies to boats engaged in the exclusive navigation of rivers, is a question of some difficulty, owing to the imperfect and obscure wording of the 9th section. The duties of owners and masters of steam vessels navigating the sea and the lakes, and of the owners and masters of steamboats navigating the rivers, are in many respects entirely different. But it is contended, for the plaintiff, that it is the duty of the owners and masters of all steamboats, whether navigating the sea, lakes or rivers, to use and employ iron rods or chains, instead of wheel or tiller ropes. This question can only be determined by a fair construction of the statute. And although it may appeal to remedy a great evil, and to palliate the public good, it is become necessary to enforce subjected to a strict construction, in a suit brought to recover the penalty.

The 9th section of the act, after declaring that it shall be the duty of the owners and master of every steam vessel employed on any of the lakes mentioned in the act, "or on the seas, to provide and use a necessary part of the furniture, it enumerates and specifies, among other things, "iron rods or chains, instead of wheel or tiller ropes, and for failure to do which, they shall forfeit and pay the sum of three hundred dollars." Who is here directed to use the iron rods or chains, instead of the wheel or tiller ropes? This question will be best answered by the showing who is liable for the penalty for failing to use them. Although the provisions they and then used in the last clause of the 9th section relate to things as well as persons, and would in strict grammatical construction relate to the vessels, they let it be said, that inanimate things are incapable of volition, a failure to perform a duty, subjecting to a forfeiture, or payment of money, cannot be imputed to them.

These pronouns, therefore, must relate to persons, and consequently to the owners and masters of steam vessels, employed on the lakes or those navigation of the beginning of the section, they are the only persons mentioned. To them there is the command and request, to use iron rods or chains, which is in effect an additional duty imposed on the master and owner, and liable to the other duties contained in that and the preceding section, such as naval, fitness, is established that the owners and masters of steamboats navigating the sea or the lakes are to perform the duty of using iron rods or chains, instead of wheel or tiller ropes, and they only are liable to the penalty for failing to do so. General words, whether preceding or following may be restrained by particular words in the same section or law. C. Bac. Abr. 19 to statute F. 1. No. 2, 6 mod. 8, 10 mod. 202 and 1 Ves. 336. The words of the section, "or on the seas" in the clause of the section, are of general and comprehensive sense as the words "all steam boats" contained in the first clause. But the first are restrained by the words "employed on either of the lakes" "or of the seas" to a particular meaning. The whole steam vessels, boats, and steam boats, are used in this section in the same sense. For example, after describing the engine, boiler, and furniture of every steam vessel, it says, the shall be suitable to be worked on said boat to prevent fire. No boat had been previously mentioned in the section, for it is evident that the owners of vessels and boat referred to the words every steam vessel, and it seems to be equally clear, that the words all steam boats were used in the same sense; the words all steam boats, must, therefore, be construed to mean all steam boats employed on either of the lakes, or on the seas.

This interpretation gives effect to every part of the section; makes it consistent with itself and with the other parts of the statute. If the construction contended for, by the attorney for the United States to prevail, the owners and masters of steam boats navigating the rivers, who are neither named, nor referred to, in common with the subject of iron rods or chains, would be made liable for the penalty for failure to use them, and the penalty would be incurred, in many instances, by a single undefended pass; the undaunted though hopeless bravery of the revolutionary heroes, and the horrors of the carnage that closed that eventful day are depicted in a highly animated and glowing style, and, we doubt now, with scrupulous exactitude.

Judgment must be rendered for the defendant.

(Signed) J. McKINLEY, Presiding Judge.

ENDORSED.

Filed, May 29th, 1839.

(Signed) D. N. HENNEN, Clerk.

CLERK'S OFFICE,

United States Circuit Court, Ninth Judicial Circuit, Eastern district of Louisiana.

I do hereby certify the foregoing to be a true copy of the original on the file in this office.

Witness my hand and the seal of the court, at New Orleans, this 29th day of May, 1839.

[L. S.] DUNCAN N. HENNEN, Clerk.

☞ JUDAH HARRISON—the leg treasurer—when last heard from, had extended his peregrinations as far as Burlington, Iowa territory.

☞ The New York Statesman has the death of Carwalter R. Colden. We believe the deceased was the editor of the new sporting journal "*The Whip*," of which the first number only had been issued.

Consumption of coal in Great Britain.—Although, it is believed, that nearly 23,000,000 tons of coal are yearly consumed in Great Britain, supposing this quantity, therefore, on an average, to cost the consumer 10s. a ton, a return amounting to 11,500,000 is yearly produced to the owner from this article alone.—What, then, must be the aggregate of mechanical contrivance, to get, to convey, and to deliver this enormous quantity of goods! For such consumption, we might well suppose an almost endless supply would be required, and, therefore, be reasonably fearful that it must shortly grow scanty, and, in the end cause—a circumstance which, in a country like this, where the daily support of so large a portion of the inhabitants depends upon the employment afforded by our manufactories, would to be deplored as a misfortune of the utmost moment. But, from fears of this kind, we are happily relieved. Mr. Taylor estimates, that there is an extent of land occupied by coalfield, of not less than 337 square miles, of which, however, 105 have been already exceeded. This space, he states, at a moderate estimate, would yield 6,846,320,000 tons, adequate to supply the present vessels from the principal coal ports of the north, 1,797 years. Besides this mass, however, there are extensive beds in the northern and western parts of Northumberland, as yet unexplored; in addition to this, Mr. Bakewell, in his geology, in a passage quoted by Dr. Buckland, in his evidence before the house of lords, and therefore evidently approved by that eminent geologist, says, that the coalfields of Wales alone would supply the demand of the whole country for more than 2105 years.—[Gilbert's railways of England and Wales.]

The sick man.—Coleridge, when on his death-bed, was visited by his friend Hartley, who requested his opinion of his remedy of the Selfish Man, which he came to read at his bedside.—"You may add an evident trait to the character of your principal personage,"—replied Coleridge, "say that he obliged an old friend on the eve of death to hear his read a five act comedy."

SALES AT AUCTION—THIS DAY.

By M. Barnett, sen., at City Exchange—real estate situate in Jefferson parish.

By Fernandez & Whiting at the City Exchange—Slave Matthew.

By R. B. Sykes, at 45 Girod street, at 5 p. m.—damaged sheet iron.

By J. R. Blache, opposite the vegetable market, at 5 p. m.—hydraulic cement.

By H. J. Dussigny, on the Levee, opposite Esplanade street, at 4 p. m. wine.

NEW ORLEANS CHAMBER OF COMMERCE.

OFFICERS FOR THE YEAR 1839.

President,	S. J. Peters, Esq
First Vice President,	W. L. Hodge, Esq.
Second "	Jno. A. Merle, Esq.

Committee of Appeals, for 1839.

James Dick,	Jas. H. Leverich,
H. C. Cammack,	Abijah Fisk,
P. O. Sorbe,	Saml. Thompson.

Committee of Arbitration for the month of April—

J. B. Hullen,	A. Hodge, jr.
J. N. Hawthorn,	S. Hermann, jr.
H. W. Hills,	G. Pike,
Wm. Hebrew,	CHAS. BRIGGS, Sec'y.

☞ Steam packet COLUMBIA, for Galveston, (Texas.) This vessel is now ready to receive freight, and will positively leave on Wednesday, the 5th inst. at 12, a. m. positive to which hour the owners are requested to be on board. SMITH & VOORHEES, 35 Camp st.

NEW-ORLEANS BEE COMMERCIAL REPORT.—SATURDAY, JUNE 1.

ARTICLES	From	To	Remarks
Bacons, ⅌ yard	[illegible]	[illegible]	
Wooden	[illegible]	[illegible]	fair dem.
Beach hemp	15	— 20	
Bagging	[illegible]	[illegible]	dull.
Bale Rope, ⅌ lb.	[illegible]	[illegible]	
Western	[illegible]	[illegible]	fair dem.
Kentucky	[illegible]	[illegible]	
Brandy, ⅌ gal.			
Peas	7	— —	
Peach	[illegible]	[illegible]	
Brooms, ⅌ doz.	[illegible]	[illegible]	
Yellow	[illegible]	[illegible]	
Butter			
Fresh cow, ⅌ lb.	[illegible]	[illegible]	
Prime, ⅌ bbl.	[illegible]	[illegible]	
Candles, ⅌ lb.			
Tallow	7	— 0[illegible]	
Sperm, ⅌ lb.	[illegible]	[illegible]	
Cotton, ⅌ lb.			
Upland	[illegible]	[illegible]	
Mobile	[illegible]	[illegible]	
Texas	[illegible]	[illegible]	
Cordage, ⅌ lb.			
Manilla	[illegible]	[illegible]	
Cordage, ⅌ lb.			
Russia	[illegible]	[illegible]	
Cotton	[illegible]	[illegible]	
Cheese, ⅌ lb.			
Dutch	[illegible]	[illegible]	
Cheshire	[illegible]	[illegible]	
Coffee, ⅌ lb.			
Havana	[illegible]	[illegible]	
Rio	[illegible]	[illegible]	
Coal, ⅌ chaldron			
Liverpool	[illegible]	[illegible]	
Scotch	[illegible]	[illegible]	
Cordage, ⅌ lb.			
Tarred	[illegible]	[illegible]	
Cotton, ⅌ lb.	