NEW-ORLEANS BEE

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"Truth is omnipotent, and Public Justice certain."

WHIG
NOMINATION OF THE NATIONAL CONVENTION
FOR PRESIDENT,
WILLIAM H. HARRISON,
OF OHIO.

FOR VICE PRESIDENT,
JOHN TYLER,
OF VIRGINIA.

LOUISIANA ELECTORAL TICKET.
1st District—WILLIAM DEBUYS, New Orleans.
2d do LEUFROY BARRAS, Lafourche;
3d do JOSEPH BERNARD, East Baton Rouge.
4th do JACQUES DUPRE, St. Landry;
5th do SETH LEWIS, Rapides.

FOR CONGRESS—FIRST DISTRICT.
Hon. EDWD. D. WHITE.

NEW-ORLEANS:
WEDNESDAY MORNING, MARCH 25, 1840.

The mail failed yesterday beyond Mobile.

THE NEW JERSEY OUTRAGE.

We have just read the report of the minority of the committee on elections, detailing the proceedings of the committee and the conduct of the majority in forcing the loco-foco claimants into the seats belonging to the five whig members, who were forcibly ejected from the floor of congress. The administration majority in the house refused to permit the minority to read the report, nor would they permit it to be printed. Under this state of the case, the minority have had the report printed at their own cost, and have prefaced it by an appeal to the American people, urging upon them the necessity of rallying in their strength, to rescue the constitution and the liberties of the people from complete overthrow.

It will be sufficient to satisfy the public mind of the perfidy of the committee's proceeding, to state the fact, that the report of the majority depriving the commissioned members of their seats was made whilst those individuals were absent in New Jersey, taking evidence, upon the faith of the following resolution, adopted by the very majority who thus reported against them.

"Resolved, That the chairman be requested to notify the several claimants aforesaid, that this committee will not proceed to a final decision of the question of ultimate right depending before them, until the *second Monday in April next, at which time the committee will report*, the proofs to be closed, and will not receive any testimony taken by either of the parties after that time, but nothing in this resolution shall prevent the committee at any time before that day from taking up and deciding said case, *if the parties shall declare themselves ready with all the testimony.*"

After the passage of this resolution, the whig members holding commissions of election, left Washington for New Jersey, in order to take evidence, and were engaged in so doing when the committee reported, and the locofoco claimants were admitted to their seats.

It has been urged that the committee acted under the instructions of the house, commanding them to report "*forthwith*," which of the claimant had received the greatest number of "*lawful votes*." This is a fabrication.

The majority in their report declare that they did not examine the evidence of the legality of the votes given. They contended that the word "*forthwith*," qualified the word "*lawful*," and they accordingly reported "*forthwith*" and against law—counting the votes given by aliens, men, boys and citizens without discrimination. They did not stop to inquire into any of the allegations of either party. They took certain affidavits produced by the locofoco claimants, for truth, and reported "*forthwith*," without regard to law, evidence, reason, right, the constitution, or anything else, than the mere fact that according to those affidavits, the tories had received the greatest number of votes *good and bad*.

This unwarrantable proceeding of the committee will be more fully appreciated, when it is recollected that the original resolution before the house, was to instruct the committee to "report forthwith, which five of the ten individuals, claiming seats from the state of New Jersey received the *greatest number of votes*," *etc.* A motion was made to amend the resolution by adding the word *lawful* before votes. This motion was resisted, but finally prevailed by the casting vote of the speaker, the majority of the committee voting in the house *against* the amendment. But notwithstanding the amendment was carried after an angry and stirring debate, the majority declare in their report that the amendment did not affect the sense of the resolution, and proceed to report as though the word "*lawful*" had not been inserted.

It is a striking feature in the proceeding of the committee, that the following resolution was put to vote in that body and received the *unanimous* voice of every member.

"Resolved, That whilst is the opinion of this committee the certificates of the Governor of New Jersey are *prima facie* evidence that those who hold them are *entitled to the seats*, they are not conclusive evidence as to the ultimate right."

It is almost that amazing that the same individuals who voted in the house to disregard those certificates, should have voted them to be *prima facie* evidence in committee. Had this doctrine prevailed in the beginning of the session, New Jersey had not been thus long deprived of her rightful representation in congress. This is all that the whigs contended for from the first. This would have placed the immediate right to seats beyond all controversy.

Looking at this subject, in any light in which it can be placed, it wears a fearful aspect. Fearful in respect to the unconstitutional length to that the dominant party are prepared to go to retain and abuse power. We have not space to enlarge further upon those proceedings. We have said enough to show that duplicity was added to force in consummating the distranchisement of New Jersey.

The finale of this drama was enacted, when the commissioned members were in New Jersey collecting evidence, upon the faith of a resolution of the committee that the report would not be made until the second Monday in April, unless all parties were ready before that time.

The report was made in total disregard of the instructions of the house to report the "*lawful*" votes. It was made after the committee had declared unanimously, that the certificates of the governor were *prima facie* evidence that those who held them were entitled to their seats—and made against those who held them.

And after the report was made, the locofocos in congress would hear no counter report, would listen to no evidence, would hear no statement of the circumstances under which the report was made, would tolerate no debate, but blindfoldly, heedlessly and recklessly declared the non-commissioned claimants entitled to their seats, in defiance of law, usage, common sense and the constitution.

HACKS.

We perceive that the impudent Johns, Tobey's hack drivers, have, in defiance of existing ordinances, resumed their stations on Canal street, between Chartres and Royal, to the inconvenience and even danger of the citizens who pass along that opened thoroughfare. That other day a lady received a severe cut in the face from the whip of an impudent scoundrel. Besides incommoding seriously the public, these fellows outrage all decency by their constant blackguarding and swearing. We trust the authorities will take prompt measures to compel the hackney coachmen to remove to the stand assigned them by the ordinances, which we believe is in that part of Canal street, included between Magazine and Camp streets, which they have left, we presume, because they know by experience how rarely the laws are enforced against infractors, until constant complaint awakens our dormant council.

The editor of the *True American* has issued a second edition, with additions, of the pamphlet upon the "Character and Opinions of Gen. WILLIAM HENRY HARRISON." This publication should be extensively circulated through the southern states. It has had considerable effect in rectifying the misrepresentations of the tory press, relative to the opinions of the whig candidate for the presidency. All that is required to render the whig candidate invincible, is the dissemination of authentic documents amongst the people. "Let there be light."

Mr. Barry opened course of lectures on the laws of science, attracted a numerous and respectable auditory. The lounge express great satisfaction at his demonstrations, and a large majority of them think favorably of his theory. The last lecture takes place this evening, when the scientific or rather humbug will set sounding oratorical storms in the enlarged sphere. It is the intention of Mr. Rover to leave the city immediately. He contemplates visiting Baton Rouge soon.

Wanted immediately the services of a good cabinet maker, to whom a good situation will be given. Inquire at the Bee office.

IMPRISONMENT FOR DEBT.

To our paper to-day will be found a communication setting forth the changes which the bill recently passed by the legislature, makes in the remedial statutes for the collection of debts. The bill is certainly defective, eminently so; and the clause which renders the bail responsible upon a return of "no property found" will operate with great severity upon the debtor. A bill abolishing imprisonment for debts should regard the return of "no property," as evidence that the debtor ought not to be incarcerated for not paying, as it makes it apparent that he has not wherewithal to pay. The bail in such cases should not be liable for the debt, unless it can be shown that the debtor made way with property, or secreted the same to the prejudice of the creditor. Then the bail should be made to pay to the extent of the injury done to the creditor's claims.

This is not the only feature in the bill which is objectionable; but yet we are not prepared to say that it should be vetoed. In making amendments in the law, it cannot be expected that the first essay should be perfect. When the existing law is successfully assailed, subsequent legislatures will take up the subject and remedy defects in the law. This is the history of the abolishment of imprisonment for debt, in most of the States.

The writer of the communication admits that the bill is far from being satisfactory; but argues that the general condition of the debtor is better than under the old law. If this is the case, the bill has provided some relief, though less than could be desired. We are not sufficiently versed in the existing laws upon this subject, to offer an opinion of our own as to the precise bearings of the bill lately passed; we therefore publish the communication—coming, as it does, from a gentleman who has given the subject much of his reflection, and who is as anxious as any other person for the repeal of all measures, unnecessarily harsh against the unfortunate debtor.

Since the above was written,

A bill has been introduced into the house of representatives, modifying the bill recently passed, abolishing imprisonment for debt in a very material point.—It abolishes the writ of arrest as a conservatory process, except for causes pointed out in the 10th section of that act, which reads as follows:

Sec. 10th. Be it further enacted, &c., That if a debtor, who has not voluntarily surrendered his property to his creditors, or has not been proceeded against for a surrender, under the provisions of this act, shall, in violation of any existing law, have within the year, given an undue advantage or preference to any one or more of his creditors, by payment or otherwise, or shall have anticipated the payment, or provided for the payment of a debt not due, the effect whereof shall be to injure the complaining creditor; or a bail purchase property for cash, the delivery whereof shall be made to him, and then shall sell or dispose of the same, without paying his vendor, or shall remove the same beyond the reach of said vendor, or shall conceal or cover the same in another place, so that his vendor cannot render the same liable, (or shall fail to pay over money received or collected for, or deposited with him for another,) or shall have made a conveyance, or transfer or mortgage, or pledge of his property, to the prejudice of the complaining creditor; any of such facts shall be held presumptive evidence of fraud; liable, however, like all other presumptions to be disproved.

This amendment of the law, we are happy to add, underwent three readings and was passed *unanimously*. It is to be hoped that the senate will act upon it as soon as possible. The country requires relief, and the Legislature should afford it in every way it can, without impairing the obligation of contracts.

(*For the Bee.*)

Legislative bodies are not the hot-beds of liberty—is a true saying. They are rather the gardens where tyranny and opposition are put to bed together.

The above remarks appear in the True American of yesterday, as the preface to an unqualified editorial censure upon the Legislature for the passage of the bill to abolish imprisonment for debt." If the learned Editor, had further stated, that editors of newspapers, are not always courtiers to popular opinion, that their powers of illumination, often bear no sort of proportion to their sensorial organs, and that, while, it is their privilege as well as their duty, to contend for the freedom, their functions, as public censors, they should take care that they are well enlightened themselves, before they attempt to enlighten other "bodies," such remarks would have applied with equality as much to the editors of the Louisiana Courier, as has to apply to the bill on which those censures were pronounced. For what is the character of the bill "to abolish imprisonment for debt," compared with the existing law? Under the existing laws, the fraudulent debtor is imprisoned at the will of his creditors, while under this bill, the voice of public opinion, would limit the term of his imprisonment, which cannot exceed three years. Under the existing law, the honest debtor, against whom there has been a return of no property, found, upon a *fi. fa.* is liable to be imprisoned or detained within the prison limits, at the will of his creditor, or, whereas, under this bill, the debtor in such cases, cannot be imprisoned, but upon a charge of fraud, on which he can be tried and condemned by an impartial court, before he can be punished. Under the existing laws, the non-resident debtor, for the resident debtor who is about to depart from the State for a time, is liable to be imprisoned or held to bail, at the will of his creditor, whereas, under this bill such imprisonment cannot exceed three months.

Under the existing law, the non-resident debtor may be held in prison or under bail, until he surrenders here, he has property, wherever the same may be situated, whereas, under this bill a non-resident debtor cannot be required to surrender his property here, excepting so much as they possess within the State of Louisiana.

Under the existing law, the condition of the bond required to be given by the debtor, which is arrested on a bail writ, is *that the body of the debtor* shall be surrendered up in execution of judgment; whereas, the condition of the bond required by this bill is that the security shall pay the debt, if the principal fails to satisfy such judgment, as may be rendered against him. Under the existing laws, imprisonment for debt is authorized not only, as a means of keeping the debtor within the jurisdiction of the courts of the State, until the creditor obtains judgment against him, but the debtor is also liable to *imprisonment after* judgment upon the *capias ad satisfaciendum*, as a punishment for not paying the judgment when authorized. Whereas, by this bill, imprisonment for debt, as a punishment for non-payment, is *wholly* abolished, and cannot in *any case* be resorted to *after judgment* but upon a charge of fraud under oath, and such cases are to be tried in preference to all other, and the debtor immediately discharged, if innocent or found guilty, he is to be sentenced to punishment, by an impartial tribunal of justice, and not by a revengeful creditor.

Under the existing laws the state of Louisiana, and particularly the city of New Orleans, is made the place of imprisonment for the benefit of creditors, and the oppression of the citizens of every other state in the Union, at the will of their country on earth; whereas, under this bill, imprisonment for debt cannot take place here, when both parties reside in any other state, unless the debtor is shown to be an *absconding* debtor.

Under the existing laws the grossest frauds may be perpetrated upon the creditor under false or fictitious conveyances of property, with perfect impunity; whereas, under this bill, the fraudulent debtor is liable to condign punishment. Under the existing laws the honest and confiding planter, who sell to the owner of every bale of cotton, or other produce, is liable to have the proceeds of his crop, or of the purchase money of merchandise applied to the payment of the general debts of his factor or commission merchant; whereas, under this bill, such transactions are declared fraudulent, and the principal, or planter, is thus protected against the insolvency of his commission merchant or his factor.

Under the existing laws the *swindling* speculator may buy up the property or merchandise for cash, and dispose of the same secretly, and do it too with perfect impunity; whereas, by the bill, such transactions are declared to be fraudulent, and penal consequences denounced against the offender. Under the existing laws there are a number of unfortunate beings against whom there exists no charge of fraud, who are now in confinement, and whose confinement will not only be continued when they are in the power of the creditor, shall have neutralized his avarice or his revenge; whereas by this bill there will be a general jail delivery on the 10th of May next, and the debtor, when brought before the proper tribunal, by this bill, the creditor is infinitely better protected against frauds than he now is; in the second place, the *honest*, but unfortunate debtor is infinitely better protected against oppression than he now is; in the third place, the fraudulent debtor is taken out of the hands of his creditors and surrendered up to public justice; and in the fourth place, the important relations which exists between the factor and principal is infinitely better protected against frauds on the part of the factor, than under the existing laws.

The *whole bill* is denounced as *impolitic and oppressive* because *another*, and it is admitted an important point, with *proper restrictions*, has not been also secured, (viz.) *the total abolition of the process of arrest before judgment obtained.* Now, although it is admitted that the existence of this process, by which the citizens of this state are made liable to be arrested and imprisoned at the will of others, the benefit of our own laws, is liable to the greatest objection as the *permanent* policy of this state; yet the propriety of its *immediate* repeal of it may well be doubted, when we turn our eyes to the facilities which are offered to the unprincipled debtor to collect his debts in other parts of the Union, and particularly in an adjoining state, where it is admitted there has been almost a total failure of public justice, and where the most oppressive and unwarrantable means have been resorted to in order to evade the payment of debts *due out of the state.*

It is also objected that the bill will throw greater hardships upon the non-resident debtor than the existing laws authorize, because the condition of the bail bond has been changed. Now what is the fact? The condition of the bond is as it is given under the new law, will be what the section shall pay the debt, if the principal does not; but what is the condition of the bond required by the existing law, that is by the condition of the bond, the bail are *ex-creditors*, because, when the body of the debtor has ceased to be liable, by the law to the creditor, as the "forfeiture of his bond," the other possible condition could be required to the bail bond, that the security should be responsible in the last resort, for the payment of the debt.

But admitting that the proposed bill will bear harder upon the non-resident debtor, in this particular, than the existing law; yet it is believed he will be more than compensated for this change in his prejudice, by the changed law, which will have been made in his favor—by his being released from the necessity of obtaining his security, ever, by his being exempt from imprisonment here, by a creditor belonging any where out of the state, and, above all, by his not being liable to be imprisoned here, excepting in cases of fraud, to be imprisoned here, beyond the term of three months. Let it be borne in mind, too, that there are very few instances in which the creditor could sign the bond here required, who could not give the security which will be required by the proposed bill. It is, however, admitted, that in some instances, the bill cannot be of very great service to any debtor, either resident or non-resident, who has contracted debts beyond his means, and who, in his false greatness, and fortunate bankruptcy, *not failed*.

But further objected, that the rights of property in the process of arrest, is made to depend on the oath of the creditor, which oath may be made under false or fictitious conveyances of property, with perfect impunity; whereas, by the