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The New-Orleans Daily Bee.

Official Journal of the State, General Council, First Municipality and Board of Liquidators.

Wednesday Morning, Feb. 12, 1851.

THE NORTHERN MAIL failed yesterday from beyond Charleston.

### THE BOARD OF CURRENCY AND THE LOUSIANA STATE BANK.

As an act of justice to the parties concerned, we publish below an extract from the minutes of the Board of Currency, consisting of a letter addressed by the Hon. CHARLES GAYARRE, Secretary of the State and ex-officio member of the Board, for the consideration of his colleague, Hon. G. W. McWhorter, State Treasurer. The object of Mr. GAYARRE in framing this document, seems to have been strangely misconceived, and our motive in its republication is as much to do justice to his opinions, as to lay before the community a plain and unvarnished statement. A perusal of the letter will enable the reader at once to comprehend the grounds upon which the Secretary of State proceeds. He gives utterance to no suspicions involving the integrity of the managers of the Bank; he is perfectly aware that they are acting in conformity to an existing law, he is far from accusing them of the slightest disposition to violate the Statute of Louisiana. With the financial question he sedulously refrains from intermeddling. At a point merely involving the interests of the Stockholders and the prudent management of the Bank, the amount of circulation put forth by that institution, would have probably been to him a matter of indifference.

In his capacity, however, as a member of the Board of Currency, sworn to do his duty conscientiously and fearlessly, and to watch over the faithful performance by the Banks of the obligations imposed on them by law, the Secretary of State believes that the act of the late Legislature, in virtue of which the Louisiana State Bank has extended its operations to an amount far exceeding the sum to which it is limited by the clause in the original charter, is contrary to the letter and spirit of the Constitution. The opinion he maintains by giving the text of the organic law. He may be right, or he may be wrong, but he is certain why not transcending the functions of his office, nor does he appear in the slightest manner actuated by improper and malevolent motives. On the contrary, it is the express wish of Mr. GAYARRE that his position in the subject of controversy, should be understood as simply that of a State officer, who is striving honestly and zealously to fulfil a grave responsibility devolving on him as a member of a tribunal established expressly for the purpose of keeping the Bank within the limits of the sphere of action assigned to them by the Legislature, and claims a desire to impugn the official conduct of the officers of the Louisiana State Bank. But holding that their operations, under a law declared by him unconstitutional, is working an injury to the community, and that the duty of the Board of Currency is to take care that the paper now in circulation under the authority of the State be duly secured, he conceives that he is impelled to bring the question before the Attorney General for an opinion, and, if necessary, for action, and that he is justified in so doing.

Having given the views of Mr. GAYARRE, without that those of his colleague, Judge MCWHORTER, will not be withheld from the public. It is right and proper that upon a question of such paramount interests, the conclusions of both the members of the Board of Currency should be made known:

### BOARD OF CURRENCY.

FEB. 10, 1851.—*Charles Gayarre, Secretary of State, presented the following document to the consideration of his colleague, G. W. Mc Wh'ter, Treasurer, and invited his concurrence therein—*

SIR—The 3d section of the act to establish a State Bank to be known by the name of the "Louisiana State Bank," approved March 14, 1842, says that "The Louisiana State Bank shall, under that name, at any time, buy, receive and possess all kinds of property, either real or personal, and to sell, negotiate and dispose of the same by the ordinary modes of dealing or trading on banking principles, on such terms and at such credit as they shall deem advisable, provided it does not exceed in value *the amount of their capital.*"

The 1st section of an act to amend the act entitled an act to establish a State Bank, to be known by the name of Louisiana State Bank, approved March 6, 1834 says:

"That besides the powers and privileges granted to the Louisiana State Bank, by the 2d section of the act to which this is an amendment, the directors of the said Louisiana State Bank shall be and they are hereby authorized to purchase and sell gold and silver bullion, bay and sell foreign bills of exchange, to buy and sell inland bills of exchange and checks on the Bank for its capital, on such credit and on such terms as they shall think advisable; provided, the whole amount of the discounts, purchases, checks or bills of exchange, or loans on mortgage or other security, except on gold and silver bullion, shall not at any time exceed the *double amount of the capital* of the said Bank."

By the repetition of the promise in two different acts, the one in 1838, and the other in 1834, the Legislature showed the importance it attached to it, and evidently had for its object the giving of a security of 50 per cent to the public, and to ensure the solidity of the Bank by restricting its operations within certain bounds.

By the annexed statement of the affairs of the Louisiana State Bank and of its branches, on the 1st of February, you will see that the capital on 1st $1,984,410, its operations were extended to $5,505,796 82, exceeding by $1,536,916 82, the amount to which it is limited by its charter.

The Board, having asked the Bank for an explanation of its course, was answered that the limitation contained in the original charter has been amended or modified by an act of the Legislature entitled "an act relative to the improvement of the Louisiana State Bank at Baton Rouge," approved March 14, 1850," which says: "In case the Louisiana State Bank shall establish a branch of said institution in the city of Baton Rouge, conformably with the authority vested in said Bank by the 16th section of its charter, the Treasurer of the State is hereby authorized and directed to keep his deposits in said branch, *and the amount of bills said bank is hereby further* [illegible] *its branches shall not be deemed to diminish* the amount of loans to which it is limited by its charter; provided that the institution of said Bank shall, at all times, be held in respect to its liabilities, and as is required by the 1st and 2d sections of an act to revive the charters of the several banks located in the city of New Orleans, and for other purposes, approved February 5, 1842."

The Bank assumes that, by this act, although it cannot exceed in its own operations, as another bank, the amount to which it is limited by its charter, to wit: the double of its capital, yet it has the power to extend its operations through its branches to any extent, provided it should conform to the 1st and 2d section of the aforesaid act of 1842.

On examination of the affairs of the mother Bank, the Board found that its operations amounted to $3,864,417 30, and that the operations of the branches amounted to $1,641,379 52, making the sum of $5,505,796 82, including $15,983 [illegible] cent, as appears in the statement of the first February, 1851.

But now the question presents itself had the Legislature, after the adoption of the new constitution, the power to extend the banking business of that institution from $3,968,820, to which it was restricted by its charter, to the amount of $5,505,796 82?

Under the old constitution permitting banks, the branches of the Louisiana State Bank were created on a capital drawn from the mother bank, and these branches were discontinued as being facilities to another Bank. Can, under the new constitution, prohibiting banks, these branches be re-established without drawing their capital from the mother Bank and therefore without diminishing it? If they do not diminish the capital of the mother Bank, they do not furnish them with the means by which they work and from which they derive it? It either does so, or they do not by virtue of some legislative [illegible]. If it does not exist, the upper structure, the Bank, so far as the Louisiana State Bank is concerned, becomes *insolo*. Bank should the bank no capital exist, it must have been created by the [illegible] the new constitution. Now, the law, directly or indirectly [illegible] capital, is unconstitutional and consequently [illegible] void.

Art. 122 of the constitution says: "that no corporate body shall be hereafter created, renewed or extended with banking or discounting privileges."

If the act of 1850 does not extend the Louisiana State Bank as to its duration, it certainly extends it as to the amount of its banking privileges and is therefore contrary to the letter and particularly to the spirit of the constitution.

But if the view of the unconstitutionality of the act of 1850 be not correct, there is another ground on which I believe that its unconstitutionality may be attacked.

Art. 118 of the constitution says: "every law enacted by the Legislature shall embrace but one object and that shall be expressed in the title."

Art. 119 says: "no law shall be revised or amended by reference to its title. But in such case, the act revised or section amended shall be re-enacted and published at length."

Considering that the act of 1850 embraces but one object in its title, but Legislation for fuse in its body, to-wit: the establishment of a Branch Bank at Baton Rouge, and a modification or amendment of one of the most important sections of the original charter of the Bank granted in 1818, it remains to be decided whether the act of 1850 is or is not a violation of the art. 118 of the constitution.

Considering that the section 2 of the act of 1818 and the 1st section of the act of 1834, have been *amended*, without being *re-enacted and published at length*, I believe that the act of 1850 is unconstitutional, so far as regards said amendment, in virtue of the 119th section.

The wisdom of the above provisions is made apparent by the manner in which this important act of 1850 passed through both houses of the general assembly. Let it be recollected that this Law, as interpreted, extends indefinitely the banking operations of the Louisiana State Bank, which, before, were limited to double the amount of its subscribed capital of two millions. At the time of its passing through both houses it had been understood to confer such powers and to go beyond the mere establishment of a Branch at Baton Rouge, as indicated by the *title*, can it be supposed that a bill of such importance would have encountered no opposition! Let us examine the history of the bill in the Journals of the Legislature.

On the 11th of March 1850, Mr. Hereford introduced in the Senate, a bill, whose object was to have at Baton Rouge, a branch bank in which the moneys of the State would be kept, as, whose modest title was "an act relative to the establishment of a branch of the Louisiana State Bank at Baton Rouge." On the very same day, the rules were dispensed with, the bill went through its three readings in a few minutes, was adopted unanimously, was sent to the house on the next day. There, the same process took place; the rules were also dispensed with, the bill ran through its three readings with lightning rapidity, and was adopted without opposition. Two days after, on the 14th, it had reached the Governor and been approved by him.

Is it not evident that both houses of the Legislature and the Governor were deceived by the *title*, and thought that they were Legislating for the establishment of a Branch at Baton Rouge, without entertaining the most remote idea that they were *amending, modifying or revising* a vital section of the charter of the Louisiana State Bank, and authorizing that institution to increase its banking operations from four millions to which it was restricted, to five millions and a *half*—nay, to an indefinite amount! Hence the constitutional necessity of *re-enacting any act revised or law amended, and so to express it in the title.* Where was it done, in regard to that part of the charter of the Bank which is said to be modified, revised, or amended?

What is still more curious is what follows: The English text of the act of 1850 says: "and the amount which said Bank (the mother Bank) may hereafter loan through its branches shall not be deemed to diminish the amount of loans to which it is limited by its charter." But the French text says: "and the amount which said Branch, (the Baton Rouge branch Bank) may loan, shall not authorize the Bank (the Louisiana State Bank) to diminish the amount of loans which it is bound to make by its charter." I carefully abstain, sir, from comments which would weaken the eloquence of facts.

In conclusion, I think that the Bank, having so far exceeded its capital, is working on an unsafe principle, and that its paper has little to be depended upon by the community in commercial crisis. She *does*, considering that, by the law of 1842 approved February 5, it being the duty of the Board of Currency *to take care that the paper money issued under the authority of the State be not depreciated, and to supervise the faithful execution of said act of 1842, and of the charter granted by Laws of all Banks working under it*, it is the imperative duty, as a member of the Board, to denounce to you what I think to be infractions of the laws and of the constitution of the State, and respectfully to submit to my colleague the letter, which, if approved by him, shall be the action of the Board, and if not, shall remain the individual act of one of the members of the Board of Currency.

I have the honor to be, sir,

With distinguished regard,

Your obedient servant,

CHARLES GAYARRE,
Secretary of State.

New Orleans, February 10, 1851.

To ISAAC JOHNSON, Esq., Attorney General.

### A WORD TO MR. BARNUM.

We have been urged by a number of ladies and gentlemen who were present at JENNY LIND'S first Concert, to request of Mr. BARNUM that in future, he will provide in some measure for the proper ventilation of the Theatre. On Monday night some eighteen hundred persons were densely packed together, without the ability to leave the Theatre for a moment, and requiring constantly an atmosphere completely vitiated by nearly two thousand pairs of lungs, and which became at length noxious and unpleasant in the extreme. We speak feelingly on the subject, for we suffered considerable inconvenience from the impure air, and were at times scarcely able to keep our attention fixed upon the music and he singing. It is suggested that an easy remedy may be found, by occasionally throwing open the windows, and admitting the fresh breeze from without.

JENNY LIND'S SECOND CONCERT will take place to-day, and the programme again presents varied and most attractive features. The "Nightingale" herself will sing one of her world renowned melodies—the celebrated *"Quand je quittai la Normandie,"* from Robert the Devil in which she is said to be incomparably great. She likewise gives the "Casta Diva"; the Singing Lesson, (a duett with BELLETTI) the grand scena and aria from the first act of Lucia; the "Bird Song"—one of her most fascinating melodies, and repeats the Heidman Song. The orchestra executes the wonderful overture to Der Freischutz, and the Overture to the "Felsenmuhle." Messrs. Benedict and Burke will perform a duett for Violin and Violoncello, and BELLETTI will add the charm of his pure and rich barytone to the entertainments of the evening. The Theatre will, as a matter of course, be densely thronged.

THE ORPHAN'S GIFT.—One of the Editors of this paper was most agreeably surprised yesterday by the receipt of a handsome testimonial from the Orphan Girls of the Camp street, Asylum, in acknowledgment of services at the time of the Fair, too trivial indeed we confess, to have merited so complimentary a return. As it is, the writer will cherish the offering and prize it as the Orphan's Gift.

As a specimen of the Art typographical, we have rarely seen anything to equal this tasteful and beautiful impression, and it reflects great credit on the establishment (*True Delta*) from whence it was issued.

NEW BOOKS.—Our thanks are due the publishers, APPLETON & Co., through J. B. STEEL, No. 14 Camp street, for the following new publications:

*The Women of Israel*, by Grace Aguilar, 2 volumes. This is one of Miss Aguilar's most charming productions. It is an examination of the capabilities, influence and mission of woman illustrated by the biography of the women of the Old Testament. It is written in a fervid spirit of religious faith, and with a power of analysis and judgment that display innate strength and discrimination of mind, tutored by healthy discipline. The book is full of interest and beauty.

*To Love and To be Loved*, by A. S. Roe, a very clever story by the author of "I've been Thinking"—a writer from whom we expect hereafter brighter and better evidences of literature.

*Bowman's Parnassus.* This is the second edition of a humorous caricature of the various songs submitted to the prize committee on the Jenny Lind song. It contains some admirable imitations of Bryant, Holmes, Halleck and others.

To J. C. MORGAN, of the Literary Depot, Exchange Place, we are indebted for the following:

*The International Magazine* for February, which is full as a nut of choice reading.

*The American Journal of Medical Sciences* for January—a work of great interest to the faculty.

*Schmitz and Zump's Classical Series.*—Livy; with an historical introduction, and notes illustrating and interpreting the text. This series of classical works is invaluable to the student of the dead languages, and is fast getting into general use.

*De Bow's Commercial Review* for February.—This number is enriched with a spirited engraving of Darine Pratt, manufacturer in Alabama. The leading article is a powerful paper on the Divinity of the Human Race. "The future of the South"—"A railroad system for New Orleans"—"The South and the Union," are all able articles.

FURTHER PARTICULARS OF THE LOSS OF THE JOHN ADAMS.—We are indebted to the Paducah *Journal* for a slip containing a few additional particulars relative to the destruction of the steamer John Adams, communicated by the passengers who were picked up by the Peytona.

The Adams sank to the cabin floor in less than one minute after striking the snag. Not more than five persons escaped of the hundred and sixteen men, women, and children upon the lower deck—these were two engineers and three firemen. All the rest were sleeping their last sleep on earth, and went down to the depths of the mighty river, to awake in eternity.

What pen could paint the horrors of such a scene! Not a voice, not a single sound ever came from that fatal deck. But, as it were, in the twinkling of an eye, father, mother, sister, brother, wife, husband, *all*, ALL plunged into the depths below.

About the time those of the passengers and crew who were saved reached the deck, the log chain cut the cabin in two, immediately behind the pilot house, and they drifted apart.—After floating in darkness and fog for some seven hours, ringing their bell constantly to attract attention, the steamer Campbell, bound down, discovered the wreck, came alongside and towed her to shore. After a short time the Peytona came up, and with the usual generosity of Captain Shallcross, took all the survivors aboard and as most of them had lost their *all*, offered most kindly to deliver them at their various points of destination without charge.

*Not less than one hundred and thirty persons* were drowned by this terrible calamity!

BLOCK FOR THE WASHINGTON MONUMENT.—The Chicago Journal says that a number of the tribes of Western Indians propose to contribute a block of stone to the National Monument. It is to be taken from the celebrated "Starved Rock," in Illinois, the Indians having no land they can call their own to obtain it from. The following is the inscription, as already decided upon. "This step the red man gives to the pale face to build him a path to a better hunting ground." It is said that the Board of Foreign Missions will probably offer to bear the expense of transportation of the block to Washington.

BOSTON, Friday, Jan. 31.

ATTEMPTED MURDER AND SUICIDE.—An actor at the Museum named Lewis, attempted to slay his wife this morning during rehearsal, but she caught the knife in her hand, cutting it severely. He was then seized and bound, but succeeded in getting a razor from his pocket and cut his throat, but not dangerously. His wife goes by the name of Mrs. Sinclair.

U. S. SENATOR FOR NEW YORK.—The telegraph announces that the Hon Hamilton Fish was, on Friday last, unanimously nominated by the Whig caucus at Albany, as a candidate for the office of U. S. Senator.

COLD WEATHER.—The thermometer at Boston, on Friday morning, at sun rise, ranged from two to four degrees below zero, in different localities in that vicinity. At 11 o'clock, the mercury had only gone up to four degrees above zero.

At Calais, Me., at 5 o'clock, the therm ometer stood at twenty degrees below zero.

THE GOLD TENDER IN FRANCE.—The idea of declaring gold no legal tender (says a correspondent of the New York *Commercial Advertiser*,) seems to be daily losing ground in France, though the mint has for several days ceased coining that metal. A report of the director of that institution establishes the fact that the depreciation of gold should be attributed to the recent legislative measures in Holland and Belgium, and not to the importation from California. The mint has ceased coining in order to put an end to the speculation of some London bankers, who, finding a profit in turning Belgian and Holland pieces into French coin, sent over immense quantities of them.

Mr. Macready it is now stated, has actually made his farewell bow, and is about to retire to Sherborne, in Dorsetshire, where, in a house of his own he will spend the remainder of his allotted time, and seek the peaceful enjoyment of a classical retirement.

AFFRAY IN CAMDEN.—The Columbia South-Carolinian of Wednesday, says: "From sundry rumors we have understood that quite a serious affray occurred in Camden on Saturday last, in which four individuals were seriously injured—two from pistol wounds and two from stabbing. The details we have heard are not sufficiently accurate to lay before the public, and we must therefore wait until we receive more definite accounts."

CHARLESTON RACES.—The following is the result of the first day's races on the Charleston Course:

RECAPITULATION.

Jockey Club Purse, $1,000—Four mile heats.

| | | |
|---|---|---|
| Mr. Patterson's b. m Charmer, by Glencoe, out of Betsy Malone, by Stockholder, 5 years, | 1 | 1 |
| Mr. Singleton's br. g. Capt. Minor, by Monarch, out of Cheap, by Giascur, 5 years. | 2 | 2 |

Time: 7:57; 7.55.

RECAPITULATION.

| | | |
|---|---|---|
| Hutchinson Stakes—Three mile heats: Entrance $250, and $500 added by the Jockey Club. | | |
| Mr. Talley's ch. g. Inspector, by Boston, out of Sarah Washington, | 1 | 1 |
| Mr. Stuart's b. f. by Wagner, out of Minstrel, by Medley, | 2 | 2 |
| Mr. Singleton's br. f. by Wagner, out of Minor's dam; | 3 | 3 |

Time: 5:49; 5:43.

PAYNE'S GAS—REASON WHY NOT MADE PUBLIC.—A brother of Mr. Payne writes as follows to the *Boston Transcript*:

Everything that has been stated with reference to the discovery in its favor, (the hydro electric light) as far as my knowledge extends, has been correct, with the exception of its *safety*. The water is decomposed or resolved into its gaseous state in abundance, and at a cost of the merest trifle, but I cannot for the present call it *safely done*; as the testimony of nine severe explosions, in as many months, will amply prove. The great difficulty is found in governing the electric current in the accumulating cell decided on the, or of the electrodes—the continuous varying electrical state of the atmosphere baffling all mechanical skill that has yet been brought to bear on the discovery.

With a certain electrical state of atmosphere, the apparatus has been known to work for weeks without any difficulty; but, immediately that a change of excess would occur, repulsion would take place at the electrodes, and they would melt like so much wax.

Last spring my brother was certain that he had overcome the difficulty, and he commenced lighting and warming the house. For a few weeks all worked well; but one clear, cold morning, the family was roused by a report like a six pounder, and in a moment after he appeared, drenched from head to foot. The decomposing jar had exploded. He then ceased to evolve the gasses for purposes of heating the house, and would call the apparatus by hand only sufficient to generate enough for lighting purposes. It was at this stage of affairs that the "Scientific Committee" made their report; and you will perceive that I had sufficient cause to be backward in experimenting, beside the orders of my brother to the contrary.

For eighteen months past he has been incessantly employed in remedying this only obstacle; and, although he is sanguine that he has accomplished it, I fear a disappointment; nor do I hope to witness his success till such a time as a mistaken, though just press, has ceased to harrass a mind ever sensitive to ridicule.

ALBANY, Jan 31.

EXECUTION OF DUNBAR, THE MURDERER.—The prisoner, Dunbar, came into the room selected for the execution, leaning upon the arm of the deputy sheriff and the Rev. Dr. Beecher. His arms were pinioned. He was dressed in black, his collar being turned over. He took his seat, by direction of the Rev. Dr., nearly under the rope which projected through the floor of the room; the pullies, etc., being in the story above.

After a moment's delay the sheriff intimated to Dr. Beecher that the prisoner was at liberty to speak, if he had anything to say. The fact was communicated, and Dunbar made a few remarks. He acknowledged his guilt and the justness of his doom—asked for forgiveness, and told others to take warning by his fate.—His features as he entered the room indicated quite intense emotion, but he maintained his quite intense emotion, but he maintained his equanimity with remarkable fortitude. While speaking he spinned much less feeling than when he spoke at the time of his sentence. As the conclusion of his remarks he kneeled down, leaning his arms upon the chair, and Dr. Beecher made a deeply impressive prayer.

After District Attorney Cagwin read the warrant for the execution, deputy sheriff Berhance placed the white cap over the prisoner's head and face. As he stepped up under the rope the noose was adjusted by the officer, and attached to the hook fastened to the rope which projected from above. During this latter duty, although the prisoner seemed to bear himself up with sufficient fortitude, he was supported by Mr. Berhance. He was then drawn up, and the jerk of the rope must have broken his neck, as only a slight tremor passed over him.

ABDUCTION.—A complaint was made yesterday before Recorder Genet, against two young men named Rogers and Fogg, for abducting two girls of fifteen years of age, and retaining them against their will. The parties were arrested, whereupon one of the girls appeared to her mother, and the other confessed to refuse to the protection of her own choice.

ASSAULT AND BATTERY.—Robert Welch and John Fraser were arraigned yesterday in the First Municipality, charged with committing assault and battery, and gave bail to appear for examination.

CONSTITUTION.—Alphonse Chapine, charged with having on the 28 December last, violently assailed Louis Papeau and broken a bottle over his head, was examined yesterday by Recorder Gennie, and committed to take his trial before the First District Court.

LARCENY.—Louis Klendure was arrested yesterday by the First Municipality, having been found in possession of an adze stolen from John Serber, in complaint sworn. He was remanded for further examination.

COURCIL OF MUNICIPALITY NO. TWO.—This body met last evening, pursuant to adjournment, Recorder Caldwell in the chair and a full board of Aldermen present.

A rit of mandamus from the Fifth District Court in the case of the State of Louisiana on the relation of Hugh Grant vs the Council through A. D. Crossman, Mayor, was read, ordering the latter to show cause on Monday the 17th instant, why petitioner should not be placed in possession of the office of Surveyor, to which he was elected by the people on the 3d inst.

Mr. Bell thought that the order of the Court was sufficient to place Hugh Grant in the office, and he made a motion accordingly. Mr. Renshaw moved as a substitute that the matter be referred to the Attorney of the Council. Mr. Yeary considered that the Council had no right to go to law in the matter; Mr. Grant had been duly elected by the people and was fully qualified to take his office. Mr. Shields was desirous of awaiting the issue of the Court, inasmuch as it was represented that Mr. Grant had been elected in violation of the law. The resolution to refer was carried by a vote of 3 to 6.

The Comptroller transmitted a statement of the receipts and expenditures of the Corporation for the year 1850.

The Treasurer's weekly report showed the following exhibit:

| | |
|---|---|
| Balance on hand last report, | $ 5,795 83 |
| Received this week, | 38,479 37 |
| | 44,275 20 |
| Disbursed this week, | 41,814 58 |
| Balance on hand this day | $2,460 62 |

The Surveyor made a report that Dennis Cronan had failed to comply with his contract for paving Nayades street. Referred to Committee on Streets and Landings.

A petition from P. K. Sheffield, asking permission to erect a steam engine for grinding bones, etc., was referred to the Committee on Police.

A petition from various property owners, complaining of the steam-engine erected on Bayou street, at the corner side of Freret's Press, was referred to the Police Committee.

Various other petitions were read, and appropriately referred.

At this stage of the proceedings, the Recorder called the attention of the Board to the act entitled "An act to equalize representation, approved 9th January, 1847," which forbids the Council from increasing any liabilities until the next legislatures and corresponding apportionment have been made.

Mr. Marks asked whether those returns had been made.

The President replied in the negative; whereupon Mr. Marks observed that there was no obstacle to proceed with the regular business.

Mr. Beard was of the same opinion, fortifying himself on that portion of the law only, which read "until such returns are made." &c. Mr. Renshaw spoke of the mass of work, so also was Mr. Yancy.—Mr. Marks observed, that the Attorney was decidedly of the opinion that the Council could proceed to do no acts until the returns were handed in.

Mr. Caldwell stated that the Attorney had stated that the Mayor would veto any ordinance accepted by the Council, until the law of 1847 was complied with.

Mr. Beard moved to lay the matter on the table, a special message from the Mayor, there was time enough to act upon the matter when it would come before the Council.

Mr. Bell, Chairman of the Finance Committee presented a report ordering the payment of various bills and accounts Adopted.

Mr. Marks introduced a resolution that in the event of the First Municipality Council failing to proceed at their next meeting to the election of wharves made to Mr. Jennings, the Mayor be instructed to adopt the necessary steps to cancel the same. The resolution came before the Board of Liquidators up as the Council refused to suspend the rules.

Mr. Shields moved to go into the election on a Board of Lieutenants for the Fourth District. The vacancy moved to adjourn. The yeas and nays being called on the latter motion, it was lost by a vote of 10 nays to 5 yeas.

Mr. Caldwell said he would be obliged to leave the Chair, he did not consider himself released from the influence of the Fifth District Court.

Mr. Shields then left the Chair, and the motion to proceed to the election was renewed. Mr. Yancy pointed out that the Council could not proceed to any controversy, which by the law has now become to state for reputation. Other members expressed and finally the election was entered upon. The following is the list when they decided by a vote of 9 the left wing being excused from voting: N. M. Jennings, W. Bradford, W. B. Renshaw, Geo. Bell, R. W. Pownall, A. Cuper, O. B. Caldwell, John Goodin, P. Cain (den. Dr. Howard (ruth, Sumpter Jennings, M. H. Devereaux, J. O. Harris Maurice Grivot, Dr. Samuel Harby and Dr. O. Carey. The Council then adjourned.

## COMMERCIAL.

### The Markets.

TUESDAY EVENING, Feb 11, 1851

The Cotton market continues very dull, buyers being reluctant to operate to any extent until the receipt of later news from Europe more clear. Sales only reached 3,000 bales, at 11¾c for Low Middling, 11⅞@12c for Middling to strictly Middling, and 12¼@12⅝c for Good Middling.

The Sugar market is very firm, and the sales comprise 1,000 hhds, at stiff prices. Fair, 3¾@3¾c ₰ lb. Of Molasses, 1,500 bbls were sold at 25 @25½c ₰ gallon.

There is but little doing in the Flour market, and prices are drooping. About 2,000 bbls were sold at $4 10@$4 15 for Ohio, and $4 20@$4 35 for St. Louis and Illinois. Of Corn, 2,000 sacks were sold a 61@66c ₰ bushel

The Provision market is firm. New Mess Pork is scarce, and holders have put up the prices to $13 50@$14. Bacon Sides are selling at 7¾c., and Shoulders, at 6¾@6¾c.

Whiskey is selling in small quantities, at 23½c ₰ gallon for rectified.

Exchanges are in fair request. Sterling, 107½@108¾. Paris, 5f 27½@5f 21½. Bills on N. York at 90 days, 2½@3¾ ₰ cent. disc. Checks, ¼@1¾ ₰ cent. discount.

Freights are firm. Cotton to Liverpool, ⅝d.; to Havre, 1¼c ₰ lb.

### —DIED—

Yesterday, the 11th inst., at 10 o'clock A. M. FRANCIS B. CONRAD, Esq. His friends are requested to attend his funeral from his late residence on Prytania streets, between First and Philip streets, Lafayette. This Morning, at 11 o'clock, without further invitation.

### COAL.....COAL.....COAL.
### English Cannel Coal.
### PRICES REDUCED.

145 TONS, a very superior article now discharging from ship Sardinia, and for sale in lots of five tons or more only, at $4 50 DOLLAR per barrel. In lots of 30, 50 or 100 barrels at 90 cents per barrel, and delivered free of cartage.

10,000 BARRELS, choice picked lump Coal, (expressly for family use) for sale in lots of 5, 10, 50 or 100 barrels, and delivered free of cartage, at 65 cents per barrel.

250 HOGSHEADS choice Pittsburg Coal put up expressly for barreling, and for sale in lots to suit purchasers, at $4 50 per casks.

### Anthracite Coal.

100 casks Peach Orchard, Red Ash and Lackawana, broken and screened, put up in large casks, for sale at from 6 to $7 per cask, for all the above, apply at the

CITY COAL YARDS,

Nos. 77 Customhouse street, North side of the Post Office, Fanelle old stand or at

Nos. 53 Tchoupitoulas street, 2 squares above St. Mary's Market, also at

N. 3,9 Royal street, between Barrack and Hospital street, near Esplanade.

All orders, through the Post Office, strictly attended to. Address

McBEAN, WILLARD, & CO.

N. B. Yearly contracts entered into for supplying Steam Ships, Steamboats Hotels, Foundries, Manufactories, Plantations, Families &c., at the lowest prices. [f9 McB., W. & CO.

SUGAR MILLS AND ENGINES FOR SALE—We have for sale a superior sugar Mill and Engine complete, cylinder 14 inches, 24 inch stroke, on a substantial Cast Iron Bed Plate. Also, a Horse Mill, 7, 36 rolls, all new and complete, and can be delivered in the cane growing months. The highest testimonials can be furnished as to the superior quality of this machinery. For further particulars apply early to WINGFIELD, TRUE & CO.,

f9 24-tf 93 Gravier st.

MESSRS. BOYER FRERES have no longer my power of attorney; so notice this.

f12 2t A. BUCLANGE, 19 Toulouse st.

SPERM CANDLES—40 boxes of Howland's best 5 assorted sizes, in store and for sale by

LEOPOLD JEANNET & CO.,

f12 cor Magazine and Lafayette sts.

SPERM OIL—1000 gallons best winter bleached White Oil, in store and for sale by

J. W PEYANTON & CO,

f12 cor Magazine & Lafayette st.

### Grocery for Sale.

THIS Establishment, well known for the last thirty years, is in the corner of Gravaines and Bagatelle streets, Third Municipality. The purchaser may obtain such a lease as will suit him. For terms, apply to

A. FAVRE,
corner Urselines and Old Levee sts.

N.B. Mr. Favre desirous of liquidating his business, will also sell very low for cash, the Stock of the Variety Store, next to A. Michoud's Hardware Store, as well as the Counters, Shelves, &c. f11 1m

### Coal.....Coal.

As you come to the Post office remember the A. Coal-yard No. 77 Custom-house street, 1st door from the corner of Royal, where is kept constantly on hand the best quality of Pittsburgh, English and Americas Cannel and Anthracite coal, wholesale and retail at the lowest market prices.

ja31y McBEAN WILLARD & CO.

CHAMPAIGNE WINE.—15 baskets Champaigne Wine, Mailly; 65 do do Sillery; 90 do do pints do; landing from ship Radius, and for sale by

LEOPOLD JEANNET & CO.,

f11 cor Magazine and Lafayette sts.

COGNAC BRANDY—in store and for sale by the subscribers,

| | | |
|---|---|---|
| 6 half pipes Brandy, Otard Dupuy & Co, | 1840 | |
| 6 do do do | do | 1846 |
| 8 quarter do do | do | 1846 |

f11 LEOPOLD JEANNET & CO., 28 St. Louis.

SWISS ABSINTH.—60 boxes Swiss Absinth, 5 Vouta and Lecoultre, in store and for sale by

LEOPOLD JEANNET & CO.,

f11 28 St. Louis st.

FRENCH LOCKS—Landing from bark Idas, 28 cases of French Locks, assorted numbers, for sale by LEOPOLD JEANNET & CO.,

f11 28 St. Louis st.

COGNAC BRANDY—in Custom House Stores—18 qr casks Cognac Brandy, E R Martin, for sale by LEOPOLD JEANNET & CO.,

f11 28 St. Louis st.

CANDLES—75 boxes New Bedford Sperm for sale by E. JORNS, 5 Front Levee.

ADDICTION.—A complaint was made yesterday before Recorder Genett against two young men named Rogers and Fogg, for abducting two girls of fifteen years of age, and retaining them against their will. The parties were arrested, whereupon one of the girls appeared to her mother, and the other confessed to refuse to the protection of her own choice.

ASSAULT AND BATTERY.—Robert Welch and John Fraser were arraigned yesterday in the First Municipality, charged with committing assault and battery, and gave bail to appear for examination.

CONSTITUTION.—Alphonse Chapine, charged with having on the 28 December last, violently assailed Louis Papeau and broken a bottle over his head, was examined yesterday by Recorder Gennie, and committed to take his trial before the First District Court.

LARCENY.—Louis Klendure was arrested yesterday by the First Municipality, having been found in possession of an adze stolen from John Serber, in complaint sworn. He was remanded for further examination.

COURCIL OF MUNICIPALITY NO. TWO.—This body met last evening, pursuant to adjournment, Recorder Caldwell in the chair and a full board of Aldermen present.

A rit of mandamus from the Fifth District Court in the case of the State of Louisiana on the relation of Hugh Grant vs the Council through A. D. Crossman, Mayor, was read, ordering the latter to show cause on Monday the 17th instant, why petitioner should not be placed in possession of the office of Surveyor, to which he was elected by the people on the 3d inst.

Mr. Bell thought that the order of the Court was sufficient to place Hugh Grant in the office, and he made a motion accordingly. Mr. Renshaw moved as a substitute that the matter be referred to the Attorney of the Council. Mr. Yeary considered that the Council had no right to go to law in the matter; Mr. Grant had been duly elected by the people and was fully qualified to take his office. Mr. Shields was desirous of awaiting the issue of the Court, inasmuch as it was represented that Mr. Grant had been elected in violation of the law. The resolution to refer was carried by a vote of 3 to 6.

The Comptroller transmitted a statement of the receipts and expenditures of the Corporation for the year 1850.

The Treasurer's weekly report showed the following exhibit:

| | |
|---|---|
| Balance on hand last report, | $ 5,795 83 |
| Received this week, | 38,479 37 |
| | 44,275 20 |
| Disbursed this week, | 41,814 58 |
| Balance on hand this day | $2,460 62 |

The Surveyor made a report that Dennis Cronan had failed to comply with his contract for paving Nayades street. Referred to Committee on Streets and Landings.

A petition from P. K. Sheffield, asking permission to erect a steam engine for grinding bones, etc., was referred to the Committee on Police.

A petition from various property owners, complaining of the steam-engine erected on Bayou street, at the corner side of Freret's Press, was referred to the Police Committee.

Various other petitions were read, and appropriately referred.

At this stage of the proceedings, the Recorder called the attention of the Board to the act entitled "An act to equalize representation, approved 9th January, 1847," which forbids the Council from increasing any liabilities until the next legislatures and corresponding apportionment have been made.

Mr. Marks asked whether those returns had been made.

The President replied in the negative; whereupon Mr. Marks observed that there was no obstacle to proceed with the regular business.

Mr. Beard was of the same opinion, fortifying himself on that portion of the law only, which read "until such returns are made." &c. Mr. Renshaw spoke of the mass of work, so also was Mr. Yancy.—Mr. Marks observed, that the Attorney was decidedly of the opinion that the Council could proceed to do no acts until the returns were handed in.

Mr. Caldwell stated that the Attorney had stated that the Mayor would veto any ordinance accepted by the Council, until the law of 1847 was complied with.

Mr. Beard moved to lay the matter on the table, a special message from the Mayor, there was time enough to act upon the matter when it would come before the Council.

Mr. Bell, Chairman of the Finance Committee presented a report ordering the payment of various bills and accounts Adopted.

Mr. Marks introduced a resolution that in the event of the First Municipality Council failing to proceed at their next meeting to the election of wharves made to Mr. Jennings, the Mayor be instructed to adopt the necessary steps to cancel the same. The resolution came before the Board of Liquidators up as the Council refused to suspend the rules.

Mr. Shields moved to go into the election on a Board of Lieutenants for the Fourth District. The vacancy moved to adjourn. The yeas and nays being called on the latter motion, it was lost by a vote of 10 nays to 5 yeas.

Mr. Caldwell said he would be obliged to leave the Chair, he did not consider himself released from the influence of the Fifth District Court.

Mr. Shields then left the Chair, and the motion to proceed to the election was renewed. Mr. Yancy pointed out that the Council could not proceed to any controversy, which by the law has now become to state for reputation. Other members expressed and finally the election was entered upon. The following is the list when they decided by a vote of 9 the left wing being excused from voting: N. M. Jennings, W. Bradford, W. B. Renshaw, Geo. Bell, R. W. Pownall, A. C