NEW-ORLEANS BEE.

BY BULLITT, BULLEN & MAGNE.
At No. 82 Chartres street

"TRUTH IS OMNIPOTENT AND PUBLIC JUSTICE OMNIPOTENT."

NEW-ORLEANS:
MONDAY MORNING, JANUARY 21, 1839.

FOR PRESIDENT OF THE UNITED STATES,

HENRY CLAY,
OF KENTUCKY.

Subject to the decision of a National Convention.

☞ The express mail arrived yesterday bringing dates from New York to the 16th. The ships contain little of interest. Three more packets had arrived from Europe, the Garrick from Liverpool Dec. 15th, the Hibernia from London and Portsmouth Dec. 13th or 14th. The steamer Royal William from Liverpool Dec 6, arrived on the 9th, so that canvass this time is only four days behind steam.

The Journal of Commerce states that the dates from Havre and Paris are a little later than before, but the papers contain no news of consequence. The commercial intelligence will be found under its proper head.

MR DERBIGNY'S RESOLUTIONS.

Those resolutions which refer to the message of Mr. Madison in 1816, upon the exclusive power of congress to create and regulate a national currency, and the assent of that distinguished patriot, and of GEORGE WASHINGTON, to the constitutionality of a BANK of the United States, cannot fail to make a deep impression upon the minds of the legislature. THE FATHER OF OUR COUNTRY and THE FATHER OF THE CONSTITUTION stand side by side on these important questions, and their opinions are appealed to with a confidence that admits of no doubt as to the result. The earnest and most satisfactory test of the constitutionality of any doctrine, is to be found in the opinions and acts of those who framed the constitution. To no man, is the country so much indebted as to James Madison for our present frame of government. The whole energies of his mighty mind were devoted to its formation and adoption. He was a leader in the foremost ranks of those who fought the battle of constitutional liberty, and his opinions and acts should be held up before the eyes of the people as landmarks to guide them in times of difficulty and trouble. Opposed to these illustrious names, are Martin Van Buren and John C. Calhoun—the first signed a petition inviting the Bank of the United States to establish a branch at Albany N. Y. and the other as member of congress *voted for the establishment of that bank* in 1816.

George Washington and James Madison, as presidents of the United States, approved the bills incorporating the first and second banks of the United States and we are among those who rely upon the judgment, patriotism, and forecast of such men, with a confidence as firm and unshaken trust. Soon after the organization of the government, a fiscal agent, incorporated by, and under the control of congress, was found to be necessary to the safe and healthy administration of the national finances. At that early period, the impracticability of an exclusive metallic currency was felt, and the expense and inconvenience of personal agencies in the custody and transmission of the public funds foreseen. Independently of any apprehension of loss for the dishonest capacity of public officers, for in these palmy days of national purity such robberies as have recently disgraced the nation in the eyes of mankind were not dreamed of, a national bank was incorporated by congress, and with the sanction of the first president. I will not answer the purpose of disorganizers, to contend that the constitution was sacrificed to expediency by George Washington. Nor will it serve them to say, that that instrument was not understood by the congress that passed the bill of incorporation, for that body numbered amongst its members many who had taken a principal part in its formation. It is with feelings of honest pride that the whige look back to the times of Washington, for confirmation of their principles. They appeal to a period of our history when the colonies first assumed the attitude of a confederation, and rejoice that they are following in the "footsteps" of the sages of that day. There is not a more position assumed for effect and persisted in for self aggrandisement. They occupy the ground that the framers of the constitution occupied, and are striving to confine the government to the orbit in which it circulated from first set it in motion.

But, notwithstanding these high authorities, we have other and conclusive reasons for asserting, that the power of congress to charter a national bank is indubitable. Every ordeal that the constitutionality of the bank could be submitted to, has been passed. The supreme court of the United States have decided it to be constitutional—the most distinguished jurists have so declared it, and almost every state in the Union in one way or another has sanctioned its incorporation. Even South Carolina, now the most uncompromising and deadly foe of the bank, declared in 1831, that, "congress is constitutionally vested with the right to incorporate a bank, *it would be unwise and impolitic to restrict its operations within such narrow limits as the District of Columbia.*" Were we disposed to question the expediency of a bank of the United States, we would not resist the overwhelming force of the authority that has arrayed itself on the side of its constitutionality. We would yield our opinion to the decision of the state legislatures, of congress, and the tribunals of law. When a question has undergone so many tests it should be regarded as settled, otherwise doubt and distrust must forever distract the country upon matters about which a difference of opinion has ever existed. It is owing to the restless spirit of innovation that has seized upon the Van Buren party, that the country is now bowed down beneath the accumulated evils which check its prosperity and cripple its resources.—The uncertainty which hangs over the action of the government cramps the energies of the people, and subjects them to all the restraints and inquietude which a vacillating policy and a time serving administration can inflict upon them. Of the expediency of establishing a bank of the United States we are equally convinced. Though we are far from resting the whig cause upon the issue of bank or no bank, we regard the creation of such an institution as demanded by both the agricultural and commercial interest. Arguing from what has been, such a bank would immediately give consistency and form to the currency, inspire confidence, and lead to those invaluable results which can be alone accomplished by an equal and stable circulation. It would put a stop to the new fangled and desperate schemes of finance, which are every day starting into being. It would put to rest the turmoil of conflicting money systems, and restore that uniformity and soundness of currency, which, a few years since, were the boast as well as the blessing of the country.

The Richmond Enquirer of the 8th, has a singular article in reference to the position which Mr. Rives has recently assumed. We have already expressed our opinion in regard to that position, and the comments of the Enquirer only prove, that the editor is most woefully embarrassed between his predictions of his conclusion and his partiality for the Virginia senator. He neither sustains nor abandons him—but alternately speaks and sympathizes—lands him for opposing the sub treasury and censures him for his charges against the administration. He seems horrified at the idea that Mr Rives will be elected by the whig legislature of Virginia,—nor will he yet believe it, or credit the assertion that he would accept the nomination. In fact the noble and patriotic stand taken by Mr. Rives has so completely discomfitted and bewildered the Enquirer that it no longer speaks in the plain and positive language it is wont to employ, but indulges in ambiguity, obscureness and circumlocution.

The Enquirer asks, "how could such a man affiliate with the whigs?" How, we would ask, could he do otherwise? One by one, the present administration has deserted every democratic principle, and in its insane and short-sighted policy, has pursued a career of frightful corruption, of blind and misjudged neglect of the best interests of the country, and of hostility to those institutions which have built up our commercial credit, and given life and vigor and energy to our resources. Brief as has been its course, its wild and ruinous projects, its animosity to the credit system, its heartless selfishness, its implacable political proscription and hatred, have caused thousands of the most ardent supporters of the late executive to forsake Martin Van Buren, and to vow uncompromising hostility to him and to his evil and reckless counsellors. Mr Rives, though sparing the opinions of those who correctly style themselves "unchanged democrats," clung to the administration while yet a lingering hope remained that it would eschew its fatal ofspring schemes of executive aggrandisement. But when repeated experience had convinced him, not only that the administration had determined to persist in the wretched policy which has been twice solemnly discountenanced by the people, but had secretly and treacherously leagued with the very power (the U. S. bank) which it had so long *affected* to scorn, tooth and repudiate; as an honest, as a consistent politician, he could no longer adhere without disgrace, to a faction, with which he now holds no principles in common. That he should affiliate with the whigs is the natural and perhaps inevitable result of his position. Like him, the whigs are eternally opposed to the sub treasury—like him, they advocate the diminution of executive power—like him, they are in favor of radical and wide spread reform in the numerous departments of the general government, in which corruption has crept and nestled—like him, they regard with unmingled abhorrence and well founded apprehension the high handed and enormous peculations which have bankrupted the national treasury, and rendered official morality a jest and bye-word. There, too, are points upon which the opinions of the whigs, or rather a majority of them differ from those entertained by Mr. Rives. We allude to the national bank question. But this is a doctrine which, for a while at least, the opposition are contented to leave unmooted—willing to urge the measure only when the rapidly returning wisdom of the people shall have convinced them that in an institution of the kind properly restricted, and maintained aloof from political interference, repose the true interest and safety of commerce. However much the whigs as a party, may appreciate the utility and expediency of a national bank, they are indisposed to risk their success, and that of the great cause of reform for which they are battling, upon a question of policy altogether subordinate to the great principles in the advocacy of which they are engaged. There is, therefore, no reason why Mr. Rives should not "affiliate" with the whigs—that he will add his commanding influence to their exertions in behalf of the constitution and reform, is scarcely dubious and it only needs his voice to annihilate for ever Van Burenism in Virginia.

LOCO FOCO REMONSTRANCES IN MISS.—The loco foco convention which assembled at Jackson on the 8th, made the following resolution. For governor—A. G. Moffitt. For member of congress—Gen. Brown, and Gen. Thompson.

WASHINGTON JAN. 9

IN THE SENATE.—Mr. Prentiss of Vermont presented certain resolutions touching slavery, which occasioned an animated debate, in which Messrs Calhoun, King, (of Ala.) Lumpkin and Prentiss took part. A motion to print the resolutions was laid upon the table, ayes 27, noes 9. After which the order of the day.

The bill to reduce the price of public land was taken up. Mr. Merrick (of Md.) spoke in opposition to the bill, till the hour of adjournment.

IN THE HOUSE OF REPRESENTATIVES.—Reports were received from several committees, but none of importance.

Several executive communications were laid upon the table from the president and heads of departments, in reference to Mr. Swartwout's defalcation.

Mr. Bond concluded his speech upon the order of the day—Mr. Swartwout's defalcation, in which he went into a detailed examination of the official conduct of the secretary of the treasury.

Mr. Loomis, of New-York, succeeded Mr. Bond, and spoke at great length against the appointment of a committee by ballot.

Mr. Thomas addressed the house in favor of a committee by the speaker.

Mr. Menifee, of Ky., commented with great severity upon Mr. Thomas, and in a speech of great feeling and ability contended for the appointment of a committee by ballot.

JANUARY 10.

IN THE SENATE.—Mr. Robins, of R. I., made a report, concluding with a resolution to appoint a committee of five, on the part of the senate, to digest a plan for carrying out the intentions of Mr. Smithson's will which he accompanied with a speech of power and effect. The resolution lies over one day.

Mr. Rives' resolution calling for information in relation to the connection between the secretary of war and the U. S. bank, were adopted.

The senate resumed the consideration of the bill to reduce the price of public land, which occupied the balance of the sitting.

IN THE HOUSE OF REPRESENTATIVES.—Several unimportant reports were presented from various committees.

Mr. Wise's resolution providing for the printing of 30,000 copies of documents Nos. 13 and 297, relating to public defaulters, and the defalcation of Mr. Swartwout was taken up, and a motion to strike out what related to document No. 297, was rejected.

The special orders of the day, which were certain bills reported by the committee on naval affairs, were taken up, whereupon the house resolved itself into a committee of the whole, Mr. Banks, of Va., in the chair.

The bill extending the navy yard at Brooklyn, N. Y., was first taken up, which gave rise to a desultory debate which continued until the committee rose.

The speaker presented several executive communications to the house.

After some remarks of Mr. Curtis upon an article in the Globe, by which he felt himself aggrieved, the house adjourned.

NEW BOOKS.

ALTHEA VERNON.—The little volume with thistle, contains two excellent stories by Miss LESLIE, well known for her delicate satire, and the point and finish of her tales. It commemorates, somewhat after the style of Miss Edgeworth, the adventures of a young lady and an embroidered handkerchief, and those of a young gentleman and a blue cotton umbrella. The whole interest of these stories is made to hinge upon an umbrella and the handkerchief—they are spirited and amusing and fourth proof while.

MANNERS AND MORALS.—Miss Martineau's work will add to her reputation as a writer of great talent, acumen and philosophical views. The thoughts are elevated, judicious, frequently striking and novel, and sometimes profound. The style is elegant and attractive, and abounding in appropriate and familiar illustration. It may be regarded as a collection of excepts to be conned and to had over by every traveller who visits foreign countries in a spirit of impartiality and as a searcher after truth; who would wish to see his intellect from ignoble and senseless prejudices and is desirous of extending his observations upon the manners, customs, feelings and moral sentiments of a people without risk of mistaking the results of his hurried and hasty glances for the correct deductions of repeated and elaborate analysis. A traveller is too apt decide upon mere glimpses, the superficial examination of careless, or thoughtless mind, predisposed, perhaps to adopt certain impressions whether derogatory or favorable, and only too well pleased at any circumstances which seemingly favor his previous conceptions. Miss Martineau's book would prove a wholesome and efficacious corrective of this unwise and pernicious practice, which is a fruitful source of erroneous and unequitable judgments. These exist in their present force, in favor of any practice however repugnant to our ideas of justice, of reason or of humanity, so long will the laws be inert and inoperative the present severe penalties against principals and accomplices in duels there is too much reason to believe operate in defiance (in extreme cases) of the solemn oath of the jurror to prevent his finding a verdict in conformity with the evidence. If this be so it is time for a wise and judicious legislature to cede to such a deep rooted prejudice, and by substituting something milder, and more consonant to public opinion, good may arise and a diminution at least of the offence be looked for. If the penalties were mitigated to solitary confinement, the privation for a time of many of those rights which are held most dear, and in cases where the party has the means of paying the debts (if any) of the deceased, and providing for his family or relative, in the default of their being any, by some very heavy pecuniary penalty, it is believed that jurors would be found to support the law. As it now stands it is to be deplored that the professed and practiced decision too often finds means to evade its provisions, through the mistaken sensibility of a humane public. It is on men of this class that the whole weight of the law should be laid; this have heeded and impetuous youth should be the object of conviction more than of punishment. The grand jury do not believe that any system of laws can totally eradicate a practice so deep rooted and so very general as dueling in their present efforts therefore to the diminution of the practice, as they find certain that the number of cases will diminish by the firm execution of middle laws than those now existing.

Conclusion—for the suppression of which our legislature has done so much by means of not licensing it (where by one of our more useful charitable institutions, the hospital, has been left unprovided.) the grand jury are very apprehensive exists to as great an extent as at any former period, and they are perfectly satisfied that unless the laws at present existing, or those to be made, can better attain the object of putting it down, that the public good would be consulted by putting it again under license, and under the strictest surveillance of the magistracy, and of the police. The jury however earnestly trust that some mode may be found whereby our state can be purged of such a blot on its character, without licensing it.

Lotteries continue to exist in defiance of positive enactments, and on the application of the jury, they are informed that those now extant, are by special charters granted previous to the acts reported. The grand jury have reason to believe that these charters can be acquired by the state for a very moderate sum, and they would strongly urge the propriety of passing an act providing for the purchase of all such as at present exist by charters.

Cabarets.—These continue to multiply in a fearful proportion, and to them may be traced the incipient cause of almost four fifths of the crimes committed by our colored and slave population. They are the receptacles of thieves, of stolen property, and the haunts of sex, and of the lowest and most degraded of the drunkards acquired in them constitute largely to the number of crimes with which the calendar is charged. It has been suggested to place the license of these at such a rate, and have a bond for the proper conduct of the same, as would tend to diminish the number of them. Our slave owners are particularly interested in breaking up these dens where the slaves are demoralized and rendered drunkards, and it would be well for the general council of our city to inquire whether a tax on slaves, (a much per head) would not be better than any longer toleration of such an evil as licensed cabarets.

Arsenals.—In each municipality for the protection and care of the small arms, as well as the artillery, ammunition &c. of the state, are absolutely necessary. The danger of the present ward of system, though notorious, is not less certain, and it is to be hoped therefore that the legislature will make provision, not only for those but for all other cases of a similar nature throughout the state.

Cisterns—The attention of the proper authorities is called to the shameful neglect of the old protestant cemetery in the first municipality.

Prisons—The new prison has been visited and carefully examined throughout by the jury, and they regret to report unfavorably the result; in many of the arrangements the prison itself is defective, the walls being bad, and the construction of windows, and their frames as well as doors, stair-cases &c, too much wood and too little iron used, and a sufficient supply of water not yet furnished; but the most interesting part to the jury is the impossibility of a proper classification of crime and of separation of those confined, the minor from the major offences. It is truly revolting to see a person confined for the most trivial offence against the law, immured with the desperate cut-throat and villian, and the lessons to be learned in a very brief confinement must tend to anything but the improvement of those within its walls. The late as well as the present sheriff are seen too well known for their zeal as well as their humanity, not to do all in their power to correct the evil complained of, but large as the prison is, the increase of transient population and of crime has outrun it, and now requires still more space. The want of authority to compel the inmates to cleanse the various parts of the prisons is a glaring defect. It is certainly proper that the robust and able bodied offender against the laws should be compelled (even under the most severe punishment) to contribute his share of labor to the general good, as well as to his personal benefit, and if the laws will permit it, we hope your honor will invest the sheriff forthwith with the necessary power. Iron bedsteads, so fixed as to be immovable, should be provided, instead of the present filthy and unhealthy system of sleeping on the floor. The galleries on the second and third stories are unfinished with any but a longitudinal railing, and the jury unanimously consider such a serious complaint had already occurred indeed it cannot well be otherwise when the jail and the jail yard are thronged in the same place as well as those under charge of the sheriff. But without a *house of correction* as well as a humane asylum, but little if any benefit can be looked for under the classification of crime, for as before observed, the offender in charge will not have space to carry out his regulations, and the reinforcement of good policy, as well as reason and humanity, call loudly for the adoption of the above. The young and inexperienced in the incipient stage of crime under proper treatment in a house of correction will have their morals improved and their habits reformed. The separation of crime could be made, while the old, and more experienced, as well as more incorrigible, would be sent to the penitentiary, or out, where contact with vice could do to such but little if any harm. The jury strongly recommend to the consideration of the municipal councils the propriety of having such establishments within each of their precincts.

Confinement for debt should be abolished by law except in cases of fraud, either premeditated or already effected; in which cases hard labor, and other penal ties would not be too much to add. It is at variance with reason and with the spirit of the age in which we live, that a man should be shut up for misfortune, a prey to his creditors as well as morally dead to the community of which he forms a part; but above all when he has others depending on him for sustenance, his confinement cannot pay his debts, and it disables him from providing for others who in his place become vicious or a tax in some way or other on the community. It is to be hoped that the legislature will put an end at once to this odious law.

Vagabonds, cyprians, &c.—The law recently passed by congress in relation to steam boats, and their boilers and engines, the jury think, will be a very important point—viz—that no provision whatever appears to have been made to assure the fitness and competency of the engineer himself. The sad experience of each day, proves to us, that without a certain provision in relation to this, but little (if any) good can flow from the law as it now stands, a person may appear as having at their head a man of practical as well as theoretical information on the subject of steam engines, and who after due examination of any person desirous to follow the profession of an engineer, and if being satisfied not only so as to his knowledge and fitness, but also all for his good conduct and sobriety (for the want of the latter has cost the loss of thousands of lives) should grant a license, would in addition to the present law do all which the jury think can be done for the safety of passengers and property carried by steam power, and they respectfully suggest that such an amendment should be made. The duties of the attorney general's deputy have increased to such an extent as to require nearly the whole of his time, and the jury consider his salary as totally inadequate to the duties which he so ably and zealously performs. It ought not to be expected that any talented man (and he should be one to occupy this post) can afford to give his time for a bare pittance. It has been suggested that the office of solicitor general should be created. The duties now performed by the attorney general and deputy could be so arranged, that the larger portion of the business in the criminal court could be conducted by the solicitor general—aided only in extreme cases by the attorney general. The jury approve of this, and think that the duties of the attorney general in the other state affairs are of sufficient importance in the state to require this change.

The jury would respectfully suggest to your honor the propriety of having a proper classification of crime and of separation of those confined, the minor from the major offences. It is truly revolting to see a person confined for the most trivial offence against the law, immured with the desperate cut-throat and villian, and the lessons to be learned in a very brief confinement must tend to anything but the improvement of those within its walls. The late as well as the present sheriff are seen too well known for their zeal as well as their humanity, not to do all in their power to correct the evil complained of, but large as the prison is, the increase of transient population and of crime has outrun it, and now requires still more space. The want of authority to compel the inmates to cleanse the various parts of the prisons is a glaring defect. It is certainly proper that the robust and able bodied offender against the laws should be compelled (even under the most severe punishment) to contribute his share of labor to the general good, as well as to his personal benefit, and if the laws will permit it, we hope your honor will invest the sheriff forthwith with the necessary power. Iron bedsteads, so fixed as to be immovable, should be provided, instead of the present filthy and unhealthy system of sleeping on the floor. The galleries on the second and third stories are unfinished with any but a longitudinal railing, and the jury unanimously consider such a serious complaint had already occurred indeed it cannot well be otherwise when the jail and the jail yard are thronged in the same place as well as those under charge of the sheriff. But without a *house of correction* as well as a humane asylum, but little if any benefit can be looked for under the classification of crime, for as before observed, the offender in charge will not have space to carry out his regulations, and the reinforcement of good policy, as well as reason and humanity, call loudly for the adoption of the above. The young and inexperienced in the incipient state