

# THE BEE.

PUBLISHED DAILY BY JEROME BAYON. STATE AND CITY PRINTER.

MONDAY MORNING, MARCH 16, 1836.

Wanted of room contents to be in this day's impression a number of advertisements and other matter; however, they shall be attended to in our next. A few English advertisements will be seen in the French page.

Since our last publication, we have received no mail beyond Mobile and the papers of that city are devoid of intelligence.

Some members of the legislature have requested us to direct the attention of the committee of arrangements to meet the evening for the purpose of giving a public dinner to Mr. M. to the property of giving him in preference of a dinner in connection with a ball to be kept as an impenetrable measure; and might answer the designs of public gratitude with equal or greater effect. As a Scotchman would say, 'bairn's best!'

By the arrival yesterday of the ship *Tullmah*, from Liverpool, we have obtained a Liverpool paper of the 30th of January—one day later than had been previously received. But it contains no additional intelligence from France, England or Spain. We learn, however, that the London ministry will not be tested in the election of Speaker of the House of Commons, when parliament shall have met on the 14th of February.

Krene attracts good audiences at the opera; and Sutton richly deserves the patronage of the public for his ventriloquist display.

**LEGISLATIVE REPORTER.**—Early during the present session a bill had been introduced to appoint a reporter for both houses of our legislature, in the manner that the state printer is appointed. He was to be a journalist in this city, to engage a capable scribe for each house; to publish correct reports of the sayings and doings of the assembly; and (when required) to furnish copies of his reports to other journals. The utility of such an appointment is manifest to those who have read the proceedings of the senate regularly reported during the session; while what was said or done in the course of representation is almost unknown. The accuracy and impartiality of that body are obscured among the neglect or inattention.

If the bill is passed during the present session, and an appointment made for next, competent reporters could be previously engaged; but should the appointment be deferred, such reporters may not at once be obtainable.

## THE ASSEMBLY.

SENATE—Saturday, 15th inst.

On motion of Mr. TENNEY, the act incorporating the Louisiana cottonseed oil factory and insurance company, was considered, amended and passed.

Mr. LABAREE presented a petition from several citizens of the parish of Iberville, praying to locate a town there, to be called Waterloo. It was referred to the judiciary committee.

Mr. TENNEY called on the resolution authorizing the governor to request the secretary of the treasury of the U. S. States, which had been granted by Congress, for the purpose of public education. It was read and passed.

On motion of Mr. LABAREE, the act formerly under discussion for some days, to modify the code of practice so as to allow legal interest on debts rendered in judgment from the time of judicial demand, and with regard to costs on judgments dissolved and, on appeals, was considered. Those modifications had formerly been adopted on second reading.

A debate occurred on the section intended to modify the 14th article of the code of practice, so as that it would not hereafter be incumbent on either party litigant, to produce books or documents not within the state. By that article the courts have the privilege of demanding either party to produce any books in his possession wherever located, if they are deemed essential to ascertain accurately the facts of the cause.

Mr. HOA read in full the 14th article, which he believes essential for the proper administration of justice to all parties. A defendant may require that a plaintiff should produce books or documents in his possession, which may prove that the amount claimed is not justly due; and which he might not be able to prove in any other source—at least from no better; as proof derived from the documents or witnesses of opponents are generally the most satisfactory and eligible. A merchant in New York or elsewhere might, while a suit against one of our citizens in this state, would it be just according to the section of the law now introduced, that the defendant should have no right to demand that the books or documents in possession of the plaintiff in relation to the suit, should be produced; if he knew or affirmed on oath that there were no books or documents in his possession, not palpable injury be done towards our citizens in this respect, who would be required to produce their books; while plaintiffs resident in other states would not be mutually required to produce theirs? There are many cases arising in the course of judicial investigation which demand the forthcoming of documents in Europe, as well as in other states;—our citizens are subjected to injustice in the non-production of such documents, because a short delay or postponement in the suit occurs? These are not usually required, unless affirmed on oath to be indispensable; and the statute of limitations affords sufficient time for the production of any such documents. The partial delay produced in the suit cannot counterbalance the injury done to the essential documents sent for and produced. He moved for the rejection of the section.

The next section of the proposed law that supported the 17th and 18th articles of the code of practice, and that with execution may be immediately issued on rendering judgment, without requiring the 10 days notice to be given to the judgment debtor in a suit.

A debate on the legal merits and the necessity of this enactment occurred between Messrs HOA and TENNEY; which would be noticed in full, did space permit.

Mr. HOA said that it generally happens that judges do not render judgment immediately on hearing the merits of a case, in consequence of the numerous points of law which they may require to examine minutely as bearing on the case, and the pressure of the multifarious duties of their profession.—An attorney however active may not therefore learn when judgment is rendered without the usual notice; and his client may be delayed by the summary execution of his right of appeal. The trifling cost imposed on notice of judgment, would be more counterbalanced by such a notice, which would be much greater to the judgment debtor, if his opponent attorney chanced to learn when judgment would be rendered. He would therefore have no redress by appealing from the judgment; and his whole property might be subjected to the writ of execution.

Mr. TENNEY said that such might be the case in New Orleans—make that an exception in his favor; but it is not so with the country, where notices of judgment are useless and expensive; and often defeat the ends of justice. Both parties litigant are often present when judgment is rendered; yet the judgment debtor (without having any reason to appeal) is permitted to return home; and sequestrate his property. Jeopardy is thus done to the judgment creditor. But injustice is also done to the debtor: for he often has to pay mileage of 25 cents for the service of judgment—thus increasing the cost of suit. If the debtor is dissatisfied by the amount assigned by judgment, he is then burdened with excessive costs; but if he is not, he has had sufficient time to dispose of his property; and abscond from the state: so that the creditor is left without redress.

Mr. NICOLAS was more fully persuaded by this dispute of the danger and impolicy of proceeding in such a course of legislation—altering the codes which were generally known and understood. These are now no changed session after session that the objects of equity are defeated, or the administration of justice impeded by these repeated fluctuations and amendments. So many amendments have lately been made in the code, that even lawyers themselves find it difficult to keep pace with legislation; and if they are confused, how much more so must be plain planters like himself? And there is such a difficulty between the members of the bar themselves who have spoken on the other side, as to the propriety, can these be least of the other members of the legal profession? He believes it more safe and satisfactory that the code of practice should remain as it is, than be continually subjected to alterations whose propriety is doubted or denied. He therefore moved that the bill should be indefinitely postponed.

This motion was put to the vote, and carried unanimously. The meeting banking company bill was made the special order of the day for the next session of the senate.

## SALES AT AUCTION.

BY ISAAC L. MCCOY & HEWLETT & BRIGHT.

**WILL** be sold at public auction, on Friday, 20th March, 1836, at the Arcade Exchange, in Magazine between Gravier and Natchez streets, at 11 o'clock, A. M. the following described valuable property, belonging to the late Mrs. M. who has been disposed of in order to enable him to pay his debts and responsibilities:

1st. Will be disposed of Charles Byrne's right, title and interest to two small plantations situated in Parish Lafourche, La. purchased for taxes. The necessary records, &c. have been made. The title papers will be exhibited on the day of sale, or previous to it. Any person who may desire to see them.

No. 2. A vacant lot of two lots situated in square No. 65, Suburb Annunciation, bounded by Ursula, Prythiana, Polinnie and Coliseum streets; each lot having a front of 50 feet on Prythiana street, by a depth of 120 feet between parallel lines. Said square adjoins the one on which Mr. J. Longpré has resided for many years.

No. 3. A vacant lot of 20 feet 9 1/2 in. front on the East side of Tchoupitoulas st., is the next lot to the corner of Poydras st., has a depth on the line dividing it from the property belonging to the Poydras Asylum of 48 feet, and the same on the other side, by a width of 20 feet 9 1/2 in. in the rear.—There is on this lot a substantial well built two story brick dwelling house covered with slate, having a dining room, undercroft, &c. There is also a good two story brick building in the rear, covered with slate, comprising K. & Serrant's rooms, with Cistern, Well, &c. in the yard. This house is rented till the 1st of November next at \$60 per month, and is subject to the lease, and of which the purchaser will have the advantage. There is no doubt but a higher rent could be obtained hereafter.

No. 4. A vacant lot in the rear of the above, having a front of 25 feet 1 1/2 in. on Commerce street, by a depth of 65 feet 6 inches on the line separating it from the Poydras Asylum property, and 65 feet 7 inches on the other side, next the lot house, by 20 feet 9 1/2 in. on the rear next to No. 3. There is a fine lot at the rate of \$15 per month, till the first of November next, to which it is subject, subject (purchaser to have the advantage).

No. 5. A vacant lot having a front of 21 feet 4 inches 7 lines on the west side of Tchoupitoulas st., and adjoins the lot forming the corner of Tchoupitoulas and Julia streets, measures 138 feet, 6 inches, 4 lines, in depth between parallel lines.

No. 6. Adjoins No. 5, and is of the same dimensions.

No. 7. Adjoins No. 6, and is of the same dimensions.

No. 8. Has a front of 25 feet 7 inches on the West side of Tchoupitoulas street, is situated about the centre of the square between Julia and St. Joseph streets, is bounded on the lower side by the property of Dr. M. Cabaret, and on the upper side by the grant of the late Mr. Le Roy; this lot measures 172 feet 10 inches in depth between parallel lines.

No. 9. A vacant lot on the south side of St. Joseph street, between New Levee and Tchoupitoulas streets close to the market house of the Faubourg St. Mary; has a front of 21 feet on St. Joseph street, by a depth of 58 feet 1 inch between parallel lines.

12 lots situated in the square bounded by Henderson street on the North, Front street on the East, Robin street on the South, and New Levee street on the West.

No. 1. Is a triangular lot, has a front of 64 feet on the East side of New Levee street by a depth on the South side, on the upper side Robin street of 56 feet and measures on an oblique line, which separates it from Mr. Henderson's property 85 feet 8 inches.

No. 2. Adjoins No. 1, has a front of 30 feet on New Levee street by a depth of 55 feet on the line which separates it from No. 1, and on the other side of 21 feet, and in the rear on an angular line separating it from Mr. Henderson's property 40 feet, 6 inches, 5 lines.

No. 3. Adjoins No. 2, has a front of 30 feet on New Levee street by a depth on the line separating it from No. 2, of 61 feet, and on the other side of 110 feet, and measures on an angular line in the rear 40 feet 6 inches, 5 lines.

No. 4. Adjoins No. 3, has a front of 30 feet 6 inches on New Levee street, by a depth on the line dividing it from No. 3 of 110 feet, and on the other side of 137 feet, and measures on an angular line in the rear 40 feet 6 inches, 5 lines.

No. 5. Adjoins No. 4, has a front of 30 feet on New Levee street, and the same in the rear, measuring 100 feet in depth between parallel lines.

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No. 7. Adjoins No. 6, has 30 feet front on New Levee street by a depth of 100 feet on the line separating it from No. 6, and forms the south west corner of New Levee and Robin streets. It has also a front on Robin street of 107 feet, 8 inches, 1 line, by a depth in the rear of 70 feet 8 inches. On this lot there is an excellent new frame building on brick foundations, with a gallery all round the establishment. It contains 9 apartments all well finished, some of them large enough for store, bar room and billiard room. There is also attached to it a building comprising kitchen, servant's room, &c. This is a substantial good building suitable for a dwelling, boarding house or store. It has not as yet been rented.

No. 8. Adjoins the rear of No. 7, has a front of 32 feet 3 inches 4 lines on the North side of Robin street, (which has lately been opened across this property is a fine street, and from its general location and leading direct to the waters edge, will necessarily become a considerable artery for business), said lot has a depth on the line forming the rear of No. 7, of 74 feet 7 inches, and on the other side of 142 feet 9 inches 3 lines, and in 30 feet wide in the rear.

No. 9. Adjoins No. 8, has 32 feet 3 inches 4 lines front on Robin street by a depth of 142 feet 9 inches 3 lines on the line separating it from No. 8 and 128 feet 9 inches 5 lines on the other side, and of an irregular shape.

No. 10. Adjoins No. 9 has 32 feet 3 inches 4 lines front on Robin street, by a depth of 128 feet 9 inches 5 lines on the line separating it from No. 9, and on the other side of 107 feet 2 inches 5 lines, and on an angular line in the rear 45 feet 1 inch 2 lines.

No. 11. Forms the south east corner of Front and Robin streets, measures on the front street, by a depth and depth of 106 feet on the line separating it from the other side line of 108 feet, and in the rear 11 measures 23 feet.

[Front street is a splendid new street 66 feet in width and extends in a line parallel with the river, from the public square opposite Lacourne street to Roffigne street, and will in all probability be continued in the rear of No. 11, and in the rear of No. 12.]

No. 12. Adjoins No. 11, and measures about 41 feet on Front street by a depth of about 108 feet on the line separating it from No. 11, and on the other side line dividing it from Mr. Henderson's property it runs back from Front street about 55 feet 7 inches, and then widens till it measures on the rear of 58 feet 2 inches 2 lines, and in the rear of 58 feet 2 inches 2 lines. Numbers 11 and 12, is also sold with said lots. The purchaser of each lot taking and after possessing the portion of water land that fall within the continuation of his lines from the said lots, will be allowed to fill up the vacant space between the said lots and the line separating them as per plan.

20 lots situated in the square bounded by Front st. on the East by Robin street, on the North by New Levee street, on the West, and by the continuation of Lacourne street, and the lower limit of the public square on the Southwest or upper side.

No. 1. Forms the south east corner of Front st. and the West side of Front street by a line front of 135 feet, extending along an angle of 8 feet in width, which will be given up as public for the convenience of the one who may purchase the lots fronting the square; said public property, said square to extend from New Levee street to Front street, said lot measures on the other side 128 feet 8 inches, and in the rear 22 feet.

No. 2. Adjoins No. 1, measures 40 feet on Front st. by a depth of 128 feet 8 inches on the other side, and separates it from No. 1, and on the other side 110 feet 8 inches by 32 feet 7 inches in the rear. There is a good wooden building now used by Mr. Wm. T. Heppin carrying on an extensive coal business on the lot described in this lot, viz: Nos. 1, 2, each lot is divided in the part of the building which covers it. There is a lease on Mr. Heppin's said building and the

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No. 11. Forms the south east corner of Front and Robin streets, measures on the front street, by a depth and depth of 106 feet on the line separating it from the other side line of 108 feet, and in the rear 11 measures 23 feet.

[Front street is a splendid new street 66 feet in width and extends in a line parallel with the river, from the public square opposite Lacourne street to Roffigne street, and will in all probability be continued in the rear of No. 11, and in the rear of No. 12.]

No. 12. Adjoins No. 11, and measures about 41 feet on Front street by a depth of about 108 feet on the line separating it from No. 11, and on the other side line dividing it from Mr. Henderson's property it runs back from Front street about 55 feet 7 inches, and then widens till it measures on the rear of 58 feet 2 inches 2 lines, and in the rear of 58 feet 2 inches 2 lines. Numbers 11 and 12, is also sold with said lots. The purchaser of each lot taking and after possessing the portion of water land that fall within the continuation of his lines from the said lots, will be allowed to fill up the vacant space between the said lots and the line separating them as per plan.

20 lots situated in the square bounded by Front st. on the East by Robin street, on the North by New Levee street, on the West, and by the continuation of Lacourne street, and the lower limit of the public square on the Southwest or upper side.

No. 1. Forms the south east corner of Front st. and the West side of Front street by a line front of 135 feet, extending along an angle of 8 feet in width, which will be given up as public for the convenience of