

# THE DAILY

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JEROME BAYARD.

OFFICIAL JOURNAL OF THE STATE AND CITY.

"THE UNION" where preserved.

TUESDAY MORNING, AUGUST 21, 1835.

The late hour at which the meeting adjourned last evening, does not afford the opportunity to consider the measures prior to be pursued to defeat the schemes of the abolitionists; prevents our giving today a detailed official account of the proceedings; but we hope to be enabled to do justice to the subject tomorrow.

We call attention to the advertisement concerning the Gaslight Bank—an institution whose credit and charter are unequalled—thank to Caldwell add the logrolling mea-

asures of the legislature.

Major Nash of the New York Evening Star said some

months since that "the New Orleans papers are respectfully conducted, liberally patronized, and wretchedly printed."

This was then *sensational*; and perhaps uttered for the sake of the antislavery trade. But we trust that the grounds for the sarcasm will not be removed.

The Bell will soon be issued in the same-size and form as

his own Star—with new type and an improved appearance so as to give more room for reading matter and advertisement.

The printing apparatus, press and paper are shortly ex-

pected; and we shall be enabled to commence the winter cam-

paign with renewed resources and more promising hopes de-

determined on satisfying our subscribers with the earliest,

best, and most authentic intelligence in commerce and

every kind of newspaper matter.

The Bell will also be entirely impartial, colored and im-

proved—but will not herself keep ahead of her own in its own forte, commercial intelligence.

The Louisiana Advertiser has also been resurrected, under

the most promising appearance.

The Courier maintains its responsibility; and two new

papers will appear in October or November. But where

shall they all find patrons in a community exclusively or

predominantly commercial?

Will the mayor have the goodness to investigate the cir-

cumstances of Sunday night last, when a military company

patrolled the streets and acted somewhat cavalierly in the

faubourg St. Mary?

The citizens of Mississippi seem to have completely

thrown themselves "on their reserved rights;" and finding

that the technicalities or tediousness of the law have pre-

vented justice, they have in various places elected judges and

impeached juries—prosecuted, convicted and executed. So

much for a resort to summary justice in consequence of

the misadministration of the laws! The turn of Louisiana may

unfortunately come next.

We insert a letter from Mr. Caldwell disclaiming the pro-

prietorship of the True American. We had merely given a

local habitation and name to the current belief—in conse-

quence of his having procured funds to establish it; his having

been known in the criminal's court as security for his editor;

and his having written many of its leading articles; at least

such is the popular or prevalent belief. If we are wrong, we

are glad of it; for though we are determinedly opposed to Mr.

Caldwell as a master, we are disposed to concede him indi-

vidual merits of no mean grade—but not such as either to

entitle him to public gratitude or favor.

Mr. Bayard.

Sir—You will please to contradict a statement in your pa-

per of the 10th inst.

I am not the proprietor of the True American: I have not

the smallest interest, nor have I ever had, in that or any other newspaper, except as a partial subscriber.

JAMES H. CALDWELL.

New Orleans, August 10th 1835.

The army worm is making extensive ravages in Indians and other states. It is said that ditching lands is the best

preventive.

The citizens of East Feliciana had organized themselves to prevent the introduction of abolitionists and negroes or

gamblers; but in their exertions, they discovered counter-

feets near Kinston. One of them named Blauford Lew-

ing was arrested, and found with \$500 counterfeit money—

3 notes of \$100 each on the bank of Mississippi; and 2 on

the agricultural bank of Tennessee payable in New Orleans. The latter were raised from 10 to 100.

Loring being very satisfied stated that he received the

news from one Jackson, who received them from Calhoun

regarding the route of Red river, where no establishment

of counterfeits exists. He also stated that Jackson lately

came to this city to purchase a plate for making bills of ex-

change; that he returned home to his residence on the Sa-

bine; and intended that month to bring mules thence to New

Orleans and the upper part of the state.

Our JUDICACY.—A reform in the judiciary of the state is

now required by the most experienced and enlightened ci-

zens—particularly by our practicing baristers who had too

long been made the tools or rods of judges; and we are

not a little pleased that even our feeble efforts in the Bee-

to awaken the attention of the public, have been generously

commended and encouraged.

We have on our desk a letter from John R. Grymes, Esq.

city attorney, in answer to a request for his opinion on a

particular subject involving the interests of the corporation;

in which he utters the melancholy conviction of the mem-

bers of the legal profession relative to the administration of justice in Louisiana—in mild terms indeed; still in language too

plain to be misunderstood. Expressing his reluctance to

give a decided opinion on the merits of the case, as they pre-

sent themselves to his cognizance, he says—In the present

state of the jurisprudence [administration of justice], the most

enlightened can form no opinion, nor predict with any degree

of certainty, what will be the decision on matters of this

nature! Now if the decisions of our courts of justice were

based on law or equity, and not on the hypotheses of for-

mer or antecedent opinions of ignorant authorities, the en-

lightened members of the profession might predict from

probabilities transparent or approaching to certainty, what

decisions should and would be given on any case. When

therefore the matter is so involved in doubt, that even John R. Grymes and the most enlightened lawyers cannot con-

clude for the knowledge of those hopeful arbiters of facts

and bunglers-on decisions—not expounders of law, nor

adjudicators of justice. The present state of the jurisprudence of Louisiana is indeed a melancholy superstructure of

judgments, incongruities and hypotheses—like a submarine

of our constitution and law.

But in order to direct public attention for the present to a

single point, we may resume our remarks on the late case

occurring in.

The CRIMINAL COURT.

By the act 16th January 1821, the criminal court shall

consist of one judge learned in the law.

In deciding the case of Wood on Thursday last, this learned judge stated

that his duty was to pass that a schoolboy who had rea-

lized for 15 days, could not mistake it—a very curious

conclusion to a general judgment by his assertion.

"It is admitted (he said) on all hands that a capital crime has

been committed—that the prisoner did the homicide." This

is a palpable proof that we have at least one judge learned

in the law in conformity to reason and justice.

An uneducated editor, not a "judge learned in the law,"

may now be permitted to question the "plain duty" of the

judge of the criminal court; and the admission on all hands

with entire assent.

The 19th section of the 6th article of the constitution of

Louisiana specifies—"All prisoners shall be held to bail by suffi-

cient securities, unless for capital offenses, where the pro-

secution or the presumption grants." Now by the edict

published, and the note taken down at the time of

delivering the opinion of the court, the judge (to prove him

not "learned in the law") gave the state constitution a kick

and relied on Blackstone's Commentaries on the

laws of England, quoting as well as the basis of his decision.

The opinion of the lady Gwendoline Talbot will be per-

ceived with a lively interest in the fashionable world, to be

applaudable to the age of the territory passed 2d May 1805 when it was said that "it shall be the duty of a Justice of the peace for any offence not punishable with death, to bind the party charged, with such surety as to the justice may appear reasonable." But after the adoption of the constitution, the clause postal concerning capital or noncapital offenses was elucidated or exemplified—as being applicable only to such crimes as are punishable with death or severe

punishment. Don Marc Antoino Borghese, is just come and is as much distinguished by his gravity and benevolence, as by his eloquence and highmindedness. The young man, Spanish and French, is a native of the island of Majorca, and is a son of the Duke of Montebello, who was born in Majorca, and died in Italy.

He has diligently perused the statutes on the subject, and

has quoted some of them, but has not been able to ascertain

whether the words "non capital" are to be interpreted

as meaning "not capital."

He has much to say on the subject, and has been greatly

interested in the discussion.

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