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RECEIPTS FROM THE INTERIOR

MARINE INTELLIGENCE

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Nathan Hele, B-point fan Natchischer, r Jao Armetrong, Olasceck, im Bayou de Glaize r Music, Wiskon, fu Ladwarthe. r Julin Chautous, Birkonbrim, im St Louis. P Fangen, Loc fm Charboville. r Elin, Gable, im Miliken's Bend. Ratrick Honry, Dorsey, m St Marineville. MEMORANDA ille on the M inst, on

Mr. Hunt, in beasting me reaporal or a select Committee, appointed to examine the charges preferred by Messrs. Christy and Lockett against Judge Elliott, of the City Coart of Lafayette, for malfessance in office, as Judge of said Court, submitted the following written report:

The Special Committee to whom was referred the memorial of William Christy and H. Lockett, containing sundry charges of official missonduct against B. C. Elliott, Judge of the City Court of Lafayette, respectfully submit the following REPORT:

Our liberties depend upon the pure average of the right of suffrage.

Judge of the City Court of Lafayette, respectfully submit the following

REPORT:

Our liberties depend upon the pure exercise of the right of suffrage. If we suffer that right to be abused and polluted, to be extended by freud and corruption, or by a carelessness and lonse practices, to those not entitled to it by the Constitution and laws of the State, our Government will at once degenerate from its high republican characters and sink into a tyranny.

Hence it becomes us to guard with the greatest vigilance against every encroaches ment on the right of suffrage, and to discountenance and reprobate on the part of those is to whom the administration of the naturalization laws is confided, any remissness or failure in the discharge of their duties.

The right of suffrage is the very life-blood of liberty. It is inseparable from the political equality and independence of man: it is essential to citizenship, and its honest exercise is alike the safety and glory of popular rule. It should then be maintained in its highest purity, and especially by its elected guardians, the officers of the law.

Impressed with these considerations, the Committee have investigated the subject referred to them with the care which its importance demands. They have examined a large number of witnesses, to-wit, thirty-six, and various documents and papers connected with the charges and tendered in evidence. They have received also the aid of able and elaborate arguments of conincil in support as well as in refutation of those charges, and have given to the whole matter a full consideration.

The Committee have been strongly urged to express an opinion with respect to the form of the certificates of naturalization issued from the City Court of Lafayette, and given in evidence before them.

They do so readily: the Committee are unanimously of opinion that there is nothing

when it is evidence before them.

They do so readily: the Committee are unanimously of opinion that there is noth objectionable in the form. It is valid and sufficient in law. They do so reasnly: the committee are unsufficient in law.

But the memorial charges that these certificates have been issued in direct violation and fraud of the acts of Congress on the subject of naturalization, without regard to, or compliance with the requisites of the acts; that the statements contained in those excitificates are false; and that Judge Elliett has been guilty of fraud and corruption, or of gross negligence and official misconduct in relation thereto.

It becomes the duty therefore of the Committee to look behind the form of the certificates; to examine into the mode in which they were issued; and to investigate the conduct of Judge Elliett with regard to them.

In authorising the State courts to naturalize aliens, Congress determined that all the

conduct of Judge Elliott with regard to them.

In authorising the State courts to naturalize aliens, Congress determined that all the proceedings in the courts in the exercise of their new jurisdiction should be of record and stand in perpetuam rei memoriam. It was thought that the exercise of the power of naturalization should be strictly guarded against abuse, and exposed, always exposed to the scrutiny of the public. Accordingly we find that courts not of record are excluded from the exercise of this power.

Under the laws of the United States, every court of record in a State, having common law jurisdiction, and a seal, and a clerk, is authorised to naturalize aliens upon certain conditions.

conditions.

By the act of the Legislature of this State organising the City Court of Lafayette, approved April 2d, 1835, that Court was made a court of record, with a seal; and the judge was authorised to appoint a clerk "to keep and preserve the records and proceedings of the court, in conformity to law, and under the direction of the judge thereof." Indeed, the very definition of a court of record is a court "where the acts and judicial proceedings are registered and enrolled for a perpetual memorial and testimony;" and these rolls are called the records of the court. By the act of April 14, 1832, Congress prescribed the conditions on which, and not otherwise, an alien might be admitted a citizen of the United States. The second clause of the first section says: "he shall at the time of his application to be admitted declare on oath or affirmation before some one of the courts, &c. that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and

of the first section says: "he shall at the time of his application to be admitted declare on oath or affirmation before some one of the courts, &c. that he will support the Condition of the United States, and that he doth absolutely and entirely renounce and halper all allegiance and fidelity to every foreign prince," &c.—"which proceedings shall be recorded by the clerk of the court."

The first clause of the first section of the act of 1802, required un applicant for naturalization to have previously made before some court of record, on oath, three (since altored to two) years before his admission, that it was bons fide his intention to become a citizen of the United States, and to renounce all foreign allegiance, &c.

Clerks of courts, having under this law received such declarations, Congress in 1824, passed an act declaring that no certificates of citizenship should be invalid in consequence of these declarations not having been made before the crusts; and providing by the third section that these declarations, on eath or affirmation, of the intention to become citizens may be made before the clerks of the courts of records.

By the first section of the same act of May 26, 1824, it is provided, that "any alien, being a free white person, and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years in the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required therein, at the time of his or her admission, &c. &c.

Papers and documents relative to the naturalization of one thousand seven hundred and thirty-eight alien minors under this law by the City Court of Lafayette, produced the "book accompaining this

This book consists of printed forms of naturalization, some filled up in writing, and to be others left blank in intervening pages, and it is no uncommon thing to find certificates of a later date inserted before certificates of an earlier date, as for instance, a and the

of a later date inserted before certificates of an earlier date, as for instance, a certificate of the ——day of —— before a certificate of the ——day of ——da

The papers to which the Committee now refer were brought before them by the The papers to which the Committee now refer were brought before them by the Clerk of the City Court of Lafayette as records of that court, but they have none of the characteristics of records. They are illegal and informal on their face, for the reason just stated. In fact, although our statute has created the City Court of Lafayette a court of record, and required the clerk to keep and preserve the records and proceedings of the court, yet there has been kept no minute, no continuous history of its acts from day to day and from term to term. There is not a solitary judgment entered on record in legal form in this court to justify a certificate of naturalization. It is a court of proof without records, so far as the subject of naturalization concerned. The certificates of naturalization have been illegally issued, without regard to the

The certificates of naturalization have occul inegary issued, it is a superstant that nearly four hundred of these certificates were issued in one day. It seems to your Committee impossible that this could have been legally done. Twelve hundred oats administered and eight hundred witnesses examined as to the age, the qualifications, the residence and moral character of the different persons asturalized in open court by the judge!

The Committee will now proceed to examine the particular specifications set forth

The Committee will now proceed to candillion under the charges preferred against Judge Elliont.

SPECIFICATION 1.

That some time in the month of October last past, one John Dolan received a certification of the court aforesaid, when the charge preferred against Judge Elliott.

That some time in the month of October last past, one John Dolan received a certification of the said court, under the seal of the said court, and that the said court and that the said that the said court and that the said court and that the said that the said court and that the said that th

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HOUSE OF REPRESENTATIVE.

The House not agreement to Mr. Thibolasus; of the Majorate was a second of the Mr. Thibolasus; of the Mr. Hunt, in behalf of the majority of a Select Committee, appointed to examine into the charges preferred by Mr. Sarge preferred by Mr. Sarge preferred by Mr. Lafayette, for malfeasance in office, as Judge of said Court, submitted and the United States as the door, going out of Mr. Hunt, in behalf of the majority of a Select Committee, appointed to examine into the court from, and that Judge said he would soon return, and that the witnesses to his age, character and qualifications were not sworn. Patrick Monator patrick

on to sworn at all—that when he entered own't ine Judge was at the door, going out of the court room, and the Judge said he would soon return, and that the witnesses to his age, character and qualifications were not sworn. Patrick Flood testifies that he came to the United States when he was twenty-eight years of age—that he received his citificate from the Clerk of the court as he believes, at the same time that Moran received his—that he never made any declaration of his intention of becoming a citizen of the United States—that he believes he was sworn by the Clerk of the court.

SPECIFICATION IV.

That on or about the 19th day of September last past, one John McCarthy and one John Perry, both obtained certificates of naturalization from A. Phelps, Clerk of the court aforesaid, under the seal of the court aforesaid without producing any witness or making proof of any kind whatsoever, before said Clerk, or the said court, as required by the said acts of Congress: The said Judge Elliott being out of the Parish of Jefferson, to wit, in the City of New Orleans, at the moment when such certificates were as saued, but who, returning before the said applicants left the City of Lafryette, and being met by them in the street, was told that such certificates had been given to them, which he approved, but did not require them to return to the court room and take the necessary oath in his presence. Neither of said applicants had ever made the previous it declaration of their intention to become citizens of the United States, and the said John Perry had not been in the United States, in all, more than three years.

The witnesses upon this Specification are John McCarthy, and A. Rousseau.

McCarthy declares that he never saw Judge Elliott until these charges were preferred—that, he obtained his certifica e from a gentleman officiating in the City Court of the said said to the court of the made a declaration in New York in 1833 in a court, of his intention of becoming a citizen, but that he lost his certificate of his decla

F. Lopez testifies that he never made any declaration of his intention to become a citizen of the United States—does.not speak English and does not know from whom the received the certificate.

R. Motello testified in like manner—as also did F. Tagliafer and J. Y. Barry.

Bartolemo B. Robera testified that he received a certificate from the Court at Lafay-ette—does not know from whom—does not know udge Elliott—no witnesses were sworn to prove his qualifications. He and several others signed papers for each other. He there obtained a certificate for his partner, J. Monfa, from the same person who furnished him with his. Monfa was in the city—he never appeared before the court, and the certificate was sent down to him. Witness had never made any declaration of his intention to become a citizen of the United States when he was about 26 years of age—that he never made any declaration of his intention to become a citizen of the United States—that the Judge was not present when he was naturalized, and that he was not required to make proof of his qualification to be admitted a citizen. P. Vanturen testified that he was present in the court at Lafayette when Robera. Garcia, Davis, Pereiras and Tagliafero received their certificates and saw the certificate for Monfa delivered to Robera. Judge Elliott was present when some of the certificates were delivered and filled up some of the blanks and sent them to the clark to be signed in the next room. No witnesses proved the qualifications when applicates. SPECIFICATION VII.

That on the 22d day of September last past, one Rudolphe Schlothe received a certificate of saturalization from A. Phelps, clerk of the said court, under the seal of said court, when the said Judge Elliott was in the adjoining room—that no questions were put to him as to his qualifications—the said Schlothe having no right to be uaturalized, as he had sever made the previous declaration in a court of record of his intention to become a citizen of the United States as required by the said act of Congress

SPECIFICATION VIII.

That sometime within twelve months past, the following named persons, to-wit: Bernard McCarthy, Henry Dehlman, John Carberry, Patrick Farrar, Barnard McGary Michael O'Conner, Richard O'Sullivan, Daniel Fitzgerald, John Boyer, Kavier Vittra Frederick Helmer Summers, William Heart, William Creppel and Charles Gallagher all received certificates of naturalization from said A. Phelps, clerk of said court, and under the seal of said court, without possessing any of the qualifications required by law, to enable them to become naturalized, and without making the necessary proofs, and that in several instances, to-wit: In those of Bernard McGary, John Lund, John Boyer, Kavier Vittra, William Heart, William Creppel and Charles Gallagher, the certificates had been interlined after they were so issued.

R. HUNT, Chairm J. K. GAUDET. T. PHELPS.

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was a challenger, says, "it was then suggested by myself, Mr. Lockett, or some other person, that the certificate should be interlined," &c. and "Mr. Lockett wrote to have effect on the certificates, which he witness, proposed to have interlined, to which he understood Mr. Lockett to assent. Upon the return of one of the owners of the certificate, "interline" as directed, Mr. R. Hunt, who was then present, looked in B and C.'s Digest, and hunted up a penal statute against the amendments or alterations of public records and showed it to Mr. Lockett. Mr. Lockett then told these gentlemen who had got their certificates interlined, that the law had been violated in interlining these certificates, and these persons left the polls." "His understanding was, from what was said by Mr. Lockett, at that if these certificates were interlined, as suggested, persons presenting themselves to vote upon them would be admitted." The same witness 23/2, Mr. Lockett and Mr. Hunt exchanged some private remarks in a whisper, and after that Mr. Lockett objected, as he has already stated; because the laws had been violated by this interlineation. Another witness corroborates these statements.

These interlineations, I believe, were improper, because the clerk and not the judge seems to be the keeper of the records, and if any body had a right to alter them, it would seem to be the clerk. But when I take into consideration the importunities which as seems to be the keeper of the records, and if any body had a right to alter them, it would seem to be the clerk. But when I take into consideration the importunities which as seems to be the keeper of the records, and if any body had a right to alter them, it would seem to be the clerk. But when I take into consideration the importunities which as seems to be the keeper of the records, and if any body had a right to alter them, it would seem to be the clerk. But when I take into consideration the importunities which are decired. But when I take into consideration are intimal to making them.

W. Creppel testified simply as to the interlineation.

B. McCarthy testifies that he regularly made a declaration of his intention to become a citizen of the United States, and proved his qualifications for naturalization.

SPECIFICATION IX.

That some time in the month of October last past, one John Dolan received a certificate of naturalization from A. Phelps, clerk of the said ourt, when the said Judge Elliott was in the room adjoining the curt room—that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not sworm, and that the witnesses he took with him to make the necessary process were not not received to the word of his intention to become a citizen of the United States, as required by a swarp with the said John Dolan testified that he received his certificate from the clerk of the City Court of his intention to become a citizen of the United States, and the received his certificate of naturalization to become a citizen of the United States, nor that they were men of the certificate of the process of the swarp with the swarp with the swarp with the swarp with th

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