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THE TERMS OF THE STAR

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The following IMPORTANT TRACT was on Monday the 14th inst. communicated to Congress by the President of the United States.

AN ACCOUNT OF

LOUISIANA,

Being an abstract of DOCUMENTS, *in the Offices of the Departments of State and of the Treasury.*

(Concluded from Tuesdays Star.)

Cultivation of Sugar.

The sugar cane may be cultivated between the river Iberville and the city, on both sides of the river, and as far back as the swamps. Below the city, however, the lands decline so rapidly that beyond fifteen miles the soil is not well adapted to it. Above the Iberville the cane would be affected by the cold, and its produce therefore be uncertain. Within these limits the best planters admit that, one quarter of the cultivated lands of any considerable plantation may be planted in cane, one quarter left in pasture, and the remaining half employed for provisions, &c. and a reserve for a change of crops. One Parisian Arpent of one hundred and eighty feet square may be expected to produce on an average twelve hundred weight of sugar, and fifty gallons of rum.

From the above data, admitting that both sides of the river are planted for ninety miles in extent, and about three-fourths of a mile in depth, it will result that the annual product may amount in round numbers to twenty-five thousand hogsheads of sugar, with twelve thousand puncheons of rum. Enterprizing young planters say that one-third, or even one-half of the arrable land might be planted in caue. It may also be remarked that a regular supply of provisions from above at a moderate price, would enable the planter to give his attention to a greater body of land cultivated with cane. The whole of these lands, as may be supposed, are granted; but in the Atacapas country, there is undoubtedly a portion, parrallel to the sea-coast, fit for the culture of the sugar cane. There vacant lands are to be found, but the proportion is at present unknown.

In the above remarks the lands at Terre aux Fœuf, on the Fourche, Bayou St. Jean and other inlets of the Mississippi, south of the lattitude supposed to divide those which are fit, from those which are unfit, for the cultivation of the cane, have been entirely kept out of view. Including these, and taking one-third instead of one-fourth of the lands fit for sugar, the produce of the whole would be fifty thousand instead of twenty-five thousand hogsheads of sugar.

The following quantities of sugar, brown, clayed and refined, have been imported into the United States from Louisiana and the Floridas, viz.

In 1799	- -	773,542 *lb.*
1800	-	1,560,855
1801	- -	967,619
1802	-	1,575,933

Of the Laws.

When the country was first ceded to Spain, she preserved many of the French regulations, but by almost imperceptible degrees they have disappeared, and at present the province is governed entirely by the laws of Spain and the ordinances formed expressly for the colony. Various ordinances promulgated by general O'Reilly, its first governor under Spain, as well as some other laws, are translated and annexed in the appendix No. I.

Courts of Justice.

The governor's court has a civil and military jurisdiction throughout the province. That of the lieutenant governor has the same extent in civil cases only.

There are two Alcaldes, whose jurisdiction, civil and criminal, extends thro' the city of New Orleans and five leagues around it, where the parties have no *fuero militar* or military privilege; those who have can transfer their causes to the governor.

The tribunal of the intendant has cognizance of admiralty and fiscal causes, and such suits as are brought for the recovery of money in the kings name or against him.

The tribunal of the Alcalde Provincial has cognizance of criminal causes, where offences are committed in the country, or when the criminal takes refuge there, and in other specified cases.

The ecclesiastical tribunal has jurisdiction in all matters respecting the church.

The governor, lieutenant governor, Alcaldes, Intendant, Provincial Alcalde, and the Provisor in ecclesiastical causes, are respectively sole judges. All sentences affecting the life of the culprit except those of the Alcade Provincial, must be ratified by the superior tribunal, or captain general, according to the nature of the cause, before they are carried into execution. The governor has not, the power of pardoning criminals. An auditor and assessor, who are doctors of law, and appointed to give council to those judges: but for some time past there has been no assessor. If the judges do not consult those officers or do not follow their opinions, they make themselves responsible for their decisions.

The commandants of districts have also a species of judicial power. They hear and determine all pecuniary causes not exceeding the value of one hundred dollars. When the suit is for a larger sum, they commence the process, collect the proofs and remit the whole to the governor, to be decided by the proper tribunal. They can inflict no corporal punishment except upon slaves; but they have the power of arresting and imprisoning when they think it necessary; advice of which and their reasons must be transmitted to the governor.

Small suits are determined in a summary way by hearing both parties *viva voce;* but in suits of greater magnitude the proceedings are carried on by petition and reply, replication and rejoinder, reiterated until the auditor thinks they have nothing new to say. Then all the proofs either party chuses to adduce are taken before the keeper of the records of the court, who is always a notary public.

The parties have now an opportunity of making their remarks upon the evidence by way of petition, and of bringing forward opposing proofs. When the auditor considers the cause as mature, he issues his decree, which receives its binding force from the governor's signature, where the cause depends before him.

There is an appeal to Havanna, if applied for within five days after the date of the decree, in causes above a certain value. An ulterior appeal lies to the audience which formerly sat at St. Domingo, but which is now removed to some part of Cuba, and from thence to the council of the Indies in Spain.

Suits are of various durations. In pecuniary matters the laws encourage summary proceedings. An execution may be had on a bond in four days, and in the same space on a note of hand after the party acknowledges it, or after his signature is proved. Moveable property is sold after giving nine days warning, provided it be three times publicly cried in that interval. Landed property must be likewise cried three times with an interval of nine days between each, and it may then be sold. All property taken in execution must be appraised and sold for at least half of the appraisement. —In pecuniary matters the governor decide verbally without appeal, when the sum does not exceed one hundred dollars. The Alcaldes have the same privilege when the amount is not above twenty dollars.

In addition to these courts four years ago three were established four Alcaldes de Barric, or petty magistrates, one for each of the four quarters of the city, with a view to improve to its police.—They hear and decide all demands not exceeding ten dollars, exercise the power of committing to prison, and in case of robbery, riot, or assassination, they can, by calling on a notary, take recognizance of the affair; but when this is done they are bound to remit the proceedings to some of the other judges, and in all cases whatever, to give them information when they have committed any person to prison.

Most of the suits are on personal contracts, right to dower, inheritances and titles to land. Those arising from personal quarrels are generally decided in a summary way, the inhabitants are said not to be litigious.

Lawyers and costs of the Courts and their Officers.

The number of lawyers is small, not exceeding three or four attornies. Their fees are small. Suits are carried on in writings called *escritos*, which may be drawn up by the parties themselves, if they please, but they must be presented by the *escribano* or notary who is the keeper of the records of the court.

The fees of the judges are twenty-five cents for every half signature or flourish (which is usually affixed on common occasions,) fifty cents for every whole signature, and two dollars and three-fourths for every attendance, as at a sale or the taking of evidence.

The fees of the Abogado, or person consulted by the judges on law points, are twelve and a half cents for every leaf of which the process consists, and four dollars for every point of law cited. Those of the attorney, when employed, are sixty-two and a half cents for a simple petition or escrito, but if it should be necessary to read a process in order to form his petition, and it should require much time and labor, he is compensated in proportion, besides twelve and a half cents per leaf for perusing the papers.—For attendance on any business he is allowed one dollar and fifty cents for the *assistance* of two and a half hours. The notary has fifty cents for each decree or order of the judge, twenty-five cents for a notification in his office, and fifty cents for one out of it, but within the city; one dollar and seven-eighths for every attendance of two and a half hours on business, and twenty-five cents additional for every leaf of paper written by him.

A counsellor or two have sometimes resided at New Orleans, but, being generally found obnoxious to the officers of the government, they have not continued there. The councellor values his own services, and in general exacts large sums. The attorney generally receives from the party who employs him more than is allowed by law.

Crimes, Criminal Jurisprudence and Punishments.

In cases of petty crimes the cognizance of the proper court may be said to be final and without appeal; and most commonly such causes are decided in a summary way. With respect to crimes of deeper dye more solemnity is used. A person skilled in the laws is always nominated by the court to defend the accused. The trial is not public; but examinations and depositions in writing are taken privately by the auditor at any time most convenient to himself, at which nevertheless the council of the accused is admitted to be present. He has also every kind of privilege granted to him in making his defence. Such suits are generally very tedious and expensive, when he is wealthy. The condemned is entitled to an appeal as in civil cases, provided he gives security for the payment of the future costs. There appears, however, to be a virtual appeal in every condemnation, because a stay of execution takes place until the confirmation of the sentence returns from St. Jago de Cuba, where there is a grand tribunal established consisting of five judges, before whom counsellors plead as in our courts.

Crimes of greater atrocity are very rare. Murder by stabbing seems to be confined to the Spanish soldiers and sailors. The terror of the magistrate's power restrains assaults, batteries, riots, &c.

Punishments are generally mild.—They mostly consist of imprisonment and payment of costs, sometimes the stocks. White men, not military, are rarely, perhaps never degraded by whipping; and in no case do any fines go into the public treasury. Murder, Arson and aggravated robbery of the king's treasury or effects, are punished with death.—Robbery of private persons to any amount is never punished by death, but by restitution, imprisonment, and sometimes enormous costs. Crimes against the king's revenue, such as contraband trade are punished with hard labor for life, or a term of years, on board the gallies, in the mines, or on the public works.

Learning.

There are no colleges, and but one public school, which is at New Orleans. The masters of this are paid by the king. They teach the Spanish language only. There are a few private schools for children. Not more than half of the inhabitants are supposed to be able to read and write, of whom not more than two hundred perhaps are able to do it well. In general the learning of the inhabitants does not extend beyond those two arts; though they seem to be endowed with a good natural genius, and an uncommon felicity of learning whatever they undertake.

The Church.

The clergy consists of a bishop, who does not reside in the province, and whose salary of four thousand dollars is charged on the revenue of certain bishopricks in Mexico and Cuba; two cannons having each a salary of six hundred dollars; and twenty-five curates, five for the city of New Orleans, and twenty for as many country parishes, who receive each from three hundred and sixty to four hundred and eighty dollars a year. Those salaries, except that of the bishop, together with an allowance for sacristans and chappel expences, are paid by the treasury at New Orleans, and amount annually to thirteen thousand dollars.

There is also at that place a Convent of Ursulines, to which is attached about a thousand acres of land, rented out in three plantations. The nuns are now in number not more than ten or twelve, and are all French. There were formerly about the same nomber of Spanish ladies belonging to the order; but they retired to Havanna during the period when it was expected that the province would be transferred to France. The remaining nuns receive young ladies as boarders, and instruct them in reading, writing, and needle-work.

They have always acted with great propriety, and are generally respected and beloved throughout all the province. With the assistance of an annual allowance of six hundred dollars for the treasury, they always support and educate twelve female orphans.

Of the officers of Government.

The officers who are merely judicial, have been already mentioned, and therefore some of them will be altogether omitted in this place. The executive officers appointed by the governor, for each division of the province, and called COMMANDANTS, are generally taken from the army, or the militia. When the settlement is small, some respectable character is appointed to the civil command, and the militia officers has the direction of military matters. Where there is a garrison, the commandant is sub-delegate of the Intendant, and draws upon him for all expences incurred. In that case he has the charge of all matters relating to the revenue, within his district.

The duty of commandants is to superintend the police, preserve the peace of the district, examine the passports of travellers, and to suffer no strangers to settle within the limits of their command, without regular leave obtained from government. They are to prevent smuggling, to certify that all lands, petitioned for by the inhabitants, are vacant before they are granted, and when required, put the owner in possession. They are besides notaries public, and in their offices it is necessary to register all sales of lands and slaves, and even to make the contracts for those purposes, before them. They act as sheriffs, levy executions on property, attend and certify the sale, and collect the proceeds. They also take inventories of the property of intestates. By an ordinance of Baron Carondelet, Syndics are established every three leagues, who are subordinate to the commandant, decides small causes, and have the police of road levies, travellers and slaves.

The officers of the general government are the following: Besides his judicial powers, the GOVERNOR is chief of the army and militia, and the head of the civil government. He is also President of the Cabildo, or Provincial Council. He appoints and removes at pleasure the commandants of districts. He appoints the officers of the militia, who are nevertheless commissioned by the king, and he recommends military officers for preferment. He is superintendent of Indian affairs. He promulgates ordinances for the good of government and improvement of the province; but he has no power to assess taxes upon the inhabitants without their consent. Until the year 1798, he possessed the sole power of granting lands, but it then passed into the hands of the intendant.

The Cabildo is an heriditary council of twelve, chosen originally from the most wealthy and respectable families. The governor presides over their meetings. Their office is very honorabble, but it is acquired by purchase. They have a right to represent, and even to remonstrate to the governor, in respect to the interior government of the province. The police of the city is under their controul and direction. In it they regulate the admission of physicians and surgeons to practice. Two members of the Cabildo serve by turn monthly, and take upon themselves the immediate superintendance of markets, bakers, streets, bridges, and the general police of the city. This council distributes among its members several important offices, such as Aguazil Mayor, or high sheriff, Alcalde Provincial, procureur general, &c. The last mentioned is a very important charge. The person who holds it is not merely the king's attorney, but an officer peculiar to the civil law. He does not always prosecute; but after conviction he indicates the punishment annexed by law to the crime, and which may be, and is mitigated by the court. Like the chancellor in the English system, he is the curator and protector of orphans, &c. and finally, he is the expounder of the law, the defender of the privileges belonging to the town, province or colony, and the accuser of every public officer that infringes them.

The Cabildo is also vested with a species of judicial authority, for which, and for a further elucidation of its constitution, and the functions of the officers springing from it, see the Appendix No. I.

The Intendant is chief of the departments of finance and commerce, and exercises the judicial powers already mentioned. He is entirely independent of the governor, and no public monies can be issued without his express order. The land office is under his direction.

The Contador, Treasurer and Interventor, are officers subordinate to the Intendant. The first has four clerks under him, and keeps all accounts and documents respecting the receipts and expenditures of the revenue, and is therefore a check upon the Intendant. The treasurer is properly no more than a cashier, and is allowed one clerk. The Interventor superintends all public purchases, and bargains. The administrator is also subordinate to the intendant, and with a number of inferior officers, manages every thing respecting the custom house. Every clerk in these offices receives his commission from the king.

The Auditor is the king's councellor, who is to furnish the governor with legal advice in all cases of judicial proceedings, whether civil or military.

The assessor's functions are similar to those of the auditor, and are properly applicable to the intendant's department.

Both of the officers last mentioned are also the counsellors of some of the other tribunals, as before intimated.

A secretary of the government and another of the intendency.

A surveyor general.

A harbor master.

A store-keeper, who takes charge of all public moveable property.

An interpreter of the French and Spanish languages, with a number of other inferior officers.

All appointments in the province with a salary of more than thirty dollars per month are made by the king, and most of those with a lower salary by the governor or intendant as belongs to their respective departments. There are no officers chosen by the people.

The salaries and perquisites of the principal officers are as follows:

	p. salary	p. perquisites.
Governor annually,	6,000	2,000
Intendant,	4,000	none.
Auditor,	2,000	2,000
Contador,	2,000	none.
Assessor,	1,200	1,000
Treasurer,	2,200	none.
Administrator	1,200	none.
Secretary of government,	900	2,000

The commandants of districts receive each 100 dollars from the king annually, unless they are possessed of a military employment or pension.

Taxes and Duties.

Instead of paying local taxes, each inhabitant is bound to make and repair roads, bridges, and embankments thro' his own land.

A duty of six per cent. is payable at the custom-house, on the transfer of shipping. It is ascertained upon the sum, the buyer and seller declare to be the real consideration. As no oath is required from either, they seldom report more than half the price.

The following taxes are also payable in the province.

Two per cent on legacies and inheritances, coming from colleterals and exceeding 2,000 dollars.

Four per cent. on legacies, given to persons who are not relatives of the testator.

A tax on civil employments, the salaries of which exceed 300 dollars annually, called *media onnara*, amounting to