DAILY CRESCENT.

PUBLISHED EVERY DAY—SUNDAYS EXCEPTED—
BY HAYES & M'CLURE.
A. M. HAYES.....J. S. M'CLURE.
Office—No. 95 St. Charles Street.

TERMS OF THE CRESCENT.
DAILY—*Eighteen Cents a Week*, payable to the carriers, weekly.... or, *Eight Dollars* per annum—half yearly and quarterly at the same rates—in advance.... Single copies, *Five Cents*..... The office will receipt for all subscriptions exceeding one week.
SEMI-WEEKLY—*Five Dollars* per annum, in advance.
ADVERTISEMENTS—not exceeding twelve lines, in Agate type, $1 for the first insertion, and 50 cents for every subsequent insertion. Those of greater length in proportion. Notices on the second page, of ten lines in Pearl type, $5 each insertion.
Advertisements published weekly, semi-weekly, tri-weekly or monthly, are charged $4 per square for every insertion. ☞A liberal discount made to those who advertise by the year.
MARRIAGE and OBITUARY Notices are charged 50c. per square.

MONDAY MORNING, JULY 10, 1848.

☞ See First and Fourth pages. ☜

The Louisiana Mounted Volunteers.

The citizens of our city, with a commendable spirit of liberality, have testified their appreciation of the services of a part of the Louisiana Volunteers, by giving them upon their return a public reception. And truly the Infantry have deserved well of their fellow-citizens; yet, while rendering justice to them, we should not overlook the equal claims of others to our gratitude. The Mounted Men have equally upheld the honor of our State—they have performed services equally arduous, and their merit is in all respects as great. Should we then neglect them, and perform but half our duty by making invidious distinctions? We are proud of all our volunteers, and we think it no more than right that some public testimonial of approbation should now be given to the Mounted Men. We hope that our city will not pass this matter over in silence; but will at once see the propriety of our suggestion, and take prompt measures to carry it out. Let this be done, and Louisiana's worthy representatives will have no reason to complain that she is ungrateful to those who have sustained her honor and her reputation in a foreign land.

MEETING OF THE AMERICAN LEAGUE.—The meeting held last evening, at 100 Magazine street, was well attended. Doctor McCracken presided. The minutes and proceedings of the last meeting being read and adopted, the chairman rose and addressed the meeting in a speech of much force and sound, lucid reasoning, after which a number of persons came forward and enrolled their names as members. The amount subscribed to the emergency fund was $800. Captain G. W. White having entered the hall, was invited to take a seat on the platform, and was most rapturously applauded. He addressed the meeting in an eloquent and forcible speech, returning thanks for the enthusiastic manner in which he had been received. On motion, the chair was tendered to Captain White, which he accepted, amidst great applause.* The meeting was then addressed by Messrs. Scanlan, Coleman, Lamb, and Rowan, after which the meeting adjourned until Sunday evening next.

LOUISIANA MOUNTED MEN.—This Battalion arrived yesterday, in command of the following officers:—Co. A—Capt. L. A. Besançon; 1st Lt. S. W. Waters; 2d Lts. Harkins and Foster....*Co. B—Capt. H. Fairchild; 1st Lt. Wm. Moralle; 2d Lt. Jas. K. Pearson....Co. C—Capt. Geo. Kerr; 1st Lt. L. W. Berry; 2d Lts. Wm. Mitchell and W. D. Hook....Co. D—Capt. J. J. Connelly; 1st Lt. R. J. Kelly; 2d Lts. B. E. Hunter and P. H. Curran....Co. E—Capt. A. L. Lewis; 1st Lt. C. Lilly; 2d Lts. Chas. Foster and James Hughes.

These gallant officers returned to our city yesterday, looking as well as if they had a score of Mexican campaigns in them yet. They have fought the guerilleros—escorted trains, scouted, and performed all the other little amusements, so effective in varying the monotony of a life in Mexico, and we have no doubt would be ready to do the same again. Without in the slightest degree detracting from what is due to others, we can safely say that our army could boast of no more useful officers. Louisiana needs no more worthy representatives.

OUR MOUNTED MEN.—We had the pleasure yesterday of meeting once more our old friends Capts. Fairchild and Kerr, of the Louisiana Mounted Men. They have just returned from the late seat of war in Mexico, and were welcomed by a large circle of friends and acquaintances. While absent, as might naturally have been expected, they have performed a great amount of arduous services, notwithstanding which they look well, having fortunately escaped the bullets of the Mexicans and the diseases of the climate. Fighting guerilleros and scouting through the chaparral is pretty hard work, and Kerr and Fairchild have done their share of it.

LIEUT. COL. BISCOE.—This officer arrived on Saturday, when we had the pleasure of saluting him. He does not seem to have been at all injured by his Mexican campaign; but is now ready for another term in Yucatan. Wherever he goes he will be sure to distinguish himself, and the Yucatecos will never have reason to complain of him. Many friends besides ourselves were happy to welcome Col. Biscoe to New Orleans.

☞ The U. S. transport Moslem, Capt. Pettis, five days from Vera Cruz, brought Companies D and E, 3d Dragoons, and Companies B, C, and E, Louisiana Mounted Battalion, Capt. H. Fairchild, commanding.

☞ Co. F, Capt. Lewis, bring over in charge the remains of Lt. Kline and Sergt. Ralph Depass.

OLYMPIC THEATRE.—This evening will be performed the beautiful drama of the "Lady of the Lake," with a dance between the pieces by Miss Deering, and the whole to conclude with "New Orleans as It Is."

☞ The British sloop of war Electra arrived at Pensacola from a cruize on the 6th inst., and was to leave in a day or two.

☞ A recent report of Mr. Goggin, chairman of the Congressional Committee on Post Offices, contains a short and full expose of the evils of our present system of franking.

ILLNESS OF MR. HALE.—The New York Journal of Commerce announces that the illness of Mr. Hale, one of its editors, is congestion of the brain. It is the opinion of his physicians that he is in a fair way to recover, though the process is slow, and attended with some fluctuations.

IMPORTANT ARRIVAL.—The British propeller Ireland arrived at Chicago on the 20th ult., direct from Montreal, with a heavy cargo. This is the first arrival of the kind.

AFFRAY.—During the trip of the steamboat Madison Bello, on the Ohio river, a fireman of Indian blood spilt some white lead, which the mate ordered him to clean up. Refusing to do it, they came to blows, and were allowed to fight for some time, when a deck hand separated them. While the boat was on her downward trip, the same day, the Indian procured a pistol and shot the man that had separated them. But the affray did not stop here. Another deck hand jerked the pistol out of the Indian's hand, and shot him (the Indian) through the neck. There is but little hope of the recovery of either the Indian or white man.

MURDER.—On Thursday morning the body of J. F. Brusse, the overseer on the plantation of Mr. St. Ann Prud'homme, eight miles below town, was found dead in the river. On examining the corpse it was found that he had been murdered, several wounds having been discovered on the head, made apparently with the back of an axe or hatchet. Several of the slaves from the plantation are now in jail waiting a trial—one of whom has confessed his guilt.—*Natchitoches Chronicle 1st inst.*

☞ One of our New York exchanges, the other day, in its commercial intelligence, quoted *Oats* at 55@56c. per bushel.

SALMON.—Salmon are more abundant in the St. Croix river this season than they have been for many years. Several hundred have been caught at Calais, Me., where they sell at eight cents per pound.

Reception of the Louisiana Infantry.

On Saturday evening the companies composing Col. De Russy's Regiment and Col. Fiesca's Battalion of Louisiana Volunteers were formally welcomed home by their fellow-citizens of New Orleans. It was an occasion calculated to elicit all our enthusiasm, for it was fitting that distinguished honor should be paid to those who, through the perils and difficulties of a campaign in a foreign country, have so nobly and so well sustained the honor of the State.

After having wreathed an unfading laurel upon the escutcheon of Louisiana, they return once more to their homes, their families, and their kindred, to receive the embraces of those they love and the approbation of the country they have served. The reception which was extended to them proved that, though long separated, the State has continued to cherish their memory and appreciate their merit.

During the afternoon the volunteers left the camp at Carrollton, and were formed into procession at the Horse Station in Nayades street; thence they were escorted by our city uniform companies to the platform in Canal street, where Gov. Johnson addressed them as follows:

Col. De Russy—Major Fiesca—The kindly offices of peace having restored the remnants of your respective commands to our common country, it is peculiarly becoming in that Magistrate whose duty required him to call you to arms in a just and necessary war, and in those good citizens who encouraged you to respond to the appeal of patriotism, to manifest and testify, in a public manner, their unqualified approval of your conduct, and their gratitude and sympathy for your services and sufferings.

It required no ordinary degree of patriotic devotion to break up your relations with all that rendered a peaceful home and civilized society agreeable and happy, to encounter, in a foreign land, the rugged vicissitudes of war, and the still more appalling ravages of a pestilent disease. It is with exultation, therefore, I bear witness that you did not hesitate in the path of duty, nor ignobly debate the chances of life and death; but with commendable zeal, like true-hearted American citizens, showed that you were neither deaf to the voice of your country, when she called on her sons to do battle in her cause, nor insensible to the brilliant attractions of military renown.

Although you were denied the enviable privilege, so earnestly desired, of sharing in those general engagements with the enemy which have shed immortal honor on American skill and valor, yet you are not without gallant deeds and heroic exploits to point to. In many sharp conflicts with the enemy, whom you sought in their defiles and strongholds, your troops displayed discipline, cool courage, patient endurance and gallant conduct, which but too significantly tells how much of fame has been lost to the State, and of individual glory to themselves, for the want, on their part, of grander and more expansive opportunities of distinction. Besides, gentlemen, in a civil and religious sense, you have, in accomplishing the legitimate objects of your mission, achieved conquests for humanity which the victories of more favored battalions and regiments in pitched battles with the enemy do not completely eclipse. Your discriminating intelligence, your impartial justice, bravery, noble bearing and discipline, cannot fail to have taught the Tamaulipans and other provincials solemn and impressive lessons of civil and religious liberty, which will sooner mature into a wisdom more fruitful of blessings to that unhappy and misruled people than if you had poured out their blood in streams and desolated their homes by fire and sword. And let me tell you, Col. De Russy, *I have no skill in prophecy if the seed you have sown there can long lie concealed and inactive in the womb of the future.* In the great work, then, of civilization, in which the whole army was engaged as a schoolmaster in Mexico, the Louisiana troops have proved themselves invincible, even when opposed by overwhelming numbers of the enemy. They have conquered themselves by submitting to a fate, sufficiently unwelcome, with fortitude, if not with perfect resignation, and by their conciliation, reason and enlightened policy, have inspired the Mexicans within their influence, with a lofty and holy desire to assert the dignity of human nature, and to adopt as their form of government the example of our own inimitable Republic. In all these respects you have done well, acted nobly, and placed your country and mankind under an obligation of gratitude not easily repaid.

And now, my friends, when the bugle's blast no longer sounds the notes of war, and the piercing fife and soul-stirring drum are no longer heard, you have come, in the true spirit of our republican institutions, to lay down your weapons at the foot of the civil magistrate, anticipating as the only reward of your perils, privations and sacrifices, an honorable dismission and a proper appreciation of your patriotic services. It is a glorious proof of the excellence of our elective and purely and well-poised representative system of government, when all are soldiers and all citizens, without conflict of pretension or privilege. Interesting and sublime as the spectacle is, there is something of sadness in it; habituated to arms, and some of you to command, you are about to lose your military identity and authority in the varied currents of social pursuit. You have formed strong ties, under a sense of common danger, and by affinities purely elective, which must be weakened by separation; and you have enshrined in your hearts the memories of those who, fallen in battle or by disease, are not present to receive our greetings. Your emotions may therefore be imagined, but not well described, and I forbear. Gentlemen, as the Chief Magistrate of Louisiana, I now receive you back from our Federal mother, without spot or blemish to tarnish the bright escutcheon of our noble State. I receive and welcome you, officers and soldiers, in the name of that State. In the name of all good citizens, I bid you welcome. Welcome a thousand times. Welcome, in the sacred names of justice and of patriotism.

Col. De Russy replied in an appropriate manner on behalf of the volunteers. He thanked the Governor for the honor conferred upon them, and the encomiums he had been pleased to pass upon them; and asserted that he was willing to pledge himself that, should Louisiana ever again have need of bright swords and strong arms, her sons would respond with enthusiasm to the call. The reply of the Colonel was received with great applause.

When the ceremonies in Canal street had concluded, the procession marched to the Place d'Armes, where a collation had been prepared. Many distinguished officers lately returned from Mexico were present, among whom we noticed Col. Lane, the "Marion" of the army.

The affair altogether was very creditable to the city, and must have been extremely gratifying to the volunteers themselves.

Col. De Russy's Regiment did not present as fine an appearance as we might have expected; but this was owing to the fact that some of the companies had been discharged, and were necessarily collected together indiscriminately for the occasion. Col. Fiesca's Battalion looked splendidly, and their excellent appearance and perfectly regular marching were the subject of universal praise.

LOUISIANA THIRD INFANTRY BATTALION.—*Staff*—Lieut. Col. Charles Fiesca, Adjutant J. G. King, Surgeon Charles Hankle.....*Co. A*—Capt. George W. White, 1st Lieut. James Linton, 2d Lieut. David Nelligan.....*Co. B*—Capt. Wm. E. Millen, 1st Lieut. Gerbig, 2d Lieut. Schaeffler.....*Co. C*—Capt. Seefelt, 1st Lieut. J. Jacobs, 2d Lieut. Robe. *Co. D*—Capt. Warrington, 1st Lieut. Thos. Norman, 2d Lieut. D. S. McDowell.....*Co. E*—Capt. J. E. Featherston, 1st Lieut. H. C. Young, 2d Lieut. Jos. G. King.....Sergt. Major Payne, Q. M. Sergt. Reynolds.

THE FOURTH—*Fire-Works.*—The grand display of fire-works that was to have been given to the public on the night of the Nation's Birth-day was deferred until last night, in consequence of the bad weather on the Fourth. We have seen a great many exhibitions of this character, in our time, yet we must confess to have never seen any thing of the kind to equal the exhibition that we saw last night. The rockets that were discharged gave forth fires of every hue. The various pieces were all of a beauty and brilliancy to charm. But the last piece was the most beautiful. It represented the Temple of Liberty—each angle and curve of the Temple being marked by a line of fire of the same magnitude, but of a different color to that which marked the line of the next arch. A transparency of Washington was fixed in front, immediately above the head of which a large star, glowing with sapphire flame, was most tastefully displayed. At the moment when the variegated fires of the Temple began to burn dimly, a mass of fiery serpents were hurled into the air, resembling a vast fiery cloud, which, bursting, cast forth thousands of stars of every color and brilliancy. We never beheld such a splendid display before. The taste displayed by those who made and arranged the works is worthy of the highest commendation and applause. There were at least ten thousand persons present, all of whom seemed charmed with the display.

NAVAL.—Lieut. James W. Cooke has been ordered to the Pensacola Yard. Surgeon J. M. Foltz to the Navy yard at Washington, D. C., to relieve Surgeon Clymer, detached preparatory for sea service. Passed Midshipman Ed. Barrett is ordered to the Jamestown, now on the coast of Africa, to relieve Master Wilmer Shields, who has permission to return. Second Assistant Engineer W. F. Mercier, is ordered to proceed to the Pacific squadron, in the storeship soon to sail from New York, for special service.

The Senate have confirmed the nomination of Commanders A. G. Slaughter and Oscar Bullus, Lieuts. C. S. McDonough, and J. D. Todd, and Assistant Surgeon Wm. F. Carrington.

Letter from Henry Clay.

The following is the letter of Henry Clay to Gov. Owsley of Kentucky, declining the appointment of Senator in place of Mr. Crittenden, which had been offered him:

ASHLAND, June 22, 1848.

Dear Sir—I have the honor to acknowledge the receipt of your letter of the 20th inst., delivered to me yesterday, by Secretary Mitchell, tendering me a temporary appointment of a Senator from Kentucky, in consequence of a vacancy produced by the resignation of Mr. Crittenden. Your Excellency is pleased to urge me to accept the office from various reasons, which I admit possess considerable force. There is much ground to apprehend that, both in our domestic and foreign relations, grave and momentous questions may arise, the proper adjustment of which will require all the moderation, wisdom and experience which can be placed in the national councils.

When you were kind enough, some weeks ago, to intimate to me that you had intended, in the event of the vacancy which has since occurred, to offer me an executive appointment, it is true that I observed to you that as I had taken formal and final leave of the United States Senate, I could not return to it without apparent inconsistency and some personal embarrassment. But this was not the only consideration that weighed with me. My service in the two Chambers of Congress had been long and arduous. I had remained in the Senate longer than I wished, at the instance of the General Assembly of Kentucky. I needed retirement and repose; and there were many highly competent citizens of the State, from whom an easy selection might be made to supply my place.

If there were a certainty that any great emergency would arise, and that I, better than another, could assist in conducting the Government safely through it, obeying the paramount duty which one owes ever to his country, I would suppress all repugnance which I feel to the resumption of a seat in the Senate, disregard all etiquette, make any personal sacrifices, and proceed, with alacrity, to the post which might be assigned me. But clouds are threatening as the cloud-rack which is overhung us, I hope that they will be dispersed without any storm bursting upon our heads; but, if it should come, I am persuaded that the commonwealth has many citizens more able than I am to face and avert its effects.

I must, therefore, adhere to the resolution which I communicated to your Excellency, and respectfully decline accepting the appointment which you have had the goodness to offer me.

If it were possible for me to reconcile to my feelings, and to a sense of public duty, my return to the Senate, there are some minor considerations opposed to my acceptance of a temporary appointment, not without weight in my mind. The session of the Senate is drawing to a close. By the time that I could make preparations for the journey, and reach Washington, a very short remnant of it would be left, during which I could render no essential service. And again: the executive appointment terminating with the meeting of the General Assembly, that body will have to perform the duty of designating Mr. Crittenden's successor. I am unwilling to be in a position which might occasion it the least embarrassment in the choice of that successor.

I request your excellency to accept my profound acknowledgments for the distinguished proof of the confidence in me, which you do me the honor to entertain.

I have the honor to be, with the highest respect, your Excellency's obedient servant, H. CLAY.
His Excellency Wm. Owsley, etc.

☞ Mr. Botts denies that he had said that Mr. Clay was about to give in his adhesion to General Taylor. He says that when the proper time arrives Mr. Clay will speak for himself.

THE MIST LIFTING.—The Pittsfield Eagle, another of the Massachusetts papers included in the dissentient list of the New York Tribune, has wheeled into the ranks under the banner of Taylor and Fillmore.

☞ Senator Douglass, of Illinois, addressed a democratic meeting at Monticello, Miss., on the 26th ult.

HUNKER AND BARNBURNER TROUBLES—*Another Ticket.*—The General (democratic) Committee of New York, met on the 27th, in Tammany Hall, and came to the conclusion, by a vote of seventeen to seven, to abandon the Hunker electoral ticket now in the field. A preamble and a set of resolutions were adopted, setting forth the "unhappy divisions" which exist in the party, and that with a view of "promoting entire harmony in the party," it was resolved that a State Convention should be called, to meet in Syracuse on the 18th of August next, to nominate a new electoral ticket, pledged to Cass and Butler, which will command the votes of all the party, "favorable to regular nominations," and also to nominate candidates for Governor, etc. The Barnburners, of course, regard this as an evidence of fright on the part of the Hunkers, though they still repudiate all propositions for compromise. The Globe (one of the Barnburners' organs) thus speaks: "We should incline to the opinion that they wish to be let into the democratic party, even if they should be compelled to occupy back seats for some time. We would advise the radical democracy to reject all their propositions, the object of which is to induce us to act with them in any way."

THE RECENT ELECTIONS IN PARIS.—We see it stated, that of the eleven persons elected to fill the vacancies in the Paris Delegations, but one is said to belong to the moderate republican party. They are either ultras or restoration men. Three communists were elected. Also, M. Lagrange, who is suspected of being the person who shot the officer on the 23d of February, which turned a rebellion into a revolution.

☞ Gov. Jones, of Tennessee, and Gen. Combs, of Kentucky, are addressing meetings in Western New York.

CONNECTICUT LEGISLATURE.—This body adjourned *sine die* on the 27th. The vote in the Senate on the proposition to authorize the City of New Haven to lend the Canal Railway Company $200,000 stood 15 against to 4 in favor of the measure.

☞ If this hot weather lasts, what will become of us?—*Phila. Spirit of the Times.*

We have been engaged in propounding the same interrogatory; but as yet without any satisfactory response.

Yucatan Procession.

Among the novelties of Saturday night we noticed a procession of volunteers, who, we were told, had pledged themselves to obey the mandates issued forth by the imaginary Adjutant-General of of Maj. Gen. George Washington Dixon, the Commander-in-Chief of the martial division that is to march for the reduction of the warlike Indians who are now spreading terror in that beautiful but helpless country, Yucatan. A little after 8 o'clock a band of music, composed of two men and one small boy, assembled in front of the St. Charles Hotel, and "tooted" in a martial strain to their hearts' content the spirit-stirring martial tunes of our country. All the efforts of the band were cheered to the tops of the three-story houses, and the echoes then came down as flat as so many pancakes. Presently a shrill voice called out—"Three cheers for Gen. Taylor!" "Hip! hip, hurrah!" vociferated the multitude. "Three cheers for Gen. Butler!" "High-yie! high-yie!" cried every one. "Three cheers for the wives and sweethearts of the returned volunteers!" This was responded to by a shout, the reverberations of which spread themselves from the St. Louis Hotel to the boundary-line between New Orleans and Lafayette. "Three cheers for our country and her soldiers!" "High-yie!" three times three. "Three cheers for the Star-spangled Banner." The procession then adjourned to the other side of the street, when a gentleman clothed in a semi-military uniform appeared in a window in the second story. The gentleman in question looked like a very badly executed picture, in a still worse frame. He announced, however, to the tumultuous multitude that Gen. Dixon would address the vast concourse there assembled. With the spring of a hungry leopard upon a fresh beefsteak, the General placed his martial boot upon the window-sill and commenced harranguing the assemblage. In a strain of glowing eloquence, and a white hat in his hand, he told them that Yucatan was destined to be free, and that those who joined his banner would be the first to reap the reward of their labor. He had been sadly, ignobly persecuted, but still he was bent upon accomplishing the objects for which, two years ago, he came to New Orleans. He only wanted a brave band to go ahead, and he would follow them to accomplish the glorious scheme that he had in view! The lovely land of Yucatan once in the hands of Americans, there was but little improbability but that Cuba would next be caught in the net of liberty; and "Who knows!" exclaimed the orator, "but that from Cuba we may go Bermuda and relieve the Irish Patriot, John Mitchel, of his chains?" These remarks drew down torrents of applause; after which a gentleman dressed in a light blue military suit, such as is worn by a private of the infantry, addressed the meeting in words that were so sweet, so fast and so appropriate to the subject, that each of the vast audience went into the different barrooms to wipe away their tears. The band then struck up "Yankee Doodle"—the orators descended from the window-sill, and the adherents of the immortal General incontinently "*vamoosed.*"

The Habeas Corpus Case.

We a few days since expressed the opinion, that by the law and the terms of the contract between the United States and the various regiments of volunteers and the new regiments of regulars raised under the Act of the 11th February, 1847, the soldiers had a right to their discharge from the time the war with Mexico was ended—and that this event has arrived. Since we published that opinion, the case has undergone judicial decision upon a writ of habeas corpus sued out before Judge Buchanan. We understand the Judge to lean to the opinion that peace is not concluded until an official proclamation of that fact is issued by our government. If such was the learned Judge's opinion, he must have overlooked the contradictions and practical evils to which such a doctrine would lead. War cannot exist between two countries, unless both are at war. Now peace has been made and *proclaimed* in Mexico, both by the Mexican government and by the Commander-in-Chief of our armies. While the soldier remained in Mexico, then, there was, so far as he was concerned, a state of peace *de facto et de jure*; is the war revived so as to affect his rights by his mere transportation to the United States in accordance with the terms of the treaty of peace? We apprehend that no one will contend for such a doctrine, after having carefully examined its bearings. Of the right, then, which the soldier had to his liberty, we think the opinion leaves, and must leave it clear—of the propriety or expediency of enforcing that right through the Courts, except in cases of grave oppression, we will say nothing—it is probably for the benefit of the soldier that he should be discharged as the orders from the War Department, issued in accordance with the recent Act of Congress require—but when the case is brought before a Court for decision, we can neither see the necessity of establishing the fact of peace by a proclamation from Washington, nor can we see any constitutional difficulty in the way of the Court's deciding according to the Constitution, the law, and the contract, whatever the *ex post facto* action of Congress may have been. The following notice of the decision was prepared by a friend, and though differing from our own notions, we give it a place, in order that both sides may be heard:

The "Habeas Corpus" Case.

On Saturday last Judge Buchanan delivered his opinion in the matter of *George W. Eames et als.*, praying to be discharged from the service of the United States, on the ground of the war being at an end, which was the period at which their term of service was to expire by the provisions of the law under which they had enlisted. The judgment of the Fifth District Court has been published at length in the papers of Saturday evening and Sunday morning: we will therefore confine ourselves to such points in the judgment as we may consider conflict with or sustain the various laws cited and positions assumed by the plaintiffs' counsel and Gen. Butler, who appeared in his own behalf.

The plaintiffs' counsel contended for a question of right, which was clearly determinable by ascertaining one fact, to wit: *was the war ended?*

The term of the soldiers' engagement with the Government clearly expires with the war, if not sooner discharged; but should not that expression in the act of Congress be construed in accordance with the spirit and palpable intention of the contracting parties? We think it should. Much skilful argument was made upon the subject, as to whether courts or persons can legally recognize the restoration of peace with a nation with which we were so recently engaged in war, at any moment previous to the ratification of the treaty and a proclamation to that effect by the executive, and the court has given the same question much attention in the judgment; but we think that proposition as clearly settled in the *negative*, as, that the war, *in point of fact is* ended. We are not prepared to say that the moment the treaty of peace was signed by the Commissioners of both Governments—the soldier and our Government were instantly at liberty to put an end to their respective duties, simply because the terms of their contract say the service shall last "*during the war.*"

We think the spirit of the contract made it the duty of the Government to transport the army to the various points of the United States as near as possible to the place of enrollment, and there pay and discharge the soldier without delay; and that the duty of the soldier, under the contract, is to yield the most implicit obedience to the Commander-in-Chief of the army and navy of the United States in all orders tending to the speedy consummation of the Government's obligation to the soldier. It cannot be said with any force, that the engagement between soldier and Government can be fully at an end until some definitive settlement be had, and that settlement is the discharge and payment of the soldier. Mustering soldiers *out* of service is, has, and will always be considered the moment at and from which they are free from the control of Government; and in order to dispatch the public business in a form best suited to the interests of both parties, we consider that the right of the Government to designate the particular point whereat the payment and discharge of the soldier is to take place, is clearly contained in the various acts of Congress upon the subject, and that it is vested in the Government of necessity from the very nature of the contract.

Now let us regard the various laws of Congress made during the session of 1846. The plaintiffs were enlisted in conformity with the act of Congress approved May 13, 1846, which said act provides that the volunteer shall serve to the end of the war if not sooner discharged. The Court said:

"In the construction of that statute, (of May 13, 1846,) we are aided by the language of the statutes passed at the same session—*interpretatio contemporanea fortissima in lege.* The act of June 18th, 1846, supplemental to the act of May 13th, provides that when the war with Mexico shall be terminated *by a treaty of peace duly concluded and ratified*, the number of Major-Generals in the army should be reduced to one, etc. Again the act of June 26th, 1846, to provide for the organization of the volunteer forces, provides that the general officers to be appointed by the President, under said act, shall be discharged from service when the war with Mexico shall be terminated *by a definitive treaty of peace duly concluded and ratified.* In both of these statutes, we see Congress defining the legal termination of the war to be *a definitive treaty of peace duly concluded and ratified.*"

We fully concur with the Court, that searching through the various acts of Congress on the same subject, passed at the same session, is the properest way to arrive at a true construction of that particular act under which the enlistments were made, and under which the plaintiffs, as a matter of right, sought to be discharged from the service by *habeas corpus.* This reasoning is rendered yet more powerful by the joint resolution of Congress, approved on the 16th of June, 1848, which declares that—

"On the restoration of peace with Mexico by a treaty of peace *duly ratified and proclaimed*, all the military forces of the United States, whether volunteers, regulars or marines, who by law or the terms of their engagements, are to be discharged at the close of the war shall, under the direction of the President of the United States, be transported or marched with the least practicable delay to such posts or places in the United States as may be least expensive and most convenient to the troops—and at such place they shall be discharged from the service of the United States; and that until they shall respectively reach such places and be discharged, the officers and men shall be considered, paid and treated as in the service of the United States, in the same manner as if the war had not closed."

The expediency of this resolution was not questioned by the counsel for plaintiffs, but the counsel objected that Congress had no constitutional power to make an act in 1848 by which the contract made by the soldier in 1846 was altered. This objection would be unanswerable were the premises correct; but we cannot study the various acts of 1846 without being forced to the conclusion that the resolution of 1848 is made in the most rigid conformity with all the previous legislation on the subject. Counsel for the plaintiffs urged his cause in the face of what he considered a wise and humane expediency on the part of Congress, but he was contending for a *right*, and expediency should not be urged to rob him of his privilege. We agree with the plaintiffs' counsel in all things except his conclusion. The question is purely one of right, and we feel satisfied that the most rigid constructionist, after mature reflection, can arrive at no other conclusion than, that the right of the Government to speedily convey the army of Mexico to the most convenient points of the United States for payment and discharge, is as fully contained in contract of enlistment, as the obligation to pay the soldier up to the moment of his discharge. If the soldier have the power (the power to do and the right to do are the same) to abandon the control of Government at his pleasure, on the signing of a treaty of peace by the Government Commissioners, the whole army might have disbanded in the cities and fortresses of Mexico. Power of this description is unlimited, and if it exist at all, it may be exercised to the vastest limit of human ingenuity. Again, it cannot with any shadow of reason be contended, if the mere signing of the treaty confers on the soldier the right to consider *his* contract at an end, that the same signing would not confer the same right on the Government, to wit: to annul *its* contract with the soldier, and to abandon him in the very centre of the late enemy's country.

And what a frightful conclusion such a state of things would give to the most brilliant war, comparatively, ever waged in modern times! But we are saved from such a humiliating finale. Our stout-hearted soldiers have returned from an enemy's home, where, to engage in battle, was to add a fresh wreath of laurel to our thrice glorious flag. For bravery, discipline and that which is more than either—*manhood*—they have elevated themselves to the highest pinacle of a nation's admiration; and it remains for them but to finish the closing scene of the great drama in which they have so conspicuously appeared—with the constancy and moderation that has hitherto added lustre to their brilliant passages at arms, to complete their triumph in the hearts of their countrymen.

☞ Emmet Club.—The Regular Monthly Meeting of the Club will be held in the Temperance Hall, No. 126 Tchoupitoulas street, on MONDAY EVENING, 10th inst., at 8 o'clock.... Punctual attendance is requested.... By order,
jy10 W. J. CASTELL, Secretary.

☞ Louisiana State Colonization Society.—Agreeably to the Constitution and By-Laws adopted by the Corporators of this Society, notice is hereby given that an election for President, Vice Presidents, twelve Directors, Corresponding Secretary, Recording Secretary and Treasurer will be held at the Bible Depository, No. 58 Camp street, on MONDAY, July 10, between the hours of 10 and 2 o'clock....All Members of the Society are entitled to vote in person or by proxy.
☞ An annual subscription of One Dollar constitutes a member, and the payment of Thirty Dollars at any one time a member for life. jy4 4t.

Married:

In Natchitoches, on the 26th, by the Revd Mr. Guion, Mr. GEO. W. MOARE to Mrs. MARIANNE TERRIT, widow of the late Capt. R. A. Territ, U. S. A., and daughter of Col. James Hinsworth, of that Parish.

In Natchitoches, on the 29th, by the Rev. Mr. Damerin, Mr. RUFUS SIBLEY, of that place, to Miss SALENAH C. IRWIN, of Cherokee County, Texas.

Died:

On the morning of the 9th inst., Mr. A. C. REDLICK.
☞ His friends and acquaintances, and those of the family, are respectfully invited to attend his funeral This Morning, at 8 o'clock, from his late residence in St. John the Baptist street, between Market and St. James.

On Saturday morning, 8th inst., at 5 o'clock, DAVID HERB, aged 22 years, a native of Stark County, Ohio, and member of Delta Lodge No. 18, I. O. O. F., in this city....His remains were interred in the Protestant Cemetery.

Arrivals at the Principal Hotels Yesterday.

ST. CHARLES....W R Webster, Ga; Miss M L Cox, T J de Vonsport, R R Kimball, Ala; T G Compton, H Young, Tennessee; Lambry, W T Wynn, La; W G Brown, M. C Field, Ver; R Tweed, U S N; Lt C M Smith, J T Thomas, D R Davis, Lt A E Burnside, H S Crittenden, Lt Gorgas, Lt Ross, Lt W S Walker, Lt R D Fry, Lt J W Leigh, R W Heath, Lt L N Walker, Mexico; W H Sparks, La.

PLANTERS'....J Smith, Jr, Lt H C Young, Capt J Vaughn, Lt F E Smith, Maj T A Churchill, Dr VanEaty, U S A; J H Ashmead, Phila; A Kosg, N Y; N S Moore, Ills; A McClelland, Ind; N T Gaines, Ark; A J Vaughan, J Thomas.

HEWLETT'S....Dr J W Moon, Ala; W H Pollard, Capt Helm, J W Bicknell, W J Gourlay, Dr J Ridgely, Capt Shaver Capt A Lyberg, Lt H B Yeager.

☞ Panama Hats.—THREE THOUSAND Panama HATS, suitable for the season, or for Soldiers returning from the SEAT OF PEACE, A No. 1, first quality, at the very low price of

$39 per dozen, or $3 50 each.

☞ Call at SANDS' CLOTHING EMPORIUM, 26 Poydras street, corner of Tchoupitoulas.
jy6 1m

Presents for Wives, Sisters and Sweethearts.

☞ We beg to call the attention of our friends returning from Mexico, and travellers generally, to the following list of FANCY ARTICLES, ordered and selected expressly with reference to their suitableness for

PRESENTS.

FANS—Of Pearl, Ivory, Feather, Paper, Silk, &c.
CARD CASES—Pearl, Shell, Silver, &c.
RETICULES—Silk and Velvet, elegant patterns.
PURSES—A fine assortment, new styles.
DESKS—Ebony, Rosewood, Papier Mache, &c.
WORK BOXES—Ebony, Rosewood, Papier Mache, &c.
DRESSING CASES—Ebony, Rosewood, Papier Mache, &c.
PORTFOLIOS—Leather, Velvet, and Papier Mache.
ACCORDEONS—Best French, double reeds.
MUSIC BOXES—Shell and Tin Cases.
BOUQUET HOLDERS—A pretty assortment.
GOLD PENS—Of the first makers, Gold and Silver Cases.
PARASOLS—Last styles.
JEWEL BOXES—Ebony, Rosewood and Papier Mache.
CHESS MEN—Chinese, English and German.
PORTE-MONNAIES—Gold and Silver enamelled, and all the odeur boxes—From two to six bottles. [new styles.
PAPETERIES—Of Ebony, Rosewood, Paper, &c.

☞ Now in store, our usual stock of fine LINEN and COTTON SHIRTS, Gloves, Suspenders, MONEY BELTS, Stocks, Cravats, Canes, Umbrellas, Gold Pens, &c. &c.,
GUINNESS & BUSH,
Dealers in Toilet, Fancy, and Gents' Furnishing Goods,
je20 1m 12 CAMP STREET.

☞ The Queen's Delight, which forms an essential ingredient in the GRAEFENBERG SARSAPARILLA COMPOUND, is probably superior to Sarsaparilla itself. Professor Proctor of Castleton, speaks of it as follows: [☞ See Bulletin No. 8, 3d page.] jy3

☞ To Purchasers of Clothing.
ALFRED MUNROE & CO.'S
"ONE PRICE STORE," No. 34 MAGAZINE STREET,
Where may be found the Largest and
BEST ASSORTMENT OF CLOTHING.
of every description, in New Orleans.

At this establishment every article is offered at the very lowest price at which it can be sold, and no reduction can in any instance be made. Purchasers, whether they are good or bad judges of the quality of goods, may rest assured of obtaining every article at the very lowest price, without the trouble of beating down, or the fear of being cheated. We have but one price for goods, and that invariably is the lowest in the city. Our stock of Clothing and Furnishing Goods is now very large, comprising

Over $50,000 Worth.

Made in the latest and best manner and warranted.

COATS.

Black and colored Cloth Dress Coats	$11 00 to $25 00
Black and colored Cloth Frock Coats	12 00 to 25 00
Black and colored Cloth Sack Coats	10 00 to 16 00
Cashmere and Tweed Sac Coats	6 50 to 10 00
Fancy Tweed Business Coats	6 50 to 10 00
Overcoats—all descriptions	4 00 to 15 00
Merino Sac Coats	5 00 to 15 00
Merino Dress Coats	6 00 to 18 00
Merino Frock Coats	6 00 to 18 00
Cassin and Alpaca Sacs	4 00 to 7 00
Linen Sacs and Coatees	2 50 to 4 00
Cassimarette Sacs and Frocks	10 00 to 15 00

Pantaloons.

Black Cassimere Pants	$5 00 to $7 00
Black Doeskin Pants	6 00 to 10 00
Colored Cassimere Pants	4 00 to 7 50
Black Satinet Pants	3 00 to 4 00
Colored Tweed Pants	3 00 to 4 00
Cottonade Pants	2 50 to 3 50
French drap d'Ete Pants	5 00 to 7 00
English Merino Pants	3 00 to 5 00
Linen Drill Pants	2 00 to 3 00
Linen Check Pants	2 00 to 3 00
White Linen Drill Pants	2 00 to 3 00
Indian Nankeen Pants	$1 50 to 2 50

Vests.

Colored Cashmere Vests	3 00 to 7 00
Black Satin Vests	3 50 to 5 00
Colored Silk and Satin Vests	3 50 to 6 00
Rich black embroidered Vests	$4 00 to 9 00
Rich fanc