DAILY CRESCENT.

NEW ORLEANS:

FRIDAY MORNING, FEBRUARY 9, 1849.

☞ The mail did not arrive yesterday as late as due, by two days.

EDITORIAL CHANGES.—John Duncan, Esq., has withdrawn from the "Grenada (Miss.) Press." A. J. Lowell is now editor and publisher....D. W. Taylor has retired from the Tennessee Telegraph, of Murfresboro, and is succeeded by Mr. Ab. Watkins, who takes charge of it under the name of Rutherford Telegraph.

A DAILY ON THE WABASH.—The publishers of the Lafayette (Ind.) Journal have commenced a small daily in Lafayette, at ten cents per week. It is entirely a new experiment for that part of the country.

A GOOD APPOINTMENT.—Col. Jno. W. Geary, the gallant leader of the second regiment of Pennsylvania volunteers, has been appointed Post-master at San Francisco, California, and will leave in a few days. So says the Pennsylvanian.

☞ Gen. Cass is expected to reach Washington at an early day.

NEW BELLE KEY—*New Steamer.*—This fine boat is now at our Levee. The Louisville Democrat says that "she has one of the largest and most sumptuous cabins for passengers on the river. Everything is in the neatest, and at the same time most comfortable style, and the whole appearance of the boat is that of a perfect beauty. The furniture of the ladies' cabin is very beautiful. All the state-rooms in the ladies' cabin are unusually large, and are perfect *boudoirs*. The carpets, curtains, etc., in the main cabin are in the very best taste. She is in charge of P. A. Key, with Mr. Sinton as chief clerk, both efficient and experienced officers. The Belle has a faultless model, and posseses great power, and during the present season we may hear of some tall running. Her dimensions are 268 feet long, 34 feet beam, with two engines, 25 inch cylinders and 10 feet stroke."

☞ A fine Poem, "The Phantom Painter," from the Knickerbocker, on our last page.

☞ A chapter of "The Bride of the Fiord," an interesting legend of the North country, will be found on our first page. The concluding chapter will appear to-morrow.

FOR CALIFORNIA.—We learn from the New Albany Bulletin that a respectable number of young men of that city will emigrate for California early in March next, with Mr. Edwin Bryant, the author of "What I Saw in California."

ACKNOWLEDGEMENTS.—We are indebted to the officers of the steamers Diadem, Belle Key, America and Savannah, for late papers.

☞ We thank the officers of the steamer Galveston, for late Texas papers.

THEATRICAL.—We observe, by the hotel lists, that the distinguished tragedians, Macready and Ryder, have arrived in this city, and will appear, we understand, at the St. Charles Theatre on Monday night next.

THEATRICAL.—Mr. and Mrs. Conner made their first appearance on Monday night, at Mobile, in the "Lady of Lyons."

☞ The opera in Boston seems to have been eminently successful. The Transcript and other papers of that city speak in the highest terms of Mad. Laborde as an accomplished and gifted artist. She was received with the most hearty and enthusiastic applause.

AMERICAN THEATRE.—This establishment has, from the commencement of the season, been well conducted and well supported. The enterprise of the management and the ability of the company—one of the best stock companies in the Union—have been well repaid by the liberal support of the public. All that has been announced in the bills has generally been done ample justice to; and the support Mr. H. P. Grattan, the stage manager, received on the night announced for his benefit, must have been as gratifying to him as to the management. We are glad to see that so far the laudable efforts of the management have been so well requited; but we are sorry that we cannot extend our praise to every person who has been engaged at the Theatre. One, (Mr. Booth,) we regret to say, was the occasion of disappointing the public, by being *unable to appear* last night, when he had been announced to represent the character of *Richard the Third*. We can excuse much in Mr. Booth—more than would be endured from most of his profession—but events like the one we have noticed, have with him been of so frequent occurrence, that we consider it no more than justice to himself, the management, and the public, to enter our humble protest against the repetition of an offence, which injures not himself and his high reputation, but those by whom he has been engaged.

To-night Mr. Jamison will appear as *Macbeth*. This tragedy is well got up, and powerfully cast; the whole of the original music will be introduced. A number of other entertainments, including the popular "Mose in New Orleans," form a very attractive bill.

ST. CHARLES THEATRE.—The Heron Family continue to attract good houses to this superb house, and the great talent they display, intuitive rather than practical, elicits the heartiest demonstration of delight and approbation. Their engagement is but short, and all our citizens should avail themselves of it to witness their very extraordinary performances. To-night they appear in various characters, for which see advertisement. We learn that Mr. Macready has arrived, and will soon appear at this house—a farewell engagement. When gone, we "ne'er shall look upon his like again."

OLYMPIC CIRCUS.—The oft-told tale of crowded houses, still continues to be the order of the night. The same spectators may be seen each evening gracing the dress circle, and gazing with delight upon the beautiful performances of Miss Rosaline, Mrs. Nunn, and the rider of riders, Levi North. A new series of entertainments is presented this evening, and as a matter of course, there will be another crowded and delighted audience.

HERR ALEXANDER.—The wonderful performances of this master of the art of necromancy, attracts crowds nightly to view his astonishing exhibitions. Herr Alexander has no superior in his profession, and we advice every person not to miss this opportunity of seeing him.

River News, Weather, etc.

THE OHIO.—The river was rising opposite Louisville on the 2d, with an abundance of water on the Falls for all navigable purposes. It commenced raining again on the night of the 1st.

PITTSBURG, Feb. 1, 7 P. M.—There are 15 feet water in the channel, and falling. The weather is warm.

CINCINNATI, Feb. 1, 8 P. M.—The Eastern Telegraph is out of order between Steubenville and Pittsburg...The river is stationary. The weather is pleasant.

THE CUMBERLAND.—The Cumberland River is falling, and is now within its banks.

LICKING.—The Cincinnati Atlas of the 1st inst. says that the Licking River has attained to the dignity of having a wharf-boat, just opposite to our landing, and during the high water, a steamer may generally be seen there receiving or discharging freight.

A RACE.—We learn from a passenger on the mail boat, that the steamer Hibernia was "cocked and primed" at the Cincinnati wharf yesterday, awaiting the arrival of the Telegraph No. 2—for a race to Pittsburg.—*Louisville Democrat.*

PISTOLS.—A single factory in Worcester, Mass., has sold $80,000 worth of revolving pistols since the gold fever broke out. They *go off* very well.

Gold.

Our transatlantic brethren, who some time since expressed the skepticism natural to the English character in regard to the existence of such vast quantities of gold as the Americans professed to have found in their newly-acquired territory of California, have at last consented to yield a reluctant belief. At first they asserted that the golden stories of the new Dorado were only the product of Yankee exaggeration and self-glorification, or else an elaborate scheme to deceive the world as to the costliness of the Mexican war, by loud boastings of the amount of treasure which the war so unexpectedly threw into our hands. The London Times, however, has endorsed the California stories, and where the Times points the nation must of course follow. The transition from the extreme of skepticism to the utmost latitude of credulity is easy and natural, and our English cousins have given an additional evidence of the truth of the assertion. The latest accounts from across the water state that the inhabitants of the British Isle have been so violently attacked by the California fever, that a kind of delirium has supervened. Nothing is heard of on 'Change but gold, gold, gold. Companies are being rapidly formed to proceed to El Dorado—vessels innumerable are chartered for the same attractive place—and, in fact, if we may believe newspaper accounts, the days of the South Sea bubble have returned, and the scenes of that period are being reënacted. This time, however, there is some more substantial basis for the speculation. The gold of California will find its way into the channels of commerce and the coffers of the capitalists.

It cannot be doubted that in the next few years the number of persons proceeding to California from all parts of the civilized world, will be unprecedented in the history of the world. Rapid as has been the increase of population in many of the American States, they present no parallel to what will be witnessed in California. The result of this must be to throw an immense amount of gold into circulation; but whether it will be enough materially to affect the present condition of commercial affairs, can scarcely at present be determined. Of late years the quantity of the precious metals used as a circulating medium has rather diminished than increased, while the greater facilities of commercial intercourse, and the immense increase in the products of industry, have caused, within the last thirty years, a corresponding decrease in prices. It would take a vast amount of gold to swell the amount of coin in circulation to a quantity sufficient to raise prices to their former standard. But we think even this effect will not be produced. Each year sees the industry of the world, and its consequent wealth, immensely augmented, and the gold of California will do well if it can sustain the present relative value of the precious metals with that of other commodities. Viewing the subject in this light, we do not apprehend the great danger feared by some as the result of the discovery of the mines of the Sacramento. One thing, we think, is certain, we will never starve from an abundance of gold.

From Texas.

The steamship Galveston which arrived yesterday from Galveston, having left that place on the 6th, has brought us dates to the 5th inst.

The San Antonio Western Texian notices the departure of a company of six persons from that city, for California; and states that they intend going by way of Presidio, San Fernando and perhaps *via* Chihuahua. Another party was getting ready to leave about the first of February. They will proceed to a point lower down on the Rio Grande, thence by way of Monclova, etc. A company will leave Galveston in a day or two, with the same destination.

Health of Houston.—The Presbyterian of the 27th ult. says: "We have the satisfaction to announce that every trace of the Cholera has entirely disappeared from this place, and there is a prospect that we shall have a good spring trade."

PENNSYLVANIA—*Francis R. Shunk.*—The recent unanimous vote of the Legislature, (says the Pennsylvanian,) upon the bill to pay to the widow and family of the lamented Shunk, the balance of the Gubernatorial salary for the current year, and the terms in which the sense of the representatives was expressed, are well calculated to excite attention all over the country. The testimonial thus voluntarily rendered is in the highest degree just. It is the verdict of all parties upon the character and services of a man, who, no matter how regarded, whether as the citizen or the statesman, was a model worthy of the imitation of his countrymen. He passed through a long life without once falling under the shadow of suspicion, and when he came to die, he was as poor in this world's goods as he was rich in the virtues of the Christian and the patriot.

OHIO—*Repeal of the Black Laws.*—The bill repealing the black laws (says the Columbus State Journal,) makes a clean sweep of all statutory disabilities on account of color, leaving but the Constitutional declaration as to what constitutes a voter.

Senate.—A bill to repeal the charter of the Norwalk Bank was lost on engrossment—yeas 13, nays 15—Swift (free soil) voting with the whigs against the repeal.

House.—The bill repealing the registry law was passed.

KENTUCKY—*Emancipation.*—The meeting at the Court-house last evening, (says the Louisville Democrat of the 2d,) in favor of emancipation, was quite large. How many attended for the sake of the cause, and how many attended for the novelty of the thing, we can not say. The meeting was organized by appointing Mr. Worsley Chairman, and Reuben Dawson Secretary. Mr. Thomas S. Smith and Mr. Thomasson addressed the meeting. Bland Ballard, Esq., on behalf of a committee, made a report. The Rev. W. L. Breckenridge was called for, and read some resolutions of his own, as a substitute for the resolutions of the committee. The main point he insisted on was, that the resolutions of the committee contained too much. He wanted the single point, *emancipation*, and nothing else. The Rev. Mr. Humphrey, Mr. Speed and Mr. Jacob Wetter followed. We do not know how the subject was finally disposed of, as we left, but most likely the whole was referred to a subsequent meeting.

NORTH CAROLINA LEGISLATURE.—At the adjournment of the Legislature of North Carolina, Mr. Graves, Speaker of the Senate, resigned his seat, and Col. Joyner was unanimously elected to fill that office. It will be recollected by our readers, that the two parties being equally divided in that body, it was several days before the Senate could be organized for business—that Mr. Graves, the democratic candidate, was finally elected—and now, at the end of the session, he resigns, and his whig opponent, Col. Joyner, is unanimously elected to fill his place. It would seem that this was done in consequence of an understanding at the time of Mr. G.'s election. The Speaker of the Senate is *ex-officio* Lieut. Governor of the State.

ARKANSAS.—Col. J. S. Roane, of Pulaski county, is the democratic candidate for Governor, to fill the vacancy occasioned by the resignation of Gov. Drew. He was one of the democratic Presidential electors last year.

☞ The Senate have appointed as a committee to count the votes for President of the United States, the following gentlemen, viz: Messrs. Clayton, John Davis, and Jefferson Davis. The House Committee not yet announced.

PENNSYLVANIA SCHOOLS.—The report of the Superintendent of Common Schools, in Pennsylvania, shows that there are at present in the State, 7,845 schools, which are attended by 360,605 scholars, at an annual cost of $701,732 26.

RECOGNITION.—The President officially recognizes Motte A. Pringle Consul of the Argentine Confederation for the port of Charleston.

☞ 315 steerage passengers arrived at this port yesterday in the ship Argo, from Liverpool.

Supreme Court of Louisiana.

Condensed Decisions....NEW ORLEANS, Feb. 5, 1849.
[Continued.]

An estate can not be considered *hereditas jacens*, when the heirs have, by an instrument of writing, appointed an agent and advocate to liquidate the succession of their ancestor. No prescription runs in favor of such an estate. When a suit has been commenced against an agent and advocate, so constituted, the appointment of an administrator, obtained by the agent, will not destroy the effect of the interruption of prescription created by the suit.

D. L. R. ORILLION ET ALS. *vs.* ZENON LABAUVE, ADMINISTRATOR.....*Appeal from the Sixth District Court, (Parish of Iberville)*....No. 1199 in the Supreme Court.... SLIDELL, J....*Per curiam*: "The District Judge properly rejected the plea of prescription set up against the note of $5000, payable in March, 1846. The present suit against Labauve, as administrator of the succession of Joseph Orillion, (appointed in 1847,) was not instituted until May, 1848. But it appears that in 1845, the plaintiff brought suit upon this note against the heirs of Joseph Orillion. Citations were served upon them, and service of the petition was also accepted on the 14th March, 1845, by Labauve, styling himself attorney of the defendants, who were described as heirs in the petition. The authority under which he acted, is a document signed by them on the same day, which is headed '*Convention et Contrat entre Zenon Labauve, Avocat, et les Heritiers de feu Joseph Orillion.*' It declares that they have constituted him their agent and advocate, to settle, liquidate and make a final partition of their ancestor's succession, and to prosecute and defend all suits concerning the succession. It also authorizes him "to obtain the appointment of administrator, to the end that he may proceed with greater facility." It was also agreed that he should be allowed a certain sum, as a compensation for his services as advocate and administrator. After the execution of such a power by the heirs, the action of Labauve under it, and the subsequent acts of the heirs corroborative of the position they originally assumed, it cannot be said that the succession of Orillon could be considered as *hereditas jacens*, and that prescription could run in his favor, as in case of a vacant estate. See Civil Code, 982. The appointment of administrator, which Labauve subsequently obtained for the purpose of facilitating the accomplishment of his duties, did not destroy the effect of the interruption of prescription created by the suit.

There is no evidence before us to establish the payment of the $15,000, the price of the land sold by the plaintiff to the deceased, and which became due in the years 1839, 1840 and 1841. The presumptions suggested by the counsel, are not of that grave character which the Code contemplates. (Art. 2267.) We can not extinguish rights established by written contract, upon mere conjecture and uncertain inference. If the settlement of the partnership which existed between the plaintiff and defendant, and is now in progress of judicial settlement in another suit, should exhibit a balance against the plaintiff, the succession of this deceased will have the benefit of it in that suit. An item of credit, probably growing out of the unliquidated partnership affairs, was allowed by the Court below upon the note of $5000. As the objection to this allowance is waived in argument by the plaintiff's counsel, we will not disturb the decree, except by correcting an error in the date of the credit, as stated by the District Judge. It is unnecessary to consider the disallowance of an item of $69 15, the prayer for an amendment not having been seasonably filed. It is therefore decreed that the judgement of the Court below be corrected, by allowing the credit of $1031 92½, as of the 30th May, 1840, instead of 30th May, 1845, and that, so corrected, the judgement be affirmed, the plaintiff paying the costs of this appeal." Debiteux for plaintiffs and appellees; Z. Labauve in p. p. for defendant and appellant.

A surety on the bond of a tutor is not one of the cases in which courts of justice have power to release the surety, and substitute another person, for the purpose of removing his disability to testify....The community of acquests and gains exists between a husband who resides in Louisiana and a wife who, after residing a few months in this State, removes to another State selected by her husband, for the purpose of enjoying superior advantages in the education of their children....Where courts of justice have any discretion they will not disregard an illegal act, if they cannot do so without enabling parties to commit a fraud....When persons have constituted themselves syndics of an insolvent estate, without opposition from the creditors, the heirs will be bound by the payment of any just claims made by them, not prescribed at the time of payment....A receipt under private signature to an administrator, in payment of an account, is not evidence that the account was due.

WIDOW J. H. MOORE, tutrix *vs.* BANNON G. THIBODAUX, et al....*Appeal from the Fifth District Court, Parish of Terrebonne*....No. 1168 in the Supreme Court.... ROST, J....*Per curiam*: "This is a suit to compel the defendant to account as tutor of the minor children of Emmor Moore, deceased. The defendant filed an account which was opposed by the plaintiff, and upon that opposition a judgement was rendered in their favor for the amount claimed. The defendant has appealed. It is in evidence that the succession of Emmor Moore was opened in 1835, and that shortly after the defendant was appointed tutor *ad bona* to the minor heirs, Jeffries, Emile, Mary, and Emmor Moore, who were at the time in the State of Ohio, with their mother, the surviving wife of the deceased. After the death of Emmor Moore, and before the defendant was appointed tutor, James Moore, another minor heir, died; Joseph H. Moore and Mr. Jeffries are the only heirs at law. No administrator was appointed to settle the succession; but on the application of the defendant, acting as tutor, the property was sold for cash to pay the debts, and the proceeds paid over by him to the heir of age, Joseph H. Moore, who bound himself to apply them to the payment of the debts. In 1836, Sarah W. Baker, the surviving widow, was appointed guardian of three of the minors, in the State of Ohio, and gave Joseph H. Moore a power of attorney to manage the affairs of the minors in Louisiana. Joseph H. Moore was himself appointed in the State of Mississippi guardian of Emily Moore, the remaining minor heir. Jeffries Moore subsequently died, leaving as his heir Ella Moore, who is represented by Evelina Applegate, her mother and tutrix. Mary and Emily subsequently married, and with the tutrix of Ella, are the plaintiffs in this suit. They allege that their father left at his death the undivided half of the plantation and slaves described in their petition, as his sole property, his wife never having resided in Louisiana, and no community having existed between them. That the defendant caused said property to be sold, and receive as the price of it $28,847, of which they claim their portion as heirs of their father, and of their brother James. They pray that the tutor be made to account and pay over to them their respective shares, with interest. The answer states that the property was in community; that the succession of Emmor Moore being insolvent, a syndic should have been appointed by the creditors, but that, instead of this, the defendant and Joseph H. Moore constituted themselves syndics, without opposition from the creditors. That the defendant paid over the amount of the sale to Joseph H. Moore, who applied it faithfully to the payment of the debts of the succession, as appears by the account annexed to the answer. The plaintiffs opposed the account filed on the following grounds, First, That Moore had no authority to receive the proceeds of the sale from the defendant. Second, That the claims against the success on placed on the account as having been paid by Joseph H. Moore, were prescribed before such payment, if any there was, and further, that they were prescribed before they were presented to the heirs.

The plaintiffs also asked proof of the existence of a portion of the debts mentioned in the account as having been paid. There were several bills of exceptions taken during the trial, one of which it is necessary to notice. The witness, Jesse Batey, was offered to prove the item No. 4 in the account, and his testimony having been objected to on the ground that he was the surety of the tutor on his bond, the defendant applied to have the witness released from his obligations as security, in order that he might testify in his behalf, and on condition that the said defendant should furnish new and sufficient security in the amount required by law. The court granted the application; new security was given, and the court ordered that Jesse Batey be released. The counsel for the plaintiffs properly excepted to these proceedings. This is not one of the cases in which courts of justice have power to release a surety for the purpose of removing his disability to testify. The liability of the surety to the heirs for the previous mal-administration of the tutor was fixed, and could be neither increased nor diminished by the act of the court. On the merits, the first question presented to our consideration is, whether there was a community of acquests and gains between Emmor Moore and his wife. It is not denied that Moore resided in Louisiana, and the evidence shows that his wife came to this State, and after remaining here a few months, went with her children to the State of Ohio, and did not return. It is contended by the plaintiffs' counsel that the property left in Louisiana by Emmor Moore was acquired by his sole exertions, unassisted by his wife, and belongs exclusively to his heirs. We are of opinion that the law as well as the facts of the case are against that conclusion. As a general rule the domicil of the wife is that of her husband, and she can have no other, without a legal cause shown. It is proved that the mother of the plaintiffs removed to Ohio, in conformity with the desire of her husband, on account of the superior advantages which he supposed that location to possess for rearing and educating his children. We could not say that in discharging the duties of a mother at the place selected by her husband, she was rendering him no assistance. The performance of those duties out of the State cannot be made a pretext for cutting her off from her share in the community.

The claims against the succession were not prescribed at the time they purport to have been paid by Joseph H. Moore, and if the payments made by him on account of the succession were valid, the plaintiffs are bound by them. It is urged that those payments are not valid, because Joseph H. Moore had no warrant of law to receive the funds of the succession or to pay its debts. It is true, he acted without authority; but, having acted, the first question to be determined now is whether the funds were applied by him as the law would have applied them. Many things are forbidden by law to be done, which, when done, become valid and binding. Where courts of justice have any discretion, they will not disregard an illegal act, if they cannot do so without enabling parties to commit a fraud. On that ground, married women and minors claiming the benefit of restitution for the illegal alienation of their property must reimburse the sums received for it, when it is proved that those sums have accrued to their benefit. Civil Code, 2226. Without going into any inquiry as to the manner in which the payments were made, if the debts paid were due by the succession, the defendant must be credited with those payments in his settlement with the heirs. We feel bound to state, however, that the proceedings of the defendant in this succession have been extremely irregular, and that no credits can be allowed him for payments made, unless the existence and reality of the debts paid are placed beyond all reasonable doubt. Items 5, 6, 7, 8, 9, 10, 11 and 12 of the account amount together to the sum of $1,788 42½. These debts are not denied, and prescription is the only plea filed in relation to them. Prescription had not occurred, when they were paid by Moore, and we have already said that this plea cannot avail the plaintiffs. It is proved that the firm of Hoops & Moore was a creditor of the succession for $25,087. This debt is acknowledged to have been paid, except a small balance, for which Moore, one of the partners, is bound to account to the firm. Items 1 and 2 of the account were paid by Hoops & Moore, and are no doubt included in their claim. Item No. 3 is not proved; a receipt under private signature to an administrator, in payment of an account, is not evidence that the account was due. Item No. 4 is not proved, the testimony of Jesse Batey being inadmissible. The defendant has proved payments to the amount of $26,875 42. The sum deducted from the price of adjudication leaves a balance of $1961 58, one-half of which belongs to the heirs of Emmor Moore. Out of this half, each of the plaintiffs is entitled to the sum of $156 78, with interest at 5 per cent. from the 29th of June, 1835, till paid. Judgement is therefore reversed and decreed accordingly.—W. Hall for plaintiff and appellee; Beatty and Cole for defendants and appellants.

Where the verdict of a jury is rendered in French, and assesses the compensation of a Sheriff for keeping property while under seizure, the case will not be remanded when the evidence in the record enables the Supreme Court to render a final decree.

HIPPOLITE DECOUX, SHERIFF, ET. AL. THE BANK OF LOUISIANA—*Appeal from the Ninth District Court, Parish of Pointe Coupee*—No. 1180 in the Supreme Court....KING, J....*Per Curiam*: "This cause was before us at a former term, and was then remanded for the purpose of enabling the plaintiff to prove the value of his services for keeping property taken into his possession under an order of seizure and sale. 2 Annual Rep., 157. When the cause was returned to the lower Court, on the application of the plaintiff, the defendant objecting, the District Judge ordered it to be submitted to a jury who gave a verdict for the plaintiff, fixing his compensation as keeper at one dollar per day, and the defendant has appealed. The appellant contends: 1st, That the Court erred in allowing the cause to be tried by a jury, the discretion in determining the compensation of the Sheriff being vested by law exclusively in the Court. 2d, That the verdict of the jury is invalid, having been rendered in French; and 3d, That the jury have allowed compensation for a longer time than the property was under the care of the Sheriff. It is not necessary to determine whether the two first objections are well founded. If it be conceded that the Judge erred in allowing a jury and that the verdict is invalid in consequence of having been rendered in French, still, as we have the evidence before us which the cause was remanded to obtain, and that evidence enables us to determine the value of the plaintiff's services, we will terminate the controversy by a final decree. Under the testimony we think one dollar per day a reasonable compensation for the labor, trouble and responsibility of the Sheriff in keeping the slaves, of whom more than forty were under seizure. In the judgement appealed from this compensation is erroneously made to commence on the 12th October, 1844. It is due from the 31st January, 1845, until the 1st November, 1845. This sum, added to the undisputed items of the account, makes the sum of $360 50, for which the plaintiff is entitled to judgement. The judgement of the District Court is therefore reversed and judgement rendered in favor of the plaintiff for $360 50, the appellant paying the costs of the Court below, and the appellee those of this appeal."....A. Peyroux, for plaintiff and appellee; T. J. Cooley, for defendant and appellant.

DANIEL P. SPARKS *vs.* SHERROD B. SPARKS—*Appeal from the Fifth District Court, Parish of Assumption*.... EUSTIS, C. J....The Supreme Court ordered that so much of the judgement of the District Court as disallows the claims of defendant, set up in reconvention and compensation, be affirmed, and that that part of said judgement dismissing plaintiff's petition be reversed; and it was further ordered that the plaintiff recover from defendant the sum of $400, with interest from May 27th, 1842, and $2 costs of protest, with costs of suit in both Courts. In this case it was held that a claim for wages as overseer and for the hire of slaves is prescribed by the lapse of three years. P. S. W.

[*Conclusion in our next.*]

QUEER FISH.—The Cincinnati Commercial says "Stuped perch from the Lakes are abundant in the city, and can be had for almost nothing." [Striped perch?]

PROPERTY QUALIFICATION.—A bill to abolish property qualification for all township and county officers, has passed the Legislature of New Jersey.

ILLINOIS DEBT.—The State Debt of Illinois is $16,661,000.

RETIRED.—Lieut. Gov. Wells, of Illinois, has retired to private life, his term of office having expired.

☞ Ex-President Van Buren is sojourning with his son, Smith T. Van Buren, in Albany.

☞ The Hudson (N. Y.) Star, states that Wm. H. Attree, formerly a reporter in the city of New York, has been committed to the Lunatic Asylum.

☞ Richard Lemmon, an eminent merchant of Baltimore, died in that city on the 29th ult.

Married:

On Tuesday evening, February 6, by the Rev. J. Twichell, at the residence of D. C. Vandegrift, Esq. Lafayette, Mr. ANDREW JACKSON WAGNER, of New Orleans, to Mrs. HARRIET HORROCKS, of Cincinnati, Ohio.

Died:

At sea, on board British ship Argo, from Liverpool to this port, Mr. McMILLAN, a native of Liverpool, chief-mate of the Argo.

☞ **Harmony Division No. 15 S. of T.**—The Anniversary of this Division will be celebrated by an Open Meeting, to take place on MONDAY EVENING NEXT, the 12th instant, at the Baptist Church, St. Charles street, on which occasion several Addresses will be delivered, and Odes sung, suited to the occasion.

All Sons of Temperance in the city are respectfully invited to assist in the celebration.

The Members of the Division, and all who wish to participate in the celebration, are requested to meet at the Hall, No. 222 Tchoupitoulas street, at 6 o'clock, P. M., when a Procession will be formed, which will proceed to the Church.

Exercises will commence at 7 o'clock.

Centre Pews reserved for the Ladies.

Committee of Arrangements:
W. R. RONDEAU, CHAS. FERGUSON, L. B. BLADES.
H. DAVIS, JOS. BERSON, fy9 2dslp

☞ **Louisiana Temple of Honor No. 1**—Located at Lafayette.—Officers for the present term: JOHN PAGE, W. C. T.; THOMAS FRITH, W. V. T.; W. O. WARNOCK, W. R.; E. K. PEARCE, W. A. R.; A. C. REDLICH, W. F. R.; W. A. ARMES, W. T.; JOHN T. FRITH, W. D.; GEO. HULL, W. D. U.; THOMAS S. JACKSON, W. G.; CHARLES FERGUSON, W. S.; JOHN B. REED, Past W. C. T. fy7

☞ *NOTICE.*—NEW ORLEANS, February 6, 1849.—At a meeting of the Regular Printers of the city of New Orleans, held on Sunday, February 4, 1849, the following resolutions were adopted:

Resolved, That the price of composition be reduced to *Forty Cents* per 1000 ems; and that said reduction take place on Sunday, the 11th day of February, 1849.

Resolved, That the chairman appoint a committee to notify the employers of said reduction.

H. L. KELSEY,
G. HATTEN,
J. E. ALLISON,
ALFRED LIVINGSTON,
Of Committee.

fy9 1t

IMPORTANT NOTICE.

TO THE CALIFORNIA GOLD DIGGERS.

Take a good supply of CLOTHING with you, or you will make a great mistake. The largest assortment of Clothing, Under-Garments, etc., in New Orleans, you will find at ALFRED MUNROE & CO.'S "One-Price" Store, No. 34 Magazine street. ☞ See their advertisement, in another column. fy6 6t

☞ **Our Readers** are requested to notice the advertisements of WISTAR'S BALSAM OF WILD CHERRY and JEW DAVID'S PLASTER, on the first page of our paper. These excellent remedies are sold only by SCOVIL & MEAD, 113 Chartres street. ja15tf

☞ **Preventive.**—The Picayune says that Cleanliness is one of the best Preventives of Cholera. Clean UNDER-SHIRTS and DRAWERS, SOCKS, etc., can be obtained, both good and cheap, at LEIGHTON'S Gentlemen's Furnishing Store, No. 5 Royal street. d18

☞ **Strangers in the City**, see Dr. B. F. MULLEN'S advertisements in the other columns of this paper. He is one of the very best in his profession now in the United States. All that stand in need would do well to give him a call, at 86 Customhouse street. n15tf

☞ **New Orleans, Dec. 5, 1848.**—Dr. J. MENSING: Sir—The Set of Teeth you inserted for me I consider to be the best job I ever saw. They are equally serviceable to me for use as the natural teeth. Those seeking work done in your line are at liberty to call on me, at No. 14 St. John street, between Perdido and Gravier streets, and inspect it for themselves. Yours,

A. G. TUCKER.
d8 3m

Introductory to a Course of Lectures,

To be delivered in the city of New Orleans, during the months of February, March and April, 1849, for the benefit of an Asylum for the Relief DESTITUTE FEMALES—at the Armory Hall.

The Committee formed for the purpose of raising funds in aid of a new Asylum to be founded in this city, for the relief of destitute females, have the pleasure to announce to their fellow-citizens that arrangements have been completed by which an interesting series of Lectures will be delivered during the present season, by several of our most distinguished citizens, who have kindly volunteered their services.

It is with no ordinary degree of pleasure that the Committee is now able to inform the public, that the object of the recent munificent donation of an esteemed fellow-citizen, is being carried out and meeting with full success. Already it has formed a nucleus, around which the means and sympathies of the generous and benevolent can be gathered with the utmost confidence.

Another benevolent citizen, whose enlarged munificence and public spirit are known to us all, and who founded, several years ago, a similar charity, to the one now proposed, bestowing on it several thousand dollars in valuable city property, has offered to combine these means with our own, and arrangements are now in progress, to be completed at an early day, by which these timely gifts will be brought into active use.

An appeal is now made to the public to sustain this charitable undertaking, to strengthen which it is unnecessary to bring forward facts to enlist its sympathies; it is proper, however, for us to state, that it is not alone for our own poor we ask support, but for those who come among us from abroad, and are brought to penury and want by the many ills of life, to which they are more exposed in this city, perhaps, than any other.

To lift up and encourage the unfortunate, those compelled by circumstances beyond their control, to relinquish every thing they have in the world except virtue, is the object of the proposed institution; surely, there is no charity in the whole extent of its great range, which commends itself more powerfully, and none that can be recommended with more confidence to the sympathies and approbation of our whole community than the one now proposed.

PROGRAMME.

The series will comprise Ten Lectures. Due notice will be given of the commencement, and the Subjects chosen by the Lecturers.

Price of Tickets.—Admitting a Gentleman and Lady for the series, $5; Ticket admitting a Gentleman or Lady, 50 cents.

LECTURERS.

Dr. Scott, Professor DeBow, C. Roselius,
Professor Dimitry, S. S. Prentiss, Dr. Hawks,
Rev. W. R. Nicholson, J. P. Benjamin, Professor Riddell.

COMMITTEE.

Leonard Matthews, Wm. M. Goodrich, M. M. Cohen,
Dr. E. H. Barton, Charles Gardiner, J. N. Lea,
J. W. Andrews, E. McPherson, B. M. Norman,
James Saul, fy7 3t9dp

THE CRESCENT JOB OFFICE.

All New Materials of the Latest Style

☞ The proprietors of the "*Daily Crescent*" would respectfully inform their friends and the public, that they have added an extensive JOB OFFICE to their establishment—and are now prepared to execute all kinds of printing *on the most favorable terms*, viz:

BOOKS AND PAMPHLETS; CIRCULARS; LAWYER'S BRIEFS; BILLS OF LADING; DRAY RECEIPTS; CARDS; POSTERS; STEAMBOAT BILLS, &c., &c., in every style.

All their materials—Type, Presses, etc.—are entirely new, and the very latest improvements, which will enable them to execute their work in a manner not to be surpassed in this city. The Presses are from the foundry of Messrs. R. Hoe & Co., New York, which is a full guarantee of their excellence—the type is from the well-known foundries of Messrs. George Bruce & Co. and John T. White; and has been selected with great care to adapt it to the business wants of this city. of

WANTED.

12 GOOD STOUT DUTCHMEN WANTED to go to Johnson's Saw Mill, across the Lake, to engage in carrying SAW LOGS out of the brush and mud, to some convenient place where teams can get to them to haul them to Mill. There is one Dutchman there that carried a saw log that made 2000 feet of lumber, half a mile through the thick brush, and a good deal of mud, without stopping once. We would like the other twelve to be just the same sort. Apply to the Agent of the employers at the Carrollton Hotel. Inquire for P. F. JOHNSON. fy9

DISSOLUTION OF CO-PARTNERSHIP.

THE PARTNERSHIP heretofore existing between HUGH McLELLAN and E. DAVENPORT, under the style of McLELLAN & DAVENPORT, conducting the Confectionery Business, 226 Baronne street, is this day dissolved by mutual consent. The business of the concern will be continued by E. DAVENPORT, at the old stand, on his own account, who is authorized to settle the business of the firm. HUGH McLELLAN,
E. DAVENPORT.

New Orleans, Feb. 8, 1849. fy9 3t

CORN.—900 sacks prime YELLOW CORN, landing and for sale by
fy9 2t LATHROP, KNOX & CO., 71 Poydras st.

LESSONS IN THE FRENCH LANGUAGE.

MR. EUGENE ESDRA has the honor of informing his Pupils and the public in general, that he has resumed his FRENCH CLASSES. Office, 28 Duncan's Buildings, Exchange Place. fy8 1m

Arrivals at the Principal Hotels Yesterday.

ST. LOUIS....El Martin, Galveston; H Hutchinson, N Y; Auguste Christian, La.

HEWLETT'S....W C Macready, London; Jas R Poynter, St Louis; J E Perry, D Hamer, O Healy, J Clark, A Miller, Ind; J A Tutt, Ky; Jas W McCabe, R B Brashear, Attakapas; Jno B Kleinpeter, Baton Rouge; A L Ball, Pointe Coupee.

VERANDAH....Chas Courtney, St Louis; John A Reilly, Mobile; J Ryder, London; A G McAliister, T H Weighman, Dr Johnson, La; Wm R Stewart, Miss Stewart, Baltimore; Mrs A Stewart, N O; J S Fall, Miss; J H Paull, P D Bibb, J H Seals, Dr A Gindrat, Montgomery.

PLANTERS'....T G Wright, Texas; Jno West, E J Higbee, Ga; S D Pitcher, A S Walker, L Dickson, D Walker, Mobile; A Magee, N O; J McCright, J Smith, Dr A W Wagner, La; Dr J W Dodge, N Y; J W Hunt, Miss; H Sampson, A Weems.

ST. CHARLES....J M Stannard, Mobile; Robert Hughes, B E Edwards, J Bates, W H Crutcher, Col Allen, Peter McGreal, Texas; H Doyal, Miss C Doyal, Mrs P Rotchford and child, Sam M. Cutchon, Cossa; R Beverly, E R Neilson, Miss; Mrs Capt Wood and child, G W Squires, N O; Henry Watkins, steamship McKim; Thos B Lee.

S. of T....Meetings This Evening.

UNION DIVISION No. 3, Crystal Fount Hall, 222 Tchoupitoulas street, at half-past 7.

LOUISIANA DIVISION No. II, at Unity Hall, Marigny Buildings, Third Municipality, at half-past 7.

STAR OF HOPE DIVISION No. 26, at Y. Brother,s Hall, Lafayette, at half-past 7.

Auction Sales This Day.

H. F. SMITH will sell, at 11 o'clock, at the New Orleans Bazaar and Auction Mart, corner of Perdido and Carondelet streets, Horses, Buggies, Wagons, Harness, etc.

MORPHY & NEVIUS will sell, at 10 o'clock, at No. 57 Magazine street, Dry Goods, Shoes, Hats, etc.

R. M. ARMFIELD will sell at the store of Jasper F. Smith, 7 Canal street, Dry Goods, Hats, Boots, Shoes, etc., without reserve. [☞ See Auction head.]

Steamboat Departures This Day.

☞ *SEE ADVERTISEMENTS ON THIRD PAGE.*

Pittsburg.....GEO. WASHINGTON, Carroll, 5 P. M.
Mobile.....MOBILE, Sutton, 5½ P. M.
Louisville.....MOHAWK, Langhorne, 5 P. M.

☞ U. S. Mail Geo. Washington—For Louisville, Cincinnati and Pittsburg—THIS DAY, Friday, at 5 o'clock, P. M., positively, from Poydras street wharf. For freight or passage, having fine accommodations, apply on board, or to HYDE & GOLLESBY, 12 Poydras st.

N. B. Passengers will please be on board at the above hour. fy9

LARGE STOCK OF CLOTHING.

ALFRED MUNROE & CO.
No. 34 MAGAZINE STREET,

Would invite the attention of purchasers of

CLOTHING AND FURNISHING GOODS,

to the following advertisement. Our present numerous customers know the principles upon which we do our business; but to strangers who visit the city it may be necessary to