The Daily Crescent.

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NEW ORLEANS:

WEDNESDAY MORNING, MARCH 14, 1849.

From the Isthmus.

Arrival at New York of the Steamer Crescent City.

The steamer Crescent City, Capt. Stoddard, from Chagres, Feb. 17th, and Havana, Feb. 23d, arrived at New York on Saturday morning, 3d inst. She went out to Chagres in nine days. She brought some further intelligence from California, but nothing of later date.

The steamship California, and the ship Philadelphia, left Panama for San Francisco Feb. 2d—the former with 375 and the latter with 250 passengers. The California was to return immediately to Panama. We copy the following from the N. Y. Sun:

The Crescent City brings no gold or freight. The following vessels were at Chagres when the Crescent City left: Schooner Rawson, from New York; the bark Marietta, and the brig Endora, also from New York; the brig Marion, from Philadelphia; the brig Ann and Julia, from Cohasset—which latter vessel had been condemned and sold.

The bark Templeton left Chagres for New York on the 14th of February, in company with a brigantine, name unknown.

The steamship Falcon also arrived at Chagres on the 17th ult., with 317 passengers, and left for New York on the 18th. The bark Marietta and the Endora also arrived on the 14th, with 100 passengers; and the brigantine arrived on the 16th, with 60 passengers.

When the Falcon, the Crescent City, and the other vessels named, arrived, there were already over 250 passengers on shore awaiting means of transportation to Panama; and those arriving by the above vessels swelled the number to upwards of 1000 persons.

When the Crescent City left Chagres, there was no sickness of any kind in that place, and over one-half of the passengers had started for Panama, and all the passengers were able to obtain accommodations at the rate of $2 a day.

The United States store-ship Lexington left San Francisco for Valparaiso on the 4th of December, with $500,000 in gold dust. At Valparaiso the amount is to be cast into bars, and then shipped by the English steamer to Panama, and thence to the United States by the first steamer from Chagres.

The steamship Falcon, Capt. Thompson, arrived at Havana on the 22d of February, four days from Chagres—one day after the Crescent City. She had two passengers on board. She was to leave soon for New Orleans.

A Chagres letter of the 17th February, to the New York Commercial, says:

"The steamer Orus took the passengers of the Crescent City and brig Winthrop, and part of the Falcon's, yesterday, up the river, charging $10 per head. Capt. Leighton is here, and sails in a day or two for San Juan, for a cargo of mules. It required 1500 mules to take the baggage and passengers of the Falcon alone. The weather is fine—no dew, and warm in the day, but not so hot as reported."

The New York Sun also has the following letter:

PANAMA, Morning of Feb. 16, 1849.

I send you by the very last means of conveyance a few items of interest from California. They were received here this morning from a Spaniard who came passenger in the Peruvian bark Martinez, direct from San Francisco.

Emigrants of all kinds and colors are pouring in in multitudes. Every language, race, color and shade is represented. Lawyers, ministers, women in male attire, robbers, aristocrats, and outcasts from civilized life, all are flocking to the gold regions. All are frantic with hopes of finding chunks of gold as large as mill stones; but a few days' experience of California life changes their views of gold hunting.

Living is excessively high, and mining for the precious metals is one of the worst kinds of lottery. For each person that is so fortunate as to find a mass that is sufficient to enrich him for life, there are dozens who can scarcely make a living.

Many robberies have taken place, but they are chiefly confined to food and clothing. These things, at times, when there is a scarcity in the market, bring excessive prices. One day flour may at retail bring $200 a barrel, although a few days before it was sold for $15.

The necessities of many of the emigrants and these varieties in prices lead to numerous thefts. Robberies for gold are rare. One or two murders have, however, occurred for this cause.

The new comers and greenhorns are frequently swindled in the most shameful manner, and redress is out of the question. Perhaps great social crimes might be punished, but every thing is as yet too new, and thieving is too common to be punished in the absence of regular law.

For instance, a green one who has goods for sale, often takes large quantities of glittering ore, supposing it to be gold, but too late finds it nothing but copper and iron ore—but he can do nothing to recover his property.

The emigrants who have guns, powder and ball to protect themselves, are frequently driven by hunger to leave their all and seek for provisions.

Gangs of desperadoes in the mountains steal the mules of the miners and kill them for food.

A company is about to be formed of those who can raise mules or means to travel overland to the States. It would, in their condition, be a terrible expedition; but they prefer doing so to living as at present.

FROM PERU.—The gold fever was raging in Peru to the greatest extent; letters had been received from the gold regions, giving statements of enormous quantities of gold which were constantly being found, and the most extraordinary stories in regard to the richness of the miners, and their great suffering for want of food.

One of the reports we translate as follows, from the advices received by "El Corrodo Lima," being an extract from a letter published in that paper:

"A few days since a large American ship anchored on the coast, within a short distance of the shore, having a full cargo of flour. She had hardly cast anchor when she was surrounded by a multitude of boats and canoes.

The cargo was robbed; all the sea provisions were taken, and her rigging cut up, cooking utensils and every article the robbers could lay their hands on, were carried away. Her crew also deserted and went off to the mines. Her captain, a man who had weathered all tempests, remained on board many days, a victim to the most awful hunger and thirst.

At last faithful himself, but disgusted with the world, from which all virtue seemed to have fled, he set fire to his immense vessel, and returned with his glorious soul to that world in which there is no gold."

This last sounds very much like South American humbug.

STEAMSHIP NIAGARA.—The steamship Niagara, Capt. Stone, arrived at Halifax, N. S., on the 23d ult., from Boston. She had much trouble in reaching that harbor. The drift ice is said to extend fifty miles east of Cape Sable. A brig was reported, on the 24th, twenty miles east of Halifax, in the ice.

☞ The whigs of Buffalo have nominated Hiram Barton for Mayor....The whigs of Rochester have nominated Levi A. Ward for Mayor.

☞ The Boston Times has a rumor that Nathaniel Greene, Post-master in that city, has sent in his resignation, to take effect on the 1st of April.

☞ The Alabamians propose to send a block of Alabama marble, lately polished, to be inlaid in the outer wall of the Washington Monument, now going up in the District.

☞ Among the battalions of the civic guard in Rome is a company of Americans, studying the fine arts in that city.

☞ The pay of an Austrian soldier is four cents a day.

☞ The Freeman's Journal, the organ of the Roman Catholics in New York city, the True Sun says, is about to pass into the hands of Mr. Brownson.

Correspondence of the Crescent.

Gen. Taylor's Appointments—New and Important Discoveries—The Murder of Mrs. Walker—Coroner's Inquest—Machine for Taking Yeas and Nays—The Weather—Business and the California Trade.

NEW YORK, March 3, 1849.

Eds. Crescent—This is an unreasonable world. People here are complaining that Gen. Taylor is making all the appointments in his Cabinet from the Whig ranks! One wiseacre, the Editor of the Evening Post, declares that in this he—Gen. Taylor—has violated his pledges. How puerile all such stuff is. It is contemptible; but not the less wicked for its contemptibility. It betrays the spirit that is to govern that press in passing upon the measures of the coming administration, and prepares the minds of reflecting men to receive its criticisms of Gen. Taylor's policy with suspicion. So far, such an article as the one to which I refer, does good. The "True Sun"—by-the-by, the only Hunker paper in the city of New York—is even more illiberal than the Evening Post, and fairly boils over with bitterness when the name of the President-elect is mentioned in its columns.

It is bad enough for Gen. Taylor to suffer under the infliction of Whig praises—he ought at least to be spared from misrepresentation on the part of scribblers, who have not belonged to that party, simply because it has had no patronage to dispense for the last twenty or thirty years.

New discoveries in geology, locomotion, and political economy, follow each other with such rapid steps as to justify the most confident expectations of an early commencement of the millennium. Ohio denies the right of Pennsylvania to select the route of her own contemplated railroads; and Canada protests against the design of New York to build a bridge across Lake Champlain, not an inch of which is intended to touch the soil of the loyal Canadians.

Mr. Webster has also discovered, strangely enough, that the Constitution of the United States does not extend beyond the limits of the regularly organized States. It is presumption for common people to form an opinion on such subjects, but I cannot help taking sides with Mr. Calhoun in this case. It seems to be a quibble, and I am suprised to see it come from Mr. Webster.

Mr. Calhoun, too, makes the important discovery, that the collection of statistics, relative to the products, trade, and interests generally of the country, in connection with the decennial census, is a useless expense. But Mr. Calhoun is not an American—he is a South Carolinian. He has no sympathy with the pride that swells every truly American heart, upon viewing the advances that our institutions are making, and the prosperity attending American enterprise throughout the country.

A coroner's inquest was held yesterday afternoon upon the body of Mrs. Walker, (or Mrs. Miller,) who was shot on Tuesday last by her reputed husband, Thomas A. Walker. From the evidence, it appears probable that the case was not one of deliberate murder, and the jury merely brought in a verdict declaring "that Martha E. Walker came to her death by a ball shot from a pistol by her husband, Thomas A. Walker," upon which the Coroner committed him to prison, to await further examination. The man pretty certainly deserves hanging, but the probability is that a few years' imprisonment will be the utmost punishment that the law authorizes for his crime. He exhibits the most hardened indifference, both with regard to the fate of his victim, and the consequences to himself. Nothing in the testimony, to the disadvantage of the woman, was elicited—on the contrary, she seems to have been faithful and honorable in all her relations with him.

I see that a machine for taking the yeas and nays, in deliberative bodies, is in operation in the Pennsylvania Legislature, and indicates the votes of the Chamber in two seconds of time. With such a machine, the vote in our Federal House of Representatives could be taken in less than one-tenth of the time now occupied in the operation. A vote is given by the Legislative Telegraph, (so its inventor calls it,) by pressing a spring fixed upon some convenient part of his desk, which spring communicates with a marker at the Clerk's desk, acting on a prepared list of the members. It ought to be introduced in all our Legislatures.

Our weather is still warm. A modest snow storm commenced at 3 o'clock yesterday afternoon, and continued, moderately, all night, leaving a deposit, at sunrise this morning, of about two inches on a level. The sunshine has now, however, used it all up, and the streets are left in their naked nastiness, disgraceful to the city—in fact they would be discreditable to Cincinnati.

Business is brisk, and promises for the Spring greater returns than any former season has produced. Money is by no means difficult to obtain by those who can muster good names on the security lists. Exchange on London sells for 10 prem.; on New Orleans 99¼. The California trade is decidedly dull! but the probability is that it will revive during the next week, or at all events upon the receipt of the next intelligence from San Francisco, or, which is the same thing, from Wall street. Respectfully yours, INDICATOR.

The case of Austin—The steamship Orus—Arrivals at Chagres—Mrs. Butler's readings—The diplomatic smuggling—Congress—Weather.

NEW YORK, March 4, 1849.

Eds. Crescent—The case of Austin, on trial before the Court of Oyer and Terminer in this city, during the whole of the past week, is not yet decided, but there is very little doubt that the jury will disagree. A bright set these jurymen are. They came into court last evening, after a deliberation of five or six hours, to inquire of the Judge, whether, in case the prisoner fired under the influence of passion and excitement, the act would constitute "excusable homicide."

It was proved that he had escaped from the room and was out of all danger when he fired the pistol. There is hardly a possibility to convict rowdies of the class to which Austin belongs, whatever may be the atrocity of the offence charged against them, and however clear the proof may be.

It appears by letters received yesterday afternoon by the Crescent City from Chagres, that the steamboat Orus does not so fully answer the purposes intended as the least sanguine of those concerned in sending her out expected. She is said to draw too much water, and cannot reach a point of the river much above half way to Gorgona. Her Captain allows very little baggage to be taken by her passengers, and the whole arrangement with which she is connected forms but a trifling accommodation to the travellers.

The total arrivals at Chagres since Christmas, have been as follows: 1453 from New York, 150 from New Orleans, 52 from Baltimore, and 8 from Philadelphia—making in all 1663 up to the 19th of February.

Fanny Butler had a glorious jam at the Stuyvesant Institute last night, to hear her read Macbeth. Nearly one hundred dollars were returned to those who had purchased tickets and could not obtain standing room in the house. She will probably obtain the Tabernacle for her future readings, as the furor in respect to her readings is on the increase.

It would seem incredible that any respectable man could be found to palliate the offence charged against a certain Representative of the United States at a foreign Court, to which I have before referred; but such a man has been found in a Washington correspondent of the Evening Post of this city. Hear him:

"But as to this business of diplomatic smuggling," writes this Post correspondent, "it is a matter of no great consequence, *since I have been informed by Customhouse officers, knowing to the fact*, that several fashionable milliners and mantua-makers receive nearly all their finery, to a large aggregate amount, through the same medium, duty free. These violations of law are well known, but they are tolerated in all countries as incidental to an amiable weakness for pretty milliners inseparable from the diplomatic character. The indignation of Mr. —— at one of the Northern Courts of Europe is nevertheless unpardonable, *for he ought not to have allowed himself to be found out!*"

The italics are mine—the sentiments are worthy of a Customhouse official, "knowing to the facts," and violating his oath in suppressing them.

Congress have acted in this last session, for all the world, like little children. Nothing has been done until the last moment, and they have found an accumulation of business on their hands that would require weeks to do properly, but which *must* be done in a few hours. The whole of last night has consequently been occupied in a vain effort to make up for lost time, and many important bills that they would gladly pass, if they had but a few hours to do it in, must go by the board.

It is feared that an extra session will be found absolutely necessary, but there is a deep feeling against such a measure pervading all parties. I do not see the necessity, and hope that Gen. Taylor is, and will remain, equally blind. We look with much interest for the inaugural address of the old General. It is said to be very short and "non-committal." It will however be honest and independent—that every body knows, although it may take no strong grounds on public policy.

Our weather continues very fine—cool and frosty at night, and very warm during the day. Hardly a vestige of our last snow remains. Respectfully yours, INDICATOR.

UNIVERSAL SUFFRAGE.—The *Courrier des Etats Unis* tells a good story of a veteran of the Empire, an ex-soldier of some eighty-nine years of age, who insisted upon marching a league or so to deposite his vote for the Napoleonite candidate. His friends and family opposed him on account of his age and infirmities, but nothing could shake his patriotic determination. Upon his return he met one of his neighbors, who inquired why he had not voted. "Not voted!" roared the Imperial veteran, "I did; I marched all the way down to the town, and when I came to a public building, with a crevice, into which a lot of young fellows were depositing their ballots, I threw in mine." The old man had polled his vote in the letter-box of the *Post-office*.

☞ Five hundred persons are now confined in jail at Baltimore, for debt. Barbarous.

Supreme Court of Louisiana.

Condensed Decisions—NEW ORLEANS, March 12, 1849.

Where a creditor has been judicially restrained from enforcing his mortgage on land in the possession of a third possessor, by an injunction, and on the dissolution of the injunction it is renewed by the counsel for the third possessor, in his own right, as transferee of his client, such wrongful act will not enable the transferee to benefit by the plea of prescription.

JOSIAH STANBROUGH *vs.* DOUGALL MCCALL, on the Third Opposition of R. C. STOCKTON. ...*Appeal from the Tenth Judicial District Court*....No. 1236....SLIDELL, J. *Per curiam:* The plaintiff has been endeavoring for seven years to enforce his rights as a mortgage creditor upon a tract of land. In this protracted litigation he was at first opposed by Collier, represented by Stockton as his counsel, and subsequently by Stockton in his own right.

This suit was commenced in 1842 by an order of seizure and sale upon a note which fell due in January, 1842, and which, with two others, was given by McCall to his vendor, David Stanbrough, curator of the succession of Jesse Harper. To secure these notes McCall gave a mortgage, with a warrant *de non alienando*. Notice of the order of seizure and sale was served upon McCall.

Collier obtained an injunction against the execution of the order of seizure and sale, alleging that he was himself the owner of all the notes, having purchased them at a sale by the marshal of the United States, and also that Josiah Stanbough had no title to the note, because David Stanbrough, the curator of the succession of Harper and who was the payee of the note, had no authority to transfer it. In that controversy there was judgment in favor of Josiah Stanbrough, which was affirmed by the Supreme Court of this State in 1843 and by the Supreme Court of the United States in 1848. In that litigation Stockton was the attorney and counsel of Collier. See the case as reported in 6 Robinson 433, and 6 Howard.

In 1846 Stockton brought a suit in his individual name against David Stanbrough, curator, in which after reciting that the curator had possession and claimed the ownership of the two other mortgage notes, and was proceeding upon them by order of seizure and sale, he alleged that he, Stockton, had become the owner of the three notes by assignment from Collier (in 1843), that McCall was insolvent and that the land was his only security for the debt. Upon these allegations Stockton obtained an injunction arresting the execution of the writ of seizure and sale obtained by the curator.

After the final decree, in 1848, by the Supreme Court of the United States, in favor of Josiah Stanbough, and before any mandate or decree of the Supreme Court of the State, restoring the jurisdiction of the District Court, with regard to Collier's case, had been recorded in the District Court, Stockton appeared in the present suit by third opposition; and presented a new obstacle to the prosecution of the order of seizure and sale, obtained in 1842, and which had been suspended during seven years by the injunction obtained by Collier. The grounds alleged in the opposition are, that Stockton had become the owner of the mortgaged premises by purchase from Compton, in January, 1847, who purchased from McCall in January, 1842; that the note upon which the order of seizure and sale was obtained, was extinguished by prescription, and that David Stanbrough, curator, had no authority to transfer the note.

These were judgment in favor of Stockton, and from that judgment the plaintiff prosecutes the present appeal.

From the facts which we have stated, it results that from 1842 down to at least 1848, the plaintiff was judicially restrained from prosecuting his suit, and this restraint from September, 1843, must be considered the personal act of Stockton. For, although he acted at first as the counsel of Collier in the injunction obtained by him, Stockton became, by the assignment from Collier, the real plaintiff in injunction, and must be considered from the date of the assignment as the true party who prosecuted the suit in the Court below, who took a suspensive appeal to the Supreme Court, and afterwards carried the cause by writ of error to the Supreme Court of the United States. If Collier had not arrested the plaintiff in the execution of the order of seizure and sale, and Stockton, succeeding to his rights, had not continued this judicial restraint, the plaintiff would years ago have obtained a sale of the land and received its proceeds. The question then presents itself whether one who, under pretences of rights which have been adjudged to be unfounded, has unlawfully such the process of a court of justice to return another in the prosecution of a right, can avail himself of the delay which his own wrong has occasioned, to defeat that right? An affirmative answer to this proposition would involve principles shocking to reason and natural justice. It is equally repugnant to authority.

It has been said in argument that in the prescription, *liberandi causa*, good faith is not required. As a general rule, this is true—C. C. 3515. The man who knows that he has not paid a debt may plead prescription. In doing so he offends good conscience; yet the law, acting upon considerations of public policy, forbids the creditor to put him on his oath and compel him to declare whether the debt has been paid or not. But the rule has its exceptions. Thus, if, having confidence in my debtor, I hand him the evidence of my debt in order that he may attempt to collect it from other parties who are also bound for the same debt, he should take advantage of my confidence and withhold it from me, upon false pretences, until the "*delai liberatoire*" had elapsed, he would not be permitted to escape upon the plea of prescription, because, by his own wrong, he had prevented me from acting. See Nongier, *Des lettres de change*, vol. 1, p. 61; also Troplong, Prescription, sec. 646.

The rule that he who thus paralyzes the right of another, shall not benefit by his own act to prescribe against that right, is not peculiar to our own jurisprudence; but as it has its foundation in reason and justice, we find it adopted as a principle of equity in England and the United States. In Putney *vs.* Wanor, 6 Vesey, 73, it was held that where a party applies to a Court of Equity, and carries on an unfounded litigation, protracted under circumstances and for a length of time, which deprives his adversary of his legal rights, the Court of Equity considers that it should itself supply and administer, within its own jurisdiction, a substitute for that legal right, of which the party so prosecuting an unfounded claim, has deprived his adversary. See the East India Co. *vs.* Campion—11 Bligh, 158; Story's Equity, vol. 2, sec. 1529.

The appellee questions the validity of the transfer of the note by David Stanbrough, curator, to Jesse Stanbough, who endorsed it to the plaintiff upon the ground that it was the property of a succession, and that no judicial authorization for the transfer has been proved. If the transfer was made irregularly and to the detriment of the creditors or heirs of the succession, the plaintiff would be deemed a trustee for them; but his possession as holder would certainly enable him to act for the purpose of arresting prescription.

In order that the opponent may be protected from any future disturbance by the succession of Harper, if he should think proper to pay the debt, and that the proceeds of the mortgaged property, if sold, may go to the party really entitled to them, we will make provision in our decree.

It was therefore decreed that the judgement of the court below be reversed, that the plaintiff have leave to proceed in the execution of his order of seizure and sale, that the proceeds of the sale of the mortgaged property described in the plaintiff's petition be brought by the Sheriff into court for distribution, contradictorily with the succession of Jesse Harper, upon due notice given to the proper representative of said succession, and that if the said Stockton desires to pay the amount of the mortgage claim, he may deposit the same in court, subject to the order of the court, to be rendered contradictorily with said succession of Jesse Harper; and it is further decreed that said Stockton pay the costs of the appeal, and that the costs of the opposition in the court below be paid by the plaintiff....Thomas for plaintiff and appellee; Stockton and Steele for third opponent and appellant.

Art. 2422 C. C., which prohibits attorneys from purchasing litigious rights which fall within the jurisdiction of the courts before which they practice, under the penalty of nullity and the payment of all costs, damages and interest, is imperative.

GEO. W. WATERSTON *vs.* THOS. WEBB, ADMINISTRATOR OF THE ESTATE OF P. S. STEPHENSON.....*Appeal from the Eighth Judicial District Court, Parish of St. Helena*....No. 1227....EUSTIS, C. J.....*Per curiam*: This is an appeal from a judgment of the Court of the Eighth Judicial District, dismissing the plaintiff's petition on the ground that his action could not be maintained, because it was founded upon a litigious right purchased by him, he being an attorney at law practising in the court before which the right was to be enforced. The plaintiff has taken this appeal.

It appears that a judgment was rendered in the late Court of Probates of St. Helena against Webb as administrator of the succession of Stephenson, from which an appeal was taken by Webb to this Court. It was filed on the 10th February, 1846, and judgment was rendered on the 10th May, 1847. The judgment was in favor of the New Orleans Gas Light and Banking Company, and by an act of sale passed before a notary in New Orleans, on the 7th of February, 1847, pending the appeal, the plaintiff became the purchaser from the bank of this claim against the succession of Stephenson, together with a large number of other claims, many of which were considered desperate or doubtful. The plaintiff had no connection with the litigation between the bank and Webb, and the purchase appears to have been a fair one.

The article 2422 C. C., which prohibits attorneys from purchasing litigious rights which fall within the jurisdiction of the courts before which they practice, under the penalty of nullity and the payment of all costs, damages and interests, is imperative, and the District Judge did not err in giving it effect. The judgment of the District Court is therefore affirmed with costs.....Watterson in p. p. and H. A. Bullard for plaintiff and appellant; E. T. Merick for defendant and appellee.

An objection that the commission of a Levee Inspector should be produced, when he is a witness, must be made when he is offered as a witness and is afterwards inadmissible....A claim upon a due-bill for work done on a public Levee, given by the Inspector of Levees, is not subject to the prescription of one year and three years.

ANDREW MURRAY, ET. AL., *vs.* THE PARISH OF TENSAS.....*Appeal from the Tenth Judicial District Court, Parish of Tensas*....No. 1313....ROST, J....*Per curiam*: This is a suit based upon a due-bill signed by Solomon B. Stampey, Levee Inspector of the Parish of Tensas, bearing date the 25th April, 1844, and purporting to have been given for work done on a public Levee, in that Parish. The answer denies the capacity of Stampey as Levee Inspector, and his authority to contract for work on the public Levee, and to acknowledge a debt due by the defendants; it also pleads the prescription of one and three years. The case is before us on the appeal of the defendants. Stampley was sworn on behalf of the plaintiffs, as a witness, and proved that he was Levee Inspector, as alleged in the petition. The objection made by the defendants, that his commission should have been produced, ought to have been made when he was offered as a witness, and is now inadmissible.

It is not denied that the work was done, or that it was necessary, and the price charged is allowed by law. Under that state of facts, the Police Jury would probably be bound, even if Stampey had exceeded his authority. But we are satisfied that he did not, and that he had the right to acknowledge in writing, as he has done, the amount due the plaintiffs for the work.

The claim of the plaintiff being liquidated and acknowledged to be due, does not come under the prescription of one and three years. Judgement affirmed with costs. Frost for plaintiffs and appellees; E. D. Farrar for defendant and appellant.

When work has been done on a levee, in the Parish of Tensas, under the statute of April 28, 1847, a judgment will be entered against the Parish, unless it be shown that the parochial authorities have provided the specific fund which that act made it their duty to raise, and further satisfactory reasons must be adduced for their failure to pay the claim out of it.

JOHN G. NEELY *vs.* THE POLICE JURY OF TENSAS.....*Appeal from the Tenth Judicial District Court, Parish of Tensas*....No. 1312....ROST, J....*Per curiam*: This is a suit based upon an account for work done to a public levee in the Parish of Tensas, under the provisions of an act relative to roads and levees in the Parish of Tensas, approved April 28, 1847. The answer admits the correctness of the account, but avers that nonjection lies upon it against the Parish. The plaintiff's claim was sustained in the first instance, and the defendants appealed.

The 5th section of the act of 1847 provides that a special levee fund shall be formed by the imposition of a tax upon land, and out of the proceeds of certain fines and forfeitures, and the 6th section ordains that each owner of slaves employed on the levees shall be entitled to draw from said fund the sum of one dollar for each day's work. The appellants insist that the only claim of the appellee is against that specific fund, and pray for a reversal of the judgment on that ground. We are of opinion that they have failed to make out a proper case for our interference. They ought to have shown that they had provided the specific fund which the act of 1847 made it their duty to raise; and further, they should have adduced satisfactory reasons for their failure to pay the plaintiff's claim out of it. The judgment is affirmed, with costs....Frost for plaintiff and appellee; E. D. Farrar for defendant and appellant.

SONG.....BY VISIONAIRE.

When the day's last crimson blushes
Linger on the quiet sky,
When the sunset radiance flushes
All on high;
When the evening breeze is sighing,
When the moonbeams kiss the sea,
Then do I with love undying
Think of thee.

When the evening light uncertain
Fades away and gently dies,
And night flings her sable curtain
O'er the skies;
When the stars are brightly gleaming
In their azure canopy,
Then am I forever dreaming
Dreams of thee.

When the morning's rosy fingers
Draw the veil of night away,
And the sparkling dew yet lingers
On the spray;
When the birds are blithely ranging
Over every flower and tree,
Dearest, then my heart unchanging
Turns to thee.

DAGUERREOTYPE.

ELECTRO-MAGNETIC PORTRAITS.

BY the application of the above mysterious agent to Daguerreotype, (a discovery of the subscribers,) the undersigned is enabled to produce PORTRAITS of the most superior kind in a SINGLE SECOND—catching the precise expression instantly, and fixing it indelibly upon the silver plate. ☞ Those who wish to retain in their families good LIKENESSES of relations or friends, can do so at a moderate price. Rooms, corner of Canal and Chartres sts.—Entrance No. 3 Chartres street. [my3 1y] W. H. HUTCHINGS.

MAGUIRE'S DAGUERREOTYPE.

J. M. would respectfully return thanks for the liberal patronage bestowed on him since he first had the honor of introducing the DAGUERREOTYPE into New Orleans, five years ago, during which time he has taken more portraits than any other person in the world. His specimens were exhibited at the Fair, in competition with others taken by the best operator from New York, and he was awarded the First Premium. No specimens exhibited at his establishment but those taken by himself. J. M. assures the public that his portraits will continue to be what they always have been—the BEST. His long experience, and constant practice are the best inducements to persons desirous of instruction in the beautiful art. Genuine Voigtlander Cameras 20 per cent. cheaper than any in the city; all other articles the same. Plates at 12½ per dozen; Scovill's No. 1 for 12½—guaranteed the best plates made in the United States; Cases 62½ 75 and $3 50; New York Cameras at $18.

☞ Orders from the country promptly attended to.
☞ Entrance No. 6 CAMP street. mh11 tf

DENTISTRY, &c.

B. F. SMITH & BROCKLEBANK, *DENTAL SURGEONS*, North Corner of Lafayette Square and St. Charles street. n23d&Wtf

DR. MENSING, Dental Surgeon, HAVING returned to the city of New Orleans from his tour in the North and East, is prepared to perform all operations appertaining to the TEETH; and has become acquainted with the best mode of operating approved by the College of Dental Surgeons of Baltimore, Md. His price for operations are in proportion to suit the times. n16 tf

TOOTH-ACHE CURED IN LESS THAN ONE MINUTE, by Dr. MENSING'S *TOOTH-ACHE ELIXIR*, or no charge. ☞ Office No. 53 Baronne street, 4th door above Common st.

J. WEST, Practical DENTIST, 112 St. Charles St. ☞ Warranted for FIFTEEN YEARS. THE SUBSCRIBER having introduced into his practice a new and improved method of FILLING TEETH with Gold, by which double the amount of density is produced, is prepared to warrant every filling where the Tooth is constitutionally good and healthy. ☞ Terms Moderate. Also, whole and half sets of ARTIFICIAL TEETH, either in blocks of carved work, with false jaw and gums, or with single or separate Teeth, as may be preferred, mounted on Gold Plate and confined by atmospheric pressure, sufficiently firm to sustain a weight of sixteen pounds, will be furnished on better terms and of a better quality than can be procured at any other dental establishment in the South.

☞ J. W. refers to the following gentlemen who have honored him with their patronage:

Prof. STONE.	SYKES & HYDE.
" MORPHY.	STURGES & WRIGHT.
" DIMITRY.	MORPHY & NEVIUS.
Dr. BENBROOK.	ROBESON & ALLEN.

N. B.—Dentists supplied with Gold Foil and Plate....Office No. 112 St. Charles Street. fy3 1Mar25

STORAGE....STORAGE....STORAGE.

THE bulk of 50,000 BARRELS can be received at our different Warehouses, at reasonable rates. EMERSON, TOURNE & CO. d28 158 Tchoupitoulas street.

G. HEATON, *STAR PLANING MILL*, CORNER OF HERCULES and CALLIOPE Streets, New Basin—keeps constantly on hand a general assortment of YELLOW PINE and CYPRESS LUMBER. Also—Dressed Flooring, Ceiling and Weatherboarding.
☞ Lumber Sawed and Dressed to order at the shortest notice. d21 6m*

A. HILL, R. L. SCHEPMOES.
ALEXANDER HILL & CO., 46 *CHARTRES Street, (formerly Hill, Cooley & Co.,)* WOULD respectfully invite their patrons and the public to examine their entire new stock of FANCY GOODS, embracing a greater variety than is to be found in any single establishment in the city. We have added to our usual assortment GERMAN TOYS, and suitable ORNAMENTAL and USEFUL GOODS, consisting in part of Dressing Cases, Work Tables, Embroidered Baskets, Work Boxes, Toilet Ornaments, Watch Stands, Wax Dolls, Toy Tea Sets, Gold Thimbles, Pencils, Studs, Silver Combs, (very rich,) Shell Combs, (new pattern,) Card Cases, Graces, Games, etc., etc.; Steel Bags, Purses and Bag Trimmings, and Plain and Shaded Purse Silks, etc., etc.; Velocipedes and Propellers, Accordions, etc., etc.; Needles, Pins, Perfumery, Soaps, etc.; all of which we offer at the lowest possible rates. mh5 A. HILL & CO., 46 Chartres st., N. O.

HATS AND CAPS.

J. ROBERTSON & CO., No. 31 CANAL STREET, has received, per recent arrivals from New York and Paris, a complete assortment of Gentlemen's superfine Black and Drab Beaver, Russia, Moleskin and Nutria HATS, latest styles. Also, Infants', Boys' and Youths' Cloth and Velvet CAPS, of every variety, together with a large assortment of all kinds of Straw HATS found in our markets, such as Panama, Leghorn, Campeachy, Canada Straw, Pedal, Patent and Jenny Lind HATS, Children's fancy-trimmed Leghorn, Rice, Pearl, etc. All of which we respectfully offer to our friends and the public on the most reasonable terms, wholesale and retail, at the FASHIONABLE HAT and CAP STORE, No. 31 Canal street, New Orleans. mh1 3m

TO CALIFORNIANS!

SMITH & BROTHER, No. 52 COMMON STREET, *GRAND DEPOT for the sale of all* INDIA RUBBER GOODS *Manufactured under* GOODYEAR'S PATENT.

☞ S. & B. have for sale, and are constantly receiving, almost every article necessary for the comfort and use of the CALIFORNIAN EMIGRANT. Among their assortment may be found AIR BEDS, Air Pillows, India Rubber Cloth Riding Capes, Sou'westers, Cloaks, Coats, Ponchos, Clothing Bags, Travelling Bags, Bottles, Water Tanks, Blankets and Tarpaulins.....ALSO.....

TENTS, PACK SADDLES, CALIFORNIA SADDLE BAGS, Saddles and Bridles, of every description; Bits, Stirrups, Spurs, Hair Rope, Moss Blankets, etc. etc. fy28

ROUGH AND READY LINE OF OMNIBUSES.

ON and after the 4th inst. the Carriages of the above Line will be divided at Canal street, and will leave each way as follows, viz:—

First Carriage from Government Wharf to Canal street	6	A. M.
Last Carriage from Governm't Wharf to Canal st.	7½	P. M.
First " " Canal st. to Governm't Wharf	6½	A. M.
Last " " " " "	8	P. M.
First " " Lafayette to Canal street	6	A. M.
Last " " " "	7½	P. M.
First " " Canal street to Lafayette	6½	A. M.
Last " " " "	8	P. M.

No Smoking allowed.
FARE—10 cents each way from Canal street. Tickets $7 per hundred—for sale at the corner of Harmony and Levee streets, Lafayette; corner of Moreau and Louisa streets, Third Municipality, and by the Agent on Canal st. ja3 J. B. SLAWSON & CO.

FURNITURE! FURNITURE!
Wholesale and Retail Furniture Warehouse, *No. 75 MAGAZINE STREET.*

THE Subscribers have constantly on hand the most extensive assortment of Furniture, consisting of BUREAUS, DINING and CENTRE TABLES, SOFAS, ARMOIRS, DRESSING CASES, LOUNGES, OTTOMANS, CHAIRS, BEDSTEADS, LOOKING-GLASSES, DESKS, Etc. etc. ☞ *City and Country Dealers* are requested to give us a call before purchasing elsewhere, as our stock is at all times very large and complete. *Visitors from the Country* are also requested to call and examine our stock, as we are determined not to be beat in prices by any other house in the city. 183 McDUFF FLINT & CO., 75 Magazine st.

RESTAURANTS, &c.

Holbrook Oyster Saloon and Restaurant

HAS made arrangements to be at all times supplied with the finest OYSTERS from Mobile and Barataria, which will be served up in every style, to suit the palate. The proprietor has made his arrangements to be supplied with every variety of GAME and FISH, in the preparation of which no pains will be spared to gratify the taste of the most fastidious epicure. On his Bill of Fare will always be found STEAKS, CHOPS, CUTLETS, every kind of POULTRY, and, in short, every thing in season that can be procured. ja30

FRANKLIN HOUSE.
Lake end of New Shell Road.

THE undersigned has just refitted and opened the above well-known and favorite establishment, and intends to make it, in every respect, worthy of the patronage of his friends and those who wish to enjoy a pleasant drive to one of the most elegant and salubrious retreats in the country. The gardens and grounds will be kept in the best order; he will have boats out at all times to keep his table supplied with the finny tribe, fresh from their ocean home. He will also be at all times supplied with every description of wild game, and all the delicacies that the New Orleans market affords, together with choice liquors and wines, with good lemonade for his temperance friends.—"Come one, come all." [d20 6m] DAN HICKOK.

MURPHY'S RESTAURANT, Bowling and Billiard Saloons—100 ST. CHARLES STREET, NEXT TO THE THEATRE.

THE Subscriber would respectfully inform his friends and the public that he has made extensive additions to his Establishment, rendering it the most complete and desirable in the city. The RESTAURANT will at all times be supplied with the choicest fare that the markets of the city afford, in a style to satisfy the most fastidious epicure. Having a number of spacious bed-rooms, with entire new furniture he is prepared to accommodate BOARDERS, with or without Lodging, by the day, week, or month. Terms moderate.

The BILLIARD SALOON has been entirely refitted, and visitors will find the Tables and appointments of this establishment equal to any in the city, and from their central situation, must continue to be *the* resort saloon of the city.

The BOWLING SALOONS have been constructed with great care, and no effort on the part of the subscriber shall be wanting to give general satisfaction to his patrons, and to make his House worthy of the most liberal patronage.

☞ The BAR, as usual, will always be furnished with the best of LIQUORS