DAILY CRESCENT.

NEW ORLEANS:

TUESDAY MORNING, JUNE 26, 1849.

See Third Page for CITY NEWS, &c.

PUBLICATION OF TELEGRAPHIC DISPATCHES. Four of the city papers, viz: the Bulletin, the Bee, the Delta and the Crescent, will hereafter issue a Telegraphic Bulletin, to be put up in their respective offices and other public place, whenever their dispatches are received within business hours. The arrangement has been made, that the public may have the immediate benefit of all information received.

THE CREVASSE.—The proceedings of the Joint Committee of the three Municipalities, in relation to the protection of the city, will be read with interest. A general apprehension has been felt that the works at Sauvé's may yet give way, and the city be again overflowed. It is a relief to hear from the responsible Surveyor that there is little danger from that quarter. It would, indeed, indicate criminal apathy, if, after mastering the flood, and damming off the current, the benefit of the whole should be lost for the lack of industry and energy in strengthening the defences which have been found sufficient for the time. There is room for the "practical man"—the levee-builders and pile-drivers—without the necessity of studying the laws which govern the action of fluids. Happily there is no reason to doubt that every thing necessary has been done, and that the work will stand. There is danger, it appears, of a new crevasse, in another place, in the same vicinity, and the City Fathers are engaged in a consultation as to their several shares of the duty of immediately putting up works for protection. We trust they will settle these points and go to work soon. We have no reason for anticipating any want of proper energy. But it can do no injury to any to be apprised that the judgment of the people of the city will be stern and unrelenting upon every man who shall not be able to make out a special and perfect justification of every act or omission of his, that shall aid in the renewal of the disasters of the last month.

☞ We are indebted to the Aleck Scott for St. Louis papers of late date; and to the mail steamer Oregon for Mobile papers.

HEALTH OF THE COUNTRY.—The Concordia Intelligencer says that cholera is raging on the "Gustine Place," owned by Lemuel P. Conner, at Rifle Point, on the Mississippi line, about 7 miles above Vidalia. The cholera appeared there in the beginning of last week, and three deaths occurred on the first night after its appearance. A short time of abatement ensued, and now it has appeared with increased malignity. Upwards of fifty persons had been attacked and seven deaths had occurred when the afflicted place was last heard from....In Madison parish and elsewhere up the river, cholera has almost entirely disappeared, for a time at least. A new disease—a fever of an unusual and hybrid character, without chills but with spasms and foaming at the mouth—has appeared on many places, and caused some mortality. The terrors of this new disease have robbed cholera of its alarms in Madison parish, and opposite to it on the Mississippi side.

THE RIVER.—At Memphis on the 20th, the river was eight feet below high-water mark and at a stand. A further rise was expected.

ABOLITION OF QUARANTINE.—A report on the general subject of contagion and the duty of governments in regard to it, has been laid before the British Parliament, by a Board of Health, composed of the regular medical and surgical authorities of England. It is a very full examination of the long contested question whether diseases can be excluded by municipal regulations, within the control of sentinels and barriers; or whether all diseases known as infectious or epidemic, have not, in fact, always a local origin, which may be controlled by proper agencies of prevention. The resulting inquiry is whether it is not the duty of authorities to turn their efforts in the latter direction exclusively. The results arrived at, are of high commercial importance, and pronounce strongly against all quarantine regulations. The general result of the examination is, after having carefully examined what appear to be the best available evidence as to the facts on which the system of quarantine rests, having considered the report made to the Royal Academy of Medicine in France, and the written testimony of the most eminent professional and scientific observers and writers, as well in Austria and America as in England, that the quarantine establishments in England and every other country of which we have information, are wholly insufficient, even on the assumption on which they have hitherto been maintained to prevent the introduction and spread of epidemic disease; that these establishments are of a character to inflict upon passengers extreme and unnecessary inconvenience, and to subject such of them as may be sick to increased suffering and danger, while they maintain false securities in relation to the means of preventing the spread of disease.

They recommend the substitution of general sanitary regulations to ships in port, for the existing quarantine regulations as far more effectual to extinguish epidemic disease, and afford better protection to the uninfected on ship-board, while it would relieve passengers and crews from grievous inconvenience, abate the motives for concealment of sickness, and for false representations as to its nature, greatly lessen commercial expenses, and remove obstructions to the free transit of goods and uninfected persons which the exisiting system of quarantine occasions.

It follows, says the report, that we propose the entire discontinuance of the existing quarantine establishments in this country, and the substitution of sanitary regulations.

THE COTTON CROP.—It is usual, says the Concordia Intelligencer of the 23d, to hear complaints of the condition of the cotton crop, at this time of the growing season, but never before have we heard them so general as we hear them now. The most intelligent and candid planters complain most earnestly. These representations (independently of our convictions from other causes) leave no doubt in our minds that the cotton crop of the Mississippi valley this year, must be a remarkably small one. In other seasons, the cotton planters here would have looked upon their present unpromising condition with *some* hope that energy and industry in the fields would improve it shortly. But, this season, they dare not to indulge such a hope. A regard for the welfare of their negroes and their own best interests forbids them to go beyond the most moderate labor, and warns them against exposure.

WASHINGTON MONUMENT.—The Secretary of the Washington Monument Association announces that the monument has reached an elevation of 26 feet above the surface, with a foundation of solid masonry, 81 feet square at the bottom and 50 feet 10 inches at the top, upon which the obelisk, cased with beautiful white marble and elevated 500 feet, is to be erected.

PASSENGERS PER STEAMER ISTHMUS.—The following are the names of the passengers per steamer Isthmus, from Havana:

Mrs. M. O'Callaghan and three children, Mr. T. B. Bentancourt, E. G. Smith and sister, R. Mix, A. Fernandez.

☞ The St. Louis Reveille says: "A mountain trader, just in from the mountains, states that less than the usual quantity of snow fell at the sources of the river during last winter, and that therefore a high rise need not be apprehended."

WHO WISHES TO TAKE A PLEASANT TRIP?—Remember that the fine steamer Jas. L. Day leaves this day for Bay St. Louis, Pascagoula, Pass Christian and Mobile. Eleven o'clock is the time—to be punctual.

OLYMPIC THEATRE.—The bill of entertainments for this evening consists of—"Ambrose Gwinett," a Drama, in three acts, and "No Song No Supper."

The Russian Invasion.

"We come, we come as our fathers came
In the ages long gone by;
We come, and our keen swords brightly flash,
Like meteors in the sky;
We come from the realms of the boundless East,
From the plains of the broad Ukraine,
Sweepping each foe from our path of blood,
Like the hordes of Tamerlane."

Cossack Song of 1814-'15.

The late *ukase* of the Russian Emperor, the march of the Russian armies into Gallicia and Transylvania, and the battles which have already been fought, have precipitated the general European war, whose speedy approach has been for some time evident. For more than a year there have been frequent skirmishes of the outposts. The crash of battalions and armies has at last commenced. The war is begun in earnest. Liberalism and Absolutism have arrayed their forces against each other for the final and decisive struggle. The Russian intervention has determined the character of the contest. It is to be a war not only of Despotism against Democracy, not only of Princes against their rebellious People, but of Barbarism against Civilization. It is to be decided whether the political philosophy and faith of the 19th century are to be annihilated, the progress of human ideas turned backwards, and Europe to return to the feudalism of the 15th century. This is the issue which Western Europe has to meet; this is the fate to which her own kings have devoted her. It is not merely to reduce Hungary to obedience to the House of Hapsburg that the Russian armies have crossed the Vistula. Austria was always the outpost and bulwark of civilized Europe against the Turks and the Russians. The Czar therefore can have no wish to aggrandize and consolidate her power. He has other objects in view, which are shadowed forth in his manifesto. In that document he says that his object is to tranquilize Western Europe and reinstate legitimate authority. No other inference can be drawn from it. What is this but a declaration of war against Democracy? What is it but a crusade against the new political faith to which civilization has given birth? The Czar looks on the entrance into Hungary as the commencement of a march to the Rhine and to Paris itself. The Cossacks still remember the campaigns of 1814-'15, and long for the soft climate and fertile plains of the south. They too have a faith; but it consists in a blind worship of the Emperor, and a fixed idea that the Russian flag is destined one day to wave over every part of the European continent. Thus this is not a mere war for the grandeur of monarchs or to gratify the ambition of one nation; but it is a conflict between two antagonistical ideas, whose expression has brought them in conflict.

The war is begun, and Hungary is the first battle-ground. But the French Democrats do not wish to avoid the combat. They see that the *ukase* of Nicholas is a declaration of war against them and their principles. They therefore call upon the government to assume a bold position, and to take energetic measures in the emergency which has arisen. In the Assembly a resolution was offered equal to a proclamation of war against Austria and Russia. It was supported with all the eloquence of Rollin, Flocon, Joly and Serrans; but the conservative majority was too timid to adopt so bold a course. The resolution was rejected, and a substitute offered by Gen. Cavaignac adopted in its place. But war must come! No earthly power can prevent it. Should the efforts of conservatives keep it off until the Russians have passed the Rhine, the reaction against them would be more terrible than that of 1793. But the war cannot be much longer delayed. Happily the course of the government has been such as to drive the moderates into the ranks of the radicals. Even some of the conservative journals see the necessity of prompt action. They could not make the mountain come to them, and now they are willing to go to the mountain. "Le National," edited by Armand Marrast, and generally esteemed a moderate republican paper, calls loudly for war. The pacific democracy of M. Considerant has yielded to the pressure. He sees that he must for a while give up his long-cherished notions of a political millenium, and prepare to do battle for civilization itself. But the fiery enthusiasm of the people is to be found in the columns of the democratic journals. "They are coming, these Cossacks," says *Le Peuple*. "Well, let them come! we will dig a vast tomb for them in the bed of the Rhine. France will break the sword of war on the breast of the last king." The boast is not entirely without foundation. The France of to-day is not the France of 1792. She does not go forth single-handed against all Europe. She now has not only the sympathies but the assistance of the people whose kings she combats, while she herself can pour across the Rhine more than a million of men, proud of their country, proud of their cause, and filled with republican enthusiasm. Let the battle come; as well now as later. Let it come, and soon will be heard the tread of freemen in Vienna, in Berlin, and in Warsaw.

DISMISSED.—The Norfolk Argus contains the following list of officers of the revenue service, dismissed, in order to reduce the cost of the establishment:

Captains—Wm. W. Polk, Andrew Matthew, William Whitehead, J. J. Nimmo, — Kapp, Caleb Currier, William A. Howard, Levi C. Harby, Winslow Foster.

First Lieutenants—Charles Grover, Thomas Stoddard, Caleb Prouty, Osmond Peters, Joseph Amazeen, H. N. Tracy, Nicholas Austin, J. G. Brashwood.

Second Lieutenants—George Berryman, John M. Jones, John T. Stonehill, John R. Hendron, Richard S. Jones, Benjamin J. Kellum, E. T. Hyatt, W. H. Albertson.

Third Lieutenants—Henry Wilkinson, Eugene W. Watson, William C. Dunnavant, J. B. Yates, F. G. Mayson, J. Ross Brown, Alexander Murray, J. A. Underwood.

THE COTTON CROP.—From all parts of our country, says the Port Gibson Herald of the 22d, we hear complaints of the bad appearance of the cotton plant. In consequence of the long continued rains, its healthy growth was much impeded by the grass, and now, since it has been worked, it has a sickly yellow hue, evincing a want of vigor, for lack of which, its growth and bearing will be seriously affected.

HURRICANE.—We learn from the Oxford (Miss.) Organizer, of the 16th inst., that a tremendous wind-storm passed that place on the 10th, which was very destructive to timber wherever it passed. At Panola it destroyed much of the timber. At one place where the people assembled at church, five or six horses were killed by the falling timber. A tree fell upon a horse with a man upon him, killing the horse without materially injuring the rider.

ANOTHER ALLEGED CHOLERA SPECIFIC.—A Dr. J. X. Chabert, of New York, known as the "Fire King," asserts, in a communication to the New York City authorities, that he has a specific for the cholera, which did not lose a single patient out of six hundred in the years 1832 and 1834. He is ready to divulge the remedy, guarantying a cure in every case, provided the Common Council will guaranty a respectable compensation to him at the close of the epidemic.

Lafayette Square.

Eds. Crescent—I was much pleased this morning with the remark contained in your paper, respecting the beauties that daily attract youthful aspirants to their shrine in Lafayette Square. But I must remark, at the same time, that it appears to have escaped your notice, (and that of the *Municipal authorities* also,) that there is a nuisance which I am sure deters many respectable families from allowing the female portion of their circle to enjoy the luxury of a walk on the green grass, under the shade of the trees, in the only really pleasant Square in the whole city of New Orleans. I allude to the set of dirty, ragged loafers, who may daily be seen stretched out or coiled up in the grass, sleeping off the effects of their last night's drunken bout or *work*. I walked through the Square yesterday morning, and counted no less than thirteen of the most disgusting looking objects, lying in groups of threes and four, sleeping; and having been engaged for some short time past in an office that looks directly on the Square, I have daily observed the same thing. This is a free country—but I would ask, allowing it to be so, whether the common rules of society and decency are to be violated for that reason, and the respectable portion of the community to be deterred from enjoying the benefit of what little appearance of country can be given them in the heart of a large city like New Orleans. Trusting that the attention of the proper authorities may be called to this *nuisance*, I am, etc., [June 25, 1849.] W. R.

CASSIUS M. CLAY.—The death of this gentleman is not so certain, as the telegraph stated. He was not killed instantly, but was alive, and thought to be better, twenty-four hours after the affray, which occurred at Foxtown, Madison county, Ky., on Friday, 15th inst. His antagonist was Cyrus Turner, who was stabbed in the abdomen and thigh, and is not expected to live. Neither was dead at our latest news direct, from Kentucky. The Louisville Journal of the 18th says:

"A gentleman who arrived here in the stage last evening from Lexington says that it was thought at the last dates that Mr. Clay might recover, but that Mr. Turner could not recover. The latter was a member of the last Legislature. The affair is said to have occurred at a public meeting. Mr. Clay was making an emancipation speech, and was called a liar by some one in the crowd. On coming down from the stand, he demanded who had insulted him. Mr. Turner avowed the language, and the bloody encounter ensued. We have heard that they snapped their pistols simultaneously, neither of which was discharged, and that they then drew knives and struck simultaneously, Mr. Clay ripping open Mr. Turner's abdomen, and Mr. Turner stabbing Mr. Clay in the breast. This version of the affair may be incorrect."

A NEW ADMINISTRATION PAPER.—A New York correspondent of the Washington Republic furnished the following item of political news:

"It is understood that a new journal is to be established at Albany to support the Administration, on the same principles which have led to the establishment of the Republic. Thirty thousand dollars have been raised to establish it, and some men of acknowledged ability are to conduct it. It is an enterprise which cannot fail to meet the approbation of all independent whigs in this State."

CONNECTICUT.—The House of Representatives have rejected the Senate proposition allowing the people next year to vote on the question of a convention to amend the constitution, and providing for the call of a convention once in twenty years thereafter. The vote was 73 nays, 123 yeas, not two thirds.

PEACE.—Horace Mann was to deliver an address at the West Point Academy some time last week, before the officers, students, and masters of that institution. The subject was to be *Peace!*

EDITORIAL CONVENTION.—The Scioto Gazette and Lebanon Star, of Ohio, respond affirmatively to the proposal for a Convention of Western Editors, to be held at Columbus; and also, to the propriety of inviting Joseph Gales to be present thereat. The Star suggests that Thomas Ritchie be also invited to attend.

BOSTON POSTOFFICE.—Mr. Hayden, the newly appointed Postmaster of Boston, will take possession on the 1st of July.

DESTRUCTION OF BOOKS AND TRACTS.—The Depository of the American Tract Society was destroyed by the recent great fire at St. Louis, and books and tracts valued at $3000, were consumed. Only $1600 were insured. Mr. Peabody, the agent, lost his private library, but fortunately that was nearly covered by insurance. Rev. Mr. Bebee, a laborer of the Home Missionary Society, also lost his entire library. It was insured, and was valued at $500.

WEATHER AT SAULT STE. MARIE.—A private letter from the upper country, speaking of the weather says: "We scarcely ever see a smiling day now. The spring has been a wintry one, and the winter—God of the Greeks! For three days the mercury was frozen solid as lead, and one morning the alcoholic thermometer recorded 48° below zero. Indeed, I am beginning to think that fair weather is the white raiment of the angels, and foul weather their ancient garments. If so, they must be trying to wear their old clothes out this season."

DIED AS A FOOL.—A German, a young man, was drowned at Aurora, on the Ohio. He got on the Mary Pell, at Lawrenceburg, did not pay his passage or register his name, and at the time of the accident was trying to escape from the boat *to save the 20 cents fare*. He had a trunk with him which was supposed to contain a quantity of silver, and in jumping from the Pell to the wharf-boat, before she was close enough he fell between the two, with his trunk, and went instantly down and was seen no more.

MAIL ROBBER ARRESTED.—William Baker, who not long since robbed the U. S. mail, between Indianapolis and Terre Haute, Indiana, has been arrested at Cincinnati. He asked for a letter at the Post-office, when, the delivery window being raised, Mr. Ruffin, the delivery clerk, instantly grasped him, and held him fast, and obliged him to crawl through the window inside of the Post-office, where he was effectually secured, and then taken before Judge McLean, who held him in $1000 bail, in default of which he was committed. Baker drove the U. S. mail stage, and is believed to have opened the mail bags with false keys. The U. S. Deputy Marshals removed him to Indianapolis.

STEAMER LOST.—The steamer New Orleans was lost on her way from Detroit to Chicago. She struck a reef of rocks off Sugar Island on the 12th inst. The boat is a total loss. The passengers were saved in fishermen's boats.

THE SIERRA MADRE REPUBLIC:

PLAN OF A REVOLUTION.

[☞ We translate the following from an extra of *La Patria*, issued yesterday:]

We received yesterday the *Bien Publico* of Matamoros, of the 18th inst., in which is the following:

On Saturday, the 17th, we obtained the annexed document, which we have translated from the English, and which, although it purports to be published in this city, we have good reasons to believe came from the other side of the river:

"Declaration of Independence...June 16, 1849.

"*Unanimous Declaration of the seven Northern States of the Sierra Madre of Mexico.*

"When, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind, requires that they should declare the causes which impel them to the separation. The history of the present and past Government of Mexico is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove it, we leave the facts to a candid world.

"*First.*—Tired of the political changes which, till now, have been nothing more than a continued series of oppressions, exercised by various persons, We declare ourselves free.

"*Second.*—Tired of the taxes which the Government has exacted only to perpetuate the power of the usurpers of the people's liberties, We declare ourselves free.

"*Third.*—Tired of the armies which have been raised only to oppress and annihilate the industry of all except the oppressors, We declare ourselves free.

"*Fourth.*—Tired of seeing our religion constantly menaced by bayonets, in order that it may be fettered in its mission of benevolence and instruction, We declare ourselves free.

"*Fifth.*—Tired of seeing that in the midst of immense territories the people are denied the right of individual possession, We declare ourselves free.

"*Sixth.*—Tired of the promises which have been made to our children, who anxiously await in vain the right of instruction from their Governors, We declare ourselves free.

"*Seventh.*—Tired of seeing our parents descend to the tomb like brutes without any respect, We declare ourselves free.

"*Eighth.*—Tired of seeing the usurpers clothed in purple and gold amid the misery and indigence on every side, We declare ourselves free.

"*Ninth.*—Tired of the national declaration that there is no slavery on our soil, when domestic servitude, an odious, horrible and cruel system exists without attention or disapprobation, We declare ourselves free.

"We, therefore, the people of the Northern States of the Sierra Madre of Mexico, appealing to the Supreme Judge of the Universe for the rectitude of our intentions, solemnly publish and declare, that these United States are free and independent; that they are absolved from all allegiance to the Mexican Government, and that all connection is, and ought to be dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, We, the People, mutually pledge to each other our lives, our fortunes and our sacred honor.

"Our swords are drawn; the scabbards are cast away.

"Now! DEATH TO THE TYRANTS!

"*Matamoros, Mexico*, June 16, 1849."

The *Bien Publico* says that a Dr. Miller and his son have been arrested on suspicion of being connected with Dominguez in his schemes of independence.

Important Letter from Hungary.

We have received the following letter from our Pesth correspondent, which we hasten to lay before the public:

PESTH, May 28th, 1849.

Eds. Crescent—Having been in this country some time watching the progress of events, I take the liberty of addressing you for the purpose of giving the American public some novel information through the columns of your valuable paper. But before I do this, I must ask you to send me the Crescent regularly, and to forward at least one hundred copies. Whenever the Crescent arrives there is the greatest excitement in the city; Kossuth, who by the way learned English expressly to read your paper, immediately suspends all other business and translates your editorials for the benefit of the citizens. When he first saw the Crescent he thought his old enemies, the Turks, had emigrated to the banks of the Mississippi, but he soon discovered his mistake.

Of course you know that this country is now engaged in war. The contest I believe arose from the fact that a Hungarry Diet disagreed with the Emperor; a quarrel ensued and now the Hungry 'uns are determined to free themselves from the stern rule of the Austere-uns. The nobility, who are the major or Majjar part of the population, are at the head of the movement. Success has so far attended the arms of the rebels; and as they have captured a town called Oven some of their demands are expected to be satisfied. Bread-a is already in the hands of the Hungry 'uns, so that the enemy is deprived of that crumb of comfort. The Emperor seeing no chance of conquering the Majjars has called on the Czar for assistance. He accordingly dispatched two or three *corps o'* Rush-ons to assist his distressed cousin; but when they arrived on the frontier they were immediately dispatched by the Hungry 'uns, who didn't make a mouthful of them. The war, it is said, will now extend to other provinces. At all events, the Hungry 'ns have fought under different skies, such as Dembin-ski and others. I do not know the names of all the Rush-on generals; but one of them is called Baron Strongenough. He is opposed by General Cankowiski. The Rush-on general may be strong enough, but I don't think he can carry a cask o' whisky before him. If he don't he will be compelled either to treat or retreat.

It is reported to-day that Bem is about to besiege Peter-Ward-in, a city of Slavonia. I don't know who this person is; but I am pretty certain Bem is able to take Peter-Ward, in. It is said that when Geo-gey took Buda, a few days ago, he killed all the Croats. If so I am glad of it. These Croats are a boastful braggart set of fellows, as the name of their country indicates; Croatia is a contraction of Crow-at-you. The Crost soldiers have all been placed under a *Ban*. News has been received that a large body of Slovack infantry has joined Dembinski. Their tardy arrival is accounted for by the fact that they are, as a London paper states, Slow-vackers or whackers, which is all the same. The power of sound was strikingly illustrated in Dembinski's recent battle. It is positively asserted that the artillery was heard to Crack-oh. This is said to be a fact. I don't wonder the Rush-ons were defeated when a great many of them fought with nothing but *Poles*. Among the various people who inhabit this country, are some Tootons, who, when they enter the army, are generally made fifers. The population is composed of three principal races; Slave, Majjars and Teutons; and the Russian defeat made a fourth race.

The roads are now crowded with recruits going to Debreczin to be drilled. An officer is stationed there who *breaks in* the new volunteers. It is thought that in the first battle there will be a considerable crevasse in the new levies, and that many of them will be effectually drilled. This is the one with the infantry. The cavalry recruits, as soon as they arrive in camp, are put to the sword—exercise.

When I have any more news to communicate you shall year from me again. Yours, DRYLZNPKXSKI.

Meeting of the Joint Committee.

STATE OF THE CREVASSE—A LEVEE ON FELICITY ROAD—The Joint Committee upon the subject of the crevasse met pursuant to adjournment yesterday at half-past 1 o'clock, P. M.—His Honor the Mayor presiding. Present, Messrs. Fabre, Richardson, Cook, Montanye and Dupré. The Mayor stated that there was not a quorum present, but he would proceed to lay before the Committee letters from Randell Hunt, Attorney for the Second Municipality, and Mr. Sauvé. He had addressed a letter, also, as desired by the Committee, to the Police Jury of the parish of Jefferson, but had received no answer. The letter from Mr. Hunt was then read:

To A. D. Crossman, Esq., Mayor:

SIR—I received a communication from you, enclosing a resolution of the Joint Committee of the Councils of this city, requesting my written opinion upon the legality of constructing a levee on the north side of Felicity road, from Apollo Ridge to the Metairie Ridge; accompanied with a resolution calling on the Surveyors' to report on the 6th of June upon the expediency of running such a levee.

The communication did not reach my hands until the 10th of this month. The Surveyors' soon after reported against the expediency of the proposed levee. I did not, therefore, deem it necessary to write my opinion upon the point submitted. I have since received another communication, requesting me to furnish an opinion, on this day, as to the legality of running such a levee.

It is manifest, upon the clearest principles of self-protection, that the city of New Orleans has a right to protect itself against an overflow of the Mississippi. This is the dictate of natural law, and is confirmed by the acts of the Legislature of 1813 and 1815, pointed out by Mr. Preaux, in his opinion of the 4th of this month.

The policy of the State upon the subject of levees, as developed in the various statutes regulating their erection, etc., is based upon the necessity of adopting artificial means of protecting the land from an overflow.

The 660th article of the Civil Code is in the following words: "It is a servitude, due by the estate situated below, to receive the waters which run naturally from the estate situated above; provided the industry of man has not been used to create that servitude."

The proprietor below is not at liberty to raise any dam, or to make any other works to prevent the running of the water.

It has been suggested, in one of our daily papers, that the proposed levee would prevent the natural running or draining of the waters from Lafayette and Carrollton into the Bayou St. John, and that, therefore, it would be illegal.

But the natural running of these waters has long since been interrupted. The charter granted to the Draining Company, in 1835, provided for the erection of dams, levees, etc., and the charter of the Canal Bank provided for the creating of artificial means for draining those waters.

Besides, the 666th article of our Code is taken from the 640th article of the Napoleon Code. It has been held in France that "Article 640 of the Civil Code, forbidding to the lower owner of land the construction of a dam, which should prevent the natural running off of the water, applies to water from rains; it does not apply to the waters of a torrent or river. Therefore the holder on the lower limits has the right to construct a dam to prevent inundation from a torrent, or the river, which runs on the line of his property, even should such dam back up the waters to the prejudice of his neighbors."

I am, therefore, of opinion that the city can erect the proposed or any other dam, or levee, which may be necessary to protect it from inundation: provided, that the city does not infringe upon the right of private property.

I am, sir, respectfully, your obedient servant,

R. HUNT, Attorney Municipality No. Two.

New Orleans, May 25, 1849.

Mr. Sauvé stated in his communication, in answer to a letter from the Mayor, that he did not wish to call upon the planters in his own name to send their negroes to labor upon the levee proposed to be built around the works; that the injury that had already resulted to them from the crevasse, required, at the present time, all of their laborers, but that he believed if the Mayor would call upon them in his own name, and that of the City of New Orleans, that the planters would readily respond to the call: provided, that Messrs. Surgi and Dunbar were continued in the direction of the work. He stated that he believed the levee should be built upon the old one, and then it could be framed from the material then on the ground.

Mr. Surgi, one of the Surveyors, being present at the meeting, was called upon by the Mayor to state his views in regard to the proposed levee to protect the works; and the probability of another crevasse.

Mr. Surgi stated that they expected in three days to effectually protect the works, by means of the levee being raised back of the same; that the crevasse was closed, with the exception of a *drainage* of water through it of the capacity of 20 feet wide and 2 feet deep. That he required more laborers for the next two days; and proposed to hire negroes from the planters. The laborers then on the crevasse were tired out; that the negroes worked more expeditiously. They expected to keep a small force there during the whole week. He believed that there was no danger of the works giving way; but he did anticipate another crevasse on the *bottom* of Mr. Sauvé, and he would counsel the building of the levee on Felicity Road. He estimated the cost of an embankment, 4 feet high and 6 feet at the base, to be $1200.

Mr. Surgi further stated, that he believed that the planters would send a few hands each, if called upon, without asking for remuneration, for the purpose of completing the present work; but that if a number of laborers was asked for they would require compensation, being at present busily engaged in repairing the damage done by the waters upon their plantations. They had already refused a call of the Syndic of the parish.

A discussion then ensued relative to the construction of the levee on Felicity road.

Mr. Fabre proposed to wait, before any further action, for a full meeting of the Committee, and authority, also, from the Councils of the three Municipalities. He could not see that Mr. Hunt's opinion clearly defined the right of the city to construct said levee; but, in a full meeting, he would be prepared to take one side or the other. If the Council of the Second Municipality was in favor of raising the levee he would go with them as far as *money* was concerned to build it; but that the First Municipality, he thought, would incur no other responsibility. He moved a call of the Councils by the Mayor to decide upon the matter.

Mr. Richardson replied. He considered that the city had an undoubted right to construct the proposed levee on Felicity road. He would go farther, and say that the First Municipality had a right to raise a levee in Canal street upon public ground, and that if the city did not protect the people so far as the Second and Fifth Wards were concerned, they would meet and protect themselves. They would build a levee from Galvez street to the old Canal. The citizens of that quarter would volunteer and do the work themselves. Six weeks had they suffered from the flood, and they could endure it no longer. He was also in favor of calling the Councils together and having immediate action.

Mr. Dunbar asked if Felicity road was not claimed by the city of Lafayette.

Mr. Montanye replied, stating that they had relinquished that right in a compromise between the authorities of Lafayette and New Orleans.

After some further discussion, it was determined upon, that the Mayor should immediately convene the Councils and lay the matter before them.

The Committee then adjourned, subject to a call from the Mayor.

STATE CONVENTION OF EDITORS.—The Poughkeepsie Eagle contains a call for a State Convention of the editors and proprietors of country newspapers througout the State of New York, in favor of the restoration of the law of Congress of 1845, granting free circulation to newspapers for thirty miles from their place of publication, to be held at Syracuse, on Wednesday, the 19th day of September next, at 12 o'clock, M., to adopt measures to secure such restoration.

WILL KNOW BETTER NEXT TIME.—The Buffalo Republic relates that a man on the fast train, somewhere near Auburn, having bet that he could jump off without risk or injury, tried the experiment and was killed instantly.

Died:

On Monday morning, JOSEPH, youngest son of Mary Dechon and Joseph Swiler, Jr., aged two years and ten months.

A little more than a week ago, we were called upon to record the death of another young child of the same parents. Truly, their afflictions are heavy. May they find consolation in the reflection that, if the survivors mourn, those who died in their innocence are happy!

☞ Baltimore papers please copy.

On Monday, of cholera, OLE HEE, aged about 40 years.

☞ He was a member of the Pelican Temperance Division; and the members are requested to assemble at their Hall THIS EVENING, at 3 o'clock, for the purpose of attending the funeral of their late Brother.

☞ For Clerk.—*Eds. Crescent:* Please announce JAMES A. HOPKINS as a Candidate for Clerk of the Fourth District Court, at the ensuing election, to be held on the 5th of November.

je26 MANY VOTERS.

Steamboat Departures This Day.

☞ *SEE ADVERTISEMENTS ON THIRD PAGE.*

Madisonville.....OLIVIA, Grice, 2½ P. M. Cars.
Biloxi.....MOBILE, Sutton, 9½ A. M. Cars.
Pascagoula.....GEN. TAYLOR, Scott, 6 P. M. Cars.
Mobile.....JAS. L. DAY, Giberson, 11 A. M. cars.
Biloxi.....CALIFORNIA, Reynolds, 9½ A. M. cars.
Ouachita.....JULIA, Rhodes, 5 P. M.
Red River.....TALLAHATCHEE, Sweeny, 5 P. M.
Red River.....CREOLE, Wilson, 5 P. M.
St. Louis.....ATLANTIC, Broadwell, 5 P. M.

☞ The Ship Jane H. Glidden, Capt. A. Childs, from Havre, is discharging opposite Fast 17, Second Municipality. Consignees will please attend to the receipt of their goods on the Levee. All goods not permitted within five days will be sent to the public stores. je26 DEWEY & CO. 67 Gravier st.

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POEMS OF OLIVER WENDELL HOLMES. 4t je25

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☞ MR. HARRY EYTINGE begs permission to apprise his friends and the "Sunny South" generally, that his BENEFIT is set apart for THURSDAY EVENING, the 28th inst., on which occasion he has the honor to offer the following bill.

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After which the 3d Act of OTHELLO, the Moor of Venice. Othello, with imitations of Mr. FORREST, Mr. Eytinge; Iago, Mr. Charles.

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