The Daily Crescent.

OFFICIAL JOURNAL
Of the Council of the Second Municipality.

NEW ORLEANS:
MONDAY MORNING, JULY 22, 1850.

To our friends of the Picayune our thanks are particularly due for papers received yesterday by their Express—being twenty-four hours in advance of the mail! The kind attentions of our contemporary are duly remembered and appreciated.

THE CUBAN PRISONERS.—The Picayune of Saturday evening contains a telegraphic dispatch, dated Havana, July 12, in which it is stated that the steamer Visor, with Com. Morris on board, had arrived. It is further stated that the Cuban authorities had concluded to liberate forty of the prisoners; the rest to be punished, but not with death; and the ships to be confiscated.

We have understood that the position taken by Mr. Clayton that the persons made prisoners by the authorities of Cuba are responsible to our government, and not to that of Spain, for any criminal acts they may have committed, applied equally to all of them. We do not comprehend the reason of a difference in respect to the prisoners, who, so far as we are informed, stand on the same grounds. They were all taken together, and under precisely the same circumstances. If any are guilty of piratical acts, all are guilty. If the responsibility of any of them is to our government, and not to that of Spain, all are alike responsible. We conclude, therefore, that if any are liberated, all should be liberated. The retention of a single one to undergo any sort of punishment is as much a violation of international law, as much a wrong and an insult to our government, as if all were retained and all punished, even with death. We cannot believe that the government or people of the United States will be satisfied that any of the prisoners should be retained for punishment, though some of them, and the largest number, should be set at liberty.

Besides, to have ascertained that any of the prisoners are more or less guilty than others it was necessary to have instituted a trial of them. The right of trial necessarily carries with it the right to punish. But, by assuming that the prisoners are responsible alone to our government, it is denied that the authorities of Cuba have the right to punish them, or to take any of the initiatory steps to this end, as their capture, their imprisonment, or trial. The Spanish Government by as means absolves itself of obligation to sure by the liberation of a portion of the prisoners, or by the liberation of them all. The only serious question involved in the case is, as to the right of capture and trial. This being established for the government of Spain the right to imprison and punish, with death or otherwise, follows as a matter of course.

In regard to the right of the authorities of Cuba to confiscate the ships we do not now offer an opinion; though, on this point, we have serious doubts.

Com. Morris having arrived, with plenary powers, it is understood, in regard to the whole case, the next intelligence from Havana may be looked for with interest.

THE LAWRENCE DIVORCE CASE.—The Western papers have generally published the lady's version of this unfortunate affair. From a sense of justice and love of fair play we publish the version of the gentleman's friends. We have carefully refrained from all comment on the merits, but we think "Mrs Chapone's Letters," and Dr. Gregory's Legacy to his Daughters," will be deemed out of vogue. It will be found on our first page.

THE PRESIDENT.—We are glad to learn, says the New York Herald of the 13th, that the general impression in Washington is, that Mr. Fillmore will be found equal to the emergency in which he finds himself placed, and that there is every prospect of the slavery question being settled satisfactorily to all parties concerned. Mr. Fillmore has evidently made a good commencement; for, no doubt, the caucus which was held yesterday took his views, and acted upon them as the basis of their movements.

THE CHARITY HOSPITAL.—In Saturday's Crescent we called the attention of the public, and of the proper authorities, to the fact that a man, dangerously wounded, had remained in the hospital nearly twelve hours without any medical aid. The True Delta of Sunday morning defends Dr. Wedderstrandt, the resident physician, from all blame. We must cordially concur in the encomiums bestowed on that gentleman, and even the excessive zeal of the True Delta is not out of place in this instance. But still blame does exist. Yesterday morning we visited the hospital with Mr. Bier, one of the directors, and whose name is associated with every benevolent measure in the city. We there learned that the man was brought to the hospital at half-past 11 o'clock at night. Dr. Wedderstrandt was absent, having been summoned as a witness in a capital case in the parish of Plaquemines. The medical student, on examining the wound, found a small portion of the intestines protruding—he was unwilling to do any thing with a wound of so critical a nature. He applied to it, cold water cloths, and immediately went for Dr. Mercier, the visiting surgeon. He himself left a note for the Doctor, but who did not receive it. Next morning, between 7 and 8 o'clock, he first saw the man, and it was then too late. In the compulsory absence of the resident physician, some one should supply his place. There is no provision for such an emergency, and in consequence of this defect the hospital was for several days without a resident physician. The serious consequences resulting from the actual vacancy of this important office will, we are sure, induce the directors to make the necessary provision. One life has been lost, and another now depends on the verdict of a jury, and all this is the consequence of this defect heretofore overlooked.

MUTUAL LIFE INSURANCE.—A few days since, we announced the opening of the Southern Mutual Life Insurance Company—an institution organized under the laws of this State, for the assurance of life only. We felt some solicitude to know how it would succeed, and, upon calling at the office on Saturday, were informed that applications for more than *one hundred thousand dollars* had already been made! This demonstrates most conclusively, not only that the advantages of life assurance are appreciated here, but that this Company has the confidence of the community; and why should it not! It is managed by twenty of our most respectable citizens; and has, besides its prospective capital of five hundred thousand dollars, an extra guaranty fund of fifty thousand dollars. Persons going to California, or interested in the lives of those going, should avail themselves of the facilities which this Company now offers.

RECOVERED JEWELRY.—Over three hundred and fifty articles were recently recovered by one of the New York police. Many of them were recognized by the owners—but many still remain unclaimed. In this country most of the jewelry worn possesses a value to the owners inappreciable in money—they bear the price of affection—they are tokens of love or friendship—they are the links which connect the memory with the dead or the past. Their loss is therefore, irreparable.

THE RIVERS.—At Pittsburg on the 12th there were three feet water in the channel and falling—weather very warm.

At Cincinnati, on the 12th, the river had fallen nine inches during the previous twenty-four hours.

The Mississippi, opposite St. Louis, on the 15th, was at a stand, with a good stage of water for the largest class of boats.

The Missouri is reported falling.

The Upper Mississippi and Illinois swelling slightly.

Freights for New Orleans scarce.

BEAUMONT BOOK AT HIRN DICK!—A fine copy of the *Manor Franquier*, and a Hogarth revived from the original plates, are just up in a raffle at Hirn's. A man can well afford to pay five dollars just to have the pleasure of hoping to draw one or the other of these splendid works.

FAMILY GROCERIES.—Raymond, of 71 Camp street, is noted for his handsome stock of desirable family groceries, consisting of the luxuries of the table, in the shape of sauces, pickles, sardines, hams, etc. Housekeepers are particularly requested to examine fresh arrivals, embracing teas of superior quality, coffee of fine flavor, and other articles to set forth a dinner or supper table.

The deaths in St. Louis for the week ending the 15th inst. were 215—of cholera 79.

The Gretna Homicide.

Instead of expressing our horror of the bloody tragedy perpetrated at Millaudon's wood-yard, we determined to examine the law and give to the public an opinion based on authority. It is somewhat remarkable that in a region where so many homicides occur, the principles of law defining the various classes are not better understood. The law writers lay down, with great clearness, the cases in which homicide is justifiable. An impression seems to prevail among the planters that they have a right to drive off, even at the peril of limb and life, strangers who may land on the front of their plantations. Now the use of the shore up to the levee, belongs to the public.

Civil Code, 446: "The use of the banks of navigable rivers or streams is public; accordingly every one has a right freely to bring his vessels to land there, to make fast the same to the trees which are there planted, to unload his vessels, to deposit his goods, to dry his nets and the like.

448: "On the borders of the Mississippi, where there are levees, the levees shall form the banks."

Thus poor men, fishermen, levee men, have a right to land on the banks of rich men's plantations, and it is no crime for which they may be shot without judge or jury.

"If a *felony* be committed and the felon fly from justice, or a dangerous wound be given, it is the duty of every man to use his best endeavors for preventing an escape; and if in the pursuit the felon be killed, where he cannot be otherwise overtaken, the homicide is justifiable."—1 East Crown Law, 298.

It becomes important to ascertain what is meant by the term *felony*. The definition is to be found in Hawkins' Pleas of the Crown:

"The idea of felony is so generally connected with that of capital punishment, that it seems hard to separate them; and to this usage the interpretations of law now conform. For if a statute makes any new offence *felony*, the law implies that it shall be punished with death, (*viz.* by hanging,) as well as by forfeiture, unless the offender prays the benefit of clergy. So where a statute decrees an offence to undergo judgement of life and member, the offence becomes a felony, though that precise word be omitted; but the words of the statute must not in such case be the least doubtful or ambiguous."

The older and stricter definition, now obsolete, would not apply to any crimes in this country, as the term anciently only included those offences which worked forfeiture of lands, goods and chattels.

But on mere *suspicion* of felony, a private person has *no* right to kill the supposed offender.

"A well grounded belief that a felony is about to be committed, will extenuate a homicide, committed in prevention of the felony; but not a homicide committed *in pursuit* by an individual of his own accord."—1 Hywk. 457.

In the Gretna case, the deceased were seen on the bank of the river, where they had as much *right to be*, as the owner of the property. On seeing two men rapidly approaching them armed with guns, they jumped into their boat and pulled off. When hailed they refused to surrender, and for this refusal, they are both shot!

The quotations from writers of the highest authority clearly establish the criminality of the act. The Magistrate in his wisdom decides that these murdered men were *robbers*. The proof for this charitable presumption is, that the wood-yards in that neighborhood had been frequently robbed—that is, wood had been stolen from them—and, therefore, he thinks the owners justified in shooting down any man they find on the bank.

For the sake of decency and of public justice, and of our own reputation as a community, we trust the Grand Jury of Jefferson will investigate this matter. Is it come to this, that human life is cheaper than a skiff load of wood? We assume that the theft is proved—that those men had landed there to commit a larceny—that they had perpetrated the *offence by taking two sticks of wood*—and on being pursued, *fled*. This statement, by the way, is not admitted to be correct by the relatives of the deceased. But we say if all true, the killing of these men, under the circumstances, is an act of cruelty which merits the severest condemnation. It is not for us to pass sentence on the perpetrators of the act; but we cannot permit men to be shot down like dogs, without calling on the authorities to enforce the law. We want even handed justice dealt out to all—to the millionaire who guards his immense estate from petty depredations, by taking human life—to the poor degraded wretch in the gutter.

For a petty theft, these men if guilty, would have been sent to the penitentiary. But the law it seems, is not severe enough for some men. They want to make petit larceny a capital offence; they want to go back to the laws of a barbarous age and punish theft with death.

That one Justice Shallow has been gulled into a decision at once absurd and unjust, is no reason for the District Attorney to cease from his labors. He has a right to obtain a warrant from another Magistrate and submit the parties to another examination.

It is proper to say that after the deed was done, the killers rendered all the assistance in their power to the dead.

Suits have been instituted by A. Walker, Esq., against the killers, on behalf of the widows and children of the deceased—claiming $10,000 in each case. One of the defendants is the son of the wealthiest man in the city, and he can show the sincerity of regret by at once repairing to the orphans, so far as money can do it, the injury he has in a moment of passion inflicted. It is the only reparation in his power, and by that means he may succeed in removing in some degree, the odium which now attaches to the transaction.

HUME'S HISTORY OF ENGLAND.

The Harpers have now completed their new, cheap and handsome edition in six volumes, 12 mo. This is sold at Steel's, for three dollars. The recent publication of Macaulay, which argues the Whig side of the question, has caused a new interest in the old Tory version. But there was no readable American edition in print. The Harpers have supplied the deficiency. It is but fair to read both sides. They are both Scotchmen, both fine writers, though of very different schools, and both throw an interest over their arguments. A historian necessarily is an Advocate and not a Judge; and it is the highest compliment you can pay a historian, to say he argues his case well. No sensible man expects impartiality. Whoever read an impartial history?

THE CABINET.—In the event of the formation of a new Cabinet, we speak but the opinion of the commercial men of all parties, that T. Butler King, of California, should be made Secretary of the Navy. He has done more than any other one man to create the Steam Navy. A revolution is taking place in the public marine of the world; and it behooves us, the second Naval power, to keep up with the improvements of the age. Mr. King is thoroughly imbued with the spirit of progress in the Department, and ought to be at its head.

The Vicksburg Whig publishes at the request of the members of the Bar, the imperfect report of Judge Bullard's eulogy on S. S. Prentiss.

In the Crescent was published the speech reported by its author, and we are sure the editor of the Whig can offer nothing more gratifying to his readers than that report.

AN EXAMPLE.—After giving a biographical sketch of the present President of the United States, the Richmond Republican says: "Let the young men of our country who are poor, friendless and obliged to labor for their support, yet who feel within them the promptings of a noble ambition and the power to rise, look at the early life of Millard Fillmore and take courage. Let them not despair because they have not, like others, the opportunities of a College education, or because some mushroom aristocrat looks down in contempt upon their position. The mind to conceive, the soul to dare, and the strong will to persevere—these make the man. The eagle, even if born in some lowly vale, is an eagle still, and as soon as he learns his powers, soars upward with a pinion that conquers the tempest, and an eye that gazes undaunted upon the sun."

We are under obligations to the attentive and courteous officers of the Bay State, Dove and Tuscumbia, for late papers.

"The finest linen, plenty of it and country washing," was Bean Brummel's rule. Our Clothing merchants seem to have laid in their stocks under that rule; for their windows offer a most tempting display of linen shirts, just suited to the thermometer at 90°.

The last improvement in bricks is to make them dove-tailed, so as to fit into each other, and render walls stronger.

Important Intelligence.

Twenty-Four Hours Ahead of the Mail.

We learn from the Washington papers that the Governor of Texas has written to the delegation from that State, to demand of the President whether he sanctions the conduct of Col. Monroe in New Mexico, and if he did, to present a solemn protest against it and declaring his intentions to assert the title of Texas by all the means in her power.

Advices from Carthagena to the 22d June have been received at New York. The principal news is the late expulsion of the Jesuits, by the present administration, in opposition to the wish of the people in general. They will proceed to the United States.

Hon. R. C. Winthrop intends returning from the House at the close of his present term.

President Fillmore has appointed his son private Secretary.

"Ion," of the Baltimore Sun, writes from Washington on the 14th: "The liberal and patriotic feeling of the American people comes out nobly in the cause of the Union, at this critical juncture in our affairs, rebukes the spirit of dissension which has so long prevailed, and says to the raging billows of faction—'Peace, be still.'"

The steamer Georgia, bound to Chagres, touched off Savannah, and received the mails and passengers on the 16th.

There was a large fire at Baltimore on the night of the 13th. Loss $50,000. The extensive lumber yard of Mr. King, on Smith's wharf, was destroyed. A firemen's riot came off at the same time; arms were used and a number of persons injured.

Judge Hopkins, of Alabama, it is positively asserted, will be the new Attorney General.

Gen. Balis M. Edney, of North Carolina, has been confirmed Consul of the United States for the port of Palermo, in Sicily. Bennett Riddells Consul of the United States for Chihuahua, in Mexico.

"X," of the Baltimore Sun, writes from Washington that "Mr. Fillmore is known to be in favor of an adjustment of a comprehensive and permanent kind, such as the scheme of the committee of thirteen will, with some modifications, give us.

A telegraphic dispatch to the Charleston Courier says: "There were 17 deaths by cholera in Cincinnati on the 16th. Root's Stove Factory burnt—loss estimated at $20,000.

It is reported that Mr. Pearce, of Maryland, will called to the Navy Department.

An investigation into the origin of the Philadelphia fire, shows that gunpowder was not the cause of the repeated explosions which took place during the conflagrations.

One of the latest rumors from Washington is that the editor of the Albany State Register is to edit the Republic—Mr. Hall retiring.

The War Department has decided to establish a new military post, about 60 miles above Fort Des Moines, on the Des Moines river.

A large portion of the bank of Niagara Falls is in a condition which indicates that it will soon follow the example of Table Rock.

The Sandwich island Princes, with the Prime Minister, Mr. Judd, sailed in the steamer Georgia, for Chagres, on their way home.

The first volume of the Life and Correspondence of John Adams, edited by his grand-son, Charles Francis Adams, will be published shortly.

Senor Paguani, a distinguished artist, took a pencil sketch of President Taylor, after his death. A cast of his features would have been taken, but that the family were apprehensive that his features would be marred in the process.

The story going the rounds, that fifteen democrats were recently appointed to clerkships in the General Post Office, is an error. There were twenty-two new clerks appointed on the first of July, all of them whigs. There were three hundred applications.

From the Baltimore Sun.

Funeral Obsequies of our late lamented President--Gen Zachary Taylor.

GENERAL ASPECT OF THE CITY.

WASHINGTON, July 13, 1850.

This day having been appointed by the public authorities for the mournful duty of committing to the silent tomb the mortal remains of the late President, Zachary Taylor, every avenue, street, thoroughfare and point of observation within the limits of this city, is alive with persons anxious to participate in and behold the solemn pageant, many of whom have come from the surrounding counties in all kinds of vehicles and in almost every a scies of conveyance. Indeed, every section of the country seems well represented in-deed. It would be utterly impossible to calculate the vast number in attendance; by some it is supposed that not less than eighty thousand if not a hundred thousand persons are present. The sombre habiliments of sorrow and mourning are every where to be seen. The state, War, Navy, Treasury, and Post Office Departments, the Patent Office, Smithsonian Institute, City Hall, hotels, engine houses, warehouses, long ranges of stores, and in many instances even the splendid and stately mansions of the high in power and abundant in wealth, as well as the more humble and unpretending residences of the poor, are appropriately and expressively clothed in the insignia of the tomb, and, indeed, in every thing that seems great and good man, worthy to be accounted rich in the hearts of his countrymen, and truly exalted in the estimation of this great nation, has passed away from the house of the living, and is being led through "the valley of the shadow of death." The discharge of artillery, and the simultaneous tolling of the bells, announced the advent of a day long to be remembered in the history of America, and the universal expression of sorrow depicted upon every countenance, gives assurance that the summons of death has been truly regretted and deplored.

ARRIVALS FROM A DISTANCE—SALUTORS AUTHORITIES.

During the morning, successive arrivals of distinguished guests, whose approach to the metropolis was announced by the shrill whistle of the engine, continued to reach the city, crowded with companies of soldiery, and citizens from Philadelphia, N. York, and other places, besides numbers of other accretions, all of whom were properly received by the attentive committee of arrangements, and immediately conducted to their proper places in line. At one o'clock arrived the Mayor of Baltimore, accompanied by the Hon. Charles M. Keyser, State Senator from Baltimore city, and followed by members of the Council, Judges of Courts, etc. These were all dressed in suits of deep mourning, with hat bands of black silk, and arm scarfs of the same material. They made a very appropriate appearance. They were received at the depot by the mayor, members of the city council, and officers of the corporation of Washington, and escorted in carriages into the line of procession, which was upon the point of starting. They would have arrived in the city two hours previously, but for an accident which occurred to the locomotive, about eight miles from Baltimore, where the engine left the track.

MOVEMENTS INTO LINE.

At all the public offices there was, previous to their arrival a gathering of the numerous officials, with badges of mourning. The civic Associations of the District, formed at their headquarters in full force. Numerous soldiers of the regular army, together with a great many volunteer companies belonging to the District and neighboring cities, were seen preparing for their place in the solemn rites. Private carriages were seen hurrying in every direction during the morning, to be placed at the disposal of the Marshals of the District, who had the regulation of the procession.

The troops were formed at precisely 11 o'clock, in the avenue north of the President's mansion, with the right, consisting of Brevet Major Sedgwick's troops of Light Artillery, resting opposite the War Department.

PROCEEDINGS AT THE CAPITOL.

The Senators were in attendance by half-past 10 o'clock. The usual badges of mourning were prepared by the proper officers, and at 11 o'clock the Rev. Mr. Butler delivered an appropriate and impressive prayer. The Senate then retired, and drew in proceed to the President's mansion from whence the grand civic and military procession was to move. After the funeral obsequies, the Senate returned to the Senate Chamber and adjourned.

SCENE AT THE MANSION—AFFECTING RELIGIOUS SERVICES

The procession of Executive Mansion were opened at 9 o'clock A. M. for the admission of the heads of Departments, the Foreign Ministers and others, who, by order of the Congress of the two Houses of Congress, were entitled to admission. The crowd in the mansion kept up every avenue leading to the mansion not appropriated to the military and other bodies that were to take part in the procession.

The immediate family of the deceased, the diplomatic Corps, the Full Bearers and those of the two House of Congress, all could be admitted, occupied the East Room. Col. Bliss, Col. Taylor, of Hillsboro, and other relatives of the late President, occupied positions near the remains.

The Foreign Ministers all appeared in full court costume. The coffin containing the mortal remains of the late President was laid upon a platform, raised in the centre of the East Room, and was elegantly covered with black cloth. The platform was also profusely trimmed and decorated with black crape.

Obedient to the request of the afflicted family, family prayers were said over the remains of the deceased, upon which occasion none but the relatives of the family were present. The countenance of the deceased wore a smile of slight change. It appears that Mrs. Taylor objects to a postmortem embalm the body. When the religious ceremonies commenced at a later hour, the scene in this vast room was such as to defy proper conception. The male members of the family only were present. At the foot of the coffin sat Mr. Fillmore, the members of the Cabinet, Foreign Ministers, Charge des Affaires, Private Secretaries, etc., and a very large number of Clergymen of all denominations.

Rev. Smith Pyne, of the Episcopal church, who attended the President during his illness, assisted by Rev. Dr. Butler, chaplain of the U. S. Senate, and rector of Trinity church, performed the solemn and impressive burial service of that church.

The exercises were commenced by the funeral anthem "I heard a voice from heaven saying write me, write, write from henceforth, blessed are the dead which die in the Lord, for they rest from their labors, and their works do follow them. Amen." The music was then resumed by a choir of amateurs under the direction of Professor Hartly, followed by prayer and reading of the psalms, according to the Episcopal service.

Rev. Dr. Pyne then arose and delivered a most pathetic, patriotic and eloquent discourse. His theme was, "A great man has fallen." He first described what constituted a great man; then compared the essentials of true greatness as they existed in the character of the late President Taylor. His remarks to the Houses of Congress were most appropriate and impressive, while he happily adverted in the presence of the diplomatic corps, the honored representatives of their respective countries. They, too, had assembled with us to drop a tear to departed worth. Such feelings were entitled to our high appreciation. His text, he said, was, "A great prince is