Amusements—This Evening.

ST. CHARLES THEATRE.—Born to Good Luck—How to Pay the Rent—Jack's All.

PLACIDE'S VARIETIES.—North and South—New Year's Holiday.

AMERICAN THEATRE.—La Tour de Nesle—Dances—Song—Acrobat Performances—The Magic Feather.

DAN RICE'S CIRCUS.—Equestrian entertainments.

Auction Sales—This Day.

SYKES, HYDE & CO. will sell, at half-past 10 o'clock, at 51 Magazine street—Groceries, Provisions and Liquors.

J. B. BLACHE & CO. will sell, at 10 o'clock, at 77 Chartres street—Dry Goods.

VINCENT & CO. will sell, at 11 o'clock, at No. 84 Perdido street—Contents of a Wine Store, House and Wares.

WM. F. SCOTT will sell at half-past 10 o'clock, at 87 Camp street—Furniture, etc.

D. of T....Meeting This Afternoon.

MAGNOLIA UNION No. 2, Daughters of Temperance, meets at half-past 3 o'clock, at Crystal Point Hall, No. 233 Tchoupitoulas street.

The Daily Crescent.

OFFICIAL JOURNAL
Of the Council of the Second Municipality.

NEW ORLEANS:
TUESDAY MORNING, JANUARY 7, 1851.

THE SCHOOL QUESTION.—Judge Buchanan has decided the injunction against the Council, and in favor of the Board—so we learned on the street last night.

THE LAST DRUMMER.—By the following notice, it will be seen that Jordan's well known Band are to rouse the citizens at an early hour on the morning of the Eighth, with the same "martial clangor" which aroused the army on the plains of Chalmette. Jordan is the only surviving musician of the 7th Regiment of Infantry in the battle.

At 5 o'clock in the morning, of the 8th of January, Jordan's Band of drums and fifes will meet on Lafayette Square, and play the Reveille, as played by the corps of drummers and fifers of the Seventh Regiment of Infantry, during the siege of New Orleans, from the night of the 23d of December, until the breaking up of the encampment at Jackson's Line. The Band will also play the same at 7 o'clock, for the veterans of '14 and '15, at the St. Louis Exchange.

SLIGHT AGAINST THE WORLD!—Rather by accident than otherwise we called in at the Commercial Hall last evening, and was astonished to find the house filled almost to its utmost capacity, and more astonished still at the performance of Sitter's troupe of Empire Minstrels. Their songs and pantomims were excellent, and the dancing, especially Sitter's, unsurpassable. Of the colloquies and speech-making we did not think so well. Much of this might be left off without rendering the performance less interesting. The troupe consists of one in number, each of whom exhibits the talents of an accomplished artist—*in his way*. It is unnecessary to tell the people to go and see them. From the large turn out on the first night of their appearance, it is evident that the Hall will be crowded every night of their stay in the city.

To the Board of Directors of the Public Schools of the Second Municipality.

NEW ORLEANS, Jan. 5, 1851.

GENTLEMEN—In the early part of November, I directed a note to your Board offering to deliver a lecture explanatory of the Mechanical Powers, etc., to be free to all who chose to attend. By circumstances, which it is not necessary to enumerate here, this note did not come before you until after there arose a difference regarding your powers and those of the Aldermen. Not wishing to be considered a partizan of either side of the question—as my object was one purely connected with the diffusion of knowledge—I therefore, to avoid any misconstruction, respectfully withdraw the said offer until this vexed question is settled.

Very respectfully, yours, A. C. JONES.

THE LADIES' FAIR—THIRD MUNICIPALITY.—The ladies of "Oleander Union" Daughters of Temperance, give an entertainment this evening, in aid of the funds of the Association, at Marigny's Buildings, Third Municipality. It is a most praiseworthy object, and we trust the entertainment will be numerously attended. The ladies are always sure to make an such pleasant and agreeable mode of raising funds for useful and charitable purposes, and we trust the ladies of the Temperance Union will meet with the encouragement they deserve. Those who may not get tickets in the course of the day will find them at the door. Price, 50 cents.

THE ST. CHARLES.—Last night Mr. Collins made his first appearance. This gentleman left a favorable impression last night, and his acting last night was hailed with the most vociferous applause. The house was in a roar of laughter during the entire evening. He is the best delineator of Irish character since Tyrone Power. He appears to-night as "Born to Good Luck," and "How to Pay the Rent."

GUION'S LOTTERY.—By reference to an advertisement in another column it will be seen that a few more chances in the splendid Lottery of Diamonds are yet unsold. The collection is one of the most splendid offered by lottery this season, and those wishing tickets would do well to apply at once.

PLACIDE'S VARIETIES—*the New Piece.*—A full house last night greeted the first presentation of the new extravaganza at this theatre, called "North and South, or New York and New Orleans." If the merits of the production are to be measured by the applause with which it was received, we have only to say that it surpasses all reasonable bounds. The audience was a genuine New Orleans audience—roistering, noisy, but withal, yet well behaved. The whole affair went off with immense eclat, and must be pronounced eminently successful—"a hit, a decided hit."

Of the drama, and its scenery, properties and machinery, the "Panorama" was the grand feature. In that the scenic painter, Marshall, enjoys a very glorious triumph. The new scenes, and the Panorama, were indeed admirable. The view of the City Hall and Park, in New York, is accurate and beautiful; also that of Staten Island, and the Points and Islands of New York Bay. But it is idle to distinguish isolated instances by remark, when all in view, color, and finish, comprehend the finest Panorama we ever saw. The manager deserves great praise, both for his enterprise and his taste, and we have no doubt will receive an adequate reward in the reception and run of the piece.

The incident and the dialogue, as in all local pieces, abound in attempts at *hits*, some of which, of course, are good and some are not. The advantage most apparent in the present production is the condensation of the extraordinary *acting* talent embraced in the piece. We have T. Placide, Rose, Chippendale and Holland, all busy from beginning to end, and all in marked characters. There *was little* question of the spirit of applause which greeted these excellent performers. *Mr. Howard*, too, always charming, and always imparting life and spirit to the scene, enchanted us throughout by her bewitching charms of person and of talent. Mr. C. Bignell was good in *Froth*—he imparted to it a subdued humor, which we were pleased to perceive in him, as exhibiting appreciation of the part.

The movement of the panorama may be improved, as it no doubt will be, the fault being incident to a first exhibition.

We are not of those who can admire the labors of men of real talent in exhibitions like that of the equestrian scene; and the cock fight had better be omitted. We are too late to participate further at present, and have only to add, that every body should see this extravaganza, as we doubt not every body will. Nothing can surpass the cordial manner of its reception last night.

FROM TEXAS.—By steamship Louisiana, we have received Galveston papers of the 31 instant. They contain nothing of interest. The News says:

"The country is settling up with unprecedented rapidity. Emigrants are pouring in through all the avenues of Texas, by land and water, bringing industry, enterprise and capital to enhance the individual and aggregate wealth of our State, beyond all former example."

JENNY LIND AND THE SWEDISH SCHOOLS.—The Lorgnette, a recent number, in alluding to the generosity of the Nightingale, says:

"Think of it for a moment, Fritz, that your ticket and your seat is to give a dear to some poor Swedish scholar, and that the echoes of the Nightingale are to be ever-echo through their whole life time in the hearts and voices of ten thousand blue-eyed Scandinavian children."

The U. S. Mail steamship Falcon, from New York, (in place of the Ohio,) touched off Charleston on the 30th.

TROUBLE AT WASHINGTON.—A dispatch from Washington to the Baltimore papers says that there is some little contention going on at present between the Home and War Departments. The Indian Bureau belongs to the former, and retains a place in the building of the latter. The War Department has issued some complaints, but the Home Department has not yet seen fit to change its location. Gen. Scott has taken the matter into consideration, and has written a letter on the subject to the Secretary of the Home Department.

The Pensacola Democrat speaks thus of improvements being made and in contemplation in an near that place:

"Soon a plank road will be built from this place to the NavyYard and Barrancas—soon a canal will be cut connecting the waters of Perdido River and the Grand Lagoon—the bill for an amendment of the city charter, so as to authorize the subscription for stock in the Escambia Plank Road Company, has already passed the General Assembly, and soon we expect to see the commencement of this work. Accomplish this, and trade and prosperity must follow as a matter of course."

STOPPAGE OF COTTON MILLS.—The Boston Transcript gives a statement of the number of spindles in five of the New England States, which have ceased operations within the last three months, in consequence of the depression in this branch of manufactures. It sums up all thus:

Maine, number spindles, about	142,700	Now stopped,	112,500
New Hampshire	223,000	" "	135,000
Massachusetts	1,250,000	" "	202,000
Rhode Island	500,000	" "	212,800
Connecticut	250,000	" "	65,000
	2,465,700		715,200

Calculating (says the Transcript) one and one-eighth yards per day for each spindle, which is the average at Lowell, and there are now one million one hundred and twenty-five thousand less yards of cotton cloth being made, than when all were running full.

Senator Foote was to have delivered an address on the Union in Philadelphia on the 30th.

Judicial Advertisements.

The Legislature of last winter repealed the odious law which let out the advertisements of judicial notices to the lowest bidder—a system liable to great abuse, from the opportunity by combination to put them at exorbitant rates. It is true that the last contract was taken at a nominal price, but the actual working of the law was a profitable affair. Where parties demurred and enforced the terms of the contract, the printer's bill was often too trifling to be charged. Where, however, the objection was not made, Paul was often robbed to pay Peter.

From January 1st, the advertisements are to be inserted in such papers as the defendant selects, or if he neglects, the other parties interested select; and if no one does it, the Sheriff, having a contract with the Courier, puts it in that paper; and, as we learn on high authority, high bills are charged. We publish the law. It provides that all judicial notices must be in French and English, the French notice to be inserted in a paper published in both languages. The papers in the First and Third Municipality are the Courier, the Bee, and the Orleanian; they are all in French and English. The five papers published in the Second Municipality, are in English only. Thus, for the French advertisements the parties have three papers from which to select, and for the English they have eight. It is for the interest of plaintiff and defendant to save costs, to pay as little as possible. They require only to be informed of their rights, and in publishing this law we shall save them many dollars, and open the business to fair competition. If, however, the parties interested do not select a paper themselves, it is avowed that they are to go in one particular paper, at the highest rates. The defendant, as soon as his property is seized, should at once make his bargain with the paper or papers, and give his written order to the Sheriff. He must work quickly. We write this with no unkind feelings to any, but to guard the interests of the public and our own.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the first of January, eighteen hundred and fifty-one, all advertisements which are required to be published in the Parish of Orleans, by virtue of any law, order of court or municipal ordinance, shall be published in French and English for the number of times and for the period now required by existing laws, in one or more newspapers, the selection of which shall belong to the defendants in cases of seizure and sale, and to interested parties in other cases, or to the Sheriff or other officer as the case may be, should the said defendant or other interested parties fail or neglect to make their own choice: Provided, that all advertisements in the French language, shall be inserted in a newspaper published in English and French.

Be it further enacted, etc., That all laws or parts of laws, contrary to the present act, be and the same are hereby repealed.

"We shall not stop to inquire whether the particular obligations sued on, formed a portion of those transferred from the City Bank, which were purchased by the latter institution at 50 cents on the dollar." [Delta.

And then follows a lecture on the illegality of the negotiation. Now a "manly and honorable" course would have been to stop and inquire whether there was any thing usurious or illegal in the creation of the debt sued on. The letter of Randell Hunt, the Attorney of the Municipality, would have furnished the information, that there was no defence in law or equity to the demand, and that the honor of the Municipality required its payment.

The editor, by stopping to inquire, would have learned that the debt was created by the payment of the interest and bonds due by the Municipality, and by cash advanced to meet its current expenses.

Again, in speaking of the serious sacrifice of the assets of the Municipality, a "manly and honorable" spirit would not prompt to the publication of the fact that Mr. Peters was a member of the Finance Committee at that time, without the addition of the fact that he was in the minority, and was opposed to that costly transaction. A reader not acquainted with the facts, would be led to believe that Mr. Peters was the cause of the ruinous financiering of 1847, while in truth the reverse was the case. The debt is legal and equitable, and Mr. Peters was an opponent, instead of the friend of the last measure. Let us have a little "manly and honorable" example.

NEW METHODIST COLLEGE.—*Munificent Bequest.*—From a correspondent's letter in the Pickens Courier, (S. C.) we learn that the late Mr. Wofford, of Spartinburg, who had long been a minister of the denomination, has devised the sum of $50,000, to be held by thirteen gentlemen, mostly ministers, in trust for the South Carolina Conference, to found a College in Spartinburg District:

"The College, when completed, is to be transferred by these Trustees to the same number of Trustees, who shall be appointed by the South Carolina Conference of the Methodist Episcopal Church, under those charters and supervision it was designed by the testator the Institution should be placed, till the appointment of these Trustees by that body is to be made biennially. The further sum of fifty thousand dollars ($50,000) is also given by the testator, to the same gentlemen, or perhaps to the Trustees to be appointed by the Conference) in trust, to be by them invested in such manner as shall be deemed most advantageous, the interest and profit of which is to be appropriated annually to the payment of the expenses of Professorships," etc.

DUTIES AND RIGHTS OF PRINCIPAL AND FACTOR.—The Supreme Court rendered a very interlocutory decision on this subject. The suit was Noland *vs.* J. R. Shaw & Co. Plaintiff is a sugar planter, and defendants are his merchants. They said for a sugar mill and charged it to his account, and in settlement retained the amount. He averred the engine was defective, and that he had ordered them not to pay for it. *The District Court* decided they could not plead this in compensation. They appealed, and the Court being equally divided, the judgment remains in force. Judge Slidell read a long and able opinion, in which he discussed at great length the law of Principal and Factor. He said that a factor cannot buy up debts of his principal, and retain the amount from the trust fund. Nor could a man borrow money with promise to return it in a few days, and plead a debt as an offset.

Judge Eustis read an opinion in which he recognized the law as announced by Judge Slidell, but thought this case was not within the rule. He examined the Roman law, and analyzed a decision rendered by the Emperor Justinian.

Supreme Court of Louisiana.

Present, Hon. GEORGE EUSTIS, Chief Justice, and Hons. P. A. ROST, THOMAS SLIDELL and ISAAC T. PRESTON Associate Justices.

MONDAY, January 6, 1851.

The Court delivered opinions in the following cases:

1. EUSTIS, Ch. J.....*Schmidt* vs. *Breen*....This suit to render the defendant liable for a sum of money which he paid into the hands of the Notary, as part of the price of certain property which the plaintiff had caused to be sold at auction. The defendant, when he signed the acts of sale, deposited the money with the Notary, who failed to account for it. *Held*, that the money so deposited was exclusively at the risk of the defendant. The District Judge decreed the defendant to pay the whole amount of the price to the plaintiff, and $60 damages. Judgment affirmed.

2. *Bernard. f. w. c., vs. Auguste, f. w. c.*....Suit to recover several slaves in the possession of defendant, who claimed the slaves in question under a pretended act of sale from Louis Ferrand *fils*, a free man of color, as the attorney in fact of the plaintiff, with whom he then lived in concubinage. The plaintiff charges this act of sale to be false, fraudulent and simulated. *Held*, that the assignee of Ferrand, who intervened, recover the slaves and their hire. Judgment affirmed.

3. ROST, J.....*Anderson et al. vs. Mrs. C. Ann Slocomb*....Suit to render Mrs. Slocomb liable, as the heir of the late N. Cox. It was fully shown he had renounced all interest in her father's succession, and was protected. Judgment in her favor affirmed, with costs.

4. *John Crow vs. Griffin's Representatives*....The majority of the Court reverse the judgment of the District Court, and give judgment for Sawyer and intervenor for $1,000. Judge PRESTON dissented, and gave his reasons at large.

6. *Stockton vs. Hyde*....Suit for rent of two lots. Judgment for plaintiff affirmed.

8. SLIDELL, J....*McBurney vs. Taylor*....Plaintiff's action is based on a notice of his claim as a workman, under the statute of 1844. The District Judge was of opinion the notice or affidavit of the account was informal, or too indefinite. Judgment for defendant affirmed.

9. *Nolan vs. Shaw*....The judgment below, in this case, was in favor of the plaintiff. Judges SLIDELL and PRESTON agreed with the District Judge, and his judgment *stands affirmed*. EUSTIS, C. J., and ROST, J., dissented, and delivered dissenting opinions.

10. *Frellsen vs. Tiner & Connery*....Judgment affirmed, for the reasons of the District Judge.

11. *Taylor et al. vs. Stolenge*....Suit to render defendant liable as a partner of the firm of Carlos Crozat & Co. He averred he was only an industrial partner, and showed to the satisfaction of the Court. Judgment for defendant affirmed.

12. PRESTON, J.....*Dupré, assignee of J. Gorman, vs. McCright's Executor*....Suit for $1,000, balance due for military bounty land warrants sold to the late Wm. D. McCright. Defence, general denial. The District Judge, without any plea to that effect, dismissed the suit out of Court, on the ground that all traffic in soldiers' warrants or discharges was illegal and forbidden by law. *Held*, that there is nothing immoral or improper in purchasing soldiers' claims from the soldier himself. Judgment reversed, and judgment for $1,000, interest from judicial demand, and costs.

13. *Crow, guardian of a minor, vs. Griffin*....The sale, by an heir, of his whole interest in an estate to the Administrator, is not prohibited by law. The case is very different in a sale by an Administrator to himself. Judgment for defendant affirmed.

14. *Conner vs. Hill, et al*....Suit for a flat-boat of corn, which a man by the name of Allen, who had it in charge, sold and failed to account. *Held*, that the defendants were innocent purchasers, and must be protected. Judgment for the defendants affirmed.

For the Crescent.

The Drama:
Its Moral Character, Tone and Tendency considered.
BY COLLEY CIBBER.

"The history of the Theatre of any country ought to show truly any ill that may flow from it, either to the people or to those engaged."

But the question will here arise—"How are the evils flowing from theatrical representations to be banished from them, and the good preserved and secured?" It has been contended, that the only remedy is to be found in the making the theatre an object of governmental patronage. We question the propriety of this movement, inasmuch as all questions of morality, which have been submitted to legislative bodies, have invariably become, in the hands of political parties, objects for electioneering purposes. It is true, a sort of censorship might be established to correct dramatic abuses, and the expunging from the stage all such productions as tend to demoralize society, and which would ultimately erect a standard of just and and proper critiqueism. But even here, the people would consider themselves dictated to, and the advocates of the Jakey school would, no doubt, resist all such innovations upon their favorite system of teaching morals through, and by the influence of the stage.

The stage is not unlike the press, in its influence upon the minds of men. The pure stream of instruction flowing in upon a city from the avenues of the drama, is of more value than even the purity of the water which is to cleanse and purify it, and affords an aliment to banish the vices and crimes which abound in and about it.

In Greece, at a period in its history even when the arts had attained to an almost state of perfection, plays were the organs of the people, and the stimulants to heroic actions and glorious patriotism. Poetry, painting, music and sculpture, were all enlisted to subserve the cause of the drama. At the very pinnacle of her refinement, we see her citizens congregated at her public games, attracted by, and united in, manly exercises, listening to the recitations of poets, witnessing the exhibitions of the works of art, or the representations of the dramatic works of *Æyschylus*, Aristophanes, or Sophocles. The great (modern) objections made to theatres, particularly from pulpit critics and biased censors, is the associations formed therein. This is but a feeble one, for we can trace crime, say, the worst of crimes, to other places and other exhibitions, whose characters, at least in the estimation of church-goers, were as purity itself compared to that of a theatre. Therefore, as no place is free from vice, and as it seems to be an error of our nature to prefer what is vicious to that which is good, it becomes an incumbent duty upon all who control public places, as well as places of public amusement, to guard against evils from which greater ones are apt to flow.

We have already shown how the production of licentious pieces has injured a Northern city—we have now to say, that all, or nearly all, of those gangs of rowdies whose outrages have disgraced our native city, Philadelphia, can be traced indirectly, if not directly, to such exhibitions as we alluded to in the first part of our subject. The characters of the drama have given to modern pickpockets, and thieves, and the imaginary scoundrels of the drama must have given lustre to their realities in real life.

To such an extent has this propensity to ape the painted villains of the stage been carried, that the Legislature of Pennsylvania found it necessary to create a new office, that of Marshal, whose duty it was, and is, to organize a new system of police, arm them with bludgeons and revolvers, for the purpose of suppressing and putting down, if possible, the spirit of rebellion, as it were, against morals and good order.

Our readers are aware, that a noble and generous class of citizens, the Firemen of Philadelphia, have been widely stigmatized as being leaders, or, at least, hanged with these gangs. Not so, for these rowdies have, in some instances, attached themselves to Fire Companies, and carried their *dramatic Jackeyism* even into that most honorable and highly honored department.

As the drama, therefore, exercises such an influence as to call forth the strong arm of power to put down the effects of its lessons, how much good must have flowed in upon the community, before managers became caterers to such a class, or dished up dainties such as we have described, for their morbid appetites. The influence of the drama is not generally known, and must we now discard it from our list of sciences, and the school of morals, because a few foreign managers, with their Billingsgate slang and vagabond associations, are striking at the very root of the American stage? Justice forbid! Before their advent our stage was well ordered, respected, and patronized; our artists were the cherished instruments of taste and refinement. To make use of the language of a historian and philosopher, "shall we not have the guilt of oblivion all the taste, and art, and invention; all the movements of free thought, and sublime and glorious outgoings forth of the soul, which the Republics of Rome and Greece have bequeathed to us, in the form of dramas, and all the knowledge which is contained in modern dramatic authors, because a momentary cloud rests upon it, otherwise bright horizon? No!" Another writer says: "Many plays have been licentious, many have been the victims of intemperance; but what profession can say 'we are free' from such members? It may be a part of our task to show that the temptations are strong which beset the player, and that these are such as the plain pulpit, or the plain law would remove. But we must not for a moment confound the actor—the histrionic artist—with the pretenders and low hangers-on of the theatre. But even the lowest retainers of the play-house, if employed, sanctioned, protected, by government, or an association such as we have alluded to, must, with such support, and under such control, be decent, if not virtuous, members of society."

We have further alluded to the plan of placing the theatre under governmental patronage, a plan we most decidedly oppose. Space will not permit us to give our views at length. The idea of such a plan making a member of the profession disposed to be vicious or virtuous is Utopian altogether. That government which causes one for own officers honest, can have but little effect or influence on the morals of the people at large. The people themselves are the only ones to correct abuses, as they can in all governmental acts, "right a wrong."

Having now cursorily gone over the ground of the abuses of the stage, it is with pleasure we add, that the New Orleans theatres are as decent and morally conducted as any in the Union. Pieces for representation are carefully selected, and every attention paid to the language, as well as the departments of the stage amusement, etc., etc. It is not our intention to analyze the quality or the capacity of the companies, their mental or physical construction—they are made up of the various materials which are to be found in the dramatic world, and we judge them as we meet them identified with, and for the time being, the characters they represent. Beyond this we have nothing to do with them, and as long as the managers confine themselves to the production of moral, entertaining and instructive pieces, so long the theatres will, as they should be, schools for instruction, pleasure and amusement.

In our next the subject of Sunday theatrical representations will be considered.

THE ALEPPO INSURGENTS.—A letter in the Journal of Commerce, dated Beyroot, Syria, Nov. 15th, says that it is understood that General Bem, who is in Aleppo, with the title of Murad Pasha, was the chief director in the infliction of the chastisement upon the insurgents, of whom there were 3000 slain. They were suppressed in a very workmanlike manner, and were forced to give up their arms, to surrender the chiefs of the revolt, to submit to the conscription, and to indemnify the Christians for all their losses. The insurgent quarters were given up to pillage, and the soldiers were several hours plundering them. The whole number of soldiers engaged, regular and irregular, was not over 10,000. Of them not many have been killed; of the regulars, perhaps not more than 20, with about 100 wounded, and of the irregulars, about 200.

THE RIVER.—The river at this point is falling slowly, with nine feet four inches water on the falls. The steamer Monongahela, from St. Louis, last night, reports the Upper Mississippi open for navigation as far as the upper rapids, and the Illinois to Peoria. The Wabash is very high. [Louisville Democrat, 20th.

The editor of the Augusta Constitutionalist went to Charleston and heard Jenny Lind. Hear him!

"He who doubts that Jenny Lind is a musician in every fibre of her heart and body, and that the very genius of music dwells in her inmost soul, is himself an outside barbarian—he has never felt the first thrill of the divine afflatus, and is only 'fit for treason, stratagems and spoils.' We are a Jenny Lind man, out and out. We believe that nature has yet to produce a voice that can compare with it in glorious power, brilliancy and beauty."

A correspondent from Charleston, writing to the editor of the Richmond Whig, says: "I have just had a conversation with Jenny Lind, and she has determined to drop the name of Swedish Nightingale. She says that, after her trip from Wilmington to Charleston, she does not desire to be a *night in gale* again."

SHARP SHOOTING.—Every American should possess a rifle, and know how to use it with effect. Read the following:

The British officers, during the war of the Revolution, were more apprehensive of the rifles of our soldiery, than they were of batteries, ambuscades, grape-shot, or shells; and that they should have been so is not to be wondered at, when it is recollected that amid the thickest of the ranks, the unerringly aimed rifle ball consummated its mission of death. We have, when resident in the then "far West," witnessed feats of rifle practice which would have put to the blush the far famed sharp shooters of the 95th Rifle Brigade. Talk of William Tell, and his wondrous feat, and contrast it with the more recent apple shooting, etc., in New Hampshire, and the former dwindles into insignificance.

JENNY LIND'S CHARITIES.—The nett proceeds of Jenny Lind's last concert in Charleston amounted to $3,440, the whole of which were distributed to the benevolent and other societies of that city.

LOCAL NEWS.

FIREMEN'S CHARITABLE ASSOCIATION.—A meeting of this truly benevolent and praiseworthy association, was held last evening for the purpose of electing officers for the ensuing year. Henry Bier was elected President by a majority of about three to one, and we know of no one who is more justly entitled to the honor. Henry Bier is identified with almost every benevolent effort which has been started in New Orleans, and his noble exertions in behalf of the destitute and distressed, during a long career in our city, have won for him the supplicating tear of the orphan, the heartfelt prayers of those who have experienced his benevolence, and the golden cornucopia of the charitable. May he long live to ornament the high position he occupies in the breasts of the truly good!

Samuel G. Risk, of Mississippi Fire Company No. 2, a worthy and well known member of the department, was elected Vice President by a large majority. Mr. Hubbell, of No. 13, was elected Secretary, and E. L. Brecier, Treasurer. We have never known a more efficient corps of officers.

COUNCIL OF THE SECOND MUNICIPALITY.—This body met last night, fifteen present.

Mr. Lawrason said the Liquidators' law was unconstitutional, so far as regards the sinking fund. This decision restores the act of 1847, which is imperative on the Council to make appropriations for the interest and maturing bonds, before any other ordinance can be passed. He offered a resolution to appropriate $92,000 and deposit it in the Louisiana Bank, for the payment of bonds not otherwise provided for by law.

Mr. Lawrason moved that the rules be suspended, and the resolution be passed. This called out an animated debate. Messrs. Yancey and Sewell opposed the motion to suspend the rules. Messrs. Lawrason and Marks urged its adoption, as without it no not would be legal.

Mr. Yancey said the Council had no official notice of the decision.

Mr. Marks said it was not the duty of the Supreme Court to notify parties of their decisions, they must notice them at their peril.

Mr. Pride said that a communication from the Mayor was on the Secretary's table. He asked it to be read. It informed the Council of the necessity of electing commissioners under the McDonogh will, and of the decision of the Supreme Court on the Liquidating law.

This message seemed to satisfy all that the resolution should be adopted at once.

But now a most unexpected and rambling debate sprang up between the Recorder and the Council. Mr. Caldwell insisted upon first putting to vote the motion to lay the resolution over to the next meeting, instead of putting the motion to dispense with the rule which requires all resolutions to lie over to the next meeting. He then submitted the correctness of his own view, viz: that a motion to lie over, had a preference over one to suspend; on his putting the vote, not a single voice responded!! This is pretty good proof of the Recorder's knowledge of the Parliamentary rules, and the respect paid to his opinions. The vote to suspend was then put, and the yeas and nays were—11 yeas, 4 nays.

YEAS—Hooper, McCormick, Sewell, Yancey—4.

On the motion to adopt the resolution, Messrs. Yancey and Sewell opposed. The yeas and nays were called, and resulted as before, 11 to 4.

Treasurer's report, ending Dec. 31:

Receipts	$20 751 20
Disbursements	20,736 11
Balance on hand	$15 49

The use of Lafayette Square and the Lyceum Hall was given for the celebration of the 8th of January.

Mr. Lawrason offered a report from the Finance Committee, allowing certain bills.

Mr. Renshaw, from the Committee on Streets and Landings, offered a resolution, to sell to the lowest bidder, after due notice, the contracts for building and repairing sidewalks for the coming year; for wooden bridges and crossings, and for cleaning and repairing streets and sidewalks; all of which were adopted at once. The particulars will be given in the advertisements.

The resolution in regard to the absence of Mr. Dunbar, the Municipal Surveyor, came up.

Mr. Renshaw was in favor of the call on the sureties; but his health was very bad, and if, during his absence, in can make enough to pay his expenses, no one should object.

Mr. Lawrason moved to refer the subject to the Committee on Streets and Landings.

Mr. Hooper objected to any reference. It was well known he was receiving a larger salary. Major Blanchard was holding three offices in the Municipality.

Messrs. Yancey and Hale concurred with Mr. Renshaw, that the subject of security should be arranged.

Mr. Hooper again replied.

Mr. Pride thought Mr. Dunbar's securities were still liable. The subject was finally referred.

Mr. Hale presented a resolution, to the effect that J. A. Beard had been duly elected Alderman from the Sixth Ward, and was duly qualified.

Mr. Hale moved to suspend the rules, which was carried without objection.

Mr. Marks moved to lay the resolution on the table indefinitely.

Mr. Hale said the question had caused a difference among lawyers. He would not attempt to argue the question, after his discussion by able lawyers. The people had decided the question by the election of Major Beard, and he hoped their decision would be acquiesced in. No one replied to him. The yeas and nays were called.

YEAS—Hawthorn, Lawrason, Marks, Montanye, Pride, Renshaw, Shields, Sykes—8.

NAYS—Hale, Hooper, Johnson, McCormick, Sewell, Stewart, Yancey—7.

The resolution was adopted, ordering the election of an Alderman in the Third Ward on Monday, 20th inst.

Dr. J. W. Pieton was elected Visiting Physician of the McDonogh estate, and the following gentleman to administer the funds for the Asylum: J. M. Bell, P. Conney, Jr., John Leeds, J. M. Hall, T. B. Winston, H. O. Richardson, John O'Brien, Capt. Salter.

The Council adjourned to Monday, January 13th.

FIRST MUNICIPALITY COUNCIL.—There was no quorum at the meeting of this body last evening.

FIRE.—A fire broke out about 5 o'clock yesterday evening at the corner of Constance and Melicrete streets, Second Municipality. The building in which the fire originated, and which was occupied as a grocery, was consumed. The stock, we believe, was insured. The fire was first discovered in the roof, and was caused by a defective stove-pipe.

FIRE.—About 5 o'clock yesterday, Mr. Daniels' steam Pickery, in Jane street, was found to be on fire. A large quantity of cotton was stored in the building, and the adjoining tenements were in great danger. And Perry Fire Company No. 12 promptly came to the scene, and extinguished the flames before much damage had been done.

HIGHWAY ROBBERY.—Patrick Hart was yesterday brought before Recorder Caldwell for examination on the charge of having, on the 24th ult., borrowed two sovereigns from Thomas Gillay, by politely knocking him down and taking them from his pocket. The affair occurred on the Levee, when darkness overspread the face of this side of the world. It was adjudged and deemed that Patrick should go down to the Parish Prison, and await a trial before Judge Lazan.

FINED.—Roger Brady was yesterday fined $5 by Recorder Caldwell for disturbing the peace and insulting an officer.

Mr. Fuller was fined $5 for disturbing the peace of the St. Charles bar-room. The Recorder announced his intention to punish, to the utmost extent of the law, all offences of this nature.

MUNICIPAL ADJUDICATION.—The Mayor yesterday sold the contract for keeping in repair the Common street Shell Road, for one year, to Patrick Welsh, for $2,400.

SUPREME COURT.—The Supreme Court met yesterday morning—a full bench present. A considerable number of decisions were rendered, the most important of which, was that in the case of the Board of Liquidators *vs.* Municipality No. One.

It will be recollected that the First Municipality refused to surrender their sinking Fund, deposited in the Bank of Louisiana, to the control of the Board, as the other Municipalities had done, and the Board thereforo brought suit in the Fourth District Court.

Judge Strawbridge decided that the act of 1850, creating the Board, was unconstitutional; and an appeal was taken to the Supreme Court. The Court, after reviewing the act incorporating the Board, and the arguments, say: In what ever aspect we consider the case, the facts present a valid contract and a vested interest in the fund on deposit in the Bank of Louisiana. It follows as a matter of course, under our constitutional system, that it is not within the functions of the legislative power to impair the one or the other, and that an act of the Legislature, having this purpose and effects is void.

The judgment of the District Court, refusing the mandamus against the Bank and Municipality No. One, is therefore affirmed.

THE MCDONOGH WILL.—The will of the late John McDonogh required that the Councils of the different Municipalities should, on the first Monday in January, elect commissioners to act in conjunction with commissioners from the city of Baltimore, in the management of the estate. There was no quorum at the First Municipality Council last evening, and we would ask, what the result is to be.

U. S. CIRCUIT COURT.—*The Cuba Affair.*—This case was resumed yesterday morning.

Gen. Henderson moved for a subpoena, *duces tecum*, to counsel the District Attorney to produce the instructions to him from the Secretary of State in reference to the present prosecutions, which he supposed to be dated about the 8th of May last. Gen. H. stated that on the first day of the trial, he had endeavored to obtain these instructions, but Mr. Hunton had declined to produce them, and he therefore made the present motion for a subpoena. He could not swear positively that they would be of service to him, but such might be the case.

Mr. Hunton said that he should not oppose the motion, but submit to the decision of the Court. He was not aware that the letter contained any state secrets.

Mr. Hunton then delivered his opening address to the court and the jury. His speech entire we have not space to give. He announced the different points which he expected to prove. He expected to prove that the accused had purchased the steamer Creole in the month of May last, and that he otherwise sided in getting up the expedition which invaded the island of Cuba.

Gen. Henderson stated that it was a matter of little or no consequence to him, whether he made his objections here or when the witness came upon the stand. There were two propositions which the District Attorney said he could prove, according to the rules of evidence; that John Henderson did purchase the steamer Creole, and take a title in the name of White, or that he ever had any thing to do with said steamer, or that the expedition left the United States and that Cuba was invaded, as the District Attorney had averred neither in the indictment. As he understood the law, then neither could be proved. His position was that John Henderson could not be proved to have purchased the steamer, or had any thing to do with her, as it was not so charged or averred in the indictment.

Mr. Hunton proposed that the case should be proceeded with, and that the exceptions be taken on the examination of witnesses. The examination then proceeded.

Mr. John Higgins, sworn for prosecution—Witness resides in Cincinnati; was in New Orleans in May last; left New Orleans in the month of May, about the 7th or 8th, for Chagres; never saw Chagres; he stopped at the island of Magueys; went from Magueys to the island of Contoy, from there to the island of Cuba; witness left on the steamer Creole; left in the evening about 9 o'clock. The steamer was lying at Lafayette; did not expect to go to Cuba when he left.

The witness was asked how he came to leave, and answered that he went out on an expedition.

Gen. Henderson here objected to the prosecution proving any expedition, when one was not averred in the indictment. He read the different counts in the indictment, and said that it was nowhere shown that a military expedition had been begun and set on foot, or that it did go, or was intended to go from the United States. The indictment in the first count alleged a "military enterprise" had been set on foot, and in all other counts it alleged "a certain *other* military expedition."

Gen. Henderson then read the statute governing the offence, and continued his argument up to the hour of adjournment.

Mr. Benjamin will reply this morning.

RECORDER GENOIS' COURT—*Larceny.*—James Cosgrove was yesterday caused to stand up before Recorder Genois, and then and there he was charged with stealing a piece of carpeting containing thirty-two yards, and valued at $24, from the store of Messrs. J. S. Roberts & Co., on Front Levee street. The carpet was stolen from the door of the store on the 3d instant, and James tried, on Saturday last, to sell it to Mr. Baquiers, on Rampart street. He was suspected by Mr. B. and arrested, and the carpet was identified yesterday by a clerk in the house of Roberts & Co. James was committed to appear before the First District Court.

An individual, calling himself Alexis Vincent, was brought up on a charge of breach of trust. Pierre Journeneau made an affidavit, stating that about three months since, he entrusted $100 to Alexis for safe keeping, and that the same has been kept so safely by Mr. Vincent, that he has been unable to obtain any part of it. A clear case was made out, and the accused was returned before the First District Court for trial.

William Duffy was called up to answer the charge of going to Nicholas Johnson's house, abusing and insulting him, and demolishing his windows. William was fined $15, which he paid, and was released.

BETTER THAN HEARING JENNY LIND.—A correspondent of the Richmond Whig relates the following incident:

"A gentleman, well known in Richmond, left home on Friday evening, on his way to the concert with ten dollars in his pocket. Before reaching the theatre he met a poor fellow from the country in great distress. It seems the poor fellow's cart had been broken down; it was getting late—he was many miles from home, and had no means of paying for the repairs. The gentleman, seeing the man's distress, asked what the repairs would cost. He was told about ten dollars. The ten dollars intended for the concert were immediately given for this purpose; and he returned home without hearing the far-famed Miss Jenny. Here true sympathy and benevolence gained the victory over self-indulgence. And who doubts this gentleman felt a calmer and purer joy than any of the hundreds who thronged the theatre on Friday night?"

The answer springs from every heart. No one doubts it, for as Shakspeare has written it that such acts carry a double blessing—"It blesseth him that gives, and him that takes."

FATAL AND MELANCHOLY OCCURRENCE.—About two o'clock on yesterday evening our city was thrown into a fever of excitement by the report that our City Recorder, Mr. John K. Chester, had been shot and killed, unprovoked, by a negro. As we have been enabled to gather the facts the negro, a bright mulatto, was brought to the door of the Mayor's office, by some of the police. Mr. C., in company with some two or three other gentlemen, were standing in the door. The negro exhib