DAILY CRESCENT

THE NEW ORLEANS DAILY CRESCENT,
OFFICE NO. 93 ST. CHARLES STREET,
will be regularly served to subscribers in the city at an early hour every day, (Sunday excepted,) for $5 a year, in advance, payable to the office, or 15 cents a week, payable to the carriers.

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FRIDAY MORNING, MAY 27, 1853.

The List of Letters will appear in this paper to-morrow as usual.

A Review of the Decision of Judge Paine,
OF NEW YORK,
IN THE CASE OF THE SEIZURE AND LIBERATION OF MR. LEMMON'S SLAVES.

[*Continued.*]

TAXATION AND APPORTIONMENT OF REPRESENTATION AS ADJUSTED BY THE CONSTITUTION OF THE UNITED STATES.

The Congress acting under the Constitution, have sanctioned the right of slavery by providing for the enumeration of slaves for the purpose of taxing them, and making the tax a lien on them as property. See vol. 3, Laws of U. States, Bioren's edition, pages 34, 100, 102. **The Eastern members of the Convention proposed it, they sustained it, and they moulded it to their mind. In 1798 and 1799, when it was necessary to resort to direct taxation to support the *quasi* war then waged against France, this species of population was taxed as property. The same sort of taxation was levied during the late war with England. This property has afforded revenue to carry on these wars; in the latter six hundred thousand dollars was annually received upon slaves.**

By the Constitution, slaves are not only property as chattels, but political property, which confers the highest and most sacred political rights of the States, on the inviolability of which the very existence of Government depends.

The apportionment among the several States of their representatives in Congress.

The apportionment of direct taxes among the several States.

The number of electoral votes for President and Vice President, to which they shall be respectively entitled.

The basis of this right is, "according to their respective numbers, which shall be determined by adding to the whole number of free persons, *including those bound to service* for a term of years, and excluding Indians, not taxed, *three-fifths of all other persons*." So for all these **great objects, five slaves are, in federal numbers, equal to one freeman of the North.**

In that article of the Constitution, the word person is used as synonymous with "human being and inhabitant." The Constitution, in the second section of the first article provides that "representatives and direct taxes shall be apportioned among the several States according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound for a term of years, three-fifths of all other persons."

The word persons was unquestionably substituted for slaves. The words free persons, including those bound to service, embraces all the inhabitants or human beings of a State, save slaves; and the delicacy of the framers of the Constitution avoided sedulously the introduction of the word slave, and embraced them under the general term of other persons.

After the formation of the Constitution it was objected to its ratification that slaves ought not to give to their masters an increased representation, for "slaves are considered as property, not as persons; they ought therefore, to be comprehended in the estimates of taxation, as property, and be excluded from representation, which is regulated by a census of persons." In confirmation of these views, we refer to the 54th number of the Federalist, to show Mr. Madison's views in combatting the objections taken by the non-slaveholders to that feature of the Constitution by which three-fifths of the slave population are added to the free population of a State in relation to its representation in Congress. In reply to this, he argued that it was true that slaves were considered as property, but they were also considered as something more than property—they were considered as moral persons, liable to be punished for crime, as members of society.

Let us examine who fixed this apportionment. It was done by members of the Convention of the Eastern States. Mr. Randolph, of Virginia, proposed that the rights of suffrage should be proportioned to the quotas of contribution. Mr. Madison, of Virginia, made a proposition for an equitable ratio. It was then moved by Mr. Rutledge, seconded by Mr. Butler, to add to the words "equitable ratio of representation," at the end of the motion just agreed to, the words "according to the quotas of contribution." On motion of Mr. Wilson, of Pennsylvania, seconded by Mr. Pinckney, of South Carolina, this was postponed in order to add after the words "equitable ratio of representation," the words following: "in proportion to the whole number of white or other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons, not comprehended in the foregoing description, except Indians not paying taxes, in each State." This was followed by a proposition by Mr. Patterson, of New Jersey, of the same import. Upon revising this proposition with others, the Committee of Revision was Mr. Johnson, of Connecticut, Mr. Hamilton, of New York, Mr. Morris, of Pennsylvania, Mr. Madison, of Virginia, and Mr. Rufus King of Massachusetts. The Committee adopted the proposition of Judge Wilson and Mr. Patterson, and formed that clause of the Constitution which regulates the representation and the direct taxes.

The next compromise upon the question of slavery was between the small and large States. The one claimed, and the other refused an equality of suffrage in the National Legislature. It was agreed that the suffrage should be equal in one House, and according to population in the other. This was the *basis* of the compromise. Then came the question, what should constitute the representative population? The Southern States had more slaves than the Northern, and the former insisted that slaves should be included in the representative population. This, it was contended in the Convention, would give the Southern States an unfair preponderance in Congress. To reconcile the North to slave representation, it was offered that direct taxation should be proportioned to representation. This arrangement of political power was acceded to. Mr. Davie, of North Carolina, made a "deliberate declaration:" "He was sure North Carolina would never confederate on any terms that did not rate them (the slaves) at least at three-fifths. If the Eastern States meant, therefore, to exclude them (the slaves) altogether, the business was at an end." [Madison Papers, p. 1081]. The compromise of three-fifths of the slaves to be included in the representative population was accepted, on motion of a *New England member*.

It was attempted to exclude the Southern portion of the Confederacy from the right of representation of three-fifths of the slaves within the Union. It cannot be concealed that this subject was surrounded by difficulties, and originally presented important impediments to the Union. It was contended then, that this unfortunate race of beings, degraded alike by intellect and condition, could not be considered above the animals which labored by their side; that they were not admitted by their owners to any share of political power in the States where they resided; that they could not, therefore, with propriety, be entrusted, by any participation in power, with the rights of freemen; that, in short, they should be *regarded as property, not as persons.*

It was then answered, that in the States not burdened with this species of inhabitants, the general principle of the Confederation was, to apportion representatives among the States according to inhabitants; that if the Southern States choose to give their slaves the privilege of voting, or placed them on the footing of bound servants, they would be entitled to representation according to their full numbers; and that the refusal to their slaves of that privilege was like the qualification of property required in some of the States, a mere municipal regulation, with which the Union had no concern.

Thus reasoned the framers of the Constitution. They thought wisely, that slaves were to be partly as property, and partly as persons; and that it would be unjust to condemn their owners to taxation without some indemnity. They therefore compromised their conflicting opinions: they agreed to consider that three-fifths of this species of property should enter into the computation of representatives.

"The first thing objected to is that clause which allows a representation for *three-fifths of the negroes*. Much has been said of the impropriety of representing men who have no will of their own. Whether this be reasoning or declamation, I will not presume to say. It is the unfortunate situation of the Southern States, to have a good part of their population, *as well as property*, in blacks. The regulation complained of was one result of the *spirit of accommodation which governed* the Convention; and without this indulgence, no Union could possibly have been formed." [See Alexander Hamilton's speech in the Convention of NewYork, to ratify the Constitution of the United States, Elliot's Debates, page 212.]

Messrs. King, Gore, Parsons, and Jones, of Boston, spoke of the advantage to the Northern States by the rule of apportionment given to them; as also Judge Dana. [See Elliot's Debates in the Massachusetts Convention.]

On the question of the adoption of these clauses of the Constitution, the vote stood thus:

Affirmatively—Massachusetts, Connecticut, NewYork, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia—9. Negatively—NewJersey, Delaware—2. [See 2 vol. Madison's State Papers.]

Mr. Patterson, of NewJersey, remarked, "He could regard slaves in no other light but as property."

Mr. Rufus King, of Massachusetts, said, "That eleven out of thirteen States had agreed to consider slaves in the apportionment of taxation."

Let us now consider the light in which slaves have been received by Congress in levying a direct tax.

The acts of Congress relating to the assessment of lands, etc., and slaves, have been "An act for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States," July 9, 1798, ch. 70; "An act to amend an act entitled 'an act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States,'" February 28, 1799, ch. 20; "An act supplementary to an act entitled 'an act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States,'" January 2, 1800, ch. 3; "An act to provide for completing the valuation of lands and dwelling houses, and the enumeration of Slaves in South Carolina, and for other purposes," January 30, 1805, ch. 11.

We will now advert to the act of 1813 imposing a direct tax. The 5th section of the act reads as follows: "That whenever a direct tax shall be laid by the authority of the United States, the same shall be assessed and laid on the value of all lands, lots of ground, with improvements, *dwelling houses and slaves*, which several articles subject to taxation, shall be enumerated and valued by the respective assessors *at the rate each of them is worth in money.*"

Could Congress have employed words more emphatic, more minutely descriptive, to signify that a slave was private property, than are contained in the above section? Is there any distinction made in it *between lands and slaves? Each is liable to be taxed*, the tax is to be assessed on the value of each, and the value to be estimated by *the worth of each in money.*

Again: let us advert to the 24th section of the same act, and this idea is still more strongly expressed—is depicted in still more glowing colors. "Where any tax, as aforesaid, shall have remained unpaid for the term of one year, as aforesaid, the collector in the State where the property lies, and who shall have been designated by the Secretary, as aforesaid, having first advertised the same for ninety days in at least one newspaper in the State, shall proceed to sell at public sale, so much of said property as may be necessary to satisfy the tax due thereon, together with an addition of twenty per cent. thereto. If the property advertised for sale cannot be sold for the amount due thereon, with the aforesaid additions, the collector shall *purchase the same in behalf of the United States* for the amount aforesaid."

Now, here Congress not only expressly admits that a slave is property, but directs the *collector to purchase* the slave in their behalf, if he is not bid up to the value of the tax imposed, and thereby becomes a slaveholder. The Congress of the United States, by the adoption of this act, acknowledges, in the plainest and strongest language, that it will not only *tax slaves*, or other property, but that it will purchase and sell them.

On the passage of the bill it was determined in the affirmative—yeas 27. Those who voted in the affirmative from the non-slaveholding States are: Chase, of Vermont; Condit, of New Jersey; Gorman, of New York; Gore, of Massachusetts; Howell, of Rhode Island; King, of New York; Lacock, of Pennsylvania; Morrow, of Ohio; Varnum, of Massachusetts; Robinson, of Vermont. [See Senate Journal, 1st session 13th Congress, page 105.]

On the passage of the same bill in the House of Representatives, those who voted in the affirmative from the non-slaveholding States are: Comstock, Denoycles, Fisk and Sage, of New York; Davis, Crawford, Findley, Conrad, Chas. J. Ingersoll, Ingham, Rea, Seybert, Smith and Wilson, of Pennsylvania; Fisk, of Vermont; and John McLean, of Ohio. [See House Journal, 1st session 13th Congress.]

Again: It is contended that slaves are recognized as property by the Judiciary act of 1789.

The great inquiry, then, is, whether a slave is private property? The slave is liable to be seized and sold for debts; if an individual attempts feloniously to take possession of him, the owner can recover him by an action of detinue or trover; to maintain in either of which actions two things are necessary: first, that the object claimed should be a personal chattel; and next, that the party claiming should have a property in it. It is admitted, that it is the law of the United States. This we will endeavor to establish. By the thirty-eighth section of the Judiciary act it is enacted, that the laws of the several States, except where the Constitution, treaties, and laws of the United States otherwise require or provide, shall be "regarded as the rules of decision at common law in the courts of the United States, in cases where they apply." What is this but adopting, as the laws of the United States, all the constitutional laws of the several States? Are they not, by this section, incorporated into, and made a part of, the jurisprudence of the Union? S. Carolina, by a similar enactment, has made of force as much of the common law of England, as is consistent with her Constitution. Now, is not that common law of England made, by that enactment, as much a part of the code of S. Carolina as her legislative statutes? This proposition cannot be doubted. The *laws of the several States*, adopted by the Federal Courts, are as much then the laws of the United States as the act of Congress. In which light, then, have the courts of the United States considered slaves? Precisely as those of S.Carolina—as mere personal chattels—as legally, nothing more than goods, wares, and merchandise, and liable to all the rules which govern the possession and alienation of inanimate chattels. To prove this, let us refer to a case originating in the Circuit Court of Georgia, but finally decided in the Supreme Court of the United States. [See the case of Williamson *vs.* Daniel, reported in the 12th vol. of Wheaton, p. 568.] The substance of this case is as follows: A testator left by will sundry slaves to A and B, with a provision, if either should die without lawful heirs of his body, the survivor should have the estate. The following was the decree of the court pronounced by Chief Justice Marshall: "We think these words convert the absolute estate previously given into an estate tail; and if so, *since slaves are personal property*, the limitation over them is too remote." It is an old maxim of the common law, that an estate tail cannot be created in a personal chattel; for if it be, the previous estate becomes absolute in the first taker. This rule applies to all property of a moveable nature—to money, goods, wares and merchandise—to domestic animals, etc. Do not the above points establish the principle, that the Supreme Court of the United States view the slaves precisely in the same light as the State Courts—that it considered the slave no more than a personal chattel, in which an absolute property may vest, and liable to all the rules which attend chattels of that description. The same principles have been decided in another case brought up from the Circuit Court of Tennessee to the Supreme Court of the United States. [See Shelby *vs.* Grey, 11th Wheaton, page 361.] To understand this case it is only necessary to give the preliminary statement of Judge Johnson, who pronounced the decree of the Court. "The plaintiffs here were defendants below in action of detinue, brought by Thomas Grey to recover sundry slaves. The defendants filed *non detinet*, and the act of limitations of the State of Tennessee, which was the act of detinue, is three years." Can it be contended, that slaves are not viewed by the courts of the United States as private property, as nothing but personal chattels, by these two cases? In the first they are disposed of by will, liable to become the property of the first owner when the limitation over is after an indefinite period; and in the second case, they are recoverable by action of detinue, and become the absolute property by the holder after possession of three years. It is thus we find that the highest judicial authority known to the people of the United States have decided, that a slave is a legitimate chattel. So much for the decisions of the United States Courts on this subject. In these opinions every member on the bench concurred. [See Lee *vs.* Lee, 8 Peters's Rep., Groves *vs.* Slaughter, 15 Peters, and the case of Prigg *vs.* Commonwealth of Pennsylvania, 16 Peters, 625.]

CUNARD *vs.* COLLIN'S.

The contest between the steamers of the Collins and Cunard lines from NewYork to Liverpool, has excited a great deal of interest all over this country, and the performances of the different vessels have been closely watched and carefully noted. Up to a very late period—the launching of the Arabia—there has not been a single trip made by any one of the British steamships which even approximated to the quick runs of the American steamers, and the best passage of the Arabia has hardly excelled the average performance of her rivals, conclusively proving that the vessels and machinery constructed on this side of the Atlantic are far superior to the best that can be produced on the other side.

We have been frequently appealed to by parties, between whom disputes have arisen with regard to the time of different steamers of the two lines, for information on such points. For the benefit of those who may feel interested in such matters, and as a piece of pleasant information to all of our readers, we give the following condensation of news on that head, which has at one time and another appeared in the NewYork papers.

The quickest passage ever made across the Atlantic was made by the Baltic, of Collins' line, in August, 1851, when she steamed from Liverpool to NewYork in nine days, ten hours, and fifteen minutes. The next best trip was by the Arctic, of the same line, in February, 1852, when she accomplished the run in nine days, seventeen hours and forty-five minutes, or from wharf to wharf in nine days, twenty-three hours and fifty minutes. The next best run was performed by the Pacific, also of the Collins line, in April 1850, from Liverpool to NewYork in nine days twenty hours and five minutes. The fourth best passage ever accomplished was made by the Atlantic, of the same line, in May, 1852, between Liverpool and NewYork in nine days and twenty-two hours. Thus the four best passages ever made have been made by the American steamers.

The vessels of the Cunard line have not even made the fifth, sixth or tenth best runs; their rivals having made almost every hour and half hour from nine days and twenty-two to ten days and three hours, which latter is the crack passage of the Arabia, built with all the latest improvements and without regard to expense, for the express purpose of beating Collins' boats.

The best passage ever made by a British steamer was that of the Asia in ten days four hours and twenty-two minutes—six hours and twenty-two minutes behind the poorest of the crack trips of the Americans, and sixteen hours and twenty minutes behind the best. The next best was that of the Africa, in ten days and three hours, and succeeding that is the late much vaunted trip of the Arabia, in ten days three hours and thirty minutes. These instances are sufficient to demonstrate the great superiority of each one of the Collins boats over all of the vessels of their great rival and prove that the Yankees are still ahead.

The ordinary average trips have, however, exhibited a still greater disparity in speed. The average of the voyages performed in the year 1852, by the Collins line, from New York to Liverpool, was ten days nineteen hours and fourteen minutes; and from Liverpool to New York, eleven days, sixteen hours and fourteen minutes. The average of the voyages performed in the same time by the Cunard line from New York to Liverpool was eleven days, eight hours and fifty-five minutes; and from Liverpool to New York twelve days, eleven hours and thirty minutes. Considering that the Collins line have now triumphantly maintained their ground for three years against every successive vessel that the long experience and great resources of the Cunard line have been able to bring out against them, we believe we are fully entitled to regard this contest in steam navigation as settled in favor American skill and American enterprise.

Our rivals, however, are not content with being thus beaten, and are even now endeavoring to construct a gigantic iron steamer which shall in speed surpass everything yet recorded. Judging from the abortions which all of these mammoths have yet proved themselves, and also from the failure of the previous attempts of the British naval architects and machinists to construct anything equal to the NewYork boats, we do not feel any preliminary palpitations, but trust they will progress until our people are forced to take yet another step in the "go-aheadative" path they so well pursue.

A great while ago an enthusiastic British poet, excited by some successes of his countrymen gained over the French and Dutch, wrote a poem, stating that England ruled the deep. It has not been sung now for a great many years, and, we presume, never will be again. Whether in sailing or steaming, Jonathan leads the chase

DR. MACAULAY'S FEMALE INSTITUTE.—In company of several gentlemen, we spent a pleasant hour in the school-room of Dr. Macaulay's Female Institute, 252 Camp street, yesterday afternoon. Ever eager to instruct his pupils, the Doctor had secured the presence of a reputed Ventriloquist and Mimic to impart to the older members of his School a knowledge of the power, compass and variety of the human voice, and afford an evening's amusement to its more juvenile members. Miss Ludlum was also present, and favored the company and the scholars with music from the guitar. The young ladies of the Academy played upon the piano and sang, evincing a correct knowledge of both vocal and instrumental music, highly creditable to their preceptors. Dr. M. has for years enjoyed a wide-spread and enviable reputation as an instructor, and we are gratified to perceive that his Academy at the present time is in a flourishing condition.

We are indebted to the polite attention of the clerks of the steamer Wm. Noble for late Cincinnati and Louisville papers.

The officers of the steamer Pacific have laid us under obligations for St. Louis papers of the 21st instant.

The steamship Cherokee arrived in safety at New York, on the morning of the 19th, from this city, *via* Havana, with 120 passengers.

To persons having the care of steam engines, the following, from the Lawrenceburg Register, may be valuable:

"Mr. Ira Hill has informed us that he has accidentally made a valuable discovery, by which the deposit of lime upon steam boilers may be obviated. Two or three shovels of sawdust are thrown into the boiler; after which process he states he never had any difficulty from lime, although using water strongly impregnated with it. He has always found the inside of his boilers as smooth as if just oiled. Whether the lime attaches itself to the floating particles of sawdust instead of the boiler, or whether the tanic acid in the oak sawdust forms a salt with the lime which will not attach itself to iron, remains to be explained. The sawdust was placed in the boiler for the purse of stopping a leak. The experiment is cheap and easily tried."

THE LOSS OF THE WILLIAM AND MARY.—The Boston Journal, which is usually well informed in all marine affairs, says that there must be either some misstatement in Captain Stenson's account of the loss of his vessel, or some mismanagement at the time of the occurrence. According to that statement the ship struck on a rock on the northern part of the Great Bahama Bank at half-past 7 in the evening, beat a hole in her bottom, and began to leak badly. The ship was immediately *anchored* in ten fathoms water, and remained in that position until the next morning at 8 o'clock, when she sunk, with some two hundred persons on board, who could not be taken off in the boats. At that time, the Great Isaacs bore E. S. E. seven miles distant.

There is no "danger" laid down in this position in any chart of the Bahamas, nor is any rock or other danger mentioned in Blunt's Coast Pilot; and this part of the Bank is traversed almost every day by large vessels bound through the New Providence Channel and the Gulf Stream to Cuba or the Gulf of Mexico. The Northeast Rock is situated about one mile and a half N. E. from the Great Isaacs; but this can hardly be the ledge on which the ship struck, if the ship was brought to anchor immediately after striking.

The precise spot on which the ship struck may not, however, be of much consequence to the public, excepting as a warning to other navigators; but it is singular that, with a strong breeze, the ship, instead of being anchored, was not kept under way through the night, and every possible effort made to get farther on the bank into shoal water, where the chances of all on board being saved would have been infinitely greater than while the ship remained in ten fathoms water.

SINGULAR.—It is stated that Mrs. Newall, the mother of David B. Newall, of Newport, N. H., who was killed on board the New Haven cars at Norwalk, did not hear of her son's death until last Wednesday. He was a consumptive young man, and was returning from the South. He had previously written to his mother that he was going to return, and she had gone on to Georgia to take care of him on his passage back. He got the start of her, and they passed one another on the way, she going entirely through. She then immediately set out on her return, and, holding no associations on the way did not hear of the accident. After getting upon the New York and New Haven railroad, last Wednesday, a fellow-passenger politely handed her a copy of the New York Illustrated News, which contained an illustrated account of the accident. In this she became interested, and had commenced reading a list of those killed, when suddenly she dropped the paper, and raising her hands, exclaimed—"My God! my God! my son is killed!" This was her first intimation of her bereavement, and her son had already arrived at home and been consigned to the grave. [New Haven Palladium, 18th.

EXCITEMENT IN CAMBRIDGE.—Considerable excitement prevailed at Old Cambridge yesterday. It seems that the students of the Law School have been discussing the question of slavery, and there being Southerners as well as Northerners present, they were conducted with considerable spirit and piquancy. On Friday last, as the story goes, a student from New York made an anti-slavery speech two hours and a half in length, in which he used expressions that excited the hot blood of his Southern associates. The result was that, on Monday, a student from Maryland sent a message to the New Yorker, challenging him to mortal combat. Another son of that State bore the challenge. About this time the Faculty got news of the affair, and took measures to prevent a duel. It is said that warrants were obtained for the offending parties, but upon promise of good behavior they were not served. This morning things were quiet again, and it is hoped the affair will pass off without bloodshed. [Boston Herald, 17th.

A FACT FOR THE PHILANTHROPISTS.—A gentleman of South Carolina, who recently failed in business, came to this city last week to effect a settlement with his creditors. In the schedule of his assets was one male negro named Tom Jefferson, valued at $800. There did not happen to be a single abolitionist among the creditors, and to this fact it is probably owing that a motion was made and unanimously carried, that, as a necessary condition of accepting the debtor's assignment, he should manumit the negro forthwith. How many of the professed "friends of the slaves" would have thus sacrificed $800 of their just dues. [Boston Courier.

Vanderbilt's yacht steamer, the North Star, in making her trial trip at NewYork on the 19th inst., ran aground, shortly after leaving the wharf, on a reef in the East river, at half tide. Her keel was knocked off, and she would have to go into dock for repairs, which would probably detain her a week. It is stated that she has been sold by Mr. Vanderbilt to an agent of the Russian Government, and that he and his family will return from Europe in another vessel.

LETTER FROM QUEEN VICTORIA TO PRESIDENT PIERCE.—Her Majesty, Queen Victoria, upon receiving the news of the melancholy accident which resulted in the loss of President Pierce's only son, is said to have personally written a letter to Mr. Ingersoll, in condolence for the sad affliction the President had sustained.

The Sand Lake Lyceum offers a premium of fifty dollars for the best poem "on the gosling trade." Here's a chance for half-fledged poets such as they have not met with in years.

TELEGRAPHED TO THE CRESCENT.

By the National Line.

The Gardner Case.

WASHINGTON, May 26.

The Gardner case has been given to the jury, and this morning they have informed the judge that there is no probability that they can agree upon a verdict. The court has adjourned until to-morrow, leaving the jury still out.

Ohio River.

PITTSBURGH, May 26.

There is now 6 feet 6 inches water in the channel and the river falling.

CINCINNATI, May 26.

The river here is now rising and has swollen about 18 inches during the past 24 hours.

VICKSBURG, May 26.

The Eclipse passed this place at midnight last night, bound for NewOrleans.

For the Crescent.

LINES.

I know a spot where the wild rose dwells.
Where eglantine with jessamine entwines,
Where, far in shadowy nooks and grassy dells,
The wild grape curls its parasitic vines
Round the tall oak and ever verdant bay,
Curtaining the cool grove from the garish light of day.

There the white flowers of the magnolia tree
Lavishly shed an odorous delight,
Loading the languid air, whilst blithe and free
Bright-plumed birds avert their airy flight,
And in exultant tones, the boughs among,
Pour through the echoing grove a most melodious song.

There the lymph lakelet flashes in the light,
Its minnie waves moved by the playful breeze,
Its margins slope with violets benight,
And its fair surface mirroring the trees,
The passing bird—the trembling stars of even
Each fitful change that marks the face of heaven.

Love, let us leave the hot and dusty street,
The busy din, the tumult of the mart,
And hastening thitherward on flying feet,
Gather fresh flowers and music for the heart.
Laving our brows in those pellucid streams [dreams.
That gust among fresh flowers like children's laughing

There, while the mock bird trills his varying song,
We'll carol, too, in emulative mirth,
Twining fresh flowers, our clustering locks among,
Gathered all glittering from the dewy earth.
And deeming for one joyous day, that we
Are blest and guiltless, too, as bird or flower or tree!

NewOrleans, May 19, 1853. H. D.

CORK JACKET LIFE PRESERVERS.—We refer our readers to the advertisement of the above-named very useful article, sold by Todd & Co., 120 Canal street. At this season of the year, when travellers are going North, and accidents by the sinking of boats are so numerous, such an article should meet with a ready sale. It is made to fit neatly to the body, and may be worn as an ordinary vest, so that it may be always ready for use in case of accidents. Many lives may be saved by this useful article.

PASSENGERS SAILED.—The steamship Empire City, Capt. Windle, sailed yesterday morning for NewYork *via* Havana with the following passengers:

For New York—Mr Schwarting, lady and nurse, Mr H Fretlson, lady and two daughters, H Brisongne and family, Mrs Borows, Miss A E Steward, Miss H Lawrance, Mrs Chandler, S B Day and lady, Mrs A M Fearing, Mrs Moult, Mrs Sloan and child, Mrs Ames, Mrs J N Wofford and child, Miss J E Cooke, Wm Worthing, lady, child and svt, T Maxwell, lady and child, J A Ringland, lady and four children, Mrs J P Nelson, two children and twenty in steerage, Mrs McFall, Miss Lowler, Wm A Porter, Jas M Porter, jr, Mrs A Hill, two children and svt, J A Chandler, S W Peck, S S Byard, Geo Hannard, S Jacobs, S Benoche and lady, Wm Burke, Wm D Jones, H Hally, Mrs Woolingham, F P Stark, Dr Stull, U Lawrance, J H Nixon, A T Walton, Mrs Williamson, Mr Foonday, lady and two sons, Mr Osgood, J A Schiller, and 28 steerage.

For Havana—Master H D Susannneau, 3 steerage.

A FIGHT AT ROME.—A letter dated at Rome, April 20, gives this account of a fight between French and Italian soldiers:

The event of the week, concerning which the whole town is talking, is a grand fray between French and Roman soldiers, near the fountain of Trevi, night before last. It appears that a Roman trumpeter, named Mariani, was solacing himself with a mug of wine in company with a pothouse Dulcinea, when some French infantry soldiers entered the *osteria*, and invited the frail fair one to partake of their Falernian also, which, being accustomed to general complaisance, she accepted, thereby so irritating the Roman, that he flung a glass of wine in her face, and in those of her new protectors.

An appeal *aux armes* was the immediate consequence, and the trumpeter, fiercely attacked by five or six Frenchmen, was driven out of the pothouse, and took refuge in a café opposite. In rushing in, however, hotly pursued by his enemies, his scabbard got between his legs, and he fell to the ground, where he continued to defend himself slashingly from the French soldiers, and likewise from a French sergeant who was in the café, and attacked him with his sabre.

Three Roman dragoons in the café, seeing such tremendous odds against their comrade, unhesitatingly drew in his defence, and a regular cavalry and infantry *melee* ensued, which made such a row in the quarter that strong patrols of French immediately marched up, and occupied all the outlets, and immediately captured the trumpeter up stairs, and the other three Roman combattants in the Marquis Maccarani's stable. Meanwhile the whole regiment of Roman dragoons in the nighborhood of Pilotta barracks were with difficulty restrained by their officers from rushing out *en masse* to rescue their comrades.

Yesterday morning the colonel of the dragoons repaired with eight men to the French guardhouse, at San Marcello, and demanded his captive soldiers, who were consigned to him by order of the French General, and lodged in the Papal military prison of St. Anne, whither, although wounded, they were quite able to walk. Some of the French are severely wonded also.

STEALING A WIFE—*Action in Low Therefor.* The Ontario County (N. Y.) Times gives the particulars of a rather singular matrimonial case which was before the Court in that county a few days ago. The facts are: That, on the 29th of August, 1852, Eliza R. Smith, of Macedon, went with Addison J. Bennett to East Macedon, where the parties were married. Returning, they were met on the highway at Victor by the father and mother of the bride, and Thomas Wright, where a kind of "come round" occurred, during which the bride was spirited away. On the same evening the bride and her friends took the cars and proceeded to Philadelphia. They were followed by Bennett to Philadelphia in the course of some four weeks, and he being discovered in the streets of that city, the party at once took the cars again and put back to Macedon. The suit is brought by Bennett for the recovery of his wife, and also for abduction and assault and battery. It is a singular case—the more strange from the alleged fact that the bride in question stays away from her wedded lord of her own choice, and not, as she says, from undue influence or compulsion.

A specimen of concrete limestone, found in vast quantities in Clark county, Alabama, on the Alabama river, one hundred miles above Mobile, has been sent to Washington for government inspection, with a view of having that material used in the construction of the new custom-house in Mobile. It is said to be fully equal to the best Quincy granite, and can be obtained at a much less cost.

Knight, the London publisher, has paid during the last twenty years $80,000 to authors and literary men for their labors; and on their works, before they could be circulated, he was obliged to pay a tax or excise, in the shape of a paper tax, $50,000. Here the British government levied $250,000 worth of tax on four hundred thousand worth of intellect and knowledge. [Boston Post.

A most revolting outrage was committed recently upon the person of a little daughter of Mr. Everingham, of Alton, Illinois, aged about ten years. The villain ascended to her apartment by means of a ladder, and is supposed to have administered chloroform to her while she was asleep, and then accomplished his purposes. He escaped before the alarm was raised, and fears are entertained that the girl may not recover.

TO THE PUBLIC.—As several communications have lately been forced into the papers in relation to the right of the Chairman of the Committee on Streets and Landings to hold his seat in the City Council, we Assistant Aldermen, do hereby certify that the Board fully investigated the matter before it, and they were not allowed to take his seat, and their decision was acquiesced in by them. After this action on the part of the Board, the assertion that the gentleman referred to is not a citizen is purely malicious, and is in all the Wards of the City, the imaginators of the slander, that the gentleman has time and again exercised the privileges and performed the duties of a citizen, without question. AMICUS. may27 1t*

CONSTABLE'S SALE.

FIRST JUSTICE'S COURT.—M. MOONEY vs. JOHN CULLIGHAN. No. 13,285.

BY VIRTUE of a writ of fieri facias to me directed by the Hon. L. U. Gaudin, First Justice of the Peace, Parish of Orleans, I will proceed to sell at public auction, on WEDNESDAY, the 8th day of June, 1853, at the hour of 4 o'clock, at the Blacksmith Shop of said Culligan, corner of Celeste and Religious streets, the following PROPERTY, viz:

2 CART BODIES, and sled, 4 WHEELS, unfinished; 35 SPOKES and 15 FELLOES.

Seized in the above suit. Terms—cash.

may27 J. J. HOPE, Constable.

TURKS ISLAND SALT—8000 bags Turks Salt, in fine order, ex ship Arthur, for sale by J. P. WHITNEY & CO., 61 Camp street.

The above is warranted genuine Turks Island Salt. may27

Arrivals at the Principal Hotels—May 26.

CITY.....J C Clarke, W Paxton, H Flees, J White, O J Morgan, M C Connolly, Texas; O H Kellum, A J Norwood, J O Norwood, Cal; C M Vinson, S L Brasmen, La; J Robb, E W Wright, Ark; J S Johnson, M Thompson, K Chandler, Ala.

ARCADE.....W D Martin, W A Champlin, Miss J Hedler, J S Barnes, Texas; J T Reardan, P L Funkhouser, Ill; K Gates, D E Fock, N Y; R W Cheather, N C; J Holden, La.

ST. LOUIS.....Mrs Gilmore and servant, Miss Gilmer, H Stanton, Ga; Miss Newton Keller, Screvener Cotton, H C Lawrence, La; A J Wells, N O; J R Green, Ala.

ST. CHARLES.....G M Hemmingway, W Hemmingway, E Kropp, Miss Henderson, Miss Satonell, Miss A H Henshaw, W Bailey, J H Coughand and servant, La; D W Hooks, B W Rush, Mrs Alderdew, Miss Barker, Ala; W H Tyler and lady, Maj G Andrews and servant, U S A; Mr Dunn, Dr Hulse, U S N, Sir Sparks, T Chenzon, N Y; G W Kace, J L Sloade, N O; Mr Otey, Ark; Mr Stokes, Ga.

VERANDA.....A H Wood, H B Kuck, A Kuss, La; A Bayley, A Wiley, E Chapman, S A Chapman, W Henry, Ala; R Little, John Horn, J Schindler, Wm M-Cutcheon, Miss and Mrs J W Burke, St Louis; J H Liking, Va.

Died:

On Thursday, May 26, at 8 o'clock P. M., EDMUND D., infant son of Edmund S. and Bridgen Bolton, aged 3 months and 5 days.

The funeral will take place THIS MORNING, at 9 o'clock, from the residence of Ed. S. Bolton, on Magazine street, between Felicity Road and St. Mary street, Fourth District.

St. Louis papers please copy.

We call the attention of our readers to the advertisement in our columns, in relation to the new Periodical, THE POPULAR EDUCATOR, the first number of which is to be issued on the first day of May. Such a Periodical is imperatively demanded by the American people. As every man is his own instructor to a great extent, he should be furnished with the facilities for it. This THE POPULAR EDUCATOR proposes to do. In England, a Magazine on this basis, of two or three years' standing, has reached the enormous circulation of over 150,000 copies monthly. We have no doubt that THE POPULAR EDUCATOR will be cordially received by our whole people. may26 tuw 1m

Life Preservers.

STEAMBOAT CAPTAINS about supplying their boats to meet the law which goes into force June 1, 1853, are invited to call and examine the

CORK JACKET LIFE PRESERVERS,

which are pronounced to be the very best article ever invented.

Before obtaining a patent for his invention, Mr. Guerin subjected it to the examination of Com. Perry, who caused experiments to be made with it from the steamer Fulton, Capt. Newton, at the Navy Yard, Brooklyn.

Among the results of those experiments, contained in Capt. Newton's report to Com. Perry, it is stated that a sailor, who could not swim, put on the Bosyant Dress, jumped overboard, and floated without making any exertion to do so, with his head and shoulders entirely out of water, and that another swam very well in supporting entirely a second person.

We have carefully examined the Bosyant Dress; no air is required for its purposes—no danger can result from its being torn, or damaged by water; it is light, and fits the body as comfortably as a jacket, leaving the arms perfectly free. Its low price places it at the disposal of every person, and we can scarcely doubt that this very admirable invention will be generally adopted by those who travel by water. For those navigating and traveling upon our lakes and extended rivers, it is an invaluable discovery. Most, if not all the calamitous victims of the loss of the Home, the Pulaski, the Lexington, the Erie, the Henry Clay and the Albany would have been saved if they had been furnished with this garment, which, when it is worn, prevents the possibility of sinking.

For sale, wholesale and retail, by

TODD & CO.,
Sole Agents,
COMMISSION CARPET WAREROOMS,
may27 2tdp No. 120 Canal street, near Royal, Touro Buildings.

60 Camp Street. 60

NEW BOOKS.

Just received—

MEMOIRS, LETTERS AND CORRESPONDENCE OF THOMAS MOORE—Vols 3 and 4, 12mo. (Little, Brown & Co.)

HILLIARD ON THE LAW OF MORTGAGES OF REAL AND PERSONAL PROPERTY—(Little, Brown & Co.)

MODERN FLIRTATIONS—By Catherine Sinclair, in 1 vol. (Stringer & Townsend's.)

LESLIE'S COMPLETE WORKS ON CHRISTIANITY—In 1 vol. 8vo. (T. B. Peterson's.)

THE LIFE AND ADVENTURES OF ARTHUR SPRING, the Miser Heir of Mrs Ellen Lowe—Author of Mrs. Hosack Blake—Complete in 1 vol. (T. B. Peterson's) Price 75 cents.

FATHER CLEMENT—A True and Touching Story. By Grace Kennedy. (T. B. Peterson's.) Price 50 cents.

VAUGHAN'S SPEELER, DEFINER AND READER—By Mrs. S. A. Vaughan. (D. Bergess & Co.)

For sale by

J. B. STEEL,
may26 2tuplw 60 Camp street.

Summer Clothing.

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