DAILY CRESCENT

THE NEW ORLEANS DAILY CRESCENT.

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SATURDAY MORNING, JULY 16, 1853

THE CITY COUNCIL AND ONE OF ITS MEMBERS.

We will briefly reply to a communication which appeared in our columns on the 14th inst., relative to the question involved in the above heading.

By the eighteenth section of the Act to Consolidate the City of New Orleans, etc., it is declared each Board shall "be judge of the election returns and *qualifications of its own members.*" etc.

Under this section it is clear the Board of Aldermen is constituted the judge of the qualifications of its members.

Section fifth of the Act of Consolidation sets forth the qualifications of an Alderman, to wit: The qualifications of Aldermen shall be the same as are required for Members of the House of Representatives in the General Assembly of the State.

Article six, title eleven, of the Constitution of the State ordains: "Every duly qualified elector under this Constitution shall be eligible to a seat in the General Assembly," etc.; and article ten, of the same title, prescribes: "Every free *white male* who has attained the age of twenty-one years," etc., "shall have the right of voting," etc.

As the Board of Aldermen is, under this Act, the judge of the qualifications of its member, and, as the being a free white male is one of the essential qualifications of an Alderman, it follows, necessarily, that the Board of Aldermen are authorized to judge whether any person claiming to be an Alderman, and whose claim is denied and contravened on the ground that he is not a white male, is or is not, in point of fact, a *white* male.

The object of the law in constituting the Board the judge of the qualifications of its members is apparent. It is to enable the Board to maintain the integrity of its own body; to prevent any one who has not been lawfully chosen from usurping a seat to which he is not entitled; to see that the government of the city is administered by the representatives of the people—by those to whom it is entrusted by the Constitution and laws of the State.

It is a mistake to suppose that the right to judge of the qualification of a member ceases upon the admission of one, who has been elected, to a participation in the rights of membership. The right to judge is continuous, and never expires. The disqualification of one admitted to membership may not be known, even to himself, at the time of the admission. The right to judge in the matter, is the right of the people to be governed by their proper representatives, and, from the very nature of the thing, can not be limited or qualified under the law in question.

The sixth section of the 34th chapter of the acts of 1816 declares that the City Council shall be the judge of the elections of the Mayor, Recorder, and its members.

Article 873, Code of Practice, enacts that when the Legislature has granted to a corporation the right to determine the validity of the election of its members or officers, *courts of justice shall not issue mandates to inquire into that fact.*

The case of the Mayor and others *vs.* Morgan, is decisive of the authority of the Board of Aldermen in the matter now before the Council. The right to judge carries with it the duty to inquire, and the discharge of that duty involves no encroachment on the powers of the Judiciary. In the case referred to, the Court expressly decided that the Act of the Legislature constituting the Council the judge of the qualifications of its members, did not violate the Constitution; that the Court of the First District was consequently without jurisdiction; that its proceedings were *coram non judice*, etc.

Martin, Judge, in delivering the opinion of the court in this case, says: "As the Council could not well proceed to business without ascertaining the rights of its members to their seats, the Legislature had the power to render it judge of the validity of their elections, and *prohibit courts of justice from interfering with its decisions.* There is no greater incongruity in the Council exercising in this respect, within the city of New Orleans, a kind of judicial power, than in exercising legislative powers, which it is universally admitted they may exercise, in matters which are the object of the charter of the city."

No new point is presented by the present case before the Council. We express no opinion prejudicial to the *status* of the member, but uphold as in duty bound the just and lawful authority of the Board to inquire into and decide upon the qualifications of its members. We hope and believe that after a proper investigation the member whose claim to being an Alderman is denied and contravened will establish conclusively his right to retain his present seat, and thus relieve his family from the supposed imputation resting upon them.

TEHUANTEPEC RIGHT OF WAY.

The Delta of yesterday contains a lengthy review of an opinion published by Wm. Cost Johnson, in the Washington Union, relative to the respective merits of the Garay and Sloo grants of a right of way across the Isthmus of Tehuantepec. The Delta does not venture any opinion, but seeks by a cunning selection of paragraphs from Mr. Johnson's statement, to place the Sloo grant in the fairest light possible.

This statement of Mr. Johnson is but a rehash of the speeches made by Seward and Hale on the subject, both of them notorious free-soilers and abolitionists, who are opposed to any extension of territory on our Southern border, and of course hostile to the acquisition by a Southern company of so large an extent of territory as that included in the Garay Grant. They were well aware that the settlement of this extensive grant by the energetic Anglo-American race would, in pursuance of "manifest destiny," involve its dismemberment from the Mexican confederation and its eventual annexation to the American Union. This would add too much strength to the Southern portion of this nation, and by consequence was a consummation that did not exactly chime in with the free-soil abolition notions of Seward, Hale, Fred. Douglass & Co. These Hale and Seward diatribes were successfully answered by Mr. Mason, of Virginia, Mr. Walter Brooke, of Mississippi, and by Mr. Downs, of Louisiana; either of whom, being actuated by honest motives, were better qualified to express unbiassed opinions than those two abolition fanatics whose feelings and sentiments are but the effervescence of sectional animosities.

Mr. Johnson, in his review, sneers at the Garay grant as a "private speculation." This is truly a laughable designation in the face of the facts going to show by what means Mr. Sloo obtained his grant—furnishing an example of the most barefaced humbuggery that ever was practiced. If Mr. Sloo's contract is not a "private speculation," founded on the least possible amount of real capital by which such an enterprise was ever attempted, we would like to know. We a day or two ago gave a history of the Sloo grant, showing how he borrowed $600,000 to pay the requisite *bonus* to the Mexican Government, how he authorized his agents to pledge real property in this city, *which he did not own*, for the payment of the amount; how he empowered these agents to draw upon him here for the money; how the drafts came and he refused to pay them on the ground that the United States had not guarantied his grant by treaty (the real reason being because he couldn't); how he was sued for the money borrowed, in the Second District Court, and so on. In all this we intimated not a word as to the probabilities of Mr. Sloo being defeated in his expectations by the Garay claimants, nor of the chances that Mr. Falconet, who advanced the $600,000, should be left to whistle for his money—but we hint it now.

Suppose the United States refuses to guarantee Sloo's claim by treaty, what becomes of the $600,000 advanced to Sloo by the Mexican banker, Falconet? He has no recourse on the Mexican Government, for he loaned the money to Sloo's agents; neither has he any chance to get it from Sloo, for Sloo hasn't got it. What then? His only satisfaction will be to vituperate the American name as a nation of swindlers, all for this act of Sloo.

We happen to know that the Americans are in for a fair measure of abuse for Sloo's want of good faith in meeting the drafts upon him, and that we have, in consequence, been denounced as a nation of robbers. His conduct will not bear scanning. When he borrowed the $600,000 from Falconet, he said nothing about its repayment being conditional on the guarantee of his claim by treaty. *Falconet loaned the money with the understanding that it would be repaid absolutely on the presentation of the drafts in this city.* It way not paid, and the Mexicans blame the whole American nation for the default. In this was is the national character made to suffer abroad by the unauthorized acts of adventurers.

Mr. Wm. Cost Johnson comes before the public as the advocate of Sloo's grant with a bad grace. Mr. Johnson is the agent and paid attorney of Mr. Sloo, has his stipulated fee for perverting facts and torturing reason for unjustifiable ends, and any action on his part to forestal public opinion in relation to the matter in question cannot but be looked upon with the reprobation which it deserves. But the fee which Mr. Sloo may be enabled to spare out of his five millions of stock in the Tehuantepec Road might well warp the judgment of as firm a head as that of Wm. Cost Johnson. Opinions on legal points are marketable as well as any other commodity.

ABOLITION TRIUMPHANT IN THE FEDERAL COUNCILS.

The present Chief Magistrate of the Union was inaugurated under auspices extremely favorable to restore harmony to our agitated country. Authorizing the expectation that he would place himself at the head of the Republic instead of a sectional party, he was elected by an overwhelming majority of the people. Had he administered the Government upon the principles laid down in his Inaugural, he would not only have conciliated those opposed to his elevation, but have given satisfaction to the country at large. There would have been no grounds for hostility to his administration—no pretext for opposition. Instead, however, of pursuing a policy calculated to give calm and repose to the nation, which his promises had led us to expect, he has arrayed by the distribution of the patronage of the Government one section against another, violating the pledges made to the country and involving us again in all the embarrassments and difficulties which existed anterior to the Compromise.

His appointments have been so made that the power and influence of the abolition party now distribute the patronage of the Government; and no man is so ignorant as to discredit the charge that there was a coalition between the democratic and freesoil parties of the North, with a view to the election of Gen. Pierce, and with his sanction.

There is no direct proof of the charge of a *bargain* between the parties. It is to be made out entirely by *inferences* drawn from conduct. It does not belong to the human mind to act without motive; and when we see the Federal patronage lavished upon the leaders in the abolition treachery of '48, to the almost total exclusion of the conservative and patriotic democracy, we are irresistibly impressed with the belief that there was an understanding prejudicial to the interests of the country prior to the election.

In the organization of the Cabinet we find gentlemen of every political creed honored with the confidence of the President. The Secretary of the Interior has been one of the *most uncompromising advocates of the Wilmot Proviso*; it being one of his boasts that he had uniformly denied "*that the Constitution recognized any right of property in slaves.*" The Secretaries of War and Navy claim the right of secession. The Judge of the Supreme, appointed by the President, maintains the same doctrine.

The extent to which this system of favoritism is carried, is thus stated by the Boston correspondent of the New York Evening Post, a warm supporter of General Pierce's election, and now of his Administration. The letter was published in the Post of the 14th ult.:

"Coalition stock is rising fast in Massachusetts. ALMOST ALL the recent appointments to office are of men who have been prominent coalitionists and FRIENDLY TO THE ELECTION OF MR. SUMNER. The Cambridge Post-office, one of the most valuable in the State, has been given to a worthy democrat, who is not only a thorough-going coalitionist, but one VOTED SCRADDLY FOR MR. PALFREY, so long as that gentleman was a candidate for Congress. The newly appointed postmaster at Salem, Mr. Loring, not only exerted himself to elect Mr. Sumner, but a few years ago WAS AN OUT-AND-OUT ABOLITIONIST. I have in my possession a copy of an anti-slavery attack of the Boston Post on the English Government. The new postmaster at Gloucester is ALSO A THOROUGH-GOING ABOLITIONIST, so much so that he left the free democracy because they were not sufficiently anti-slavery for him.

"Several anti-slavery editors have also lately received appointments, among them Josselyn, of Lynn, who voted for Van Buren in 1848; Colby, of the Newburyport Union and Knowlton, of the Worcester Palladium. Mr. Knowlton is one of the ablest and most popular democrats in the State. He made a very decided speech in the Senate AGAINST THE FUGITIVE SLAVE LAW, and is in high favor with the free democrats. He is a member of the convention from the anti-slavery city of Worcester."

The Albany Argus, another supporter of the Administration, though not a freesoil paper as the Post is, copies the above statement, and attaches to it this remark as to what has been done in New York:

"An analysis of the list of appointees to office in this State, recent and remote, would exhibit similar freesoil triumphs here—proportionally even greater than those in Massachusetts. Four-fifths at least, of the whole number, belong either to the freesoil—or, what is infinitely worse, the "soft" or "coalition" category.

Dix, Fowler, Cochrane, Gray and Angel, the Postmaster at Worcester—the Postmaster at Syracuse—the Postmaster at Auburn—the Postmaster at Rome—the Postmaster at Utica—the Postmaster at Buffalo—the Postmaster at Canandaigua—the Postmaster at Hudson—the Postmaster at Seneca—are all old freesoilers, and have been appointed to office since the 4th of March. In Illinois, Campbell, Maloney, Hay and the officer of the customs at Chicago—in New Jersey, Governor Vroom, as Minister to Berlin, who made a strong speech, as his friends allege, in favor of the repeal of the Fugitive Slave law—all rank freesoilers and objects of the especial favor of the President.

The Hon. William J. Brown, formerly a member of Congress from Indiana, whose appointment to a highly important and responsible post—that of Special Agent and Confidential Supervisor of the Mails—has just been announced. His deeds, when nominated for the Speakership, transpired in the face of the country, and are found among the records of the nation. It may, therefore, be fairly inferred that the President, in bestowing upon Mr. Brown an office of high trust—in virtue of which he will have unlimited control over the correspondence of an important section of the Union—designed to signify, in the most emphatic manner, his approval of his moral and political attributes.

For the present, we content ourselves with giving W. J. Brown's letter to David Wilmot, which is condemnatory enough:

WASHINGTON CITY, December 10, 1849.

Dear Sir—In answer to yours of this date, I will state that, should I be elected Speaker of the House of Representatives, *I will constitute the committees on the District of Columbia, on Territories, and on the Judiciary*, in such a manner as shall be satisfactory *to yourself* and to your friends. I am a Representative from a free State, and have always been opposed to the extension of slavery, where they have the Constitutional power to abolish it.

I am yours, truly, WILLIAM J. BROWN.

TO DAVID WILMOT.

In the foregoing letter he makes a pledge to organize the committees on the District of Columbia, the Territories, and the Judiciary, satisfactorily to those who were known as the ultra freesoil party, (Mr. Wilmot, the putative father of the Proviso, and his friends. And, notwithstanding these antecedents of Mr. Brown, the correspondent of the Baltimore Sun, a democrat, says "that he is employed by the Administration, politically as well as officially."

The history of this Administration reveals with great clearness the extent to which antislavery has poured out its leperous distillment through the Northern and Eastern States. The party most thoroughly opposed to Southern institutions triumphed, while in the North, those who *stood by the Union*, when convulsions shook it to its centre, have been excluded from Executive favors.

We say to the Northern democracy, who assisted in the formation of this "unholy coalition"—

"The serpent that did sting thy manger's life
Now wears the crown."

We ask for what purpose abolitionism has been raked from its embers at this time? Why has this new impulse been given to a party that we have been taught to believe had gone down to oblivion? *Is it not for the purpose* of carrying out the bargain of 1852, as regards the use of the patronage of the Government? And is not such a use of the patronage well calculated to give strength and influence to those who are inimical to the best interests of the country.

The Administration must attribute the suspicions of a *bargain* to the circumstances in which it is placed. It must change the circumstances; while these exist, the opinions of men cannot be changed. We must adjudge the Administration according to the old maxim—*noscitur a sociis.*

THE UNION AND THE ADMINISTRATION.—The *Anzeiger des Westens*, a prominent and very influential German paper published in St. Louis, and esteemed the Benton organ of the German democrats, thus alludes to the Washington Union and the Administration in a recent leading editorial:

Looking at the English papers openly in defence of the Cabinet, we perceive with astonishment, that they are filled with extracts from the Union at Washington, the ultra-jesuitic Russian "Freemen's Journal," the "Boston Pilot," the "American Celt," and the "Review" of Brownson the apostate.

This singular alliance is most to the point, and calculated for warning, and the entire failure of the liberal and republican press of the country in the support of the Administration, is so well understood at Washington, that the Union is endeavoring, within a few weeks, to search every little paper printed in the remotest counties of all the States, for a friendly article in favor of the Government, and parades the same, when found, with most pompous and ridiculous commentaries.

It is to be presumed from the fact, that the *Anzeiger*, being a Benton organ, but expresses in the above the editor's and Col. Benton's views in relation to the Administration and its organ.

OCEAN SPRINGS REGATTA.—The series of regattas to commence at Ocean Springs on Thursday next, promise to be the most brilliant affairs of the kind that has ever come off in the Southern waters, and will doubtless attract an immense crowd and afford infinite pleasure to all who attend.

The race on the first day, around Deer Island, will bring together all the first class yachts of the "Gulf Squadron," including the beautiful *Fairy*, the majestic *Mischief*, the towering *Eagle*, the coquettish *Kate*, the rakish looking *Vision*, the graceful *Flirt*, and a number of the dark fleet and fast ones—names unknown to us—who are said to hovering near the Gulf coast, awaiting to enter and contend for the beautiful prizes to be awarded on that occasion. On the second day, the *Edith*, *White Spray*, *Stingaree*, *Undine*, *Pilgrim*, *Secret*, and *Unknown*, of the second class, and the *Elephant*, *Algerine*, *Crescent*, *Pleasure*, *Jenny Lind*, *Croaker*, *Foam*, *Shaddow*, *Mist*, and several others of the third class, will come together to contend for prizes.

The last day, to cap the climax, will bring together every thing at all resembling a sail-boat on the coast—scows, skiffs and luggers, schooners, sloops and cutters—every thing that can raise a sail or has one to raise.

We understand that the steamer Creole, with a band of music on board, will visit the ground, and follow after the sail-boats around the island, affording those on board a good view of the regatta.

EQUALIZATION OF SALARIES.—We perceive with pleasure that the School Board of this (the First) District has followed the example of the Second District in equalizing the salaries of the male and female Principals, and have adopted a general increase among all the teachers. The equalization of the salaries of the male and female Principals we look upon as a just and equitable determination on the part of the Directors of the First and Second Districts, and hope all the other Boards may follow their example. A material increase of salaries in general appears to us not only right, but politic, to secure the services of competent teachers and assistants.

Our thanks are due to the clerks of the steamer Columbus for St. Louis papers of the 9th.

IMPORTANT TO PLANTERS.—We are authorized to say that many of our most extensive planters have ordered their commission merchants in Baltimore not to dispose of their tobacco until they receive further orders. The design is to hold it over in anticipation of the rise in prices, which is confidently predicted by the knowing ones. [Marlborough (Md.) Gazette.

DAMAGED CORN.—Thousands of bushels of heated corn have been shipped from Chicago within a few weeks. The Buffalo market is overrun with damaged and heated corn, and it is being sent to New York as fast as transportation can be had. There it is used by distillers, who buy it at almost their own price. The practice of manufacturing whisky from damaged corn, it is said, is getting to be quite common throughout the country.

TELEGRAPHED TO THE CRESCENT.

By the National Line.

The President's Health.

NEW YORK, July 15.

The President has determined to return to Washington to-night. As he had intended to remain in this city until to-morrow, this unexpected decision creates some speculation.

Ohio River—Markets.

PITTSBURGH, July 15.

There is now barely two feet water in the channel and the river falling.

CINCINNATI, July 15.

There is but a moderate business in the markets here. Sales of Lard in bbls. at 9½c. per lb. The river is falling slowly.

By the Southern Line.

Mobile Cotton Market.

MOBILE, July 15.

The Cotton market here has worn a quiet appearance during the past week, and the sales reach barely 750 bales, including only 20 bales to-day. Middling is quoted at 10½c. per lb.

The receipts of the week embrace only 150 bales. Exports 6000. Stock on hand this evening 10,000 bales.

Baltimore Letter.

PRESIDENT'S VISIT — REPRIEVE — POLITICAL — DEATH OF JUDGE GLENN—RAILROAD ACCIDENTS —COMMERCIAL, ETC.

Correspondence of the Crescent.

BALTIMORE, July 8.

The announcement being now positively made that President Pierce will visit New York to be present at the opening ceremonies of the Crystal Palace, and that he will pass through here on Monday next on his way thither, preparations are in progress to give him, if he will permit it, a reception here consonant with the high official dignity of his position. This homage will be freely rendered without party distinction, and will no doubt elicit the hearty participation of all classes of citizens, and prove befitting the occasion. Baltimore is fond of shows, parades, etc., and an event so proper and suitable for indulgence in this passion as the presence of what Mrs. Partington calls "a live President," will not pass unimproved.

The youth Thomas Conner, who was to have been hung to-day for the murder of Capt. Hutchinson, has been reprieved by Gov. Lowe, and the excitement seekers of our city who were looking forward to the execution for the gratification of their appetites for the horrible, have been disappointed for the time being. The reprieve is supposed to be the forerunner of a commutation of sentence, and great dissatisfaction is generally expressed thereat, as the case is not thought to be one justifying executive clemency. The malefactor is one of that class of young men of which our American cities are so prolific. Who begin their course as fire boys and corner loungers and end as vagabonds, ruffians, thieves and murderers. With all their instincts at variance with the requirements of law and order, the escapes from punishment which the mistaken leniency exercised toward youthful crime permits, emboldens their propensities to do evil, until, as in this case, they murder in cool and unprovoked blood the individual who ventures to oppose them in their lawless doings.

The democrats of our city who have fallen out with that system of nomination which is under the special patronage of King Cauens, yesterday voted in their several wards to determine who should be their candidates for Judge and Clerk of the new Circuit Court. The result was the casting of a majority of votes for Wm. Geo. Krebs, for Judge, and Wm. H. H. Turner, for Clerk. Wm. Tell Giles, Ex-Congressman, was Mr. Krebs' chief opponent, and it was supposed would secure the nomination without difficulty. This defeat is hard to account for to those not behind the scenes, and proves that now, as ever,

"The best laid schemes
Of mice and men
Aft gang agee."

Mr. Turner's principal opponent was Mr. Martin Conway, a young printer, whowas put forward as the workingmen's party, and his claims seduously urged by their organ, the Daily Press. That he was beaten by Turner, one of the proprietors of the Argus, and especially obnoxious to the workingmen, on account of that paper's opposition to the Printer's strike, is a singular fact which the "Cap n Edward Cattlin" of the political arena will "make a note of." In both cases the nomination is considered equivalent to an election.

The German organization recently brought into play in this city "to advise the German community how to cast their votes at the next election," have addressed a circular to all the politicians who are or may be candidates for Congress, questioning them as to whether they are "convinced of the justice and necessity of *one* organization," and further whether they will openly pledge themselves to represent the German citizens in Congress according to the laws of equality and without any preference to native-born citizens." Most of the answers elicited by these questions from the democratic candidates have been time-serving and prevaricating. Mr. Wm. P. Preston, of whom, from his political antecedents, nothing so good was expected, alone taking the true American ground in opposition to any such clannish organization. The matter is yet destined to produce excitement, and possibly the revival of the Native American party.

The contortions and squirmings of our democratic political leaders are more wonderful and amusing than all the feats of Devani, the boneless man—they get turned inside out, a feat I believe he never attempts. The "showing up" in the advertisement columns of the Sun still continues to furnish an amount of amusing reading that eclipses Punch and the Sunday papers, and gives an agreeable relief from *ennui* in these hot days.

Judge John Glenn, the eminent jurist and present Judge of the Maryland U. S. Circuit Court is lying at the point of death, a complication of diseases having brought him to a point thought to be beyond recovery. The loss would be regarded as a public bereavement. Independent of his talents as a jurist, and probity as a judge, he conducts the largest business as law agent in the settlement of estates that has ever been concentrated in this country in the hands of one man. In addition to all this, he is engaged in numerous railroad, mining, stock and financial schemes. It is a common saying that it will take a life time to settle his estates. He is reputed to be immensely rich.

An accident on the Philadelphia and Baltimore Railroad, caused by some wood having been thrown or placed across the track, yesterday, killed three men. Today, a freight train, on the same road, ran into an open draw at the Wilmington bridge, drowning the engineer and fireman. Had it been a passenger train, a fearful loss of life would have probably resulted.

With the exception of the activity in the tobacco trade and an increased demand, in breadstuffs for the West Indies, commercial matters are pretty nearly at the stagnating point. The impression is now so well grounded that the coming tobacco crop will be a short one, that the Maryland planters have generally withdrawn their stock in the hands of the commission merchants from the market, hoping by holding back to obtain exorbitant rates. The market is also bare of Kentucky and Ohio tobacco, and though there is a good demand and full rates offered, these causes prevent large operations. The Baltimore clipper ship Grey Eagle arrived at Philadelphia in the unprecedented time of 31 days, brings commercial dates to June 1. I enclose you a copy of Messrs. Coleman, Garner & Co's. circular.

OBSERVER.

P. S.—Since I closed my letter the death of Judge Glenn is announced.

TRIUMPH OF AMERICAN SKILL IN ENGLAND.—At the great Agricultural Exhibition for "Both and the West of England," held at Plymouth on the 8th ult., Hussey's Reaping Machine, says the Plymouth Mail, won the prize for reaping, and by acclamation; and when the President, Sir Thomas Ackland, M. P., proposed three cheers for Mr. Hussey, it was heartily responded to by thousands, and without a dissenting voice. The judges crowned his reaper with laurel, and the stars and stripes waved in triumph twenty five feet high over American ingenuity and enterprise on English soil.

YOUNG AMERICA.—In the geography of Young America, the following boundaries of the United States are now glibly given: East by sunrise, West by sunset, North by the Arctic Expedition, and South *as far as we darn please!*

Bryant writes home that the Turks are rapidly advancing in civilization and refinement. In proof of this he mentions that they get drunk, play billiards, and take advantage of the money market.

The Caddo Gazette of the 9th inst. says: "For the past week we have had most extraordinary weather, 'the most extraordinary perhaps, that the annals of the world ever rose, *rained* or fell.' For a few days previous to Friday of last week we had a few trifling showers—which, like the doctor's prescription did no harm if they did no good—but on Friday evening, after our paper had gone to press, it poured down, and it has been pouring down at intervals ever since. We have, in Shreveport, had too much, but are pleased to hear that, throughout the country generally, the rain has not been so excessive. For many plantations it came in excellent time, as it saved the corn crop. The cotton was not suffering, and we fear it is injured."

The same paper contains the following:

A gentleman named Sam'l Davis, who resides near Murfreesborough, Tennessee, was in our office on Wednesday, and informed us that he had just taken a tour through Texas, going out by the headwaters of Trinity, Brazos, etc., and returning by a more southerly route. The wheat crops on the forks of the Trinity had been harvested by the first week in June, and were very fine. The crops and health of the country good as far as the Guadaloupe. Corn on the Trinity abundant, and selling at twenty-five cents per bushel. Mr. Davis fell in with a company of about forty on their way to the Texas gold mines, and went on with them. The mines, he says, are all moonshine.

The St. Louis Republican of the 9th instant says: The river opposite the city is receding slowly, with a good stage of water in the channel to Cairo. The Illinois is falling more rapidly at present than at any time before, this season. The Garden City, the last boat from Lasalle, found but from two to four and a half feet water on Spring Creek Bar, and five feet on Hennepin Flats. If the present dry weather continues, the boats now running in the five day line will become led to lay up, and substitute smaller and lighter ones. The Upper Mississippi is rising at and below Galena. The Grand Prairie, in from Dubuque yesterday, reports a considerable rise in the water all the way down. On the lower rapids there is five feet reported, and swelling.

From the Missouri we had no boat during yesterday, but from last reports that stream was about at a stand, with a good navigable stage to Council Bluffs. The Osage is rising rapidly, as we learned from a gentleman down from Linn Creek, yesterday, and so was Grand river at last accounts.

THE HERMIT OF CHICAGO.—If any trafficker in romance wishes a hero for a dish of fashionable literature, we can supply him. In Lake Chicago there are a number of small and lovely islands, varying in size from ten to forty acres, lying high above the clear waters, and displaying a level surface, beautifully wooded with maples and linden. Upon one of the smallest of these islands a young man has resided alone, so far as human companionship is concerned, for several years. He has a neat cabin, and cultivates a few acres of ground with his own hands—sufficient to supply him with the necessaries of life. He is a gentleman of education and fine literary taste, and has quite a library of well selected standard works. He seldom visits the settlements, but is always pleased to have people visit him, paying marked attention to his guests, and entertaining them in the best style his domicil affords. Why he has chosen this secluded way of life no one knows. He appears happy and contented, neither a misanthrope, blunted to the social enjoyments of the world by misfortune and disappointment, nor a bigotted anchorite, nor yet a romantic fool. We have no desire to invade his privacy, and only refer to him as affording an illustration of one of the strange freaks of human fancy which we meet occasionally on our journey through life.

RAILROAD DEBTS.—A paragraph going the rounds of the press says the railroad debts of certain cities gives the following amount to each inhabitant: Philadelphia, $20; Pittsburgh, $44; Wheeling, $65; Baltimore, $43; St. Louis and county, $30; Cincinnati, $7; Louisville, $25; New Orleans, $28; Covington, $17; Chillicothe, $7; Marietta, 20; Milwaukee, $20.

The Catholic Mirror says: Among the female converts of Romanism are Mrs. Ripley, well known for her beautiful translation of the "Glories of Mary;" Mrs. Metcalf, lady of Judge Metcalf, of Boston; Miss Macomb, daughter of Gen. Macomb; Miss Scott, daughter of Gen. Scott; and Miss Dana, daughter of Richard H. Dana, the poet.

LOCAL MATTERS.

SECOND DISTRICT COURT—*Mandamus Case.*—The State of Louisiana, on the relation of Joseph Jourdan, vs. Urbain Planche.—The opinion in this case was delivered yesterday by Judge Roman. The relators, Joseph J. Guthrie, represents that on the 1st of June, 1853, he was appointed Inspector of Weights and Measures for the First District of New Orleans, which he accepted on the discharge of the duties of his office on the 7th of the same month. Urbain Planche, his predecessor in office, voluntarily surrendered the same to him, and delivered to him the seal, books, and everything appertaining thereto. Having so received them, the relator placed them in the proper place in the custody of S. K. Bedwell, until he could obtain a suitable office for their safe keeping. In the absence of the relator, Urbain Planche took possession of the room and immediately set the office and refused to deliver them up. On this the relator sued out a writ of mandamus to compel Planche to deliver them up together with the office of Inspector of Weights and Measures. Planche in his answer admitted the facts stated in the petition, and avers that he (the relator) was not legally appointed, but that he (respondent) was the legal incumbent and continued in the office, he having been appointed to the office of Weighmaster by a joint ballot of both houses of the Legislature, from which office he has never been legally removed, and that the agreement or consent made with said Guthrie to surrender the said office was made in error and in violation of law. It is urged by respondent that the application for the writ of mandamus is premature, as a proceeding is pending in the Legislature for the removal of respondent, and that the proceedings against the relator have not established it to be competent for the respondent to present a legal title. Nothing is denied the fact that the proceedings against the relator are for the purpose of ousting him from the office, and that the proceedings instituted and by means of which the relator asks redress, is dependent wholly on his official capacity.

It is a misnomer of Weights and measures that he claims property appertaining to that office. He does not claim as owner, and as such he would be equally without redress either by mandamus or by the possessory action. It is equally clear that if he is not Inspector of Weights and Measures, he is not entitled to claim the property in dispute; and though it is a naked question of possessory right, it might be sufficient to establish a prima facie title to the property, if it could not be said that Planche stands in a position before the Court. The application which the relator has filed for the writ of mandamus is in his predecessor in office, and was in possession of the same at the time he claims to have superseded him, and upon the proof of this fact rests the relator's right. If he has not superseded Planche, he (the latter) is still the incumbent, and the mere possession of a public office can confer no claim to one without any official right. If Planche has not been superseded in an office of which it is admitted he was the legal incumbent, he cannot be dispossessed of the possession of the office. In approaching by mandamus, it occurs to me that the question of official capacity must be adjudged prior to assuming and claiming under color of such title. The relator relies by virtue of an appointment of the Governor of the State, and have had, I believe, concurrence in virtue of an appointment made by the late Governor Walker, by and with the advice and consent of the Senate, dated 15th March, 1852. Both appointments are made under the law of 1846, creating the office of Inspector of Weights and Measures. That law fixes the tenure of the office at two years. It authorizes the Governor to nominate, and by and with the advice and consent of the Senate to appoint persons to fill the several offices created by the act, and in case of vacancy by death or resignation during the recess of the Legislature, the Governor is authorized to fill such vacancy. The act does not confer on the Governor the power of removing the incumbent. Nor do the power of appointing another in his place, except as is limited to supply a vacancy by death or resignation during the recess of the Legislature. If the terms of the act are to be considered as regulating the power of appointment and removal, it is manifest that under the power