THE NEW YORK HERALD.

WHOLE NO. 7314. MORNING EDITION----WEDNESDAY, NOVEMBER 10, 1852. PRICE TWO CENTS.

DOUBLE SHEET.

NEWS BY TELEGRAPH.

FURTHER ELECTION RETURNS.

THE CONTEST IN MASSACHUSETTS.

Very Few Candidates of Any Party Elected.

THE PROVINCIAL RAILROAD FEVER.

Murder---The Weather---Markets, &c., &c., &c.

Massachusetts Election.

SPRINGFIELD, Nov. 9, 1852.

The expresses of the Springfield *Republican* and the Boston *Atlas*, *Journal* and *Advertiser* have collected the returns of the election of Monday throughout the State. The last returns were not received until six o'clock this morning. All the State but a few small towns is received, embracing over 300 towns. The vote for Governor is:—

John H. Clifford, (whig.)	56,550
Henry W. Bishop, (dem.)	35,371
Horace Mann, (free soil.)	33,414
All others,	419

Hampshire county has elected two whig Senators; Suffolk county 6; Barnstable 2; and Nantucket and Dukes, 1.—Total, 11 whigs.

Berkshire has elected one opposition Senator; Worcester, 5; Plymouth, 2.—Total, 8.

There are two vacancies in Hampden, one in Franklin, one in Berkshire, six in Middlesex five in Essex, three in Norfolk, three in Bristol.—Total vacancies, 21.

Essex Senators are in doubt. If the coalition candidates are chosen, the Senate will stand on assembling, 11 whigs to 13 opposition.

The whigs have elected 90 Representatives, the opposition 60, and there are 227 vacancies, some of which will doubtless be filled at a future trial, though the liquor law question will prevent a large house.

The proposition for a convention to revise the constitution has been carried by a majority of 5,193.

Zeno Schudder, Samuel H Walley and William Appleton, whigs, have been elected to Congress from districts Nos. 1, 4 and 5. In all the other districts there is no choice.

At the next trial a plurality elects, and whigs will be elected in nearly, if not all, the districts. There is no choice of Governor by the people, but Col. Clifford's plurality is 21,000. Gen. Scott's plurality was 7,000.

The probability is that the whigs will retain their present majority in the Legislature thr[ough] the future trial.

Additional Returns of the Late General Election.

NEW YORK.

Erie county (official) does not change results as before reported. Whig Assemblymen are elected, and a whig Sheriff, by 500 majority.

Chatauque county (official)—Scott, 1,909 majority; Crooker, whig, for Congress, 394; and Hunt, for Governor, 1,941. For Assembly in the First district, Sessions, whig, has about 100 majority; and in the Second district, Elsworth, whig, 563 majority.

Cattaraugus county gives Fenton, dem., for Congress, 900 majority, with the town of Rice to be heard from, which gives about 100 democratic majority—making Reuben E. Fenton, dem., elected to Congress in the Thirty-third district by about 600 majority.

KENTUCKY.

This State has gone for Scott by 2,200 majority.

TENNESSEE.

Has also gone for Scott by 1,800 majority.

NORTH CAROLINA.

Has probably gone for Pierce by 200 to 300 majority.

The Election Frauds at Pittsburg.

PITTSBURG, Nov. 9, 1852.

The investigation into the alleged election frauds still progresses, and further implications have been brought to light. Amongst others arrested are Coroner Lowry, (who has given bail in $6,000), Joseph Randolph Barker, the High Constable, &c.

Col. Kent, the democratic candidate for Sheriff, intends to contest the right of Mr. Magill to the office. The case is to be argued on Saturday next.

Democratic Celebration at Easton, Pa.

EASTON, Pa., Nov. 9, 1852.

The democrats held a jubilee here last night, in celebration of their victory. They paraded the streets in hundreds, with torches, transparencies, &c. An old soldier was placed in a wagon, with a tremendous bowl of soup, representing General Scott on his way to the hospital. The meeting was addressed by Captain Reeder.

Railroads in the British Provinces.

QUEBEC, Nov. 9, 1852.

The Legislature have provided for the construction of a railroad from Detroit to Trois Pistoles, and the other provinces for one from Halifax to Miramichi. The House passed an address to the Queen upon the subject.

Murder of Gov. Foote's Son-in-Law.

LOUISVILLE, Nov. 9, 1852.

Thomas Carnal, son-in-law of Governor Foote, was killed yesterday at Kentucky Bend, Mississippi river, by James Carnal, whose father he wounded a few months ago.

Death of Myron Lawrence.

SPRINGFIELD, Nov. 8, 1852.

Myron Lawrence, formerly President of the State Senate, and a gentleman who has occupied a distinguished position in Massachusetts for many years past died at Belchertown on Sunday.

Fire at Pittsfield, Mass—Fall of Snow.

SPRINGFIELD, Nov. 9, 1852.

Bonney's iron foundry at Pittsfield was entirely destroyed by fire, between one and two o'clock Sunday morning. A barn and carpenter's shop adjoining, belonging to Charles Pitt, were—the barn wholly, and the shop partially—consumed. Mr. Bonney's loss is estimated at $3,000 and Mr. Pitt's at $400.

Snow fell at Lenox last night.

Arrest for Assaulting a Girl.

ALBANY, Nov. 9, 1852.

Officers Manning and Johnson arrested a man named George Best, to day, charged with being one of the persons who grossly assaulted and violated a young German girl some time since, near Hudson.

The Southern Steamers.

SAVANNAH, Nov. 9, 1852.

The steamship Florida, Capt. Woodhull, arrived here in sixty-two hours from New York.

CHARLESTON, Nov. 9, 1852.

The mail steamship Union, Capt. R. Adams, arrived here at 5 o'clock this morning, from New York.

Southern Mail Failure.

BALTIMORE, Nov. 9, 1852.

The southern mail has failed beyond Richmond to-night.

Madame Sontag in Boston.

BOSTON, Nov. 9, 1852.

Madame Sontag gave her first concert to-night. The hall was crowded to overflowing by a fashionable and enthusiastic audience. The ticket office was closed at noon to day—all the seats and standee tickets having been sold. Speculators are said to have realized $5 a ticket premium. There was a great crowd outside the hall.

Markets.

ALBANY, Nov. 9, 1852.

The receipts since yesterday, foot up—Flour, 16,000 bbls.; corn, 21,000 bushels; barley, 34,000 bushels; wheat, 12,000 bushels. Flour is steady, with sales of 3,600 bbls.; wheat, 2,300 bushels, white Ohio, sold at 110c; corn, sales 6,000 bushels, at 85c for Western mixed—oats, no transactions have been reported. Barley, 20,000 bushels changed hands, at 69 a 70c. for two rowed; 69c. for Genesee valley, four rowed; 74c. for Geneva, ditto, a prime article, and 67c. for Wisconsin.—Whiskey, prison, sells at 25½c. Hogs—150 dressed hogs sold at 7 a 7⅝c.

Meteorological Observations.

BY MORSE'S LINE, OFFICE BASEMENT NO. 2½ WALL STREET.

TUESDAY, Nov. 9, 1852.

BUFFALO, 10 A. M.—Barometer 29 35. Thermometer 46. Wind southwest. Cold, rainy morning.

ROCHESTER, 10 A. M.—A cold, but rainy morning. We had some snow this morning. Wind northwest. Thermometer 64.

AUBURN, 10 A. M.—A cold, rainy morning. Wind southwest. Thermometer 44.

SYRACUSE, 10 A. M.—As usual, a dark, cloudy and rainy morning. Thermometer 50. Wind south.

UTICA, 10 A. M.—Rainy morning. Thermometer 45. Wind southwest. Prospect of rainy weather. Fourteenth day of rain.

ALBANY, 10 A. M.—Unpleasant, rainy morning. Wind west. Thermometer 74. Barometer 29.960. Mercury 79.

IMPORTANT SLAVE CASE.

Eight Colored Persons, Alleged to be Free Born, Sold to Slavery—Exciting Scene, &c.

SUPERIOR COURT—IN CHAMBERS.

Before Hon. Judge Paine.

Nov. 9.—Long previous to four o'clock this afternoon, the hour appointed for hearing the arguments of counsel in reference to this important case, the staircases and lobby of the City Hall were crowded to excess by persons, both white and colored, anxious to obtain admission to the Superior Court. At a few minutes before 4 o'clock the doors of the court were opened, and the room was instantly filled. Outside the gates of the City Hall, which were locked, an immense crowd of colored persons was collected, manifesting the utmost impatience to learn the result of the trial. Mr. and Mrs. Lemmon the claimants, were present, together with the alleged slaves. Judge Paine having taken his seat, Mr. Lepaugh, the counsel for the claimants, proceeded to read the amended return, as follows:—

New York Superior Court.—The People of the State of New York, ex rel Louis Napoleon, vs. Jonathan Lemmon, Respondent.—Jonathan Lemmon, respondent above named, for return to the writ of *habeas corpus* issued herein, states and shows that the eight persons named in said writ of *habeas corpus*, are the property and slaves of Juliet Lemmon, the wife of this respondent, for whom they are held and retained by the respondent. That the said Juliet Lemmon has been the owner of such persons as her slaves for several years last past, she being a resident and citizen of the State of Virginia, a slaveholding State; that under and by virtue of the constitution and the laws of the State of Virginia, the aforesaid eight persons, for several years last past, have been and now are held or bound to service or labor as slaves, such service or labor being due by them as such slaves to the said Juliet, under and by virtue of the constitution and laws aforesaid. That the said Juliet, with her said slaves, persons, or property, is now in *transitu*, or transit, from the State of Virginia aforesaid to the State of Texas, the ultimate place of destination and another slaveholding State of the United States of America, and that she was so on her way in *transitu* or transit, and not otherwise, at the time when the aforesaid eight persons, or slaves were taken from her custody and possession, on the sixth day of November instant, and brought before the said Superior Court of the city of New York, or one of the Justices thereof, under the writ of *habeas corpus* issued herein; that by the constitution and the laws of the State of Texas aforesaid, the said Juliet is, and would be entitled, to the service or labor of the said slaves, or persons, in the manner as they are guaranteed and secured to her by the constitution and laws of the State of Virginia aforesaid; that said Juliet never had any intention of bringing the said slaves, or persons, into the State of New York to remain or reside therein, and that she did not bring them into said State in any manner or purpose whatever, except in *transitu*, or transit, from the State of Virginia aforesaid, through the port or harbor of New York on board of steamship for their place of destination, the State of Texas aforesaid; that the said Juliet as such owner of the aforesaid slaves or persons was, at the time they were taken from her as aforesaid, on the writ of *habeas corpus*, and she was thereby deprived of the possession of them passing with them through the said harbor of New York, where she was compelled by necessity to touch or land, without on her part remaining, or intending to remain longer than necessary. That the said slaves have not been bought up by a negro trader, or speculator and that the allegation to that effect, made in the petition of one Louis Napoleon above named, is entirely untrue. That the said Juliet is not, and never was a negro trader, nor was nor is this respondent one. That the said persons or slaves were inherited by said Juliet Lemmon as heir at law, descent, or devise, of William Douglas, late of Bath county, in the State of Virginia aforesaid. That it is not, and never was the intention of the said Juliet to sell the said slaves, as alleged in the petition of the relator, nor to sell them in any manner. This respondent, further answering, denies that the aforesaid eight persons are free; but on the contrary, shows that they are slaves as aforesaid, to whom and to whose custody and possession the said Juliet is entitled. Respondent further shows that the said slaves, sailing from the port of Norfolk, in the said State of Virginia, on board the said steamship Richmond City, never touched, landed, or came into the harbor or State of New York except for the mere purpose of passage and transit from the State of Virginia aforesaid, to the State of Texas aforesaid, and for no other purpose, intention, object, or design whatever.

That the said Juliet, with her aforesaid slaves, was compelled, by necessity or accident, to take passage in the steamship City of Richmond, before named from the aforesaid port of Norfolk and State of Virginia for the State of Texas aforesaid, the ultimate place of destination. That the said slaves are not confined or restrained of their liberty against their will, by the respondent or the said Juliet, or by any one on her behalf.

HENRY D. LAPAUGH,
Attorney for respondent, Jonathan Lemmon.

Subscribed and sworn before me, this 9th day of November, 1852—E. PAINE.

At this juncture some discussion took place in reference to the return, and as to which side should have the right of opening the case and the reply, Mr. Culver claiming, as his client was the party demurring, that he was entitled to both. After some discussion, it was arranged that only one counsel should be heard on either side, and that Mr. Culver should first state his arguments on behalf of the alleged slaves.

Mr. Culver then addressed the Court as follows:—If the Court please, our motion, which is the foundation for this writ of *habeas corpus*, states certain facts and we suppose these facts are to be taken as true, unless the other side controvert them in their return to the writ of *habeas corpus*. Our petition sets forth that these persons were brought into this city on board of the City of Richmond; that they were taken from thence after these proceedings were commenced, carried round the city, and finally lodged at No. 3 Carlisle street, where they were found. That they were there detained in custody by this defendant, Lemmon, and his agent, their return does not deny; nor does it deny that they were brought in that vessel to this city, but admits it. It does not say anything about where they were found, but admits they were found in the city of New York in this place; and it further alleges that these persons are the property of Mrs. Lemmon. It admits further that they were brought here for the purpose of being taken to another place, or, in other words, that they were in *transitu* to Texas, and that slavery is allowed by the laws of Virginia and Texas which we knew before. In the first place, we ask the discharge of these persons upon four independent grounds. Firstly, that by the great presumption of the common law they are entitled to their freedom. The provisions of the common law are in favor of the personal rights, liberty and freedom of every individual; and unless you can overcome that presumption by some positive local statute, it must prevail and give to every man his freedom. The second ground is that by the adjudications made from time to time, not only in free but in slave States, again and again, that by bringing these persons within, or to, a locality where slavery is not in existence and has no legal evidence, they are made free. If I should be wrong in both these positions, which are based upon the common law, then I maintain that I am right under the statute of the State of New York, and that, I believe, is pretty good law in this country. By this statute it will be found, in sections 1 and 16, which relates to the importation of persons held as slaves, that the Legislature has said, many years since, that hereafter every person born in this state is to be free, and that every person heretofore born in this State is free, and then goes on and declares, that every person imported into this State, under any pretence whatever, except as provided for in that statute, is by that act made free. It will devolve upon the other side to show that they come within the exceptions. In looking through this statute I find that there were some exceptions made. It was about that that the legislature had its eye upon Saratoga Springs, for they provided that persons coming here and bringing slaves could retain them for a period of nine months, and then take them back. Sections 3, 4, 5, 6, and 7, were the only ones in which these reservations were made, which seemed to limit the general rule which the legislature has laid down in the first section of that statute. But in 1841, as we got rid of the last dregs and abominations of slavery, the Legislature in both houses, by a large majority, swept away the fourth and fifth sections from our statute book, and no longer made it allowable for a man to come to Saratoga Springs, or to the city of New York, and sojourn with his slaves. This, therefore, leaves a cleaner sweep for the general provision. Therefore, one of those exceptions left is that where a person secretes himself on board a vessel in port in a slave State and comes off to a free State, the Legislature has provided that some of the officers of that ship might take him back again; but so jealous is the law in this State with regard to personal rights that they will not allow the captain to take him back. This is reported in the *Legal Observer*, in a case tried before Judge Edmonds. That is the third ground upon which we move the discharge of these persons by the positive provisions of the State of New York, unless the counsel on the opposite side can convince the Court that the question comes up upon some of the exceptions left. The fourth ground upon which I claim to have these persons discharged, is by the act of the defendant and his wife. They have admitted in their return that they brought these persons here in *transitu* with the intention of taking them to Texas. I believe it is in section nine that any person who shall export, or carry a person held as a slave out of this State to another place, that that in itself shall work the freedom of the slave; and it goes further, and declares that not only the exporting but any attempt to export a person held as a slave makes him free. So the defendants here, by the attempt which they have made in endeavoring to procure a vessel to proceed to Texas, and keeping these persons in imprisonment, which facts they have alleged in their return, has saved us any further trouble. That act alone works the freedom of man, woman, and child. These are the four grounds upon which we say we are entitled to the freedom of these persons; and I now ask your honor's attention to some adjudications which have been made, and which have a direct bearing on this case. I stated first, that the great presumption of the common law is in favor of personal liberty. I quote now from Wheeler's Law of Slavery, which was written in 1837, long before the agitation which shook the public mind from its balance took place, in which is gathered up all the decisions made on that subject in all the courts of the United States and the State courts. I find, in pages 362 and 363, some of the conclusions which Justice Shaw arrived at in a case that came before him in the State of Massachusetts. He remarks:—While slavery is considered as unlawful in both this State and in England and this because it is contrary to natural right, and to the laws designed for the security of personal liberty, yet in both the existence of slavery is recognized in other countries, and the claims of foreigners growing out of that condition is respected. Lord Mansfield was of opinion that slavery could not be introduced upon any reason, moral or political, but only by positive law; and that it was so odious that nothing could be suffered to support it but positive law. I read this simply to show that slavery is in derogation of personal freedom. The same doctrine is clearly stated in the full and able opinion of Chief Justice Marshall, 10th Wheeler, 120, in which he says that slavery is contrary to the law of nature, and that every man has a natural right to the fruits of his own labor, and that no person can deprive him of those fruits and appropriate them against his will. In the case of Forbes vs. Cockrane, 2d Barnwell and Cresswell, and in Wheeler, 366, the same Judge states that the law of slavery is a law *in invitum*, and where a party gets out of the territory where it prevails, without any wrongful act, the right of the master, founded upon the municipal law of the place, does not continue. He ceases to be a slave in England, because there is no law sanctioning slavery. But we place this case upon much higher grounds here, for when these people touched within the domains of New York, they came where there was not only no slavery, but where it was positively interdicted by statute by the government and the people of that State. I read these authorities to show this great fact, that slavery is a creature of positive law, local statutes, and municipal regulations, and it drops off the moment a person gets over the bounds that limit that local law. Mr. Webster, in his great speech on the Oregon question, in 1848, took the same ground held by Justice Shaw and the British authorities: that slavery was local in its character and not general, and that it was in derogation of personal rights and could nowhere have an existence except by the force of positive statute. There is another case reported here, which brings up some nice views, of which I will read the head note. It is in 340 Wheeler upon the Law of Slavery, and is as follows:—"The treaty of cession by Virginia to the United States, which guarantees to the inhabitants of the North West territories their titles, rights and liberties, does not render void that article of Congress of 1798, which prohibits slavery in that territory. There was a case raised here, whether a person that was a slave in the North Western territory, and taken back afterwards into a slave State had lost his freedom by going back, or, in other words, whether he could be held as a slave in the North West territory. All this, however, was overruled by a Southern judge on a slave plantation, who said:—'If Indiana had had no positive law upon the subject, if she had had no constitution upon the subject, yet that very great platform there would be sufficient to have sent slavery out. Although it was done before Indiana was a State, it was done before we had adopted the constitution, and yet it was in the nature of a compact, and as that it became part of the fundamental law of the land, and could not be touched." Now, sir, in relation to our State legislation on this subject, I find another adjudication here, which gives to the State of New York the right to do all that she has assumed, and it is found in 346 Wheeler, 6th Randolph's reports. It says that the power of State law to change the condition of persons held in slavery under them cannot be doubted. The operation of foreign laws upon slavery is immediate and perfect, and a party cannot be again reduced to slavery. I find several cases where persons have been taken from a slave State into a place where slavery did not exist, and then taken back into a slave State, have been declared to be free. I have a case here where a slave was taken into France only for a short time and then taken back to Louisiana, and he was declared by the courts of that State to be free because he had been taken to a place where slavery had no legal existence, so that it necessarily follows, if these people take their slaves to Texas, they will be entitled to their freedom—there under the adjudication of the southern courts; but, for the sake of convenience, we prefer that they should be freed in this State. Here is the first section of the statute of New York: "No person held as a slave shall be imported, introduced, or brought into this state upon any pretence whatever except in the cases hereinafter specified." Now suppose they are. "Every such person shall be free." Then further: "Every person held as a slave contrary to the laws now in force shall be free." Then there are several sections which give some exceptions—some of which have been overturned by adjudications, and 5, 6 and 7 have been repealed by the law of 1841. The last section is: "Every person born within this State, whether white or colored, is free. Every person who shall hereafter be born within this State shall be free; and every person brought into this State as a slave, except as authorized by this title, shall be free." I will now ask your attention to the other point which is penal in its character. "No person shall send, export or carry out of this State any person who has been held as a slave or servant for a term of years, except as herein provided; and whoever shall offend against this statute, by aiding and consenting to such exportation or attempt, shall be deemed guilty of a misdemeanor; and every person so exported or attempted to be exported shall be freed and discharged from all obligation and service to the individual so attempting to export him." Now I think that my positions are sustained by these authorities. In the first place these persons are entitled to their liberty until they are brought within the operation of some local municipal statute which overturns the presumptions of the common law. In the second place they are brought to a place where slavery has no legal existence, and by that act they are made free, not only free here, but free to the end of time, and all that shall be born of them in after time. In the third place, we meet our opponents by another of the positive statutes of the State of New York, which provides that any person brought into this State is free by that act. That leads me to look at the return they have set forth, which avows that these slaves were brought here by the claimants, and they do not say that they are fugitives within the meaning of the law of 1850 or 1793, or the constitution of the United States. The return, sworn to by the defendant, shows that these slaves were innocent of any attempt to run away; that they were brought here on board a steamer; their owners coming with them for the purpose of being shipped to Texas; and, consequently, they do not hold allegiance to the laws of Virginia or Texas, but only to the laws of the State of New York; for it is the laws of this locality which attaches to them the moment they come within its limits. Some cases may be found, of a very early date, where slaves were delivered up when vessels put into this port in consequence of stress of weather; but I apprehend no case can be found of late occurrence, as between us and foreign nations, that will show that slaves have ever been given up when a vessel has been driven into port by stress of weather. I remember a case some years ago, that there was a vessel that had slaves on board, being freighted coastwise, driven into a British port, and all had their freedom as a matter of course, and all passed off quietly, and nothing was heard of the matter. Here it is different. No stress of weather drove them here; nothing but the free choice, and the free will of the owners. If your honor should decide to deliver these persons into the custody of this man and his wife, I must confess, that in my opinion, it will overturn what I think to be the well settled adjudication of the last seventy years, and I now wait with great interest to see what arguments my friends will bring forward in support of their case.

Mr. Lepaugh rose and said—I can but approach this case with diffidence and embarrassment. But in approaching this case, however diffidently I may do it, I shall approach it in such a way, I hope, as to rest the arguments which I shall adduce upon sound law, and upon the constitution of our country; and I shall contend before your honor, that by the laws of nations, by the constitution of the United States, by the comity between nations, and by the laws of Congress, these persons, who are citizens of Virginia, and under the constitution of the United States citizens of this entire Union are entitled to that property which was property to them in Virginia and property to them in the State of New York. Now I do not propose, and if I had it would be out of my power, to discuss this matter with any degree of feeling and enthusiasm, perhaps to the satisfaction of those who may be listening as my friend on the other side has done. But it seems to me that the counsel in this case has contended for the discharge of these persons, not upon what really entitles them to be discharged in relation to the laws of the State of New York. The counsel has based his argument on the ground that a person coming from the State of Virginia is placed exactly in the same position as a person coming from Germany would be placed. How is it that these United States are to be thus treated in regard to each other as separate, distinct and foreign States, in the latitude and extent that one of the countries of Europe would be regarded in reference to the United States. Can it be that that is the meaning of the constitution that binds these States together? Can it be, and is it the intention of that instrument, which says "that the public acts of each State shall receive full faith and credit in every other State of this Union?" Are the several States whose public acts are entitled, by virtue of that constitution, to receive credit and faith in every State, in the same position that Germany would stand in reference to the United States. Let us look at this constitution, and see how it is that we are entitled to have our rights protected. The right to property in the State of Virginia, it seems to me, is the same as the right to property in the State of New York. As regards the fact being admitted by the demurrer taken to this return, that these slaves are the property of Mrs. Lemmon, there is no difficulty to perplex the argument in this case—They being the property of Mrs. Lemmon, under the laws of the State of Virginia, let us call to our aid, in order to protect this property in the possession of Mrs. Lemmon, the constitution of the United States which has a superintending power and control over all the States of this Union, and without which they might be placed in that dilemma that one State of Europe is placed in regard to one of the States of this Union. I call your attention to the second article of the constitution of the United States, which is as follows:—"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." Now it would seem that this provision of the constitution disposes entirely of the objection that these persons, having come into the State of New York, are to be set at liberty. It strikes me, and I shall so argue, that the gentleman misconceives the effect of the constitution, the law of nations, and the comity of the law of nations, when he says that because slavery does not exist in New York, slaves brought from other States into New York are free. Now, it must be conceded that unless there is some strong controlling authority by the courts of the United States, pronounced in reference to this provision of the constitution which I have read declaring that faith and credit shall be given to the acts of the various States—as we contend, it must be conceded that this property must continue to be in the State of New York, as it was in the State of Virginia, the rightful property of Mrs. Lemmon. It may, perhaps, be necessary to take into view the objects and design of the law of the State of New York, which has been read, stating that no slaves shall be brought into this State. It may become necessary in the course of this argument to contend that the law in this State of New York which in any way prohibits the full exercise of the rights of our client under the constitution of the United States, and under the constitution and laws of the State of Virginia is constitutional. But I shall discuss first the object of the law of New York, in order to show that it may stand, and yet not be deemed inconsistent with the rights for which we contend here. Mr. Justice Kent lays it down as a rule that, in the construction of a statute, we should first ascertain what was the common law before its passage that was designed to be remedied by the statute. Bearing that interpretation in view, we conceive that the effect of this statute was not intended to be anything more than this: that slavery, which did not exist by the common law, should not exist after the passage of that law in the State of New York. Let us see what rights belong to Mrs. Lemmon, and how far by the law of nations, a party, owning property in one State has a right to its possession in another State. On this subject I will take the liberty of citing Vattel on the law of nations. [Here the counsel cited from the second book of Vattel, page 225, section 81, showing that the goods even of individuals ought to be considered as the goods of the nation in regard to other States.] According to this authority, continued the counsel, the property of a citizen of Virginia, passing through the State of New York is to be regarded as the property of the former State, and the State of New York is bound, in fidelity to the constitution of the United States, and the laws of Virginia, to give that property to these persons. The statute of this State contemplated that when slaves are to be made free, by being introduced into this State, they must be brought with the design of keeping them here permanently. But never was it intended, in the enactment of that statute that persons passing through this State with slaves shall, by the mere act of transit, thereby forfeit and lose his right to his property. In the same book, section 169, I find that he lays down the doctrine that the property of an individual does not cease to belong to him on account of his being in a foreign country, and that it still constitutes a part of the aggregate wealth of his nation; so that if we were to take the broad ground that Virginia and New York are to be considered as distant foreign States, yet by the law of nations we have proved, that the individual who comes into this State with property is entitled to it, New York having respect for the laws of Virginia. And to the same effect, also, do we find that the subject of one State who happens to go from that State to which he belongs into another, with the intention of remaining therein, that State must be regarded in the same respect as the State from whence he came. If this is not the rule marked out by the authority from whom I have quoted, we cannot understand the design of the constitution where it says, 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.' The intention of this clause was to confirm on them, as it were, a general citizenship and to communicate all privileges which citizens of the same State would be entitled to under like circumstances. If your Honor pleases, I understand four distinct points to be made by the counsel for the slaves, on the first of which he claims their discharge, and contends that they are free by the common law. Now, the authorities cited have been quoted for the purpose of showing, that whatever may be the belief in this community that all slaves who come into it in this manner are free, is entirely incorrect and without foundation. On this point, I call your attention to a case recently tried in Pennsylvania, in the Circuit Court of the United States, before Justices Grier and King. It was an action brought by a Southerner against a person named Kaufman, for the harboring of certain slaves. On the trial, the point was taken that the slaves were brought voluntarily into the State [by their] owners, and therefore that they were free; but by the[se] ... better than give it in the clear and forcible language of Justice Grier himself:—"It has been contended," he says, in charging the jury, "that these slaves became free by the act of the plaintiff in voluntarily bringing them into the State of Pennsylvania; but the question depends upon the law of Maryland, and this court cannot go behind the laws of the State from whence he escaped."

Judge Paine—Were they escaping?

Mr. Lepaugh—He goes on to say, your Honor, that he knew of no law or decision of the courts of Maryland which treats a slave as liberated who has been conducted by his master into a free State along the national high road. Now, we say, in the eye of the law, we are conducting these persons along the national high road. We had no other object in view than to proceed to Texas. We were compelled, on our way thither, to embark at Norfolk, Virginia; and we never brought the slaves to the harbor of New York with any intention of keeping them in this State. We say that the mere passing of slaves over this part of the national highway is not, and should not be, regarded as an act of liberation. We have sent on to Justice Grier to get the facts in this case, so as to have them more fully stated.

Judge Paine—Read what he says about the national high road.

Mr. Lepaugh—On this subject he says Lord Mansfield had said many pretty things, as the counsel for the slaves (Mr. Culvert) has said here in the case of Somerset, which are often quoted as the principles of the common law; but they will be found to be embellished with rhetorical flourishes rather than with legal dogmas. Now, in illustration of that principle, and in order to show the variety of argument advanced to prove that the intention of the statute is that every man brought into this State shall be free, let me allude to another case. Your honor is aware that we have a fugitive slave law, and you are also aware that in 1793 there was an act passed in relation to fugitives from labor. Now, supposing a slave escaped from his master into Ohio from Virginia, and after he had been delivered to him under the law of 1793, that master was by necessity compelled to take him through the State of New York, the learned counsel contends he would be free because he was brought to New York on his way to slavery. The position we take on this point is the only one that is tenable. We say that the importation of a slave into the State was the case to which the act refers, and not the mere transient passage through it. If this is the right interpretation, then the South could never secure her rights if a free State were allowed to declare that the very moment a slave was brought into it, under any pretence whatever, he should be free. And taking that view of the case, we perceive the constitution of the United States and the laws of New York and Virginia harmonize and sustain each other. It is only under this relation of the States to each other that Mr. Lemmon can be entitled to all the privileges and immunities of a citizen of the United States. Now, what sort of an argument have the counsel presented in reference to the position the State of New York and Pennsylvania occupy to each other? We have given expression to a doctrine, which, if practically carried out, in less than ten years would destroy the Union which now binds us together. This question is one that the South has taken a deep interest in, and it has come to the knowledge of some of the people of that section, who are determined to have a decision even in the highest courts of the United States on this matter, so that it shall be finally settled whether they shall be entitled to carry their property in the same manner and under the same protection that would be extended to any gentleman in this court who might be travelling through the State of Virginia. The counsel proceeded, at still greater length, to argue on the legality of the claimant's right to his property, and concluded by speaking of the great interests and questions of importance that were involved in this case.

The Court was next addressed by Mr. Clinton, also on behalf of the claimant. He spoke substantially as follows:—May it please the Court, in rising to address you in this case, I know that the few observations I shall make will both please and displease the audience. I am here, however, not to consult the feelings of any one, but to discharge my duty to my client. I shall present those views of law and justice which are founded upon sound common sense, which have their origin in the common law, and their final resting place in the constitution of the United States. I am quite aware that any case of this kind always excites a sympathy, for there is a music in the word freedom, that no sooner had the reports of the case appeared in the papers, than the feelings of the community became aroused, and the greatest interest was manifested in the proceedings. But that is a sympathy which looks to the condition of one class—the sympathy I feel is not confined to one class of persons, but is co extensive with the whole Union. It is well that the rights of these poor and humble, and, if you please, unfortunate individuals, should be protected here. They will not suffer before this tribunal; they are defended by one whose championship has been often given in cases of this description before, and I trust the day is far distant when the desire for popular applause will invade the temple of justice. It is important that the rights of these parties should be protected, and when the time comes that the temple of justice can be invaded by popular applause it will be quite time to tear down our court rooms. I am satisfied that in this case no consid[eration] ... based upon the laws of the ... rations but those place in the mind of your ... and will recieve any brief. I shall ... honor. In order to be more ... ...went but two or three points. In the first ..., I say that the respondent had a right to take his slaves from the State of Virginia to Texas, another slaveholding State, by virtue of the comity existing between the States. The counsel has said that the common law principle, that the legal presumption is in favor of liberty, will not be disputed; but he has not cited a case throughout his whole speech which in any way militates against the views that I will submit. He quoted a case from Wheeler on Slavery, which is to be found in 18th Pickering, entitled the Commonwealth against Ayres. That was a case where a Southerner came into the State of Massachusetts, bringing with him his slaves, for the purpose of remaining a considerable length of time there. He did not come into that State in *transitu*; it was merely for the purpose of remaining there a considerable time. A *habeas corpus* was procured, the question presented before one of the judges of that State, and it received the close attention of the Chief Justice, who wrote a very elaborate opinion on the subject; but he no where insinuates that in a case of this kind the slaveholder cannot obtain his rights. He admits that the right of transit exists in that State—at all events he does not contradict the doctrine. Here, then, is the case upon which the counsel relies, and it is the only case which, upon a superficial reading, squints towards the doctrine he lays down.

The counsel here argued at considerable length upon the point contended for by his associate, Mr. Lepaugh, that a slaveholder had a right of transit through a free State with his slaves. To sustain his arguments he referred to the following cases:—Rankin vs. Lydia 2 Marshall, 477; Strader & Graham, 7th B. Monroe Rep., 635; Collins vs. America, 9 B. Monroe Rep. 572; Willard vs. People, 4 Scammon's Rep., 472, 473, 474, 475, 476. The statute of New York, he said, did not refer to cases where the slaves are in *transitu* to any other State, and on this point he referred to Pigg vs. Commonwealth, 16 Peters, 539.

At the conclusion of Mr. Clinton's argument, Mr. John Jay made a few brief remarks in reply. He said the principle involved in this case was settled by the Court of King's Bench in 1776. The question, he continued, is, whether the owner of a slave, coming from Virginia, within the jurisdiction of New York, and on his way to Texas, shall be allowed to hold that slave in custody, and carry him out of the State, and whether you (Judge Paine) will administer here the law of the State of New York, or the law of the State of Virginia. Precisely that question came before Lord Mansfield, in the case of Somerset.

Judge Paine.—In the case of Somerset, the slave was brought from Jamaica to England, to remain there.

Mr. Clinton.—That was so, your honor.

Mr. Jay.—It was decided in that case that the negro, when brought to England, owes no service to a master. The slave was brought from Africa, and reduced to slavery in Virginia, taken thence to England with the design of afterwards transferring him to Jamaica. The slave made his escape while in England, and the case came before Lord Mansfield, who discharged him and held him to be a free man. This was the substance of the statement of this case, as made by Mr. Jay, who closed his remarks by a reference to one or two others of a similar character.

Judge Paine said that, as he desired to render a written decision upon this case, he would not decide until Saturday morning. He ordered the slaves, meanwhile, to remain in the same custody, and to be provided for in the same manner as before.

City Intelligence.

THE WEATHER, during yesterday, was very cold, with a dry atmosphere. The thermometer, at the HERALD building, ranged, at noon, 63½ degrees; at 3 o'clock, P. M., 63 degrees; and at 5 o'clock, P. M. 63 degrees. At five o'clock in the afternoon, we had a very slight sprinkling of rain, which was repeated between seven and eight. The night, at a late hour, was dry and cold, with promise of a fine morning.

DEMOCRATIC REJOICING.—The democrats here have not settled down yet after their late signal victory at the election. Rejoicings go on in some parts of the city in some shape or other every night. Last night, Dunlap's Hotel, in Fulton street, was brilliantly illuminated in honor of the event; and invention seems to be on the rack to devise means of evincing popular exultation.

REVOLT ON BOARD THE PACKET SHIP NEW YORK.—There was a revolt of the crew, in the forenoon of yesterday, on board the packet ship New York, bound for Liverpool. It seems that the New York cleared on Monday, and hauled out into the stream. The crew consisted of twenty able men. Yesterday morning when the captain ordered the men to perform duty they refused, and expressed their determination not to go to sea. Mr Charles Marshall, the consignee of the vessel, hearing of the difficulty, went out to the ship, and on going on board had the men called out, when he asked them why they refused to perform their duty. They said because there were too few sailors on board to manage the ship. He then turned to the captain, and asked him whether this was the case, who replied that it was untrue, that he had a full complement of men, and never sailed with a larger number. Mr Marshall then interdicted all communication by boats with the ship, returned on shore, repaired to the United States Marshal's office, and succeeded in getting a strong force to be sent on board, who placed the revolting crew in irons, and after landing them, lodged them in prison. Their examination is to come off to day.

DR. RAPHALL will deliver a lecture this evening before the Hebrew Young Men's Literary Association at Stuyvesant Institute.

EDUCATIONAL CONVENTION.—We see it announced that a convention of the old cadets of Captain Partridge is to be held in this city, on the 11th inst., to consider the important subject of education, and to devise means for the establishment of a system that is in all respects suited to the genius of our free institutions. A meeting for the promotion of the same object was held in Middletown, Conn., on the 3d of September last. Those who have called this convention are earnest and influential men. They believe that most of our seminaries of learning have some anti republican features, which ought to be discarded. They have matured such a system as they would like to see adopted. It is similar, we believe, in its essential features, to that which has been so long and so successfully pursued by Captain Partridge. One object of the convention is to bring this system to the notice of the public.

SUDDEN DEATH.—Coroner Ives held an inquest yesterday morning at No 159 Anthony street, upon the body of a man named Inglas McLise, who was found dead in his bed between six and seven o'clock. William Buchanan deposed—I came here last Friday with the deceased; about three weeks ago he had been drinking but did not drink any yesterday; he was well then; we went to bed between eight and nine o'clock; he complained of being cramped, in a short time after; he vomited also; about twelve he got better, and I went to sleep: I woke between six and seven o'clock this morning, (Tuesday,) and found him dead. Doctor Lidell—I made a *post mortem* examination of the body; I found it livid and rigid with the mouth and eyes open; the internal organs were congested; the stomach contained a considerable quantity of fluid tinged yellow; in the ascending colon there was some rice water fluid. In my opinion the death was caused by cholera. The jury rendered a verdict of death from cholera. The deceased was a native of Scotland, aged forty years.

An inquest was held yesterday, in the City Hospital, upon the body of Patrick Keily, whose death, from a rail road injury, was reported in our paper of that morning. Thomas Miller deposed—I am a policeman of the Eighth ward; about three weeks ago—23d ult. I think it was—another policeman came and told me that there was a man lying in West street who had been run over by a railroad car; I found that his ankle was hurt; I took him in a wagon to the station house, and then to the City Hospital in a carriage; he did not speak much, and I could not find any person who saw the transaction; Mr. Rowland told me he had seen him a few minutes before, and that he was in liquor. Dr. James Cooper—Deceased was admitted to the hospital on the 23d ult., with his foot crushed; it was said to have been so crushed by a railroad car; he was so intoxicated he could scarcely articulate; in a few days he was attacked with delirium tremens; he passed from my care upon November 1st. Dr Luckley—Deceased came under my charge upon November 1st; he was laboring under delirium tremens, in connection with a compound fracture of the ankle joint; he rallied so far that amputation was deemed advisable, and was performed; he afterwards relapsed, and died on Monday. Verdict: Death from a fracture of the ankle joint, and delirium tremens. Deceased was aged twenty-one years, and was a native of Ireland.

DEATH FROM VAGRANCY AND DESTITUTION.—At about three o'clock yesterday morning, the officer on duty found a colored woman, named Mary Johnston, lying in the vacant lot near Third avenue and Fifty-second street, sick and destitute. She was removed to the station house of the Nineteenth ward, and medical aid procured, but the poor woman continued to sink and ultimately died at five o'clock. The coroner is notified.

ACCIDENT.—A man named John Redmond, accidentally fell at two o'clock yesterday morning, in Columbia street, and sustained a bad fracture of his leg. Officer Van Tassell, Thirteenth ward, conveyed him to his residence in Fifth street.

Police Intelligence.

A Curious Case of Forgery.—Yesterday, a forgery was discovered to have been committed on Alderman Tweed, of the seventh ward, one day last month. It consists of a written order purporting to be signed by Mr. Tweed, for the delivery of a watch. The following is a copy—the publication of which may disclose many others of the like character, and aid in the arrest of the rogue:—

NEW YORK, Oct. 25, 1852.

Mr. Cox—Please let the bearer, Capt. J. Thompson, of the Essex Light Guard, have a silver watch, similar to the one you presented to Henry Eckford Light Guard, last fall, and charge the same to me. You may make out your bill and send it to No. 5 Cherry street, New York.

WM. W. TWEED,
Alderman of the Seventh ward, New York.

N. B.—The price of the watch not to exceed $20.

WM. W. TWEED.

The above order was directed to Mr. Cox, No. 254 Bowery; but when the individual called at the store and presented the order, he was told to go to Mr. Cox's other place of business, at No. 208 Broadway. At the latter place Mr. Cox was seen, and, according to the request of the order, delivered to the bearer a silver watch, No. 17962, silver cap, &c., valued at $20. Yesterday Mr. Cox sent the bill for the said watch to Alderman Tweed; and, on its being exhibited, the Alderman felt surprised at the demand—never having given any such order—and pronounced the same a gross forgery. The police have been placed on the track of the forger, and will possibly in a day or two accomplish the arrest.

Court of Oyer and Terminer.

Before Judge Edwards, and Aldermen Alvord and Oakley.

Nov. 9.—The Court opened at the usual hour for business, but no witnesses being in attendance the court was adjourned until 10 o'clock, Friday morning.

SERIOUS AFFAIR—THREE PERSONS SHOT.—About seven o'clock this morning, a serious affair took place at Harper's brick yard, corner of Schuylkill Seventh and Federal streets, in West Moyamensing. A young fellow named George Gillespie, nicknamed "Suple," who was employed at the yard, came there drunk. The foreman, in consequence of his condition, would not let him go into the gang to work, and put a colored man in his place as moulder. Gillespie went away in a rage, and soon after came back with a gun loaded with duck shot. While the colored man was standing at the table moulding, and the gang were working all around, and a boy was in the act of bearing away the newly made bricks, Gillespie deliberately fired the gun into the group. The greater portion of the load was lodged in the back of the head and neck of the colored man and boy—the latter being dangerously wounded, and the former so much hurt as to cause profuse hemorrhage. A shot also hit a white man, a stranger, who stood near the colored man, under the eye. The other workmen escaped. The desperate young man was soon afterwards arrested by police officer Taggart, and locked up. At noon to day he underwent an examination before Alderman Fletcher, at the Moyamensing station house, and was committed.—*Philadelphia Bulletin, Nov. 8.*

DISAPPEARANCE OF SMALL POX IN BOSTON.—For nearly a year past, scarcely a death has occurred of that loathsome disorder, small pox, where, in former years, the mortality amounted to a hundred or more. This desired result is the consequence of the thorough system of vaccination required by the city authorities.

ADJOURNMENT OF THE CANADIAN PARLIAMENT.—The Canadian Parliament adjourn to-day, and will meet again on the 14th of February.

Personal Intelligence.

We learn that Silas H. Hodges, Esq., of Vermont, has been appointed Commissioner of Patents, and has entered upon his official duties.

Court Calendar—This Day.

SUPERIOR COURT.—Nos. 447, 458, 297, 138, 139, 542, 156, 260, 546, 547, 523, 553, 554, 555, 560, 561, 563, 564, 565, 566, 568, 143, 404, 545, 548, 569, 570, 456, 288, 7, 316, 412, 14, 450, 462, 419, 166, 462, 129, 2, 167, 168, 159, 480, 221, 526, 262, 154, 188, 471, 1[illegible], 456, 23, 569, 557, 103½, 219, 533, 59, 455, 559, 557, 453, 425.

IMPORTANT FROM HAVANA.

Our Troubles with the Cuban Government Still Unsettled.

The Crescent City Ordered Not to Touch at Havana.

SHAMEFUL CONDUCT OF THE ADMINISTRATION.

Apology to the Captain General for the Insult to the American Flag.

Another Diplomatic Note from Mr. Conrad.

OPINIONS OF THE CUBAN PRESS.

&c., &c., &c.

The telegraphic despatch from New Orleans published in the NEW YORK HERALD of Sunday last is confirmed, and the shameful conduct of our government, in the affair of the Crescent City, fully exposed. The following correspondence gives the latest and most authentic intelligence in regard to our difficulties with the authorities of Cuba:—

OFFICE OF THE U. S. MAIL STEAMSHIP COMPANY,
NEW YORK, Nov. 9, 1852.

To JAMES GORDON BENNETT, Esq., Editor and Proprietor of the HERALD.

Dear Sir—Enclosed is a despatch received from our agent at New Orleans, by telegraph, by which it appears that while the Acting Secretary of State, C. M. Conrad, was giving to the Spanish Minister at Washington the assurance that Captain Porter and Purser Smith were to be removed from the Crescent City and not be again allowed to return, he was putting forth in the official organ of the administration, (the *Republic*,) that the government was taking efficient measures to vindicate the rights of American citizens and the honor of our flag. At the same time, also, he was endeavoring, privately to have this company discharge Purser Smith, and remove Captain Porter from the Crescent City to the Georgia, both of which acts the company declined doing, believing then, as they do now, that it was casting an unjust censure upon respectable citizens, who had only done their duty to the government, to their employers and to their country. This was the object in telegraphing for Mr. Roberts, the agent of this company, to come to Washington; and the removal of Captain Porter and Purser Smith was insisted upon by the Acting Secretary of State, C. M. Conrad. All these facts show how far our citizens can rely upon that functionary for the vindication of their rights against foreign aggression, and how feeble and inefficient our government must become, if influenced or controlled by such councils. Very respectfully your obedient servant, GEORGE LAW, President.

P. S.—You are at liberty to publish in the HERALD the enclosed despatch and letters, for information of the public.

MR GEORGE LAW TO THE ACTING SECRETARY OF STATE.

OFFICE OF THE U. S. MAIL STEAMSHIP CO.,
NEW YORK, Oct. 27, 1852.

Hon. C. M. CONRAD, Acting Secretary of State.

Sir—I had this day the honor to receive your letter of the 25th inst.

On the 6th instant we addressed the Department of State a letter detailing at some length the grievances of which this company feels it has a right to complain, in relation to the course, on various occasions, of the authorities of the Island of Cuba, towards the ships of this company; and we respectfully requested to be advised as to our own rights, and whether the government of Cuba were justified in pursuing the course above alluded to.

Our motives in writing that letter were to bring to the notice of our government, which we felt bound to do certain acts of a foreign government, which we could not but regard as oppressive and unjust towards this Company, and to American citizens and shippers engaged in lawful commerce with that power, and, also, as an insult to the flag of our country. The company supposed that the authorities of the Island of Cuba had no right to dictate to our own government, or to the owners of American ships, who should be employed on board of them, or to make a compliance or non-compliance with their dictation in this respect a pretext for excluding such ships, with their passengers and mails, as did not conform to their directions in relation to the employees on board of them. If these impressions were not well founded, we supposed that we should be so advised by the Department of State. If they were well founded, we had, as we supposed, a right to expect from our government protection against the injury. We have, as yet, received no reply from the Department of State to our letter of the 6th instant, although addressed, in duplicate, both to Washington and to Marshfield; and the letter of the Acting Secretary of State, of the 25th inst., in reply to my letter of the 23d, fails to afford us the desired information. Every day's delay is and has been a great loss to this company, extremely detrimental to the commercial interests of the country, and more than all, subjects us, if correct in our impression, to the humiliation of submitting to a wrong.

I desire respectfully to say that it was less our intention to inquire what course the government of Cuba would pursue, than to ascertain what interpretation our own government gave to the rights of American citizens and of this company, in order to know how far we would be able to comply with it.

I have the honor to be, very respectfully, your obedient servant, GEORGE LAW, President.

ACTING SECRETARY CONRAD TO MR. LAW.

DEPARTMENT OF STATE,
WASHINGTON, Oct. 30, 1852.

To GEORGE LAW, Esq., New York.

Sir—Your letter of the 27th inst. has been received.

That of the 6th inst., to which it refers, was addressed to this Department by Mr. M. O. Roberts.

In consequence of the information it contained, that gentleman was requested to repair to Washington. He did so, and had a long conversation with me in relation to the occurrences at Havana. He is therefore ... fully apprized that the ... subject has engaged the earnest attention of the Department.

I have only to add, in reply to your own letter, that as soon as the Department could obtain authentic information of the occurrences referred to, they were made the subject of a communication to the government of Spain. When an answer to that communication is received it will probably be made public.

In the meantime, I must be excused from giving you any information or advice on the subject.

You may rest assured, however, that neither the honor nor the interests of the country will be neglected.

I am, sir, very respectfully, your obedient servant,
C. M. CONRAD, Acting Secretary.

THE THIRD RECEPTION OF THE CRESCENT CITY AT HAVANA.

TELEGRAPHIC.

NEW ORLEANS, Nov. 6, 1852.

MR. M. O. ROBERTS.—

The steamship Crescent City arrived last night, she was permitted to land the Havana mails and passengers, but was notified that she would not be allowed to do so on her return. The U. S. Consul informed Capt. Davenport that he had seen a letter from the Spanish Minister to the Captain General, wherein he states that he had been assured by the acting Secretary of State, C. M. Conrad, that neither Capt. Porter nor Purser Smith should be permitted to return in the Crescent City; and that the Captain General expressed his surprise that this assurance had not been complied with in this instance.

JAS. R. JENNINGS.

ARRIVAL OF THE CRESCENT CITY AT NEW ORLEANS.

NEW ORLEANS, Nov. 6, 1852.

The steamship Crescent City reached her wharf at this city at an early hour this morning. Her captain reports having left Havana on the morning of the 3d inst.

As she was about approaching Havana on her passage from New York, a pilot came alongside, and inquired if either Lieut. Porter or Wm. Smith, the purser, was on board. He was told that Lieut. Porter was not, but that