

Meeting of the Legislature. The Legislature of North Carolina will assemble in the City of Raleigh on Monday, the 15th inst., being the third Monday in November. This will be exactly two weeks from the date of this writing.

The session will be an important one. It will require the exercise of much prudence and forbearance to prevent its being an excited one. We need not refer more than casually to the disturbing influences at work, calculated to endanger the harmony of the Democratic party.

We trust, however, that the hopes of the Opposition in this respect, will be doomed to disappointment; the more so as all these elements of distraction spring from the squabbles of or about men. We do trust that the Democracy of North Carolina is not so poor or so wanting in self-respect as to permit its members or its representatives to be used as the mere pawns in any game of personal ambition between individuals, even if there be individuals willing to play such game at the expense of the party.

For honestly and honorably aspiring to any position in the gift of his fellow-citizens; nor do we pretend to find fault with the friends or admirers of any particular gentlemen for doing all that they fairly and properly can to further the promotion of their favorites. We only ask that these things should be kept in that secondary and subordinate position, which properly belongs to them; and that they be not permitted to interfere with the transaction of the public business, or jeopardize the harmony of the Democratic party.

With a view to the avoidance of wrangling and confusion, and the prompt removal of all causes of irritation, and occasions of delay, we would respectfully suggest to our Democratic Senators and Commons, the expediency of early action,—especially in the matter of United States Senators. Whose views or interests may be forwarded or put back by this course we do not know; nor have we taken the trouble to calculate. It is enough for us to believe that squabbles and electioneering will be closed, and that general legislation will proceed better, the sooner it is disembarrassed by the removal of personal issues. We are "posted" enough to know that much.

Among the exciting and important questions of legislation likely to engage the attention of the General Assembly, that of Internal Improvements will take the first place—the Revenue the second, and the Judiciary will probably come in third. Our views upon Internal Improvements and the Revenue system of the State have been given before and shall be given again at an early day. We propose now to add a very few words in regard to the Judiciary.

To radical changes in law, we are, as a rule opposed; because experience has shown the danger of such things. We do not wish to see our Judicial system upset and a new one substituted. We wish to see what may be wanting supplied, and what may be wrong amended; but not theoretically or experimentally. Simply add what experience has shown to be wanting. Simply take away what experience has shown to be defective in practice. Don't tinker. If experience has demonstrated the necessity of a new Circuit, a new Circuit let us have. We think experience has done so. If, in the changed position of affairs—the lessened value of money and the increased cost of living, the compensation of the Judges is no longer adequate, although once sufficient, then let the compensation be made adequate. If experience has proved the necessity of other changes, we go for making them, but none other. Better not move at all than move in a wrong direction.

The Supreme Court of North Carolina, with all due respect, be it said, is not, practically, what it was intended to be, and its present position cannot fail to attract the attention of the Legislature. It is a misfortune, but not a reproach, to Chief Justice Nash, that advancing age and physical infirmity have virtually removed him from the Bench, which he has not personally presided over for a considerable time. But the fact is so, and it might as well be known, that in all cases wherein any difference of opinion arises, the decision of the Supreme Court of North Carolina is simply the decision of one man. It cannot be otherwise. Only two Judges actually sit on the Bench. One must yield, or there is a dead lock, and no decision at all.

The fact is so, and the question is, whether by the election of an additional Judge the Supreme Court shall be really what it was designed to be, or whether, failing that, we return to the old Conference system—to the session of all the Circuit Judges in *beno*, for the trial of appeals.

We say this with no reflection upon Judge Nash, who has earned a right to cast and retirement by faithful and honorable service.

The Asheville News refers with regret to the disposition manifested to leave the Western portion of North Carolina, to seek new homes in the Western States of the Union. We agree with the News in regarding this as a mistaken policy. Few find their advantage in so doing. The majority lose by the change. The truth is, that if the movers from the Mountain and Piedmontian regions of our State were to remain at home, and use the same industry, diligence and economy, and submit to the same privations and inconveniences that they must do at the West, they would find their account in it, and there would be no sort of necessity for moving. We do not know much of the Southwestern portion of the State, that is, that portion among or near to the mountains,—but we know a little about the upper Yadkin country on the Northwest, and we know it to be as fine a country as anybody could want to live in, and to make a living in. We have heard people there grumbling over things, and planning removals to the Northwestern States and territories, even as high up as Minnesota, and we have rather wondered. These people do not seem to have considered either the climate or the mode of getting along out there. Nothing but the hardest of hard knocks, the coldest of cold winters, and the closest of close economy must be submitted to and exercised. By the giving of this hard knocks, and the exercise of this careful thrift, independence may be realized out in Iowa, Wisconsin or Minnesota. But did it cost strike any intended emigrant to just fancy himself already "out West" and "go at it" in good hard earnest, as he will have to do out there. Our word for it, the rich soil and genial climate of North Carolina will yield no unfavorable return.

Now, we never could see the wisdom of any one following his arms and saying that there was no use in trying to do anything at home, until he actually had tried.—We have seen stalwart men at beehive-hives and all manner of gatherings, with rifle on shoulder and "tucker" in pocket, complain bitterly of there being no chance for a man in Western North Carolina—nothing to do, while we knew that there were lands at home to cultivate, fences to repair, work to do. Until these people find a country where beef-steaks grow ready cooked, and whiskey runs in the branches, they will never be satisfied.

Of course we do not pretend to say that all emigrants to the Western States are of this sort, but we do say that a great deal of the grumbling comes from them. We do not say that all the people of the section to which we have referred are like those described. There are thousands and thousands of good and worthy people.—But there are too many of these loungers also; too much of this lounging spirit throughout the mountain country. There is the proper stamina there—the elements of a noble people, but there is wanting the proper impulse and energy. If they could only suppose themselves out West without the trouble of going, and "turn

in" to good hard systematic exertion, they would be certain to find their account in so doing, more than in moving to an inferior location.

Superior Court. Samuel Simmons was this morning put upon his trial for the murder of Nathan Simmons, in Brunswick County, during the past Summer. At eleven o'clock five persons were still wanting to make up the jury. The prisoner is apparently between forty and fifty years of age—dark hair and beard, square heavy features, and rather neglected appearance generally.

Shortly after eleven o'clock the jury was made up and the trial commenced. The affair occurred in Brunswick County in July last, in the horse lot attached to the residence of the mother of Nathan Simmons, the deceased. It would appear that some dispute had existed about the ownership of a cow, claimed by both the prisoner, Samuel Simmons, and the deceased, Nathan Simmons. The latter had killed the cow.

Stewart Stanland, the first witness called, stated that Sam Simmons, the prisoner, said to the dea, "You're the d-d that killed my cow, striking him instantly with his gun, and at about the same time calling out, "take him boys" while immediately John Simmons, son of Samuel, made at Nathan, cutting him across the abdomen. He did not see the knife, but saw the passes and heard the ripping of Nathan's clothes. Nathan ran and John after him. Samuel still cried, "take him." Hickman testified to the same facts, with the slight difference that he says Samuel Simmons cried "take him John," instead of "take him boys." John came back from pursuing Nathan in about a minute. Witness did not see a knife when the passes were made but saw one in John's hand, as he came from pursuing. Nathan cried after being cut, and as he ran. Nathan died in a very few minutes.

Solicitor Strange for the State. Messrs. Miller and Baker and Sam. Langdon, Esq., for the defence.—The case will more than occupy the day. Daily Journal, 29th inst.

Superior Court. The evidence in the case of the State against Samuel Simmons, indicted for the murder of Nathan Simmons, was closed yesterday before the mid-day recess of the Court. The counsel for the defence declined to call any witnesses. The additional witnesses for the State did not essentially change or modify the story as told by Standland and Hickman. Some persons were examined in regard to expressions used by the prisoner, both before and after the fatal event, as going to show the animus with which he acted—to indicate the existence of malice and of pre-conception between Samuel Simmons, the prisoner on trial, and his son, John B. Simmons, who ripped up Nathan Simmons with a knife.

The counsel for the defence labored faithfully, ably and ingeniously, the jury having been addressed by T. C. Miller, E. G. Haywood and S. Langdon, Esqs., for the prisoner, and by Solicitor Strange for the State.—The jury having been charged by His Honor, who recapitulated the evidence and stated the law applicable thereto, retired between seven and eight o'clock, and returned after an absence of less than half an hour, with a verdict of "guilty." This was generally anticipated from the evidence and the charge of His Honor. We understand that the defence asks for a new trial, excepting to certain points of law as laid down by his Honor. An appeal has been taken to the Supreme Court, we believe.

The Court this morning entered upon the trial of the case of Lucy Ann, a negro woman, belonging to Mrs. Watters, of this place, indicted for the murder of Mrs. Taylor, some time since in the town of Wilmington.

The first witness was a young negro man named Ben, who testified that a grandchild of Mrs. Taylor's had done something to a child of the woman Lucy, and that Lucy had said to the white child, "what did you trouble my child for?"—that then the white child ran out of the door of the kitchen, where this matter occurred, it being frightened, and struck itself in some way. That it went into the house—that presently Mrs. Taylor, the deceased, came into the kitchen, having a stove in her hand—that she asked Lucy why she troubled or struck the child—that Lucy replied that she had not done so—that Mrs. T. said she had—that then Ben, went from the kitchen to the house and told Miss Taylor, who was at a window, that there was a fuss in the kitchen; that Miss Taylor immediately went out. When Ben left the kitchen Lucy had a pan in one hand and a spoon in the other. When Ben next saw Mrs. Taylor, she was lying in the piazza of the kitchen towards the dwelling-house.

Miss Taylor testified to being called by Ben—to finding the woman Lucy with a single in her hand, raised as against her mother—to telling Lucy to go away from the kitchen, and Lucy saying she would do no such thing—she placed herself between her mother and the negro woman, and told the woman that she should not strike her mother—the woman replied that no one should strike her either. When they got to the door of the kitchen, Mrs. Taylor commenced to sink down exclaiming, "Oh, Annie."—Miss Taylor supported her—called on Lucy for God's sake to bring some water—Lucy did not, but still kept the single drawn as if to strike. When Miss T. first saw Lucy, she had also what appeared to be a knife in her hand.

Miss Taylor then called out for Ben and Mrs. Price, who assisted her. Ben carried Mrs. Taylor to her bed. Mr. Price went after a doctor. Doctor Medway came—he told her he could do nothing—her mother was dead.

This is the testimony up to 12 o'clock. Daily Journal, 30th inst.

Mecklenburg Agricultural Fair. We are indebted to the courtesy of P. J. Lowrie, Esq., Treasurer of the Mecklenburg Agricultural Society, for a complimentary ticket to their Fair, to be held at Charlotte on the 4th and 5th days of November.

Fairs will be held next week in Duplin, Cumberland and Mecklenburg, and we should be most happy to attend them all, confident of meeting friends at each. But they are too far apart, and we are altogether too small to admit of a safe division. We can heartily wish our Mecklenburg and Cumberland friends an abundant measure of happiness and success, and try to run off for a day or two, up the road, as far as Duplin. We cannot say much about the quadrangular stock in Duplin, but we know that the old County is hard to beat on the production of clever men and noble women.

PERSONAL.—Pandering is eighty-one, and Irving seventy-eight years of age. These distinguished authors commenced their literary career as the editors of "Salmagundi," published by David Longworth, who kept a small retail bookstore in Park Row, the sign over which represented a man pulling a boat against wind and tide, with the motto—

"Thus we row, and to and fro— One way look, and another go." The poetry was not considered, at the time, a very great effort of genius; nor would the painting have been selected by connoisseurs as a high order of art; but they answered the purpose for which they were designed, and attracted the attention of the town. David Longworth, a modest, unassuming man, was beloved and esteemed, not only by the editors of "Salmagundi," but by everybody else who had the pleasure of his acquaintance. He was the man who so earnestly recommended "to the pit of the Park Theatre more police-officers and less painters."

THE VINE GROWERS OF FRANCE.—The Paris correspondent of the London Times gives the following account of the bountiful product of the vineyards of France:—Accounts from the wine growing districts continue to be favorable. There is now no doubt of the vintage being more abundant than was expected. At Beaune there is a deficiency of casks, and the wine growers in some places give a measure of wine for an empty vessel. The vintage is a very fine, and gathered in the finest weather. At Armaigne the crop is abundant that the vine growers are surprised at its good fortune. They are selling their white wine at 5c. (one half penny) the litre (three pints) not having sufficient casks. At La Flotte the vineyards are described as "superb." In the Loire all the vine growers are satisfied and regard the present year as one worthy to be remembered. In the Lira the vines are all full, and the wine is of a very superior quality.

AN UNFAMILIAR SOURCE OF REVENUE.—The mayor of Portsmouth, Va., it is said, has taken measures for the arrest and fining of every person, no matter of what rank or condition, who is heard swearing in the streets.

Rain is a good thing, and it was very much needed to lay the dust, and fatten the hogs, and fill the wells, and start the mills, and keep the rivers running, and supply us with something to drink and to wash our faces withal. But the dull, constant sop, sop, the dark, dreary, droopy, dilapidated disconsolate and depopulated appearance of the streets is deeply and dismally depressing to the most determined despoiler of the blue devils. It would induce a man to be guilty of the depravity of making a pun or picking a pocket. We have ourselves indulged in senseless alliteration, and our melancholy is only relieved by the consciousness that we are not on trial for any capital felony. If we were, we should be unable to resist the temptation to plead guilty, and be hanged by way of a change.

HILTON BRIDGE.—It may be remembered that the last County Court for this County appointed a Committee to examine the above bridge, and also voted one thousand dollars to be applied, under direction of such committee, to the repairing and making secure said bridge. The committee have examined the bridge and deem it unsafe; they are also convinced that the sum appropriated is insufficient to make it safe. To do what is deemed requisite to make the bridge secure, will require not less than thirty-five hundred dollars. In the meantime it is due to the public and to the committee, that this state of things should be known, and the people warned of the risk of crossing the bridge in its present state.

On Tuesday evening last the Banking House, together with other property belonging to the estate of the detent Bank of Pennsylvania, was put up at auction in the Philadelphia Exchange. The auctioneer stated that he was directed by the assignees to receive no bid of less than \$200,000 for the Banking House, which cost over \$300,000. Mr. Joseph Harrison Jr., offered \$175,000, but his bid was not taken.

TURPENTINE LANDS, &c.—See advertisement of Mr. Saunders in another column. It is well worthy the attention of those acquainted with the business, and Mr. S. would be glad to see such at the Carolina Hotel, even if they may not actually contemplate purchasing.

We are requested by Daniel Dickson, Esq., Postmaster at this place, to state that the Smithville mail will heretofore close on Mondays and Fridays, at 6 o'clock, A. M., and will be due at 5 P. M., on Tuesdays and Saturdays.

The Expedition to Rescue Horace Bell. LOUISVILLE, Oct. 29.—The New Albany expedition to rescue Mr. Bell returned here yesterday, having been rescued by the assurances of the citizens of Brandenburg that Horace Bell would be released on bail.

Important from Oregon.—Indiana Subdued. HARTFORD, Oct. 29.—A letter received from Lt. Tyler, of the army in Oregon, addressed to his father, dated September 15th, states that the Spokan and Peluse Indians were defeated after two days fighting, and Spokan, the chief, and nine hundred horses were captured, and all the plunder taken by the Indians from Col. Steptoe recaptured. Col. Steptoe's pistol was found on the body of a dead Indian. The army lost not a man.—The Indians, he says, are begging for peace and complying with all demands, so that the war is considered as ended. This letter was expressed to Fort Taylor by Indian runners, and is probably the only intelligence from the seat of war by the last California steamer.

Our Relations with Costa Rica. NEW YORK, Oct. 29.—A dispatch from Washington to the New York Times says that the government has received dispatches from General Lamar announcing the intelligence that Costa Rica promptly retracts the offensive language employed toward the United States, and says that if Monsieur Bely had been as well known as he is now, the language would never have been used, and the take boats had proceeded up the river without interruption.

Telegraphic Consolidation. WASHINGTON, Oct. 28.—The American and House telegraph lines, from Washington to New York, have completed arrangements for a consolidation.

Health of New Orleans. NEW ORLEANS, Oct. 28.—There were twenty-one deaths from yellow fever, on Wednesday, 27th inst., in this city.

Health of New Orleans. NEW ORLEANS, October 29.—There were twenty-five deaths from yellow fever in this city on Thursday, 28th inst.

Department News. IMPORTANT DECISION.—The Attorney General, has, at the request of the Secretary of the Interior, given an opinion in reference to the proper construction of the act of June 3d, 1858, which provides that the title to a land warrant issued after the death of a person who applied for it according to the prescribed forms, "shall rest in the widow, then in the heirs and legatees of the claimants."

It is held by the Attorney General that the heirs of a man are those persons "who are entitled by the *lex rei sitae* to take his inheritable real estate at the time of his death. His legatees are those to whom he has bequeathed his personal property by will. Heirs sometimes means children, in common parlance, and the word is to be so understood in a statute when the context shows that intention to have been in the mind of the Legislature. But I do not see anything that any reason exists here for taking it in a sense different from its usual and legal meaning. This act of Congress, then, vests the land in the persons to whom the claimant may have left it by will; and if he died intestate, then it goes to his heirs—that is to the persons who are entitled to claim his real estate by the intestate laws.

I do not see anything in the general policy of the previous law, which would justify us in giving the act of 1858 a construction not warranted by its plain words. It is true that all the acts on the same subject are to be construed together as *in pari materia*, but where the words of a later act differ from those of an older one, the later act must prevail, and give the rule in all cases to which it applies.

The Attorney General, accordingly, draws the following conclusions: 1st, that a warrant issued after the death of a claimant, who left a widow and children, and cures to the widow's benefit alone, 2d, when the deceased claimant has a widow, with two sets of children, the warrant cures to the benefit of her heirs or legatees. 3d, heirs are those who are so declared by the law of the claimant's domicile.

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BY JAMES BUCHANAN, President of the United States of America. A Proclamation.

Whereas information has reached me from sources which I cannot disregard that certain persons, in violation of the neutrality laws of the United States, are making a third attempt to set on foot a military expedition within their territory against Nicaragua, a foreign State, with which they are at peace. In order to raise money for equipping and maintaining this expedition, persons connected therewith, as I have reason to believe, have issued and sold bonds and other contracts pledging the public lands of Nicaragua and the transit route through its territory as a security for their redemption and fulfillment.

The hostile design of this expedition is rendered manifest by the fact that these bonds and contracts can be of no possible value to their holders, unless the present government of Nicaragua shall be overthrown by force.—Besides, the envoy extraordinary and minister plenipotentiary of that government in the United States has issued a decree, in pursuance of his instructions, dated on the 27th inst., forbidding the citizens or subjects of any nation, except passengers intending to proceed through Nicaragua over the Transit route from ocean to ocean, to enter its territory without a regular passport, signed by the proper minister or consul-general of the republic resident in the country from whence they shall have departed. Such persons, in advance, their landing will be resisted, and they will be compelled to return by the same conveyance that took them to the country." From these circumstances, the inference is irresistible that persons engaged in this expedition will leave the United States with hostile purposes against Nicaragua. They cannot, under the guise which they have assumed, that they are peaceful emigrants, conceal their real intentions, and especially when they know, in advance, that their landing will be resisted, and can only be accomplished by an overpowering force. This expedition was successfully resisted to previous to the last expedition, and the vessel in which those composing it were conveyed to Nicaragua, obtained a clearance from the collector of the port of Mobile. Although, after a careful examination, no arms or munitions of war were discovered on board, when they arrived there, they were found to be armed and equipped and immediately commenced hostilities.

The leaders of former illegal expeditions of the same character have openly expressed their intention to renew hostilities against Nicaragua. One of them, who has already been twice expelled from Nicaragua, has invited, through the public newspapers, American citizens to emigrate to that republic, and has designated Mobile as the place of rendezvous and departure, and San Juan del Norte as the port to which they are bound. This person, who has renounced his allegiance to the United States, and claims to be President of Nicaragua, has given notice to the collector of the port of Mobile that two or three hundred of these emigrants will be prepared to embark from that port about the middle of November.

For these and other good reasons, and for the purpose of saving American citizens who may have been honestly deluded into the belief that they are about to proceed to Nicaragua as peaceful emigrants, if any such there be, from the disastrous consequences to which they will be exposed, I, James Buchanan, President of the United States, do hereby declare that the said proclamation, and the persons joining upon all officers of the government, civil and military, in their respective spheres, to be vigilant, active, and faithful in suppressing these illegal enterprises, and in carrying out their standing instructions to that effect; exhorting all good citizens, by their respect for the laws and their regard for the peace and welfare of the country, to aid the efforts of the public authorities in the discharge of their duties to resist and prevent, in testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

Done at the city of Washington, the thirtieth day of [L. S.] October, one thousand eight hundred and fifty-eight, and of the independence of the United States the eighty-third.

JAMES BUCHANAN, By the President: LEWIS CASS, Secretary of State.

"NATURALS" ON A TOUR.—A correspondent of the New Orleans Picayune narrates the following incident of a recent journey of Professor Agassiz, Felton, and Dr. Holmes, "the Autocrat," to the White Mountains:—The party were on their way to request a special conveyance for their transportation from Conway to the Crawford House. This conveyance was a large country wagon, drawn by a team of five Green Mountain Horses and driven by a sturdy son of the Granite State.

The day was one of the finest of the season, and admirably adapted for such an excursion, and every one of the party was anxious to take the longest detour to its incidents. Occasionally the geologist would spy out some curious conformation or remarkable specimen of rock, and would insist on the driver stopping to allow him to alight and investigate it. This would consume much time, and it more than once occurred that the impatient Jehu was obliged to remind the deeply absorbed party that they were wasting, and that they had a long ride before them.

In the height of his impatience, the depth of his despair, and the extremity of his perplexity, he turned to his companion on the box, for Professor F., I should remark, had taken no part in the scientific researches of his brethren:—

"What on art's the matter with them, Squire?" somewhat intently demanded the hibernated Jehu.—"What are they about, stopping the team and jumping out every time they come across a loose stone or a big dandyion or thistle in the road? Who are they, anyhow, Squire? he exclaimed, in an agony of mingled curiosity and impatience.

"Oh!" quietly remarked our absorbed Grecian, "they are naturalists."—A few days after this the same team was engaged for this identical trip by a party of Bostonians. As they rattled along the turnpike through the Notch, one of them said to the driver, who was delightedly ruminating on the contrast between the present orderly company and the troublesome party he had been so perplexed with a day or two before:—

"What a good deal of travel along here this summer. Eh driver?"—"Wal, considerable, this week or so," was the reply.—"I suppose you have about as much as you can do now-a-days, carrying people to the mountains, don't you?" continued the tourist.

"Pretty much," replied our Jehu of the wagon. "I had a queer party going the other day—the last before you. I never see such a set of fellows."—"What were they like?"—"Like? Like loonatics more'n any thing else I know of! Why I thought I should never get up to Crawford's. Every one in awhile they'd stop the team and jump out and pick up a stone, or pull up a weed, and then one of 'em would preach a long sermon, and when he'd done all the rest of the party would get in, and it was 'em as much as I could do to get 'em into the wagon again, and as it was, it was day-light down before we got ter Crawford's."

"But who were these people?" inquired the whole company of listeners in a breath. "Didn't you find out?"—"Wal, not exactly; I axed their keeper who they were, and he told me they were 'naturals'!"

ENTENTE CORDIALE BETWEEN FRANCE AND RUSSIA.—Everything that is said of the alliance between France and Russia is becoming closer every day. It seems to be generally understood that the Czar will speedily visit Paris, and while there he may possibly be induced to step over to England. His reception in London would equal in warmth,—enthusiasm is of course out of the question,—that which his father experienced 14 years back, when he first visited this country as a young man, and was warmly received by the Government. The English public have a good deal of the feeling to which one of Bulwer's characters gives expression—"I never like a man so well until I have fought with him." But this does not at all ignore the fact that St. Petersburg and Paris are in very close intimacy; and the recent visit of Prince Napoleon to New York, shows how well the wind blows. Little jealousies amongst the Great Powers will often arise from very trivial circumstances; while St. Petersburg is drawing closer to Russia, Austria is becoming more friendly towards England, and all travelers who have recently returned from the Austrian dominions speak of the marked change, both as regards the passport system and the courtesy of the officials, towards our countrymen.

A sick man, slightly convalescing, recently imagined himself to be engaged in conversation with a pious friend, congratulating him upon his recovery, and asking him who his physician was, he replied, "Dr.—" brought me through you out of your illness, not the doctor." "Well," replied the pious friend, "I am not certain that the doctor will charge me for it."

THE POPULATION OF PHILADELPHIA.—It is computed by the National American that Philadelphia has a population of between 610,000 and 625,000, and that it increases, and has increased since 1850, at about the rate of five per cent. per annum, calculated upon the actual number at the commencement of each year.

From the Philadelphia Press. Charles Dickens at He Was, and He Is.

The personal appearance of Charles Dickens may here be briefly described: Next February he will have completed his forty seventh year, having been born in 1812, at Landport, Portsmouth. When in this country, seventeen years ago, Mr. Dickens somewhat resembled the portrait, by Maclise, which was prefixed, we believe, to the original edition of "Nicholas Nickleby." It was taken when Dickens was twenty-seven years old and the artist succeeded in portraying features which, though regular, were somewhat plain, and in throwing expression into a face which really had scarcely any. That Maclise's portrait, with which American readers are very familiar, simply showed an over-dressed young gentleman, with long hair hanging down in the fashion, commonly called dogs' ears—the French, we think, call them *oreilles*. This hair, which was very profuse, was darker than chestnut, and lighter than brown. It was flowing and silky, with a tendency to curl. The painter represented his subject as rather gorgeously got up, as respects an extensive front of black satin, garnished with brilliant jewelry. The original, when he condescended to visit us, literally had a meteoric appearance, so brightly flashed his many ornaments—brooches, breast pins, and sparkling rings. We have often wondered that, in his days of notoriety, Charles Dickens did not adopt the Italian fashion of wearing ear-rings. He should have cut off his long locks, however, to display these ornaments, and probably had not sufficient strength of mind to make that terrible sacrifice.

Seldom did a more highly dressed young gentleman glitter on Broadway than the Charles Dickens of 1841. We were satirical—which we certainly are not—when we might even say that he was too rich to be rich. He was dressed in a variety of flashy vests, described by Young England as very loud; stuck into coat and pants or, which the genius of Stultz had evidently been employed, wearing the tallest and glossiest of chimney-pipe hats, the thinnest morocco boots, the gayest kid gloves, and the tiniest of all delicate cases, Charles Dickens, as he emerged from the Carthage House, (a grand hotel in New York), was a remarkable looking young man. He would have struck a passing stranger as an actor, fully dressed to represent the character of a top, in some comedy or farce where the dramatist desired to have a fang at young men who, aping at fashion, ran into wild extravagance of attire—out Brummeling Brummel, and out Dr. (saying) Dr. Ormsby. As that was, too, Dickens was as closely shaven and shorn as if he really were an actor, and his face was deeply lined as the faces of actors often are, from the wear and tear which the muscles are professionally subjected to.

It is very different now. Seventeen years have changed Dickens, and improved his personal appearance. He has become stouter, with his hair being too full to roll up in a bun, and he has had a few more wrinkles. Either time or the barber has "thinned his flowing hair." His taste in dress has become mitigated, and he exhibits a limited supply of jewelry, exhibiting only a single ring. He wears a Kosuth instead of a chimney-pipe hat. The flash, "loud" vests of by-gone years may now be catalogued among Dickens's abandoned habits. The face, once so smooth, now is hirsute. He rejoices in a full beard and mustache, though he still whistles.—The hair, which is very sparsely sprinkled with gray has retired a little off his forehead, so as to give a full view of that.

"Dome of thought, that palace of the mind." His features, too, have greatly been improved, as to their expression, by the advance of time. He looks, what he is, a shrewd, clever, observant man. You might easily give him credit for being a humorist—witty himself, and the cause of wit in others; but few, gazing upon Dickens, would think of him as a humorist. The world would not think of him as a humorist, but as a man of pathos and pathos lie within his heart. Had you the opportunity of studying that face, you might imagine that Charles Dickens was an astute lawyer, a shrewd merchant, a keen speculator, a clever engineer—anything, in short, but the tear-exciting author of Little Nell, the mirth-making creator of Sam Weller. For his expressions is what we may call *lively*. He looks as if no one could try to overreach him, and you would readily take him for a hard, cold, worldly man, and you would greatly mistake him.

Charles Dickens may have been foppish, vain, and full of pretence, but he is one of the most good-natured of mortals, with as tender a heart as ever beat within a human bosom. Among the many points of difference between him and the English humorists, the one that Dickens is a whole-souled, genial man, of large humanity, whereas Thackeray is a cynic and satirist, who simply goes in for enjoying himself, and with undoubted ability as a writer, prefers portraying the dark features of the family of man. Dickens's heart overflows with the milk of human kindness, while Thackeray's is a living fountain of gall.—He looks as if no one could try to overreach him, and you would readily take him for a hard, cold, worldly man, and you would greatly mistake him.

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