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TERMS OF THE BEE.

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The New-Orleans Daily Bee.

Official Journal of the State, General Council, Right Municipality and Board of Legislators.

Wednesday Morning, Feb. 5, 1851.


THE NORTHERN MAIL arrived yesterday, with dates from New York to the 27th ult., from Washington to the 28th, and from Charleston to the 30th.

## FRENCH AFFAIRS.

The recent resignation of the French ministry might in any other country be deemed an unerring indication of a change of policy in the administration of the Government. In France, it is simply the consequence of personal pique at a discomfiture in the Legislative Assembly. The facts of the affair are briefly these:

Gen. CHANGARNIER, a sturdy soldier, who was officially invested with the command of the National Guards of Paris, and of the First Military Division, which includes the garrison of that city, has been for some time at loggerheads with LOUIS NAPOLEON—the latter complaining of attempted usurpations of power by Gen. C., and of obstructions to the course of the administration occasioned by his uncalled for interference. These quarrels were more than once patched up, but broke again at short intervals. The General at length appealed to the Legislature, and claimed a public hearing, that he might justify himself from the charges of his opponents. The Ministry employed all their influence to dissuade the Chamber of Deputies from granting his request; but after a hard fought battle were beaten by a large majority. Forthwith they retired from the Halls of Legislation, in a body and tendered their resignations, which were accepted.

This is one of the few issues upon which the French parliament has proved less pliant and subsidiary to the Government than is its wont; but the question was one of persons and not of policy, or the result might have been different. The effect upon Gen. CHANGARNIER has been directly the reverse of what he probably anticipated. No sooner was the new cabinet organized, than the Ministers of War and of the Interior promulgated a decree, separating the command of the National Guards from that of the Military. As General CHANGARNIER had appointed General-in-Chief of both these bodies by virtue of a previous decree, uniting them under one command, he was cavalierly legislated out of his office by the new Ordinance. Soldiers of more flexible character and easier conscience were required, and they were found in the persons of Gen. PERROT, who was promoted to the command of the National Guard, and of Gen. BARAGUAY D'HILLIERS, who was appointed Chief of the First Division of Military. The latter, indeed, was hardly warm in his new post, ere he took occasion to signalize his subserviency to the Government by putting forth a general order, in which he declares his invincible determination to sustain the constituted authorities, and to obey them in all the requisitions which they have the power to make. Thus it follows, that the obstinate resistance of CHANGARNIER to the will of LOUIS NAPOLEON and his persevering appeal to the Chamber of Deputies, have, while seemingly procuring him a triumph, in reality ended to the benefit of his adversaries. The President, as usual, is the winner in the contest, for though he has been compelled to part with one set of counsellors, he appears to have experienced no difficulty in securing the services of another, while, on the other hand, he has, by a dexterous coup de main, rid himself of a formidable foe, and placed in important and useful stations two of his most devoted adherents.

This is but another of the numerous evidences of the President's astuteness and ability. He has on various occasions proved that he knew now to pluck the flower, safety, from the nettle, danger. Those who laughed at him when he first assumed power, are compelled to acknowledge that he used it wisely, if not well. He understands France and Frenchmen almost as thoroughly as did his mighty uncle. He calculates public opinion with infinite shrewdness, and though he is an adept in manufacturing it he takes good care never to attempt to lead it, when it is disposed to be refractory. His late return to republican principles—at least to such principles as are called republican in France—demonstrates his sagacity. There is no doubt but that LOUIS NAPOLEON at one time cherished strong aspirations for imperial power; but no sooner did he perceive that the effort to change the Government would be desperate, and might possibly consign him to destruction, than he subdued his ambition, concealed his designs until a more propitious opportunity might offer, and now professes staunch republicanism—a faith in which he will continue steadfast and loyal, so long as France herself shall cling to her principles.

What the republicanism of France may be, is quite another matter. A standing army of 300,000 men, Paris fortified and walled in on all sides, the liberty of the press constantly usurped, editors fined and imprisoned, freedom of speech curtailed, two-thirds of the electors deprived of the right of suffrage—all this is not exactly republicanism, as we understand it in the United States. It is, however, the only form of republicanism that France seems capable of comprehending, or willing to tolerate. Succeeds it, but President upholds it. We presume he cares little whether he be termed President, provided he is practically endowed with the privileges of a monarch.

IT was formed at Plaquemine on the 31st ult.

FROM BOLIVIA.—Our latest advices from Bolivia state that Ballivian, who, it will be remembered, was engaged in a plot to overthrow the present Government, had been entirely frustrated in his plans. His partisans in the South had collected a force of 30 men, and sent them as the feigned advance-guard of an army upon a town called Camargo. Finding, however, that they could not raise up recruits, they retired to Tucuman and Salta. Ballivian, despairing of his success, obtained a passport for San Juan, but was supposed to have taken the road to Copiapo, in Chili. General Belzu had completely reestablish himself in power, and his health was rapidly improving.

☞ The State of Michigan has prepared a block of Copper for the Washington Monument. It is from the Cliff Mines, and has the following inscription, inlaid with native silver from the lake Superior country: "From Michigan. (Coat of Arms.) Her trust in the Union." The block in its rough state weighed 2,180 pounds.

AN OPINION OF THE FREE SOILERS BY AN ABOLITIONIST.—We suspect that Mr. Henry C. Wright, the abolition emissary, who has been lately on a cruise through the Western States, is the truth when he writes from Dublin, Wayne County, Indiana, as follows:—"The free soilers are here, as elsewhere, doing little or nothing to revolutionize the pro-slavery sentiments of the State. They are watching the other parties, to see which will make the highest bid for them. That is all."

CENSUS OF THE MIDDLE STATES.—Below we give the census returns of the population of the four Middle States:

| | 1850. | 1840. |
|---|---|---|
| New York, | 3,099,349 | 2,429,540 |
| New Jersey, | 486,381 | 373,306 |
| Pennsylvania, | 2,250,000 | 1,723,033 |
| Delaware, | 90,497 | 78,107 |
| Aggregate, | 5,929,637 | 4,594,986 |
| | 4,594,986 | |
| Increase, | 1,434,051 | |

☞ A Valuable Store on the Levee opposite the steamship wharf, Lafayette. Choice building Lot at the termination of Annunciation street, situated in Lafayette, and a Cottage Property in Lafayette, on Coliseum street, will be sold this day at Public auction by J. A. Beard, auctioneer, at Banks' Arcade, at 12 o'clock. Persons desirous of purchasing valuable property will do well to attend.

## ARRIVAL OF THE ALABAMA.

The *Alabama* left Minatitlan on the 25th ult., and was detained one day inside of the bar by a norther. Left Vera Cruz on the 30th ult. The Hydrographic party, Lieut. Temple, having completed a survey and minute examination of the river for about sixty miles above Minatitlan, will, about the 27th inst., proceed to cross the mountains to the Pacific and make a detailed examination of all the bays, harbors, &c., within reach, for the special purpose. Crossing on their way back they will examine the balance of the upper river (Goatzacoalcos) and the bar at the mouth, as well as the river below Minatitlan.

Mr. Williams's party (Topographical) are engaged in running lines and level from El Barrio down to the Lagoons, and to the Gulf of Tehuantepec. Mr. Avery's party are employed between Boca del Monte and El Barrio. When they shall have finished this line, which is short, they will commence and run back in the direction of the Gulf of Mexico, on the Maripas river.

Major Bankard has been in advance of the party all the time, arranging for transportation &c., and planning work for the parties on the most available lines, &c.

We have received files of Vera Cruz papers up to the latest dates, but they contain no news of any importance.

THE ATLANTIC.—There is some reason to hope that the *Atlantic* is safe. A Telegraphic despatch from New York, under the date of the 2nd inst., states that the ship Turgaia, which had arrived at New York, reported having seen a large American steamer, without a bowsprit, steering towards the Western Islands. The *Atlantic* had no bowsprit, and it is by no means improbably that a deficiency in coal, a stress of weather, or an injury to her engines, may have induced her Commander to direct her course towards the Azores or Bermudas.

☞ Counterfeit gold dollars are in circulation. The Philadelphia Bulletin was shown one well calculated to deceive the unwary.—On examination, however, it neither looks nor feels like the genuine, and the letters and devices want the sharp, well defined character of the true coin. It is made of pewter or some other base metal, plated over with gold. A little caution will prevent the circulation of these little deceivers.

CONTESTED ELECTION.—A protest was handed in yesterday by Mr. A. G. Blanchard to his Honor the Mayor, and the Recorders, opposing the election of Hugh Grant as Surveyor. The following are the grounds on which Mr. Blanchard contests:

1st. That Mr. Hugh Grant, who appears to have received the highest number of votes for Surveyor, is not a resident of the Parish of Orleans, as required by the 95th article of the Constitution of 1845, by the law of March, 1846, and by article 5th of the Constitution of 1-45.

2d. That I have received a majority of *legal* votes—as it is notorious that fraud and violence were used at the 3d Ward to introduce illegal votes.

3d. That the votes of the 7th Ward cannot be received, as one of the Inspectors, or Clerks, Mr. Moran, is not a citizen of the United States, as required by law, and that there were but two Inspectors at said 7th Ward polls.

Reserving to myself all legal rights in these premises, I renew my protest against the election.

The returns of the election will be opened tomorrow in presence of the Mayor and of the three Recorders.

RUMORED DEFALCATION.—The Natchitoches *Chronicle* says: "We have heard that a functionary in the parish of Sabine has absconded with public funds in his possession. We trust that such is not the case, although the source from which we heard it, leaves no little room for doubt. By the time of our next issue, we shall know more about it, however; meanwhile we refrain from publishing the name of the supposed defaulter, in the hope that there may be some mistake in the matter."

IMPORTANT, IF TRUE.—The New York Herald moderately makes the following announcement, received exclusively for that paper by the steamer Falcon:

Mr. James Gordon Bennett and lady had received a great deal of attention at Havana. They had been twice invited to dine with the Captain General, and received crds of invitation for every ball given while they were there.

THE UNION PLEDGE.—The following are the names of the members of Congress who have signed the Union pledge, declaratory of their intention to abide by the Peace Measures of the late session, and to sustain no man for President who is opposed to them:

Henry Clay, C S Morehead, Robert L Rose, Wm C Dawson, Thomas J Rusk, Jeremiah Clemens, James Cooper, Thomas G Pratt, Wm M Gwin, Samuel A Elliott, David Outlaw, C H Williams, J Phillips Phoenix, A M Scherrerhorn, John R Thurman, J A Bokee, Geo. R Andrews, W P Mangum, Jeremiah Morton, R I Bowie, E C Cabell, Alexander Evans, Howell Cobb, H S Foote, William Duer, Jas. Brooks, Linn Boyd, Stephens, R Toombs, M P Gentry, Henry W Hilliard, F E McLean, A H Watkins, H A Bullard, T S Haymond, A H Sheppard, Daniel Breck, James L Johnson, J M Anderson, John B Kerr, J P Caldwell, Edmund Deberry, Humphrey Marshall, Allen F. Owen, J B Thompson.

FROM PERU.—Our files from Lima, by the Falcon, are to the 7th ult. There is no news of importance. Everything was quiet at Lima. The Presidential Election, which was to take place on the 20th, occupied the public mind. Gen. Echenique and Gen. San Ramor were the prominent candidates.

☞ A Fourierite and Paris correspondent of the Tribune, having assailed our minister to England, in his letter to that paper, the secret of his assault is given in a London letter to the Buffalo Commercial Advertiser, which says:

"This miserable scamp, successor of Brisbane, was here in London:—He wrote Lawrence a note saying that he was the correspondent of the New York Tribune; that he was on his way to Paris; was out of funds and wanted a loan of £20 $100. Mr. Lawrence answered him that calls were constantly being made upon him, that whenever he became satisfied that duty or charity were to be served in a case, he had not withheld his assistance—that his unreturned outlays of the kind had already reached some hundred pounds sterlings; but, as he was in the city, if he would call upon him, he would be happy to consider his situation when he could more fully understand its merits."

Mr. Lawrence is thus made the victim of assault for refusing to be back-mailed to tune of $100.

SAFETY OF RAILROAD TRAVELLING.—Dr. Lardner has produced a volume of 450 pages on the whole subject of steam travel, and given a table showing from a very large induction of facts, that in every mile unrelled, the loss of life has been only 1 to 14,661,467—equal to going round the world nearly 600 times, and the reception of any injury whatever, only as 1 to 7,350,738, or about 300 times around the world. From the chapter on the causes of accident, it appears of all accidents beyond control of passengers, 56 per cent. arise from the collision of trains; 32 per cent. from defects in wheels, axles, or rails; 5 per cent. from switches; 3 per cent. from cattle on the line, and 1 per cent. from the bursting of the engine boiler. Of accidents produced by the imprudence of passengers, 28 per cent. occur from improper place or posture; 24 per cent. from leaving a train in motion; 16 per cent. from entering a train in motion; 12 per cent. from jumping off; 12 per cent. from crossing the track incautiously; six per cent. from getting out on the wrong side, and 1 per cent. from handing articles into the train when in motion.

Of these accidents 67 per cent. are fatal. It will be perceived that trains running out of their usual time, are less safe than regular trains; and that a passenger's safety depends much on his being always in his place and in due time.—*New. Georgian.*

M. FILOPANTI'S LECTURE ON AIR-SHIPS.—Prof. Filopanti delivered a lecture at the Medical College on Thursday last, in explanation of his project for navigating the air, before a number of scientific gentlemen invited for the purpose. Among those present were Gen. Talmadge, President of the American Institute; Profts. Draper, Gibbs, Loomis, and others. He made an erudite development of his views on Ærial Navigation, the most essential parts of which have already been given in our article of the 16th inst. The only new point of importance was an opinion that the application of the rarified air would afford a practicable and cheap means of conveyance through countries not possessed of railroads and steamers. As an illustration of this, he said that it is possible to make an air-ship of the cylindro-spherical form proposed by him to go to California at the average rate of eleven miles an hour, and capable of holding 398 men. The cost of such a machine would not exceed $20,000. Some intermediate stations, however, would be required, to take in supplies of fuel and water. The machine should have a diameter of 120 feet, a total length of 360 feet, a locomotive of 240 horse-power, and the inside air at 240 deg. Fah. above the temperature of the external air.—*N. Y. Tribune.*

## CONGRESS.

In the SENATE, on the 27th ult., a large number of petitions were presented.

Mr. Mason presented the resolutions of the State Legislature of Virginia, praying that further provision be made to satisfy Virginia military land warrants.

Mr. Seward presented several petitions from the State of New York, in favor of a repeal of the Fugitive Slave law. Laid on the table.

Mr. Whitcomb presented the credentials of the Hon. J. D. Bright, Senator elect from Indiana, for six years from and after the 4th of March, 1851.

Mr. John Davis offered a resolution, which lies over, directing an inquiry into the expediency of increasing the compensation now given to Judge Cranch, for trying appeals in patent cases.

On motion, by Mr. Walker, the Secretary of the Treasury was requested to communicate the quality and value of all articles brought into the United States for sale, or under bond for exportation, from Canada, during the years 1849 and '50.

Mr. Benton called up the bill to make good to the State of Missouri the two per cent. fund which was received from that State in the public lands sold in that State.

After some remarks from Mr. Clay, in opposition to the bill, it was laid on the table for the present.

Mr. Mason moved, and the Senate proceeded to the consideration of the bill to incorporate the Union Gas Light Company of Washington city. After debate the bill was passed. The bill to ascertain and settle the private land claims in California was then taken up and discussed to the hour of adjournment.

In the HOUSE, Mr. Haralson, of Georgia, moved a joint resolution, explanatory of the act granting compensation to all officers, non commissioned officers and soldiers, who may have served three months in the army of the United States, and directing that its provisions shall be extended to all who have so served; the act alluded to referring to persons who were engaged in the service during war; and the Secretary of the Interior construing its provisions to be limited strictly to persons who served during the actual existence of hostilities.

As the resolution could only be introduced with the unanimous consent of the House, Mr. Haralson, who was proceeding to explain his object, was interrupted by an objection, and no action was had on the resolution.

A motion of Mr. Bayley, to suspend the rules to enable him to move a resolution making it the special order of the day, for to-morrow, for the consideration of five of the appropriation bills, which he enumerated, was lost, the division being ayes 114, nays 77—there not being two-thirds of the House in favor of the suspension of the rules.

Mr. Johnson, of Arkansas, moved that the rules be suspended, to enable him to introduce a resolution, making the harbor and river bill the special order of the day for Tuesday in next week, to be continued from day to day until disposed of; and the yeas and nays being ordered, there were 116 in the affirmative, and 70 in the negative. The motion was therefore lost, there not being two-thirds in the affirmative.

Motions for a suspension of the rules, with reference chiefly to the routine business of the House, were made and negatived. At length, Mr. Bayly, of Virginia moved that the House go into committee of the whole on the state of the Union; which was agreed to, after a division of 115 to 43.

The Deficiency Bill again came up as the subject of discussion; and the manner in which clerks had been appointed by the Secretary of War, for whose remuneration the bill made provision, was described by Mr. Dunham, of Indiana, as being contrary to law, and as the most impudent piece of usurpation he knew of in the government; the appointments having been made before the meeting of Congress, and when the clerks had no duty to perform.

It was commended on the other hand, that of the clerks referred to had been appointed without the authority of law, it was not without the authority of precedent, and the censure which had been passed upon the conduct of the Secretary of the Interior, by Mr. Dunham, was attributed to the circumstance of his being a whig and the member from Indiana a democrat.

Mr. Averett, of Virginia, spoke with some warmth, of abuses in the Pension Office, and of the practice which is becoming too prevalent, of appointing persons to fill subordinate situations under the government, for the purpose of carrying out the views of heads of departments. He insisted that one-half of the clerks who are employed in the Pension Office would be amply sufficient for the performance of all its duties, and moved an amendment, that the sum of $12,500 which the bill provides, be reduced to $9,000.

Mr. Dunham, in reply to the motives which had been attributed to him, declared being actuated by political feeling; nor did he wish to throw any obstacles in the way of the due execution of the law. He had alluded to a transaction which at least caught, in the spirit in which it was made, and, if it would not bear scrutiny, it ought not to be sustained.

Mr. Johnson, of Tennessee, was opposed to any measure that would fetter the administration; and called the attention of the gentleman to the fact of clerks in the departments being employed but five hours in each day instead of the time prescribed by law, which he requested might be read; from which it appears that the hours thus determined upon, are—from April to October, ten hours, and during the remainder of the year, eight hours, every day, exclusive of Sundays and the fourth of July; and from a calculation which he had made, it appeared that the proposed increase of clerical aid, together with a three more hours each day according to law, would be equal to seventy-six additional clerks each year.

Mr. Bayley, of Virginia, thought this provision merely had reference to the Department of the Interior; but, after hearing the law read again, he was satisfied that it had reference to the various Departments of State, and expressed a hope that the law would be enforced.

A good deal of running debate ensued as to the salary of the clerks in the Pension-office, and an amendment to an amendment was carried, providing that no clerk who has been employed, should receive more than $1,000 per annum. A motion made by Mr. Bayley, to give one clerk $1,600 a year, was lost.

Mr. Bowie, of Maryland, proposed that two of the clerks should receive one of them $2,000, and the other $1,600 per annum. He quoted from democratic authorities in support of his position, which he said he was satisfied would find no fault with the democratic party in the House; and adduced evidence that had been taken on a former occasion, to show that it was the opinion of persons well qualified to judge, that to have efficient men in the departments of government, they must be remunerated by competent salaries.

He condemned the principle of making men stand ten hours a day at a desk, which he considered as tantamount to erecting a tread mill in the public offices.

The inexorable hammer of the Chairman here fell, in obedience to the five minutes rule, and the committee rose. The Chairman reported that no conclusion had been arrived at, and the House adjourned.

## Presentation of the Medal to General Scott.

On Saturday, the 25th ult., at the City Hall of Washington, the medal of Virginia was presented to Major General WINFIELD SCOTT, by the hand of W. M. BURWELL, Esq., Chairman of the Committee of the Virginia Legislature. Mr. BURWELL delivered an eloquent and fervid address, though highly spiced with panegyric. Gen. SCOTT replied with taste and feeling, as follows:

*Gentlemen of the Committee*—It was an apothegm of Pericles, that *where the highest rewards are given to public virtue, there the best of patriots will ever be found.*

The maxim of more than one ancient republic may also be claimed by my native State, the honored commonwealth of Virginia. Indeed, her loyalty to our glorious Union has, from the first, been most conspicuous in the honors she has ever been prompt to bestow upon all her sons who have devoted themselves to the service of our common country—the *United* States of America. I, one of those sons, and who never directly held trust or commission from her, have, in pursuance of her generous policy, *to stimulate by rewards*, a second time, with a third of a century between, been made the object of her distinguished partiality. At the end of the second war with Great Britain, Virginia, besides giving my name to a country, presented me with a splendid sword of honor, which I often wear with pride, and shall transmit with my affections.

If "sweet are the uses of adversity"—and I have experienced those trials and persecutions to which all public men are subject—so may prosperity, even the glory of this moment, teach a lesson of humility. This beautiful object of art, with its most complimentary device and inscription—the audience that honors the occasion, and the eloquent but flattering address delivered in the name and in behalf of a great commonwealth, certainly look like fame, and make it impossible for me to say that, in respect to distinction, I have lived wholly in vain; but when I contrast my career with the fond aspirations of youth—springing from the study of the great examples of virtue and usefulness in ancient and modern history, including the history of America, I am made humble by the sense of my own mediocrity.

Gentlemen of the committee, I most gratefully accept this medal as a mark of the continued approbation of my native State. It will serve daily to remind me and my posterity that, with a God to worship, each has also a country to love, to honor and to obey.

[From the Republic.]

## Life Boats.

Much of the ingenuity of man has been directed to the means of destroying human life, and of no inconsiderable success. This purpose has been by many regarded as one of benevolence; and the fact that in modern warfare fewer lives are sacrificed than in the battles of former times, is pointed to in proof of the assumption. We do not purpose entering the lists upon this question, but shall content ourselves with averring that which admits of no controversy, namely, that there are other channels of invention in which ingenuity of a high order may be exercised, and results of at least as benevolent a character obtained.

We have been led to the utterance of this truism by a casual inspection of a beautiful model of an invention designed to save life, viz: Francis's Patent Metallic Life Boat—which we have seen in operation.

It will be remembered that it was by means of this boat the passengers of the steamer Eudora were saved off Cape May lighthouse, in the fall of 1849. From a letter recently written by R. C. Holmes, esq., the collector at Cape May, and agent for the board of underwriters of New York and Philadelphia, we are permitted to make the following extract:

"*These boats have never failed.* When I commenced here, as agent for the New York and Philadelphia underwriters, there was not a boat of any kind by which a vessel could be boarded through a surf between Great Egg Harbor and Cape May, a distance of *thirty miles.* When a vessel was stranded, if the weather was bad, *all hands perished.* With Francis's Metallic Life Boat, WE KNOW NO FEAR; and I apprehend there will be no lives lost for the want of assistance from shore, if we can only be made acquainted with the situation of those who need help."

We are informed that these boats now line the coast of New Jersey and Long Island, under an appropriation by Congress, and are assured that *over four hundred lives have thus been saved through their instrumentality.* The general who would lead an army on to the slaughter of four hundred of the enemies of his country would not be without honor.

Under the appropriations of the last Session of Congress, boats of this kind are now being constructed for the coasts of Florida and Texas; and we are assured the English Board of Admiralty has determined to adopt them.

SOUTH CAROLINA AND ENGLAND.—The British Consul, residing at Charleston, (for North and South Carolina) has addressed a letter to the Governor of South Carolina, inviting his consideration and that of the Legislature to the laws of the State, "under which a class of Her Britannic Majesty's subjects, entering on the *guarantee of a national treaty*, the ports of South Carolina, in trading vessels, or in distress," are taken from the protection of the British flag, and imprisoned in the common jail until the moment of their ship's departure."

The Consul, Mr. George B. Mathew, argues that the British policy in regard to the admission of cotton and rice, the great products of the State, has been liberal towards South Carolina, and adds the following:

"H. B. M's. government seek this reciprocity in the unrestricted trade of H. B. M's. West Indian colonies, with all parts of the United States. These colonies mainly depend on their imports for cotton, rice, provisions and lumber, and to their small, numerous vessels, (necessarily manned by mixed and colored creoles, as the ports of North and South Carolina, Georgia, &c., are more suitable, and at all seasons accessible.

"Your Excellency and the Legislature will, the undersigned cannot doubt, concur with him in the general intentional understanding of the powers of peace and amity contained in treaties, namely—that such permanent regulations should extend to foreigners the same restrictions they impose on natives of the spot where they are employed, of a similar class and calling and no more.

"The undersigned indulges in the hope that, under these circumstances, the Legislature of South Carolina will see fit to abrogate or amend such portion of the law as applies to the subjects of foreign allied powers, and will thus strengthen the existing bonds of commerce, of friendship, and of mutual good faith with a kindred nation.

[Signed] GEORGE B. MATHEW.

Governor Means replies Dec. 15, taking "occasion to assure H. B. M's. consul of the friendly feeling entertained to his government by the State over which he has the honor to preside, and that no disposition exists to do anything that might tend to disturb the amicable relations now existing between the two governments. The law alluded to, the Legislature of South Carolina deemed necessary to enact from considerations of safety to the institutions of the State, and not with a view of imposing any unnecessary restraint upon the seamen claiming the protection of the flag of any friendly power."

Dec. 17 a second letter is written by the consul to the governor, from which we quote:

"The undersigned would merely desire, in continuance of his note of the 14th inst., to request the consideration of your Excellency, and of the Legislature, to the opinion of the late Attorney General Wirt, elaborately written, under the command of the Hon. J. Q. Adams, President of the United States, and printed in Elliot's American Diplomatic Code, Appendix, vol. ii; p 676, concluding in the following forcible language:

"I am of opinion that the section of the law under consideration is void, for being against the constitutional treaties and law of the United States, and incompatible with the rights of all nations in amity with the United States."

"The opinion your Excellency will, the undersigned respectfully hold, to be well founded on the *supreme* power of treaties, as ruled by all writers on international law, and briefly but decisively laid down by Wheaton in his 'Elements of International Law,' who states, (page 122, chap 1, part 2,) under the head of the 'Self-preservation, and Independent,' of nations

"The only exception to the application of these general rules arise out of *compact*, such as treaties of alliance, guarantee or mediation, to which the State itself, whose concerns are in question, has become a party.'

"The undersigned feels fully assured that Her Majesty's government may confidently rely on the justice and good faith of the Legislature of South Carolina to arrest from the present moment the operation of an act which he apprehends will, on examination, be found liable (by the individual irritation it must cause) to create the results it was designed to preclude.

[Signed] GEORGE B. MATHEW.

"The rest of the correspondence is "leather and prunella."

INFIDENCE.—The Boston Post of Thursday says:

"The passage of the compromise measures, the union meeting at Faneuil Hall, and the refusal to elect Charles Sumner to the United States Senate, gave birth to the impudence of the British parliament, has had the impudence to say, before a public meeting in the city of Boston, *made America stink in the nostrils of humanity!* If the people of America had not more regard for humanity than Thompson has for *decency*, he would be hooted out of the country."

NEW AND TRUE.—It is indeed a fact worthy of remark, and one that seems never to have been noticed, that throughout the whole animal creation, in every country and clime of the earth, the most useful animals cost nature the least waste to sustain them with food. For instance, all animals that work, live on vegetable food; and no animal that eats flesh works. The all-powerful elephant and the patient untiring camel, in the torrid zone; the horse, the ox, or the donkey, in the temperate; and the reindeer, in the frigid zone, obtain all their muscular power for enduring labor from nature's simplest productions, the vegetable kingdom. But all the flesh eating animals keep the rest of the animated creation in constant dread of them. They seldom eat vegetable food until some other animal has eaten it first, and made it into flesh. Their only use seems to be to destroy life—their own flesh is unfit for other animals to eat, having been itself made out of flesh, and is most foul and offensive. Great strength, fleetness of foot, usefulness, cleanliness, and docility, are then always characteristic of vegetable eating animals, while all the the world dreads flesh-eaters.—*Health and Wealth, by Joseph Bentley.*

CHARACTER.—Men are to be estimated as Johnson says, by the mass of character. A block of tin may have a grain of silver, but still it is tin; a block of silver may have an alloy of tin, but still it is silver. The mass of Elijah's character was excellence, yet he was not without alloy. The mass of John's character was base, yet he had a portion of zeal which was directed by God's great ends. Bad men are made the same use of as scaffolds: they are employed as means to erect a building, and then are taken down and destroyed.

## City Intelligence.

PLEASURES VARIETIES.—The "Comedy of Errors," will be performed to-night. H. and T. Placide conclude the Two Dromios. After which, the new extravaganza entitled "A Peep behind the Curtain," Between the two pieces, there will be a brilliant Divertisement.

SECOND MUNICIPALITY COUNCIL.—This body was to have held its regular meeting last evening, but at the hour appointed, only seven members were present, viz: Aldermen Prile, Moore, Beard, Hawthorn, Montagne, Rouchon and Kimball. In the absence of a quorum, the Council adjourned.

BURNING COTTON.—A man named Edward Johnson was committed yesterday by Recorder Caldwell, on trial before the First District Court, on the charge of having stolen a bale of Cotton from the Orleans Press.

ASSAULTING A WHITE PERSON.—Dubreuil Bayou and Gustave Lessing, both colored persons, were charged yesterday before Recorder Genois, with having on Sunday night, assaulted and slapped Victor Lessel. A warrant was issued for their apprehension.

COMMITTED.—Eugene Pierre and wife, both colored persons, were committed yesterday by Recorder Genois, for trial before the First District Court, on the charge of scandalous behavior and disturbing the peace.

A SMALL MATTER.—F. R. Ballinger made an affidavit yesterday before Recorder Genois, setting forth that some time since he entrusted two sacks of potatoes to some body whose name he has forgotten, and therefore desires the intervention of the Police.

GAME BALL.—Francois Gouzeo gave bail yesterday to appear before Recorder Genois, on the charge of having assaulted and struck Simon Redline.

DRIVING OFF WITH A LADDER.—John Vandenrique was charged yesterday before Recorder Genois, with having carried off a ladder belonging to D. Robert. A warrant has been issued for the arrest of the accused.

FIRED.—James Redford was fined $10 yesterday by Recorder Genois for having on Monday night, unlawfully assumed the duties of a watchman, in which capacity he attempted to arrest a mulatto girl.

VAGRANCY.—James Dixon, known to the police as an incorrigible vagrant, was committed yesterday by Recorder Caldwell, for trial before the First District Court.

BREACH OF TRUST.—A man named Tony Martin was charged yesterday, before Recorder Genois, with having appropriated to his own use a breastpin entrusted to him for repairs, by Hannah Barnes.—The case has not yet been examined.

DISCHARGED.—John Marakoff, who was arrested a few days since in the Second Municipality, on the charge of having set fire to some premises at the corner of Magazine and Robin streets, was honorably discharged yesterday by Recorder Caldwell, there being no testimony whatsoever to criminate him.

BURNING.—An affidavit was made yesterday before Recorder Genois, charging A. Sindos with having assaulted a colored man named Barriere with a dirk, and wounded him. A warrant was issued for the arrest of the accused.

UNITED STATES CIRCUIT COURT.—*Judge McCaleb.*—THE MCDONOGH SUCCESSION.—Levi Pierce, Solicitor for the Executors of John McDonogh, and C. Rosellius, Robert Preaux and A. Grailhe Solicitors for the city of New Orleans, filed the following answer yesterday in this Court to the bill in Chancery of the Heirs of John McDonogh. We give the document of respondents in full, as every thing in relation to the McDonogh succession is of great interest to the city of New Orleans.

Mary Murdock et al.
vs
The Executors of John McDonogh, et al.

To the Honorable the Judge of the Circuit Court of the United States sitting in the Eastern District of Louisiana.

The answer of Christian Roselius, A. D. Crossman, W. E. Leverich and P. B. D'Aquin, Executors of the last will and Testament of the late John McDonogh, and of the Mayor, Aldermen and inhabitants of the city of New Orleans.

Respectfully represents, that these respondents, saving and reserving to themselves now and at all times hereafter, all manner of advantage and benefit that can or may be had and taken to the many uncertainties, insufficiencies and imperfections in the said complainants bill of complaint contained for answers thereto, or unto such part thereof as it is material for these defendants to answer, say, that they are entirely ignorant whether the said complainants are the next of kin of the said John McDonogh, as by them alleged, but these respondents expressly deny that the Will of John McDonogh contains any dispositions that are utterly void and void, and cannot be carried into effect; that it is not true that the testator nominally gives to the cities of New Orleans and Baltimore the residue of his real and personal estate, subject to the payment of certain annuities; yet in subsequent parts explains and modifies said dispositions, and avails the same by declaring that no part of his estate, or the revenues, or rents thereof, shall ever go into the possession of said cities, or either of them, as stated in said bill, but, that in truth and in fact, the right of property in said estate, and the enjoyment thereof are vested by said Will, in the cities of New Orleans and Baltimore, subject to certain payments in said Will enumerated; that the title to the property belonging to the successors of the testator is fully vested in said corporations of the cities of New Orleans and Baltimore, and that the directions contained in said Will in relation to the application of certain annual provisions and property are all for the immediate and direct benefit of said cities respectively, that the leading object of said Will is not to separate and divide the enjoyment of an and singular the estate, rents and personal of the testator from the ownership and title thereof, that there are legal rules in existence for vesting the title and enjoyment of said property, said legatees being the cities of New Orleans and Baltimore, and the directions given by the testator in his Will for the administration of said property, by commissioners and agents, to be appointed by said cities respectively, as only a mode pointed out by the testator for the management of said property, the title of which belongs to said cities, and the administration of which is to be for the sole use and benefit of said cities of New Orleans and Baltimore, that the commissioners and agents of the general estate are not a body corporate, nor are the owners of the conduct of the estate forever; but as before stated they were administrators of said estate on behalf and for the benefit of said cities of New Orleans and Baltimore; that there are no devises of trust subsidiary, nor *fiers commissaires*, that are forbidden by the laws of this state, contained in said Will; and that it should be considered by this Honorable Court that there are any clauses in said Will, calculated to create a perpetuity, as alleged in said bill of complaint, and cause of causes, are to be considered according to the laws of Louisiana, as inoperative and void; and are not unique; that there is a legal and beneficiary and a proprietary interest in the property belonging to the successors of the testator, bequeathed to the cities of New Orleans and Baltimore, and said legacies have been accepted by the said cities in the form of law, and have not lapsed in the manner and in the sense defined by the code for the execution of his benevolent dispositions, so too long and contrary to public policy, the same into be considered as not written, by the laws of Louisiana, and may be modified and corrected by the decree of this Hon. Court, and these respondents further say, that the entire scope and plan in said Will and all its objects and purposes are beneficial to the public, and not contrary to law; but that from one of the cities said legatees is said will, the Corporation of New Orleans is the judgment of this Hon. Court, then the same are to be considered and regarded as not written, but that the intention of the testator is so clearly manifested, that under no circumstances his testamentary will and intent should be in any right of inheritance in or to his succession, which is denied, and these respondents do expressly that the title and ownership to and in the property belonging to the successors, have ever vested in the said complainants by any right of inheritance, nor are the said complainants seized or possessed of any part of the said estate, as alleged by them in their bill of complaint; nor have the said complainants ever had any right to the seizure or possession of said property, or of any part thereof; and that if they answer these respondents aver, that they are in no manner bound to account to the said complainants for the revenues of said property; that the said executors have not collected the amounts alleged in said bill of complaint, and that the said executors maintain and contend that they are not in law bound to account for their administration of said estate, to the universal heirs at law, and Will, namely, the cities of New Orleans and Baltimore, and to the Fifth District Court of New Orleans, by whose authority they have been appointed, and these respondents submit to this Hon. Court, and every of the matters in said complainants' bill, respectfully and confidently, and