THE DAILY BEE, PUBLISHED BY
G. F. WEISER & CO.
Editors and Proprietors,
G. F. WEISER, S. HARDY,
E. SUTHERLAND, N. BUTLER.
DAILY PAPER, (one year in advance,) $12 00
COUNTRY PAPER, semi-monthly, (one year in advance,) $5 00
In all cases, subscribers must give one week's notice in writing, before they can be allowed to discontinue.

The New Orleans Bee.

NEW ORLEANS, TUESDAY MORNING, FEBRUARY 6, 1855.

RATES OF ADVERTISING

One Dollar for every TEN lines, in such language as the first insertion, and half that price for each subsequent one. No advertisement inserted for less than one dollar in such language.

Advertisements inserted at intervals will be charged one dollar for every TEN lines for both message for each insertion.

The privilege of Annual Advertisers is limited to advertisements strictly within the line of their business, and in extent to one square every other day

{Vol. XVI.—NEW SERIES.
{Vol. xxviii.—Whole No. 7645.

THE DAILY BEE.

Tuesday Morning, February 6, 1855.

THE MAIL.—We received by yesterday's mail nothing from New York later than the evening of the 29th, and no papers from Boston. From other points the mail came through.

TACIT MORTGAGES.

We have not yet examined the different clauses of the bill of Senator King which is intended to abolish the tacit mortgage system, with that care and attention which the subject demands, but from a cursory perusal of them we incline to the belief that they will need some modification. We fear that in giving to the bill a retrospective effect, vested rights and obligations under the protection of constitutional guarantees may be encroached upon. Property is sensitive and timid, and no alarm should be excited as to its security. All objections to the bill can be obviated by repealing for the future this inquitous system, and by the explicit declaration that after some future day no tacit mortgage shall be created. This would leave in force all such as are now in existence, and which in few years would expire by their own limitation, by operation of law, or by the construction of the prefect interpretation. In a few years the real estate of all mortgages would be disencumbered of tacit burdens, which have retarded the development of the resources of the State, and the settlement of our fertile territory. The future at least would be secure, and this is a point gained in favor of the great legal reform which we desire to see effected in our legislation. In France the law bears a striking resemblance to our own, but jurisconsults in that country require the registration of all mortgages—a precaution which guards the creditor and capitalist against all danger from the system. All mortgages must now be recorded before they can operate as notice to third persons, and bind them.

The bill of Senator King requires the "recordation" of the tacit mortgages now existing, by a specified day, and if this is not done, they are to cease. Now, in the first place, we hope that this thing called "recordation" may be struck out of the bill, as a barbarism which has never been naturalized in the English language, and so long as usage retains their sentence never can be. Our Legislatures, every body knows, have done and can do a great many foolish things, and have legislated a multitude of absurdities; but we seriously doubt if they can legalize the use of "recordation" among men of ordinary education, and make it an orthodox Anglo-Saxon word, by incorporating it into the laws of land. We think that if our legislature are so ambitious of being "sacred to ridicule their whole lives long," they will escapage this abominable neologism from their legislative acts.

In all seriousness, however, we approve of the main features of the bill of our Senator, and desire its passage. There can be no question that as a general principle, the law of prescription belongs to the *lex fori*, and constitutes a part of the remedy, and that the Legislature can at will contract or enlarge the period of limitation, in reference to all obligations. The legislative power is competent to determine the period of time within which actions should be brought for the enforcement of all instruments and judgments, and to extend or limit the period within which they shall cease to be enforceable by judicial tribunals. But as general rules are subject to exceptions and mutations. The remedy may be so impaired, that the obligation of contracts will be impaired, and when this is the case, the constitution interposes its aegis and protects the citizen against the active impulses and encroachment. These considerations should be kept in view by the Legislature, and they should so frame the laws as to steer clear of all constitutional objections.

At first blush we think the Legislature possesses the constitutional power to prescribe a period of time within which existing tacit mortgages shall be recorded, or in default thereof, shall cease to have any effect as regards strangers to them. We take it that the legislature laws may be amended, reformed or repealed to suit legislative policy in the wants of the country, and the interestings of individuals. They do not impair the obligation of contracts but require only their registration upon the records of a public repository within a certain time, for preservation and notification to the whole world. This is not a statute of limitations than a law affecting the conventions, rights of the parties, and seems to be free of objections.

But the bill be examined with deliberation, caution and discussion, and if it is skilfully and accurate, worked, it may be disarmed of every objection to the action of the constitution, and its framer can justly pride himself with having awarded to the adopted State a greater boon than usually falls to the lot of any citizen to bestow.

HARPER'S MONTHLY MAGAZINE.—Our thanks are due J. C. Moran's Parlour Piano, for the February number of this excellent publication. The first article, "Virginia Illustrated," is full of spirit, originality and humor. Mr. Abbott concludes his graphic sketch of Napoleon.—Then we have the Newcombs by Thackeray, the editor's easy-drawer and easy chair, and a host of gems of these series.

We have received a new monthly, the same bearing the title, and devoted to the interests of the Masonic order. It is conducted by Orsan Hulter, an accomplished writer, and bears evidence of decided talent and a city.

AMUSEMENTS.

ST. CHARLES.—Fine house was filled to overflow last night, to witness the last of the last audiences of this season of Miss Kate Hetz. Mr. Hetz's Gardner, and the evening intensely gave him a decided satisfaction.

The great Gabriel Ravel appears in the inimitable character of Jocko, as a real monkey. Those who have never seen this personal imitation of a monkey, should not miss the opportunity of seeing the finest character in this line ever exhibited on the stage.

La Rousseau a ballet in which the celebrated Misses Frances, Daniel and Louise appear is sure to be represented at the theatre to-night.

PELICAN THEATRE.—The popular Mr. Placide's benefit, on which occasion the Buccaneer will appear, occurs on next week in time.

LOUISIANA ITEMS.

The citizens of Baton Rouge held a large meeting on Friday night, and have adopted resolutions strongly condemning the system of leasing the Penitentiary to private individuals.

We take the following from the *Pickaway Banner*:

On Saturday last the usual stage upset between Donaldsonville and the Lake House, but no bones were broken, though we believe some bruised skins were the consequence.

On Tuesday the mail boat, while on her way from Tigerville to this place, (her first trip on that route,) ran against a tree oak somewhere in or near the Bayou Chenes, and was thrown down by the shock. Her chimneys were thrown down by the concussion, part of her texas demolished, and her cabin badly injured—so much so that it is doubtful she is worth repairing. The mail came through in good season, however, having been forwarded with commendable zeal.

THINGS IN MOBILE.

The *Advertiser* of Sunday has the following:

SAFETY OVER.—It will be seen by reference to our monetary column, that one merchants passed safely over the great pay day of the month—not a house having spalled or a city business obligation been dishonored.

Mobile may well be proud of such a record, and the result of yesterday must add to the already high reputation of our merchants abroad. Over half a million has been paid in one day, in something for a month of this size with its most productive trade kept back by low rivers.

FIRE.—Yesterday, at noon, the alarm of fire was sounded, the sentinel having discovered smoke issuing from the attic of Mrs Tuttle's boarding house, on Lewis's new block, on Government street. The Department turned out, but the fire was extinguished before the immediate a few minutes, though not before some furniture had been injured and a hole burned in the roof of the building. We are informed that the fire was set by a small negro boy, a servant of Mrs. Tuttle's, who deliberately made preparation for his mischief by providing himself with a box of matches previous to proceeding to his scene of operations.

STABBING.—At about 10 o'clock on Friday night, a slight altercation occurred in the Mobile Coffee house, on Government street, between a Spaniard named Joseph Lopez, and one Alex Carter Clark, in the course of which the former stabbed Clark in the stomach, inflicting a wound of which is likely to prove fatal. Romero was immediately arrested by officers Keyes and Price and committed to the guardhouse.—The wounded man now lies in the Hospital, with scarcely a possibility of recovery.

THE TRIPLE ALLIANCE IN DEFENSE OF CUBA.—A letter on the Lopez invasion of Cuba, written by the Duke de Valenzo to the then President of the French Republic, and the answer of Louis Napoleon, appear now in England, it is said, for the first time. The following is the answer of Louis Napoleon:

"*My Dear Duke*—Like you, I was discussed when I heard of the criminal attempt of certain American adventurers to seize Cuba, and if I have not answered your letter very promptly, it was because I wished to send you the result of my Council's deliberations in the matter. It was decided, some days ago, by my Cabinet to send three ships of war to Cuba, to oppose any force which might attempt an invasion of the Island. The English Government has imitated our example, according to my advices, and now I hope that France, England and the United States will unite to prevent the repetition of attempts which would entail the most serious difficulties between America and the States of Europe.

"My government is ever disposed to feel for its allies a loyal and disinterested respect, and offer them an energetic support; but this, which is always a duty, is now a matter of sympathy, and I am instructed to convey to you its friendship and esteem for the Spanish government. Remove yourself, my dear Duke, the assurance of my most distinguished respect and friendship.

"LOUIS NAPOLEON."

By Telegraph.

Transmitted to the New Orleans Bee.

[By the National Line.]

State Legislature.

Large Fire in Vicksburg.

VICKSBURG, Feb. 5—A destructive fire occurred here about sixteen o'clock this morning. It broke out in a building on Washington street, and before it could be checked, had destroyed the Farmers Saloon, Dill-dunty's grocery, Bloim's clothing store, Maddy's dentist office, and Helmer's boarding house, besides damaging Geo. Ely's saloon, Winston's clothing store and other buildings in the neighborhood. The amount of loss has not yet been ascertained, but must be quite heavy, as there was no insurance of consequence on the property.

BATON ROUGE, Monday, Feb. 5, 1-55.

SENATE.—The Senate to-day was principally occupied in the discussion of Mr. Boatner's motion to recommitter the bill leasing the Penitentiary.

Mr. Nostrer offered a proposition from William Pratt to give twelve thousand dollars.

The bill, as presented, to lease it for four thousand dollars, was then passed, 35 to 17.

HOUSE—No business of special importance was transacted in this branch.

River Intelligence.

VICKSBURG, Feb. 5.—The steamers Nashville and Hungarian passed down the river on their way yesterday morning, and the New Lucy left this morning, all bound for New Orleans.

VICKSBURG, Feb. 5.—The steamer Frank Pierce, bound to New Orleans, passed here at Sunrise last evening.

VICKSBURG, Feb. 5—Evening.—No Lists for New Orleans have passed here since our last.

NEWS OF THE DAY.

The Miles Greenwood, a steam fire engine built at Cincinnati for the city of Boston, was tried in front of the City Hall, at Washington, on the 29th, and performed most admirably, supplying itself by a suction pipe and throwing two very large streams simultaneously nearly 100 feet high. The engine will be exhibited at Baltimore, Philadelphia, and New York on its way to Boston.

A doubtful rumor prevails at Washington that the President will issue a proclamation against the Kinney expedition. Col. Kinney's headquarters is at the National Hotel, which is thronged with officers of the expedition.—Patent fire-arms of various descriptions—pistols, rifles and sabers are here being shipped.

Three men named Ward, Johnson and Bodily have been arrested at Toronto, on suspicion of being part of the gang who have been engaged in the burglaries which have lately taken place there. A check found on one of them implicates them in the robbery of the Hamilton Post Offices. They were armed with six-barrelled revolvers. Both are Americans.

At the municipal election in Austin, Texas, on the 23d ult, the American ticket was successful.

Mr. Holbrook, the Post-office agent, caused the arrest of the ticket master at Williamsville, of the New London and Palmer Railroad, for robbing the mail. The ticket master has since confessed. He was brought to Hartford, and is now in custody in the jail there.

The back Buckeyes, from Africa, for Salem, in ashes on the inner breakers of Baker's Island, off Salem. The steamer H. B. Forbes has been sent to her assistance.

The ship Favorite, from New Orleans, for Boston, went ashore on the 29th ult., at Baker's Island. The vessel and cargo are a total loss—The crew are safe.

The last accounts from England announce the death of Sir Adam Ferguson. He was keeper of the Regalia of Scotland, and the ancient sword of mercy of Sir Walter Scott. He served in the Peninsular and Waterloo. At Waterloo he served in the army with distinction, but retired with only the rank of captain. He was popular in the highest degree, kind, unassuming, and not inferior to the great man great himself in friendship of sincerity, and an unrivalled mimic of the men from whom he had acquired the art of the stage, and it may be added, nearly the last representative of the preceding generation. The Scottish antiquarian can now boast of several individuals belonging to this class of society, who can recall the memories of the past as mature men at the commencement of the present century.

A rare showing how inattentive people are to be taken up to identify relatives, has lately occurred at Philadelphia. A jeweler, some months ago, was while on his way home suddenly attacked by a ruffian who knocked him down with a severe blow, and stole a handkerchief nearly knowing him senseless. He then ran off with the booty. The jeweler was not robbed, but the ruffian knew that he had robbed a man who was able to identify him at the trial. He was tried, convicted, and sentenced to the penitentiary. Not a single person came forward to claim the jewelry, though it was known that it was taken from a man who was robbed. The Aeronaut, John Mullen, of Liberty, William Jones and James Kennedy, colored men, for the Commercial Place, Philadelphia, and Mr. Wm. Lee, of the Aeronaut, from New York to this port, were severely bruised, upon the occasion of their ascension. Mr. Hoile, of Large Mr. Lee, Mr. Wm. Lee,