A. P. WEISS, Publisher.
Office of the Bee.
DAILY PAPER, one year in advance, $12 00
COUNTRY EDITION, one copy, one year, 5 00
In all cases the subscribers must pay the postage, which will be allowed to them, before they can be supplied with the paper.

The Daily Bee.

NEW ORLEANS, THURSDAY MORNING, DECEMBER 23, 1852.

RATES OF ADVERTISING.
The Daily Bee is issued every morning, Sundays excepted, at Ten Dollars per square for the first insertion, and Five Dollars for each subsequent one. No advertisement charged for less than a full square. Half a square is a square.
☞ Advertisements inserted at intervals will be charged one dollar for every TEN lines for each insertion for each insertion.
☞ The price of the Semi-Weekly Advertisements is limited to Five Dollars strictly with the time of their best insertion, and to extend to one square every other day.

OFFICIAL PAPER OF THE STATE — NEW ORLEANS, THURSDAY MORNING, DECEMBER 23, 1852.

(No. 1979 Vol. 11—NEW SERIES. Vol. 2 XVI.—Whole No. 7017.)

THE DAILY BEE.

OFFICIAL JOURNAL OF THE STATE.

Tuesday Morning Dec. 23, 1852.

WHIG STATE TICKET.

FOR GOVERNOR,
LOUIS BERTHELON.
of Orleans.

FOR LIEUT. GOVERNOR,
JOHN RAY,
of Caddo.

FOR SECRETARY OF STATE,
D. D. AVERY,
of Baton Rouge.

FOR STATE TREASURER,
G. C. M'WHORTER,
of Concordia.

For Attorney-General,
R. N. OGDEN,
of Orleans.

For Superintendent of Public Education,
T. B. THORPE,
of Baton Rouge.

For the Senate.
J. W. STANTON,
F. A. LUMSDEN
THOMAS A. SNOW,
JAMES DAVIS.

For Representatives to the Legislature.
FIRST DISTRICT—R. M. SUMMERS, W. L. CAMPBELL.
SECOND DISTRICT—C. C. LATHROP, A. P. SIMPSON, A. J. LEEDS.
THIRD DISTRICT—H. J. RARNEY, C. R. WHEAT, JOHN C. SHARPE, T. C. HUNT, J. N. HAWTHORNE, SIDNEY SINGER.
FOURTH DISTRICT—PAUL PECQUET, C. HERMAN, A. LEBLANC.
FIFTH DISTRICT—J. L. FARRE, J. BURSON, WM. ANDRY.
SIXTH DISTRICT—J. P. BARNETT, H. St. PAUL.
SEVENTH DISTRICT—F. LAVILLE, H. C. CASTELLANOS.
EIGHTH DISTRICT—J. B. LEEPE, C. LARARRE.
NINTH DISTRICT—WM. PITCHER.
TENTH DISTRICT—T. G. MACKEY, G. W. BUFORD.
EIGHT RANKS—A. R. SEGARS.

For Aldermen—1st District.
SAMUEL JONES,
PHŒNIX N. WOOD.

Assistant Aldermen.
HYPOLITE GALLY, 5th DISTRICT.

☞ The Northern Mail came through yesterday with the latest dates.

Some Plain Truths.

The readers of the *Bee* will, we trust, pardon the extreme brevity in our editorial columns for the last week or so, in view of the magnitude of the issues involved in the State contest now at hand, and which has naturally elicited a large share of our attention. The theme may perhaps venture appear somewhat monotonous, but we venture to say that no man whose mind is properly unbiased with a sense of the immense importance to Louisiana, of maintaining the progressive policy set in motion by the Whig party, will deem a frequent recurrence to the subject improper, tedious, or uninteresting. The people of this State are now at a critical period in their history. After years of delusion and inaction occasioned partly by their over wholesome confidence in the resources with which Nature has endowed the land, and partly by the incubus weight of an oppressive and Immoderate tax, they have just begun to appreciate the manifold practical benefits of enterprise, public spirit and liberal legislation. The grand desideratum has been attained by the concentrated efforts of the Whig party, which two years ago, started the question of Reform, and despite of all opposition, has carried it triumphantly.

We stand now upon the threshold of a future that will either richly compensate us for our labor, or will extinguish all those bright anticipations in which we now revel. Our destiny, whether for good or evil, is now in our own hands. We have started well—the golden prizes in view, though yet distant. Should we relax our efforts, should we fail to renew, should we cease to strain every nerve, and brace every muscle, we shall assuredly fall back and be outstripped by every competitor in the field. There can be no alternative in a struggle of this sort. We must win it or be shamefully and irretrievably beaten. Victors, we shall be crowned with prosperity, wealth and honors. Vanquished, we shall be disgracefully hurled back to obscurity, poverty and shame. To drop the metaphor, the great system of public improvement projected by the Whig party, and sanctioned and fostered by the liberal constitution which has superseded its miserable predecessor, must be maintained and pushed forward with all the energy which has hitherto marked its progress. We cannot afford to pause—to halt is to retrograde. We have dallied long enough with lethargy, and must now strive in earnest to obtain lost ground.

It is our conviction that few of our readers, but most acknowledge the force and truth of these observations. To what do they tend? Why simply to this: The Whig party, as the originators of this new policy, as the promoters and protectors of the system of Internal Improvements, as the authors of the new Constitution, and especially of that benign provision which enables the State to lend its aid, within prudent limits, to enterprise—claims from the people the continuance of the trust heretofore reposed in it, in order that it may complete its work, by adapting Legislation to the mandates of the new organic law. In this respect, it must be—if Natural policy is rightly illustrated by individual example. Suppose one of you, after gradually sinking your fortune, by such a mistaken management to a fathless ignis, were to meet another, with more zeal, activity and talent than you have. Suppose that by the unremitting diligence of your new friend, your resources should gradually augment, your embarrassments diminish, and you should see yourself in a fair way of mounting another fortune. Would you not regard with surprise and indignation him who should at such a time entreat you to relinquish the helm and hand over advisor who had ever acted from your difficulties, and who gave you a share once more under the supervision of an indolent and unworthy steward who had already driven you to the verge of ruin. Ah! yet, this monstrous proposition is coolly made to the people of Louisiana by the Locofoco party. The Whigs, under the guidance of these wise counsellors, were all but bankrupt. Their large expenditure had dwindled to an insignificant value, their affairs were in a wretched and declining state. With a tardy sense of their condition, the people at length changed their minds. They called upon the Whigs to represent their interests, and act for them. The Whigs accepted the trust, and in an incredibly short time, have nearly repaired the errors and evils of Locofoco administration. Nevertheless Locofocoism, unabashed and reckless, presses its fatal services once more upon the victims whom it has already so deeply injured. Intoxicated and stricken with judicial blindness must they be, if they beg their enemy to their business again.

This is plain language, but it is such as best comports with the occasion. We regard the present period as a real crisis in the affairs of the State, and we would consider the secondary of the loss of internal improvements and the new Constitution ominous of evil to the best interests of the community, if the citizens then pause and ponder not on the importance to invest with power those who have wrought them nothing but injury. Let them reflect before surrendering at the behest of party, the certainty of bettering their condition.

NEW ENGLAND SOCIETY.—This honorable Association celebrated their anniversary yesterday by a dinner at the St. Louis Hotel. We received the courtesy of an invitation from the Committee, and regret exceedingly that a prior engagement compelled us to absent ourselves from the place of festivity. We have no doubt that the reunion was a pleasant one, and worthy of the memorable occasion which it commemorated.

MOORE'S MELODIES.—Messrs. E. H. BUTLER & Co., philadelphia, have sent us, through J. B. SEBAT, No. 60 Camp street, a new and magnificently illustrated edition of the Irish Melodies of THOMAS MOORE. In typographical execution, in the beauty of the engravings, the strength and solidity as well as the elegance of the edition, every possible requisite is lavished. We have recently noticed the work issued from the press of E. H. BUTLER & Co., invariably distinguished by taste and elegance. The Publishers are the chosen agents of the Poet's delighted admirers.

MESSRS. DUCKERS'S CONCERT.—We invite attention to this concert which will take place in our ballroom this evening. We have visited the rooms of this artist, and doubt not that, and persuasion the intrinsic merit of finish, exquisite delicacy and of taste shall, we have rarely, if ever, seen Fancy doing equal to his pencil. The philosophy of this art is advantageous with great facility, and the rapidity with which he will upon beautiful paper with all the delicate discoveries. Where he pictures improvement, youth, year. They have been eagerly sought, perfecting agent, that we hardly imagine can be surpassed.

☞ The Mobile Daily News says that Hamilton Walworth, of that city, "has brought a fine-looking and fifty-seven mild-tempered persons who have visited the Rotunda."

Further by the Arctic.

The mails of yesterday brought us full advice on by the *Arctic*. Among the passengers were George H. Draper, Esq., bearer of despatches from our Ministers at London and Paris; Lieut. General Antonio Vekter, of the Hungarian army, and Madame Aurelia Fenessey, Hungarian musical artist.

Mr. Henry J. Tuckerman, passenger by the *Baltic*, was bearer of despatches to London.

ENGLAND.—It is at present intended to adjourn Parliament on the 10th instant, for a recess of nine weeks, to the middle of February. Uncertainty still prevails as to the day on which Mr. D'Israeli will make his financial statement.

The address of "the Ladies of England," conveyed by the Duchess of Sutherland, for the purpose of addressing a memorial to the ladies of the United States, calling on them to use their influence for the abolition of negro slavery—acknowledges the share Britain had in the introduction of slavery into her colonies—deplores the interdiction of religious instruction to the slaves, and suggests, as the means of abolishing the institution, that the ladies of America, "as sisters, as wives, and as mothers, raise their voices to their fellow-citizens, and their prayers to God, for the removal of this affliction from the christian world."

It transpired, however, that a subscription is to be collected as an auxiliary to this end. It may be interesting to know that among the ladies present, who signified their concurrence with the meeting, were the Duchesses Bedford, Argyll, Dowager of Beaufort; Countesses of Derby, Carlisle, Shaftesbury; Viscountess Palmerston, Melbourne, Morpeth; Lady Charles Dickens, Alfred Tennyson, Mary Howitt, Macculey, Rowland Hill, with others of lesser position. An office is opened at No. 21 Clifford street, Bond street, London, and the whole machinery of the movement set in operation.

On Saturday, the 27th, expired, after a lingering illness of more than a year's duration, Lady Ada Augusta Lovelace, "only daughter of the house and heart" of the poet Byron. Her age was 37, the same as her illustrious father at his death.

In the list of company at the Guildhall of Derby's late "reception," are the names of the American Minister and Miss Wilcox.

An arrival from Tenerife reports that the dispute on some points of official etiquette continued between the recently appointed Spanish Governor and the Consuls of America, Britain, and other nations.

A notice posted in the bulletin office of the Bank of England states that the bank now sells American Eagles, French twenty franc pieces, and Dutch ten guilder pieces, at 76s. 7½d. per ounce. The selling price for eagles was previously 76s. 8½d. per ounce.

FRANCE.—The receipts from customs in France for the ten months ending the 1st Nov., exceed, by over 17,000,000 francs, the receipts for the corresponding period of the previous year.

The official vote of the Empire has not reached us. It is believed that in the South the partisans of Legitimacy have shown themselves strongest. The policy was to abstain from voting, and it is found that in Marseilles, Nimes, Toulon, and some smaller towns, the *votes* and *abstentions* together exceed the number of affirmatives, while at Lille, Lyons, and adjoining places, the Republican votes were much more *pro* was expected. Elsewhere, however, the vote was almost unanimous for the Emperor.

On 1st December the whole of the Corps Legislatif were to proceed to St. Cloud to make known the result to the Emperor elect. The proclamation for the 2d, when the Empire is to be formally proclaimed, was that Napoleon will come to the Tuileries, where he will be received by the three great bodies of State. It is expected that on his way to the Palace he will proceed to the Church of Notre Dame, where a *Te Deum* will be celebrated. At the Tuileries the great bodies of State will swear allegiance to the Emperor, who will then be formally proclaimed by the name and title of "*Napoleon III., par la grace de Dieu, et la volonté du peuple, Empereur des Francais.*" Nothing is now said of the title of "*Roi d'Algerie*." The civil list of the Emperor, it is estimated, will be about thirty millions of francs, everything included.

SICILY.—Four shocks of earthquakes were experienced on the 8th and 9th of November.—The Government continued to be very active, and never had opened, from which a stream of lava was flowing in the direction of Zafferana. Two earthquake shocks in Sagor, Syria, on the 10th and 17th.

The whole population, headed by their priests, turned out and remained in the fields, some kneeling there, beside the dying and the dead, he prayed as none but a Christian can pray.—"Sure I should be the happiest, so far of faith and hope in the Redeemer, that so can poured forth from the lips of an infidel.

"I thought would he have stopped with us stay. He left us, and as he escaped for the last time the hand of the dying friend, these pale lips were still warm with a name, and he, and as they had not worn for many a day. The troubled spirit was at rest, for the assurance had been given that the widow should be provided for in her affliction.

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CHARLESTON IN ASHES.—The Franklin (St. Mary's) *Banner* has the following.

A Thursday night, about 11 o'clock, a fire broke out in a cooper's shop in the little village of Charenton, situated on the Bayou Teche, about four miles above this place, and more commonly known by the name of Cypre. When the fire was discovered, it was entirely beyond control, and in a short time all that portion of the village on the south side of the bayou, which comprized the larger part of it, was a mass of ruins. The number of houses destroyed was about 40, most of which were small, and of comparatively trifling value; yet we understand that for the most part they comprized the entire property of their humble possessors, who by this calamity have been left in the greatest sufferer is Mr. French, the recent purchaser of an elegant, extensive and costly building of two stories, which he had just completed for a store, and was at the time filled with a large and valuable stock of assorted merchandise.—Not a single article of merchandise was saved, destroyed, but we understand that his stock was partially insured. The fire occurring so late in the night, when all the most people were supposed to have retired to rest, waking of sequent was saved from any of the burning buildings—not even the simple furniture of the poor occupants, who were aroused from their sleep, and only awoke to a consciousness of their utter desolation! All is, there can be no doubt, was the work of an incendiary, and that by the hand of human form, who for the sake of revenge, applied the midnight torch of assassination his vile purpose.

OBJECT OF THE REVOLUTION IN SONORA.—The French *Courier*, published in New York, speaks of Boulbon, the chief who is said to have "annexed" Sonora to France, as a mere adventurer, for whose acts the French Government is not responsible. The New York *Times*, on the contrary, says:

"We happen to be in possession of some information which will go to show that the revolution, which is now taking place in Sonora, is not a mere adventure, but a deliberate project of the French Government, and that the Banks knew the simulation when the mortgages were taken; he thought that the principles relative to revocatory action, however, did not apply; but, considering that the legal mortgage affected the property, and that the Bank, in receiving property, he allowed plaintiffs the priority of their mortgage—and the Banks appealed.

Judge Dufilho Eustis did not sit, being a stockholder in the Union Bank.

By Judge Slidell, The real estate never stood upon the public records in the name of J. F. Cassegne. It was conveyed brother parties to Miss Cassegne by deeds in the usual form; and in these deeds, and in the mortgages executed by the latter in favor of the Bank, she appears as the unqualified owner. It appears, however, she has only the apparent title, and the whole of the property was in reality purchased by J. F. Cassegne, her brother, for his own account and with his own funds.

If the terms of article 3,269 are to be interpreted in their most large sense, and without reference to other provisions or principles of our laws and jurisprudence, the mortgage of the wife, or husband, on the tutor's property, legal or equitable, open or concealed, was affected by the tacit incumbrance, in preference to all the world. But an interpretation thus isolated cannot be admitted.

Tacit mortgages are admitted in derogation of the common right; they should therefore be strictly construed, as tending, besides, to impair confidence, and to bring a cloud on the title, and to a whisper, that property which is so conducive to general prosperity.

We are, then, of opinion that as against innocent third parties the language of the Code must be properly interpreted as applying to the ostensible property of the tutor, and not as extending to that in which he has only a covert equitable interest. *Poke vs. Hooper*, 4 Ann 207. *Sutton vs. Merrill*, 2, Ann. 191. *Mills vs. Foley*, 1849, not reported. *Stockton vs. Craddock*, 4, Ann. 28.

And according to the evidence see before the Court, it is not shown the Banks had notice of the indebtedness.

It is therefore ordered that so much of the judgment appealed from as in any wise affects the said Bank, be reversed, and that there be judgment in favor of said banks and against plaintiffs—with costs.

Judge Dunbar concurred.

Judge Rost dissented. His opinion was that the judgment of the District Court ought to be affirmed, on the ground that the property in question was always been in J. F. Cassegne's right and possession, it was *ipso facto* and from the very beginning affected by the legal mortgage of his Wards, which had preference over the mortgages of the Banks; and that the distinction made by his colleagues was not in the law. Cheriton vs. Richardson et al, 6 Ann. 2.

Counsel for Appellees, Denis Pilot for Appellants.

James E. Lee, appellant, vs. Francis Mercier, appellee. } Third Judicial Dist., Parish of Iberville.

Plaintiff sues on a building contract made with Mercier, for non-compliance. Plaintiff claims $124 damages for delay, and destroying which amount, or the value of the work, if not upon the premises. Mercier answers that the workmen have brought suit against him for some exceeding the balance due, and prays that they may be called in concurso, and receive the said sum of $60, in dividendum. Defendant denies the violation of the contract on his part. The material-men and work men filed several answers.

The District Judge sustained the amount due for distribution to be $225, refused the claim of $124 damages, and rendered judgment in favor of material-men and workmen for the aggregate sum of $612 86, and against plaintiff, on his personal promise to pay their several amounts.

By the Court—We think there is substantial justice done between the parties.

Winfield & Cotton for Appellant. McCoy, Joundan, for appellees.

PORTER'S SELF LOADING GUN.—We were favored this morning by David Looney, Esq., of Tennessee, with a sight of this celebrated gun, patented by Colonel Parry W. Porter, of Memphis, Tennessee, and which is destined to surpass all other weapons in the family circle and field. Its great superiority of its discharges it is a light and beautiful gun, and may be discharged as a revolver twenty seven times in a minute, while it is susceptible of being loaded and fired twenty times in a minute. In conformity with a resolution of the General Assembly of Tennessee, the Governor of that State has ordered a number of these guns for use. We learn that ten thousand are now being manufactured by George P. Foster & Co. of Boston, in this State. The will soon be extensively introduced into the army of the United States, as forty men armed with this gun would be a match for four hundred with the old fashioned muskets. The New York *Times*, on the contrary, says:

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"We happen to be in possession of some important information in regard to this matter—showing the interest taken by France in the progress of our country westward, and the steps already taken to carry out the grand design to check that progress, and to erect a barrier against our further growth. We have reason to believe that the great project of planting these French settlements in Northern Mexico, is to *prevent the United States from acquiring a feasible route for a railroad to the Pacific.*"

City Intelligence.

AMUSEMENTS—ST. CHARLES THEATRE.—This is the last night but two of the rearrangement of Mr. and Mrs. Barney Williams. On this occasion will be represented, by particular request, "Ireland as it is." Also the favorite piece of "Customs of the Country," and in conclusion, the farce of "Paddy O'Reilly."

ORLEANS THEATRE.—The magnificent opera of "Jerusalem," music by Verdi, will be performed for the first time this evening.

CAMPBELL MINSTRELS.—This admirable company will give an entertainment to-night, at Odd Fellows' Hall. Their stay here is but for a limited period and everybody should get a peep at them.

ORPHAN'S FAIR.—This exhibition at the Armory Hall, continues to be nightly thronged. The display of fancy articles is beautiful and visitors can find a rare selection of holiday presents.

FIRST DISTRICT COURT.—The trial of John Duffy, George Thompson and Thos. B. Cunningham, charged with the murder of Capt. Weymouth, at McDonald's Restaurant, on March last, before the District Attorney, continued.

Large Amount was tried yesterday, on two counts, the first being for forgery and the second for uttering a forged promissory note. He stands charged with having uttered a forged note for $500, purporting to have been drawn by J. W. Minor, of Bayou Sara. The jury rendered a verdict of guilty on the second count.

Hugh Hagan Charles Moriarty and Thomas Fagan were tried on the charge of having, on the 30th May last, robbed Martin Matthews, in Girod street, of $30. The jury were unable to agree.

FIRE.—About 12 o'clock on Tuesday night, the residence of Mr Turpin, in Barrack street, between Dauphine and Bourbon streets, was discovered to be on fire, and before the inmates had barely time to dress themselves and hurry out of the premises, the entire building was nearly in flames. Fortunately the Fire Companies were quickly on the spot, and by their exertions they prevented the flames from extending further.

SERIOUS.—Yesterday, Mr. Lucien Barre, a young man of some 18 years of age, in the employ of Mr. Bernard Wimbs, in St. Charles street, received a severe wound in the left side, from a knife in the hands of one who knew not how to show mercy. He demanded immediate payment, and we were about to sell our house when our oldest child was taken down with fever, and soon left us, as we hope, for a better world. The same disease prostrated my husband, and when the physician told me he must die, I felt that my cup of sorrow was full. But no—I was mistaken. There was yet another drop to be mingled in the cup of bitterness. While my husband yet lingered between life and death, my daughter, the only remaining child, was taken also, and after five days' suffering, she too left us, to rejoin her brother in the "spirit land."

"Do you ask how I have lived since the second bereavement? I believe I had not leisure to think of it. All my time, all my attention, was given to my husband, who was slowly but surely going down to the grave. I had seven functions the hard hearted creditor. But he did not forget.—Inexorable as death itself, he came at the time appointed and demanded the money. I think he must have been intoxicated, for I am sure no man in his sober senses could have been so cruel. I told him my husband was dying, but he replied: "Sorry, sorry to hear it. I want to earn my more money, and, as you can't pay up, I'm just take the house. You can live somewhere else." I told him he was taking the roof from my head. I let repeated my cruel remarks, and, thinking to move his feelings, I led him to the room where my husband was lying in a stupor.

"Vain hope! I might as well have tried to move an iceberg. After much entreaty I obtained permission to remain in the house while my loved one lived, on conditions I gave up the furniture. This I promised, that I might in mem be troubled with his Lucifer presence.

"The sun set, and I sank into a chair, utterly overcome at the prospect of the desolation before me. At that moment I heard a rap at the door, and I sank into a chair, utterly overcome at the prospect of the desolation before me. At that moment I heard a rap at the door, and I sank into a chair, utterly overcome. I felt that my heart was breaking. But the door slowly opened, and Mr. Webster stood before us. He had come home on a visit, and, without knowing any thing of our misfortune, rode over to see and embrace his early friend.—What was his surprise to find him thus! And when the story of our troubles was told, and when he had assured himself that his long-cherished friend had but a few more hours to live, he sat down and wept.

"Then he asked to see the corpse of his little pet, who, when he last visited us, sat upon his knee and kissed him. He had come to see us, to leave the bed, my husband said. As he rose he said, "Fetch her to me, that I too may look upon that sweet face once more."

"We placed the child beautiful form beside the bed, and, standing near it, with the tears coursing unconsolable grief. When able to command his voice, he said, "Let us pray." And, all kneeling there, beside the dying and the dead, he prayed as none but a Christian can pray.—Pure in language, rich in the eloquence of faith and hope in the Redeemer, and as we poured forth from the lips of an infidel.

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SAMANA, reported lately to have been seized by the French, and to be appropriated by them as a naval station, is a peninsula on the eastern portion of the island of Hayti, between the parallels of 19 and 20 north, and 69 and 70 west from Greenwich. It is about 30 miles in length on the map, it must be the most desirable location for a naval depot which the whole island affords. Two or three years ago, it was something more hereafter of this new French appropriation.—*Alexandria Gazette.*

CHARENTON IN ASHES.—The Franklin (St. Mary's) *Banner* has the following.

A Thursday night, about 11 o'clock, a fire broke out in a cooper's shop in the little village of Charenton, situated on the Bayou Teche, about four miles above this place, and more commonly known by the name of Cypre. When the fire was discovered, it was entirely beyond control, and in a short time all that portion of the village on the south side of the bayou, which comprized the larger part of it, was a mass of ruins. The number of houses destroyed was about 40, most of which were small, and comparatively trifling value; yet we understand that for the most part they comprized the entire property of their humble possessors, who by this calamity have been left in the greatest sufferer is Mr. French, the recent purchaser of an elegant, extensive and costly building of two stories, which he had just completed for a store, and was at the time filled with a large and valuable stock of assorted merchandise.—Not a single article of merchandise was saved, destroyed, but we understand that his stock was partially insured. The fire occurring so late in the night, when all the most people were supposed to have retired to rest, waking of sequent was saved from any of the burning buildings—not even the simple furniture of the poor occupants, who were aroused from their sleep, and only awoke to a consciousness of their utter desolation! All is, there can be no doubt, was the work of an incendiary, and that by the hand of human form, who for the sake of revenge, applied the midnight torch of assassination his vile purpose.

OBJECT OF THE REVOLUTION IN SONORA.—The French *Courier*, published in New York, speaks of Boulbon, the chief who is said to have "annexed" Sonora to France, as a mere adventurer, for whose acts the French Government is not responsible. The New York *Times*, on the contrary, says:

"We happen to be in possession of some information which will go to show that the revolution, which is now taking place in Sonora, is not a mere adventure, but a deliberate project of the French Government, and that the Banks knew the simulation when the mortgages were taken; he thought that the principles relative to revocatory action, however, did not apply; but, considering that the legal mortgage affected the property, and that the Bank, in receiving property, he allowed plaintiffs the priority of their mortgage—and the Banks appealed.

Judge Dufilho Eustis did not sit, being a stockholder in the Union Bank.

By Judge Slidell, The real estate never stood upon the public records in the name of J. F. Cassegne. It was conveyed brother parties to Miss Cassegne by deeds in the usual form; and in these deeds, and in the mortgages executed by the latter in favor of the Bank, she appears as the unqualified owner. It appears, however, she has only the apparent title, and the whole of the property was in reality purchased by J. F. Cassegne, her brother, for his own account and with his own funds.

If the terms of article 3,269 are to be interpreted in their most large sense, and without reference to other provisions or principles of our laws and jurisprudence, the mortgage of the wife, or husband, on the tutor's property, legal or equitable, open or concealed, was affected by the tacit incumbrance, in preference to all the world. But an interpretation thus isolated cannot be admitted.

Tacit mortgages are admitted in derogation of the common right; they should therefore be strictly construed, as tending, besides, to impair confidence, and to bring a cloud on the title, and to a whisper, that property which is so conducive to general prosperity.

We are, then, of opinion that as against innocent third parties the language of the Code must be properly interpreted as applying to the ostensible property of the tutor, and not as extending to that in which he has only a covert equitable interest. *Poke vs. Hooper*, 4 Ann 207. *Sutton vs. Merrill*, 2, Ann. 191. *Mills vs. Foley*, 1849, not reported. *Stockton vs. Craddock*, 4, Ann. 28.

And according to the evidence see before the Court, it is not shown the Banks had notice of the indebtedness.

It is therefore ordered that so much of the judgment appealed from as in any wise affects the said Banks, be reversed, and that there be judgment in favor of said banks and against plaintiffs—with costs.

Judge Dunbar concurred.

Judge Rost dissented. His opinion was that the judgment of the District Court ought to be affirmed, on the ground that the property in question was always been in J. F. Cassegne's right and possession, it was *ipso facto* and from the very beginning affected by the legal mortgage of his Wards, which had preference over the mortgages of the Banks; and that the distinction made by his colleagues was not in the law. Cheriton vs. Richardson et al, 6 Ann. 2.

Counsel for Appellees, Denis Pilot for Appellants.

James E. Lee, appellant, vs. Francis Mercier, appellee. } Third Judicial Dist., Parish of Iberville.

Plaintiff sues on a building contract made with Mercier, for non-compliance. Plaintiff claims $124 damages for delay, and destroying which amount, or the value of the work, if not upon the premises. Mercier answers that the workmen have brought suit against him for some exceeding the balance due, and prays that they may be called in concurso, and receive the said sum of $60, in dividendum. Defendant denies the violation of the contract on his part. The material-men and work men filed several answers.

The District Judge sustained the amount due for distribution to be $225, refused the claim of $124 damages, and rendered judgment in favor of material-men and workmen for the aggregate sum of $612 86, and against plaintiff, on his personal promise to pay their several amounts.

By the Court—We think there is substantial justice done between the parties.

Winfield & Cotton for Appellant. McCoy, Joundan, for appellees.

PORTER'S SELF LOADING GUN.—We were favored this morning by David Looney, Esq., of Tennessee, with a sight of this celebrated gun, patented by Colonel Parry W. Porter, of Memphis, Tennessee, and which is destined to surpass all other weapons in the family circle and field. Its great superiority of its discharges it is a light and beautiful gun, and may be discharged as a revolver twenty seven times in a minute, while it is susceptible of being loaded and fired twenty times in a minute. In conformity with a resolution of the General Assembly of Tennessee, the Governor of that State has ordered a number of these guns for use. We learn that ten thousand are now being manufactured by George P. Foster & Co. of Boston, in this State. They will soon be extensively introduced into the army of the United States, as forty men armed with this gun would be a match for four hundred with the old fashioned muskets. The New York *Times*, on the contrary, says:

"We happen to be in possession of some important information in regard to this matter—showing the interest taken by France in the progress of our country westward, and the steps already taken to carry out the grand design to check that progress, and to erect a barrier against our further growth. We have reason to believe that the great project of planting these French settlements in Northern Mexico, is to *prevent the United States from acquiring a feasible route for a railroad to the Pacific.*"

City Intelligence.

AMUSEMENTS—ST. CHARLES THEATRE.—This is the last night but two of the rearrangement of Mr. and Mrs. Barney Williams. On this occasion will be represented, by particular request, "Ireland as it is." Also the favorite piece of "Customs of the Country," and in conclusion, the farce of "Paddy O'Reilly."

ORLEANS THEATRE.—The magnificent opera of "Jerusalem," music by Verdi, will be performed for the first time this evening.

CAMPBELL MINSTRELS.—This admirable company will give an entertainment to-night, at Odd Fellows' Hall. Their stay here is but for a limited period and everybody should get a peep at them.

ORPHAN'S FAIR.—This exhibition at the Armory Hall, continues to be nightly thronged. The display of fancy articles is beautiful and visitors can find a rare selection of holiday presents.

FIRST DISTRICT COURT.—The trial of John Duffy, George Thompson and Thos. B. Cunningham, charged with the murder of Capt. Weymouth, at McDonald's Restaurant, on March last, before the District Attorney, continued.

Large Amount was tried yesterday, on two counts, the first being for forgery and the second for uttering a forged promissory note. He stands charged with having uttered a forged note for $500, purporting to have been drawn by J. W. Minor, of Bayou Sara. The jury rendered a verdict of guilty on the second count.

Hugh Hagan Charles Moriarty and Thomas Fagan were tried on the charge of having, on the 30th May last, robbed Martin Matthews, in Girod street, of $30. The jury were unable to agree.

FIRE.—About 12 o'clock on Tuesday night, the residence of Mr Turpin, in Barrack street, between Dauphine and Bourbon streets, was discovered to be on fire, and before the inmates had barely time to dress themselves and hurry out of the premises, the entire building was nearly in flames. Fortunately the Fire Companies were quickly on the spot, and by their exertions they prevented the flames from extending further.

SERIOUS.—Yesterday, Mr. Lucien Barre, a young man of some 18 years of age, in the employ of Mr. Bernard Wimbs, in St. Charles street, received a severe wound in the left side, from a knife in the hands of one who knew not how to show mercy. He demanded immediate payment, and we were about to sell our house when our oldest child was taken down with fever, and soon left us, as we hope, for a better world. The same disease prostrated my husband, and when the physician told me he must die, I felt that my cup of sorrow was full. But no—I was mistaken. There was yet another drop to be mingled in the cup of bitterness. While my husband yet lingered between life and death, my daughter, the only remaining child, was taken also, and after five days' suffering, she too left us, to rejoin her brother in the "spirit land."

"Do you ask how I have lived since the second bereavement? I believe I had not leisure to think of it. All my time, all my attention, was given to my husband, who was slowly but surely going down to the grave. I had seven functions the hard hearted creditor. But he did not forget.—Inexorable as death itself, he came at the time appointed and demanded the money. I think he must have been intoxicated, for I am sure no man in his sober senses could have been so cruel. I told him my husband was dying, but he replied: "Sorry, sorry to hear it. I want to earn my more money, and, as you can't pay up, I'm just take the house. You can live somewhere else." I told him he was taking the roof from my head. I let repeated my cruel remarks, and, thinking to move his feelings, I led him to the room where my husband was lying in a stupor.

"Vain hope! I might as well have tried to move an iceberg. After much entreaty I obtained permission to remain in the house while my loved one lived, on conditions I gave up the furniture. This I promised, that I might in mem be troubled with his Lucifer presence.

"The sun set, and I sank into a chair, utterly overcome at the prospect of the desolation before me. At that moment I heard a rap at the door, and I sank into a chair, utterly overcome. I felt that my heart was breaking. But the door slowly opened, and Mr. Webster stood before us. He had come home on a visit, and, without knowing any thing of our misfortune, rode over to see and embrace his early friend.—What was his surprise to find him thus! And when the story of our troubles was told, and when he had assured himself that his long-cherished friend had but a few more hours to live, he sat down and wept.

"Then he asked to see the corpse of his little pet, who, when he last visited us, sat upon his knee and kissed him. He had come to see us, to leave the bed, my husband said. As he rose he said, "Fetch her to me, that I too may look upon that sweet face once more."

"We placed the child beautiful form beside the bed, and, standing near it, with the tears coursing unconsolable grief. When able to command his voice, he