The New-Orleans Bee.

No. 1475 Vol. X.—NEW SERIES. Vol. XXIX—Whole No. 6474.

OFFICIAL PAPER OF THE STATE ..... NEW-ORLEANS, MONDAY MORNING, MARCH 3, 1851

G. F. WEISSE, Proprietor NO. 82 CHARTRES STREET

TERMS OF THE BEE.

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The New-Orleans Daily Bee.

Official Journal of the State, General Council, First Municipality and Board of Liquidators.

Monday Morning March 3, 1851.

THE NORTHERN MAIL failed yesterday from beyond Montgomery. Several of the back mails came through.

☞ We are indebted to the Hon. P. SOULE, for interesting public documents.

THE BOSTON SLAVE CASE.

The papers still teem with comments on the outrage in Boston, and with the narration of incidents growing out of it. We perceive that Marshal TUKEY having stated that, if so authorized by the Mayor, he would arrest and keep fugitive slaves, or resign his office, the Mayor and Aldermen met on Tuesday evening, 18th inst., and passed the following preambles and order:

City of Boston, In Board of Mayor and Aldermen, Tuesday, Feb. 18, 1851.

Whereas this board has learned with deep regret, that the integrity of the laws and the dignity of the commonwealth and city have been greatly impaired by the forcibly rescuing and abducting of a prisoner from the hands of an officer of the United States who had him in close custody—therefore, it is

Ordered, That the city marshal, under the instructions of the Mayor, be directed, whenever he shall be properly informed by any public officer of this State, or the United States, that there is danger that he shall be unlawfully obstructed in the performance of his official duties by a mob, and that he needs assistance, immediately to repair to the place where it is apprehended said riot will be had, and there faithfully and truly, with the whole police force under his control, use the same in the most energetic manner possible, in support of the laws and the maintenance of the public peace.

We have already mentioned that WRIGHT, the abolition editor of the *Commonwealth*, has been held to bail in the sum of $3000 for his appearance at his trial on the second Thursday in March. On the 21st, Mr. E. K. HAYS, superintendent of the Tremont Temple, was arrested upon the charge of aiding and abetting in the rescue of SHADRACH. He was taken before Commissioner HALLETT, in the U. S. court room, and held for examination at a future day, in the sum of $3,000. A colored man named ALEXANDER BURTON, was arrested on the same charge at Salem, and taken to Boston, where, as the case accounts, he was awaiting his examination. The case of Attorney DAVIS was not concluded. It was thought, however, he would be discharged.

The people of Boston are getting heartily ashamed of the damaged reputation of their city, and appear anxious to atone by their activity in bringing the offenders to justice, for their remissness in allowing the crime to be perpetrated.

JENNY LIND'S Tenth Concert takes place this evening, and we are pleased to see that her programme is composed almost entirely of novelties. The "Nightingale" will sing the delicious aria "*En rain y Espere*" from Robert Le Diable; the duett from La figlia del Reggimento—"*Apparsi la Luce*," with Signor Belletti; the glorious prayer from Der Freyschutz; And Robin Gray, and the Bird Song. Here is attraction enough in all conscience. The admirers of MISS LIND would do wisely to profit by this opportunity, for after Friday next, the Nightingale flies to other climes and will be heard no more.

SOUTHERN QUARTERLY REVIEW.—The January number of the Review has been received. The articles are as follows: History of the Polk Administration; Mental Hygiene; The Genius and writings of Thackeray; Rights of the Slave States; Battle of Buena Vista; Is Southern Civilization worth preserving; Writings of Professor Francis; Elementary Sketches of Moral Philosophy; Tal ulah and other Poems; Critical notices.

DAN RICE AND THE JACKSON MONUMENT.—The benefit so disinterestedly tendered by Dan Rice, toward the erection of the Jackson Monument, on Saturday night, was a bumper. The vast Circus on St. Charles street was crowded to its utmost capacity, and the audience was perfectly delighted with the performances, more especially with the novel sketch of the Battle of Orleans. Dan Rice is the last man to think of himself, and we shall therefore undertake to do it for him by suggesting that a complimentary benefit be given to him before his departure.—No one is better entitled to it, for he possesses that genuine liberality which always gives heed to the poor and unfortunate.

ORLEANS THEATRE.—The performances tonight have been set apart for the benefit of that charming comic singer Madame Gassner, who will appear for the first time in the new comic opera of "Le Torador." We are also to have a new vaudeville entitled "Les fantaisies de Milord." We hope to see a crowded house.

THE FIRE DEPARTMENT.—The Fourteenth Anniversary of the Fire Department will be celebrated to-morrow in a manner worthy of this gallant association. The programme, which will be found in another column, has been admirably arranged, and embraces, as will be seen, all the principal State and city dignitaries. The celebration, more especially if accompanied by fine weather, will be most beautiful.

CAMP FIRES OF THE REVOLUTION: or the War of Independence, illustrated by thrilling events and stories by the Old Continental Soldiers. By Henry C. Watson(with original illustrations by Croome. Our thanks are due the publishers, Lindsay & Blackiston, through J. B. Steel, No. 14 Camp street, for a copy of this beautiful work. It is splendidly got up—paper, binding and typography being all extremely fine, and corresponding with the value of the book. It possesses the intense interest of a romance, enhanced by the knowledge that every word of its contents is true. To those who love to con the stirring incidents of the Revolution, without the necessity of wading through the comparatively dull details of marches, counter marches and military manœuvres, this volume will prove highly attractive. The illustrations are numerous and spirited.

MURDER.—At an early hour yesterday morning a most diabolical murder was committed at Algiers, the victim being W. F. BENSIEK, the well known keeper of the public Baths, some few years ago. It appears that at about 1 o'clock in the morning two individuals knocked at the residence of Bensiek, whereupon the latter descended to ascertain the character of his visitors. On opening the door he was immediately attacked by the miscreants and stabbed in three or four different places, from the result of which death ensued immediately, as the black and an orphan boy, residing in the house, who were both roused by the scuffle and hastened to the spot, found life to be already extinct. It seems to be generally conceded that this murder was committed from motives of vengeance, and suspicion has already alighted on some parties with whom the deceased had a quarrel a few days since. An individual was arrested yesterday on the supposition of being concerned in the matter.

☞ We are gratified to learn that T. B. THORPE [Tom Owen, the Bee Hunter] has been appointed Inspector of Live Oak by President Fillmore.

PROPULSION OF MOBILE.—Within the corporate limits of Mobile there are 20,514 souls. The population of the entire county is 27,599. The city has increased 854, and the county 815 since the census of 1840.

FRAYERY.—A great row has taken place in Red River, above Shreveport, at Harricane's bluff, the river is within 18 inches of high water mark, and still rising. At Shreveport, a general overflow is anticipated. Throughout the Western part of the State the rivers and streams are excessively high, and the people were in fear of an inundation.

By Magnetic Telegraph.

[TO THE N. O. BEE.]

NEW YORK, 24th Feb

Cotton—sales 400 bales; middling 11¼ @ 11¾. Flour—sales 4000 bbls. Corn—1500 bushels at 65c. Pork—600, market steady. Lard—400 at 8¾@8¾. Whiskey 95¾. Molasses, 500, market unchanged. Coffee 11@11¾. Tobacco, sales 50 hhds at 10c. Sterling 9@10. Freights quarter penny on Cotton.

NEW YORK, Feb. 25th.

Cotton—sales 2000; middling 11¾@11¾; stock 70,000 bales. Flour—sales two days 10,000 bbls Ohio 4¾@4¾. Corn—15,000 at 64¾@65. Pork—sales two days 3000 old 12¾; prime 9¾; new mess Pork 13¾. Lard—400 at 8¾@8¾. Tobacco—75 at 10@11c. Sugar—sales 100 at 5¾@6¾. Molasses, market advanced ¼ cent; 1000 bbls sold, Orleans at 21@31¾. Coffee—700 sks Rio at 10¾@11¾, 4000 private bargain. Sterling active, per Africa 9¾@10. Freights for Cotton ¼@⅜ for Liverpool.

CONGRESS.

In the SENATE on the 21st ult., a message was received from the commissioner of Indian Affairs, in response to a resolution of the Senate, upon the mode practised by the Government in paying Indian annuities; and Messrs. Ewing, Turner, Douglass and Gwin had a discussion upon the proceedings of inquiry introduced in that body by Mr. Richardson, of Illinois.

A motion to reconsider the vote by which the bill for the relief of the Tennessee and Georgia Railroad company, was laid on the table, was discussed, and then postponed.

A message was then received from the President, in response to Mr. Clay's resolution. The President has received no official information yet in regard to the case. He repeats, the laws of the United States which authorize the United States marshals to hire prisons for the confinement of persons. He also states that the laws require proclamation before the authorities can call into exercise military authority. He urges that this latter law be amended. He declares his design to execute the law to the utmost extent of his power. The message gave rise to considerable discussion between Messrs. Clay, Hale, Butler, Mason and others, but was finally referred to the committee on the Judiciary.

In the HOUSE, a joint resolution proposing amendments of the Constitution of the United States, was referred to the Committee on the Whole on the state of the Union, and ordered to be printed.

The House then took up the private bills on the Speaker's table, several of which were finally passed.

On the bill for the relief of Wm. Stewart coming up for the decision of the House, an amendment having been reported from the Committee of the Whole, substituting January 18-0 for 1847, which was inserted in the bill originally, the Speaker stated that there were sixteen or eighteen bills of a similar character, which are similarly situated, and suggested the propriety of taking the sense of the House upon the bill now reported, and thus settling the principle as to them all, at the same time.

A few remarks were made by Mr. Conger, of New York, and Mr. Jones, of Tennessee, when the previous question was carried. After which the main question was put, and the amendment was negatived; as was the case with reference to the other bills; so that the pensions will commence at the earlier periods embraced in the several bills.

An attempt was made to take the yeas and nays; but which was rejected by a large majority.

The House then resolved itself into a committee of the Whole, and the bill granting appropriations for the Post-office department was taken up.

Previous to my discussion taking place on the bill, Mr. Hasty called the attention of the committee to a misrepresentation in the report published in the Congressional Globe, of what took place between Mr. Clark, of New York, and himself a few evenings since.

The rest of the day was taken up in discussing the bill. Mr. Potter, of Ohio, moved amendments to strike out certain portions of it, and determining the salaries to be paid to officers and clerks of the Departments.

During the day a message was received from the President of the United States, but the House being in committee it was not reported.

The House committee rose and without passing the bill, the House adjourned.

LATER FROM CHAGRES AND CALIFORNIA.

The steamship *Pampero*, Lieut. W. W. Hunter, arrived yesterday from Chagres, having sailed on the 20th ult. She brings 169 passengers, six of whom came by the steamship *Tennessee* from San Francisco, where they left on the 23d January, eight days later than our previous advices.

Neither of these passengers brought any newspapers, but we learn verbally that there was no intelligence of importance at San Francisco. Business is reported to be dull and the accounts from the gold mines are fluctuating.

The Steamship *North America* from New York, arrived at Chagres, on the same day that the *Pampero* left. The *Georgia* was daily expected. A number of sailing vessels left Chagres previous to the sailing of the *Pampero*, with passengers for different ports in the United States. It was reported at Chagres that a large number of returned Californians were on the isthmus homeward bound. The propeller *Ontario* was at Chagres, destination unknown.

LATEST FROM JAMAICA.—By the *Crescent City*, we have received regular files of the Kingston Morning Journal, with dates down to the day of sailing.

The cholera has not fully died out yet, if we are to infer from the reports from Falmouth, Trelawny, Montego Bay, &c. Several deaths had occurred within the few days previous to the steamer's sailing, and quite a large number of cases were reported. The excitement and alarm on the subject, however, had subsided.

There is no political or commercial news of importance.

CONNECTICUT.—The Democracy have made the following nominations:

For Governor—Col. Thomas H. Seymour;
" Lieut. Governor—Charles A. Pond;
" Secretary of State—J. C. Smith;
" Controller—Rufus G. Pinney;
" Treasurer—Henry D. Smith.

The Whigs have nominated Charles Chapman for Governor. Their Congressional nominations are not yet completed.

GEORGIA CENSUS.—Returns from Georgia have been received at the Census Office, except those from Baker, Floyd, Troup, and Richmond counties.

The returns, so far as received, make the free population of this State, 501,451
Slaves, 356,959
858,410
Add the estimated population of the counties not heard from, 62,200
And we have a total of, 920,610

Which, it is believed, will be found to vary but little from the official result.

SPRINGFIELD, MASS., Feb. 20.

THOMPSON, THE ENGLISH ABOLITIONIST, PELTED WITH EGGS, &c.—Thompson, the notorious English abolition lecturer, was pelted with rotten eggs while at the railroad depot in this place yesterday. He was completely covered over with the precious commodity. This, too, in the presence of a large crowd of spectators who hooted him with all manner of disapprobatory vociferations. It was with great difficulty and only by the interference of the authorities that the populace was prevented from perpetrating even more serious chastisement upon him.

Stones and other missiles were thrown into his room night before last, thus holding him very uneasy. He has departure in secret for the West. Perhaps he would do well to go South.

ESCAPE FROM JAIL.—Three prisoners who were confined in the western wing of the Charleston Jail, two of whom had been committed for trial for criminal offences, and the third as a witness in a criminal prosecution, made their escape during Friday night last.—They were lodged in a room in the third story, a portion of the panneling of which they removed, and having cut a hole through the brick work, which is fully two and a half feet thick, sufficiently large to admit of the egress of their bodies, their blankets were torn into slips and converted into a rope, with which they let themselves down into the enclosure below.—With the assistance of a portion of the same rope, they scaled the wall and made their escape. Their names are N. W. Ridgely, W. L. Foreman, and J. Camme. A reward of one hundred dollars is offered by the Sheriff of the district, for their arrest, or twenty-five dollars for the delivery of either of them to the jailer.—*Charleston Courier.*

THE PRESIDENT'S MESSAGE.

THE BOSTON RIOT.

We esteem it a duty and we regard it a pleasure, to lay before our readers the annexed message of the President of the United States touching the recent disgraceful outbreak in the city of Boston. This documentwas elicited by a resolution of the Senate calling upon the Executive for information on the subject. We feel persuaded that no Southern man can peruse the straight-forward, manly and honorable sentiment embodied in this document, without the highest gratification. It is unquestionable that Mr. FILLMORE intends to enforce obedience to the law by all the means which Congress and the Constitution have placed in his disposal. He furnishes the strongest evidence of his intentions, when he points out the defects existing in the present acts, and suggests to the Legislative power the expediency of extending the authority vested in the Executive, so as to enable more promptly and decisively and certainly to suppress violence or punish rebellion.

We have no space to-day to analyze the message in detail or comment further on its national and noble spirit, but must content ourselves with submitting it to the public, in the full and entire assurance that not a single dissentient will be found throughout the South, to the patriotic views expressed by our Chief Magistrate:

EXECUTIVE DEPARTMENT, February 19, 1851.

To the Senate of the United States:

I have received the resolution of the Senate of the 18th instant, requesting me to lay before that body, if not incompatible with the public interest, any information I may possess in regard to an alleged recent case of a forcible resistance to the execution of the laws of the United States in the city of Boston, and to communicate to the Senate, under the above conditions, what means I have adopted to meet the occurrence; and whether, in my opinion, any additional legislation is necessary to meet the exigency of the case, and to more vigorously execute existing laws.

The public newspapers contain an affidavit of Patrick Riley, a deputy marshal for the district of Massachusetts, setting forth the circumstances of the case, a copy of which affidavit is herewith communicated. Private and unofficial communications concur in establishing the main facts of this account, but no satisfactory official information has as yet been received, and in some important respects the accuracy of the account has been denied by persons whom it implicates. Nothing could be more unexpected than that such a gross violation of law, such a high handed contempt of the authority of the United States, should be perpetrated by a band of lawless confederates, at noonday, in the city of Boston, and in the very temple of justice. Regarded as the ordinary proceeding, as being a surprise not unattended by some degree of negligence, no doubt that, if any such act of violence had been apprehended, thousands of the good citizens of Boston would have presented themselves, voluntarily and promptly, to prevent it; but the danger does not seem to have been timely made known, or duly appreciated by those who were concerned in the execution of the process.

In a community distinguished for its love of order and respect for the laws, among a people whose sentiment is liberty and law, and not liberty without law, nor above the law, such an outrage could only be the result of sudden violence, unhappily too much unprepared for to be successfully resisted. It would be melancholy, indeed, if we were obliged to regard this outbreak against the constitutional and legal authority of the Government, as proceeding from the general feeling of the people, in a spot which is proverbially called "the cradle of American liberty." Such, undoubtedly, is not the fact. It violates, without question, the general sentiment of the people of Boston, and of a vast majority of the whole people Massachusetts, as much as it violates the law, defies the authority of the Government, and disgraces those concerned in it, their aiders and abettors.

It is, nevertheless, my duty, to lay before the Senate, in answer to its resolution, some important facts and considerations connected with the subject.

A resolution of Congress, of September 23, 1789, declared:

"That it be recommended to the Legislatures of the several States to pass laws, making it expressly the duty of the keepers of their jails to receive and safe keep therein, all prisoners committed under the authority of the United States, until they shall be discharged by the course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such jails, at the rate of fifty cents per month for each prisoner, that shall, under their authority, be committed, thereto, during the time such prisoner shall be therein confined; and also to support such of said prisoners, as shall be committed for offences."

A further resolution of Congress, of the 3d of March, 1791 provides that "whereas Congress did, by a resolution of the 23d day of September, 1789, recommend to the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States; in order, therefore, to insure the administration of justice—

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case any State shall not have complied with the said recommendation, the marshal in such State, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States."

And a resolution of Congress of March 3, 1821, provides that "where any State or States, having complied with the recommendation of Congress in the resolution of the twenty-third day of September, 1789, shall have withdrawn or shall hereafter withdraw, either in whole or in part the use of their jails for prisoners committed under the authority of the U. S., the marshal in such State or States, under the direction of the judge of the district, shall be and is hereby authorized and required to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States."

These various provisions of the law remain unrepealed.

By the law of Massachusetts as that law stood before the act of the Legislature of that State, of the fourth of March 1843, the common jails in the respective counties were to be used for the detention of any persons detained or committed by the authority of the courts of the United States, as well as by the courts and magistrates of the State. But these provisions were abrogated and repealed by the act of the Legislature of Massachusetts of the 24th of March, 1843.

That act declares that "no judge of any court of record of this Commonwealth, and no justice of the peace, shall hereafter take cognizance or grant certificates in cases that may arise under the third section of an act of Congress passed February 12, 1793, and entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' to any person who claims any other person as a fugitive slave within the jurisdiction of the Commonwealth." And it further declares that "no sheriff, deputy sheriff, coroner, constable, jailor, or other officer of this Commonwealth, shall hereafter arrest or aid in the arrest or detention, or imprisonment in any jail or other building, belonging to this Commonwealth, or to any county, city, or town thereof, of any person for the reason that he is claimed as a fugitive slave." And it further declares that "any justice of the peace, sheriff, deputy sheriff, coroner, constable, or jailor, who shall offend against the provisions of this law, by in any way acting directly or indirectly under the power conferred by the third section of the act of Congress aforementioned, shall forfeit a sum not exceeding one thousand dollars for every such offence, for the use of the county where said offence is committed, or shall be subject to imprisonment not exceeding one year in the county jail.

This law, it is obvious had two objects; the first was to make it a penal offence in all officers and magistrates of the Commonwealth to exercise the powers conferred on them by the act of Congress of the 12th of February, 1793, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," and which powers they were fully competent to perform up to the time of this inhibition and penal enactment; second, to refuse the use of the jails of the State for the detention of any person claimed as a fugitive slave.

It is deeply to be lamented that the purpose of these enactments is quite apparent. It was to prevent, as far as the Legislature of the State could prevent, the laws of Congress passed for the purpose of carrying into effect that article of the Constitution of the United States which declares that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due," from being carried into effect. But these acts of State legislation, although they may cause embarrassment and create expense, cannot derogate either from the duty or the authority of Congress to carry out fully and fairly the plain and imperative constitutional provision for the delivery of persons, bound to labor in one State and escaping into another, to the party to whom such labor may be due.

It is quite clear that, by the resolution of Congress of third of March, 1821, the marshal of the United States, in any State in which the use of the jails of the State has been withdrawn in in whole or in part for the purpose of the detention of persons committed under the authority of the United States, is not only empowered, but expressly required, under the direction of the judge of the district, to hire a convenient place for the safe-keeping of prisoners committed under authority of the United States. It will be seen, from papers accompanying this communication, that the attention of the marshal of Massachusetts was distinctly called to this provision of the law by a letter from the Secretary of State of the date of October 28th last. There is no official information that the marshal has provided any such place for the confinement of his prisoners. If he has not, it is to be regretted that this power was not exercised by the marshal, under the direction of the district judge, immediately on the passage of the act of the legislature of Massachusetts of the 24th of March, 1843, and especially that it was not exercised on the passage of the fugitive slave law of the last session, or when the attention of the marshal was afterwards particularly drawn to it.

It is true that the escape from the deputy marshals in this case was not owing to the want of a prison or place of confinement; but still it is not easy to see how the prisoner could have been safely and conveniently detained, during an adjournment of the hearing for some days, without such place of confinement. If it shall appear that no such place has been obtained, directions to the marshal will be found to lose no time in the discharge of this duty.

I transmit to the Senate the copy of a proclamation issued by me on the 18th instant, in relation to these unexpected and deplorable occurrences in Boston, together with copies of instructions from the Departments of War and Navy, relative to the general subject. And I communicate, also, copies of telegraphic dispatches transmitted from the Department of State to the district attorney and marshal of the United States for the district of Massachusetts, and their answers thereto.

In regard to the last branch of the inquiry made by the resolution of the Senate, I have to observe that the constitution declares that "the President shall take care that the laws be faithfully executed," and that "he shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States," and that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions." From which it appears that the army and navy are, by the constitution, placed under the control of the Executive; and probably no legislation of Congress could add to or diminish the power thus given, but by increasing or diminishing or abolishing altogether, the army and navy. But not so with the militia. The President cannot call the militia into service, even to execute the laws or repel invasions, but by the authority of acts of Congress passed for that purpose.

But when the militia are called into service in the manner prescribed by law, then the constitution itself gives the command to the President. Acting on this principle, Congress, by the act of February 28, 1795, authorized the President to call forth the militia to repel invasion, and "suppress insurrection against a State Government, and to suppress combinations against the laws of the United States, and execute the laws of the United States faithfully executed." But the act proceeds to declare that "whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time. These words are broad enough to require a proclamation in all cases where militia are called out under that act, whether to repel invasion, or suppress an insurrection, or to aid in executing the laws. This section has, consequently, created some doubt whether the militia could be called forth to aid in executing the laws without a previous proclamation. But yet the proclamation seems to be in words directed only against insurgents and to require them to disperse, thereby implying not only an insurrection, but an organized, or at least an embodied force. Such a proclamation in aid of the civil authority would often defeat the whole object, by giving such notice to persons intended to be arrested that they would be enabled to flee out of the jurisdiction. The force may be wanted sometimes to make the arrest, and also sometimes to protect the officer after a arrest is made, and to prevent a rescue. I would, therefore, suggest that this section be modified by declaring that nothing therein contained shall be construed to require any previous proclamation when the militia are called forth, either to repel invasion, to execute the laws, or suppress combinations against them; and that the President may make such call and place such militia under the control of any civil officer of the United States to aid him in executing the laws or suppressing such combinations; and, while so employed, they shall be paid by and subsisted at the expense of the United States.

Congress, not probably adverting to the difference between the militia and the regular army, by the act of March 3, 1807, authorized the President to use the land and naval forces of the United States for the same purposes for which he might call forth the militia, and subject to the same proclamation. But the power of the President, under the constitution, as commander-in-chief of the army and navy, in general, and his duty to see the laws faithfully executed is general and positive, and the act of 1807 ought not to be construed as evincing any disposition in Congress to limit or restrain this constitutional authority. For greater certainty, however, it may be well that Congress should modify or explain this act in regard to its provisions for the employment of the army and navy of the United States, as well as that in regard to calling forth the militia. It is supposed not to be doubtful that all citizens, whether enrolled in the militia or not, may be summoned as members of the posse comitatus, either by the marshal or a commissioner, according to law, and that it is their duty to obey such summons. But perhaps it may be doubted whether the marshal of a commissioner can summon the posse comitatus or organized militia force, acting under its own appropriate officers, without the consent of such officers. This point may deserve the consideration of Congress.

I use this occasion to repeat the assurance that, so far as depends on me, the laws shall be faithfully executed, and all forcible opposition to them suppressed, so far as I am prepared to exercise, whenever it may become necessary, the power constitutionally vested in me to the fullest extent. I am fully persuaded that the great majority of the people of this country are warmly and strongly attached to the constitution, the preservation of the Union, the just support of the government, and the uninterrupted execution of the laws. I am persuaded that their earnest wishes are for a faithful constitutional duty entirely concur; and I doubt not firmness, moderation, and prudence, strengthened and animated by the general approbation of the people, will prevent the repetition of occurrences disturbing the public peace and reproached by all good men.

MILLARD FILLMORE.

UTICA, February 20.

FIRE—FLOOD.—The grist and saw mills, also the sash factory, &c., belonging to Mr. Goodrich, were consumed by fire on Monday night. The loss $5,500, on which there is an insurance of $2,500.

The damage on the West Canada Creek Railroad Company, $5,000 The Plank Road Company, $1,000, Hydraulic Company is $500 The dam and bridge at Newport, $2,000, and fences and lumber, $5,000. Water is overflowing the lands, in the creek, as the bed of the same is filled with ice.

Black River has risen to a great height doing much damage, the particulars however are not yet fully known.

GREAT FIRE AT LOUISVILLE.—The New Albany *Ledger* of the evening of the 22d ult., contains the following:

A fire broke out on Fourth street, west side, between Main and the river, in Louisville, this morning, which was smothered between 11 and 12 o'clock. A number of buildings are said to have been destroyed. The fire originated in Duffield's celebrated ham-curing establishment, which is entirely destroyed. We have no further particulars.

COMMERCIAL.

The Markets.

SATURDAY EVENING, March 1st, 1851.

There was some demand for Cotton to-day, and 5000 bales changed hands at prices ranging from 9⅝ @ 10¼c. for Middling, and 10⅜ @ 11c. for good Middling.

About 500 hhds. Sugar were sold to-day; market dull; Fair 4⅝ @ 5¼c.; of Molasses 600 bbls. were sold at 23½ @ 25c. ℔ gallon for fermenting.

The Flour market is heavy; sales 2000 bbls. including 1300 Indiana at $3 87½c. About 4000 sacks of Corn were sold at 56 @ 58c ℔ bushel.

There is no change in Provisions, and the transactions to day were limited. Mess Pork is retailing at $13, and Prime at $11 50c. We quote Bacon Sides 7¾ @ 8c.; Shoulders 5¼ @ 5¾c.

Whiskey is very dull and has receded to 21½c. ℔ gallon for rectified.

Exchanges rule as before quoted. Sterling 107 @ 108⅝. Paris, 5f. 22½ @ 5f. 20¼c. New York at 60 days, 9¾ @ 2½ ℔ cent. dis. Checks 1 @ 1¼ ℔ cent. discount

There have been no further Freight engagements to-day.

—DIED—

At New York, on the 26th February last, Mr. HART M. SHIPP.

Yesterday afternoon, at the age of 48 years, JOHN YANSBY, gardner, native of Germany. His friends and acquaintances are invited to attend his funeral, which will take place on this afternoon, at 3 o'clock, from Lessepe street, Third Municipality.

Notice.

THE motives which had induced the dissolution of the firm of CAZAUX & Co., having ceased, the said House will continue to transact business as formerly, under the same firm, at their old stand, No. 19 Conti street, between Chartres and Decatur.

J. A. SERGEON,
m3 3t J. CAZAUX.

THE Subscribers sole agents for Mrs. de Pontalba, offer to rental reasonable terms, the splendid residences and stores situated on St Peter and St. Ann streets, opposite the Place d'Armes, also the residences and stores situated in Chartres and Conde streets. It will be seen by another advertisement in this paper that the leases of the stores situated on St Ann and Conde sts. including the corner store, will be sold at auction on the 10th instant, if they are not rented by private agreement before that date. For further information apply to the office of

ED. SHIPP & CO. 54 Custom-house st.
m3 3t

EXCHANGE—On Bordeaux, for sale by
DOMINIQUE LANATA.
mr 3 10 Jefferson street.

FIRE DEPARTMENT.

The Fire Department of New Orleans, will this invited to assist in the celebration of the 14th Anniversary of the Fire Department, will assemble at 9 o'clock a. m., on TUESDAY, the 4th of March, on Canal street, in the following order:

David Crockett Fire Company, No 1, of Gretna.
Franklin Fire Company, No 1 Lafayette.
Lafayette Hook and Ladder Company, No 1, Lafayette
Jefferson Fire Company, No 2, Lafayette.
Carrollton Fire Company, No 1, Carrollton,

Will form on the south side of Canal street, between Carondelet and Baronne streets, in their respective order, David Crockett Fire Company, No 1, resting on the right.

Volunteer Fire Company, No 1.
Vigilant do No 3
Columbia do No 5
Louisiana Hose Company
Eagle Fire Company, No 7
Creole do No 9
Perseverance do No 13.
Jefferson do No 15.
Jas Gallick do No 17
Orleans do No 21.
Hope Hook and Ladder Company, No 2

Will form on the north side of Canal street, west of Bourbon street, in their respective order, No. 1 resting on Bourbon st.

Mississippi Fire Company, No 2.
American Hook and Ladder Company, No 2.
Neptune Fire Company, No. 4.
Mechanics' do No 6.
Pelican Hose Company.
Phœnix Fire Company, No 8
Louisiana do No 10.
Red Ferry do No 12.
Philadelphia do No 14.
Red Rover do No 16.
Liberty Hose Company.
Jackson Fire Company, No 18.
Washington do No 20.

Will form on the north side of Canal street and market Bourbon street, Mississippi Fire Company No 2, resting on Bourbon st.

Governor, Lieutenant Governor and Suite.
Maj. Gen. Lewis and Staff.
Brigadier Gen. Tracy and staff.
Brigadier Gen. Augustine and Staff.
Brigadier General Crossman and Staff.
Members of the Senate and House of Representatives
Mayor and Recorders.
General Council.
Aldermen of the Three Municipalities.
Mayor and Council of Lafayette
Editors and Compositors of public Journals
Benevolent Societies.
Officers of the Army and Navy.
Judges and Clerks of Courts
United States Collector and Surveyor of the Port.
Naval Officer, United States Marshal
Citizens and Strangers generally.

Will form on the banquette of the Old State House Square.

Programme.

HENRY BIER, Grand Marshal.
Aids.

Samuel G. Rink, No. 2. Thos Hawthorn, No. 16.
John Adams, No. 5. Jas Phillips, No. 4.
M. Wilson, La. Hose Co. — Phillips, No. 11.
M. Lawes, No. 9 Geo. Atlan, No. 14

Orator of the Day, L. W. Smith, Esq
Music
Eternal Firemen.
Governor, Lieutenant-Governor and Suite
Major General Lewis and Staff
Brigadier General Tracy and Staff.
Brigadier General Augustine and Staff
Brigadier General Crossman and Staff
Members of the Senate and House of Representatives
Mayor and Recorders.
General Council.
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Will form on the banquette of the Old State House Square.

ORDER OF MARCH

The procession will pass down Bourbon street to Esplanade, up Esplanade to Casacalvo, down Casacalvo to Enghien, up Enghien to Victory, up Victory to Esplanade, down Esplanade to Royal, up Royal to St. Ann, down St. Ann to Bourbon, up Bourbon to St Peter, down St Peter to Chartres, up Chartres to St Louis down to Royal, up Royal to St. Charles, up St. Charles to common up Common to Camp, up Camp to Poydras, up Poydras to Thalia, up Thalia to Tchoupitoulas, down Tchoupitoulas to Julia, up Julia to Carondelet, down Carondelet to Gravier, where the several companies will leave their respective apparatuses and proceed to "Placide's Varieties," where an oration will be delivered by L. W. Smith, Esq.

The Exempt Firemen are respectfully invited to assemble at Hewlett's Exchange where they will be escorted into hose.

Ladies and heads of families are informed that Placide's Varieties will be opened at 12 o'clock a. m. to accommodate them with seats.

HENRY BIER, Grand Marshal

NOTICE.

Agency of Fred. Roy's Brick-Kiln.

No. 6, Exchange Place, between Customhouse and Bienville streets.

THE undersigned respectfully informs the Planters of all the Parishes of this State, that the above concern has purchased the schooner MARIE LOUISE, in order to facilitate the delivery of the orders made for Bricks in any part of the State. Great quality of Country Bricks will be delivered at any place designated at the most moderate price, also, Tile Bricks, for the use of sugar-houses, in such quantity as may suit orders. The kiln will be lighted at the expense of Mr. F. Roy.

H. RUFFIER, Agent
m3 1m

LANDING ex ship Isaac Newton from Bordeaux, 30 cases of 100 ¼ boxes Sardines in oil
10 do do 100 ⅛ do do do do
4 do. Brandy Prunes and Cherries in Brandy,
6 bbls. twice H. de Lunes.
66 casks Bordeaux Wine, for family use, for sale by DOMINIQUE LANATA.
m3 10 Jefferson street.

SUNDRIES—75 cases Sardines, ¼, ⅛ and ½ boxes; 50 do Brandy Cherries; 75 baskets Champaign, choice brands; 100 cases Hock Wine, various brands; Roe Herring in half quarter and one-eighth bbls, put up expressly for family use; 150 baskets Plagniole Oil, qts and pts, for sale by
m3 2t E. JOHNS, 3 Front Levee.

LANDING—Ex ship Isaac Newton from Bordeaux, 400 cases St. Julien Claret, 50 qr. pipes Tb Godard Brandy, for sale by
EUG ROCHEREAU & CO.,
m3 17 and 19 St Louis st.

WINE—100 cases Bordeaux, Chateau, Grimant, and St. Julien.
20 do do old 1840 and 1844;
100 boxes Haut Sauterne White Wine,
50 barrels do do do do;
200 boxes St. Julien Claret
100 casks Marseille Wine, for sale by
PAUL JUDGE FILS & CO.,
mr 3 27 St. Louis street.

OLIVE OIL—1000 baskets M. Sur. 50 Baskets 9¼ b bottles, and 50 do 12¼ do., for sale by
PAUL JUDGE FILS & CO.,
mr 3 27 St. Louis street.

LANDING ex ship Beatrice from Havre, 250 boxes Sardines in oil; 400 of ¼ gallons, and 400 of 1 gallon; for sale by PAUL JUGE FILS & CO.,
m3 27 St. Louis street.

ENTITLED TO DEBENTURE—500 boxes Ab Venetti; 300 boxes Olive Oil—for sale by
m3 PAUL JUGE, FILS & CO., 27 St Louis st

100 Feeds Simply Bottles; 10 bales, of 6,000 2 gallons each, and 400 do of 1 do do—for sale by
m3 PAUL JUGE, FILS