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The New Orleans Bee.

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NEW ORLEANS, WEDNESDAY MORNING, FEBRUARY 4, 1857.

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RATES OF ADVERTISING.
One Dollar for every Fifty Lines, in each language on the first insertion, and Seventy-Five Cents for each subsequent insertion. No advertisement inserted for less than one dollar in each language.
Advertisements on the first page $1 per square each insertion.
Advertisements inserted at intervals will be charged one dollar for every Fifty lines for each and every insertion.
The privilege of Annual advertisers is limited to their business, and to extend to one square every other day.

THE DAILY BEE.
NEW ORLEANS, WEDNESDAY MORNING, FEB. 4, 1857.

THE MIDNIGHT ESTATE.

THE OCEAN TELEGRAPH.

The most favorable point for the Western terminus of the transatlantic telegraph is ascertained to be Trinity Bay, Newfoundland. The line will be run direct from that point (underwater) into South-westerly direction, just below the Gut of Canso, a distance of four hundred miles, crossing the narrow isthmus of four miles at Trinity Bay, by means of an underground wire. The New York correspondent of the *National Intelligencer* says that this route has been chosen, rather than the more circuitous one through Nova Scotia, (where the wire is already completed and in operation) in order to avoid the possibility of an interruption from local business, and to insure an independent line for the transmission of European dispatches. The construction of the additional four hundred miles of wire will be commenced at once, that it may be completed simultaneously with the other and more important parts of the work.

Commenting upon the immense importance of this great enterprise, the Washington *Globe* expresses certain apprehensions which we deem well founded. We may well fear, says that able journal, that in the hands of unscrupulous commercial speculators, altogether unrestricted and irresponsible, and without reliable vouchers for the truth of their communications, it may become a fearful engine of fraud and mercantile ruin. It is therefore suggested by the *Globe* than an arrangement be made with Great Britain that no commercial news whatever be allowed to pass over the line, of which the correctness has not been certified by a highly responsible officer of our government, such as a consul, or other commercial agent.—There seems to be no other possible way of avoiding the threatened danger. As an instantaneous medium for the communication of truth on any subject, the telegraph is, undoubtedly, the most valuable discovery of any age—as a servant of harmful falsehood, it has often proved subversive of the best public and private interests. This perversion of so great a good should not be, where it is possible to prevent it; and a due regard for the interests of our commercial community requires of our government some effort to secure them against all possibility of injury from this source.

CONGRESS.

WASHINGTON, January 26.—*Senate.*—After the usual morning business, the Senate resumed the consideration of the bill from the House of Representatives, authorizing the establishment of a naval depot on Blythe Island, at Brunswick, on the coast of Georgia, and for other purposes. The motion to recommit the bill was negatived—yeas 18, nays 27; and the bill read a third time and passed, after a long debate, in which the comparative merits of Beaufort, North Carolina, Port Royal, South Carolina, and Ship Island, Mississippi, were urged by various senators in competition with those of Brunswick, Georgia. The Indian Appropriation bill was then taken up, and was under consideration at the hour of adjournment.

House of Representatives.—The Sergeant at Arms of the House presented Mr. Joseph L. Chester at the bar of the House, Mr. Chester, in response to a question asked by the Speaker, says he had not yet appearing before the Committee, pursuant to the summons served upon him on the 19th inst., and which he was now ready to appear before said Committee and answer to such proper questions as might be propounded to him, and, in reply to the question, if he had served upon the Committee any papers in response to the subpœna, he said he had served upon the Committee all the papers in his possession, and that he had carefully, and to the best of his ability, complied with the subpœna. He said he was not prepared to give testimony on Saturday morning, but was prepared to do so thereafter, to enable the Committee to perform the duties devolved upon them by the resolution of the House. He stated that he expected that the honorable body would not require him to disrespect a subpœna issued by a duly constituted tribunal, but would extend to him the courtesy and that he was entirely ready and willing to appear and answer before the committee. After the above had been read, on motion of the Hon. Mr. Ashe, of Pennsylvania, it was ordered that Mr. Chester be discharged from the custody of the Sergeant-at-Arms, this answer to the interrogatories propounded to the witness being deemed satisfactory.

Bills and Saturday next were set apart for the consideration of private business, and for two days which occupied last week in the consideration of the bill to define the privileges of the House under a suspension of the rules, for the release of the payee of the arms which was reported from the Committee on Military Affairs, and after a long and tedious debate, was recommitted to the House, with the attendance of witnesses, upon motion of the other house of Congress to dispense with the testimony.

The consideration of the rules, or bill to define the privilege of the House under a suspension of the rules, or bill was postponed and passed to allow a slave and his wife, the inherent property left by the late Mr.

Hugh Miller and His Suicide.

That Hugh Miller's death was a suicide is beyond a doubt. Only the week before his death he wrote to a friend of the following note left behind him:

"Dearest Lydia: My brain burns. I must leave you and a fearful dream arises before me. I cannot bear the horrible thought. Farewell, my dearest wife, God bless and keep you. My brain burns as the thought arises. My dear, dear wife, farewell. Your husband, HUGH MILLER."

Hugh Miller's fears of the approach and possession of the malady that thus unhappily consummated, have every said, and have created a wide sensation in England and Scotland. An exchange thus speaks of Mr. Miller's last work:

"For one month past his overtasked intellect has given evidence of disorder. The fire of genius or exaggerated fancy, he fancied—if, indeed, it was a fancy—had burned out his brain. Sleeplessness had quite failed him, that his nervous system was engaged at this time in the "Testimony of the Rocks," which he was putting out all his strength, working at his topmost pitch of energy. That volume will, in a few weeks, be in the hands of many of our readers, and while they peruse it with the saddened impressions of its excellence and genuineness of the pathos of that darker latent feeling that underlies it, they will search through it to see for the earliest evidence of feebleness of mind, or of that fatal delusion. In the pages is a decided verdict that will be produced—it is the voice of the ablest of all his friends—that he never wrought at it too eager, too long, too hard, too fast, too fervently, too intensely through the window of that room which, when the same eventful week, was thrown open for the sale of the volume and the closing of the waiters life.

At her tragedy is connected with this terrible story. The pistol used by Miller was taken to a friend to the gunsmith in order to ascertain how many shots were fired and how many charges remained in the chamber. The remains of the ship, Thomas Leslie, which is a gem in the chamber and turning it around, accidentally let the hammer fall, which a charge exploded, and, penetrating his head, by the night eye, killed him instantly.

Wreck of the Schooner Time, and Loss of Lives.

We reported yesterday in our ship and the wreck of the schooner *Time*, Capt. Bragg, on Saturday night last, with other nautical particulars, and have since been favored by a gentleman, who conversed with the survivors, with the following thrilling facts:

The *Time* went ashore about 8 P. M., on Saturday night, on Crumpe's hill. The sea was very high, and the high tide which had carried her over the shoals, to which the vessel was nearer than her masts, as they fell, were gone. The mate, Hankins, and three men and with cold as they were, contrived to be along upon one of the masts, at 9 o'clock, they had left the shore. A schooner was seen to pass the shore. A man about fourteen years old, belonging to the Atlantic, had also succeeded in reaching the shore, but was found by the mate prostrate in the snow and so badly frosted as to be unable to rise.

The mate picked him up and shook him so as to restore circulation, and then made the attempt to return to the vessel to rescue the captain, who was a cripple and could not help himself; but it was found impossible to recover him, notwithstanding his entreaties, and they were urged to seek the nearest house for assistance. They reached the house, but, owing to the depth of the snowdrifts, the violence of the wind and the intense cold, it was impossible to get a cart or any other aid to the shore, although clear as bell. The captain had several hundred dollars with him, and no one on board but mate and the cook. He had offered all his money if assistance could be procured for his preservation.

The next morning early the mate, though much debilitated by the cold and his efforts to save the boy, returned to the wreck, where he found the poor captain stiff in death and a mere icicle. His pocket-book was gone. The mate then retraced his steps to the house, and on his way back found the dead body of the cook in the snow, with the pocket-book which he had endeavored to save. The survivors have reached this city.

Norfolk Herald, Jan. 22.

The storm in Portsmouth was equally severe as in our city, and was attended by more serious consequences. A whole family was buried in the ruins of a house, by the falling of a chimney. On Sunday night, Mr. Edward Kerr, wife and child were sitting by the fire in a shed room of their residence, when the chimney fell, and instantly killed the wife and child. Mr. Kerr was caught in the ruins, and when discovered life was almost extinct. He still remains in a critical condition. There were several chimneys blown down, and the tunning of houses ripped up from the roofs.

The Norfolk *Argus* of Wednesday says:

"An old negro slave named Jeffrey, living near Town Bridge, froze to death Monday night. He had sufficient clothing, fuel, &c., in his room, but was very aged and infirm."

BY TELEGRAPH.

TRANSMITTED TO THE NEW ORLEANS BEE

CONGRESSIONAL.

WASHINGTON, Feb. 3.—In the SENATE, the Indian bill was passed to-day, with some amendments.

In the HOUSE, a bill was passed dividing Texas into two judicial districts.

The Judiciary Committee reported a series of resolutions for the impeachment of Judge Watrous.

The Senate and House each appointed a joint committee for the purpose of counting the votes for President and Vice-President.

NEW YORK MARKETS.

NEW YORK, Feb. 3.—The cotton market is active and firm, the sales to day amounting to 7000 bales, and for the last three days to 14,200 bales. Orleans Middling is quoted at 13½c; Fair Uplands 13½c; Middling do. 12c. Flour was steady at the close—Southern quoted at $7 a $7 20. Wheat was firm—White Wheat at $1 75 a $1 80. Mixed Corn at 73c. Pork buoyant at $21 75. Sales of Coffee at 9½c. a 11½c. Spirits of Turpentine firm. Rosin active at $1 60 a $1 65. Rice quiet and freights dull.

CINCINNATI MARKETS.

CINCINNATI, Feb. 3.—Whisky quoted at 22½c. Western Mess Pork at $19. Lard was firm at 11½c.

RIVER INTELLIGENCE.

LOUISVILLE, Feb. 3.—The weather is quite moderate, and the river is rising slowly.

LOUISIANA LEGISLATURE.

BATON ROUGE, Feb. 3.—SENATE.—In the Senate, Mr. St. Paul introduced a bill to amend the charter of the city of Jefferson, which was referred.

Mr. Olivier's bill in regard to reclaiming swamp lands, drainage, &c., was also referred.

The bill relative to the judicial advertising in New Orleans was, after a long debate, laid on the table, by a vote of 11 to 8. Messrs. Ryan, St. Paul and Hymes arguing in favor of it, and Messrs. Munday, Buffington and Ducros against. Mr. Withers gave notice that he would move for a reconsideration to-morrow.

HOUSE.—In the House, Mr. Wright introduced a joint resolution to adjourn on Thursday next until the following Wednesday.—After some debate, the resolution was adopted.

Authority was given to the Committees on Banks and Banking, on Charitable Institutions, and to the Committee on Commerce to travel at the expense of the State, the latter to visit the Balize and to inquire into the quarantine regulations.

A bill relative to the establishing Union College was referred, as also a bill relative to the trial of slaves.

The bill relative to the repeal of the lottery law was received and laid over.

THE LATE P. S. BROOKS.—Dispatches to the Charleston *Mercury* state that Col. P. S. Brooks died suddenly, of strangulation, from disease of the heart. He expired in the arms of his friend, Capt. Coxsey, of South Carolina. It is said that a skillful surgeon could have relieved Mr. Brooks by an operation. Another dispatch, of the 27th, says:

The South Carolina delegation have just held a meeting and agreed that the death shall be officially announced in Congress to-morrow, and that the body be deposited in the Congress vault until his constituents send a committee, or a committee of the delegation be appointed, to convey it to his late home.

Central America.

The population of the whole territory of Central America is at present only about 2,000,000. Its capacity, with a population of about as dense as Massachusetts, would be about 70 millions, or as dense as Belgium, not far from 50,000,000. It has a situation unsurpassed by any portion of the world, not excepting Great Britain, for commercial purposes. Permitted, by a narrow isthmus, a separation between the great seas which constitute the field of navigation, and comprise the theatre of the foreign commerce for the globe, and being very nearly central in latitude between the poles, it, in fact, commercially, is the centre of our world. It is naturally the market over for all human traffic. Its narrow extent, from sea to sea, places the ports of the Atlantic and Pacific within one day's run by rail, and also from each other. There are, at this time, two routes of transit, one at the Bay of Panama, in the extreme South, beyond the territory of these States, by railroad, and one across Nicaragua, by river and lake, with a portage of fifteen miles, from San Juan del Norte, on the Atlantic, to San Juan del Sud, on the Pacific. Two others are about to be constructed, viz: one in Honduras, consisting of a railroad extending from Puerto de Cabalos, on the Atlantic coast, to San Francisco de Ampalula, on the Pacific, on the Bay of Fonseca, distance 100 miles, which, we understand, is to be completed in the ensuing spring—the other at the Isthmus of Tehuantepec, in Mexico, which is already commenced. Both of these new routes will prove a great boon for passengers and freight within two years. That which is the third named has, in the opinion of Mr. Squier, advantages over all others. It has excellent ports, each end of the route, a most important element, which is wanting at Tehuantepec. This last route is thirty miles shorter, and, more than that of Honduras. The Bay of Fonseca is one of the finest, most capacious and commodious on the whole Pacific coast, and should have a resident consular officer of the United States, even though the railroad should not be made. This, however, is sure to be done without delay.

In addition to the advantage of a commercial situation, Central America has for the most part, a salubrious climate, and a soil of exuberant fertility, producing all tropical fruits in excess, and a people of Indian corn each three months throughout the year.

The latest news received from Central America exhibits a new and unpleasant complication of the relations of the little State of Costa Rica with our government. The seizure of the boats of the Transit Company, the blockade of the river San Juan, and the violent interruption of transit on that route, are acts of direct hostility to the United States, while they inflict little or no injury on Nicaragua. The people of this country will demand redress for this hostility, and it cannot be doubted that our government will promptly interpose to vindicate the wrong and prevent future aggression.—*N. Y. Journal of Commerce, 17th ult.*

Is Debt and Out of It.

Of what hideous progeny of ills debt the father! What measures, what insidious, self-respect, what double-dealing! How in one season, it will carve the frank, open face into wrinkles; how like a snake it will stab the truth, and for the sake of a bauble of a dollar, how it has been to change a goodly face into a mask of brass! How, with the miserable custom of debt, has the true man become a callous trickster! A freedom from debt, and what nourishing sweetness may be found in cold water, what wholesomeness in a dry crust! what ambrosial nourishment in a hard egg! Be sure of it, he who dines out of debt, though his meal be a biscuit and an onion, dines in the Alhambra.

And then for raiment, what warmth in a home-spun coat, if the tailor's receipt be in your pocket! What Tyrian purple in the faded wastcoat if paid for! how glossy the well-worn hat, if it covers not the aching head of a debtor. Next the home sweets, is the out door recreation of a free man. The street door fails not a knell on his heart; the sight of a bailiff's face, through his anatomy at the rap of his door, has no error on his, and his pulse still beats healthfully, his heart sinks not in his bowels.

See him abroad. How he returns look for look with any passenger; how he saunters, now meeting an acquaintance, he stands and gossips; but then this man knows no debt that casts a drug in the richest wine; that makes the food of the gods unwholesome, indigestible; that sprinkles the banquets of a Lucullus with ashes, and drops soot in the soup of an Emperor; debt that, like a moth, makes valueless furs and velvets, enclosing the wearer in a fleecy prison, (the shirt of Nessus was a shirt not paid for;) debt that writes upon the frescoed walls the handwriting of doom; debt that puts a voice of terror in the knocker; debt, the invisible demon that walks abroad with a man quickening, his steps, or making him look in all sides like a hunted beast, and which brings to his face the ashy hue of death as the unconscious passenger looks upon him.

Poverty is a bitter draught, yet may, and sometimes can, with advantage, be gulped down. Though the drinker makes wry faces, there may, after all, be a wholesome goodness in the cup. But debt, however courteously it may be offered, is the cup of Circe, and the wine spiced and thus delicious though it may be, is poison.

The man out of debt, though with a flaw in his jerkin, or with shoe leather, and a hole in his hat, is still a son of liberty, free as the singing lark above him; but the debtor, although clothed in the utmost bravery, what is he but a serf out upon a holiday, a slave to be reclaimed at any instant by his owner, the creditor.

My son, if poor, see wine in a running spring, see thy mouth water at a last week's roll; think a thread-bare coat the only proper thing to wear; and acknowledge a whitewashed garret the fittest room in which for a gentleman! Do this and free debt! So shall thy heart be at rest, and the sheriff confounded.—*Douglas Jerrold.*

THE ETYMOLOGY OF A LADY.—The statement of Col. Benton, that the word "lady" is nowhere used in the Scriptures, is, so far as the original is concerned, literally true. The word itself is of comparatively modern invention, and there is no word in the original of the Scriptures that has any signification corresponding with that of the word "lady," as at present received. In view of the subject, the following 'chip' is from an old Scotch publication, called *The Christian Teacher*:

"A LADY.—The word lady is an abbreviation of the Saxon *Laffdey*, which signifies *Bread-giver*. The mistress of a manor, at a time when alien families resided constantly at their country mansions, was accustomed once a week, or oftener, to distribute among the poor a certain quantity of bread. She bestowed the boon with her own hand, and made the hearts of the needy glad by the soft words and the gentle amenities which accompanied her benevolence. The widow and the orphan 'rose up, and called her blessed'—the destitute and the afflicted recounted her praises—all classes of the poor emblazoned her in their affections as the *Laffdey*—the giver of bread and dispenser of comfort—a sort of ministering angel in a world of sorrow. Who is a lady now? Is it she who spends her days in self-indulgence, and her nights in the dissipation of folly? Is it she who rivals the gaiety of the butterfly, but is at the unhappiness born of the busy bee? Is it she who wastes, on gaudy finery, what joy, and who, when the cage of the orphan place of refuge, as if the pestilence were in the breeze? This may be a woman of fashion—she may be an admiral, and an admiring follower of the gay world."

WHAT ODDS DOES IT MAKE WHETHER YOU CALL IT STARVING OR BURNING?—Prof. Tonnan, in a learned lecture on chemistry, said:—"What is the relation of oxygen to the living body? Every animal is busy drawing in and throwing out air—an increasing tidal ebb and flow. The oxygen of the air passes through the membranes of the lungs, is taken up by the blood, and carried to all parts of the body. It does here what it does everywhere—it burns. Slow combustion goes on in the body, and carbonic acid and water are produced. This combustion is necessary to keep up heat and fever, and the oxygen of the air must have carbon and hydrogen, in the form of food and drink, to feed upon. Cut off a man from everything but air, and the oxygen at every breath will cut away a portion of his own frame. The most combustible parts are first consumed; he grows lighter and more emaciated every hour. First, the fat disappears, then the muscles are wasted, and lastly, the devouring giant, oxygen, attacks the brain and nerves, delirium ensues, and death closes the scene. Men say he has starved to death, but the scientific truth is that he has been burned to cinders."

THE ADULTERATION OF MILK.—*A Case of Summary Punishment in France.*—The prompt and effective way which they have in France of punishing violation of the law in regard to the adulteration of articles of food may be seen from the following sentence, which was pronounced by one of the police courts of Versailles, in the case of a milk-dealer who had been convicted of an offense against the law:

"Louis Charles Jerome Oriol, aged 32, a milk-dealer, born at Auvergne, arrondissement of Pontoise, convicted of adulterating 184 litres (324 quarts) of milk, and of inducing a person in his employment to participate in the offense, is condemned to three months' imprisonment and a fine of 50 francs, ($10) and it has been ordered that an abridgment of the said sentence be published in the *Constitutionnel* and *Gazette des Tribunaux*, and besides, that 25 copies of said sentence be printed in divers conspicuous places, to wit: 3 at Epone, 10 at Mantes, 12 at Rattigny-le-Mortceaux, 1 at the door of the Mayoralty in each of these places, and 1 on the door of Oriol's own dwelling. All these expenses, as well as the legal costs, to be borne by the offender."

FREEZING TO DEATH.—That to be frozen to death must be frightful torture, many would consider certain, from their own experience of the effects of cold. But here we fall into the usual error of supposing that the suffering will increase with the energy of the agent, which could only be the case if sensibility remained the same. Intense cold brings on speedy sleep, which fascinates the senses, and fairly beguiles men out of their lives. The most curious example of the seductive powers of cold is to be found in the adventures of the botanical party, who, in Cook's first voyage, were caught in a snow-storm in Tierra del Fuego. The islander, by birth a Swede, and well acquainted with the destructive deceits of a rigorous climate, admonished the company, in defiance of latitude, to keep moving on. "Whoever," said he, "sits down will sleep, and whoever sleeps will perish." The doctor spoke as a sage, but he felt as a man. In spite of the remonstrances of those whom he had instructed and alarmed, he was the first to lie down and die.

The same warning was repeated a thousand times in the retreat from Moscow. Allison, the historian, to try the experiment, sat down in his garden at night, when the thermometer had fallen 4 degrees below zero, and so quickly did the drowsiness come stealing on, that he wondered how a soul of Napoleon's unhappy band had been able to resist the treacherous influence.—*London Quarterly.*

City Intelligence.

SUPREME COURT.—The following decisions have been rendered by this State appellate tribunal since our last report:

No 4796. City of New Orleans vs J. Imley, or Imlay, appellant. Merrick, C J. Appeal from Second District Court. Petition defendants, well, while in contempt, in refusing to obey an interlocutory order, ruling on demurrer on the merits of the case. Sale for nullity and damages, &c. Judgment affirmed.

No. 4794. Andrew Stuart vs the Creditors—Mrs Emma Kimball, wife of Stuart, appellant. Lea, J. Appeal from Fourth District Court. Judgment affirmed.

No. 4794. Waide & Hughes, opponents vs Espeuse et al. Lea, J. Judgment of Fourth District affirmed.

No 4872. H S Nourse, syndicat of N Brigham, appellant, vs Jean B Arnaud. Merrick, C J. Appeal from Fourth District Court dismissed, with costs of appeal.

No 4892. Succession of Wm Regan—Mary Regan, administratrix, appellant. Buchanan, J. Appeal from Fourth District Court. Judgment affirmed, with costs of appeal.

No. 4848 and 4867. Succession of Wm Regan—Mrs Fanny Cutter, appellant. Buchanan, J. Appeal from Fourth District Court. Judgment reversed, and the case remanded to the lower court, with costs of appeal, to be taken in the ultimate result.

No 4848. Jean Hilaire vs A Macomb and Barthelemy Lafitte, appellees. Lea, J. Appeal from Fourth District Court. Judgment affirmed.

No 4848. Pierre Morgan vs James Brown, appellant. Merrick, C J. Judgment of Sixth District Court affirmed.

No 4882. Henry Johnson, appellant, vs Robert Richardson, appellee. Lea, J. Judgment of the Fifth Parish Court of Jefferson affirmed.

No 4884. W H Vosburg, appellant, vs P S Spindle, administrator, appellee. Buchanan, J. Judgment of Second Parish Court affirmed.

No 4792. Charles Gaudet, appellant vs the Creditors of Jean Gaudet. Lea, J. Judgment of Fourth District Court reversed.

No 4407. City of New Orleans, appellant, vs Ship Winchester, Capt Warren and others, Proceeds. Judgment of Fourth District Court affirmed.

No. 4802. Isaac Bloomfield, appellant, vs Bell, Woods & Oliver vs N S Winfield. J M Hall, appellee appellant. Merrick, J. Judgment of Third District Court reversed.

No. 4240. W F Duplessis et sister J H Duplessis, for a forced surrender. Thos Fellowes, appellant. Merrick, C J. Judgment of Fifth District Court amended and affirmed.

No. 4870. Wm Massey et ux, appellants, vs Mary Ann A. Vowell, J. Judgment of second District Court affirmed.

No 467. Robert McCulloch, special attorney, appellant, vs J F Hume et al, appellees. Buchanan, J. Judgment of Second District Court reversed.

No 4761. A B Lanne, appellant, vs W W Thompson, Fairbanks, sheriff. Merrick, C J. Judgment of the district Court of Jefferson affirmed.

The said ex Walker Gas.—The opinion of the Supreme Court, setting the matter of the sale of the Gas Works in the Fourth District Court of New Orleans, on the ship of the Fourth District Court of New Orleans, was delivered by Associate Justice Buchanan, and occupies forty six pages of large and closely written manuscript.

The now appellee, Col Walton, claimed to have been elected to the office in November, 1855, over the incumbent, Mr. Auld. The latter was confirmed by the latter before the First District Court; but the jury having returned a verdict against him, he appealed to the Supreme Court, by which he is now installed in possession of the office.

The Court decided a new trial was prayed for, which the District Judge refused to allow, (although instructed to the opinion that the verdict was contrary to law and the facts) because the 45th section of the act of 1855, relative to elections, declares that the Court shall have no power to grant a new trial in a case of this kind. The counsel of plaintiff brought to our notice a contradiction between the English and French versions of the section, giving the Judge of the District Court, for, while the English text seems to be construed by the Judge, the French text seems to declare directly the contrary. In the construction of the two texts, we cannot say that the Judge erred in adopting the English text as improper, the end which the Legislature seemed to have had in view in this statute—namely, a speedy determination of the rights of the parties.

The cause is now before us on the appeal of the contestant, under the acts of 1855, pages 4 and 112, with the same latitude of control as we have possessed by the jury, under the 45th section of 1855.

Counsel for both parties agree in the propriety of the contestant's claim to the general principles of the law of contested elections.

1st. That the official return is *prima facie* evidence of the legality of an election.

2d. That the election, and not the return, entitles the party to the office, and that in a suit of this kind the Court can go behind the return to ascertain the true candidate.

The burden of proof is upon the contestant, to overcome the majority shown by the return is already there, of two hundred and twenty votes against him. He proposes to do this by two kinds of evidence.

1st. Of votes received at the polls, but not counted, to have been received, but were not received.

The admissibility of the first kind of evidence is questioned, the argument in relation to which turns on the propriety and constitutionality and effect of statutes of witnesses to some extent contesting. After an elaborate review of the testimony on record, and the laws of the State, the Court concludes, "Memorandum kept by two clerks of the election, in which the numbers of votes given to the respective parties were noted, while the events of the election were fresh in their minds, the Court comes to the conclusion that the plaintiff is entitled to counts a majority of two hundred and twenty votes at the Seventh Precinct, in addition to his vote, as certified in the official return to the Secretary of State. This is sufficient to overcome the majority of two hundred and two votes for defendant, shown by the official returns, and to convert the result of the election into a majority of eighteen (18) votes for plaintiff."

With regard to the second kind of proof offered by the contestant, the Court says: "We are of opinion that the inquiry of the propriety of the rejection of these votes, (votes that had been offered at the polls, and which ought to have been received, but were refused by the Commissioners) we would have to consider and decide a variety of rare and intricate questions of constitutional and statute law, which have been argued by the learned counsel on both sides with a research and ability that command our admiration. But in the view that we have taken of the cause, it is not necessary that we should express any opinion upon the admissibility or effect of the proof so to the rejected votes. We find that a majority of the votes actually received were cast for the plaintiff and contestant. He is therefore entitled to the office. The verdict of the jury of the First District Court is accordingly reversed, and the defendants and appellee condemned to pay costs in both Courts.

FIFTH DISTRICT COURT.—*Judge D. Augustin.* The case of Wm Carson vs City of New Orleans for $4,000, for alleged wrongful abandonment by the Council of a contract for repairing the shell road for three years, was decided by Judge Augustin yesterday, by awarding the plaintiff the sum of $2500 damages.

COMMITTED FOR TRIAL.—Joseph Haggerty was examined before Recorder Solomon yesterday, for the killing of Patrick Hickey, his father-in law, on the 19th inst., on Eugenia street. Mrs Haggerty, wife of the accused, testifies that on the night of the murder, her husband, who had come home drunk, slapped her in the face; that she called for help, when her father came in and said to her husband, "Get out!" "Yes, stand up and strike her again, and I'll kill you." The two then approached each other threateningly, when Hickey struck Haggerty three times with a bottle of wine, knocking him down at the third blow. I went to get material for bandaging my husband's head; I found him still lying on the floor, and my father gone." She says she saw no blood on the floor, or on the stairway, by which he was separated, from the testimony of other witnesses, the wounded man had escaped to the room below the one in which the stabbing occurred.

Henry Leggett testified to finding a knife (produced in Court), near a basin of water, which Hickey said had been used to wash his wife, and which was acknowledged by Mrs. Haggerty to have belonged to her husband.

A son of Hickey's testified to having seen Haggerty stab at his father several times after wards, when the latter knocked him down, and went to his own room below, where he found his father in his barrels upon protruding from the wound inflicted. The testimony of other witnesses was very strong against the accused, and he was accordingly committed to the Criminal Court for trial on a charge of murder.

Ann Walker and Martha J Edwards, two persons of color, were also sent before the same tribunal by Recorder Shih for trial, on a charge of having retained in the State, and after being notified to leave, in contravention of law.

Jonathan White, Robert McGinis, Martin Sullenach, and Wm. Hooker were yesterday committed for trial in United States District Court by Commissioner Carvalho, for mutinous conduct on ship Courier.—White looked the captain, with McGinis, and held him; McGinis was pounded by the mate, but the officers managed best.

SEVERELY SCALDED.—Robert Mountain was dangerously scalded on the Levee last Monday evening, by one of the sub-laborers by the name of M. J. Dalley. They had been wrestling in very rough sport, when the latter became wrath at his defeat, went and provided himself with a knife, with which he again invited Mountain to combat. The latter declining him, he plunged the knife twice into him, once in the arm, and once in the abdomen. He was at once arrested, and Mountain removed to his residence, critically wounded.

The special attention of planters and of the public generally is called to the sale of choice Slaves, from Mr. Chs. Fleurille Bauvenet's plantation, in the parish of St. Bernard. Most of these slaves were born on the place, are perfectly acclimated, and guaranteed against all vices and diseases. The sale will take place on WEDNESDAY, 4th of February, instant, at 12 o'clock, M., in the Rotunda of the St Louis Exchange, by Foulon & Thomas. See advertisement.

SEASONABLE DRY GOODS AND DAMAGED GOODS. We call the attention of the trade to the sale of seasonable Dry Goods and Damaged Goods which will take place THIS DAY, at 10 o'clock, A. M., at the auction room, Merchants Exchange room, No. 71 Chartres street. Terms at sale.

A PERFUMED BREATH.

What lady or gentleman would remain under the curse of a disagreeable breath when by using the "BALM OF A THOUSAND FLOWERS" a delicious wash not only renders it sweet but leave the teeth white as alabaster. Many persons do not know their breath is bad, and the subject is so delicate that friends will never mention it. For a simple drop of the "Balm" on your tooth brush and wash the teeth night and morning. A fifty cent bottle will last a year.

A BEAUTIFUL COMPLEXION may easily be acquired by using the "BALM OF A THOUSAND FLOWERS." It will remove tan, pimples, and freckles from the skin, leaving it a soft and roseate hue. Wet a towel, pour on two or three drops, and wash the face night and morning.

SHAVING MADE EASY.—Wet your shaving brush in either warm or cold water, pour on two or three drops of "BALM OF A THOUSAND FLOWERS" rub the brush well and it will make a beautiful soft lather, as it facilitates the operation of shaving. Price only fifty cents. For sale by FERNANDEZ & Co., proprietors, in New York.

For sale in New Orleans by

J. WRIGHT & CO.,
Corner of Camp and Commercial Place.

Nos. 21 and 181 Chartres street.

No Family should be without Hoofland's German Bitters.

Children afflicted with the Summer Complaint exclusively cured by them.

CAMDEN, N. J., March 14, 1855.

Dear Sir—It is with much pleasure that I inform you of the great benefit derived from the use of your German Bitters in my family. During the greater part of last summer, my son, aged two years, was severely afflicted with the SUMMER COMPLAINT in the worst form, for which various remedies prescribed by Physicians were used, but with no avail. I also sent him to the country, but found it of but little benefit. Having a bottle of GERMAN BITTERS in the house, I was persuaded to try that, which, to my astonishment, entirely cured him. He continued to take the Bitters some time afterwards, and became healthy. I have the greatest confidence in the Bitters, and feel no hesitation in saying that no family should be without them.

Respectfully yours, JOHN W PARIS.

To Dr. C. M. Jackson. Philad.

See advertisement.

For sale by J. WRIGHT & CO.,
Nos. 21 and 181 Chartres street.

Jan 8—1m Saw dhw

Wheeler's Canadian Vermifuge.

This extraordinary medicine has three fold valuable properties. It eradicates, it expels, it prevents worms infesting the system. Its eradicating properties are unequalled by any other medicine. Every description of worm which infests the stomach and alimentary canal is destroyed by the use of the medicine which, at the same time, has a tonic effect on the system, invigorating and restoring every faculty. Children of every description, even the infant. Nothing can be more genial than its effects upon the most delicate, and it has never been known to fail in a single case of twenty years' duration.

Be part, dear and remember the name, Wheeler's Canadian Vermifuge. Price 25 cents. The only article that can be depended on. Remember this.

For sale in New Orleans, wholesale and retail, by

J. WRIGHT & CO.,
21 and 181 Chartres street.

feb 3—1m

Hostetter's Stomach Bitters correct the disordered state of the digestive system, form the basis and impart increased tone to the nervous system, strengthen the body and vigor of mind. The following testimonial speaks for itself. Many are the letters we have of the character. In a letter dated Pittsburgh, Pa., Gentlemen, I have been in the habit of using your Stomach Bitters, for some time, and find it a most valuable medicine. Yours, &c. &c. [ned1 1m

90 Chartres street.....90 Chartres street.

NOTICE.

CERTAIN WINE in boxes, purporting to be the property of Mr. Lanata, having been offered to the public, I hereby notify my customers and the public in general that the genuine Haut Brion La Mission Haut Brion, Margaux, Lafite, Latour, Carbonnieux, Pape Clement, of which I am the sole agent in this City, is sale.

LOUIS F. MAZENT,
No. 6 Exchange Place, Rooms, 2d floor.

jan30 1m

HAVANA CIGARS—17,000 Havana Cigars, just landing from brig W. D. Miller, consisting of Mont Libre, Regalias, Principes, Cabinets, &c. &c. Which will take place on the 1st February next. Apply to the owner of the Cigars, Carbajal, Globe, and other select brands. For sale by

CARLABONE & BARCALEO, 26 Old Levee.

feb3 Between Customhouse and Bienville streets.

HAVANA SUGAR.—Ex ship Ocean, from Havana—Sugar, just landing from bark Wm. Tucker. For sale by CARALLEGO & BARCALEO,

feb3 Between Customhouse and Bienville streets.

LANDING ex ship Ocean, from Havana—Sugar, just landing from bark Wm. Tucker.

For sale by do do do, 4th proof.
feb3 P. D. SEGOND & COUTIN,

LANDING ex ship Ocean, from Havana—18 cases, 100 half boxes each, SARDINES in Oil, Superior quality, for sale by P. D. SEGOND & COUTIN,

feb3 Between Customhouse and Bienville streets.

LANDING ex ship Ocean, from Havana—Sugar, 100 half boxes each, SARDINES in Oil, Superior quality, for sale by P. D. SEGOND & COUTIN,

feb3 Between Customhouse and Bienville streets.

A Few more Tickets Left.

ONLY ONE DOLLAR A TICKET.

The Principal Prizes are—

A SET OF DIAMOND and AMEDALIE, consisting of a Bracelet, Ear Rings and Pin, worth $1,000.
A Lady's Enameled GOLD WATCH and CHAIN.
A GOLD MEDALIAE, and a HALF SET OF DIAMONDS.

Together with forty three other Prizes, of the value of from $100 down to $5. Tickets at

LION & PINSARD'S
64 and 66 Royal st. cor of Bienville.

SPLENDID FARM.

MY FONTAINE PLANTATION, returned from France, has the honor to inform his friends and the public that he has resumed his business, and reopened his STAVE YARD, where he will be ready to fill orders in his line.

Office and Yard, 1 Carondelet street, opposite the Levee.

feb4 1m. P. FONTAINE.

4500 Sugar Sacks.

Ex Mississippi, and for sale by
FRED. CAMERTEN, 34 Gravier st

LIQUORS.....LIQUORS, &c., &c.

HENRY VALETON,
50 St Louis st.

ONE HUNDRED boxes assorted superfine hyson, in 4s and 8s; and half do, do do do, in bottles, rich labels; 100 boxes Superfine and Fine Young Hyson, rich labels; 100 boxes mark-shine Oil Tara, 100 boxes superfine assorted, rich labels; 200 do fine and superfine assorted, do; 300 boxes Cadet and Golden bitters; 10 do peppermint, 25 do cherry bounce, 15 do superfine Cherry Bounce, fancy labels; 100 boxes Marseilles; 25 do Strasbourg; 25 do Bordeaux; 25 do Mirabelle; 25 do Kirschwasser; 25 do Anisette; 25 do Vermouth. Noffy, Prats & Co. 100 do Frejugues; 100 do Lunel; 100 do Superfine Agrera clarety bottles; 300 boxes assorted Rhine wines; various brands, 1850 do ordinary Bordeaux claret, 1850 do superior Bordeaux claret, 1850 do Superior Bordeaux claret, in the wood; 150 barrels do champagne, do do, 50 boxes do do do