The New Orleans Bee.

NEW ORLEANS, SATURDAY MORNING, JANUARY 29, 1853.

THE DAILY BEE.

Saturday Morning, Jan. 29, 1853.

THE MAIL.—We received yesterday, series and parcels of several mails. The papers from Charleston are of late as date; from all other points, they are from ten to three days behind hand.

☞ We invite attention to the communication of our correspondent "Justice." We fully endorse his conclusions, though we regard his language as being occasionally somewhat violent.

☞ We are indebted to Mr. JUNIUS BURR, of Wells & Fargo's California Express for files of St. Francisco papers.

LE CARNAVAL.—We are indebted to H. E. LEHMAN for a very handsome Cotillion Galop, composed by him, for the Piano, and which will be performed at the Mardi Gras Ball to be given at Odd Fellows' Hall, on the 8th March next.

FROM NASSAU.—Advices from Nassau to the 7th inst., have been received at Charleston.—On the 29th December, the Governor dissolved the House of Assembly, and writs for the new elections were at once issued.

A Phenomenon.

It is somewhat curious to note the eager zeal of many of the leaders of the Democracy to subside into the still and stagnant policy of a confirmed conservatism. General CASS took the initiative in retreating boldly from the position occupied by him during the Presidential canvass, with reference to Cuba, but the unanimed animadversion of the party journals upon his tame surrender of principles he had previously defended with such marked warmth, induced him finally to advance one single step forward. This he sought to do in the re-assertive of the Monroe doctrine, thinkin, no doubt, he might regain the confidence of the Democracy, by even so slight a return to the former dogmas of that party. But behold! no sooner does General CASS enunciate the Monroe doctrine, as the *ne plus ultra* of political wisdom, then Mr. MASON, who was singularly enough regarded as a champion of progress, irritated at the tendency of Gen. CASS to escape from the dead level of conservatism, makes a powerful effort to pull him back by the coat tail. Mr. MASON combats this Monroe doctrine, declares that it embraced a principle intended to be applied to the South American Republics alone, that it was local and limited in its nature and put forth for a particular occasion which has now passed away. In short Mr. MASON is dead against the Monroe doctrine, and appears to imagine that his declaration is the height of temerity.

Alas for the boasted progressives of the Democracy. The most 'stand-still Whig in this latitude is disposed to go farther, than the quondam fire eaters in Congress. The change of front is absolutely marvellous.

☞ The funeral of Mr. RASCH, the consort of our venerable and highly esteemed fellow citizen, Mr. ANTHONY RASCH, took place yesterday afternoon from the residence of the deceased, in Chartres street, and was attended by a very large number of the personal friends of the family. A numerous deputation of the Orphan Boys of the Third District Academy, and the Orphan Girls of the Female Asylum, followed the remains to their last resting place, thus testifying in a most appropriate manner, the loss which they have sustained in the removal of a warm and sincere benefactress. Mr. RASCH himself, no our readers are aware, has, during his long residence in this city, been a constant and active friend of the Orphans. We sympathise deeply with the afflicted husband in his sad bereavement.

The Europa's News.

From despatches in the Charleston papers we gather the following items:

GREAT BRITAIN.—Immense damage has been sustained along the Irish coast in consequence of recent gales. The ship St. George from Liverpool to New York, full of Irish emigrants, took fire at sea on the 24th of December, being a terrible tempest. Seventy-six of those on board were rescued by the ship Original from Mobile for Havre. Fifty one perished. The Original reached Havre eleven days after having fallen in with the St. George, short of water and provisions. The St. George sank almost immediately.

The ship Lady of the West, from Bristol for New Orleans, was lost at sea on the 14th of December. COPYRIGHT BILLS were passed.

It is reported in London that Lord Clarendon will soon supersede Lord John Russell as Foreign Secretary.

Much alarm was felt on account of the non-arrival, at her proper period, of the Mail steamship from Australia. She had a million sterling on board.

FRANCE.—Austria, Russia and Prussia have at length recognised the French Empire.

The Paris journal La Patrie, denies that the occupation of Sumana by the French was ever even contemplated.

SPAIN.—The Spanish revenue has decreased nine millions of reals.

MAN FRIGHTS TO DEATH.—A man named Daniel Griffitts, a blacksmith by trade, who has for some time past been wandering from place to place in search of work, was found in some bushes by the roadside, near Brooklyn, on Monday morning, frozen to death. We recommend the incident to the especial attention of Mrs. Stowe.

R.I.S.O. O. F.—At the anniversary commemoration of the R. W. Grand Lodge of South Carolina, held on Wednesday, the 19th inst., the following members were elected officers for the ensuing year:

Louis D. DeSaussure, M. W. Grand Master
William Theyer, R. W. D. Grand Master.
W. L. Doggett, R. W. Grand Warden.
John A. Gyles, R. W. Grand Secretary.
Z. B. Oakes, R. W. Grand Treasurer.
Rev. J. R. Arthur, R. W. Grand Caplain.
Peter Dela Torre, R. W. Grand Representative to the R. Lodge of Ill.

The following appointments were also made:

J. M. Baker, W. Grand Conductor.
C. A. Calve, W. Grand Guardian.
S. S. Hacker, W. Grand Marshal.

Committee on Elections and Returns.—John A. Gyles, J. L. Eggleston, J. M. Elford.

Committee on Finance.—R. Mills, J. F. Smith, A. M. N. Cameoghan.

Committee on the State of the Order.—Geo. H. Walker, R. T. Mims, R. Caldwell, P. T. Villepique, B. Lebby, M. D.

DEATH FROM EXPOSURE.—We learn, says the Charleston *Courier*, by the arrival of the steamer W. Gaston, on Saturday, from Florida, that a sad boat, containing four men, (Mr. Allen, Mr. Druggers, Mr. King, and a colored man) was capsized on Sunday night, 16th instant, in St. John's river, near Palatka, the first two of whom perished from exposure. The boat was upset in a squall of wind when about three-fourths of a mile from the shore. The anchor fell out at the time and prevented the boat from drifting or being righted. Mr. King and the negro were rescued in a miserable condition, and it is not supposed that they will recover. The boat was loaded with shingles and bound up the river.

☞ The London *Times* has recently taken occasion to talk about the frequency of fires in our American cities. Now, the report of the London Fire Brigade shows that for the year ending the week before the 1st of January, 1853, there were 1480 fires in London, and a property loss was sustained of ten millions of dollars! The loss of lives was proportionately great.

INFORMATION TO TRAVELLERS.—It would sided by one of the courts at Cincinnati, last week, that if a passenger in a railroad car purchases a ticket, but accidentally loses it, the company have no right either to make him pay the fare a second time, or turn him out of the cars, provided he can bring proof that he actually paid for the lost ticket.

DISASTER IN CALIFORNIA.—The Columbia *Gazette* says that it was shown on Tuesday last, a large and brilliant stone, which we learn had been properly tested by lapidaries, and pronounced to be a pure and genuine diamond. We examined it through a glass, and so diamond we had ever seen, was more brilliant, but not being a judge of such things, we could form no correct opinion about it. The weight of this beautiful diamond—if diamond it truly is—is stated, and should it prove a real diamond, its value will be immense. It was found in a gulch some miles from Columbia.

FURTHER WONDERS.—The New York *Tribune* states that there is not of work in that city a thirty horse power engine of the ERICSSON principle, but such improved, giving the great pressure of fifty pounds to the square inch, and thus with less coal or other expense than imparted by Mr. E.'s original engines on the new ship.

SUBPOENS FOR MUSICAL PEOPLE.—The *Home Journal* says, "Henry Savage is the supported lessee of the presiding musical genius power of Dorcas."

Only think of that, *Forest Sketches* readers! Why the idea should be bad enough, though it should substitute long chorus out.

THE CALIFORNIA MAIL.—The Philadelphia Bank of Commerce has received Captain Ralphson on which that portion of the mails which it was necessary to have on exchange of the principle involved in the transfer, and which, and have to implement a meeting on the Commissioners of the Commissioner of Commerce.

[illegible]

Western from California.

By the *Falcon*, which arrived at an early hour yesterday morning, we have received our files of California papers. A more careful perusal of them enables us to complete our summary of news. The winter throughout the Golden State has been fair with, and less of severity. In the North, and among the mountainous regions, large quantities of snow have fallen, and the season has been fruitful in calamity and suffering. The rains have inundated most of the island towns, and completely checked the operations of the miners. The papers teem with details of storms and floods, and loss of property and life.

The *Falcon*, brought the Mails, 130 passengers, and $230,000 on freight and in the hands of passengers. The *Falcon* left Aspinwall on the morning of the 20th, and has experienced heavy weather and continued head winds during the passage.

The steamship *George* left Aspinwall on the evening of the 19th for New York, via Kingston, with 300 passengers and $1,500,000 on freight.

The steamship *United States* left the same evening for New York, via Kingston.

There is no news of importance on the Isthmus. Business is good, and there is every prospect of a busy season.

The following persons died on the passage of the *Falcon* from Aspinwall to this port:

On the 23d of January, W. Brown; on the 25th, W. Quinn, Thomas M. Lillies and Samuel Gallagher.

The following is a list of the passengers brought by the *Falcon*:

Mr and Mrs Thomas, W R Levin, T P Dunner, Miss M A Gibbons, H D Wilson, Mrs E Stephens, C D Williams, S W Langdon, E L Gunn, J Kohlman, J C Wallace, M Margret, R D Ferris, H Wentworth, J Mitchell, W C Hilton, J. T Hilton, T Hilton, G W Gates, G Singer, E Goodhall, W M Miller, R Boyle, C D Shallecy, G Waters, M D McCartin, L Cox, W H Rundel, J W Bidwell, J Bethes, J H Bidwell, W Jarvis, J D Carey, J H Pyne, S Poe, W H Meyers, W Dougherty and lady, J H Williams, M Roberts, D Nesbin, T Arnold, J Vanzant, J Vanzant, J Vanzant, J Bickley, J Chesser, A Foss, F Smith, J Jackson, Mr Hawkins, E Hawkins, E White, H Curran, M. Kosinek, P Wentoch, A Walz, H Gable, A Walsh, J Kuan, J B Well, J H Holenbeck, C Kabes, J Hart, C Koetlinger, J Harper, C Harper, J Ryan, J Hillen, J Ford, J Chalmer, J Moore, H Sullivan, J Rhoads, J Randolph, J Evans, J Wanner, C R Walker, J Cadwalder, E Sweeney, T Sweeney, C Framan, J Ingle and lady, J H Nelly, J M Freeman, C W Wendt, F B Mowry, G Lancaster, D C Walker, W Wilson, J A Talbot, G Lewis, J McBrell, J C Thorp, G W Bennett, W Whitlier, R Waterbury, J C Clark, W Abbotts, W Hamilton, J Lancaster, D Lippincott, O Beer, W Bybell, W Bears, J B Jeffries, F Keenes, J Glover, M Bayne, T Lewis, W Finch, W Brown, T Vance M Fenlin.

The Winter in the Mines.

The late heavy rains and south-east winds have prostrated hundreds of tents, frames, fixtures, mining works, and almost every portable species of work throughout the San Joaquin country. Our exchanges come to us filled with accounts of rising streams, falling bridges, and of property swept away, and machinery sunk—their owners driven from their claims, and in many places forced to leave the diggings in consequence of the cold and scarcity of provisions. The present winter will cause more suffering and loss of life in the mountains, than privation, than any winter that has yet been experienced by the white inhabitants of the mining regions.

During the past two summers, the explorations of the gold diggers have been pushed deeper and until the recesses of the mountains, and more, upward toward the summit of the Sierra Nevada and the heads of the streams where the gold is found, than in all the times of gold digging previous in this country. The rainy seasons have been so mild since the winter of 1849, and the Indian troubles and hostilities have been experienced from a residence of the miners in their mountain cabins, that they have confidently resolved and built their cabins and tents in the highest accessible ridges where gold is to be found. It is to be feared that the sudden and most unexampled violence of the winter's commencement, with the loss of life, protracted storms, wind, cold weather and impassible roads, will cause more distress and death among the accidental and lone inhabitants of the mountain towns and cities have yet any idea of, nor will the half, probably, ever be told.—*Stockton Journal.*

At Calaveras there has been immense damage caused by the rains. Several persons are drowned in attempting to swim the sloughs. The country generally was overflowed, and mining operations completely suspended. At Sacramento, Shasta, Marysville, Sonora, in fact from almost every quarter, similar accounts are received. We might easily fill our columns with details. Take the following as a sample:

Three miners were drowned near McDonald's ranch, by the Calaveras river rising so fast that they could not get out of the way.

A Mexican was drowned in attempting to swim the river at Guard's ranch.

A Californian, who was in company with Mr Stevens, was drowned in attempting to swim through at Dunlap's. A Dutchman, Mr. Peter, was lost in a hole deep in the house on the plain.

The Calaveras bridge, although the water rose over it, stood firm.

Nearly every house on the plains was more or less flooded.

Mr. Stevens says that the last five miles he traveled he could not distinguish the road, but came through safely. The rain fell in sheets, and the water was running in a complete lake.

The Sacramento *Republican* says that the streets of Stockton are in a frightful condition. Empty vehicles are stalled everywhere in the city. It tells of no less than ten teams stuck in one corner.

[From the Alta California.

Ill-fate of Sacramento!—Appalling Rise of the Waters—The Levee Broken and the City Submerged.

We yesterday morning received details of the effects of the great storm at Sacramento, from which the most serious apprehensions for the safety of the city were excited. By the steamer of last night we have advices down to 10 o'clock yesterday, at which hour the boats left. Our attentive correspondent has furnished us with the following additional particulars:

SACRAMENTO, Sunday, 9½ A. M.

Messrs Editors—I have just received the latest information, up to 1½ P. M. Saturday, and continue by stating that the rain poured in floods all the afternoon and evening, holding up at 4 o'clock this morning. Rain fell in quantity more less than the true fall, the whole amount which has fallen during this storm is 7¾ inches.

The water is 19 feet 4 inches on the Levee last night at 10 o'clock, and rose ten inches during the night.

Washington, opposite, is totally and entirely inundated, not a vestige of earth to be seen. This is an unprecedented thing, but the fears of our citizens were a little subdued; as the Levee made about 2 feet, it was hoped the back country would contain the surplus water from above.

At 9 o'clock this (Sunday) morning, the Levee broke through the American Slough, leading to the fort, making a crevasse of 40 feet width, through which this immense body of water will of course be forced until it finds its level.

All hands are now employed to prevent that it should come immediately rather than to be kept in suspense any longer. The city could hardly be in a worse condition than at present. In eight hours the water will cover every spot of land in the place. The Marshal with a gang of men is using every endeavor to arrest the flood, but cannot avail aught, I think, against such a pressure. It is feared that the loss of life must be great, so many are unable to secure the means of safe conveyance.

Boats are wanted, and will sell readily on speculation. Brick buildings must all come down, should the water rise two feet around them.

The rise of the upper Sacramento will not be down until Tuesday morning, and will raise the water two feet more at least.

Last evening's boat from Colusa reports that place six feet under water on Friday noon, and rising fast.

At Marysville it was rising with astonishing rapidity, and already within five or six inches of the last freshet.

J street is thronged with teams removing goods to the Levee halls.

Tumble up boats, scows, dories, etc., as everybody wants one, and haven't time to make them. Boat leaves at 10 o'clock and with assurance that everything is rowing on swimmingly.

JOB.

Later—The City of Sacramento Under Water. *One hundred and fifty feet of the Levee gone—Nine feet of Water in Eighth street at 10 o'clock yesterday.*

We have been informed by a gentleman who came passenger in the *Wilson G. Hunt* last evening, that the city of Sacramento is partially flooded. One hundred and fifty feet of the Levee was destroyed at 10 M. yesterday, and the water was running through Eighth street some six feet deep. Several lives were supposed to have been lost. One man was seen floating down the river on the top of his house. At the foot of E street a whole block is afloat, the Eagle Saloon is washed away and is also floating round. The levee gave way at 9 A. M. Full alarm was given and over a thousand persons collected to try and stop it, but in vain. The inhabitants who have families are making preparations to come to San Francisco immediately. Merchants are piling their goods as high as they can get them, out of the reach of the water.

As the latest accounts, however, the river had fallen and the break in the levee was being repaired.

The *Times and Transcript* has a doleful article on the finances of the State, in which it shows that the annual expenditure is nearly one million, while the revenue does not exceed $600,000. In a word, says the *Times and Transcript*, the entire revenues of the State of California are insufficient to pay the interest on her public debt, and support her institutions. We are actually running in debt, each year, nearly seven hundred thousand dollars, when the State constitution expressly forbids our running in debt one dollar. The qualified debt of the State is at present $2,349,463 63.

There has been the average number of accidents and robberies, and applications of Lynch law since the date of our previous advices.

Business has been greatly interrupted by the storms and floods. The *Alta California* says:

"The amount of business transacted with us for the last week, just we cannot report the market as quiet, would be a misnomer. We are overpowered with great anxiety, as the weather is raining, and that a short respite of fine had very much prepared us for a large price less than the true fall, the whole amount which has fallen during this storm is 7¾ inches.

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JOB.

[COMMUNICATED.]

THE SENATORIAL QUESTION.

MESSRS. EDITORS:—The 9th article of the Constitution of 1838, ordains as follows:

"In the year in which a *regular* election for a Senator of the United States, is to take place, the members of the General Assembly *elect* meet in the Hall of the House of Representatives, on *the Monday following the meeting of the Legislature, and proceed to the said election.*"

This is the mandate addressed to the Legislature, by the highest law of the State, on this subject. The Constitution of 1845, and the Statute of 1846, made in pursuance thereof, and to give it effect, were, to all legal intents and purposes, identical. The most skilful logician, and most subtle hair-splitter, cannot draw a distinction between them. The injunctions of both Constitutions are clear, unambiguous, mandatory, and obligatory, on the Legislature. This provision of the fundamental law of the State inquires them to "*proceed to the election of the United States Senator, on the Monday following the meeting of the Legislature.*" This language is not *directory* merely, which the Legislature may or may not disregard, as it may be agreeable, or convenient; but *imperative* and *mandatory*, carrying with it a high Constitutional obligation, to which is superadded the terrible sanction of an oath, to support the Constitution. The commencement of the election was *commanded* to take place on a specified day, and on the same other. The affirmative words exclude all negative ones. If they could postpone this election until Friday, they might adjourn it over until the following Wednesday, or to any other period in their discretion. This article, I assert, requires the Legislature to "proceed to the election on the Monday following their meeting. It does not require that the election should take place on that day, but that an endeavor to elect should be made, or commenced at that time.

They must go into an election, and endeavor to elect, and if by repeated attempts during the day, they cannot agree upon a Senator, they might then adjourn for the following day. This is the fair, and rational exposition of the article. The period, as prescribed to the election, expired on last Monday, and any election made at any other time, is null and void. The members of the Legislature cannot shield themselves from public odium, and the reproach of a flagrant infraction of a constitutional precept, by the allegation, that the Senator elect was not constitutionally or legally elected, and therefore, they will treat his election as a nullity. This would be a violation of the federal constitution, which makes the U. S. Senate the judge of the legality of his election. It