

# NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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97—The present number contains twenty-four pages—eight extra being added to get-in judge *Baldwin's* opinion, without interfering with the usual run of matter. In the present want of exciting subjects, we shall endeavor to give value to this work by the record of useful things.

98—The article concerning the introduction of slavery into the British colonies, presented on behalf of the West India committee, sitting in London, is highly interesting. John Bull was once pleased to regard slaves as "merchandise." He much encouraged a trade in men—but now abuses those who hold the property which he forced on their fathers, calling them bad names, and so forth.

99—Our latest accounts left the president at Boston, so much indisposed, that, on Monday last, it was thought necessary to bleed him freely, and prohibit the entrance of all persons into his chamber, except his immediate attendants; but it was hoped, on Tuesday, that he might leave his apartment on the following day. The fatigue ———— to which he had been exposed were too much for him—indeed, it was hardly to have been expected that he could have kept up so long. Those immediately about him should insist upon his being placed more at his ease. It is not a trifling matter to pass through the various ceremonies, and dense crowds of persons, which attend the president in his tour.

The reception at Boston was consistent with the general character of the people of that city. It was neither uproarious nor apocryphal—nor did it partake of that rule party exclusiveness which has disgraced some other places; and it seems that the president was delighted with the manly and kind tokens of respect that were paid him, so long as he could partake of them. As was predicted, he will leave New England with new feelings—and be assured that political opposition has no effect upon the people of that country in their respect for the *chief magistrate* of the nation—nor the least influence over that courtesy which is due to distinguished visitors.

The president was too ill to witness the docking of the Constitution frigate—though he earnestly desired it.

THE SLAVE QUESTION. We have intended, several times, to notice the proceedings of the "nullifiers," in their wicked attempt to cause a new excitement in the south, on account of the slaves—as though some deliberate plans had been laid in the north to unsettle their property in them; for which purpose they have earnestly seized upon the most trivial circumstances—and, because of the acts of a few intemperate individuals, desire to make another "speculation of the value of the union!" We have laid aside a variety of papers on this subject, and, perhaps, shall use some of them—to shew the miserable shifts to which these desperate men are reduced to maintain notoriety, and keep themselves from sinking altogether from the public view; for they well know that, for several reasons, the whole south is alive to every question concerning negro slavery—and, on that interest, may be rallied into an united action, if fearful of the interference of the north. But, independent of a regard for constitutional principles, it is manifestly the *pecuniary interest* of the north that slavery should not be disturbed in the south—and if the "Yankers" are as mercenary as the nullifiers have described them to be, there is no possible ground to suspect any movement in the north, on this subject. It is true, that almost every reflecting person on this side of "Mason and Dixon's line," regards slavery as a mighty evil, a great curse—as many tens of thousands on the other side of that line regard it—but they are universally believe that there is no right in them to meddle in this matter, and that the entire jurisdiction over the case rests with the several states, individually.

We have not time to enlarge on this subject, just now—and would only refer our readers to judge *Baldwin's* Vol. XLIV—No. 19.

opinion, and the decision of a Pennsylvania jury, in the case of a fugitive slave—and the correspondence between Messrs. *Bolton* and *Webster*, inserted in subsequent pages.

THE CHOLERA. We continue our melancholy notices of the progress of this extraordinary disease—but with as much brevity as is consistent with a general record of its fearful and fatal doings.

Pittsburg. The sanitary board announced 3 cases of cholera, at Pittsburg, in their report of June 22. It was supposed they would all prove fatal. No new cases had been reported. [The Gazette of the 25th mentions 4 or 5 deaths—in which, perhaps, the three cases just above mentioned are included, and says—The hospital report, dated Monday morning, 9 o'clock, states that no case of cholera asphyxia had been presented there during the last 24 hours.

Washing. The cholera had nearly disappeared from this place, at the latest accounts.

Kentucky. The cholera seems to have nearly abated in most of the towns of this state in which it appeared, after committing terrible ravages in some of them.

It is computed that about 350 persons died of this disease at Lexington, since its desolation, 3,000 having fled. Among those who perished were many of the most respectable people, male and female. Indeed, in this city it seemed to pay no regard to age, sex or condition. Our latest date is of the 19th—and the cholera is spoken of as having nearly disappeared. It had carried off 23 persons in the lunatic asylum, and, in one instance, ten others of one family.

The P. E. bishop of Kentucky, and Mr. Peers, president of the Transylvania university, and the theological students, exerted themselves manfully at Lexington, in attending upon the sick.

A letter from Sherburne's Mill, dated June 15, says, "There is great excitement here about cholera. Many persons fled to the mountains, and left their crops and every thing standing, should the excitement not cease in a week, the crops will not be cut. Flemingsburg has suffered greatly, indeed there has been in town and vicinity near fifty deaths since Sunday morning, there has been as many as twelve deaths in one family of only fourteen persons."

Georgetown has suffered severely. After a few cases at Winchester, the town was nearly abandoned. One case at Mount Sterling. There were 10 deaths out of 11 cases at Millersburg—because that the physicians fled from the place. Fredericksburg and Springfield have been visited. Flemingsburg had suffered much, as well as Lawrenceburg, with Staunton, parts of the Green River country, &c. In the village of Elizaville, in Fleming country, where there are near a hundred houses, there was not a single living soul to be found, and three dead bodies were left unburied.

Extract of a letter from a gentleman in Mayrville, Ky. dated the 14th.

"We have just returned from the country, where we have been since the first inst. The stores are still shut, and not more than one-tenth of the inhabitants in town. We are among the first in. The cholera is raging through the country—there had been several deaths around us. I hope the disease has left our city—we have not had one case to day. Four families within a stone's throw of us, lost nineteen in two or three days."

At Bardtown the disease was awfully fatal—in one family of 18, there were 9 deaths—seven colored and two of the gentleman's children. It was sometime before persons could be found who had courage to enter the dead. The sisters of charity, attached to the Nazareth and Loretto stations, hastened to attend the sick, and one of them died a martyr. The rev. Wm. Byrnes, principal of St. Mary's seminary, died after 7 hours illness.

There is a report that 3 cases happened at Frankfort, on the 30th.

Ohio. During the week ending the 15th, there were 15 deaths in Cincinnati—but we had not heard of any, especially fatal, that had happened at Steubenville, but the death of the town was fully restored.

It is said that 11 deaths took place in Gallipolis in one day! Alabama. A few cases have appeared at Mobile and Montgomery, &c.

Tennessee. The cholera had nearly ceased at Nashville, but was spreading through the country, and especially fatal to the slaves. There had been 34 deaths in Pulaski, and this small town was abandoned—all the stores closed, &c. The disease was active at Memphis. Five convicts died in the penitentiary.

Mississippi. Many persons, chiefly colored, were dying at Natchez, and in its vicinity—also at Port Gibson, and there were yet a few cases at Vicksburg, and at Jackson.

"Two of the physicians had died, and the other two were not expected to live—at the last accounts.

**Louisiana.** In the first six days in June, there were 179 interments in the Catholic burying ground, and 34 in the Protestant—total 211, at New Orleans. The excess in the former is partially accounted for in the greater cheapness of graves!—two dollars, only, being charged, whereas in the latter six are demanded. One report of the deaths on the 7th is 56; another 61. On the 10th—71—from the 1st to the 11th, inclusive, 555.

On the 8th there was a favorable change of the weather, and new cases of cholera less numerous. Among the deaths was that of the rev. Mr. Hull, the Episcopal minister. The "Bulletin" of the 15th speaks of the disease as being on the decline, and reports 53 deaths. This is the latest date that we have.

The general population of New Orleans is from 40 to 45,000—but many of the inhabitants had left their homes. The cholera has been chiefly fatal, this season, to emigrants and slaves.

A letter from Mobile dated June 14, says—"The cholera is raging in New Orleans, and is attended with more malignancy and fatality than it ever was, in any known part of the globe, not even excepting the jungles of India. No premonitory symptoms attend the disease. The first warning a man has, who may be in perfect health, is, that he is dying. A man, a few days since, actually died standing up: he felt faint and unwell, reached a chair, which he grasped, and he died, his hands cramped to the rails, which held him up after death.

Fatal cases have appeared at New Iberia, Martineville, in the parishes of St. Mary, Lafayette, and Rapides. At some places, the crops had been abandoned, great numbers of the slaves having died. But the disease here, has generally yielded to medicine, if properly attended to. In the parish of La Fourche Interior, one planter lost 23 of his 300 negroes—others have lost one half, some a third, &c. The crops of these will also suffer.

**Missouri.** Mr. Buckner, of the senate of the U. States, and with some of his slaves. I there wrote under the name of my household.

A St. Louis paper of June 8, says—"With the deepest regret we announce the sudden death by cholera of Mr. John Newman, attorney at law, of this place. The deceased was yesterday walking in the street, and this morning, between 7 and 8 o'clock, he was a corpse."

The disease was subsiding at Palmyra.

**Canada.** One of the rigid quarantine regulations adopted at Quebec, provides that the concealment of sickness on board of vessels, or giving false answers on that head, shall be felony, punishable with death, without benefit of clergy.

**Cuba.** The Boston Gazette of Saturday gives the following extract of a letter dated Matanzas, June 5th.  
"You can have no idea of the gloom that prevails here in consequence of that dreadful scourge, the cholera. In the cities it has nearly ceased, but in the country its path is marked with desolation and ruin. On an estate having 100 slaves, every soul perished. Another with 60 lost 55. A slave ship lately landed 400 miserable wretches, of whom all but three died. Eight negroes were taken down on an estate 16 miles from this town, a few days ago. The proprietor, Mr. S., an Englishman, an old acquaintance of mine, immediately came to town to our house. His servant was taken down after he got in, and died in the yard under my window. The old gentleman returned to his estate the day before yesterday, where he found 38, out of 60, dead. He was immediately seized himself, when a black boy was despatched to write a note stating that his master was dying. The boy had scarcely delivered the note, when he expired, fell on the floor, and in a few hours was a corpse. The old gentleman is dead and the estate entirely deserted. This is a picture of many other estates."

A postscript to a letter from Havana of the 8th inst. states that the government had then resolved to suspend the granting of clean bills of health.

A letter from Havana, under date of 11th instant, states that the cholera is still prevailing in that city, and is again making dreadful ravages at Guanabacoa, about two leagues distant. In the lower grounds and along the rivers, both in that vicinity and Matanzas, the colored population were said to be literally mowed down.

Mr. WEBSTER partook of a public dinner at Cincinnati on the 19th inst., and, on being complimented in the 6th toast, delivered a speech—a copy of the report of which may be expected in the next REGISTER, with a regular account of the proceedings on that occasion. All parties united to honor the distinguished visitor, and all seem to have been highly gratified with him. In the course of his remarks, Mr. Webster feelingly stated, that the health of the country and the lateness of the season, with the earnest remonstrances of his friends, had imposed on him the necessity of proceeding no further at present; but declared his intention, at a future day, to penetrate the great Mississippi, and make himself well acquainted with the west, &c. On the 20th, Mr. W. started on his return homeward.

Mr. WHITE. We much regret to learn, that E. D. White, esq. one of the representatives of Louisiana in the last congress of the United States, and who was a pas-

senger in the steamboat *Lioness*, with Mr. Johnston, and others—has died of his wounds. He, also, was a most worthy and excellent gentleman.

BLACK HAWK and his party left New York, some days ago, on their return home, via the Hudson river, the canal and lake Erie to Detroit, and thence to the residence of their tribe beyond the Mississippi. They will, no doubt, make an imposing report to their brethren of the hundreds of thousands of persons who shall have presented themselves to their view, and of the many strange things which they have seen in their journey. The runnings after the chief and his party, by vast numbers of persons—must not have a little surprised these savages: but the American people are great lovers of "sights"—and mighty fond of seeing, and being seen, in huge masses—no matter on what occasion. Even a hanging-match has brought 30 or 30,000 of them together! It is said, that some men ran the risk of being trampled under the horses' feet, at New York, that they might "touch the hem of the garment" of the president—and added, that several of the *ladies* of that city, admiring the noble form and handsome face of young Black Hawk, warmly kissed him! That was, indeed, sufficiently near "going the whole!"

On the arrival of Black Hawk at Albany, in the steamboat, *thousands* rushed to the river to receive him! The press was so great that he could not land for an hour! At last he doffed his blanket, and was smuggled on shore, and passed through the *crowd*, which he had recognized! The chief and his party were immediately sent off on the rail road, to relieve them from the immense crowd of noisy persons who desired to shake hands with him, or lay hold of his blanket! Such things are not very creditable to our people.

A series of articles called "*Randolphiana*" has lately had a great run through the papers, and we meet with the following in the New York Gazette—

**Blackhawkiana.** One day last week after our "red brethren" had risen from a dinner table to which they had been invited, they retired to an anti-room to seek repose. Among the gentlemen present was one who requested an introduction, for the purpose of having a religious conversation with the sons of the forest. Young Hawk, sometimes called Tommy Hawk, had just thrown himself on a sofa, when the object of the visitor was made known to him through the interpreter. He smiled, and saying, "I *lazeze*—*f lazeze*," covered his head with a blanket, and fell asleep.

THE NEW TARIFF. From the *Baltimore Gazette*. The Boston Commercial Gazette, in speaking of Mr. Clay's adjustment of the tariff question, says that it "has given new life to the manufacturing interest. Instead of being a death-blow to the manufacturers, it has induced them to enlarge their plans of operation in every direction." If this be the fact, it is evident that Mr. Clay could not have foreseen the operations of his own bill, since he introduced it with reluctance, and merely as an alternative to the utter destruction of the manufacturing interest. Nor could it have been understood by Messrs. Niles and Carey, who would not so violently have deplored any measure tending to "give new life to the manufacturing interest."

The "Boston Gazette" was, always, severely anti-tariff. It is true, that, at present, many of the old manufacturing establishments are in full operation and doing a fair business—but not many new ones are making, and we do know that a large number of the manufacturers are looking to a stoppage of their wheels, at a future day—especially the makers of iron; unless in a greatly reduced price for wages. Present prospects may be changed. A thorough "reform" in England would do much to help us. If the working people there lived as ours do live, and we hope, always will live, we should not feel alarmed at the idea of making liberal exchanges with them. But God forbid that the freemen of the United States shall be reduced to paupers, to uphold the theory of "free trade"—which, when the term is used by Englishmen, as supported by their practice, is as superlatively impudent as scandalously false. It is as if *Nell Gwynn*, of the 2d Charles, or *Mother Jordan*, of the present 4th William, of England (fruitful mothers of

dukes and other lords—"Corinthian capitals of society!" had lectured boarding school misses, not yet in their teens, on the beauties of chastity!

**THE TARIFF LAW.** It seems that "the enemy" has been put "at fault" by the treasury construction which follows:

A sample of goods made of doubled and twisted worsted yarn, manufactured into a stout twilled cloth, resembling kersey, having been forwarded to the comptroller of the treasury for his decision as to what rate of duty it should bear, the following decision has been received.

*Treasury department, comptroller's office, June 17, 1853.*  
Sir: I have received your letter of the 4th inst. enclosing one from the public appraisers, accompanied by a sample of a coarse article with black stripes in it, said to be composed entirely of worsted yarn, in relation to the duty payable on which, a question, it appears, has arisen.

Ever since worsted stuff goods have, by law, been placed at a lower rate of duty than other manufactures of wool, it has uniformly been decided that the term was to be considered as embracing only such articles as had in the known commercial sense, and in the usage of trade, acquired the distinct appellation of worsted stuff goods—namely, bombazines, calimancoes, willedores, shallones, &c.

I do not consider the article in question, as coming under that denomination. Respectfully,

JOS. ANDERSON, *comptroller.*

James N. Barker, esq.

The treasury construction has caused a good deal of grumbling among certain importers. Take the following as a specimen:

*From the Journal of Commerce.*

I am satisfied, Messrs. Editors, that the importing merchants in the United States will feel much obliged to the treasury department, as soon as it is positively known that they have finished changing the construction of the tariff acts. Every week do we hear of some new decision, some new construction, and some new interpretation of the intentions of congress, keeping the mercantile community, or those immediately interested, in a state of agitation and uncertainty, as to the rate of duty on any particular article. I presume every one is aware, that the treasury department can only interpret the law and the intent of the framers; consequently when congress declares that after a certain period certain articles shall pay such rates of duty as they may deem proper, and some time after the treasury department decides that articles hitherto classed under a different rate, were intended by congress to come under a per centage of duty more favorable than they were previously, I do contend, that the benefit of a reduction of duty should extend to these articles from the time of the approval or passage of the acts of congress making these reductions, and not from the date of the treasury circular, some 6 or 8 months after announcing that the department has decided it was the intent of congress that the articles were to be admitted to entry at a different rate of duty than heretofore, which may be some 15 or 20 per cent. less than the importers had been paying from the passage of the acts until the date of a treasury circular with different instructions.

A recent circular from the treasury decides that under the tariff act of 14th July, 1832, which was to go into effect after the 4th March, 1833, linen cambrics and handkerchiefs shall pay but 15 per cent. duty, instead of 25 per cent. which has until some time last month been charged on the article. Why was this construction not given in time, in order that this description of goods might be placed in the custom house stores prior to the 4th of March, for the return duty? Or why will not the department give orders at this time to the collectors to have a return duty allowed? I had on hand (and have now) before the 4th March, a large lot of linen cambrics which the treasury has decided were lawfully entitled to a reduction of 10 per cent. duty; yet as such decision was not made till after the time prescribed for depositing merchandise for return duty within the custom house stores, I am to be debarred of the actual intentions of congress. Pray, whose fault was it? Surely not mine; and yet I must suffer for it, as my neighbor can now import the article, and by reason of paying a less duty, considerably under sell me. Under all these circumstances, I cannot but believe that the collectors will be instructed to refund the difference of duty on this and such other articles as were entitled to a reduction on the 4th March, but owing to a delay in fixing the construction of the law, were not deposited in the custom house stores at that time. PEARL STREET.

**COFFEE.** We have seen an elaborate calculation published to prove that the annual consumption of coffee in the United States is *ninety-one millions of pounds a year.* The maker of this calculation, probably, has a considerable quantity of the article—on hand!

Official documents should be preferred—when to be obtained! It is true, they do not, in all cases, present perfect facts; but they are the best evidences that can be offered; and, in the instance before us, must be regarded as pretty close approximations to the "whole truth." The treasury tables for the three last years have the following aggregates:

	Imported—lbs.	Exported—lbs.
1820	51,488,248	13,124,361
1831	81,757,386	6,056,629
1832	91,722,329	55,251,158
	224,967,963	74,432,348
Deduct exports	74,432,348	
	150,535,615	

Average 50,178,538½

And so the actual annual consumption is 50 millions of pounds, or 41 millions less than the calculated consumption.

But—it may be said that great allowances should be made because of smuggling. Some small parcels were smuggled when the duty was 5 cents per lb.—but the quantity was not then large. In 1831 the duty was only two cents, in 1832, reduced to one cent, and now no duty is payable. In 1831 and 1832, the inducement to smuggle was not equal to the risk, and the amount illegally introduced had no sensible effect on the quantity consumed. We therefore think that from 50 to 55 millions of pounds is fully equal to the consumption of the United States.

It has not had any seeming effect on its price—and, of course, no great influence over its consumption. In 1820, '21 and '22, the duty was 5 cents, and the average price 27 cents; but in 1829, '30, the duty being the same, the average price was 12½ cents. In 1831, the duty being two cents, the price was 12½ cents; in July 1832, duty one cent, price 13 cents; at present, July 1853, free of duty, and the average price of all the qualities about 13 cents. So that now, when there is no duty, the price is ½ cent per lb. more than it was in 1829, '30, when the duty was 5 cents.

"**FAIR TRADE!**" We have omitted to mention, that, on the 14th ult. earl Fitzwilliam offered a resolution in the British house of lords, with a view of mollifying the corn laws, which was taken up, and negatived without a division. So much for "reform"—and to "relieve commerce of its shackles!"

But some free trade is going on. Jonathan smuggles a few hundred dollars worth of tobacco into Ireland, in return for the millions worth of English goods which John Bull smuggles through the American custom-house, and otherwise; and it is said, that British cotton lace to the value of more than a million of pounds sterling, is smuggled into France—and a million's worth of French silks smuggled into England. Here is the "*quid pro quo.*"

**VALUABLE IMPORTATIONS!** It has too often happened, that, just after the arrival at this port of a ship laden with passengers from Germany, many of our citizens were worried into an ill-humor by the streams of beggars which beset them. Twenty, or more, have often applied to us, in one day, for pecuniary aid—which, though quite as much accustomed to furnish as any of our neighbors, has been universally refused in such cases, as a protest against the practice, and because of a serious belief that the encouragement of it, in one instance, was the fruitful parent of others, holding out inducements for fresh cargoes of beggars. For we have known several cases in which persons were seeking charity, from house to house, in regular succession, who had on hand considerable quantities of gold!—and are clearly of opinion, that the success of one party of such degraded and ungenerous beings, has invited others into the same vicious conduct. But in the last week there arrived in Baltimore 800 or 1,000 Germans—healthy and clean and well clothed persons, evidently of the laboring class, but manifestly sober and decent and industrious individuals. It is not easy to place a money-value on such emigrants. These are men and women to "make the wilderness blossom as the rose," being generally in the prime of life—and they will make

rapid additions, and, in a geometrical ratio, to the population and wealth of our country—to which we bid them a hearty welcome.

A powerful emigration is going on from Germany—and, in the present year, we are told that it consists of the valuable classes, of which those present are specimens. We have received several cargoes of passengers in the present week—and others are expected.

**PRODUCTION OF SUGAR.** Louisiana has a soil sufficient, south of 30 deg. 40 min. north latitude, to yield 300,000 hogshads of sugar, of 1,000 lbs. each, and (of course) 40 gallons molasses to each hoghead. Were seasons regular, as much may be produced in South Carolina, the Floridas, Alabama and Georgia, and even long the south west may furnish 500,000 or 600,000 hogshads. But whilst rice and cotton command more remunerating prices, this estimate cannot be realized. We speak only of capability.

Supposing us to extract from a suitable soil half a million of hogshads at five and a half cents per pound, they would yield \$27,500,000; two-fifths to be deducted for cost of production. Then add the amount of forty gallons molasses per hoghead, or 2,000,000 gallons, at twenty-three cents per gallon—\$460,000.

As it is, the exports of Louisiana produce, of all kinds, exceed those of South Carolina, who boasts of her eight millions. Let us labor, then, to develop our resources. Sugar is now very scarce in this market, and in great demand. [N. O. Bulletin.]

**NAPPING HATS BY STEAM.** The invention of man appears to have no bounds, since Fulton discovered the utility, and applied to the purposes of navigation the power of steam, the improvements that have been made in the arts and sciences are almost incredible. We stepped into a hat manufactory a few days since, and were surprised and gratified to see in successful and admirable operation a new patent machine for napping hats, carried on by steam. The beauty and superiority of the work is admitted by all who examine it. On inquiring wherefore hats napped in this manner are preferable to others, we were informed that it required extremely hot water to bring the article to perfection, and that this is accomplished much better through the agency of steam than in any other manner, it having been ascertained that steam applied in this way is five times as hot as boiling water. [Philad. Inq.]

**THE DRY ROT.** The Hudson frigate, which was built in 1826, and which has made but one cruise, is decayed to such an extent that she is not worth repairing.

The discovery and adoption of a cheap, safe and efficacious preventive of rot, would save millions to both England and the United States.

**THE RAIL ROAD AND THE CANAL.** The Frederick Herald of Saturday, furnishes the following interesting information:

Pursuant to a previous agreement, the presidents of the two great companies, respectively accompanied by a committee of the directors, assembled in this city on Wednesday last, for the purpose of carrying into effect the arrangement entered into some time since for the passage of the rail road around the Point of Rocks, &c. and it gives us great pleasure to state that the best possible feelings prevailed on the occasion, both parties manifesting a desire heartily to co-operate to promote mutual interests. The arrangements which have been entered into have not been fully communicated to us; but we have been assured that all obstacles which heretofore prevented the prosecution of the works have been removed beyond the possibility of collision. Sincerely do we congratulate the public upon this desirable result, and hope that the liberal spirit which has been manifested, may add to the energies of both companies, and that all private feelings may be merged in a desire to promote the public good.

**UTICA AND SCHENECTADY RAIL ROAD.** The following are the sums subscribed at the respective places at which the books were opened for the capital stock of this com-

pany. The aggregate exceeds, it will be perceived, fourteen millions of dollars!

New York	\$5,276,000
Albany	3,257,100
Utica	4,300,000
Schenectady	1,541,500
	\$14,374,600

[The capital of the company is only two millions.]

**BOSTON.** Three rail roads are now making from this city, and will, very soon, be completed—to wit:

To Providence 40 miles; to Worcester 43 miles; to Lowell 25 miles.

These roads pass through or lead to certain of the most populous and important parts of the state; and may be regarded as mighty labor-saving machines.

**PASSENGERS.** On Sunday evening and on Monday, no less than 1,922 passengers arrived from foreign ports, at the New York quarantine ground.

**THE MISSIONARIES.** The release of Messrs. Worcester and Butler, by the governor of Georgia, appears likely to excite much excitement in that state, and to become a leading question in the ensuing contest for governor, on the part of the "Troup republicans" against the other republicans.

**YOU HAVE BEFORE US A SPECIMEN** specimen of American nankeen, made from nankeen colored cotton, raised by Mr. Forsyth, of Georgia. The nankeen cotton was first raised in the south, eight or ten years ago, but was not then thought much of—as is the case with all new articles, it was with difficulty that persons could be found to try it. Mr. Forsyth has persevered until he has been able to induce the manufacturers to work up the raw material, and thus bring the article fairly into market. The specimen before us, a piece of seven yards, is really beautiful; somewhat darker colored than the India article, and much superior to the miserable imitations from the English loom and dye shops. It being of the natural color of the cotton, it does not fade by wear and washing; and we are informed that Mr. Forsyth thinks the strongest mineral acids will not extract the color. This may be correct, but all vegetable colors disappear under the action of chlorine—and we shall take an early opportunity to test the fastness of the color of this article by the use of the chlorine, and other chemical agents. Mr. Nathaniel F. Williams, merchant of this city, agent for the sale of the nankeen, to whom we are indebted for an opportunity of examining it, informs us that a friend of his had accidentally got a large spot of ink on a new pair of pantaloons, which he considered had spoiled them. Mr. W. advised him to apply a little lemon juice and salt to the spot, and expose it to the sun, which was done, the ink extracted, and the color of the cloth remained unchanged.

We have thought it important to the interests of the southern cotton planters, that a knowledge of the value of this nankeen cotton cloth should be disseminated, as the manufacture of nankeen will add to the consumption of the raw material. No one will ever wear the imitated article when they can get the genuine one. The color of the common imported nankeen disappears on the first washing, and clothes made of it are, therefore, very soon laid aside. We recommend a trial of this nankeen, and also the culture of the cotton, as an important object of attention to our southern friends. [Am. Farmer.]

It is an objection to this valuable product of our fields and workshops, that it has the same width, and is otherwise put up in imitation of the Chinese article—because that the width and length of the pieces are unfriendly to an economical use of the goods; but we join the "Farmer" in expressing a decided opinion that the American nankeen is very superior even to the best Chinese, for firmness of texture and durability of color.

We have accidentally learned that, when certain contracts shall have expired, the American nankeens will be made of the cassimere width; and, we hope, sold by the yard, like other goods, instead of the piece—rendering its use more economical to consumers, without interfer-

ing with the profits of producers, but greatly increase their sales.

**LAW—Infancy.** A person recently was brought to trial in New York for an amount of \$154 59, for goods bought by him to supply his own business as a grocer, and pleaded "infancy" as a bar to recovery!

The judge charged the jury—"That it was a fraud for a person who had the appearance of an adult to commence business and then set up infancy in payment of his debt; yet so was the law if he was an infant. The proof being conclusive as to the fact of infancy, notwithstanding his large whiskers, the jury found a verdict for the defendant."

**"RANDOLPHIANA."** A series of sprightly articles have appeared in the "New York American," detailing conversations with the late Mr. Randolph, intermixed with several brief letters from him to the writer—who was on quite easy terms, as it would appear, with that extraordinary man.

Some of the matters of fact stated in the *Randolphiana* have been contested—on which the "American" pointedly says:

"In reference to the contradictions, we feel called upon to say, that if there is any inaccuracy or misstatement, it lies not at the door of the writer of the numbers. What he delivers he received: we vouch for his veracity, as in the first number we promised. For that of Mr. Bancroft we did not assume, and certainly do not feel called upon to vouch, nor in any way to defend the probability or consistency of his sayings and doings."

From the *National Gazette*. The Lynchburg Virginian asks if it be possible that John Randolph, of Roanoke, fraternized with "the great bug-bear federalist," the editor of the *National Gazette*? Mr. Randolph was intimately connected with greater bug-bears of the kind, during the war with Great Britain. He was of the "Royal George" mess at Georgetown; gave Rufus King a preference over all other politicians; lived and acted with Hanson and Grosvenor, and fraternized, almost exclusively, with the principal adversaries of the administration. His speeches against the war were received and reprinted in Great Britain as the strongest testimony in her favor. Mr. Stevens, the author of *War in Disgrace*, edited one of them on that account, &c.

[33]—The less that is said about the "democracy" of Mr. Randolph—the better for his memory. There was no more democracy in his practice than "Tippoo Sultan" displayed; he was as haughty as "the proud duke of Somerset," who felt his dignity insulted because that his wife playfully touched his cheek with her fan.

**REPORT.** The Dover (N. H.) Enquirer states that Joseph Hammons, lately a representative in congress, has received the appointment of postmaster at Dover, in room of B. H. Palmer, "Nortwized." The most exceptional feature of this appointment is, that Mr. Hammons is not a resident of Dover, but of Farmington, and has not yet, owing to indisposition, been able to return to his own state from the seat of the general government. He has entered on the duties of his office, however, though absent, by deputy. [Nat. Int.]

**MAINE.** From the *Boston Mercantile Journal*. On the 19th ult. at Bangor, the public sale of six townships of the commonwealth's land in Maine, took place according to advertisement. Our correspondent, under date of that day, says:—"There has been an immense concourse of people from all quarters, and the sale was conducted with great interest. The result was as follows:

Choice. No.		Acres.	Pr. etc.
1st	3, 4th range, W. branch	22,080	\$3 56
2d	W. on Moos-head lake	13,588	3 16½
3d	3, 3d range, W. branch	22,080	3 07
4th	A. 2d range	11,165	3 13½
5th	B. 2d range	22,080	3 40½
6th	(to be selected this day)	—	3 81½

All purchased by Mr. Ralph Huntington, of this city. Amount of sales—1. \$78,604 80; 2. \$43,617 48; 3. \$67,785 60; 4. \$35,002 27; 5. \$75,182 40. Total of five townships, \$299,402 75.

**DEAF AND DUMB.** The report of the *American asylum for the deaf and dumb*, at Hartford, (Conn.) has lately been published. We learn from it, that the present number of pupils is 130; those who have left the asylum 216; total number of pupils from the foundation, 446. Of these, 111 have been supported by their friends, the rest by the states of New England, except Rhode Island. The report states furthermore, that the directors being convinced that the body and the heart, as well as the intellect of the young require a systematic training, as early as 1822 opened a workshop for the scholars, and adopted such other plans as they thought conducive to the great objects of education. The result has been, as they observed, that they "have found bodily activity and soundness of health promoted by labor; that induces confidence in their own powers, independent of instructors, cheerfulness in study, and hope in overcoming difficulties. It keeps youth from contracting idle habits while at school; and diminishes their exposure to temptation."

**BOSTON.** Officers of the ancient and honorable artillery company, chosen on the 3d June:

- Col. Edward G. Prescott, captain.
- Capt. Robert C. Winthrop, 1st lieutenant.
- Lieut. col. Peter Dunbar, 2d "
- Maj. Lewis Dennis, adjutant.
- Ensign Charles A. Macomber, 1st sergeant.
- Capt. George W. Cram, 2d "
- Capt. Joseph D. Tuttle, 3d "
- Capt. Thomas C. Hollis, 4th "
- Major Charles Sanderson, 5th "
- Capt. William R. Stacey, 6th "
- Col. Benjamin Loring, treasurer.
- George H. Whitman, esq. clerk.
- Mr. Josiah W. Homes, armorer.
- Major J. L. White, assistant do.

[This company has been well called "the soul of the soldiery"—and has sent to and received from the field of battle, some thousands of members. It is kept up, in all its old spirit—its ancient pride of patriotism, and glorious devotion to "liberty and law,"—not in "chivalry," but in action.

**DICKINSON COLLEGE.** Under an arrangement made with the full consent of the present board of trustees of Dickinson college, at Carlisle, Pa. the buildings, land, library, apparatus and other property of that institution, have been transferred to a joint committee of the Baltimore and Philadelphia conferences of the Methodist Episcopal church, acting in behalf of those bodies. This transfer has been made, from a laudable desire on the part of the present trustees, to place the college again in a flourishing situation, and with a belief and confidence that, in the hands of the Methodist society, it may be made eminently serviceable in promoting the cause of education and literature generally. By a joint committee a new board of trustees, consisting of Methodist ministers, Methodist laymen, and gentlemen not members of the society, in equal numbers, met at Carlisle to organize on Thursday, the 6th of June. Those appointed on behalf of the Philadelphia conference were Rev. Samuel Harvey, rev. Jas. Lybrand, rev. Charles Fitman, rev. Joseph Holdich, Dr. M. Anderson, J. B. Longacre, esq. Richard Benson, esq. John Davis, esq. Dr. J. M. Keagy, John Antes, esq. Thomas A. Budd, esq. Benjamin Mathias, esq. Samuel Parker, esq. Dr. J. Higgins, Hicks, esq. Dr. J. Roberts.

Baltimore conference, as far as heard from. Rev. B. G. Boxel, rev. Jacob Guest, Dr. Samuel Baker, Dr. Theodore Myers, Charles Warfield, esq. John Phillips, esq. Wm. M. Biddle, esq. rev. Alfred Griffith, Dr. Thos. Bond, Dr. Thos. Sewell, Dr. Ira Day, John P. Dulaney, James Dunlop, esq. Charles McClure, esq.

Both committees also joined unanimously in the nomination of the hon. John McLean and bishop Emory as ex officio members of the board.

Arrangements will be immediately made by the new board for re-opening the college under the direction of able and experienced professors, and on a basis which will ensure the permanent usefulness of the institution. [Carlisle Herald.]

**THE GREAT RAFT ON RED RIVER.** We understand that an official communication has just been received at this place from capt. Shreve, the enterprising agent of

the government for removing obstructions to navigation from the Mississippi and some of its important tributaries, stating that, within the space of twenty-six days, he had succeeded in removing twenty-six miles of the great raft on the Red River. Captain S. entertains the hope of being able to extend steam boat navigation up that river, 80 miles, before the close of the present season; and expresses great confidence in his ability, with the means at his command, aided by a moderate sum, to remove the entire raft within a short time. [*Washington Globe.*]

[A later account says that sixty miles of the raft had been cleared, at the expense of only about \$14,000, and a perfectly good navigation made so far. It was believed that the whole work might be soon completed.]

**NEW YORK STANDARD.** From the *Pennsylvanian*. We find the following ill-considered announcement in a copy of the *New York Standard* sent us by a friend.

The friends of the *New York Standard* are informed that its publication will be discontinued after the 30th instant. The subscriber does not feel called upon for reasons.

June 14th, 1833.

*Yet further!* The following strange article is from the "Standard" of Monday last—

"I do not yet see cause to regret or alter my notice, of the 14th inst. I have served my party faithfully and devoted myself in all honor to private friends; and still regret to be compelled, like Samson, to bear away the pillars and involve myself with others, who may force me to the net, in a common ruin. It was and is still improper for me to give the reasons for this determination in regard to an establishment which now yields \$11,000 per annum clear profit; but *they who know me know full well* that I will not see the Standard perish without a struggle, nor ever see it pass into the hands of the enemy. I HOLD THE POWER, AND I WILL EXERT IT to right the party and myself.

JOHN I. MUMFORD.

June 24, 1833.

**Another notice.** From the *New York Standard* of the 25th inst. "The causes which induced the notice of the 14th instant, announcing the intended discontinuance of the STANDARD, have so far ceased to operate as to enable us to state to the friends of the paper that it will not be discontinued, but will be carried on with increased efficiency. We are gratified to be able to announce this fact."

**THE LONGITUDE DISCOVERY.** We find, by a communication in the *Cincinnati Republican*, that the longitude is at length discovered. Captain Benjamin Jones Shain, of Cincinnati, a native of Delaware, has constructed a mathematical figure, from which he says that he can ascertain a ship's longitude at sea, by first having the latitude, the bearings of an object, and the assistance of some nautical tables.

**POST OFFICE WIT.** A few days since we received the following epistle, according to the rules of the post office department, "in such cases made and provided"—

Dover, N. H. post office, 14th June, 1833.

Sir—Pursuant to an instruction of the postmaster general of the United States, I have to inform you that the "New Bedford Gazette," addressed to the N. H. Palladium, is not taken up, but remains dead in this office. I am, respectfully, your most obedient servant,

B. F. GURRY, assistant P. M.

"Reason—The Palladium ceased publication in August last—the publisher is since dead—his wife is dead, and it is a dead concern altogether." [*N. Bed. Gaz.*]

**UNITED STATES DEBTORS.** It may be a friendly service to those who were indebted to the United States previously to the 1st of January, 1831, and who are unable to pay the same, to remind them that the acts of congress for their relief will expire in the month of March next; and as the proofs and exhibits in such cases usually require much time in their preparation and arrangement, it may be expedient for them to give early attention to the subject, lest by casualty or the pressure of other con-

cerns, the opportunity of relief may be lost by procrastination.

**THE EDITORIAL PLURAL UNIT.** As the following passage from the prefatory note to the *Melange* is very short, we shall transcribe it, although *Pascal's* hit at editors will probably naturally give the greatest umbrage to those to whom the satire is the most applicable:

"We have heard it intimated that there is something of ostentation or egotism in the use of this said plural unit, which is confined to monarchs and editors; but we conceive the reverse to be the fact, and we shall address in defence of the practice, the authority of a celebrated satirist. Pascal ridiculed those egotists who said 'my book,' 'my commentary,' 'my history;' and observed, that to say 'our book,' 'our commentary,' 'our history,' would be much better, since there is in them much more of other people's than their own."

**CATHOLICISM IN THE UNITED STATES.** From the *Memoirs of American Missionaries*, published by Pierce & Parker, under direction of the Andover society of inquiry, we learn that the Roman Catholic population of this country is estimated at 800,000, the number of congregations at 784. There are ten dioceses, or bishoprics; an archbishop resides at Baltimore.

The Boston diocese comprises all New England, but only a Catholic population of 20,000 (half of which are in Boston and vicinity) to sustain such an episcopate.

Of the latter 6 are in Maine and 9 in Massachusetts. "Here are eight or ten colleges, besides many academies and other literary institutions, entirely under the control of the Catholics; as many theological seminaries; and more than twice that number of convents or nunneries."

In Baltimore they have several charity schools; St. Mary's free school and orphan's asylum, where the children of the poor and orphans are early brought under their influence. Several hundred children are in these schools, which are under the direction of the sisters of charity."

St. Mary's college, also in this city, has a theological department, and eight of the nineteen instructors are ecclesiastics. The course requires seven years. The library contains 10,000 volumes. Students, 150.

At Georgetown, D. C. is a jesuit college with the same number of students, 20 instructors and 3,000 volumes in the library. There is a college at Mobile, at New Orleans and Jackson, in Louisiana; one at Bardston, (Ky.) with 150 students; one at Cincinnati; two in the St. Louis district, including one with 160 students in that city. The most splendid cathedrals are in St. Louis, Mobile and Baltimore. The latter city is styled the *Rome of the United States*. It contains 20,000 Catholics, five splendid edifices, a public Catholic property of a million of dollars, and a convent, and a nursery for blacks, besides the college. The cathedral is the most magnificent and largest temple in the union, having cost over \$500,000, exclusive of ornaments, &c. The ground plan is 190 by 117 feet, diameter of the dome 77, and height 116 feet; two towers, at each wing, 120 feet high. The congregation numbers 6,000, and is the same with whom Carroll worshipped. There are 67 priests in this diocese, besides those connected with seminaries, of which there are 14 in all. In the Cincinnati district the Catholics are said to be "rapidly increasing." In the St. Louis and New Orleans districts are more than 100 priests.

[*Boston Mer. Journal.*]

#### BRIEF NOTICES.

A second instance has happened at Albany of the dismissal of one of Mrs. Bradstreet's suits, because the jury could not agree. This lady claims a considerable portion of the city of Utica.

A Scotch paper notices an old woman living at Glasgow, who is 130 years of age. She never took a doctor's drug in all her life, nor was a lancet ever applied to her frame. She is perfectly free of affections of the chest, and, during the last century of her life, she has been a perfect stranger to pain, and her pulse does not exceed 70. Her grandfather died at the age of 190, and her father died in the 190th year of his age.

The oldest member of congress now living is *Paine Wingate*, of Stratham, N. H. He was of the first congress, held in New

\* Only one is yet built.

York, under gen. Washington's administration—is the eldest living on the Harvard college catalogue, having graduated in 1758—75 years. He married a sister of col. Pickens, whom he buried a few years since. He still superintends his farm, at the age of 85 years, is an old school gentleman, and wears his revolution hat and ruffles.

Some of the friends of Mr. Parlane, ex-sheriff of London, but now a resident of New York, got up a commission to inquire into his sanity, and so prevent the waste of his property—for he had lately gotten himself into many law suits and difficulties of an extraordinary character. Mr. P. plead his own case, and convinced the jury that he was not insane. He seems subject to "an ungovernable temper."

Yet another bad fire has happened in the little city of Raleigh, and the loss of property was large.

The defalcation of Edwin R. Hartford, late cashier of the Darien bank at Macon, Georgia, has already been mentioned. The Milledgeville recorder states, that he has been tried and convicted on the charge of embezzlement, and sentenced to the penitentiary for six years.

Very many passengers from foreign countries are now arriving at Baltimore, &c.

The editor of the Wyoming Herald, thus notices the copper mine recently discovered in Luzerne county.

"The mine is opened about twenty yards in length, and four feet thick; the ore is imbedded in gruwacke, and its appearance is very extensive. A specimen of the ore, and also of the copper made from it, was a few days since shown to us, and we were assured that the yield is fifty per cent. If so, it is of itself 'a mine of wealth,' and will add much to the universal resources of the county, already rich in minerals, and all it wants to convert it into the solid metal is 'capital.'"

At a public sale of real estate in the city of Boston, a few days since, the ground belonging to the late Daniel D. Rogers, containing 18,396 square feet, bounding 112 feet on Beacon street, 200 feet 6 inches on Mount Vernon street, 99 feet on the adjoining estate north, and 168 feet 4 inches on Bowdoin street, was sold in lots, for the aggregate sum of \$69,383 45.

Large quantities of specie are arriving in the United States from Mexico.

The locomotive for the Saratoga rail road will soon be in operation, when a large party will leave New York in the morning steamboat, and take tea at Saratoga springs before sunset, a distance of about 180 miles.

A newspaper to be called the "Moderator" is to be published at Washington, by W. R. Collier, to support John McLean of Ohio, as the next president of the United States.

The capital stock, and deposits and other funds on hand, in the Maryland Savings Institution, on the 1st Jan., amounted to the large sum of \$1,291,195 46.

A branch of the Baltimore and Ohio rail road has been extended through the city of Frederick, and was first used on the 5th instant.

The two sphynxes lately discovered near the statue of Memnon, among the ruins of ancient Thebes, have been purchased by the Russian government for 64,000 roubles. The expense of their transport to St. Petersburg will amount to 28,000 roubles. These sphynxes are destined to adorn the Russian capital, where they will be placed on pedestals.

The life of lord Foley, recently deceased, was insured for £300,000 sterling. It is said that this is the severest blow which the London life insurance companies have experienced since the death of the elder members of the present royal family. The affairs of lord Foley being greatly embarrassed, it is probable the insurance was effected for account of his creditors.

Early this spring, a farmer who lives on Long Island, in preparing a piece of new ground for cultivation, discovered under an old stump, a great number of our common black snakes, who appeared to be in a torpid state. On being exposed to the warmth of the sun, they were reanimated and endeavored to make their escape, but were overtaken by the laborers employed in the field and killed. After the frolic was over, they numbered the slain, and found them to exceed four hundred and fifty.

[N. Y. Post.]

Robert J. Tarabull, esq. a distinguished writer in favor of publication, died at Charleston on the 14th inst. of the "country fever." He was a man of much industry and talents, and one of the chiefs of the party.

The Belfast (Ireland) Whig of the 9th ult. contains the following:

"Lord Grenville, now very old, is seriously indisposed. On his death, the secret respecting the author of "Junius's letters," will be disclosed—his lordship having long been in possession of it. The documents are at Stow, the seat of the duke of Buckingham, who is also ill."

The only important thing in this "secret" is that it has been so long and so well kept. It is no matter who was the author of "Junius."

Great deposits of marl have been recently discovered in Virginia and Maryland.

It is stated that col. William Drayton, of South Carolina, is about to abandon his native state, because of the unceasing

hostility of his political opponents. Judge Smith left it, on the same account—and hundreds of the most valuable and enterprising of its citizens have sought peace in Alabama, and elsewhere.

New Bedford, which has a population of only about 10,000 persons, is the fourth port in respect to tonnage. Thus—Dec. 31, 1831.

	Permanent registered.	Total.
New York	104,438	286,438
Boston	91,075	138,174
Philadelphia	46,290	79,896
New York	22,374	64,049
Baltimore	22,374	43,853

FOREIGN NEWS.

From Paris papers to the 16th May inclusive.

FRANCE.

The duchess of Berri has named her illustrious baby Anna Maria Rosalie, and insists that she has a husband, conai Hector de Lucchesi Palli, second son of the viceroy of Sicily—which some believe, and some do not, is the father of her child. She was about to be sent to Palermo. She is said to have expressed a wish to be kind to America, supposing that her family will not receive her sensibly.

HOLLAND AND BELGIUM.

The state of affairs between these kingdoms is rather warlike—but neither dare fight without leave.

SPAIN.

A letter of the 5th of May from Tarragona, mentions an insurrection among the country people about Reus, three leagues from that town, occasioned by the instigation of the monks. Several villages had united and taken up arms. Their banner bears the inscription:—"long live Charles V. and death to the queen." Of all the villages, Alforge and Povedola, have displayed the greatest violence.

But the queen is reported to be again pregnant, to the great annoyance of the Carlists, and yat may have a male baby for a son!

PORTUGAL.

Letters from Lisbon state that the Miguelite army is constantly diminishing in consequence of desertions, and that the squadron destined for Oporto is detained in the Lisbon roads, being unable to leave for want of sailors. Arrests are continually taking place, and there are now more than fifteen thousand prisoners of state, shut up in the neighboring prisons. Numbers of these unhappy people daily perish by hunger.

RUSSIA.

A letter from St. Petersburg, dated 25th April, states, that gen. Orloff has been ordered to proceed to Constantinople to take command of the Russian land and sea troops there, and has been accredited also as extraordinary ambassador. Hence it has been naturally concluded that the war will be continued. All the numerous disposable regiments were concentrated on the Turkish boundaries. Prince Farkewitch has prepared a plan of military operations against Ibrahim.

A conscription of troops has been ordered in Poland—four out of every 1,000 inhabitants of the district.

TURKEY AND EGYPT.

The intelligence from Constantinople is six days later than before received, extending to the 23d of April. The Augsb. Gazette of the 13th of May gives the following, of that date, as received by express from Constantinople:

"The negotiations with Ibrahim pacha are broken off, and preparations are making here to resume hostilities. Ibrahim pacha has received orders from his father not to renounce Adana, and he refuses to evacuate Natolia, until the sultan shall have made this concession. But the latter refuses to comply with the demand of the Egyptians, and has declared, that having given sufficient proofs of his forbearance, he retracts all his former concessions. Thus the sultan regards as null and void the proposals made to effect an arrangement, after the arrival of the auxiliary army from Russia. He wholly relies on his power, contrary to the expectations of admiral Rossini. It was supposed by many that the ports only negotiated in gain time; this opinion, however, appears not to have been entertained at head quarters at Koniah, or by the French embassy.

"It will now be a cause of regret to the Egyptians that the real intentions of the ports were not ascertained sooner; for Ibrahim pacha will scarcely venture to attack the Russian camp, and in case of a further loss of time, he will find it difficult to maintain his ground. The main army of the Russians will reach Constantinople about May 15th, and will, it is said, immediately commence offensive operations. The most intimate friendship now prevails between the Russian and Turkish authorities, and the sultan is most attentive in supplying the Russian troops with every thing necessary. There are now 14,700 Russians in the camp at Scutari, and to-morrow they will be joined by 600 Turkish artillerymen. Russian officers have been sent to the Dardanelles to put the castles into a state of defence. Thus the war appears to begin again with new vigor. The sultan enjoys perfect tranquillity, to which the presence of the Russians no doubt contributes greatly."

The above account is substantially confirmed by a letter of the same date, received at Vienna, which says—

"Ibrahim impudently demands the cession of Adana and Tarsus, and threatens, not only not to quit Kintalis, but again to advance. The sultan somewhat reassured by the daily arrival of

the Russian troops, and encouraged by the envoy of the czar, avoids all new concessions, and gives himself up with the greatest confidence to the Russians. If then Ibrahim persists, we may expect a renewal of hostilities."

An insurrection took place in the island of Cyprus, favorable to Mehmet Ali, but the island soon returned under the dominion of the grand seignor.

MEXICO.

The reported resignation of the presidency by Santa Anna is not true. He was inducted into office on the 18th of May, and in his speech to the congress declares—

"That the only and sacred object of his life has been to secure to the Mexicans the full enjoyment of those rights which constitute public felicity, to destroy the triple yoke of ignorance, tyranny and vice. That the moment for securing repose has arrived, and that he would never cease from seeking this result, which humanity and philosophy have promised from the last revolution. He declares that the exercise of the public power shall not be in his hands, the instrument of vengeance and oppression. That education, the vital element of the prosperity of nations, shall receive the first care of his government, in order that the nation may be worthy of its elevated rank and prepare the existence of a people that shall exist in the memory of its benefactors. My political intercourse, he adds, with the nations that live in peace and harmony with us, is upon the basis of the most strict reciprocity—just, impartial and unalterable. Peace is a blessing to the human race, and shall be preserved so long as the national dignity permits."

COTTON CROPS.

The following interesting statistics are copied from the N. Y. Journal of Commerce:

Districts of growth or export.	Estimated for 1853.	Estimated for 1852.	Estimated for 1851.	Estimated for 1850.
Virginia.	191,000	184,000	184,000	184,000
North Carolina.	282,000	282,000	282,000	282,000
South Carolina.	149,500	149,500	149,500	149,500
Georgia to 1st May. (By receipts at Charleston and from Savannah, by receipts at New York deducting receipts from Georgia.)	214,000	214,000	214,000	214,000
Florida, (by receipts at New Orleans and New York only).	118,500	118,500	118,500	118,500
Alabama, Mississippi and Lake (by receipts at N. O. 27th April).	185,000	185,000	185,000	185,000
Tennessee and N. Alabama (N. O. 27th April).	49,000	49,000	49,000	49,000
Arkansas, &c. (received at N. O. 27th April).	2,700	2,700	2,700	2,700
Total.	784,000	784,000	784,000	784,000

PROGRESS OF RECEIPTS, &c. OF COTTON COMPARED WITH THE LAST SEASON.

In reading your statement herewith, I wish for the facts. As to the estimates, those who are able may judge of their correctness; and I am confident that a season of the crops, during the last winter, and in the spring, may have detained some 50 or 20,000 bales more in the hands of the planters than I have allowed. New York, 17th May, 1853.

\* Not accurately ascertained, may be a little more or a little less.  
† Probably.

AMERICAN IRON.

Many of the readers of the REGISTER will recollect, that, when discussing the tariff question some time ago, we made some important explanations as to the different qualities of iron, and used certain pointed remarks, because that Mr. Hayne, of S. Carolina, and Mr. Tyler, of Virginia, had ignorantly adopted some scandalously false statements which had been made concerning the duties payable on iron, regard being had to the quality of the domestic and foreign article. It is not worth while to review the facts; but the truth is, that the British iron, which these gentlemen spoke of, as compared with American iron, to show the "excessive" duty paid on the former to protect the manufacture of the latter, was, and is, altogether a different article—as different as negro cloths manufactured from old clothes, are from domestic cloths made out of the wool of "native" American sheep; as the following interesting article extracted from the (Philadelphia) "Pennsylvania" of the 25th ult. will show:

Interesting experiments on the tenacity of iron. We witnessed on Thursday afternoon, in one of the apartments of the Franklin institute, a series of very interesting experiments on the tenacity of iron, conducted by Mr. Johnson, a scientific gentleman, attached to that establishment.

It seems that during the last few years, the frequency of steamboat explosions on the waters of the Mississippi, and the consequent destruction of life and property, have turned the attention of congress to the subject, with a view of arriving, by experiment, at some result calculated to abate the evil, so far as legislation can interfere in so valuable a purpose. Some years ago, a western member introduced a resolution, which passed congress, authorizing the secretary of the treasury to expend a stipulated amount in constructing machines to perform a series of experiments on the tenacity of iron, or other metals, used in the construction of steam boilers. A scientific gentleman of this city, was selected for the purpose; and a machine was constructed to conduct the experiments, which is now in successful operation in an upper apartment of the institute.

We learn from those qualified to judge, that this machine is far more complete than any thing of the like nature, either in England or France. The experiments made upon the tenacity of iron in both those countries, have been meagre and unsatisfactory, compared to what has already been achieved in this city.

It is impossible to convey to the reader any satisfactory description of the machine in question, which is a model for neatness, accuracy and despatch. It is constructed too, in such a way as to make experiments on the metals under any degree of temperature, from that of the atmosphere up to 500 degrees above zero in Fahrenheit. In this equal applicability of the apparatus to iron in a cold or warm state, it possesses a decided advantage over any experiments yet made either in this country or in Europe.

One of the most remarkable and interesting laws of nature, which have already grown out of these experiments, is the fact that the tenacity of good iron is increased by the application of a degree of heat under 400 or 450 degrees. The popular belief has been, that iron heated to that degree, is rendered less strong; or, in other words, its tenacity is impaired in a ratio equal to the heat applied. Such is now ascertained not to be the fact, within the limits of zero and 450 degrees.

On the occasion referred to we witnessed the experiments made on several bars of American iron, manufactured in different parts of the country. One bar, in particular, of Tennessee manufacture, was submitted both to the hot and cold process in succession, and it exhibited a tenacity equal to that of any iron manufactured in the country. To express it in scientific language, it ranged from 59,000 to 64,000 pounds to the square inch, increasing under a degree of heat varying from the atmosphere to 450 degrees; for the heat under 450 degrees gives it invariably a small additional tenacity.

On inquiry, we found that this iron was the manufacture of the Cumberland iron works, situated on the Cumberland river, 100 miles below Nashville, in Tennessee



—a large iron foundry, consisting of a rolling mill, two blast furnaces, two forges, &c. &c.

The records of a number of experiments on Jmolata, Pittsburgh and other iron, were shown us, and, with some exceptions, the best Pennsylvania and Tennessee iron exhibit the same qualities. The iron of Connecticut is also remarkable for its tenacity, but we understood that New York iron had not yet been submitted to experiments. One remarkable fact we were made acquainted with. It is this: *the most ordinary American iron is equal to the best British—and the best American is equal and frequently superior to the best Swedish or Russian that can be imported.* These facts are encouraging to American science and art.

We understand that these interesting experiments are conducted in the afternoon of every Thursday and Saturday, and are open for the inspection of the lovers of science and the useful arts.

An extremely valuable report of these experiments is now preparing to be presented, through the secretary of the treasury, to the next congress.

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**CURVED ROADS AND LOCOMOTIVES.**

The invention spoken of in the following communication, (says the Baltimore Gazette), is not new in principle—it is a part only of the combination claimed to be invented by Mr. James Wright of Columbia in Pennsylvania, for the purpose of causing rail road cars to pass with equal facility on curved or straight roads, for which Mr. Wright obtained a patent in September, 1829. A vibrating axle was also necessarily a part of the invention of Mr. *Brown Williams*, in the construction of carriage wheels of reduced friction, for which he obtained a patent in October, 1828. The right of Mr. Stevens might therefore be questioned if he were to obtain a patent for using a vibrating axle on a rail road car.

From the United States Gazette.

Mr. Editor—I was yesterday in crossing New Jersey, compelled to stop by the way and was so much gratified with the operations of a locomotive engine on the Camden and Amboy rail road, that I avail myself of your columns to make it known to the public.

This engine I understand is the second one completed for this company by Mr. Stevens, with improvements on the English engine imported by them. Six or seven more it is said will be added in a few weeks, when this species of power will be used on the road. This engine though only put up on Monday and never before worked on a road, yesterday run from Amboy to Bordentown in the most admirable manner. The distance from Bordentown to Bordentown was performed at the rate of thirty miles an hour, the speed was occasionally increased to thirty miles and could evidently have been very much accelerated.

My object however in noticing it is to call public attention to an invention by which all difficulty from curvature in rail roads are overcome, and the advantage is so obvious, that one is astonished in looking at it that the idea has never before occurred to those interested in the subject. The difficulty from curves in the line of a rail road has arisen from the axle of the wheel of the carriage being stationary—their tendency to a direct line and the consequent increase of friction from the action and lateral pressure of the flanges of the wheel upon the edge of the rail. In carriages drawn by horses the draughts has a tendency to remove the difficulty by inclining the carriage to the direction of the line which is pursued by the horse. It was necessary to overcome it altogether to enable a carriage to run as free on a curve as on a straight line. By the improvement alluded to this desideratum is attained.

I am no mechanic but perhaps can make myself sufficiently explicit to be understood, the improvements consist simply in a change in the mode of attaching the axle to the carriage. The boxes instead of being stationary in the frame of the carriage, work upon a sliding gear so as to admit of a change in the position of the wheels. The ends of the axle run in a strong frame work which is projected in front of the carriage and is there attached to the axle of two smaller wheels, as the carriage is projected forward these guide wheels follow the direction of the track, and always preserve the parallelism of the carriage wheels with the rails. I witnessed several experiments on the most severe curves on the line. The result was uniform and the success complete. The flange never touched or run near the rail. It was manifest on an examination of the wheels at Bordentown that this had been the case throughout, although the curves had purposely been passed at the highest speed of the engine. I understand that this was but a repetition of prior experiments made with another engine on a carriage of the same construction with which a train of ten cars, besides the tender and a weight (exclusive of the carriage) equal to 340 passengers was propelled without the slightest impediment over all that portion of the line from which any difficulty could be anticipated.

I presume a patent has been, or will be obtained by Mr. Stevens to secure the right to this valuable invention.

A FRIEND TO IMPROVEMENT.

June 19, 1853.

**BOSTON INSTITUTION FOR THE BLIND.**

Boston, June 1, 1853.

Hon. T. H. Perkins—

DEAR SIR: Mr. Prescott having laid before the trustees of the New England Institution for the education of the blind, your proposal to convey to that corporation your estate in Pearl street, provided the sum of \$50,000 should be raised from other sources in the course of the month of May; they immediately proceeded to take measures to comply, if possible, with this condition, and those measures to the satisfaction of the trustees of the Institution.

The undersigned were appointed a committee on the part of the board, to prepare a circular and solicit subscriptions. The period within which the sum required was to be raised has now expired, and the committee having performed the duty assigned them, beg leave to present you the following statement:

Amount of subscriptions in the city of	
Boston	\$33,310
Salem	1,150
New Bedford	1,600
Hartford, Conn.	1,300
Nett proceeds of ladies' fair, Boston	11,400
" " " " Salem	2,857
	\$51,117

An additional amount has been subscribed in New Bedford, Springfield and Worcester, but as the subscription papers have not been returned, the committee are unable to state it precisely.

In laying before you, sir, this gratifying result, the undersigned have great pleasure in acknowledging the ready and efficient aid afforded them by their fellow citizens, the inhabitants of Boston, under particular obligations to the committee of gentlemen who volunteered to take charge of the subscription paper, to whom the community is greatly indebted for their exertions. The proceeds of the ladies' fair amount to nearly a fourth part of the whole sum. Considerable as is this contribution, the manner in which it was obtained constitutes its highest value. The enthusiasm with which our whole population repaired to Fanell hall on that occasion—the touching nature of the appeal—the associations of the place, and the propriety and good taste of the arrangements, combined to render the scene in a remarkable degree interesting and impressive.

These circumstances altogether, convey, sir, the most acceptable tribute of thanks that can be offered to you, since they furnish conclusive evidence that not only the inhabitants of Boston, but our fellow citizens of the neighboring towns, and of other states, enter fully into the motives which prompted you to this splendid act of benevolence.

The committee feel that they can add nothing to this unequivocal expression of public sentiment. They can only thank you in behalf of their associates, for the generous aid you have extended to this charity, and assure you that they will endeavor to make such use of it as shall deserve the approbation of yourself and the community. Very respectfully, your obedient servants,

EDWARD BROOKS,  
JOHN D. FISHER,  
WM. P. MASON,  
WM. H. PRESCOTT, } committee of trustees.

Boston, June 9, 1853.

To Messrs. Edward Brooks, John D. Fisher, Wm. P. Mason, Wm. H. Prescott, a committee of the trustees of the New England Institution for the education of the blind.

GENTLEMEN: I received your letter yesterday on the subject of the "New England institution for the education of the blind," by which I am informed that upwards of fifty thousand dollars have been raised by the trustees in aid of that institution. In the confidence that this condition, annexed to the donation of my estate in Pearl street, would be met by the public in the month of May, I executed a deed of the estate and lodged it in the hands of the hon. William Prescott and William H. Gardner, esq. to be delivered when they were advised that the sum named had been subscribed; who will deliver the deed to you upon application.

Hoping and believing that all the good anticipated by those who have subscribed in this interesting establishment may be realized, I am, gentlemen, respectfully, your obedient servant,  
T. H. PERKINS.

[The deed above referred to has been delivered to the trustees, and consequently the elegant edifice which has long been the residence of the liberal donor, is now the property of the institution.]

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**DOCKING OF THE DELAWARE.**

From the Norfolk Herald.

The docking of the Delaware 74, took place, agreeably to previous notice, on Monday morning, [17th June] in the new dry dock at Annapolis. The arrangements for the occasion were carried into effect with the utmost precision—no accident nor oversight caused a moment's delay; the huge floating castle was accurately adjusted in the centre of the dock, presenting a grand spectacle to the thousands of spectators who surrounded her. Presently the steam engine for pumping the water from the dock was set in motion, and the noble ship settled down till her keel rested on the blocks. The commencing work was supported by props to either side, to preserve her level; and successive

rows of these were affixed as the water was drawn off, until at last she was left "high and dry," standing fast and upright in the position in which it was intended to place her, and fixed with as much accuracy as if she had been lifted and placed there by a giant hand. The operation consumed the remainder of the day, and yesterday the dock was literally dry.

Thus has this stupendous work been completed, and the anxious and interesting operation of applying it to its intended purpose happily accomplished, under the direction and superintendence of Commodore Elliott, whose successful conduct of the work upon which too much credit cannot be given for its successful completion, is a most arduous, responsible, and difficult undertaking. In viewing the work as it now appears, in its perfect state, the mind is excited to admiration by its magnitude and beauty; and the practical evidence which it presents of its great utility; will convince any one who has an idea of the expense of "heaving down," a seventy four, that however great the cost of this work may be, it is economy in the end. The Delaware was copped twelve years ago, but will require it again, we should judge, before she can go to sea. Some hencles have been made in her old copper (which appears to have not been of the best quality) through which that destructive enemy, the worm, has perforated her planks, and in several small places eaten its way entirely through them.

A vast concourse of spectators were present to witness this novel and interesting scene, of whom a large proportion were ladies, from Norfolk, Portsmouth, and the neighboring country. We must do justice to the gallantry as well as science of Col. Baldwin on this occasion; he had set apart the second story of the engine house, which commands a full and near view of the dock in front, and erected galleries, covered with sails and decorated with elegant and tasteful ornaments.

The doors of the hospitable mansion of commodore Warrington, commandant of the navy yard, were thrown open on the occasion, and the worthy commodore gave a hearty welcome to all who called to partake of the ample store of refreshments which he had provided for their entertainment.

As the ship passed into the dock, a salute was fired by the U. S. frigate *Jess*, (receiving ship) under the command of lieutenant Fitzhugh, which was anchored off the navy yard, and splendidly decorated with the flags of all nations. Commodores Rodgers and Morris, commissioners of the navy board, were present at and for some days previous to the docking of the Delaware.

It is to be regretted that the time announced in the papers for the docking, was anticipated, by which the great mass of visitors were disappointed in their ardent desire to see that part of the exhibition—though, in truth, there was nothing remarkable in it—nothing more than hauling a vessel into dock, which may be seen every day. We learn, however, that the circumstance was accidental; the tide served before the hour appointed for the ship to go in, and we are told (though we knew it before) that "time and tide wait for no man." Our readers may be assured that the dock with the ship in it, as we said before, "high and dry," is much better worth seeing than the ship passing into the dock, or after she was docked, previous to pumping out the water.

Captain Henry E. Ballard, appointed to the command of the U. S. ship *Delaware*, arrived here yesterday morning in the steamboat *Columbus*, from Baltimore.

The *Delaware* is called a 74—but capable of throwing as great a weight of shot as a British ship rated at 100 guns. She is, however, much less than the Pennsylvania, and perhaps some others of our heavy ships.

*From the Boston Atlas of 24th June.*

**DOCKING OF OLD LINCOLN.** That splendid structure, the dry dock at the navy yard in Charleston, commenced in June, 1837, and lately finished, was opened yesterday morning at 5 o'clock to receive the frigate *Constitution*. The veteran Isaac Hull had the command of the ship, and, with his speaking trumpet in hand, trod the deck, as well he might, with a proud spirit. On board the frigate, were the vice president, the secretary of the navy, the secretary of war, hon. Joel R. Poinsett, of South Carolina, his excellency governor Lincoln, his honor the lieutenant governor, and many distinguished strangers, who are now the guests of the city. At half past 5 a salute was fired from a battery in the yard, and the gates of the dock were opened. In about 25 minutes the gallant ship was safely lodged within, and the hundred horse power engines immediately commenced pumping out the water, and in long thirty two pounds.

After the entrance of the *Constitution* into the dock, com. Hull delivered three canes to the secretary of the navy, made of the original timber of the ship, which he stated were intended for the president, gov. Lincoln and Mr. Poinsett, of South Carolina.

Mr. Woodbury observed that he felt much pride in being selected as the individual to deliver the presents to the distinguished persons for whom they were designed. It added in his proud satisfaction to do the act on the deck of a ship that had accomplished so much for our national character, and which was so justly a public favorite. So far as it was in the power of man to preserve a vessel which was an emblem of this mighty republic, and from whose bond of union it derived its name, he hoped that it would be done.

He regretted deeply that the indisposition of the president prevented his being present on the occasion, and he would therefore place in the hands of the vice president the gift designed for the chief, who was richly entitled to the appellation of "first in war, best in peace, and first in the hearts of his countrymen."

The presents were then placed in the hands of the respective gentlemen, who returned their thanks in an appropriate manner.

Commodore Elliott, it will be recollected, commanded the naval station at Charleston during the last winter, and had ample opportunity to witness the noble stand taken by Mr. Poinsett against the nullifiers and in defence of the federal constitution.

The gift to this eminent patriot could not therefore have been otherwise than gratifying. In making his acknowledgments, he said that he was proud to be a citizen of these United States, and he was also proud that he was a native of South Carolina. Though some of the leading politicians of that state had pursued a course that was at war with the existence of the union, he was happy in having an opportunity to say, that their voice was not the voice of the people.

Commodore Hull gave his orders on board in true sailor-like character. To his remark that he was not at home in making speeches, Commodore Elliott replied, "No matter, my friend—make your speech as short as you like, and all will be satisfied."

[In two hours after the entrance of the ship, the water under the stone blocks prepared to receive her, and, in a short time, the dock was dry.]

**MILITARY ACADEMY AT WEST POINT.**

Report of the board of visitors to the general examination of cadets of the United States military academy, in June, 1853. To the secretary of war.

The board of visitors who have been invited to be present at the general examination of the cadets of the United States military academy, in order that the war department may be correctly informed of the condition and condition of the academy, have attended the examination of all the classes and are perfectly satisfied with the progress made by the cadets in the several departments of their studies in which they were examined.

At the request of the superintendent, a committee appointed by order of the board, assigned the subjects to each individual of the class, in order to avoid all suspicion of the examining professor having adapted the subject to the capacity and attainments of the cadet, so as to exhibit an appearance of greater proficiency than the class really possesses.

The first class was examined in military and civil engineering, in mineralogy, rhetoric, ethics and constitutional and national law, and in infantry and artillery tactics; and in each of these departments exhibited proofs of their application and attainments, and of the zeal, capacity and industry of the professor and assistants. The cadets of this class will leave the academy well fitted to fulfil the great objects of the institution, viz. to introduce into the armies of the United States all the modern improvements in the art of war, and the high state of discipline which distinguishes the best armies of Europe, to disseminate throughout our country a knowledge of military tactics and engineering, so as to furnish the means of rendering our militia as well as our regular army an efficient arm of defence in time of war; and to provide officers properly instructed and fully capable of superintending the construction of fortifications for the permanent defence of our maritime frontier, and of works connected with the internal improvement of the country.

The cadets of the second class were examined in chemistry and natural philosophy, and showed a degree of proficiency very creditable to the professors and assistants, who have been charged with their instruction in these departments. The board would here remark, that in their opinion it would be expedient to establish a permanent professor of chemistry. The important discoveries made and still making in this department of science, and its application to the useful arts, as well as its connexion with the means of preserving the health of the soldier in camps and barracks render it important that it should be taught in this academy, and it is obvious that the obvious that the application and long practice to teach a science which must be illustrated by experiments made before the pupil. It is believed to be difficult to acquire the art of instructing youth in any department of literature or science; but it is especially so in those which require skill in demonstrating the theories and principles by experiments. Instruction in these branches ought not to be entrusted to officers liable to be frequently removed.

The third class were examined in mathematics and French. There is no institution that we are acquainted with where this department of science in its higher branches is more thoroughly taught than in this academy. The high attainments and unwearied industry of the professors and assistants together with the great application and capacity of the cadets of the third class were excellent. Instruction in these branches ought not to be entrusted to officers liable to be frequently removed.

The examination in French was very creditable to the teachers and cadets of this class. They appeared to be well instructed in the grammar of this difficult language, conjuncting the regular and irregular verbs very correctly, and they translated it into English with great facility, which is all that is deemed requisite; the principal object of this course being to enable the cadet to consult the best French authors on military science.

As there are at least 160 students to be taught in this language, it is believed by those best acquainted with the subject, that another teacher in this branch ought to be added to those already employed.

The fourth class were examined in mathematics and French. The cadets of this class evinced a degree of proficiency in the elementary branches of mathematics highly creditable to the gentleman who is charged with this department of their studies. Whatever may be the talents and application of the student, he cannot make any proficiency in this essential department of study, which may be considered as the foundation of all military education, unless his studies are directed by a person not only profoundly versed in the science, but possessed of great experience in the art of instructing youth; and the board would take this opportunity of remarking that to remove such an instructor from the academy for the purpose of substituting another, who, whatever his talents and acquirements may be, does not possess the same experience and practice in teaching, cannot but be prejudicial to the interests of the academy, and would be unjust to the cadets.

The government exacts from them, especially in the department of mathematics, a degree of proficiency, which they cannot obtain without the assistance of competent instructors; and they may be exposed to be injured by the constant and violent shaking of the edifice, and the finer astronomical instruments cannot be used from the same reason and from want of space. A large telescope is placed in a detached building entirely unsuited to its uses.

For these reasons and from the intrinsic value of the books and instruments, the board recommend the erection of a fire proof building, which would produce a most beneficial effect upon the studies, their morals and their health. That they are inadequate to the purposes of the institution, and are not only badly constructed, but entirely too limited to afford comfortable or proper accommodations for the cadets who are lodged in them.

A number of cadets are from necessity crowded into a small room, which must produce a most annoying effect upon their studies, their morals and their health. That they have been exempt hitherto from the diseases which are engendered in confined and crowded apartments, is due altogether to the admirable system of internal police and strict attention to cleanliness, which distinguish every department of this institution. There is besides a want of accommodations for the assistant professors; and the quartermaster, paymaster and adjutant are without offices. For all these purposes nearly fifty new rooms are required. The board would recommend, that the superintendent be instructed to furnish a plan of a building capable of uniting all the accommodations required by the officers and cadets now at the academy, and of being extended whenever the government may think it expedient to enlarge this institution, and render it proportionate to our vast territories and rapidly increasing population; and that whenever it may be thought proper to erect the building now called for, it may be so constructed as to form part of an edifice hereafter to be completed with more extensive accommodations.

On examining into the fiscal concerns of the academy, the board had every reason to be satisfied, that great economy has been exercised in the administration of this department of the institution, and cheerfully bear testimony to the order and regularity with which the books are kept, and the receipts and disbursements accounted for, as well as to the integrity and judicious economy with which the finances of the academy are administered.

There are several subjects, the importance of which is fully understood and acknowledged by the superintendent and academic staff, but which are not taught in this institution for want of time. In military and civil engineering, it is thought that the following might be introduced with great advantage to the cadets: A course of applied mechanics on the investigation and description of some of the most usual machines employed in the construction of public works. Some practical exercises in the field, such as laying out and throwing up some of the works of a campaign which are most ordinarily used; batteries, trenches, cavaliers, the manner of conducting saps, the construction of gabions and fascines, &c. &c. and a course of topography as applied to military reconnaissance; indeed, such is the vast importance of this branch, that a new department, embracing the whole subject, could not fail to be very advantageous to the military student.

In the department of natural philosophy, many important practical illustrations might be advantageously introduced. At present, the experimental part of the course is principally confined to the illustration of such facts and general principles as may be established by experiments exhibiting in the presence of the entire class. These illustrations are attended with the most beneficial effects, as they serve to make a very forcible impression on the mind of the student, but they are alone insufficient. It is frequently important that the student should not only be acquainted with the name and use of an instrument, but that he should be able to use it himself. This can only be done, when sufficient time is allowed for each student to make frequent use of such instruments under the immediate direction of the professor.

This deficiency is particularly felt in the case of astronomy, where an intimate acquaintance with the use of instruments, and the habit of submitting the data furnished by observation to the precise and delicate calculations necessary to enable the student to apply his theoretical knowledge to useful purposes. The instruction in practical astronomy is altogether too limited. The time which can be devoted to this object being scarcely more than sufficient to permit the professor to make the students acquainted with the objects of the few instruments in the possession of this department. This is certainly a great defect; important lines are frequently required to be established

augment the number of volumes on miscellaneous subjects, the real object of the institution must be kept steadily in view, and it will continue to be the duty of the superintendent to purchase and procure in all respects the best books and instruments to be taught in this academy, and to supply the necessary works on architecture, chemistry, geology, mineralogy and moral science, in which the library is still very deficient.

The philosophical apparatus and astronomical instruments are of the best kind and of the latest invention, but many more are required fully to illustrate the course of instruction in philosophy. The building which contains the library and philosophical apparatus is both unsafe and unstable, and the rooms are so small and inconvenient as not to admit of the necessary arrangement and display of them for useful purposes. Many instruments of the philosophical apparatus, which are delicate in their structure and uses, and require to be very nicely and accurately adjusted, are exposed to be injured by the constant and violent shaking of the edifice, and the finer astronomical instruments cannot be used from the same reason and from want of space. A large telescope is placed in a detached building entirely unsuited to its uses.

For these reasons and from the intrinsic value of the books and instruments, the board recommend the erection of a fire proof building, which would produce a most beneficial effect upon the studies, their morals and their health.

Upon a careful and minute examination of the public buildings of the academy, it has been found, that they are inadequate to the purposes of the institution, and are not only badly constructed, but entirely too limited to afford comfortable or proper accommodations for the cadets who are lodged in them.

A number of cadets are from necessity crowded into a small room, which must produce a most annoying effect upon their studies, their morals and their health. That they have been exempt hitherto from the diseases which are engendered in confined and crowded apartments, is due altogether to the admirable system of internal police and strict attention to cleanliness, which distinguish every department of this institution.

There is besides a want of accommodations for the assistant professors; and the quartermaster, paymaster and adjutant are without offices. For all these purposes nearly fifty new rooms are required. The board would recommend, that the superintendent be instructed to furnish a plan of a building capable of uniting all the accommodations required by the officers and cadets now at the academy, and of being extended whenever the government may think it expedient to enlarge this institution, and render it proportionate to our vast territories and rapidly increasing population; and that whenever it may be thought proper to erect the building now called for, it may be so constructed as to form part of an edifice hereafter to be completed with more extensive accommodations.

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has been very judicious; but however desirable it may be to

as boundaries between states and territories of neighboring nations, where the accurate use of instruments is of the last importance, and the cadets of this academy ought to be practically taught to use them with perfect correctness.

The principles of strategy of grand tactics might be taught with advantage.

It is true that there is no work treating of those subjects which is sufficiently condensed and at the same time perfectly unexceptionable in its principles as a text book for the same industry and talent which have furnished text books in other departments of military science, might be employed for this purpose with great success, and furnish a series of lectures embracing a definition of the technical terms employed and of such general principles as admit of the clearest and most exact illustration.

It appears always to have been desirable that cavalry tactics should be taught at a great national military academy. This branch has hitherto been totally neglected; but it has become more essentially necessary since this arm has been added to the regular army of the country. The service of cavalry and horse artillery ought to form a part of the practical instruction of this academy, and the board respectfully recommend this subject to your consideration. As the cadets are now occupied assiduously every hour of the day in the prosecution of the studies now taught in this institution, it will be necessary, if these subjects are deemed of sufficient importance to be added to the present course, that the terms of the academic study should be extended—or that the qualifications required on entering the academy should be made much greater than they now are. They are now lower than is required by any literary institution in this country, and no doubt the frequent dismissal of those young men, who cannot keep up with their class, arises principally from this cause. Parents ought to be informed of the great advantage their sons would derive the first year of their course of this academy by being well grounded in the classics in arithmetic and algebra, and in the rudiments of the French language.

The manner in which the cadets are furnished with clothing; was a subject of inquiry by the board, who were satisfied that this was done in the most economical manner. Their mess room was inspected while the cadets were at their meals, and the board were satisfied that the steward fulfilled his contract faithfully, and supplied the tables with abundance.

An inquiry having been made into the manner in which the cadets are supplied with the class books and stationery, the board are satisfied, after a careful investigation, that the cadets are supplied with all such articles at a lower price than they can be purchased in New York and in the most convenient, just and economical manner; and that the arrangement made by the superintendent in this particular, is marked by the same prudent economy, order and intelligence, which characterize the management of the institution.

The board having learnt that the present superintendent of the military academy, whose health has suffered from his close attention to the affairs of the institution, has, by his own solicitation, been called to the performance of other duties, cannot forbear to express the very high sense they entertain of his merit and services during the long period of his command of the station.

To the knowledge acquired with this view by col. Thayer, the military academy of the United States owes its present admirable organization; and to his zeal, capacity and unwearied attention to his duties, is to be attributed the high state of discipline and improvement of the institution. To his exertions we owe in a great measure the success of this establishment, the extensive usefulness of which needs only to be understood by the nation to be fully appreciated.

Independently of serving to disseminate over the vast territories of the United States, knowledge of a description which cannot enter into the usual course of studies in other academies, and furnishing the means of rendering most effective our army and militia, of securing our frontier and improving the communications throughout the states, it is calculated to elevate the moral state of the military profession in our country, the importance of which to the general interests of the nation, cannot be too much insisted upon.

The annals of history prove, that success in arms is one of the most faithful sources of personal popularity, and in a country where the soldier is still a citizen, and may be called upon to share in the civil government, or rise to the highest honors of the state, the standard of study and discipline cannot be too high, which develops his talents and forms his character. The same annals show that at the close of successful wars, the liberties of a country depend in a great measure upon the character of its armies—at such a period the fortunate soldier possesses power, and great and probably well earned popularity, and if his character is not so elevated by nature or education as to lead him to prefer the cold fame of having preserved the liberties of his fellow citizens to the glitter of false ambition, and to sacrifice all personal views of aggrandizement to the good of his country, he may plunge the state into anarchy or rivet upon his fellow citizens the chains of despotism. If ever the liberties of the states of Europe shall be recovered, it will be effected through the improved condition, character and education of their officers and soldiers; and while we indulge the hope that the liberty of these states rests upon too firm a basis to be overthrown by the ambition of those who compose our armies, it cannot be concealed that if they were not instructed, their ignorance and depravity might seriously endanger the peace of the country.

The board have observed with some regret, that the old world in the neighborhood of the academy has been in some instances, disturbed. They ought, in their opinion, to be preserved as monuments of the glorious struggle, which secured our independence. The contemplation of such memorials cannot fail to have a beneficial effect. They are calculated to inspire all Americans with sentiments of exalted patriotism, and to remind them of the extraordinary efforts and great sacrifices made by our forefathers to achieve the liberty and independence of the country—and cannot fail to lead them to form virtuous resolutions and to reflect, that as heirs of the immortal fame of their ancestors, they are bound to emulate their glorious career, and preserve their bright inheritance with the same inflexible courage and undeviating purpose.

STEPHEN VAN RENSSELAER, *president.*

- CHARLES COFFIN, J. R. POINSETT,
- J. R. HUDEN, ERASTUS ROOT,
- J. S. SKINNER, JOHN FORSYTH,
- LEVIN GALE, JOSEPH C. YATES,
- JAS. RUSSELL, JAMES FENNER,
- T. HARTLEY CRAWFORD, JOHN A. TOSKERO,
- E. BANKS, F. B. FOLLARD, VIRGINIA,
- JOHN R. FENWICK, brig. gen. F. FOLLARD, VIRGINIA,
- JAMES BANKHEAD, G. READ, Delaware,
- J. ROGERS, Delaware.

JOHN NORVELL, *secretary.*

The following list, says the American, presents the names of the first five cadets of each class attached to the army register, conformably to a regulation for the government of the military academy, requiring the names of the most distinguished cadets, not exceeding five in each class, to be reported for that purpose after each annual examination.

The cadets of the first class having completed their academic course, have left the institution.

- First Class. . . . Frederick A. Smith, Massachusetts.
- Jonathan G. Barnard, do.
- George W. Cullum, Pennsylvania.
- Rufus King, New York.
- Francis H. Smith, Virginia.

- Second Class. . . William Smith, New York.
- John Sanders, Florida.
- Robert Allen, Ist. Maryland.
- Harrison Loughborough, Kentucky.
- William T. Stockton, Pennsylvania.

- Third Class. . . Charles H. Bigelow, Massachusetts.
- Charles J. Whiting, Maine.
- John M. Legate, New York.
- John H. Martindale, do.
- Thomas T. Gantt, Maryland.

- Fourth Class. . . James L. Mason, do.
- Danville Leadbetter, Maine.
- Alexander Hamilton, New York.
- Barnabas Conkling, do.
- Joseph R. Anderson, Virginia.

NEW YORK CANALS.

Canal collector's office, Albany, Dec. 24, 1832.

The whole quantity of down freight, upon which toll is charged by weight, that was conveyed on the New York canals in the city of Albany, during the season of canal navigation in the year 1832, amounts to one hundred and nine thousand, three hundred tons, estimating a ton at two thousand pounds, and consists principally of the following articles.

ARRIVED—422,695 barrels of flour, 19,091 do. ashes, 91,974 do. beef and pork, 32,111 bushels salt, 21,285 bushels barley, 1,274 hhd. do. 145,360 bushels of wheat, 57,229 do. coarse grain, 151,014 do. barley.

Also the following property upon which toll is not charged by weight.

15,224 cords of wood, 55,569 feet of solid timber, 36,020,504 do. sawed lumber.

The quantity of merchandise, &c. that was conveyed on the canals from the city of Albany, was four hundred and six thousand seven hundred and ninety-one tons, and the amount of toll paid thereon at this office, is two hundred and thirty six thousand six hundred and twenty eight dollars. The number of boats that arrived at and departed from Albany is thirteen thousand six hundred and twenty one. JOHN B. STAATS, *collector.*

The following schedule presents a comparative view of the freights on the canal arrived at Albany during the last four years.

	1829.	1830.	1831.	1832.
Barrels flour	360,520	306,900	427,021	422,695
do. ashes	18,558	25,671	19,342	19,091
do. provisions	15,241	22,008	16,805	31,274
Bushels salt	39,218	49,601	35,206	32,111
Barrels whiskey	18,194	29,307	18,681	21,285
hogheads do.	3,744	1,430	1,875	1,274
Boxes glass	9,403	6,274	9,294	
Barrels lime	9,122	9,404	254	
Bushels wheat	366,397	909,011	134,321	145,360
do. corn, rye and oats	304,251	114,989	127,533	114,989
do. barley	132,164	182,783	177,924	151,014
Cords wood	14,008	12,976	15,123	15,224
Feet of timber	32,136	31,621	16,087	55,569
M. shingles	17,130	11,810	12,990	
Feet of lumber	28,180,884	35,832,142	40,569,719	36,020,504

The amount of tolls received at Albany,	
In 1829 was	\$161,418 64
1830	212,927 72
1831	269,443 73
1832	336,628 00
The decrease in 1832 as compared with 1831, is attributable to the cholera.	

CHESAPEAKE AND OHIO CANAL.

We copy the following neat abstract from the Baltimore "American."

The fifth annual report of the president and directors of the Chesapeake and Ohio canal company occupies one entire page of the ample sheet of the National Intelligencer of yesterday. It is an important and valuable document, but entirely too long for republication in this paper. We can only furnish an abstract of the principal statements, as to the progress of the work, its condition and prospects, and the finances of the company.

The prevalence of the cholera in the valley of the Potomac during last summer retarded the works, but notwithstanding that obstruction, the most costly part of the new line above Harper's Ferry, (14 miles in length), has been completed, bringing 26 miles more into use, which were formerly without water, so that by the first of July boats may enter the canal from the bed of the Potomac above Harper's Ferry falls, or from the Shenandoah, in the midst of them. The works above the falls have proceeded with like diligence.

The force employed on this part averaged, for the five weeks preceding the 15th of May, 3,700 laborers, 655 horses, mules and oxen, and the powder employed in blasting rock, 7,000 pounds a week. The entire force on the canal, for the same period, was 4,460 laborers, 1,048 horses, mules and oxen, and an average weekly consumption of 10,000 pounds of gunpowder.

The work done since the 1st of May, 1832, has cost \$915,211 89, of which \$753,019 26 was expended above the Point of Rocks, and \$162,192 63 below. Of the latter sum \$53,107 35 was expended in the city of Washington, and \$91,220 72 at the Little Falls dams. This excludes cost of superintendence, land purchases, condemnations and incidental expenses.

The amount necessary to be done before the first of October next, in order to fulfil the contracts, and complete the line of 102 miles of canal and 15 miles of still water navigation, the report states in the following form, dating from the first of May last. At that time there remained to be done,

For the line of canal, in Washington,	\$11,740 28 1/2
For that between the Point of Rocks and the head of Harper's Ferry fall,	94,545 00
For that above these falls, and below the ferry at Shepherdstown, inclusive of the lock just let,	82,537 00
And for that above Shepherdstown,	513,958 22 1/2

Making the total amount, \$702,815 51 1/2. Some of these are for incidental works, the construction of which may be deferred.

To this sum must be added \$12,500 for another lock opposite to Shepherdstown in compliance with the conditions of the Virginia subscription. The board has determined to transfer the locks above, to a point below and increase the canal four miles, diminishing the still water navigation that much, and thus add \$100,000 to the cost of the canal. These sums, \$190,000 and \$12,500, added to the aggregate above, give \$815,315 51 1/2 as the estimated expenditures to be made between the first of May last and first of October next, to fulfil the contract. Nearly the whole line below Shepherdstown will be finished by the first of August, and the report anticipates that a concentration of all the force on the line above that point, would finish it in due time.

The amount of expenditures for the year ending May 1st will be \$821,392 74 in the following proportions:—For construction, \$754,573 87; engineer department, \$19,453 30; pay of officers, \$6,935 56; lands \$27,655 79, besides incidental expenses. A large amount, not included in the above, is retained by contracts as security for diligence and fidelity by the contractors.

The sums required for May first to October first, are stated as follows: The estimate of cost of construction as stated above is \$815,351, which, added to the retained amount due contractors, is, exclusive of April estimate and the retained money of the month of May, &c. \$900,000.

To which add for these items, engineer allowances, expenses, &c.	906,000
Total sum required	\$1,106,000
To meet this the resources are:—cash,	508,532 63
Uncalled for and uncollected stock	616,571 92
Amount to be received from the rail road company, above the cost of graduating road, &c.	170,000 00
	\$1,295,104 54

The report thus shows a surplus of \$189,000, after completing 117 miles of canal and still water navigation. Upon the faith of this surplus, considering it applicable to the extension of the eastern division of the canal to Campden, they have directed the necessary location and survey. This sum is to be used to prepare the necessary dams and aqueducts in part, during the succeeding autumn.

The estimates for the remaining 75 miles of the eastern section of the canal are the next general head, preliminary to which

the report enters into several statements to show the economy with which the work has been prosecuted. They show that exclusive of six miles below tide water, 100 miles of the canal, three of tow path beneath a cliff of rocks, and 11 of slack water navigation, have been made at an expense of less than \$23,000 per mile, and that 42 miles above Harper's Ferry have cost, including land purchases, condemnations, and every thing but contingent expense, less than \$25,000 per mile.

In this latter sum is estimated the cost of the remaining 75 miles, making a total of \$1,850,000—of which the pecuniary resources of the company, making due allowance for unavailable stock, do not at present supply more than \$150,000; leaving, consequently, \$1,700,000 to be raised by the proceeds of Virginia.

To supply the said deficiency; ultimately, such reliance is placed on the water rights granted by the charters of Virginia and Maryland, but any application to that resource is advised against, until the final issue of "the legal controversy, respecting its just extent, now depending, in the supreme court of the United States, and the issue of such efforts as the friends of the canal in Maryland may think it best to present for the grant of that state from those restrictions which prevent it from being responsive, in terms to the preceding act of Virginia."

It is recommended that for the present, loans should be sought for on the future exercise of these rights, and confident expectations are expressed of future subscriptions by Maryland, Virginia and the United States. The compliance of the canal company with conditions as to the grant of the said rights, and their acceptance of the compromise law of Maryland, in favor of the rail road company, are urged as giving them claims to further favor.

The report further contemplates the aid of the United States in the employment of the army, to tunnel the Alleghany mountains.

The tolls for the last year were \$22,625 55, and the whole sum received from the commencement of the work \$68,299 28.

The rest of the report consists of some speculations upon the future productiveness of the canal after it shall have reached the coal region, and a history of the compromise with the rail road company, in which the following paragraph occurs:—

When the canal shall have been completed, as the undersigned now confidently trusts it will be, without further embarrassment, while the rail road car is seen pursuing its rapid course to the south, and the canal boats steadily urging their course to the west, the line of but twelve miles for which these great works are brought in contact, by the late compromise, will terminate into a point, not of collision between embittered rivals, but of union between generous friends, seeking, by different means, a common object—the public good.

THE LATE COL. WM. MACREE.

COMMUNICATED BY ONE WHO KNEW HIM WELL.

William Macree was a native of Wilmington, N. C. the son of capt. G. S. Macree, of the continental line of that state. In the year 1863, at the age of 14 he was incidentally met by the late and venerated chief of the engineers, col. Williams, who, discovering in him an ardent and inquisitive mind, procured for him a cadetship of the military academy. In two years, Macree was commissioned in the engineers.

At the commencement of the late war, he had obtained a majority in that corps. The war roused his genius and brought it to notice. His talents had been usefully employed at various points of the union, between Georgia and Canada. The annals of the frontier war at Niagara show that to Macree's military genius and valor, gen. Brown, with just magnanimity, ascribed much of the best success of the army.

Peace found the virtuous and modest Macree rewarded with brevets. In the following year the government associated him with the then major (now colonel) Taylor, in a mission to France, to collect the records of European military science and experience, for the use of the military academy; which service was most ably performed. In the year 1819, col. Macree retired from the army to private life, from whence the government and individual states sought to draw his talents for prominent stations, which he modestly declined—finally accepting the surveyor-generalship of Missouri, &c. In the discharge of the duties of that troublesome and thankless office, preparatory to again retiring to private life, he died in the growing illness of cholera, in the 46th year of his age, at St. Louis, in May, 1835.

Colonel Macree was distinguished by a highly cultivated mind, strong reasoning faculties, and a safe judgment: to which were united the talents of a general and the virtues of benevolence. His society was eagerly coveted; his conversation was most interesting. His retiring disposition was ever in the growing interest of a topic had excited his attention, his eloquence became more attractive and instructive. Educated by and for the nation, at an institution where sectional and personal objects are lost in a patriotic devotion to the whole union, entire and free, Macree was never known to be a member of any political party.

From early youth his deportment was ever grave and dignified; his personal attachments few, warm and steady. [Nat. Int.]

COLLECTOR AT NEW ORLEANS.

The committee appointed by the merchants and others of New Orleans, signers of a memorial addressed to the president of the United States, remonstrating against the official conduct of Mar-

lin Gordon, collector of the port of New Orleans, are now engaged in accordance with the request of the secretary of the treasury, contained in the following letter, in preparing a specification of the facts upon which they rely to sustain the charges by them made in said memorial.

The committee request that persons disposed to make any communications on this subject, will address them to William Robeson, chairman of said committee, or to

W. A. GASQUET, secretary.

[COPY.]

Treasury department, April 16th, 1833.

GENTLEMEN—The president having read the memorial which was addressed to him by you, relative to the conduct of the collector of New Orleans, has directed me to inform you that before he can form any opinion on the subject, he deems it proper that the particular acts complained of should be stated, and that the collector should have an opportunity to be heard in his defence.

You are therefore requested to state particularly the acts of irregular prosecution, and all other improper conduct alleged to have been committed by him, towards whom, and at what times they were committed, and the names of persons given who have personal knowledge of the acts, and which you perceive are necessary to be stated, that the collector may have the proper means of defence.

A copy of your communication, and of this letter, will be this day transmitted to the collector, and it is recommended that any specific charges in the form proposed be sent to the department, you should at the same time, furnish the collector with a copy. I am, very respectfully, your obedient servant,

LOUIS McLANE, secretary of the treasury.

Messrs. W. L. Robeson & Co. and others, New Orleans.

PATENT RIGHTS—LAW CASES.

From the American of May 31.

We have received for publication the following detailed notice of the trial of the case which has occupied the U. States circuit court for this district during the last three weeks:

James Wright, vs. The Ohio and Erie road company. This case terminated on Wednesday, after a laborious investigation of twenty-five days. The plaintiff, in September, 1829,

obtained a patent for the combination of the conical form of the edges of the wheels, and the vibratory motion of the axles, to make a rail road car travel with equal facility on straight and curved roads: and the action was brought for an alleged invasion of the patent right by the collector, and it is now in question, whether the invention of the combination had been known and used, within the meaning of the act of congress, prior to the date of the plaintiff's patent: for, if so, his patent was void. To prove such a use and knowledge, the defendants offered evidence—that the Winans' friction wheel, patented by the inventor, in October 1828, and the use of which they had purchased, could not be applied to the coned wheels in use on rail roads, at the date of the patent, without producing, as an inevitable consequence, the combination of cone and vibration, identical in principle with that claimed by the patentee: and that it had been so applied, anterior to the date of the plaintiff's patent. It was also proved, that the cone, on the edges of rail road wheels, was well known, and used, in England, as facilitating the turning of curves, long before the date of the plaintiff's patent, and the defendants contended, that a recovery, therefore, by the plaintiff, would deprive them of the use of a right, purchased in 1828, although the earliest date of the discovery of Wright only went back as far as the 1st day of September 1829, and although the originality and merit of Winans' invention was undisputed. Independent of this, however, the defendants offered evidence to prove that in January 1829, Winans went to England to perfect his friction wheel, and in March, 1829, applied it to the coned wheel cars, on the Liverpool and Manchester rail road, using the flanges on the outside, with the wheels loose on the axles; that after one or two trials he reversed the wheels, fastened them to the axles, to see how the cone would act; and thus, his friction wheels necessarily, having the vibration, produced the combination of the cone and vibrating axle; that, seeing immediately the success of the combination, he proceeded to make out the calculations necessary to ascertain the cone that would be required for curves of 400 feet radius, the limit on the Baltimore and Ohio rail road, and in the month of June, 1829, built a car, with wheels coned for curves of 400 feet radius, with which various experiments were made to his satisfaction, and in using among other things how its increased play would do on a straight road like the Liverpool and Manchester road, during the month of July, 1829. That this car was sent after the experiments made with it, was shipped to the Baltimore and Ohio rail road company, on the 28th of July, 1829, and reached the United States on the 22nd of September, 1829, and in the spring of 1830, as soon as rails were laid down for flanges on the inside, the car, thus imported, was put on the road, answered all the purposes contemplated by Mr. Winans, turned the curves by means of the cone and vibration, and was used until the wheels, which were cast of soft metal, not chilled, wore out on the coned part: That the same car, with which of the cone and cylinder form, like those at present used, (and whose operation was proved to be the same in principle with the wheels sent out by Mr. Winans) was employed upon the road for a long time afterwards. That the cars now used were the same in principle with the car last mentioned, the only difference being in the form of the cone on the

triad. That when the car was sent to the United States its properties to turn curves by the combination were communicated by Mr. Winans to the Messrs. Brown and others, in Liverpool: That to the month of August, 1829, Mr. Winans employed an English solicitor to prepare a specification of his inventions, a copy of which specification was produced in court, and witnesses were examined to prove that it contained a description of a self-adjusting car, acting upon the principle patented by the plaintiff in the September following. Upon the evidence here stated, the defendants conceived that they had proved, that the plaintiff was not the first and true inventor of the combination, and in the month of the patent law, but that it had been known and used before the date of his supposed invention; and various prayers, having reference to this question, were offered to the court. With regard to the court's decision upon these, no opinion is intended to be expressed, as it will be brought before the supreme court on appeal. The verdict of the jury, in favor of the plaintiff, was for \$2,100, a sum just sufficient to authorize an appeal. Had it been less than \$2,300, no appeal could have been taken; and the rail road company in future suits, it is possible, would have been prevented from disputing the plaintiff's title, and limited to the ascertainment only of the amount of damages.

From the Portland Courier.

The patent baker case. This was an action for damages brought by J. Dobson, of Connecticut, against Campbell & Mori, of Bangor, for making and vending double reflecting bakers, which said Dobson had a patent right. It occupied about a day and a half before the United States circuit court, in this place last week, and excited a good deal of interest. The case was managed on the part of the plaintiff by Messrs. Greenleaf, Fosenden, and Delehanty, and on the defence by Mr. Sprague. The plaintiff proved his patent right, and also proved that defendants had made and vended two or three thousand of the bakers.

The arguments of the counsel were able and ingenious, and the charge of Judge Story as usual learned and interesting. The jury after being absent a short time, returned with a verdict of 120 dollars for the plaintiff. And the law in such cases allowing triple damages, the plaintiff recovers 360 dollars and costs.

Massachusetts superior judicial court, Bristol county, April term, 1833.

E. G. PERKINS vs. JAMES STEPHENS.

Mr. P. called the "Fillage Gazette," defendant, in the city of New York, and Mr. Stephens the defendant, is the topographical engineer of the state of Massachusetts.

The nature of the action and the evidence produced on the trial by the plaintiff, elicited an intense interest.

The defendant offered no testimony. The action was to recover the value of a copper plate engraved by Mr. F. called the "Fillage Gazette," deposited into the hands of a third person, from whom it was obtained by Mr. S. in a fraudulent manner, who caused a large number of impressions to be taken therefrom, having erased the name of Perkins. After an able charge from Judge Wilde, the jury found a verdict for the plaintiff \$300 and costs.

Warren for plaintiff; Bayle for defendant.

PENNSYLVANIA CANAL DEBT.

More than half the amount of this debt is in the hands of foreigners; but the list is a very motley one. We copy the following names from the Harrisburg Telegraph. It shows that foreigners have great confidence in the government of that state and of the country; and that while we enjoy such confidence capital will be abundant.

The whole amount held by foreigners is \$9,301,712 out of \$16,453,661, or upwards of one half of the whole. Among this curious list let us notice the following:—His royal highness Charles, sovereign duke of Brunswick, \$25,500; the most hon. Francis Seymour Conway, marquis of Hertford, 21,500; John Marshall, of Leeds, 38,700; sir Charles Richard Blunt, of Heathfield Park, Sussex, 20,900; count de Esceville, of Paris, 7,500; R. I. Thompson, of Kirby Hall, Yorkshire, 30,000 \$5, admiral Fellowes, of Portman square, London, 15,000; Duke of Cuba, 27,800; Louis Albert de Brancas, duke of Cerreto, 500; Wilhelmina Philippina Van Tuyt Van Serookerken of Amsterdam, sum not stated; right hon. William Alexander, of London, 17,500; Samuel Gurney, of London, 25,000; John Hey Pinet, of Totterdege, England, 18,750 47; Mr. Stuyvesant, of Leeds, 7,604 70; gen. Thornton, of Hertfordshire, 14,000; Alford Tucker, of St. Thomas, 20,000; Candlish, of Edinburgh, 15,000; Duke of Cuba, 27,800; Louis Albert de Brancas, duke of Cerreto, 500; Madame Louisa Pauline de Chastellux, countess de Damas, of Paris, 32,000; major general John Maister, of Marwick, England, 91,000; the hon. Anne Rushout, of Wanstead, Essex, 30,000; Andrew Service, of London, 23,333 56; Alexander Maunders, of Castle Sanderson, county of Cavan, Ireland, 30,000; Emanuel Victor Parroya y L'Ancosulizerez de Quimonal, of Paris, 20,000; Gowan and Mera, of London, 67,400; Josefa Esposina de Gueta, of Mexico, 5,280 67; Thomas Cotterell, of Birmingham, England, 17,614 28; William Death, of Herts, 60,000; Pierre Maria Ditt Durieux, of South Wales, 6,581 41; William John Hugh Hurry, of Great Yarmouth, 6,180 28; Richard Bolus Hall, of Wex, 21,000; John Hall, of do, 18,000; John Bacon Sawny Morrill, of Rokeby Park, Yorkshire, 23,000; Mrs. Ann Redfern, of Birmingham, 23,653 33; Helene Francoise Ferte

Guillaume Favre, of Geneva, Ann Seimsa Farrer and lieut. col. William Sweett, of Bath, England, 35,000; Johannes de Veer and Philip Dick Thompson Milton Spirit, of St. Eustatius, 15,000; Charles Louis count de Vogere of France, 4,500; Robert Peel, esq. of Park Crescent, Portland Place, London, 30,000 Philip Louisa de Peyronnet Baron de Saint Marc, 6,700.

The whole list is a very amusing document; some of the names are in the highest degree unique and odd, worthy of a place in a new dictionary of proper names.

Will not some of the "reformers" speak to this? What—the canals of "democratic" Pennsylvania digged by foreign money—the money of dukes and lords, and knights and squires, in England, France, and elsewhere? It is a "burning shame" that foreigners should hold stock in the bank of the United States, though they have no control over the directions of its affairs—but poor Pennsylvania, how deeply must she be under "foreign influence!" Will not some recent "blue light federalist," but now "wool-dyed democrat," propose, at the next sitting of the legislature, to pay off the canal debt, for the sole purpose of getting rid of royal and most noble and right honorable, and honorable foreign creditors?

LAW OF PENNSYLVANIA.

An act to abolish imprisonment for debt, and for other purposes.

Sec. 1. *Be it enacted*, That the cost on appeals hereinafter entered, from the judgments of the justices of the peace and aldermen shall abide the event of suit, and be paid by the unsuccessful party as in other cases. *Provided*, That if the plaintiff be the appellant, he shall pay all costs that may accrue on the appeal if in the event of the suit he shall not recover a greater sum, or a more favorable judgment than was rendered by the justice. *And provided also*, That if the defendant, either on the trial of the cause before the justice or the referees, or before an appeal is taken, shall offer to give the plaintiff a judgment for the amount which the defendant shall admit to be due, which offer it shall be the duty of the justice and of the referees to enter on the record, and if said plaintiff or his agent shall not accept such offer, then in that case, if the defendant shall appeal, the plaintiff shall pay all the costs which shall accrue on the appeal, if he shall in the event of the suit recover a greater amount than that for which the defendant offered to give a judgment, and in both cases the defendant's bill shall be taxed and paid by the plaintiff, in the same manner as if a judgment had been rendered in the court for the defendant.

Sec. 2. *And be it further enacted*, That so much of any act of assembly as is altered or supplied by this act, shall be and is hereby repealed.

Sec. 3. *And be it further enacted*, That all the jurisdiction, right, title, property and interest of the commonwealth, over, in and for the territory now in possession of the government of the United States, and occupied as an asylum, situate in the township of Passyunk, county of Philadelphia, is hereby ceded and conveyed, together with all the buildings and appurtenances thereunto belonging, to the government of the U. States; *Provided* always, nevertheless, That the assent hereby made shall continue in force as long as the same territory shall be used by the government of the United States for the purpose of a naval asylum, and that nothing herein contained shall exonerate said property from taxation; *Provided further*, That all process, civil and criminal, of the commonwealth of Pennsylvania, shall extend into and be effectual within the territory hereby ceded, as if this law had not passed; *Provided also*, That this act shall not prevent the opening of streets, lanes or alleys, which have been laid out, or are authorized to be laid out, through said property.

Sec. 4. *And be it further enacted*, That from and after the passage of this act no person shall be imprisoned for any debt or sum of money, on or on contract, contracted from and after the fourth of July next, where the debt demanded, is less than five dollars and thirty-four cents exclusive of cost.

Approved April 9, 1853.

NEGRO SLAVERY.

From the Savannah Georgian.

The nullifiers, driven with disgrace from the stand they occupied, disappointed in their schemes, and rich fanciers, in vain have the most respectable presses at the north repelled the accusation with indignation, in vain have they assured their brethren of the south, that the ties of affection and interest between them are too strong to be lightly and unwisely severed. With this disclaimer, shall we say the wicked and detestable efforts of such wretches as— and show a settled policy on the part of the north? Shall we by discussion give to their arguments a consideration which their intrinsic value never could give? The efforts of fanatics cannot be entirely prevented by the sensible part of the community, but let us not impute to the many the designs of the few. We regret that this subject ever should have been started, and we regret

\*The names of the persons here inserted are not worth preserving, and we have dashed them out. En. Res.

still more the manner in which the Calhoun presses in and out of the state, have treated it. It is too plain that they are endeavoring to foster prejudices and create fears which they may turn to their own political aggrandizement.

Mr. John Bolton, who is well known to this community as a man of the most sterling integrity and the purest patriotism, and who has always continued to feel and to manifest the most lively interest in the welfare of Georgia, having seen the most serious going on in the southern newspapers, felt desirous of ascertaining if there really was a just foundation for the accusations brought against the north. He accordingly addressed a letter to the honorable Daniel Webster, who is recognized on all hands as the head of the federal party at the north, and whose opinions therefore may be fairly assumed to be those of the party at large. The letter of Mr. Bolton will explain his patriotic motives in writing it. We take great pleasure in laying before our readers the answer of this distinguished statesman. These letters have been obligingly furnished us by a friend.

Mr. Bolton to the honorable Daniel Webster.

New York, May 16, 1853.

Hon. Daniel Webster,

DEAR SIR—It cannot have escaped your observation, that warm discussions are now going on in many of the southern papers, and much agitation is felt or feigned in a portion of the north, on the subject of slavery, and of imputed designs at the north against the security and value of that species of property.

I have been so long and closely connected with Georgia, that I am perhaps more wasteful than most in my opinions on the subject of such discussions as these, and having reason moreover to apprehend that, at this particular juncture, the tendency, if not the deliberate aim and purpose, is to excite universal uneasiness and distrust in the slave holding states, and by consequence, to foment jealousies and heart burnings against the non-slave holding states, which designing plot may in any way be so accurately as I have felt desirous since our conversation this morning of obtaining an expression in writing of your views, as to the power of congress on the subject of slaves and slavery, and also as to the existence of any wish or design on the part of northern men, to interfere in any way with the security or regulation of that species of property.

My immediate object in thus seeking to obtain a written expression of your opinion on these subjects is, that I may communicate it to a distinguished friend of mine in Georgia, who shares in my solicitude in relation thereto, and through him to the public at large.

I am, dear sir, with great respect, and esteem, your obedient servant. (Signed) JOHN BOLTON.

Mr. Webster's answer to Mr. Bolton.

New York, May 17th, 1853.

MY DEAR SIR—I have received your letter of last evening, requesting me to state my opinion of the powers of congress (as on the subject of slaves and slavery; and of the existence of any wish or design, on the part of the northern men, to interfere with the security or regulation of that species of property.

My sentiments on this subject, my dear sir, have been often publicly expressed; but I can have no objection to repeat the declaration of them, if it be thought by you that such a declaration might, in the smallest degree, aid the friends of union and the constitution in the south, in dispelling prejudices which are so industriously fostered, and in quieting agitations so unnecessarily kept alive.

In my opinion, the domestic slavery of the southern states is a subject within the exclusive control of the states themselves; and, this I am sure, is the opinion of the whole north. Congress has no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the states. This was so resolved by the house of representatives, when congress sat in the city in 1790, on the report of a committee, consisting almost entirely of northern members; and I do not know an instance of the expression of a different opinion, in either house of congress, since. I cannot say that particular individuals might not possibly be found who suppose that congress may possess some power over the subject, but I do not know any such persons, and if there be any, I am sure they are few. The servitude of so great a portion of the population of the south is, undoubtedly, regarded at the north, as a great evil, moral and political; and the discussions upon it, which have recently taken place in the legislatures of several of the slave-holding states, have been read with very deep interest. But it is regarded, nevertheless, as an evil, the remedy for which lies with those legislatures themselves, to be provided and applied according to their own sense of policy and duty. The impositions which you say, and say truly, are constantly made against the north, are, in my opinion, entirely destitute of any just foundation. I have endeavored to repel them, so far as has been in my power, on all proper occasions; and for a fuller expression of my own opinions, both on the power of congress, and on the groundless charges against northern men, I beg leave to refer you to my remarks in the debate on Mr. Foote's resolutions in 1850.

I am, my dear sir, with much true regard, your obedient servant, DAN L. WEBSTER.

To John Bolton, esq.

\*By the word "federal" we suppose that the editor of the "Georgian" means a friend of the union—or anti-nullifier. E. Res.

BRITISH COLONIAL SLAVERY.

From the John Bull.

The following documents, copies of which have been transmitted to each member of the legislature, are submitted to the consideration of the British public:

*W. India committee rooms, 30, St. James's st. 1st March, 1833.*  
The acting committee of West India planters and merchants respectfully invite your attention to the enclosed statement, exhibiting the case of a large class of your fellow subjects who are wholly unrepresented in the British legislature.

The West India colonists do not propose to vindicate the system of slavery, but they consider it to be the means of (Lord Stowell) "it is to be seen, it is a sin in which the country has had its full share of guilt, and ought to bear its proportion of the redemption."

The colonists themselves are ready to bear their share of any national sacrifice which may be required for the purpose of cautiously substituting a better system, if such should be the national determination; but they mean to shew by the accompanying paper, that Great Britain is the responsible party for the establishment and actual existence of colonial slavery—that with the view of extending the market for her African trade, she passed laws and made grants of land expressly enjoining cultivation in the colonies by slave labor; and that thus through the instrumentality of her subjects all eagerly contending for participation in the traffic, she gradually positioned (to use the words of Lord Stowell) and received the value of them in money, consequently that any measure of the legislative interference tending to impair or endanger the value of property so acquired, must either be accompanied by adequate compensation, or give a death-blow to that confidence in the national faith and character which has hitherto been the sole support of private property in the country.

But without reference to the just claim of the planter to compensation, there are other considerations which ought to suggest caution to the statesman and the philanthropist, when dealing with the question of slavery.

It will be admitted that, under any changes of system the continuation of active cultivation in the colonies by Europeans is not only of vital importance to the interests of the mother country, but indispensably necessary to the desired object of raising the negro in the scale of society. While, therefore, it remains unascertained by actual experiment that the negro will give continuous labor, and for reasonable wages, as a free man—and while the weight of evidence and experience discourages the expectation of his willingly consenting to do so—there must be the greatest danger that the change of system, unaccompanied by regulations calculated to insure the slaves becoming an industrious peasantry, and to teach them the duties and obligations of civil society, would lead to the immediate destruction of the colonies, and throw the black population into a state of barbarism.

That you may be enabled to judge of the effect which such a calamity would produce on the interests of Great Britain, as well as of the irresistible impulse it would give to the slave trade, in which foreigners still persist, the committee beg leave to remind you that the present annual gross revenue derived from West India produce is seven millions; the value of British manufactures annually consumed in those colonies is four millions and a half, and the number of adequate emigrants in the direct trade nine hundred and fifty two hundred and forty thousand tons—exclusive of an extensive cross trade constantly maintained between the colonies and nearly America. Also, that the British colonies at present supply nearly one half of the sugar imported into Europe.

THE ORIGIN AND PROGRESS OF WEST INDIA SLAVERY.

One very important question now about to occupy the attention of parliament, is that which relates to the emancipation of the negroes. In whatever way this may be effected, much injury must necessarily fall on the West India proprietors. To bearing their share of the ontional loss, they make no complaint; on the contrary, they are most willing to do so. But in opposition to any scheme of emancipation which may propose to make their property the subject of hazardous experiment, without previously providing certain and adequate compensation, they earnestly seek to draw the attention, as a member of the legislature, to such facts as will enable you to judge how far the establishment and maintenance of slavery has been the guilt of the West India proprietors, or of the British nation.

In 1585—the slave trade was instituted in the reign of queen Elizabeth, who perannally took a share in it. At that time the West India colonies did not exist.

In 1603, Charles II. granted an exclusive right in the slave trade to queen Catherine, the queen dowager, the duke of York and others, who formed themselves into a trading company, they undertaking to supply the West India planters with 3,000 slaves annually. In the same year that monarch issued a proclamation inviting his subjects to transport themselves to Jamaica, agreeing to allot lands to every individual who would like to reside in the island, and signify his resolution to plant there.

The slave trade continued to be fostered during the reigns of Charles II. and James II. but still under a monopoly.

In 1679, petitions from the manufacturers in Great Britain of woollens and other cloths, and the makers of various articles necessary to the slave trade with Africa, were presented to parliament, alleging that the trade was cramped by being in the hands of an exclusive company, and praying that it might be opened.

In consequence of these and similar petitions to the house of commons, a committee of the whole house, in 1685, resolved, "That for the better supply of the plantations, all the subjects of Great Britain should have liberty to trade to Africa for negroes, with such limits as should be prescribed by parliament," and by statute 10 William III. c. 26, the trade was accordingly laid partially open, the preamble of that act stating, that "the trade was highly beneficial and advantageous to the kingdom and to the plantations and colonies thereunto belonging."

The manufacturers of Great Britain, however, were still dissatisfied with the restrictions imposed upon the trade. They continued to press the legislature with petitions to give greater latitude to a traffic, by which they thought the negroes, as negroes and sold these negroes to the West India proprietors.

The house of commons adopted their arguments; they declared, by a report from a committee, in 1708, "That the trade was important, and ought to be free and open to all the queen's subjects trading from Great Britain." By another report in 1711, that "the trade ought to be free in a regulated company, that the plantations ought to be supplied with the negroes at reasonable rates, that a considerable stock was necessary for carrying on the trade to the best advantage, and that an export of £100,000 at least in merchandise should be annually made from Great Britain to Africa."

From this period, 1711, until 1729, the demands of the manufacturers for a more untrammelled trade continued to be the subject of parliamentary investigation and dispute.

It was found that the trade could not be conveniently and extensively carried on without forts on the coast of Africa; and such was the appetite of the British nation for the slave trade, that, in 1729 a committee of the house of commons passed the following resolutions:

1st. "That trade should be open." 2d. "That it ought not to be taxed for the support of forts." 3d. "That forts were necessary for securing the trade." 4th. "That an allowance ought to be made for maintaining such forts."

These resolutions were agreed to, but the 3d with an amendment, that the forts should be maintained "as marks of the possessions of Great Britain," instead of "for the purpose of securing the trade." At the same time, the house was informed that his majesty recommended that provision should be made for the support of the African forts.

At length, in 1749, the statute 23d Geo. II. c. 31, was passed, which removed all obstruction to the operations of private traders, declaring "the slave trade to be very advantageous to Great Britain, and necessary for supplying the plantations and colonies thereunto belonging, with a sufficient number of negroes at reasonable rates."

While the British public had been latent on breaking down the partial monopoly of trading in negroes, which had existed among themselves, they had on the same principles been equally intent on setting up a monopoly against foreigners, and on including all but British subjects from participating in a trade pronounced to be "so highly beneficial to the kingdom."

1689. In answer to a case referred to the judges for their opinion by the crown on the alien contract, they report—"In pursuance of his majesty's order in council herunto annexed, we do humbly certify our opinions to be, that negroes are mercantile goods; that it is against the statute of navigation made for the general benefit and preservation of the shipping and trade of this kingdom, to give liberty to any alien to trade in Jamaica, or other his majesty's plantations, or for any shipping belonging to aliens to trade there, or to export these negroes, &c." And the certificate is signed by lord C. J. Holt, Justice Pollexten, and eight other judges.

The proclamation of Charles II. had invited British subjects to settle in the West India colonies, and offered them lands on condition of their being planted.

A reference to the patents by which land was granted, will shew what was meant by the proclamation.

The following patent may be found at length in the appendix to the report of the house of lords, dated August 1823, on the state of the West India colonies, p. 10.

1696. "William and Mary by the grace of God, &c. To all to whom these presents shall come: Know ye that we, roa AND IN CONSIDERATION that Christopher Senor, esq. hath transported himself, together with his servants and slaves, into our island of Jamaica in pursuance of a proclamation made in the reign of our royal uncle, king Charles II. and by his better encouragement to become one of our planters there, &c. do give and grant unto the said Christopher Senior, his heirs and assigns forever, a certain piece of land," &c.

RIGHTS OF PROPERTY IN SLAVES.

From Poulson's American Daily Advertiser.

Caléd Johnson, } In the circuit court of the U.

John Kinderline, and others, } State of Pennsylvania.

The jury impanelled in the above case have unanimously instructed their foreman to request judge BALDWIN, to permit the able, clear and lucid charge delivered by him in the above case, to be published. They make this request from a sense of duty, believing that the publication will be salutary to the best interests of the community, and that the charge is replete with the soundest constitutional principles, applied to one of the most important and delicate subjects that can be presented for examination before the judicial tribunals of our country.

JAMES McALPIN, foreman.





The burthen of proof rests on those who attempt, or claim the right, to take property from the possession of another, or to interfere with his control and disposition of it.

The evidence of the property in this case is uncontradicted. That the mother of Jack was the slave of the late Judge Berrian of New Jersey; that Jack was born shortly after the death of Mr. Berrian, in 1791 or 2; that he was a slave of the estate sold or allotted to Thomas Herian, one of the children and heirs, at a very early age; kept by him as a slave till 1807, when he was sold to Paraz Ranley, for 300 dollars, who in the same year sold him for the same price to the plaintiff, with whom he remained for 14 years, and died from his service. Jack admitted his original slavery, but alleged that by the will of Mr. Berrian, he was entitled to freedom at 30. The will has been produced, but has no such condition or direction, and no evidence has been offered to support Jack's assertion, which must therefore be taken as not only unattained, but directly contradicted and false, and his identity was admitted.

The original bill of sale to Ranley has been produced, and the same is sent to the plaintiff, proving by the production and proof of the receipt for the purchase money, which is an effectual for the transfer of personal property, as a deed or regular bill of sale, all which is required in such cases, is evidence of the sale, which may be by parol as well as writing, or inferred from long and quiet possession—1 Dall. 169.

The plaintiff has therefore given abundant evidence of property in Jack to entitle him to recover; were it on a trial of freedom, the judge was entirely mistaken in saying that a bill of sale to the plaintiff was necessary, or that the papers produced to him, connected with Jack's admission, were not sufficient proof of his being a slave, and the same person who was sold, and in the possession of the plaintiff. He was not bound to disprove Jack's assertion, but those who denied the right of Mr. Johnson, were bound to prove it as long as this country remains unsubstantiated, and interesting as it has become, no attempt is made to support this assertion, on the belief of which, or under color of which the defendants has acted from the time of their first interference between Jack and the plaintiff. The ownership of Jack being thus clearly made out, he must be deemed to be the property of Mr. Johnson, over which he has the same control as over his property, and he is not bound to submit to you or us to indulge our feelings of abstract right on these subjects; the law of the land recognizes the right of one man to hold another in bondage, and that right must be protected from violation, although its existence is abhorrent to all our ideas of natural right and justice.

As a consequence of this right of property, the owner may keep possession of his slave—if he absconds he may retake him by pursuit into another state; he may sue for and recover by any other way to prevent his second escape—he may arrest him by the use of as much force as is necessary to effect his recapture; he may enter peaceably on the property or into the house of another, taking care to commit no breach of the peace against third persons. But it is no breach of the peace to use as much force or coercion toward the fugitive as suffices for his recapture—as without such force to slave make, he may not enter his consent. The master may also use every art, device or stratagem to decoy the slave into his power—odious as these terms may be in their application to an unlawful act, they ought to be considered as far otherwise when used for a lawful and justifiable purpose. It is every day's practice to detect counterfeiters, and those who pass counterfeit money, by employing persons to purchase it from them—it is necessary for the purpose of public justice that such and similar means should be resorted to, or criminals would escape detection—they are neither laudable or illegal.

Jack's escape was by fraud and art, practised in his master's injury, and he is forbidden neither morally or legally from reclaiming his property by circumventing and defeating the fraud of the slave. To deny to the owner of property the use of such means to recover it, would make his right an empty and barren one, by taking from him the means of enjoying it—it was the mode least calculated to alarm or disturb the family. This right of a master to arrest his fugitive slave, is not a solitary case in the law; it may be exercised towards a fugitive apprentice or redemptioner, to the same extent, and is done daily without opposing any reluctance in a civil action, he may seize a slave if he is no more; though his servitude for life, the nature of it is the same as apprenticeship or by redemption, which though terminated by time, is, during its continuance, as severe a servitude as that for life. Of the same nature is the right of a parent to the services of his minor children, which gives the custody of their persons. So when a man enters special bail for the appearance of a defendant in a civil action, he may seize his person at his pleasure, and commit him to prison; or if the principal escapes, the bail may pursue him to another state, arrest, and bring him back by the use of all necessary force and means of preventing an escape. The lawful exercise of this authority in such cases is calculated to excite no sympathy; the law takes its course in peace, and unnoticed, yet it is the same power, and used in the same manner, as by a master over his slave. Had Jack been the apprentice of Mr. Johnson, or he had been the special bail of Jack, he would have the same right to retake him as he had by being his owner for life—the right in each case is from the same source, the law of the land. If the enforcement of the right excites more feeling in one case than the other, it is not from the manner in which it is done, but the

nature of the right which is enforced—property in a human being for life. If this is unjust and oppressive, the sin is on the heads of the makers of laws, which tolerate slavery, or in those who have the power in not repealing them; to visit it on those who have honestly acquired, and lawfully hold property, under the guarantee and protection of the laws, is the worst of all oppression, and the ranker injustice towards our fellow-men. It is the indolgence of a spirit of persecution against our neighbors, or no offence against society or its laws, for no infringement of the rights of others, but simply for the assertion of their own as a lawful manner.

If this spirit pervades the country; if public opinion is softened to prostrate the laws which protect one species of property, those who lead the crusade against slavery may, at an distant day, find a new one directed against their lands, their stores, and their debts; if a master cannot retain the custody of his slave, apprentice, or redemptioner, a parent cannot give up the guardianship of his children, but have no hold on their principles, the creditor cannot arrest his debtor by lawful means, and he who keeps the rightful owner of lands or chattels out of possession, will be protected in his trespasses.

When the law ceases to be the test of right and remedy—when individuals undertake to be its administrators by rules of their own establishment, the bonds of society are broken—eventually by the severance of one link from the chain of justice, which binds man to the laws, as if the whole was dissolved. The more specious and seductive the pretense are under which the law is violated, the greater ought to be the vigilance of courts and juries in their detection; public opinion is a security against acts of open and avowed infringement of acknowledged rights—rooted by the combinations thereof created, and will fall by their own violence, as the blast expends its force by its own fury. The only permanent danger is in the indulgence of the humane and benevolent feelings of our nature, at what we feel to be acts of oppression towards human beings, endowed with the same qualities and attributes as ourselves, and brought into being by the same power which created us all; without reflecting, that in suffering these feelings to come into action against rights secured by the laws, we forget the first duty of citizens of a government of laws—obedience to its ordinances.

Those who are looking only to the oppression which exists, but in their own imagination, may make their own phantasmic feeling the standard of right and wrong, but it must be remembered, and impressed on every member of society, that no man can consider that to be injustice which the law declares and protects as a right, or an act to be oppressive which the law has provided as a remedy for its infringement. The impression may be honest, the feeling laudable, and the motive virtuous in the abstract, but the law forbids its action on the property or person of others. The history of this case affords a striking illustration of the dangerous effects of these feelings being suffered to influence the conduct of even the best members of the community. The fair character and high standing in life of the defendants in this case, may be a guaranty to the public against any intentional infringement of the peace and good order of society, but one incident in the cause shows the contagious effect of bad example, and the higher orders of society are not exempt. Chester felt authorized to take and act his part in the transaction, more humble indeed than that of his superiors, but not less efficient in its furtherance of the object, by cutting the traces of the wagon; where John would have stopped in the use of his knife, had his employment in another way been likely to effect the liberation of Jack, it difficult to say, and would be invidious in conjecture, it suffices to refer to it as a salutary lesson—the case is full of them.

The opinion of Judge Washington, in Hill vs. Law, meets our entire concurrence. "That if a man should honestly believe that the person claimed as a fugitive did not in fact owe service to the claimant, he could not in his defence allege ignorance of the law, and that such matters were unfit for the inquiry of the jury. That it was sufficient to bring the defendant within the provisions of the law, if having notice either by the verbal declarations of those who had the fugitive in custody, or were attempting to seize him, or by circumstances brought home to the defendant, that the person arrested was a fugitive or was arrested as such."—4 Wash. 329. The case must be decided by the facts in evidence, and will not be influenced by the defendant's belief, or the knowledge of those in any other way striking mitigation of damages, if you are satisfied that they were really ignorant of Jack's situation and they believed him free.

From the full investigation of its merits, which has now been had, all doubts of the slavery of Jack as the property of Mr. Johnson, by fair purchase of his right to his possession and custody, and to retake him wherever he was found, have wholly disappeared; and the defendants by confiding in his naked assertion of being free, have seen the bad effects of trusting to the fabricated stories of fugitives from service. In opposing his recapture by his master they acted at their peril; he was in pursuit of his right—he entered peaceably into the house where he found his slave; he arrested and secured him in the wagon without any breach of the peace. There is no evidence of any cruelty practiced on Jack, or of any violence done to him; he appears to have made no out, nor to have called for any assistance from any one, even after some of the defendants had come to the wagon; their interference was purely voluntary. The first inquiry then is, was it justifiable?

The slave was arrested on Sunday it is true, but no law prohibits a man from protecting or reclaiming his property on that



We have laid down the law to be, that bail may arrest their principal; this, too, we have done in accordance with the decisions of the supreme court of this state. "In the relation in which the several states comprising the union stand to each other, the bail in a suit entered in another state, have a right to seize and take the principal in his state, provided it does not interfere with the interests of other persons who have arrested such principal." 2 Yeates, 261.

Special bail may take up the principal when attending court, or at any time he pleases. "It has been quaintly said, that the bail have their principal always on a string, and may pull the string whenever they please, and render him in their own discharge." 4 Yeates, 135. N. P. 3 Yeates, 37. The court refers to and adopt the law as laid down in England, in the same words, in 6 Mod. 231, in which it is added they may take him even on a Sunday, "and confine him till the next day, and then render him."—It is therefore the common law of Pennsylvania as well as of England.

We have also stated the law to be that apprentices, redemptioners, slaves and servants who abscond from the service of their owners, may be apprehended wherever they may be found—thus we have done not only on the authority of the courts of Pennsylvania, but of its various laws.

By the act of 1770, yet in force, a fugitive apprentice may be apprehended by a warrant for his arrest, and committed to jail till he will consent to return to his master, or give security to answer his complaint. Purdon, 42. This act was extended to redemptioners in 1820. If any person harbor him without giving notice to his master, he shall pay 30 shillings a day—Purdon, 42, 3—and the apprentice to serve 5 days for each day's absconding—Purdon, 523.

The act of March, 1780, which declared all issue of slaves born after that day to be free, and to be regarded as such in all prosecutions, and that negro and mulatto servants, till 25, on the same footing as servants by indenture—1 Dall. 83-84, sect. 4.

The reward for taking up runaway and absconded negro and mulatto servants and slaves, and the penalties for cutting away; dening with, or harboring them, are also the same as in the case of servants bound for four years—See 3, p. 541.

It was provided that if any person who is contained, shall not give any relief or shelter to any absconding or runaway negro or mulatto slave or servant, who has absconded himself, or shall absent himself, from his or her owner, master or mistress, residing in another state or country—but they shall have like right and aid to demand, claim and take away his slave or servant—he might have had in case this act had not been made—Sect. 11, p. 542.

This section remained in force till 1826—it was therefore applicable to this case in 1822. It is all important, as evincing the spirit, policy and feeling of the state to be utterly opposed to the relief or sheltering of absconding or runaway slaves or servants from other states, or considering the masters who come to reclaim them as kidnappers, ruffians or felons, fit objects for ignominious punishment in penitentiaries. On the contrary, it expressly declares that they shall have right and aid, to demand, claim and take away his slave or servant—and in order that the meaning of this part of the law should not be misunderstood, that the benevolent objects of the legislature, as declared in the preamble, should not be perverted to purposes forbidden by the law, it puts the master on the same footing as to carrying his slave out of the state, as if the law had never been passed. This is language which cannot be misunderstood.

It is due to the character of the state that its own laws at least should be respected in courts of justice, by all who are

It has been said that the words slaves, or servants, which are used in the other provisions of the supplemental act, being omitted in this section, it must be inferred that the legislature intended to protect the slave or servant, as well as the freeman from the outrage contemned; but, in our opinion, that very omission shows the fallacy of such a construction, for if the legislature designed to protect freemen and not slaves, they could not in any other way more effectually manifest their meaning. In short, the evil apprehended was that of forcing a free negro or mulatto into another country and there taking advantage of his color to sell him as a slave, and for such an offence the punishment denounced by the law would be justly inflicted.

Upon a review of the facts, likewise, we find occasion to regret that the prosecution should have been conducted with a zeal which rarely appears in the prosecution of the highest criminal on the strongest proof. There is not, however, a title of evidence to establish the charge that the defendant seduced the negro, or that he even spoke to him in Pennsylvania where the act of seduction must be committed to vest the jurisdiction in the court. Nor can it be fairly said that he carried the negro to be seduced, for the advice given to General Sevier was merely the advice of a friend, which could not surely merit the ignominious punishment of the law, and which was not in fact adopted, as the negro was forcibly, and not by seduction, sent out of the state.

But upon the whole, we were unanimously of opinion, as soon as it was proved the negro was a slave, that not only, his master had a right to seize and carry him away, but that in case he absconded or resisted, it was the duty of every magistrate to employ all legitimate means of coercion in his power for securing and restoring the negro to the service of his owner, whithersoever he might be afterwards carried.

concerned in its administration—it is our most solemn duty to enforce it on you to take the law of the land as you see it in the statute book, and enforce it according to its provisions. Remember too that this law is that act, which has been the pride of Pennsylvania, as one of the most noble and glorious emanations from the spirit of the revolution, as declared in the preamble, which has been read to you with the most touching force and eloquence.

But you must not take the spirit of the law according to the impulse which operates to rouse the feelings of counsel in the cause of their clients; look on it, examine its enactment, not only with a watchful eye, but if you please, in the plenitude of philanthropic zeal in the cause of oppressed humanity. To relieve the oppressed, rescue the free from bondage, to punish those who violate the rights of man and humanity, to protect our fellow men from injustice, and to secure to all alike the benefit of the laws of the empire, are the imperious duties of jurors. In obedience to such dictates, we call your attention to the laws for the gradual abolition of slavery in Pennsylvania.

The two first sections are the preamble. The third declares that no child hereafter to be born shall be a servant for life or a slave. The slavery of children in consequence of the slavery of their mothers, is forever abolished.

The fourth has been noticed. The fifth directs slaves to be registered before the first of November, 1780.

The seventh directs negroes to be tried for crimes and offences like other inhabitants.

The tenth declared all unregistered slaves to be free, except the domestic slaves of members of congress, foreign ministers and consuls, and persons passing through or sojourning in the state, not resident in it, and senseless and not owned in the state or employed in the same, and belonging to the inhabitants of this state. This is the substance of the abolition act.

The eleventh excepts fugitives, as has been noticed.

This law was explained and amended by the act of March, 1785, which declared all slaves brought into the state by persons residing, or intending to reside in it, to be immediately free—prohibits the taking of the slave out of the state with intent to change his place of residence, or selling him for such purpose, directs the registry of the children of slaves, and punishes kidnapping.

In the spirit of these laws the legislature passed "an act to incorporate a society by the name of the Pennsylvania society for promoting the abolition of slavery, and for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race." No society was ever founded for nobler objects, or more deserving of public encouragement and approbation; but it was no part of the design or objects of this benevolent society to protect or rescue runaway slaves from the claims of their masters. It was provided in their charter, that their by-laws, rules, orders and regulations enacted, or to be enacted, be reasonable in themselves, and not contradictory to the constitution and laws of the state. Acts of assembly, pp. 315, 323, A. D. 1789.

So far as has come to our knowledge or information, this society has acted on the philanthropic principles of its institution and none other, never interfering with the rights of property, as secured by the laws; they have not infringed the condition of their charter, but pursued their legitimate objects with untiring zeal. If they have been perverted by any inhuman member, like Mr. Ellis, by contributing money to employ counsel to prosecute a master for lawfully seizing and taking away his runaway slave, we are well convinced that it has been equally repugnant to the feelings and practice of the members of the society, as it would be to their charter.

These laws remained unchanged till 1820, when an act was passed on the subject, the provisions of which need not be particularly recited—the provision in the second section is however important, "Provided always, that nothing herein contained shall be construed as a repeal or alteration of any part of an act of assembly, passed 1st March, 1780; or of any part of the act of 29th March 1788, except the 7th section which is repealed."

This is the section which prescribed the punishment for kidnapping, and was copied, except as to the punishment, into the first section of the act of 1820.

By the law of 1788, the punishment was a fine of £100 and confinement to hard labor not less than six or exceeding twelve months, until the costs be paid. 2 Dall. 589.

By the law of 1823, the fine was not less than \$500, or more than \$2,000, to be deemed guilty of a felony and sentenced to undergo a servitude not less than seven or more than twenty-one years, confined, kept to hard labor, fed and clothed as is directed in the penal laws of this commonwealth, for persons convicted of kidnapping. Purd. 658.

The punishment of the first offence of robbery is a servitude of not less than one or more than seven years, and for a second offence not exceeding twelve years. Act of 1829. Purd. 821. On the first conviction of murder in the second degree the punishment is servitude for not less than four or more than twelve years; for the second offence, confinement for life. Act of 1826. Purd. 644.

The penal laws of Pennsylvania are just, mild and humane; her penal code is admired not only in this, but in all the civilized nations of the world. Here punishment is graduated in proportion to the enormity of the offence, and cruel punishments are expressly forbidden by the constitution, as well as excessive

lines. Art. 9, sec. 13, and by the 8th amendment to the constitution U. S.

That offence must be dark and black indeed, which is, in the view of the legislature, no minor matter, heinous than highway robbery or wail snatching. Can you believe that it was their intention to subject the man who arrested his own fugitive slave by force, with the intention of conveying him to his home in another state, to a punishment greater in a threefold degree than the most aggravated highway robbery, and for a time exceeding by nine years the utmost term of servitude, which a court could, for the first offence, inflict on the man who snatched a slave forfeited life may have been spared by the mistaken humanity of a jury.

Would a wise, just or humane body of men pass a law which would put on a level the man who re-claimed his own property by lawful means, and the wretch who would drag a freeman into bondage, and arrest as felons of equal grade, a respectable farmer from an adjoining state, with the sordid habitual trafficker in human flesh—the lawful taking of one's own property, with the stealing of a human being.

When the punishment of kidnapping was only a fine of £100, and the extent of confinement only one year, the supreme court declared that such enormities were not imputable to the legislature of Pennsylvania; we should do them great injustice not to rescue them a second time from the imputation, when the fine was greatly increased, and the servitude not only to extend, for twenty-one times the extent, but directed to be as a felon, and highway robber; law, justice and human duty combine to repel an idea so dreadful. The great and benevolent act for the gradual abolition of slavery did not abolish the distinction between bond and free negroes and mulattoes, the free man and the ascending slave, the master who brought his slave here to reside, and the master who came here in pursuit of one who abandoned from him; and you are directed to respect the legislation and spirit of the state, you will remember that this consists in obedience to its laws, which expressly declare—that they give no relief or shelter to runaway slaves from other states—that their master shall have a like right, and aid, to demand, claim and take them away to the extent, but directed to be as a felon, and highway robber; and remember, too, that this law is expressly declared not to be changed or repealed by the law of 1820, under color of which the defendants claim the right to consider the plaintiff as a felon for doing the very act, for which he had a right to aid, help and assistance by the abolition act, and by which the runaway slave was denied relief or shelter within the state.

While the abolition act put free blacks on the footing of free white men, and abolished slavery for life, as to those hereafter born, it did not otherwise interfere with those born before, or slaves excepted from the operation of the law; they were then, and yet are, considered as property—slavery yet exists in Pennsylvania, and the rights of the owners are now the same as before the abolition act—though their number is small, their condition is unchanged. The rights of the owners of fugitive slaves of slavery had never been passed; and remember, too, that this law is expressly declared not to be changed or repealed by the law of 1820, under color of which the defendants claim the right to consider the plaintiff as a felon for doing the very act, for which he had a right to aid, help and assistance by the abolition act, and by which the runaway slave was denied relief or shelter within the state.

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but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the person or persons to be seized."

The supreme court of this state have decided that a warrant for felony issued by a president of the court of common pleas, on the ground that it appeared to the judge, from common report, that there was strong reason to suspect the party charged to be guilty, and that he was likely to depart and retreat to parts before the judge—to enable him to issue a warrant on oath was illegal on the face of it, and a constant not bound to execute it. 3 Binney, 43 4, Pard. The first order issued by Judge McNeill was to John Kinderline, without oath, affirmation or any probable cause whatever—on the mere statement made by him, the particulars of which the judge has been unable to recollect, so as to even state them at the trial for the purpose of making a record of a verbal direction to bring the Jersey party before him, he had issued a warrant for the purpose, the legal result would have been the same.

Being in direct violation of both constitutions, utterly wanting every requisite prescribed, this order was, as every warrant or writ authority from the judge would have been, utterly illegal, null and void to all intents and purposes—affording no indication of any underhand, to execute it, or to any one in assisting him—any act done under such an order is as illegal as if none had been given, and for any injury done to the person or property of the plaintiff, or the others of his party, an action would lie as well against the judge as all those who acted in pursuance of that order, whether it issued to bring the parties before the judge to prove the plaintiff's property in Jack, or to answer for a crime against the law.

The liberties of our citizens do not depend on such a tenure as an admission of the legality of this order would imply, nor are constitutional provisions for their protection, to be deemed such solemn mockeries as we should make them by justifying the conduct of the defendants in pursuance of it.

You who entertain consider every act done by them or any of them, every assault or offer of force, arrest, confinement or restraint of the personal liberty of any of the Jersey party, under or by virtue of the order of Judge McNeill, as wholly without authority of the law and in direct violation of its most solemn provisions.

We now come to the second order of the judge.

The judge tells us that he took it for granted, from seeing the justice and constable in company, that the Jersey party were in their legal custody, and in consequence of such belief, he suggested the propriety of committing the negro to the county jail, and binding over the other party to prove their property, if they had any. If you believe the statement of the judge, there can be no difficulty in deciding on the merits of this part of the transaction, taking it in either way. As a compulsory proceeding on the Jersey party to compel them to prove the property in Jack, it was without any authority of law as a matter of course. If it was to detain, confine or arrest them on a criminal accusation, it was unconstitutional, for the want of an oath and probable cause; there is no evidence of even an accusation made against them in any specific shape, or charging any definite offence; the judge does not state that any application was made for any process to be issued by him—if he is credited, he gave no order, but only suggested, advised or recommended the course he pointed out.

You will judge from the whole evidence, what was the nature and object of the proceeding before the judge, and of what he did advise or direct. By referring to that part of the book of Justice Tompkins, which has been read, it seems to have been well understood by him at least, that it was thought advisable to commit the said Jack to jail for safe keeping, until the said Caleb Johnson should have an opportunity to prove his property. The recognition of Mr. John and Jonathan Kinderline, taken on their return from the judge's on Sunday night, shows their understanding of the matter; the condition was to deliver to the said Caleb Johnson, whenever his claim is completely established, or deliver him up at the next court of quarter sessions of Montgomery county. This was by no means the act of Mr. Tompkins which appears to have been done officially by him that night, of which there is any evidence, unless the setting Jack free under the recognition was intended to be an official act. As the advice or direction of Judge McNeill was not pursued by the commitment of Jack, the condition of the recognition was one which the judge or justice had no power or right to impose—the proceeding at the judge's was wholly illegal, and the detention of the Jersey party that night unlawful and unjustifiable.

We now come to the proceedings before the justice on Monday morning. According to the account of Mr. Rorer, the constable, no witnesses were examined, no oath or affirmation was administered by the justice, or any question put to the Jersey party except whether they were held; they said they could not procure bail if they had an opportunity—an opportunity to be lawfully committed them, and took up his pen to write, the constable then said he would be forthcoming for their appearance next morning, and they returned to the Billet. Skillman gave the same account of this part of the transaction at the justice's.

If you believe this statement, it is the worst part of the transaction; we suppose time in proceed deliberately in due form of law, with no conceal or concealment in proceeding, and in examination, there was no excuse for not strictly pursuing every step required by the law and constitution. The question of

Jack's slavery had assumed a definite shape by his admission before the judge in the presence of justice Tompkins and the rest of the party; that he was born a slave, and that he had lived with Mr. Johnson as such; he admitted his slavery till he was thirty, when he alleged he was free by the will of judge Herrick, of New Jersey. The production of this paper then was necessary to make out the truth of Jack's assertion, but it does not appear to have been called for, nor was Jack called on to verify his statement on oath, though he was a competent witness against Mr. Johnson, if he was a free man or only a servant for years.

It is a very remarkable circumstance that we have no evidence on this subject except Jack's admission before the judge, that he was not recognized as a witness to appear at court; that though he attended the trial he was not a witness on the indictment, and he was not called at a very convenient distance to attend the trial or answer interrogatories—we do not know what he would say on oath, or what account he gave of himself on coming to Mr. Kinderdine's. The entry on the book of Mr. Tompkins describes him as there to the employment of John and Justinian Kinderdine—how long we know not, but if the money he gave to Mr. Ellis at the trial at Norristown was twenty, you may presume it was a considerable time—You may take the sum according to Mr. Ellis' evidence, it was fifty, if according to his evidence now, it was thirty dollars. Jack is now a competent witness to any part of the case—by their not producing or taking his evidence, or examining any witness to show the account Jack gave of himself, or what other reason the defendants had for believing him free, and prosecuting the plaintiff for felony, than Jack's assertion at judge McNeill's—yours and we must presume it is the only evidence on this consideration on this part of the case. Justice Tompkins appears to have acted on no other evidence of the fact of slavery or freedom, the whole prosecution rested on that fact; if Jack was free the defendants might have been guilty; if he was a slave to the plaintiff, they could not be guilty of kidnaping. There could not be probable cause for the prosecution, unless there was at least some foundation for freedom, in the oath or affirmation. Jack's assertion not under oath or affirmation, was not even the shadow of probable cause—to justify the justice in committing, arresting, detaining or issuing a warrant for the apprehension of the Jersey party, or any of them. If a warrant issued on no other proof it would have been illegal even for their arrest; a commitment without warrant would have been without any authority; a verbal direction to detain or confine them was equally so.

Does the evidence of Robert Tompkins change the result?

It is your exclusive province to decide on his credibility, you may believe or disbelieve his evidence as you may think proper; but in giving you our opinion as to its legal effect we must consider it as true.

He says that John and Sarah Kinderdine were examined before the justice, but does not state what evidence was given, and no paper or book containing it was given in evidence; this removes one constitutional objection—but it leaves the proceedings open to another fatal one, the want of probable cause on which to issue a warrant or order of arrest. This witness does not state whether any of the other party was present or not. This is an all important matter. The ninth section of the ninth article of the constitution provides that in all criminal prosecutions the accused has a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him and to meet the witnesses face to face."

The sixth amendment to the constitution of the United States provides, "that the accused shall enjoy the right to be informed of the nature and cause of the accusation against him, and to be confronted with the witnesses."

It is therefore incumbent on the defendants to satisfy you that the parties accused before the justice, were present on the examination of the witnesses against them; if it took place before they were brought before him and was not read to them or information given to them of its substance; or if it was had after they left the office or done at any time, as a color or cover for the proceedings which took place without the presence or knowledge of the accused, it is not only utterly lawless but aggravates being done under the pretence of conformity to the provisions of the constitution.

As to all the proceedings then of the defendants which took place either for the purpose of taking the Jersey party before the justice or judge to prove the property of the plaintiff or to establish a charge of kidnaping; we instruct you without hesitation, that they were without any warrant or authority of law, wholly unqualified and illegal.

We will now inquire whether there was any lawful course to arrest on any other ground.

If Jack was the slave or servant of Mr. Johnson, if he absconded from his residence in New Jersey to this state, he was entitled to neither relief or shelter by the abolition act, it was prohibited by law, to harbor, deal with, conceal or employ him, without notice to his master, (if known) under a severe daily penalty. The laws of the state recognized him as the property of the plaintiff which he had a right to take away from this state to his residence. The 1st section of the bill of rights in the constitution of Pennsylvania declares, "that all men have the inherent and indefeasible right of enjoying and defending life and liberty, of acquiring, possessing and protecting property," "that no man can be deprived of his liberty or property but by the judgment of his peers, or the law of the land." Sect. 9.

"That the right of citizens to bear arms in defence of themselves and the state shall not be questioned." Sec. 21.

The second section of the 4th article of the constitution of the U. States declares "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

The 10th section of the 1st article prohibits any state from passing any law "which impairs the obligation of a contract."

The second amendment provides, "that the right of the people to keep and bear arms shall not be infringed."

The sixth, "that no man shall be deprived of liberty or property, without due process of law."

In addition to these rights Mr. Johnson had one other important one to which we invite your special attention, and a comparison of the right given and duty enjoined by the constitution of the United States with the eleventh section of the abolition act of 1787.

"No person held to serve or labor in one state under the laws thereof, escaping into another, shall in consequence of any law or regulation be discharged from such service or labor, but shall be delivered up on claim of the party, to whom such act of labor or service shall be due." 4th art. sec. 3, clause 3.

Pursuant to this provision of the constitution, the act of congress of the 22d of February, 1793, was passed, not to restrain the rights of the master, but to give him the aid of law to enforce them. This law has been read to you, together with the opinion of our respected predecessors, in the case of Hill vs. Law, to which we give our entire assent, so far as it affirms the unqualified right of the master to seize, secure and remove his fugitive slave. "Do you perceive in this any thing discordant with the feelings, the spirit, the policy, or the legislation of Pennsylvania as manifested in the claim against the slave to enforce the amendment and explain it. Do these constitutional and legal provisions give any right to the plaintiff, or enjoin any duty on others, which are not the fundamental principles of her own laws, as acted on and enforced in her own courts, as of paramount and supreme authority. If you have any doubt, here is the opinion of one of the most humane and benevolent judges who ever presided in any court in the state chief justice Tilden, in delivering the opinion of the supreme court of this state—Wright vs. Deacon 5 S. & R. 63.

"Whatever may be our private opinions on the subject of slavery, it is well known that our southern brethren would not have consented to have become parties to a constitution under which the United States have enjoyed so much prosperity, unless there was a slave in the Union. The constitution of Pennsylvania has been adopted by the free consent of the citizens of Pennsylvania, and it is the duty of every man, whatever may be his office or station, to give it a fair and candid construction." The printer referring to the constitution, he observes—"Here is the article—the fugitive is to be delivered up on claim of his master." But it required a law to regulate the manner in which this principle should be reduced to practice. "It was necessary to establish some mode in which the claim should be made, and the fugitive be delivered up." He then recites the act of congress, and continues—"It plainly appears from the whole sense and tenor of the constitution and act of congress, that the fugitive was to be delivered up on a summary proceeding, without the delay of a formal trial in a court of common law. But if he had really a right to freedom, that right was not impaired by this proceeding in a slave state. The claimant, in which he understood before he fled, and might prosecute his right in the state to which he belonged."

This is in the spirit of the law, policy and feeling of Pennsylvania, as declared by the supreme court, and if the acts and proceedings of inferior courts and judges in opposition to the rights of the owners of fugitive slaves are quashed as illegal, of what nature must be the lawless conduct of individuals, who, by an assumed authority, undertake to obstruct the execution of the supreme law of the land? The supreme court declares that the constitution of the United States, would never have been formed or assented to by the southern states, without some provision

\*NOTE 2. Extract from the charge of judge Peters in Hill vs. Law.

To carry into effect the constitutional provisions on this subject, the act of congress of February 1793, was enacted. This act empowers the person to whom a fugitive from labor or service is due, his agent or attorney "to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States residing within the state, or before any magistrate of a county, city, &c. wherein such seizure was made, and on proof of owing service to the claimant, either by affidavit or other evidence taken before a judge or magistrate of the state from which the fugitive escaped, the judge or magistrate of the state in which he or she is arrested shall give a certificate thereof to the claimant, his agent or attorney, which shall be a sufficient warrant for removing such fugitive."

By this it clearly appears that the claimant, his agent or attorney, has the authority of this law to seize and arrest without warrant or other legal process, the fugitive if he escapes, and without being accompanied by any civil officer, though it would be prudent to have such officer to keep the peace. Whilst thus seized and arrested, the fugitive is as much in custody of the claimant, his agent or attorney, as he would be in that of a sheriff or other officer of justice, having legal process to seize and arrest, who may use any place proper, in his opinion, for temporary and safe custody.

for securing their property in slaves. Look at the first article, and you will see that slaves are not only property as chattels, but political property, which confers the highest and most sacred political rights of the states, on the inviolability of which the very existence of this government depends.

The apportionment among the several states comprising this union, of their representatives in congress.

The apportionment of direct taxes among the several states. The number of electoral votes for president and vice president, to which they shall respectively be entitled.

The basis of these rights is—"According to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians, not taxed, three fifths of all other persons." So that for all these great objects, free slaves are, in federal numbers, equal to three freemen. You see that in protecting the rights of a master in the property of a slave, the constitution guarantees the highest rights of the respective states of which each has a right to avail itself, and which each enjoys in proportion to the number of slaves within its boundaries.

This was a concession to the southern states; but it was not without its equivalent to the other states, especially the small ones—the basis of representation in the senate of the United States was perfectly equal, each being entitled to two senators—Delaware had the same weight in the senate as Virginia.

Thus you see that the foundations of the government are laid, and rest on the rights of property in slaves—the whole structure must fall by disturbing the entire stone—if federal numbers cease to be respected or held sacred in questions of property or government, the rights of the small states must disappear and the government and union dissolve by the prostration of its laws before the usurped authority of individuals.

We shall pursue this subject no farther in its bearing on the political rights of the states composing the union—is recalling your attention to these rights which are the subject of this controversy we declare to you as the law of the case, that they are inherent and unalienable, so recognized by all our fundamental laws.

The constitution of the state or union, is not the source of these rights or the others to which we have referred you, they existed in their plenitude before any constitutions, which do not create, but protect and secure them against any violation by the legislatures or courts, in making, expounding or administering laws.

The nature of this case, its history, and the course of the argument call on us to declare explicitly what is the effect of a constitutional protection or guaranty of any right or the injunction of any duty. The 25th section of the bill of rights in the constitution of Pennsylvania, is in these words—"To guard against encroachments of the legislature we have the following declaration (we the people of Pennsylvania), that every thing in this article is excepted out of the general powers of government and shall forever remain inviolate." A higher power "declares this constitution and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." 6 art. 2 clause const. U. S.

An amendment of the constitution is of still higher authority, for it has the effect of controlling and repealing the express provisions of the constitution authorizing a power to be exercised; by a declaration that it shall not be construed to give such power. 3 Dall. 382.

We have stated to you the various provisions of the constitution of the United States, and its amendments, as well as that of this state; you see their authority and obligation to be supreme over any laws or regulations which are repugnant to them, or which violate, infringe or impair any right thereby secured; the conclusions which result, are too obvious to be more than stated.

Jack was the property of the plaintiff, who had a right to possess and protect his slave or servant, when he had a right to seize and take away to his residence in New Jersey by force, if force was necessary, he had a right to secure him from escape, or rescue, by any means not cruel or wantonly severe—he had a right to carry arms in defence of his property or person, and to use them if either were assailed with such force, numbers or violence as made it necessary for such protection and safety of either; he had a right to come into the state and take Jack on Sunday, the act of taking him up and conveying him to the Bill lot, was no breach of the peace if not done by noise and disorder, occasioned by himself or his party—and their peaceable entry into the house of Mrs. Kinderderfer was lawful and justifiable, for this purpose, in doing these acts, they were supported by laws which no human authority could shake or question.

The power of the state was incompetent to impair the obligation of the contract or purchase from Ranley and Berrian, or to discharge Jack from the service of his master; he could not be impeded in the prosecution of his lawful pursuit, or restrained of his liberty without the commission of an offence and process of law.

Did they commit any breach of the peace?

Joseph Kinderderfer proves he was in the house when they entered and took Jack, he heard no noise, and did not see them enter—he informed his uncle of what had happened, came with his and his aunt to the wagon, but does not recollect what was said.

Sarah Rakestraw testifies she heard Isaacach ask them to prove their property, to which they replied, on stand off, and if he resisted they would blow him through—if this witness is credited, it shows the use of language rude and rough; but it did not amount to a breach of the peace without an offer to use an offensive weapon, or proof of some act done. Had such offer been made when Mr. Kinderderfer was doing an act which interfered with their rights, they would have been justified in using as much force as was necessary to enable them to proceed in their lawful business—his demand of proof of property was unauthorized, if the law gave him this right he would also have the right to judge of its sufficiency; but he was acting in his own wrong in making the demand, and they were under no obligation, legal or moral, to submit to their parties, or to submit to the authority of Miss Rakestraw; though even in such a case they would not have been compelled by law to show their property or authority, yet rude conduct or language would have tended much to have palliated any excitement or violence which followed a refusal to accede to a proper request. On this subject there is much weight in the remark of the defendant's counsel, that there is a social law, a law of decent respect for the opinion of others, which ought not to be overlooked in the assertion of right—but it is most certainly a gross violation of this social law, to rudely demand as a right, that which ought to be conceded only to courtesy of manner, and propriety of time, place and circumstance.

The next act of the Jersey party which is complained of, is the threat to blow out the brains of Isaacach Kinderderfer, when he entered the wagon from the plaintiff's carriage, and to beat him by the head, for the purpose of stopping them in the road, near the meeting house. At this time there was a crowd of some 30 or 30 about the wagon, and shortly after the plaintiff was struck in the head with a stone.

Under such circumstances, a demand to prove property or to stop, was most unreasonable and improper, any attempt to stop them was unlawful, and would have justified the repelling such an attempt by as much force as was necessary to secure passage; it would be necessary to their safe passage to the Bill lot; what was said or done by them was no breach of the peace, or other offence, which in any manner justified their arrest or detention, 5 S. & R. 301.

It would be a severe reproach on the laws of the state if any of the acts testified to have been done by the plaintiff or his party could be deemed a crime or offence, it is our duty as to you that at a point of law they were guilty of neither, their conduct did not expose them to any other notice of the law than possibly the fine for doing worldly business by the mere seizure of Jack on the Sabbath. If that had been the only offence imputable to them by the defendants, you may be inclined to think with us that the Jersey party were not the only persons who were exposed to the penalty—it may well be doubted whether it was a breach of necessity, to use any weapons as would further on that day than was done by the defendants before the Jersey party and the crowd reached the Bill lot.

At any rate, travelling on Sunday does not fall within the legal description of worldly employment or business, or any offence within the law cognizable by a magistrate, 5 S. & R. 301—as going from Mrs. Kinderderfer's to the Bill lot.

The next inquiry is whether the plaintiff has been assaulted, beat, or imprisoned by the defendants, or either of them, and by whom. An assault is an offer to strike, beat, or commit an act of violence on the person of another, without actually doing it, or touching his person.

A battery is the touching or commission of any actual violence to the person of another in a rude or angry manner.

Imprisonment is any restraint of the free movement of another, or prevention of his movements from place to place, or his free action according to his own pleasure and will; a man is imprisoned when he is under the control of another in these respects, or either of them against his own will.

It is false imprisonment when this is done without lawful authority, and a crowd assembled is deemed an assault in law, though no assault in fact is made; the use of weapons as would offend, the act being unlawful. In actions for injuries of this kind, all parties who are proved to have taken any part in the assault, battery or imprisonment, are principals, and answerable for all acts done by themselves or by any others concerned in the transaction, by their order, consent, or procurement; and in pursuance and furtherance of an object or enterprise in which they have all engaged, and which is illegal. If one or more persons combine to effect an unlawful purpose, each one of the party is civilly answerable for all acts done in or leading towards the accomplishment of the joint object, directly connected with it or naturally consequential. If the object and purpose is entered upon and commenced by the parties concerned, and other individuals, or a crowd assembled in consequence, and consummate the act or design in the execution, the entire party are responsible for their conduct, though the immediate actors may be unknown to them, or have no other concerted agreement or connection with them, than by the unlawful acts committed, intended or tending to effectuate the original object and purpose.

If a man does an unlawful act, apt or likely to do an injury to some person, and an injury is actually caused thereby, it is immaterial by what intermediate hand it is inflicted, the first wrong doer is directly answerable to the injured party as the immediate trespasser; as where a man threw a lighted squib into a crowded market house, it was thrown by one and other, till it struck a person and put out his eye—the man who first threw the squib was made answerable, 3 Wils. 407. So is the law where one man publicly and unjustly charges another with the commission of an offence or crime of which he is innocent, and an injury is inflicted on him by an excited crowd.

It is more dangerous than the squib, because more apt to be attended with fatal consequences, and no cry would be more exciting in Pennsylvania, in the most orderly community, than that of kidnapping.

You will then understand the law to be well settled, that it is not necessary to bring issue to any of the defendants, the definite act which has caused the injury; the law fastens the consequences of any illegal act upon them, which they have, in any manner as before mentioned, directly or indirectly, done, brought about or caused.

Their mere presence, however, when the act is committed, does not make them accountable for it, without some participation on their part, of exciting, directing or encouraging it—these must be some evident acts of their own, or of others, to act. If they take any part you may consider any or each of them who do so, answerable for all that is done, unless you are satisfied that this interference was unconnected with the original and principal purpose.

If an illegal act is done under color of legal authority or process, from an officer who had no jurisdiction of the subject matter, or whose order or process is made or issued in violation of the law, the judges or justice of the peace, or the sheriff or constable, so is the officer and all who act under him, if the process is void on the face of it, 10 e. 26, and his who procures such order on false pretences, is the most aggravated case. It is not necessary to constitute false imprisonment, that the person restrained of his liberty should be touched or actually arrested, if he is ordered to do or not to do the thing, to move or not to move against his own free will, if it is not left to his own option, to go or stay where he pleases, and force is offered or threatened, and the means of coercion are at hand, ready to be used—or there is reasonable ground to apprehend that coercive means will be used, if he does not yield. A person so threatened need not wait for its actual application. This submission to the threatened and reasonably to be apprehended force, is no consent to the arrest, detention or restraint of the freedom by virtue of it, and is much imprisonment as if his person was touched, or force actually used; the imprisonment continues until he is left at his own will to go where he pleases, and must be considered as voluntary, till all efforts at coercion or restraint cease, and the means of effecting it are removed.

On the part of Mr. Tompkins, it is contended that the plaintiff has failed in his action as in him, for want of the notice required by the act of assembly which has been read, P. 493.

This act applies to all official acts of a justice of the peace, and must be liberally construed so as to give them the full benefit of the protection intended by the notice. Though the act done is prohibited by law, and a penalty imposed, as for marrying a minor without the consent of his father, 5 Penn. 24, or arresting a party by warrant for an act which is no offence, as travelling on Sunday, or if in the honest exercise of his jurisdiction, he judges erroneously of the legal character and consequences of an act done, and treats as an offender, a person who has committed no crime, 5 S. & R. 301-2, he is entitled to notice. On the other hand, if he acts from improper motives, in a case where he had no authority to act at all, or in the manner in which he did act, he will be deemed to have acted merely under the color or pretence of his office, and not by virtue of it, and no notice is required, or if he acts in any act in this proceeding without intending to act as a justice of the peace in his official character, or did or directed any act to be done, in a matter whereof he had no jurisdiction. He must be clothed with official power to do the act officially, so that he is authorized to judge and decide whether the offence charged has been committed, or whether the thing done is punishable under his cognizance—if he judges erroneously, however unintentionally or ignorantly, he is entitled to notice in all cases, though he cannot be justified in doing the act.

But if some things are indispensable to bring his official power into action, and those things appear not to have been done, his acts are null and void, and cannot be official; as issuing a warrant of arrest in a criminal action, without probable cause, supported by any mention—the power to do this is expressly excepted from all the powers of the government, by the bill of rights of Pennsylvania, and the amendment to the constitution of the United States.

No act can be by virtue of office, which the power of government is incompetent to authorize; it must be taken to be by the mere color of office, and no notice is necessary, whatever his motives or intentions were. It is for you to decide on all the evidence in the case applicable to Mr. Tompkins—how he acted in any of the scenes which occurred, you will consider him as any other defendant, as to all matters over which he had no official power to act, or in which he did not intend to act officially—you must find in his favor, if all his acts to the injury of the plaintiff were official.

These are points of law which furnish the rules for the decision of the case; you will apply the evidence you have heard to ascertain the facts as they bear on each defendant.

In contra-acting the conduct of the respective parties, you can decide which has acted within and under the authority of the law, and which has violated it; if the evidence has made the same impression on your minds as on ours, there cannot be a doubt that the defendants have inflicted injuries on the plaintiff for which he is entitled to redress at your hands. If the rights with which he was clothed by the supreme law of the land, are to be neither respected or protected, you or we cannot be protected in its administration; our powers are derived from the laws and constitution of the state and union; his are from the same source of authority, and from one source higher than either. That power which can at its pleasure create and rescind any of the provisions of the constitution itself, by a constitutional amendment; by that power Caleb Johnson is invested with and guaranteed in the enjoyment of rights which can be neither infringed or impaired by all the power of the state or general government so long as the supreme law to which they are subordinate is obeyed. And shall it be permitted to individuals acting under the impulse of their own feelings and passions to do what is forbidden to the legislative power of the country, with no other check on their actions than what they may call the social law of the place, or public opinion? This case illustrates the effects of indulging that false philanthropy which proposes to alter the constitution in its zeal against slavery; as we remarked, it extends not merely to manumission of the slave free, but from men slaves. The plaintiff and his party were denied the use of a bed, and this by violence in the case of humanity and benevolence. What would have been said of Mr. Johnson if he had retired Jack a place, and means of rest and sleep—and it is to sanction such philanthropy that laws are not made, but broken; that the plaintiff is not to be exempted to liberate Jack, but forced to his master from place to place as a criminal, prosecuting and now denouncing him as a felon. Though he offered manumission to his slave on the first night, and has since executed it, the defendants did not then, nor do they now relent, even after the full investigation which the case has undergone.

We had hoped that they would have offered some circumstances of mitigation or excuse, which would have made the question for your decision one of mere compensation to the plaintiff for the injury he has actually sustained, without giving any thing in damages by way of public example, to prevent future outrages against the laws and the constitutional rights of citizens of the United States. We very much regret that by justifying their whole conduct, and boldly making the issue before you, they elect to justify the most heinous wrong by which you can meet your duty to the parties and the country.

If there are any rights of property which can be enforced, if our citizens have personal rights which are made inviolable under the protection of the supreme law of the state, and union, they are those which have been set at naught by some of the defendants. As the owner of property—which he had a perfect right to possess, to protect, and to take away as a citizen of one sister state, entitled to all the privileges and immunities of citizens of any other state, Mr. Johnson stands before you on ground which no law can take from under him—it is the same ground on which the government is built. If the defendants can be justified in what they have done, we have no longer law or government—and if the personal liberty of the citizens can be thus violated with impunity, there remain to us no rights worth protecting.

The political aspect of public affairs cannot be overlooked when the court and jury are called on to decide on constitutional questions. The country has happily passed through some exciting and painful scenes, threatening its peace. No one can tell what danger may be impending over us, or how imminent it may be—but it is certain that there is much cause for vigilance in all those concerned in the administration of the law of the land, in enforcing its provisions; and by punishing all infraction, in such a manner, that it shall be in its operation, as well as in its name, supreme—the only test and standard of right and wrong.

As citizens of Pennsylvania and the United States, it now rests with you in man upon the rights in controversy between these parties, they are of the most important nature to every man in the community, and to the whole country, as affecting its deepest concerns.

The question of damages is exclusively with you—though the defendants have not given in evidence or urged by their counsel, any matters in extenuation, we cannot help remarking that they appear to be respected in their neighborhood; they are members of a society distinguished for their obedience and submission to the laws; they are men who are as a citizen of one sister state, entitled to all the privileges and immunities of good conduct in all the relations of life. And what motives they were actuated towards the plaintiff, who never injured them or theirs in the pursuit of his property, is hard to imagine—it would seem that they were implied by some cause not disclosed in the evidence or argument of the cause—some spirit or tone in public opinion, or some temper of the law, some of the most important principles of the policy of the law of 1820, or mistaken advice on its construction. This, however, is left to mere conjecture, as we are not authorized by the defendants to place their conduct on this footing, the case must be left to you on the question of right, according to the laws and constitution, as they have been shown to you, and on the question of damages, as you shall think the justice of the case demands.