

# Bedford Gazette.

BY GEO. W. HOWMAN.

Freedom of Thought and Opinion.

TERMS, \$2 PER YEAR.

NEW SERIES.

FRIDAY MORNING, BEDFORD, PA. MAY 8, 1857.

VOL. XXV. NO. 36.

## Select Poetry.



From the New York Observer.

### REST.

BY J. FERRIVAL HOWE.

At rest! Oh words of joyful sound—  
To voyager o'er life's sea;  
When tempest-tossed and sore oppressed,  
They long at rest to be.

Pilgrim of life! this lesson learn;  
Hope not at rest to be—  
This is a world of toil and strife;  
It has no rest for thee.

Thou art a soldier of the cross,  
Rise, then—stand on thy sword;  
Thou canst not hope to idly rest;  
Do service for thy Lord.

In every hour do well thy part,  
Adorn thy life by works of love,  
Walk in thy Master's steps—learn not—  
There's rest for thee above.

## BEAUTIFUL MEMENTO OF AFFECTION.

We have just read with the highest gratification and admiration, the beautiful poetic address of Mrs. Martha Walker Cook, of Trenton, to her brother, the Hon. Robert J. Walker, recently appointed Governor of Kansas. It is one of the most beautiful productions we have ever seen; replete with coruscations of intellect, gems of rare poetic excellence, and more than all above all, filled with the heart's treasure of sympathy and affection. It has rarely been our good fortune to peruse a poem of higher merit, viewed simply as a literary production; but when, in addition to its other qualities, its eloquence of sisterly affection is considered, it becomes sublime in its touching pathos and magnificent beauty. The address commences as follows:

Wilt thou leave us, then, my brother,  
Seek a distant land,  
Gentle wife and suffering mother,  
Leave thy household band?  
All the loving ties that weave thee  
Soft in complex strand,  
Canst thou thus of all bereave thee,  
Wilt thou thus withstand  
All the tears tumultuous flowing,  
From the beings true and glowing,  
Clinging to thy hand?

The appeal then alludes to wife, daughter, remaining children, all the ties that make life a blessing; to all the fond memories of thy youthful days most touchingly and luxuriantly to the departed dear ones; to the dangers that he will have to meet, the joys he will have to forego, the home happiness he will be compelled to sacrifice in this mission of public patriotism and his country's good. The address says: I shame me that my woman's tears should pour so hot and fast!  
Forgive me that my sinking heart should call up pleasures past!  
I shame me that my shrinking soul should soar not to heights of thine!  
Forgive me that a patriot's child should cower and repine,  
When thou hast come, at Duty's call, each pleasure to resign,  
To offer sister—children—wife—upon thy country's shrine.

Go wrap the stars around thee, as thou hast done of yore,  
The constellation in thy hand till discord rings no more!  
The strong backwoodsman loves thee, he knows thee well of old;  
The flashing thought upon thy lips, thou'lt have no need of gold;  
The law of honor rules thy tongue—thy heart, the law of love;  
So stronger than the trumpet's tone thy words true bosoms move!

There is many a pang before thee! Slander will do its worst!  
There are men bent on disunion, in guile and faction mixed,  
Who will strive with every sinew to make wrong appear the right,  
As Lucifer is wont to robe himself like an angel bright;  
But pause not—faint not—valiant heart! our God protects the just;  
Keep watch o'er laws and people's cause, and in Him put thy trust!

The poem has many other passages of equal magnitude and power with those we have already quoted—passages which no one can read without having the blood stirred to the inmost recesses of the heart. It is issued in pamphlet form, and we presume is intended only for private circulation among particular friends. We doubt not it will be sought after with avidity by multitudes out of the family circle, for which it was especially intended. We are greatly obliged to the kindness of a valued friend for the pleasure a perusal of this exquisite production has afforded us.—Philadelphia Argus.

**The Scared Snake.**—Audubon, the great naturalist, being on the lookout to obtain a specimen of the red-headed woodpecker, and seeing one fly into a hole a great way up, he pulled off his coat and climbed with that energy of his that never failed him. Puffing and sweating he reached it at last, and putting in his hand to seize the bird, to his dismay a snake put his head out of the hole and hissed in his face.—This was so unexpected and frightful that Audubon let go his hold, and tumbled to the ground more dead than alive. His companion came running to him, and seeing that the naturalist was not hurt, but dreadfully alarmed said to him: "Ah you are very much frightened, Doctor!" "No sah," replied the Doctor, quite off-ended, "no sah; but if you want to see you scared snake, just you go up dare." But his friend didn't go up.

A man, who is said to be Townsend, an almost unparalleled murderer in Canada some two years ago, was arrested in Cleveland, Ohio, on Saturday last. A reward of \$5,000 for his arrest has long been offered by the Canadian authorities.

## From the Washington Union.

### The Head of the Treasury Department.

We have been furnished with a copy of the decision of Judge Black, the Attorney General, to whom Governor Cobb referred the question of the payment of the claim of the Hon. Richard W. Thomson, and publish it below.—It shows most conclusively that payment ought to have been made.

There are signs too manifest to escape attention that there is a purpose or plan amongst certain adventurers and small speculators in politics to depreciate and disparage the administration at the commencement of its duties. Any circumstance, and the small instruments, are eagerly seized upon to accomplish their object. The accidental connexion of Mr. H-rick with one of the most important committees of the Senate, composed of some of the purest and most distinguished men of the country, was a circumstance which they supposed would give some consequence to the fabulous revelations which he was willing to make. But let it be distinctly understood that no member of that distinguished committee was either cognizant or in the remotest manner responsible for the false accusations contained in the letter of their clerk.

The truth is, Secretary Guthrie had decided to pay the claim, as authorized by the law, and had referred it to the Second Auditor for the necessary action to legalize its payment, when some malevolent suggestions were made to the Secretary in regard to it, which caused him to suspend it, and procure a reference to the Indians for their consent to its payment, although the law required no such condition precedent, but unqualifiedly directed its payment. Congress was consulted; the facts all presented to them, and they made no alteration in the law. So the matter stood when Gov. Cobb came into office. Upon taking the case up, he immediately referred it, with the questions of law involved, to the Attorney General for his opinion and construction of the law. His opinion is lucid, clear, and explicit. He decided that the payment was to be made under the law, and that neither the Secretary of the Treasury nor his accounting officers could go behind it.

But that the head of the Treasury Department, whose whole life has been but an illustration of his purity and high-toned honor—and that his subordinate officers, who acted by his orders, and could have no motive to do wrong—should be charged with Galphimian fraud upon the treasury, is proof sufficient of the wicked purpose to calumniate the administration. This is only the beginning. The administration is democratic, and if it was composed of agents its acts would be impugned, criticised, and perverted; with what reason, in this particular case, the opinion of the Attorney General will show.

### HIGHLY IMPORTANT

#### Opinion by Attorney General

## HON. J. S. BLACK.

ATTORNEY GENERAL'S OFFICE,  
March 23, 1857.

Sir: I have received your letter relative to the claim of R. W. Thomson, together with Mr. Guthrie's letter, calling your attention to it, and several other papers pertaining to the same matter.

By the 27th section of the civil and diplomatic appropriation bill, passed and approved on the third of March, 1855, it is enacted that the Secretary of the Treasury shall pay to R. W. Thomson, out of any money in the Treasury not otherwise appropriated, one-half of the amount stipulated for between him and the Menomonee Indians, in a memorial and agreement, which are specified and described in the act.

I have given, not the words, but the substance of the act. It is so unambiguous, simple and plain, that no man can misunderstand it. I am not aware that any question has ever been raised about its meaning, or that any two persons in or out of the government have understood its mandate in different senses. Nor can there be any intrinsic difficulty in the way of rendering obedience to it. What it commands to be done may easily be done, if the Secretary of the T. sees proper to do it. It is but looking at the memorial and agreement referred to in the law, and dividing the amount there stipulated for into halves, and one of the halves is the sum which you are commanded to pay out of any unappropriated funds in the treasury. I repeat, therefore, that on the face of the law there can be no third doubt of Mr. Thomson's right, nor difficulty about the performance of your duty.

But it seems from the letter of Mr. Guthrie, and the opinion of Mr. Cushing, that soon after the passage of the act, an allegation was made by some one that a proviso materially changing its effect had been agreed to by both Houses, but left out of the enrolled bill. What evidence this assertion was supported by I know not.—I take it for granted that it must have been strong, since it was sufficient to convince the judgment of your predecessor and mine. You have not made the evidence on that point a part of the present case, and, for reasons which will be apparent hereafter, I have not sought it out. We cannot go behind the written law itself for the purpose of ascertaining what the law is. An act of Congress examined and compared by the proper officers, approved by the President, and enrolled by the Department of State, cannot afterwards be impugned by evidence to alter and contradict it. It imparts the absolute verity of record, at least, in so far that no extrinsic proof can be received to erase one thing from it, or to interpolate another into it. If there be an apparent conflict between the Journals and the law as finally approved and enrolled, the Journals have no claim to superior authenticity. It certainly has happened very often, and may happen any day, that a clerk neglects to note down the

result of a vote which strikes out a clause from a bill on its passage. On the strength of such a *hialus* in the Journal, who would say that the section stricken out should be considered part of the law after it is passed and enrolled?

If the law is to be looked for in the Journals, the President ought to examine all the Journals of both houses before he approves a bill, for they may contain evidence of provisions which are not in the bill, and which he would not approve. But this mode of finding laws in the Journals would make enactments neither approved by the Executive nor passed by the constitutional majority of two-thirds. This is not all. If the law may be changed by reference to the Journals, any other confidence, written or oral, may be received for the same purpose.—An act of Congress which has gone through all the forms of the constitution, and is authenticated according to law, may afterwards be nullified or marred by the testimony of any spectator who happened to be present when it passed.—What is in, or what is not in a statute, must then be a question as open to the contradictory proof on both sides as the terms of a horse trade. And who shall decide such disputes when they arise? The Judiciary? It would be a new service to the Judges; but perhaps with the aid of juries and some enlargement of equity powers to perpetrate testimony, a sort of justice might be accomplished in some cases with a great deal of trouble. But an Executive or ministerial officer wanting their aids for the investigation of truth would often be obliged to decide at random. We must take the acts of Congress as we find them, without addition, or diminution. This rule is so obviously necessary that no other has ever been seriously proposed.

The clause which is said Congress intended to insert, but did not, in the bill authorizing the payment of Mr. Thomson was, *provided, that the same be paid with the consent of the Menomonee.* If this had actually been part of the law, it would have made his right to the money conditional. He would in that case have been obliged to get from the Indians a new assent in addition to that previously given in the memorial agreement. But this provision being omitted, his right to the money was absolute. I need not say that such an omission cannot be supplied by construction; nor do I see how the omitted proviso can upon any ground whatever be treated as part of the law.

On account of the supposed accident or design by which the proviso was omitted, the Secretary of the Treasury, acting under advice of the Attorney General, refused to pay Mr. Thomson the money which, by the terms of the act, he was entitled to, and the execution of the law as it stood was suspended by the President until Congress could decide on the point. I do not presume to discuss the propriety of this measure. That it was well meant I am sure; but at all events, it is past and done. If it was right, the country has the benefit of a good example, and if it was wrong, it cannot now be recalled. But the object and purpose for which the Attorney General advised the suppression of the law has been fully carried out. Congress need consult and the facts communicated in a message of the President. There have been three sessions since that time, and the law stands yet unchanged in every letter. The lower House seems to have taken no notice of the subject.—But the Senate, on the 8th of August, 1856, passed a resolution solemnly expressing its opinion that Richard W. Thomson was entitled to be paid the sum appropriated by the 27th section of the civil and diplomatic appropriation bill of March 3, 1855. After such a resolution from the Senate, and the silent acquiescence of the House for three sessions, any postponement can hardly be thought necessary for the purpose of consulting Congress. The question must now be between obedience and disobedience to the admitted will of the national legislature.

After payment to Mr. Thomson had been refused at the treasury, an agent was appointed to take the sense of the Menomonee, and ascertain whether they would assent or not to the payment of his claim under the law. The agent reported their refusal to assent, and Mr. Thomson complained that they were prevented from giving their assent by the improper interference of the agent himself. Should these facts have any influence on the decision now to be made? Congress declared that Mr. Thomson should be paid a certain sum out of funds in their own treasury, which they had a right to appropriate to that object. From this determination Congress no appeal lay to the Menomonee Indians. The payment of the money was not made dependent on any future expression of their will. Their refusal to sanction the law could not repeal it, or in any wise diminish the obligation of the executive to carry it out. When Congress commands a thing to be done, and the Menomonee Indians forbid it to be done, it is not very difficult to decide where obedience is due by an officer of the United States government. To follow the act of Congress, and not the decision of the Indians, would be a tolerably plain duty in any case; but here it is rendered plainer still by the consideration that it is a disputed and doubtful question of fact whether the unbiased opinion of the Indians is opposed to the law or not?

But Mr. Thomson agreed to take the sense of the Indians, and to that end assented that an agent should be appointed. Did this bind him to stand or fall by the agent's report? If he had an absolute right under the law to be paid, I cannot say that I think he forfeited that right by an abortive attempt to comply with a condition which the law did not impose on him.—He made a voluntary effort to strengthen himself with the Treasury Department by doing what he could not legally have been required to do. This does not prevent him from falling back on the naked law, and standing there in defence of the rights which it gives him.

These, I presume, are all the facts and circumstances to which you refer as having transpired since the passage of the acts. There is but one point more to be noticed. That is raised by your inquiry, "Whether the provision authorizing the payment to Mr. Thomson is rendered nugatory by the subsequent provision requiring that amount to be deducted from future payments to the Menomonee Indians?" Congress has no authority to abrogate a treaty made by the Executive, any more than the Executive has to abrogate a law passed by Congress. But if it is not to be presumed that such was the intent of the act under consideration; Congress took the responsibility of paying a debt due from the Indians to Mr. Thomson out of the United States Treasury. Their power to do this cannot be denied, and Mr. Thomson has no interest in any other part of the law. The other provision for deducting the amount from the future annuities to be made under the treaty was inserted, no doubt, upon satisfactory evidence that the Indians were agreed to it. We cannot act now upon the assumption that they will resist the deduction when the proper time comes for making it. But if we know that such would certainly be the fact, Mr. Thomson's rights could not be affected by it. Congress has chosen to say that he shall be paid at all events, and has taken upon the government all the risk (if there be any) of getting a deduction from the Indians. The United States have bound themselves by treaty with the Menomonee to pay them certain sums of money. At the stipulated times we must meet this responsibility either by payment of the money to the Indians, or else by proof that it is already paid, with their consent, to an individual who is their just creditor. The act of Congress awarding payment to Mr. Thomson, and ordering the deduction from the Indians, will not conclude them on the question of fact whether they did assent or not. But that is no reason why Mr. Thomson, who has the act of Congress in his favor, should not receive what he is due.

Not seeing any reason for resisting the will of Congress, as expressed in the law, I can only conclude by advising your liberal assent to the provisions. That course is always the safest. I am, most respectfully, yours, &c.,

J. S. BLACK.

## How to spend the Sabbath.

1. Rise early. God requires one-seventh part of your time. The Sabbath is just as long as any other day. If you indulge in sleep on Sabbath morning one or two hours later than usual, you rob God and your soul of so much holy time, and if you begin the day robbing God, you cannot expect he will bless you.

2. Pray for your minister. He will then preach better, and you will be better prepared for his preaching. He needs your prayers. He has tasked his energies to prepare good sermons to interest you. Exhausted by the labors of the week, and trembling under his awful responsibility, he will be cheered and encouraged if he believes he is remembered in your prayers.

3. Pray that the preaching may be blessed to your soul. He is a foolish man who sows his seed before he breaks up the soil. You are more foolish if you expect a blessing without asking for it, or preparing your heart to receive it. If a blessing is not worth asking for, do not complain if it is not bestowed.

4. Do not indulge in secular conversation. To spend the interval between the services of the sanctuary in talking about business, or pleasure, or politics, is not remembering the Sabbath-day to keep it holy. If you spend your intermission in this manner, you must not wonder, if in the afternoon you feel sleepy and the preacher seems dull.

5. Banish worldly thoughts. You must not on the Sabbath think your own thoughts. If your thoughts are allowed to wander unrestrained over the business of the past week, or the plans for the week to come, you will suffer for it. God will leave you in darkness, your love will be cold, your prayers formal, and you will be disqualified to engage profitably in the services of the sanctuary.

6. Do not criticize the performances of your minister. If he has preached a poor sermon, make the best of it; if a good one, be thankful and improve it. Your praise or censure can do no good, either to him or yourself, but may do hurt to both. You will profit far more by praying over the sermon, and applying it to yourself, than by criticizing it.

7. Spend every Sabbath as though it were your last. Your last Sabbath will soon come. Perhaps the next will be your last. Spend it then as you will wish you had done, when you will review it millions of ages hence. If you know it the last, you would be much in prayer, you would banish worldly thoughts and conversation, you would read the Bible, you would meditate much on divine things and examine the foundation of your hope for eternity. Do this and your Sabbath will not be spent in vain.

## The Poisoning at Washington.

The Cleveland Plain Dealer, whose editor has recently returned from a visit of some weeks to Washington, in referring to the late poisoning in that city, and the concurrent testimony of numerous physicians in all parts of the country that the symptoms could only be produced by poison, refers to the fact that the deadly originally broke out during Mr. Buchanan's first visit to the hotel, it ceased when he left for his own land, and upon his return, after a fortnight's absence, became again more violent than ever. The President elect was warned by anonymous letters, not to eat or drink at that house; and under the advice of friends, although he returned to the hotel from a feeling of regard for its worthy proprietors, he never broke bread or emptied a glass out, until he took up his residence in the Presidential mansion. Occasional visitors who did not heed these, but used the bar, were not affected, while nearly all the occupants of the dining room were more or less prostrated. The Plain Dealer adds:

In France, an infernal machine is used to dispose of objectionable personages in Spain the Sotillo by the United States the ballot-box has heretofore been considered potent enough.—But since preachers have turned politicians, and pulpitists both their anathemas upon political parties, calling on God to destroy, as with the beam of destruction, what they are pleased to term the political heretics of the day, it is no wonder that the followers of such infatuated leaders should become themselves infatuated, and do literally what God prayerfully had so often been called upon to do. They could do under a sense of religious duty and justify themselves, as obeying the behests of those who claim to be the Oracles of God, speaking by His authority. Saul persecuted the Saints "even unto death" and verily thought in his heart that he was doing God's service. The New England Puritans hung witches, killed Quakers, and banished Baptists, all for the glory of God. The same infatuation exists today and hasso do not exhibit itself in the attempt to destroy the life of an American President.

The design might not have been limited to the President alone, for it was well known that the Vice President and leading men of the party would naturally congregate where the President was advertised to stop, and true enough, J. G. Casey, James S. Murray, and other friends of the President, partook of the poison and narrowly escaped death, while several others less distinguished stopping at the hotel paid the forfeit of their lives.

A Locomotive Jump—A DANGEROUS EXPERIMENT.—We are not disposed to take the same view of the conduct of the engineer of the train on the Houstonian Railroad, which met with the following described accident at Falls Village, Vt., the other day, that that is no reason why our readers should be deprived of the interesting particulars.—The train, it appears, had occasioned a flood in that locality, and washed away a small culvert at the spot where the catastrophe occurred. The superstructure and rails, however, remained. The engineer (Mr. Sterling) discovering that the track had settled, concluded at once that the ground and stone work had been washed away, and comprehended the danger; but it was too late to stop the train; quick as thought, he saw it would not do to make an attempt to stop, and the only chance to save his engine from destruction, and himself, his firemen and others from injury, was to jump" the breach. In an instant he "let on" all his steam. On the engine leaped, at her utmost speed, and over she went, quick as lightning, clear and clean, with the tender, but the baggage and forward passenger car settled into the gap and turned partly over, and brought the whole train to a stand. The

shock was terrible. The engine was turned around square across the track, the tender was pitched down an embankment, and the other cars deposited here and there, in the most irregular positions; but strange to say not a person had a bone broken, or a joint dislocated—all escaped, almost without a bruise or a scratch, and little damage was done to the engine or cars.—All things considered, it was a most remarkable escape—for which much credit is due to the watchfulness, the presence of mind, and quick and comprehensive judgment of the engineer.

## Suicide by the Word.

A funny story is told of a young member of the Bar in this city, who is exceedingly sedate and reserved in his manner, and without not possessing of any great degree of physical prowess.—Some time since a brawny customer entered his office and stated that he wished to bring an action against a man for thrusting him forcibly out of his shop. The lawyer bade him to be seated, and asked him to relate the particulars of the case, so that he might properly understand how to conduct it.

"Well sir," said the client, "I ordered a job of work at Mr. B's shop, and at the time specified I called. He told me it was not finished. I said—then as you have not kept your word, you need not do the job at all. He flew into a rage." [Here the client rose from his seat, in an excited manner, and, taking the lawyer by the neck, proceeded to demonstrate practically the nature of the violence used.]

"That will do," said the lawyer, "you have hurt my neck." "But he dragged me to the door," continued the client, still holding on to his legal adviser, and endeavoring to make him feel the enormity of the offence, by using him in a similar manner.

"Let go my throat and sit down or I'll"— [Seeing that the legal gentleman was affronted, the excited client relinquished his hold.] The lawyer proceeded:

"Sir I believe you are under the influence of liquor, and I cannot attend to your business at present. You may call to-morrow, if sober." To-morrow came—so did the client—but not sober. He began to repeat his wrongs, and the lawyer kept a keen eye on his manipulations.—When he got to the grabbing place, he made the attempt again to suit the action to the word.

"No you don't," said Blackstone, assuming a hostile attitude.

"Just let me show you how easy!" "Clear out, I have had a sore neck ever since yesterday!"

"But I want to take the law on that ——" "You had better withdraw your suit—I think you got no more than you deserved."

This unkind remark of the attorney to his client, ended the parody. The client stepped out, while the lawyer resumed his seat, satisfied that, although he had lost a fee, he had escaped a second choking.—Pittsburg Union.

**Jersey Excitement.**—There appears to be considerable excitement in Patterson, N. J., in regard to the finding of about three hundred pearls (real) in muscle shells—the affair seeming likely to transform the Jersey flat into a new East Indies. The New York Tribune has the following:

"A friend assures us that one pearl as large as a small marble (not a piece of chalk) has been shown to Tiffany & Ellies, the well known Broadway Jewellers, who estimated its value at \$1,000, and offered to advance \$700 on it. It lacks the peculiar tint of the Eastern pearl; otherwise its value would be almost incredible. The man who owns it has already sold small pearls to the amount of \$200. Every body is on the search and whatever may be the result there is evidently no lack of muscle at the diggings."

**Max Huxo by a Man.**—The Ohio Statesman learns that Edward Hawkins, who, last month, shot and killed James M. Land and Jesse Arvine, Sheriff and Constable of Estill county, Ky., was taken at his father's, in Adams county, Ohio, and lodged in the jail of Estill county, Ky. On Sunday the surrounding inhabitants assembled together, broke into the jail, carried off Hawkins, conveyed him to the spot of the murder, and there hung him.

**Good Appointments.**—The appointment of Col. Black as one of the Justices of the Supreme Court of Nebraska, and of R. B. Roberts, Esq., as U. S. District Attorney for the Western District of Pennsylvania, which we announce this morning, will be gratifying to their friends here and throughout the State. They both labored hard in the last campaign, and did effective service in the Democratic cause. They are both able men for the discharge of the duties of their respective offices.—Pitts. Union.

**The "Hog Cholera"** is prevailing to an alarming extent in Kentucky, Indiana, and in fact, all along the Ohio River. In two pens in Kentucky in less than a week some 400 hogs died, and we hear accounts of smaller numbers in other sections. The hogs that thus die are converted into grease, and sold to the stearine candle makers at about 9 cts per lb. This is bringing hogs to light.

**Boston News.**—The Dalton divorce case is still before the Boston court, and a very dirty case it is. It is a little curious that Boston, the metropolis of the puritans, should have so many indecent exposures in its courts. They have been the main staple of the newspapers for weeks past; even some of the most respectable think this kind of garbage is proper mental aliment for their readers. Tastes differ; but a filthy stream can hardly yield wholesome beverage.

**Augusta, Ga., April 15.**—A destructive fire occurred at Marietta, on Tuesday last, destroying the Howard House, Colonnade Row, and the Post Office, together with a number of stores and warehouses. The loss is estimated at \$70,000, partly in offices in the Northern cities.

**Superintendent of Common Schools.**—The Governor, on Tuesday last week, appointed Henry C. Hickok, Esq. of Lewisburg, at present Deputy Secretary of State, Superintendent of Common Schools for three years from the first day of June next, under the recent act of the Legislature, and the Senate confirmed the appointment unanimously. This is a well deserved compliment to Mr. H., who has shown himself fully competent for the duties of the position.

**St. Louis, April 16.**—Last night, the planing mill of Morrison, Beale & Co., a Methodist Church, and three dwellings, at Alton, Ill., were destroyed by fire, causing a loss of from \$25,000 to \$40,000, on which there is but a slight insurance.

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