European Intelligence.

Arrival of the Britannia.

Sixteen days later from Europe.

The Steamship Britannia, from Liverpool May 5th, arrived at Boston on the 21st, at 6 o'clock, A. M.

The news is not of great importance. Commercial and money affairs were on the whole improving. The Corn market was in a dull state, in consequence of the uncertainty, or lack of certainty, as to the course which would be adopted by Parliament in regard to the Corn Laws. The general opinion among intelligent men was, that Sir Robert Peel's measure would be adopted.

There is nothing new on the Oregon question. Little is said on the subject in the papers before us, and that little is favorable to an amicable adjustment on the basis of lat. 49.

The Commissioners of the Customs have received a communication from the Foreign Office, stating that the Earl of Aberdeen is of opinion that Texas must henceforward be considered as forming part of the American Union.

Queen Victoria, on the receipt of the intelligence respecting the attempt to assassinate the King of the French, wrote a warm autograph letter to her ally, congratulating him on his escape, which was despatched by a special messenger to Paris.

The Queen's accouchment is expected to take place at Buckingham Palace about the middle of May.

Great numbers of Germans are constantly arriving in London from the continent, on their way to New York. Every packet-ship from the Thames carries out hundreds of them. The distress of some of the emigrants recently occupied the attention of the Lord Mayor of London.

The Dutch Government had declared its intention of conquering the fertile island of Bali, containing nearly two millions of inhabitants. The merchants of Singapore view this movement, it is said, with jealousy.

The *Cologne Gazette* of the 23d ult. states, that a general belief prevails of the Austrian Government being obliged to have recourse to a new loan.

The Prussian Government has stopped all legal proceedings against Ronge.

Austria and Prussia have addressed notes to the French Government, relative to the intrigues of the Polish Propaganda in Paris.

The *Augsburg Gazette* of the 23d ult. announces that perfect tranquillity has been restored in Galicia.

An edict has been pasted on the walls of Rome denouncing the modern innovation of gas-light, and ordering that all private gas-works should be suppressed.

The accounts from Constantinople announce the arrest of Mahmoud Pasha, the Paymaster General of the Army, on a charge of having embezzled the public money to the amount of £160,000.

Keying, the Chinese High Commissioner, has contributed, through Admiral Sir Thomas Cochrane, a sum equal to £190 in aid of the Thames Floating Hospital for the relief of seamen of all nations.

Captain Adams, who was wrecked some years ago on the coast of New Zealand, and compelled to herd with the savages there, escaped from their vigilance, and having been regarded as dead by his wife and family, astonished them by his sudden re-appearance last week.

A miser died recently in London, named Jacobs, in a horrid state of destitution, who was found after death to be possessed of property to the amount of £10,000.

A gentleman named Ashton, died at Hyde, near Manchester, lately, leaving a will by which £150,000 will go to the Government, for the purpose of reducing the amount of the national debt.

A clerk, named Norman, recently sent a letter to his employer, informing him that he had been connected with 1800 distinct robberies, and five attempts at murder. The scene of his infamies extended over the West Indies, the United States, and England.

THE STEAMSHIP "GREAT BRITAIN."—This magnificent vessel, so worthy of the name she bears, sails on Saturday next, (9th) under the guidance of her able and popular commander, Captain Hosken. The recess has been employed in doing all that science, and skill, and capital can accomplish in the way of a more rapid propulsion.

FRIENDLY INTERNATIONAL ADDRESSES.—The Britania, which sails to day, takes out *five* Friendly International Addresses from different towns and cities in England to the same number of cities in the United States. The most remarkable of these addresses is the one from the *women* of Exeter to the *women* of Philadelphia, signed by sixteen hundred of our fair countrywomen.

The citizens of Edinburgh have adopted an address to the citizens of Washington, deprecating war, and recommending the settlement of the national disputes by arbitration.

The account which came to hand from America recently had no visible effect on the price of the English securities. The settlement of the Oregon question on the basis of the 49th parallel continues to be regarded as a thing that must be—as a fair settlement, to which the leading statesmen on both sides of the Atlantic will combine to give their aid. The interminable discussions on the subject in the Senate bears a striking affinity to the dreary waste of words in the English House of commons on the Coercion and the Corn Bills.

LIVERPOOL, May 5.—The Cotton market sustains the improved feeling that ruled when the last steamer sailed.

Large quantities of American provisions find their way to this country by almost every arrival. With an anticipated scarcity of bread stuffs, the records of the barrels of flour and of beef which cross the Atlantic at the present time are duly paraded in the columns of the daily press. They point a moral of a gratifying character; for when the restrictions which have hitherto impeded that branch of commerce are removed—as removed they will be—it is impossible to gauge the extent to which the Provision trade between England and America will be carried. At present, there are upwards of 400,000 barrels of flour under lock in Liverpool, all of which will be removed at the low duty when the Corn Bill becomes law.

IRELAND.—Notwithstanding the fact that Ireland is in such a state of destitution, large quantities of provisions are daily sent from that unfortunate country to England.

Provision riots have taken place at Fethard, Cahir, and Roscarberry. Provision boats coming from Waterford last week were attacked and plundered by numerous parties, and the goods carried away in all directions.

Complaints are rife in all parts of the country with respect to the high price of Indian corn, (in Sligo, it is stated to be more expensive as an article of food than third rate Irish flour) and the difficulties the poor people experience in getting it ground for use.

Emigration from Ireland to the continent of North America is proceeding on a large scale. A vessel left Limerick a few days ago with 420 emigrants for Canada, 40 of whom had their passage paid by their landlord. Another vessel is about sailing from the same port with 120 emigrants for Quebec.

In Cork the strongest terms of disapprobation are applied to the government for the course it is pursuing in reference to the distress in that city, and the exertions making there for its relief. The authorities complain that all their applications for government aid are rejected on some technical point or other. The American packet Camelia, Capt. French, 1090 tons arrived at Cork a few days since, bringing Indian corn to the amount of 25,000 bushels, with about 10,000 barrels of meal.

The accounts from various parts of the country give painful evidence of the existing distress. Many of the districts are suffering the horrors of famine, and fever is on the increase. The Ballinasloe Advertiser states that the district hospital in that town is very crowded. There are many fever cases. The Galway Mercury gives an account of a relief meeting in that district, where the sum subscribed was totally inadequate to the emergency of the evil. In Mallow, fears of an outbreak have been general. In Clogheen oatmeal and coarse flour had been distributed to above 1,000 starving creatures. In Waterford, the respectable sum of £840 had been subscribed in one day, and other sums had since been added. In Tralee, money had been raised and provisions distributed to the famishing populace. The accounts from the districts on the south and south-western districts are nearly uniform in their statements of the destitution, and apprehensive for the continuance of the peace.

FRANCE.—The journals are remarkably silent on the subject of the regicide Lecomte. All that is communicated is, that since his arrival at Paris he has undergone several examinations; and that, having refused to choose a lawyer for his defence, the Court of Peers had appointed *ex officio* M. Dugervier, the head of the Parisian bar, to act as his counsel.

A small granite pyramid is about to be erected on the spot where Lecomte fired at the King, as a memorial of His Majesty's escape from the hands of the assassin.

The report of Col. Allard to the French Government recommends 24 millions of francs for the fortifications of Havre.

SPAIN.—The insurrectionary movement in Gallicia is exciting some uneasiness at Madrid.

PORTUGAL.—The Northern provinces have been in a state of insurrection. One of the first tumults was caused by a refusal of the local authorities to suffer the burial of a poor peasant to take place without obtaining a certificate from a medical officer, who is empowered by this oppressive law to exact a sum for his signature little short of ten shillings sterling. The friends of the deceased in vain pleaded their inability to pay the sum in question. The rites of burial were refused; the women of the district rose en masse; the troops were marched against them; resistance was offered; and it is stated that several women and children were shot by the valiant soldiery, but not before some of the latter were routed by these exasperated women.

INDIA.—Peace is restored in Punjaub. The British forces are in possession of Lahore.

Arrangements were fast making for the occupation of the conquered country, which is exceedingly fertile, and will yield an annual revenue of £400,000. The chief town is Jullinder, with 400,000 inhabitants; Phulloor, Pugwarra, and Sultanpore are also of note. The cantonments of the British will not be far distant from Lahore, so as to be able to keep down all attempts at insurrection. The Rance and Gholab Singh are plotting for each other's overthrow. The object of the Queen-mother is to promote her paramour Lall Singh to the wozeeship.

The Delhi Gazette Extraordinary contains several important documents connected with the treaty of peace between the Indian Company and the Maharajah of Lahore, which was signed at Lahore the 9th of March. By Article 3 the Maharajah cedes to the Company all the territory comprised between the rivers Beas and Sutlej. By Art. 4 the Maharajah, finding it impossible to complete the payment of the indemnity agreed upon, cedes to the Company all the mountain territory comprised between the Beas and the Indus, inclosing the provinces of Cachmere and Mazarah. By Art. 5 the indemity to be paid by the Maharajah is settled at fifty lacs of rupees. In a word, the Company obtains by Art. 10 the right of passage across the territory of Lahore by the troops, wherever required By Art. 12 the Maharajah recognizes Gholab Singh as independent sovereign of the territory which he at present possesses, and of whatever the Company shall choose to cede to him hereafter.

On the 16th of March a counter treaty was signed at Umritter, between the Company and the Maharajah Gholab Singh.

By Art. 1 the Company cedes to Gholab Singh the territory at the east of the Indus and west of the Rave.

Art. 3 stipulates the payment to the Company by Gholab Singh of £800,000.

By Art. 6 Gholab Singh engages to join all his troops to those of the Company in the operations which may take place within the limits of the Company's territory.

By Art. 10 Gholab Singh recognizes the supremacy of England, in testimony of which he will pay annually to the English Government eleven goats and six Cachmere mules.

THE CHOLERA.—This destructive scourge of humanity seems once more on its way to ravage the continent of Europe, originating, as before, in the heart of Asia, northern Persia being the first quarter in which it was noticed; it is gradually approaching the confines of Europe. The chief cities of Persia already count by thousands the number of their dead who have fallen victims to Asiatic cholera. The line of route taken by it appears to be almost due west, for it attacked in regular succession the cities of Bokhara, Herat, Meshed, Teheran, and Ispahan, while recent accounts from Odessa state that two or three cases of Asiatic cholera had been observed at Tiflis. Should it continue to advance at its present rate, it may be looked for in Eastern Europe in a very short time. Indeed, it is stated from Riga that it has already broken out at Orenburg and Kasan, and that several persons at St. Petersburgh have been attacked by the influenza, a disease that usually precedes the cholera; proper precautionary measures ought, therefore, to be taken to check the progress of the cholera in due time, for arriving as it will in the middle of summer, the season most favorable for its development and propagation, the consequences in the densely crowded towns and cities of the Continent will be awful.—*German Paper.*

Later from Mexico.

The barque Mandarin, Captain Coolly, arrived this morning from Vera Cruz, which place she left on the 7th inst. We have papers to that date.

By the above arrival we learn that the United States squadron sailed from Vera Cruz on the 4th inst. On getting under way, the guns of the castle were all manned, matches lighted, ready to fire into them, if any disposition was made towards it. It was generally believed that as soon as it was ascertained that hostilities had commenced on the frontiers, Commodore Conner would make an attack on the town and castle; but that a larger force would be required than was there.

When the Mandarin sailed, the United States ship Falmouth was the only vessel in port. The Commodore, it was reported, had gone to the Brazos to assist the army, if needed. Every preparation was making at Vera Cruz for its defence, and that of the castle. Heavy guns were being taken over every day. The weather had become very hot, the thermometer standing at 96° in the shade. The vomita had made its appearance.

The Locomotor, of May 6, says: "We hear it said by some persons of respectability that the American commodore has positive orders to attack the castle of Ulloa as soon as he hears of hostilities having begun on the Rio Grande. We have taken pains to ascertain the truth of the case, and have found it to be true. It seems that the commodore has written to his Government urging the necessity of sending twenty large men-of-war to enable him to take the castle in the way it is now fortified, and he has been answered that he must accomplish it with the 300 guns he now has in the vessels at Sacrificios.

"We were filled with pleasure yesterday, at noticing the vigilance and activity of the garrison of the city and the castle. The American fleet sailed from Sacrificious, and before going to sea, veered, towards the port. Immediately the castle and city were crowded with artillery-men, and the guns loaded, pointed, and ready to fire on the fleet, which, noticing changed its course and stood out to sea. In 1838, there was a general discouragement, as we all knew the weak state of the castle, and the Government had given orders not to fire the first gun under any circumstances. Now it is a different thing. There is in the glacis of the castle, a battery on a level with the water mounting fifty colossal Paixhan guns, which did not exist in 1838. All other batteries, as well as this one, are mounted on the modern system, and with good powder, which we did not have in 1838. The city is in the same situation, with Paixhan batteries, and as it exists, the greatest enthusiasm prevails. We foresee a great triumph to our arms."

Don F. M. Itrube has been appointed Minister of the Treasury.

The Archbishop of Mexico died on the 30th. Gen. Rangel has been put in prison.

Don Jose M. de Irigoyen has been appointed Governor of Chihuahua.

A captain of the United States Army, with fifty men, supposed to be Capt. Fremont, had been ordered out of Upper California, and a detachment sent after him to watch him, and if necessary force him to do it. He came in under the pretext of reconoitering the lower boundaries of Oregon. The Governor himself had taken command of the detachment.

The British news received at Vera Cruz by the United States brig Somers, had tickled the Mexicans with the idea of a war between us and Great Britain.

☞An order for one hundred tons of bomb shells has been given to a New York Iron Founder, by the Government.

News from the Army.

Latest from the seat of War!---The Army of Occupation.

News to the 16th inst.—Arrival of the Steamer Jas. L. Day—General Taylor Crosses the Rio Grande —Panic and Flight of the Mexican Army.

The Jas. L. Day arrived here yesterday morning from Point Isabel, bringing intelligence from the seat of war to the 16th instant. This steamer reached Point Isabel on the 14th inst., and after landing her men, stores, &c., she immediately proceeded on her voyage homeward, putting to sea at 12 M., on the 16th inst.

Gen. Taylor, at the head of two hundred troops, infantry, and cavalry, quitted Point Isabel, on the 15th inst., on his return to his entrenched camp, opposite Matamoras.

Captain Desha of the Alabama volunteers, and Captain Stockton, from New Orleans, with their respective companies, marched under Col. Wilson with the United States troops, lately arrived, to Bareta, on the 15th inst. The whole of this command amounted to about one thousand men.

Gen. Taylor was said to be busily employed in constructing a bridge across the Rio Grande, from the camp, opposite Matamoras. This was to be effected by means of the wagons, which were to be lashed together and carried into the water.

The Mexicans had entirely disappeared. Their reported masses of six or seven thousand men lying in ambush about Matamoras and the camp, are no where to be found. They have tasted Uncle Sam's mettle, and they are probably sick of it.

Capt. Forno, our fellow-citizen, at the head of five companies, reached Point Isabel on the 13th.

We are glad to notice that the gallant veteran Col. Twiggs, of the Dragoons, highly distinguished himself in the victories of the 8th and 9th inst. A letter in the columns of a cotemporary states that Gen. Taylor, when he left Point Isabel to return to camp, was accompanied by one company of artillery and a troop of Dragoons. He travelled in an exceedingly unostentatious manner, as a plain farmer, driven by a negro, in a light wagon. The volunteers who had arrived were in high spirits, and anxious to meet the enemy.

VESSELS AT BRAZOS SANTIAGO.—Schooner Enterprise, Trainer arrived 15th inst., brig Millaudon, arrived on the 14th, beat hard in crossing the bar, not much damaged; schooner Gertrude, Flanders, arrived on the 16th; brig Virginia, J. M. Hood, master, arrived on the 14th, seven days from Pensacola, with two companies of artillery, under the command of Capts. Webster and Taylor, and sailed for New Orleans on Saturday, 16th inst.

On the 5th, the steam schooner Augusta sailed for the Island of St. Joseph, with all the wounded men taken from the battles on the 8th and 9th, inst., that were able to be transported.

Men-of-war lying off the Rio del Norte:

Mississippi, Cumberland frigate, Potomac, Lawrence, Raritan, Saint Marys, Somers, and the armed schooner Santa Anna, commanded by Lieut. Renshaw.

Correspondence of the Commercial Times.

CAMP AT POINT ISABEL, May 15, 1846.

We arrived here yesterday, in three day's passage. The soldiers from the Jefferson Barracks proceeded this morning for Point Barita, where the will meet Gen. Taylor, and take possession of Matamoras. We start this morning on the same route, and we expect to have some sharp shooting at the Mexicans. The Telegraph arrived here this afternoon, after four day's passage, and those who came with her go with us.

The Point is crowded with the sick and wounded. We found here in blockade, the steamship Mississippi; sloops John Adams, Falmouth and St. Marys; frigates Potomac, Raritan and Cumberland, the flagship and brig Lawrence.

LEANDER AT THE RIO GRANDE.—A letter from Charleston gives the following account of the causes that led to the capture of Lieut. Deas:

"It appears that Lieut. Deas was officer of the day, and it was customary for the American band to perform the national airs, when the "Star Spangled Banner" was lowered in the evening. This concert of sweet sounds attracted the attention of the Mexicans on the opposite side, and crowds assembled on the banks of the river to listen to the strains of music, among them were many ladies. Lieut. Deas became enamoured with a certain Mexican beauty, and signs and tokens of affection passed between them; on the same evening like another Leander, he plunged into the Mexican Hellespont after his Hero, and no sooner had he landed on the other side than he was secured as a prisoner. Love—and not valor or friendship, prompted him to swim across the river."

Gen. Veiga, says the Louisville Democrat, is the same man who was taken at San Jacinto—then Col. Veiga. He is about the only Mexican General that will stay long enough on the battle-field to *be* caught.

It is said that Gen Veiga declined accepting a parole of honor, alleging that he would be forced to fight by his government, against the U. States. He must have a high opinion of the Mexican Government.

The U. S. Brig Perry has been ordered to sea, from Norfolk, having been hurried off, no doubt, for the conveyance of despatches to the Pacific squadron. Passed Midshipman M'Rae has proceeded overland on a similar service. Said squadron, on the 1st of April, was chiefly at Mazatlan, and consisted of the frigates Constitution and Savannah, the corvettes Cyane, Levant, and Portsmouth, and schr. Shark. The frigate Congress, last from Rio, and the Columbus, from China, were daily expected.

REVENUE CUTTERS.—We have already mentioned that seven revenue cutters, carrying an aggregate of 35 guns, 12 to 32 pounders, and 250 men, have been ordered to the Rio Grande. Three of them are propelled by steam. This class of vessels can pass the bar of Brazos Santiago, and thus co-operate, should it ever become necessary, in the defence of Point Isabel. Said bar has commonly a foot more water than that of Aransas, over which the cutter Woodbury passed without much difficulty.—*Journal of Commerce.*

Some five years ago a citizen of Cincinnati was taken prisoner by the Mexicans, and for two years was compelled to labor with a chain fastened to his ancles as a street cleaner in the city of Mexico. He finally obtained his freedom and returned to his native city. This same man within a week past, has volunteered his services to go to Mexico as a soldier; and he says that he is determined to *obtain his pay for that two years' labor.* We hope he may have a good time "revelling in the halls of the Montezumas."

The Governor of Tennessee has issued his Proclamation for Volunteers. In Nashville the streets, says the Whig, were full of men and martial sounds. Captain R. C. Foster volunteered, and in one day had a gallant company complete! The State is in a flame. The *Whig* says there will be a *draft*—but it will be a dratt to see who shall be *compelled to stay at home!* Tennessee lives in the Heroic Ages.

THE "COON KILLER" ON THE RIO GRANDE.—Amongst the list of officers attached to the army on the Rio Grande, we notice the name of Capt. MARTIN SCOTT, more familiarly known as "the coon killer," as commandant of the fifth regiment of Infantry.

A NEW FORT.—Officers of the government are engaged in preparations for the erection of a new fort on the Missouri. It is to be located about 270 miles, by water, above Fort Leavenworth. This is intended, we suppose, to form one of the line of posts to the Oregon territory.

One of the best Rifle companies of St. Louis has invited Col. Chas. Keemle, of the Reveille, to lead them to New Mexico. He concluded his affirmative answer—"Ever ready should be the motto of all good citizens."

Col. Thornton Grimsley has given notice that he will raise a regiment of *one thousand mounted men,* to march to New Mexico.

HURRAH FOR COVINGTON.—The citizens of Covington, Ky., have subscribed and paid in the sum of $2,000, which is to be found to support the families of those who have enrolled themselves as volunteers; and the ladies are all busy in making uniforms for the citizen soldiers.

A correspondent of the Richmond Enquirer thus speaks of one who in the hard cider revelries of 1840, was stationed at Washington to manufacture charges upon the democracy of the country. Of that committee of whig members of Congress, one is Charles Mitchell, now residing in Ohio, a pardoned convict from the New York Penitentiary, for the crime of *forgery*, and the other, Rice Garland, of Louisiana, described below, is a fugitive from his country, for the same crime. The history of the other members of the committee is yet to be written.

"At Galveston, I was assigned a room, with two strangers, one of whom, crippled, haggard and careworn as he was, I once knew in Washington—a representative in Congress from Louisiana, confided in and idolized by the State. High places have since been assigned him, but oh! how fallen now! A wanderer and an outcast from his State, his friends, and his family—the finger of scorn pointed at him wherever he goes, and none to sympathise with him in his downfall—dragging out a miserable existence, a sad picture of poor frail man and his infirmities. Such is Judge Rice Garland!"

ANTIQUITY OF THE CHINESE EMPIRE.—The Rev. Mr. Milne, an English missionary, has recently returned to his native country from China, the field of his labors, and is now delivering lectures on the Celestial Empire. In the course of these lectures he has made some interesting statements respecting the antiquity of the empire. The Chinese, it appears, divide their history into three parts, authentic, traditional and mythological. At the present time they have a very correct and distinct mode of computing their historical eras by cycles of fifty years. Applying this estimate to the authentic period, Mr. Milne finds that the first real personage who sat upon the throne in China, began to reign 2,200 years before Christ This was 148 years after the flood, and 47 years after the confusion of tongues at Babel. This calculation is not wholly improbable. The Babylonian Empire is supposed to have been founded in 2,217; Ashur laid the foundation of another Kingdom at the same time; and the Egyptian monarchy dates from 2,188. Mr. Milne states various facts, gleaned from the early history of China, which go to prove that the first King must have been synchronized with the immediate descendants of Noah. The whole number of Emperors, belonging to 14 dynasties, is 236. The number of Empresses does not appear. "These," says the lecturer, "behaved so ill, and were often at the bottom of all mischief, that it was found necessary, three or four hundred years ago, to dispense with their services in this capacity."

"I'LL TRY, SIR."—We notice a paragraph in several papers, stating that the famous response "*I'll try, sir,*" was made at the sortie of Fort Meigs. According to our recollection of history, the facts are as follows:—At the battle of Lundy's Lane, the attention of the Commander-in-Chief was directed to an English battery, which was so placed as to mow down our troops, in the most destructive manner. It was evident that the party in command of that battery would decide the issue of the contest. Col. Miller, since Collector of Customs at Salem, Mass., was called, and asked if he could take that battery. He replied, "*I'll try, sir.*" General McNeil, recently Surveyor of the port of Boston, then a captain, we believe, in Col. Miller's regiment, advanced on the battery in front, to engage the attention of the enemy, whilst the colonel approached in another direction. Although McNeil was badly wounded, and his company nearly cut to pieces, Col. Miller succeeded in taking the battery and turning the tide in favor of the American forces. The modest and laconic reply of Col. M. has since become famous, and is now regarded with the same enthusiasm as the dying command of Lawrence—"Don't give up the ship."—*St. Louis Reporter.*

THE SENSIBLE FOOL.—A CURIOUS ANECDOTE.—Alphonso, King of Naples, had in his court a fool who used to write down, in a book, all the follies of the great men in his time that were at court. The King having a Moor in his household, sent him to the Levant to buy horses, with ten thousand ducats. This the fool marked in his book as a pure piece of folly. Some time after, the King called for the book and found at last his own name, with the story of the ten thousand ducats. The King, being somewhat moved, asked the reason why his name was there! "Because," says the Jester, "you have committed a piece of folly, to give your money to one you are never like to see again." "But, if he does come back again," says the King, "and brings me the horses, what folly is that in me!" "Why, if ever he does come back again," replied the fool, "*I'll blot out your name and put in his.*"

CUNNING.—In a parish in the county of Sligo, a certain man stole a pig from *his own parish priest.* A short time after, the priest held a *station*, for the purpose of hearing confessions. And among other persons, the man who stole the pig came to confess, when the following dialogue took place:

Man—I stole a pig, yer riverence.

Priest—What do you mean to do with it, you vagabond!

Man—I'll give it to your riverence.

Priest—(in a great passion)—Do you want to make me the receiver of stolen goods!

Man—And sure, what'll I do with it, yer riverence!

Priest—Give it to the right owner.

Man—I offered it to him and he wouldn't take it, yer riverence.

Priest—Then keep it, and my blessing with it.

RAILROAD ANECDOTE.—One day last week, while a train of cars on the Little Miami Railroad stopped at the depot at Waynesville, a fellow, who had never seen the like before, stepped on the locomotive which for the time being had been dislocated from the cars, and being curious to know and see every thing about it, happened to place his hands upon a screw which he turned, and in an instant the locomotive started off in full speed, with the fellow upon it, hallooing and bellowing at the pitch of his voice to stop the *larnation thing*, while at the same time he would pray to God to have mercy upon him. The locomotive ran about seven miles, when by accident, it left the track and stopped without any material injury, either to the unfortunate passenger or the locomotive.—*Germantown Gazette.*

ST. BARTHOLOMEW MASSACRE.—When the orders for the massacre of St Bartholomew were sent to the Governors of the Provinces of France, there were only two or three that refused to obey. One of them, Montmoria, Governor of Auvergne, wrote to His Majesty the following letter, which deserves to be transmitted to posterity:

"*Sire*—I have received an order with the seal of your Majesty, to kill all the Protestants in my Province. I respect your majesty too much, not to believe that this order is a feigned one: but if the order should really have come from you, which I hope to God may not be the case, I respect your Majesty too much to obey it!"

The President's message in relation to Mexico was telegraphed from Washington to Baltimore, for the Baltimore Sun, letter by letter, in the short space of two hours and a half. This is said to be the first occasion on which any long document has been transmitted in this way, and the enterprize shows what the telegraph is capable of performing.

A thief one night entered the chamber of a printer, and commenced a vigorous search. The man being awakened by the noise, very coolly accosted the imprudent thief as follows:

'My friend, what do you expect to find here in the night, where I cannot find anything at daylight?'

NEW HOTEL.—A new and very elegant hotel is about being opened in Broadway, New York. It has been built, and is to be conducted under the superintendence of Benjamin Rathbun, so celebrated for his forgeries and conviction at Buffalo. Rathbun served out a term of five years in the State prison.

The population of the United States on the first of June next, estimating the increase at three per cent per annum, will be 20,140,370.

Judge Eckles says: "A Bank Democrat always reminds him of a Coon with a suit of Chicken feathers."

There is a machine at the navy yard, Washington, which will manufacture 40,000 bullets per diem.

SUPREME COURT OF INDIANA.

Cases determined at the May Term, 1846.

REPORTED FOR THE SENTINEL BY A. M. CARNAHAN.

MONDAY, *May* 25.

The State ex rel. Emshweller, Treasurer of Blackford county, v. *Votaw et al.* Appeal from the Jay C. C. Opinion by PERKINS, J.

In suits upon official bonds, it is not necessary to set out the conditions and assign breaches.

Under the act of the Legislature of 1844, requiring the treasurer of Jay county to pay over to the treasurer of Blackford county a certain part of the surplus revenue, received by the former, it was necessary, in a suit against the treasurer of Jay for failure to make payment, that the assignment of the breach should show that the exact sum claimed was demanded at the proper place before the suit was instituted.

Such suit was properly brought on the relation of the county treasurer.

The Legislature has the power, on the division of a county, to divide the public property thereof.

The surplus revenue forms no part of the public property of a county as such. *Reversed.*

J. SMITH for the plaintiff; QUARLES & BRADLEY for the defendant.

Bennet v. *Berry.* Error to the Union C. C. PERKINS, J.

The courts of this State can legally issue the writ of *capias in withernam.*

We have in this State the action of replevin, and the capias *in withernam* is known to the common law as a process incidental to, and in aid of it. Its use is not inconsistent with our laws, and seems necessary to give full effect to the action to which this is incidental.

The use of this writ is sanctioned in some of the States. There appears to be no reason why it should not be in this. *Reversed.* SLEETH for plaintiff.

Allcot v. *The State.* Error to the Wayne C. C. Opinion by DEWEY, J.

Under the statute of 1838, respecting crime and punishment, an indictment against a person for defrauding the revenue by selling clocks without a license, must allege that such person made the vending of clocks his business or occupation. *Reversed.* C. H. TEST for plaintiff; J. H. BRADLEY for the State.

Weaver v. *Jackson and another.* Error to the Switzerland C. C. Opinion by DEWEY, J.

If the defendant in an action plead a misnomer of a christian name, and the plaintiff confess the plea to be true, and prove that the process was served on the real defendant, it is correct for the court to allow an amendment of the declaration by striking out the wrong and inserting the right christian name, at the costs of the party amending. *Affirmed.* M. G. BRIGHT for the defendant.

Morris v. *Lucas.* Error to the Tippecanoe C. C. Opinion by BLACKFORD, J.

A. assigned B. a note which the maker was not liable to pay, the consideration having failed. *Held*, that B. was bound to prove that the consideration of the note had failed. A judgment against the maker, even in a competent court, was no evidence of such failure in a suit against A., the judgment as to him being *res inter alias acta. Affirmed.* D. MACE for plaintiff; HUFF for defendant.

Beatright and others v. *The State, on the relation of Brown.* Appeal from the Marion C. C. Opinion by BLACKFORD, J.

A rejoinder that puts in issue both, 1st, the issuing, &c. of an execution; and 2d, the failure to return the same, is bad on demurrer for duplicity. *Reversed.* H. BROWN for plaintiff; WICK and BARBOUR for defendant.

Rowley v. *Hooker.* Error to the Clay C. C. *Affirmed.*

Wilkinson v. *Young.* Error to the Laporte C. C. *Affirmed.*

TUESDAY, *May* 26.

Doe ex dem. Chandler et al. v. *Douglass.* Error to the Vanderburgh C. C. Opinion by PERKINS, J.

A special act of the Legislature is not unconstitutional unless it infringe upon some restriction upon the legislative power of the State, for that power is supreme except when restrictions have been imposed; those restrictions are contained in the constitution of the United States, of our own State, and in the ordinance of Congress of 1787 for the government of the Northwestern territory. *Affirmed.* O. H. SMITH for plaintiff; J. LAW for defendant.

McCord, Executor, v. *Ochiltree and others.* Error to the Knox C. C. Opinion by DEWEY, J.

The Courts of Equity of this State possess a superintending power over the persons, rights, and interests of infants, idiots, and lunatics, and also of enforcing, as a charity, a gift void at law.

The statute of 43 Elizabeth, c. 4, commonly called the statute of charitable uses, is, with the exception of one or two of its provisions, in force in this State.

A bequest to an unincorporated association in trust for the education of pious, indigent youths, of a particular faith, who are preparing for the ministry of the Gospel, is void at law. But such a bequest will be enforced in equity as a charity. *Reversed.* CRAWFORD for plaintiff; JUDAH for defendant.

Coquillard and others v. *Suydam.* Error to the St. Joseph C. C. Opinion by BLACKFORD, J.

A bill in equity that states that complainant cannot describe lands agreed to be mortgaged, with certainty, but that from the representation of C., he believes them to be of certain numbers, (selling them out) is objectionable for not containing a more particular description of the lands. The statement of the complainant's belief from C.'s representation is mere surplusage. The defect could not be supplied by answers.

An agreement between C. and D., that if he, D., would give further time to A. and B. for the payment of a certain debt due him, he, C., would see that the debt was secured by a mortgage on certain lands belonging to A., creates no lien on the lands; C. having no authority to mortgage those lands, and all the effect that a breach of his agreement to have them mortgaged could have, would he to subject himself to an action at law for damages.

An agreement in relation to the interest of lands should be in writing according to the statute of frauds.

In mercantile agencies, and perhaps others, where the nature of the business requires the agent to keep various accounts of purchases and sales—or of receipts and expenditures with his principal, he may be called upon by his principal in chancery for an account; but where the agency is confined to a single transaction, in which no such accounts could arise, the remedy, if there is any, is exclusively at law. *Reversed.* LISTON for plaintiff; JERNEGAN for defendant.

WEDNESDAY, *May* 27.

Dunn and Watts v. *Hall.* Appeal from the Dearborn C. C. Opinion by PERKINS, J.

A. brought an action on the case against B. and C. The summons was served on B., and returned "not found" as to C. B. appeared and plead separately the general issue, and the case was continued. In vacation a summons issued and was served on C., requiring him to appear at the next term of the Circuit Court to answer A. on said action. At the term to which the cause was continued and the writ returnable, a joint final judgment was obtained against the defendants. This last writ having made no reference to the joint action in which he was impleaded with A., must be regarded as another case, and could be no notice of the joint action.

In actions for unliquidated damages, the jury may agree that each juror should place upon a ticket the amount he was willing to assess in damages, and the several sums be added together and divided by twelve, and the quotient be submitted as a medium sum upon which to found a verdict. But this method cannot be adopted pursuant to an agreement to be bound by its result. *Reversed.* LANE for plaintiff; RYMAN and SPOONER for defendants.

Britton v. *Wheeler.* Error to the Vanderburgh C. C. Opinion by PERKINS, J.

In actions *ex contractu* a *nolle prosequi* cannot be entered as to one defendant and the suit prosecuted again the others, until after such defendant shall have served in pleading, and plead matter going to his personal discharge. *Reversed.* LOCKPORT for plaintiff; BATELL for defendant.

McNutt and another v. *Dare.* Error to the Franklin C. C. Opinion by DEWEY, J.

An instrument of writing invalid as a contract for want of mutuality between two parties, but whose terms have been performed by both parties, is legal evidence in an action between the same parties involving the subject matter of the instrument.

The answer of a defendant in chancery, is legal evidence against him in a suit at law, and if one part of his answer is read against him, he is entitled to have the whole case go to the jury. *Reversed.* RYMAN for plaintiff; HOLLAND for defendant.

Cox v. *Kirkpatrick.* Appeal from the Tippecanoe C. C. Opinion by DEWEY, J.

In a declaration for malicious prosecution, an allegation that the defendant "falsely and maliciously, and without any reasonable or probable cause, charged the plaintiff with having feloniously stolen a certain horse of the defendant," is sufficient to show that a criminal offence was imputed to the plaintiff, and that the justice before whom it was made, was authorized to issue a warrant against him. *Reversed.* MACE and CRANE for the plaintiff; GREGORY for the defendant.

Conard and another v. *Dowling.* Error to the Vigo C. C. Opinion by BLACKFORD, J.

Appeal, that a note was given in part payment for certain property which the plaintiff had not at the date of the note, nor had he now, any title to said property, should state that the plaintiff warranted the title, or knew that he had none to the property; where there is no such warranty or fraud, the want of title in the seller is no ground of action for the purchaser. *Affirmed.* THOMPSON and BARBOUR for plaintiffs; GRISWOLD and USHER for defendants.

Shanklin v. *Cooper.* Error to the Vanderburgh C. C. Opinion by BLACKFORD, J.

A special plea that states that an endorsement of a note was made by the defendant to the plaintiff, without any consideration, is, in substance, valid.

An endorsement is a contract which must be governed by the law of the place where the note is payable, without regard to the place where the endorsement was actually made.

The protest and certificate of a notary public is admissible evidence to show the diligence the plaintiff has used to make the defendant liable.

The statute enacts that no judgment in any civil action shall be reversed after verdict, where the merits appear to be fully decided. *Affirmed.* BAKER for the plaintiff; LOCKHART for the defendant.

Duke v. *Oglesby.* Error to the Vigo C. C. *Affirmed.*

Elefrets v. *Bowson.* Error to the Adams. C. C. *Affirmed.*

Cole v. *Duff.* Appeal to the Miami C. C. *Affirmed.*

McQuoid v. *McQuoid.* Appeal to the Union C. C. *Affirmed.*

ALBERT J. THRELL, acquitted of the murder of Maria A. Bickford, has pleaded guilty of the crimes of adultery and lascivious cohabitation with her, for which the penalty is six years in the State Prison. Sentence was suspended till next term, and Tirrell ordered to recognize for his appearance then, in the sum of $1500.

Railroad Notice.

Whereas, the General Assembly of the State of Indiana, by an act approved 19th day of January, 1846, entitled "an act to provide for the continuation of the Madison and Indianapolis Railroad to Lafayette," appointed Jacob Walker, Wm. F. Reynolds, Wm. Eaton, John Purdue, James H. Major, Joseph S. Hanna, John McCutchen and Phillip Forsman, of the county of Tippecanoe, Silas S. White, John Pearce, John J. Nesbitt, Jesse L. Benson, Wm. Zion, Samuel S. Strong, Wm. P. Davis, Robert Olive and George Cook, of the county of Boone, and Hugh O'Neal and Aaron Gulifer, of the county of Marion, or a majority of them, commissioners to open books at suitable places in State, and elsewhere, for the subscription of the capital stock of said company, for the continuation of said road to Lafayette, by the style of the "Lafayette and Indianapolis Railroad Company," at any time within two years from the passage of said act, on giving public notice in pursuance of said act; and whereas, the said Wm. F. Reynolds, John Purdue and James H. Major, of the county of Tippecanoe, and Silas S. White, John J. Nesbitt, Jesse L. Benson, Wm. Zion, Samuel S. Strong, W. P. Davis and Robert Olive, of the county of Boone, and Hugh O'Neal, of the county of Marion, being a majority of said commissioners so appointed as aforesaid, having met at Lebanon, in the county of Boone, on Tuesday the 21st day of April, 1846, to take upon themselves the duties of commissioners as aforesaid, and to open books for the subscription of the capital stocks, in pursuance of the said appointment: It is therefore resolved and ordered by the said persons to meet as aforesaid, That the sum of fifty dollars shall constitute a share in the said stock of the said Lafayette and Indianapolis Railroad Company; that said books shall be opened on the first day of June in the year 1846: at Lafayette, in the county of Tippacanoe, under the superintendence of John Purdue; at Monroe, in said county, under the superintendence of Jas. H. Major; at Prairieville, in Clinton county, under the superintendence of John E. Lovelis; at Thorntown, in the county of Boone