ve having proceeded to examine the credentials of the Syracuse and Albany delegates, to wit:

State Delegates.—Daniel S. Dickinson, Henry A. Foster; alternates, Lorenzo B. Shepard, Aaron Ward.

District Delegates.—Henry Landon, C. S. Bogardus, Emanuel B. Hart, Edmund S. Driggs, David C. Broderick, John McKeon, Benjamin Brandreth, John H. Otis, Allen M. Sherman, James B. Howe, Lyman Tremain, Job Pierson, Edwin Croswell, Orville Clark, Stephin Griffin, Thomas J. Marvin, Nathaniel S. Benton, Philander Robbins, Jesse C. Dann, John Stryker, Joseph Peck, Elisha B. Smith, Abraham P. Grant, James Lynch, Michael S. Myers, Darius A. Ogden, Caleb Fairchild, Joseph Sibley, George R. Parburt, Jesse Angell, C. O. Daughaday, Henry K. Smith, Joel S. Smith, Reuben H. Boughton.

Resolved, That the said delegation from the State of New York, designated by the name of the Syracuse and Albany delegation, are entitled to seats in this Convention.

Mr. Cambreleng said that the Utica delegates did not present credentials because the committee refused to examine them until they had given the pledge exacted by that committee. Never would that delegation come into the convention on any other terms than those upon which the other delegates had been admitted. He proposed that their credentials should be received by the convention, and they were received accordingly.

Mr. Toucey offered a resolution to refer the whole subject back to the committee.

Mr. Toucey said that he felt it due to the democracy of the whole country to make this proposition—due to the State which had been the means of securing the election of the present Chief Magistrate of the Union—that State whose favorite son had been deprived of his nomination, made by a majority of the convention of 1844, but who, notwithstanding, had given their support to the nominees of that convention, and not only this, but had induced another of her distinguished sons, not exceeded in talents, ability and integrity, by any other man in this Union, to accept a nomination he did not desire, and carry the nominees of the Baltimore Convention forward to success upon his own shoulders.

And this is the State from whose delegates it is proposed to require a pledge to support the nominations before their credentials are examined. He then proceeded to review the proceedings of the committee at some length, and to defend their right to be heard and to have their claims decided by the convention.

Mr. Bayley, of Virginia, felt constrained to resist the proposition of the gentleman from Connecticut. He had no objection to re-commit, but he felt it due to the committee, of which he was a member, to say, that the gentleman had entirely misunderstood their proceedings. Before that committee, in one of the most eloquent addresses that he ever heard from the lips of man, a member had appealed to both sets to settle their own difficulties.

The reply was, that it was useless to refer the matter back to them with any hope of an adjustment. And then it was that the proposition was made that each delegation should abide the decision of the committee, &c.

He did not consider, under such circumstances, the requiring of a pledge as condemning either delegation in advance.

He would require the same from any member of his own delegation under similar circumstances. No man had been required to make a sacrifice of his principles. No man supposed that the great leading doctrines of the party are to be upset by any such test. It was proposed no more as a test to the one than the other. It was admitted that if you let either set in, they were bound by the proceedings of the convention. But the committee wished to know, in advance, on what grounds each were to come in.

The committee thought they had a right to go farther than their papers, and know whether they desired to make a support of the nominees a test of their admission. The mere credentials were no proof of orthodoxy. Meetings might be got up in Virginia, or any where else, to send even Whigs to this convention. They had proposed the pledge, and one set had protested and presented no credentials. The only credentials before them were those of the other set, and upon those only therefore could they act.

It was further understood that their report was not to preclude the convention from deciding upon their credentials and their admission. Their wish was, and now is, to make such a decision as would be satisfactory to the democracy of New York, to the democracy of the Union.

The gentleman from Connecticut had said that he understood that the vote upon the admission of the Syracuse delegates was decided by a majority of only one. This was a mistake. The question on requiring the pledge was carried by a majority of one, but on the question of admitting the Syracuse delegates, the vote, without any credentials from the other delegates, stood 16 to 8.

Mr. Forman, of Georgia, said that the convention were as well prepared to vote on the question now as they would be after the hearing any more speeches. He therefore moved the previous question.

Mr. Yancey hoped the gag would not be put upon the right of the New York delegations to be heard.

The question was then put on sustaining the previous question, and it was decided in the negative by a large majority.

Mr. Yancey thanked the Convention in the name of the democracy of the Union that they had not applied the "gag" to the New York barnburners, and decided their claims upon an *exparte* statement from the committee. He would decide upon the principles of actual justice, whether in regard to the claims of hunkers or barnburners. The credentials of the latter had not even been read. He contended that the committee had exceeded their powers in presenting the pledge to the delegates—a pledge which was an absolute test—and had refused even to examine their credentials until they gave this pledge—a *test* which, had it been prescribed to him, he would have buttoned up his coat and walked out of the Convention. If he understood democracy, it was something higher than bowing to the test of any public body. A test applied to men and not to measures, was inconsistent with the principles of democracy. Here were some fourteen or fifteen members prescribing a pledge to this delegation, which neither of those fourteen or fifteen had taken themselves. For one, if he was to have a fight with the New York barnburners, he wished to have it as did Rhoderick Dhu, by throwing away all weapons calculated to give him an unfair advantage.

Mr. Yancey proposed, in conclusion, the following resolution; as an amendment to that offered by Mr. Toucey:

Resolved, That as a voluntary association of the Democracy we have no right to sit upon the conflicting claims of the Democracy of any State; and therefore, that the Democracy of New York must determine for themselves which delegation from that State is their representatives.

Mr. Bedinger said, that like the gentleman from Alabama, he was rejoiced that the previous question had been voted down. But he differed from that eloquent gentleman, on the facts, and on the rights of the convention. If the convention had the right to propose the test, the committee deputed by that convention had an equal right to propose the test. Before acting, the committee simply asked, "Have you confidence in us—will you abide our decision, and act with us, whatever may be that decision?" Men to be tried are subject to the laws by which they are to be tried. The Herkimer delegates ask to come in unconditionally, they having the right to oppose any conditions whatever, refuse to present their credentials unless we agree to receive them unconditionally. He alluded to the remark of Mr. Toucey, that the taking of the chief magistracy of the Empire State by one of her distinguished sons was a sacrifice. If that was a sacrifice, *he* would be willing to make a thousand such. Nor was any candidate of the democracy ever borne aloft upon the shoulders of any one, however honest, however able, however distinguished.

Mr. Bright rose and moved to lay both propositions on the table, with a view to the introduction of a resolution that the two sets of delegates should be heard before the convention.

He, however, withdrew his motion for the present, to allow Mr. Bartley, of Ohio, to offer an amendment to the amendment, by striking out all after the word "that" in the amendment, and insert a substitute providing for the admission of both sets, and allowing New York to cast 72 votes, and each other delegation double their number of electoral votes.

Mr. Bartley was proceeding to state that his proposition was offered in his individual capacity, and not as coming from the delegation.

Mr. Bright renewed his motion to lay all the propositions on the table, but again withdrew it to allow a few words of explanation from Mr. Dickinson, by whom, at the conclusion of his remarks, the motion was renewed.

Mr. Hibbard of New Hampshire, inquired as to the effect of laying the several propositions, the report of the committee, &c., on the table.

The President said that any gentleman could then submit any other distinct proposition.

The vote was taken on the question of laying on the table, and it was decided in the affirmative.

Mr. Hibbard then offered a resolution to allow the contesting delegates from New York to be heard before the convention, each delegation to be entitled to two speakers, neither of whom should speak more than one hour.

The question being put, the resolution was adopted.

Mr. Cambreleng had the unanimous consent of the convention to make a statement. It was that the delegation of which he was a member desired to commence the argument on this question to-morrow morning.

On motion, therefore, the convention adjourned to nine o'clock to-morrow morning.

A FUNNY ERROR.—The erroneous report of the abdication of the King of Prussia in the English papers, is funnily accounted for. The operator had become highly excited by the revolutionary news. The Prussian dispatch came when his feelings were up to fever heat. "The—King—of—Prussia—has—gone—to—Pot." In another minute the communication was on its way to the newspaper office. Not long after, however, the dial was agitated, and then came "sdam," making it read thus:—"The King of Prussia has gone to Potsdam."

MARRIAGE OF A POET.—Park Benjamin, Esq., the poet, is married to a daughter of Henry M. Western, counsellor at law, of New York.

The Nominations.

The nomination of Generals CASS and BUTLER for President and Vice-President of the United States gives the most general satisfaction to the great body of the Democratic party in this section, and by our exchanges and through other sources we learn that they are responded to with an enthusiasm which is a sure evidence of their triumphant election in November. A large and enthusiastic meeting convened at the court house on Saturday last to respond to the nominations. The proceedings will be found in another column. All is now union, good will, and enthusiasm! We send to our brethren every where greeting, pledging Indiana to the nominees by at least 5,000 majority. Up then friends—organize! organize! Let every man who loves his country and her institutions do his duty, and all will be well!

OUR COUNTY TICKET.—We laid before our readers in our last paper the proceedings of the Democratic County Convention; and we hazard nothing in saying that better men, or more suitable for the present emergency, could not have been selected. Colonel Drake the first on the ticket for Representative, even the Whigs admit will be elected. Mr. Brady is an old, tried, and faithful representative of the people, and his opening fire on Saturday gave abundant evidence of his ability to meet the questions now before the country, and to discuss them in such a manner as will not fail to carry conviction to every honest mind. We especially rejoice that he has pledged himself that "the Democratic story shall not go untold in Marion county." Mr. Howland is well known and will contribute his full share to the success of the cause. The candidate for Sheriff, Mr. Campbell, and the candidate for Recorder, Mr. Stephens, are both strong, and we do not believe they can be beaten in Marion county. In fact the ticket throughout is strong, and we go into our county election with the highest hopes of victory.

ANOTHER ATTEMPT.—On Thursday last, at about 11 o'clock, A. M., another attempt was made to fire Browning's hotel. It was discovered by a gentleman on the opposite side of the street, who saw a *female* enter the room, occupy herself near the bed a few moments, and then retire. In a few minutes after, he discovered smoke issuing from the room; and on going to the hotel it was discovered that the bed had been fired. It is uncertain whether it was a female attached to the house, or some other—as we heard it stated that a colored woman, whose dress answered the description, was seen to leave the premises about the time the fire occurred.

NATIONAL CONVENTION.—We give up a large portion of our paper to the report of the proceedings of the Democratic National Convention, as furnished by the Baltimore Sun. One or two more numbers will be occupied by the same matter. After having given these details, which will convey some idea of the transactions of the Convention, we may possibly have a few words to say on our own account, having been a witness of the proceedings of the first four days.

☞DE WOLFE & GANSON, of the City Saloon, sent us yesterday some of the most magnificent strawberries which we have seen this season, together with sugar and cream to match. We could puff the whole concern, with a clear conscience; but "good wine needs no bush," as Shakspeare says.

The "*National Intelligencer*," in announcing the result of the Baltimore Convention, says: IN NOMINATING MR. CASS, IT MUST BE ADMITTED THAT THE CONVENTION HAVE NOMINATED FOR THEIR CANDIDATE A GENTLEMAN OF TALENTS, OF RESPECTABILITY, AND OF THE MOST EXEMPLARY PERSONAL CHARACTER."

☞Gen. Cass has resigned his seat in the U. S. Senate, and Col. Benton takes the place of Gen. Cass as Chairman of the committee on military affairs.

The next Presidential Election.

We notice in several of our exchanges, grave calculations as to the probable result of the next Presidential contest, but all such, at least until the nominations are made, are of little consequence. An important fact seems to have been lost sight of by many of those who are making these newspaper statements; a fact which will be duly weighed by those who are about to make the nominations for the respective political parties, and which may be decisive after the final vote by the people. We allude to the addition of four new States to the Union since the last Presidential election, having in all, fifteen votes. In 1844, the election resulted thus:

States that voted for Mr. Clay in 1844.

Ohio,	23	New Jersey,	7
Tennessee,	13	Connecticut,	6
Kentucky,	12	Vermont,	6
Massachusetts,	12	Rhode Island,	4
North Carolina,	11	Delaware,	3
Maryland,	8		
Total,			105

States that voted for Mr. Polk in 1844.

New York,	36	Maine,	9
Pennsylvania,	25	Missouri,	7
Virginia,	17	Mississippi,	6
Indiana,	12	Louisiana,	6
Georgia,	10	New Hampshire,	6
South Carolina,	9	Michigan,	5
Alabama,	9	Arkansas,	3
Illinois,	9		
Total,			170
Total number of Electoral votes in 1844			275

But now the following new States will have a voice in the election:

Iowa,	4	Texas,	4
Florida,	3	Wisconsin,	4
Total,			15

There will be, then, 290 Electoral votes, of which a majority is necessary to an election. If New York had voted for Mr. Clay, he would have been elected in 1844; but, conceding that he can get this State next November, and receive the vote of the several States which went for him in 1844, he will still require five votes more to give him the election. So it will be with any other man who is the nominee of the Whig party. It will require forty-one votes in addition to the whole number received by Mr. Clay, to secure the election. These are facts which it will be well enough for the Whigs to bear in mind, when they are calculating the probabilities in relation to the election.—*Buff. Courier.*

THE WIFE OF THE PRESIDENT.—Mrs. Maury an English woman, in her work descriptive of what she saw while in the United States, has the following pleasing sketch of Mrs. Polk.

Mrs. Polk is very well read, and has much talent for conversation. She is highly popular. Her reception of all parties is that of a kind hostess and accomplished gentle woman. She has excellent taste in dress, and both in the morning and the evening preserves the subdued, though elegant costume which characterizes the lady. She is ready at reply, and preserves her position admirably. At a levee a gentleman remarked, "Madame, you have a very genteel assemblage to-night." "Sir," replied Mrs. Polk, with perfect good humor, but very significantly, "I have never seen it otherwise."

One morning I found her reading. "I have many books presented to me by the writers," said she, "and I try to read them all; at present this is not possible; but this evening the author of this book dines with the President, and I could not be so unkind as to appear wholly ignorant and unmindful of his gift." I wore a brooch in which was contained the hair of my husband and children, very tastefully displayed. Mrs. Polk carried it to the window, read the names of the "eleven," compared their hair, and asked many questions about them. Saving her gracious majesty, I could have put my arms round her neck and kissed her.

☞In Buffalo a man is fined twenty-five dollars if he erects a building without setting shade trees in front of it.

LAMARTINE AND PEACE.—Our countrymen are surprised to find themselves regarding a French politician with so much respect as they do Lamartine. His course since events suddenly threw him up to the headship of France, has fixed the admiration of the civilized world upon him. He has exhibited a pureness of virtue, and an elevation of wisdom, which few men expected to find among the elements of such a revolution. The more he is known, the more he will be admired. The sentiments of the following quotation from his History of the Girondists, are admirable. Lamartine is speaking of Robespierre, whom he represents as a true patriot, and says of him.—

"He clearly comprehended two things; the first, that war was a gratuitous crime against the people; the second, that a war, even though successful, would ruin the cause of democracy. Robespierre looked on the Revolution as the rigorous application of the principles of philosophy to society. A passionate and devoted pupil of Jean Jacques Rousseau, the *Contrat Social* was his gospel; war, made with the blood of the people, was in the eyes of this philosopher—what it must ever be in the eyes of the wise—wholesale slaughter to gratify the ambition of a few, glorious only when it is defensive. Robespierre did not consider France placed in such a position as to render it absolutely necessary for her safety that the human vein should be opened, whence would flow such torrents of blood. Imbued with a firm conviction of the omnipotence of the new ideas on which he nourished faith and fanaticism within a heart closed against intrigue, he did not fear that a few fugitive princes, destitute of credit, and some thousand aristocratic emigres, would impose laws or conditions on a nation whose first struggle for liberty had shaken the throne, the nobility, the clergy. Neither did he think that the disunited and wavering powers of Europe would venture to declare war against a nation that proclaimed peace, so long as we did not attack them. But should the European cabinets be sufficiently mad to attempt this new crusade against human reason, then Robespierre fully believed they would be defeated; for he knew that there lies invincible force in the justice of a cause, that sight doubles the energy of a nation, that despair often supplies the want of weapons, and that God and men were for the people.

"He thought, moreover, that if it was the duty of France to propagate the advantages and the light of reason and liberty, the natural and peaceful extension of the French Revolution in the world would prove far more infallible than our arms,—that the Revolution should be a doctrine, and not an universal monarchy realized by the sword,—and the patriotism of nations should not coalesce against his dogmata. Their strength was in their minds, for in his eyes the power of the Revolution lay in its enlightenment. But he understood more: he understood that an offensive war would inevitably ruin the Revolution, and annihilate that premature republic of which the Girondists had already spoken to him, but which himself could not as yet define. Should the war be unfortunate, thought he, Europe will crush without difficulty beneath the tread of its armies the earliest germs of this new government, to the truth of which perhaps a few martyrs might testify, but which would find no soil from whence to spring anew. If fortunate, military feeling, the invariable companion of aristocratic feeling,—honor, that religion that binds the soldier to the throne,—discipline, that despotism of glory, would usurp the place of those stern virtues to which the exercise of the constitution would have accustomed the people;—then they would forgive everything, even despotism, in those who had saved them. The gratitude of a nation to those who have led its children to victory is a pitfall in which the people will ever be ensnared,—nay, they even offer their necks to the yoke; civil virtues must ever fade before the brilliancy of military exploits. Either the army would return to surround the ancient royalty with all its strength, and France would have her Monk, or the army would crown the most successful of its Generals, and liberty would have her Cromwell. In either case, the Revolution escaped from the people, and lay at the mercy of the soldiery, and thus to save it from war was to save it from a snare. These reflections decided him; as yet he meditated no violence; he but saw into the future, and read it aright. This was the original cause of his rupture with the Girondists; their justice was but policy, and war appeared to them politic. Just or unjust, they wished for it as a means of destruction to the throne, of aggrandizement for themselves. Posterity must decide, if in this great quarrel the first blame lies on the side of the democrat, or the ambitious Girondists. This fierce contest, destined to terminate in the death of both parties, began on the 12th of December, at a meeting of the Jacobin Club."

These beautiful and profound views of Lamartine, the Editors of the North American Review seek to impress upon their own countrymen. Hardly any ideas could be more worthy of the deep consideration of Americans, who not only have their own liberty in keeping, but that of the whole world.

"Perhaps the lesson which the history of liberty in the Old World proclaims from all its pages, and which is repeated again and again in the New, will at last be received. When politicians bring on war, they must pay the penalty. In republics, if civilians wish to retain their just influence as statesmen, they must preserve peace. War always has given, and, as Robespierre so clearly predicted in reference to France, always will give, in our own and in every free country, ascendancy to military reputation. Snatching the prizes of political ambition from the politician, it will carry the successful General to the seats of power. In some respects it is well that it should be so. If party leaders could secure the popularity and patronage that belong to war, and still divide among themselves the spoils of office, and arrange the order of their succession to the government of the country, we might reasonably consider the prospect of peace, prosperity, and freedom darkened over. Elsewhere, the sword drawn for liberty has turned against it. Here, the lesson is repeated in another form. War inflicts a mortal blow, not upon the liberty of the people, we trust, but upon the political party that makes it. Some of the politicians who pushed this country into the war of 1812, still live to brood over the fact, that that war raised up military chieftains who clutched from their grasp the Presidential crown; which otherwise would have encircled their brows in sure succession. It is a most instructive circumstance in our history, that when James Madison, then at the head of the government, manifested a reluctance to favor a declaration of war with England, a committee of three was despatched from a Republican caucus to communicate to him the determination of that party to insist upon the measure. The experienced wisdom of that great statesman was overruled and constrained by the short-sighted zeal of less wary politicians. Of that caucus Henry Clay and John C. Calhoun were the master spirits, and of that committee they were members. Although quite young men, they had, by their genius and eloquence, even then acquired the greatest degree of popularity that can be attained in the sphere of statesmanship. The whole nation was waiting, with admiring eagerness, to confer upon them, one after the other, its highest honor. They had their way, and war was declared. When the revolutionary series of Presidents was brought to a close, on the retirement of James Monroe, the hero of New Orleans took from Mr. Clay so many of the electoral votes of the West, and from Mr. Calhoun so many of the votes of the South and Middle States, as to leave them both distanced in race. The popularity of Jackson only yielded to that of the hero of Tippecanoe; and a fresh crop of military chieftains has just been reared, to destroy, in all probability, the last chance of these veteran aspirants for the great prize. It is not the least of the eminent services they have rendered their country, that, in their baffled ambition, the distinguished statesmen and truly great men whom we have named, teach to all coming times the salutary lesson, that, if politicians will have war, they must step aside for ever from the path of honor, and relinquish the posts of power to overshadowing rivals, cheated by their own suicidal hands. It is not unlikely, as just intimated, that the lesson will be corroborated by the political results of the war in which the country is now involved. Let us hope that it may make a deep and durable impression upon that class of persons whom it so vitally concerns. When the leaders of parties become convinced, that in promoting warlike measures and a military spirit, they are digging their own graves, we confidently rely upon perpetual peace."

A FEDERAL TRICK.—The New York *True Sun* says that the Federal clerk of the House of Representatives on Thursday week essayed what many of the Democrats of Congress considered a deliberate attempt to prostitute his office for a partizan purpose. He thrust or laid aside the Ten Regiment bill, and brought another before the House as "in order," which was not entitled to consideration until the army bill was disposed of. Mr. Cobb, of Georgia, promptly exposed this trick to the observable and marked dismay of the clerk, and the disappointment of the federal leaders. The Ten Regiment bill being thus reached at last, was referred to the committee on military affairs by a strict party vote; the Democrats voting to refer it to the committee of the whole House.

☞The New Orleans papers of the 22d contain the Message of PENA Y PENA to the Mexican Congress. It is quite lengthy and will be read with much interest. The Crescent remarks that it is clear, able and dignified in its style, and strongly advocates peace. What effect it will have upon the deliberations of Congress remains to be seen.

The Union says—The last accounts from Mexico are more favorable for peace. The proclamation of Rosa, who appeals to Congress to assemble to save the "nationality" of Mexico from the consequences of a continued war, and the address of Sanchez, a distinguished priest, to persuade the Church to raise the necessary funds to pay the expenses of the members of Congress on their way to Queretaro; and the scheme of Peña y Peña to lop off the representatives of California, New Mexico, &c., and thus reduce the quorum of Congress which may be necessary to ratify the treaty, are so many evidences of the anxiety of the President and the church for peace.

MAINE SENATOR.—The democrats of the Maine Legislature, on Friday evening last nominated Hannibal Hamlin as candidate for U. S. Senator.

In the caucus of the House he had, on the second ballot, a majority of 3; in the Senate, on the fourth ballot, a majority of 1. The election on the part of the House takes place on Wednesday.

Mr. Hamlin has been a member of Congress, and is said to be a Wilmot Proviso man.—*Jour. of Com.*

MARRIED—In this city, on Thursday morning, the 1st inst., by the Rev. Mr. Gurley, ANDREW M. CARNAHAN, Esq., of Covington, Attorney at Law, to Miss CATHARINE YANDES, of this city.

On Thursday, the 1st inst., by the Rev. Mr. Gurley, Mr. C. J. ALLISON, of Terre Haute, Indiana, to Miss MARY MORRISON, daughter of Maj. A. F. Morrison, now engaged in the service in Mexico.

Universalist Preaching.

Rev. Mr. CRAVEN will preach at the Court House in this city, to-morrow afternoon, at 3 o'clock.

Madison and Indianapolis Railroad.

Business for the week ending Saturday, May 29, 1848.

OUTWARD.—505 passengers; 90 bbls. whisky; 43 bbls. molasses; 230 bbls. salt; 15 bbls. oil; 5 bbls. vinegar; 15 bbls. cement; 6 bbls. lime; 3 kegs powder; 2 ploughs; 245 bus. coal; 4,000 sash; 1,800 ft. lumber; 8 buggies; 212,269 lbs. other freight.

INWARD.—560 passengers; 17 horses; 842 bbls. flour; 22 bbls. lard; 35 bbls. wheat; 1,037 bus. wheat; 1,705 bus. corn; 540 bus. oats; 102 bus. seed; 209 bus. meal; 120 bus. bran; 34 kegs lard; 35,000 ft. lumber; 38,000 ft. timber; 40,000 staves; 10,000 hoop poles; 14 tons hay; 51 hhds. bacon; 7,770 lbs. bacon in bulk; 18,027 lbs. other freight.

Home Again.

We made a flying visit last week to our neighboring state of Indiana, and have returned highly pleased with the excursion. But a few years since, a trip from this city to Indianapolis was regarded as an unpleasant affair, in the best of seasons; and a thing to be avoided, by all possible means, in bad weather and roads. Now it is a mere pleasant jaunt, accomplished in twenty-four hours, and a most agreeable one at that.

We left home at 11 o'clock Wednesday morning, on the fine steamer *Fashion*, and at 6 P. M. were landed at the city of Madison,—a finely located, flourishing and beautiful place. The streets are wide, clean, and except a slight curve, following the course of the river, regular. The private residences are in fine taste, surrounded by an abundance of shrubbery, and presenting all the appearances of comfort. The population, we understand, numbers about 8,000; and bears a high reputation for industry and moral worth. We can attest that the virtues of kindness and hospitality have an abiding place there. In the business portions of the city there is room for improvement; but that will follow the spirit of enterprise that has already built up such a city in the immediate vicinity of Cincinnati.

We left there on the foollwing morning, by the railroad, for Indianapolis—distant, 83 miles. That which first presents itself to the eye of the traveller, as a matter of curiosity and wonder, is the plane by which the cars ascend the hill back of the city, and the "deep diggings," as they are termed, through the solid rock. One scarcely knows which most to marvel at,—the stupendous achievement itself, or the folly of the undertaking, by which more than half a million of public money was squandered, when for one fourth the sum a better route could have been obtained, up a neighboring ravine. We saw upon it the machinery of a new and ingenious invention for ascending the plane with an engine of peculiar construction, got up by a mechanic in the employ of the company, of which we may speak hereafter. Even if it prove successful, we understand the company has it in contemplation to change the route to a better grade; a survey of which has recently been completed.

From the top of the hill the road runs in nearly a direct line to Indianapolis. We had heard so much in disparagement of this road, that we were prepared for a most uncomfortable ride,—but were very agreeably disappointed. It is, even in its present state, superior to our Little Miami road. The first 28 miles is laid with the heavy rail, and is in good condition. The next 17 miles is a thin bar, and somewhat rough; though it is kept in as good order as practicable. This will be laid with the heavy rail by the first of November next, the iron having been already purchased. The balance of the road is a heavy flat bar, which answers an excellent purpose, and over which fine speed is made, with comfort to the traveller. The cars—manufactured by KECK and DAVENPORT of this city—are as fine as we have found on any road. The officers are all prompt and attentive to their duties, and consult the comfort of those who, for the time, are under their charge. Without desiring to distinguish among them, this commendation will embrace the active, efficient, and gentlemanly superintendent, Mr. HALL.

The trip is accomplished in about five hours, through a fine country, that will soon become highly prosperous, under cultivation. Indianapolis is reached in time for dinner;—and a beautiful city it is. We were a little disappointed in the matter of its size,—the population being only about 5,000; but it is evidently prosperous, and with the exception of its circle, and diagonal streets, its improvements, are marked by exceeding good taste. Our stay, though brief, was very pleasant; and we formed acquaintances that we shall long remember with pleasure, and received attentions that have laid us under many obligations.

Among other matters, we found a moment of time to visit CHAPMAN and his ROOSTER; the one an exceedingly clever fellow, and the other a queer bird. CHAPMAN our readers have heard of, and know very well; the bird he must describe,—we cannot do it. His training is very fine; and he CROWS, in most admirable voice and manner, whenever directed to do so. He will have an abundance of this labor to perform from August to November.

Leaving Indianapolis, its fine scenery, and hospitable citizens, on Friday morning, we reached Madison at half past one o'clock,—at five boarded that prince of packets, the *Pike No. 7*, and awoke yesterday morning at our city wharf; having, in hasty our tour, mingled more pleasure with business than upon any former occasion. We also acquired much information in regard to our sister state, and especially her public improvements and future prospects, by which we have been alike instructed and gratified. If space and leisure serve us hereafter, we shall recur to this subject.—*Cincinnati Enquirer.*

AWFUL AND BLOODY TRAGEDY—*A whole family butchered.*—The Bath (Me.) Times, of the 10th, gives the particulars of a most unnatural and shocking affair which occurred on Thursday previous, in the town of Edgecomb, Maine:

A man named Pinkham, about 45 years of age, by occupation a ship carpenter, with a sharp axe completely decapitated his wife and four children, the oldest child about twelve years of age, leaving the heads hanging to the bodies only by a small portion of the neck, and then cut his own throat most effectually with a razor. The father and two sons were in a bed in one room, and the mother and two daughters in the same situation in another room. The awful deed was not discovered until some time on Friday, when the mother of the man, having occasion to visit the house, found the inmates in the horrible situation described; not a soul being left to tell the tale of blood. But the mangled victims of a father's madness, the fatal axe, the marks of blood upon the floor, the father's throat and open razor, disclosed an awful tale; while a paper, found on the premises, in the joint hand writing of the parents, revealed a condition of mind which shows how fearfully appalling are the fruits of religious error. The Times says:

It appears that Mr. and Mrs. Pinckham had been victims of the Miller delusion; but the full force of its crushing influence upon their spirits seems not to have been suspected by others. The paper to which we have referred, an exact copy of which was seen by our informant, contained a statement in the handwriting of Mrs. P., followed by another by her husband, setting forth that they had become tired of life—that there was nothing in prospect for them worth living for, and that they had mutually agreed upon the destruction of themselves and children; requesting that their bodies might be deposited in a stone tomb. The wife when found was in bed, partially undressed, the eyes as open as though awake at the moment of decapitation. The children were also in bed, probably sleeping, unconcious of any danger.

THE LEONIDAS LETTER.—The federal press has pretty generally impeached the testimony of Major Burns, avowing himself the author of the "Leonidas Letter," (charged upon Gen. Pillow, by Gen. Scott) because, they say, a few years since, he held the *low office* of sweeper in the capital of Mississippi.

Well, that is conclusive! How dare an humble "*sweep*," (although his merits have promoted him to a high position) write letters about a brave man, his friend! And (impudence profound!) how dare he avow the fact right in the face of "*old Fuss and feathers*" himself?—*Ohio Eagle.*

"Cut my straps and let me go to glory," as Dow Jr., exclaimed when he took his first favorite kiss.

SUPREME COURT OF INDIANA.

May Term, 1848.

REPORTED FOR THE SENTINEL BY A. J. STEVENS, ESQ.

THURSDAY, May 25th.

Milroy et al. v. Stockwell and Reynolds. Error to the Carroll C. C.

PERKINS, J.—All persons materially interested in the matter of a suit in chancery should be brought in to make the performance of the order of court safe to those who are compelled to obey it, and to prevent future litigation. Those persons may be interested either immediately or consequentially.

Thus persons against whom a defendant has a remedy over, should be made parties, to prevent circuity of actions. R. H. Milroy having executed a mortgage to secure the payment of a judgment which had been obtained by Stockwell and Reynolds, against Samuel Milroy and Samuel Grimes, in a suit to foreclose the mortgage for the non-payment of the judgment, Grimes and Samuel Milroy having died during the pendency of the suit in the circuit court, there should have been a bill of revivor against his representatives. *Reversed.*

Justice v. Charles. Error to the Wayne C. C.

SMITH, J.—A contract to pay the amount of a precedent debt with interest greater than the legal note, is not less tainted with usury, than if it had been for money advanced at the time the contract was made. The declaration in this case contained a count upon a promissory note for the payment of $530, and also the common counts. *Held*, that the plaintiff could not, upon the trial, introduce the note described in the declaration, but which appeared to be drawn payable with usurious interest, and then after proving the original consideration for which the note was given, and surrendering the note to be cancelled, recover the amount of such consideration with legal interest under the common counts.

Held also, that a note drawn payable with usurious interest was admissible under the count describing such note, though the note described in the count is not alleged to bear any rate of interest, the legal effect of the note produced being in fact correctly described, as the principal only was recoverable under the statute against usury. *Reversed.*

Bogart v. the city of New Albany. Error to the Floyd C. C.

PERKINS, J.—Retailing spirituous liquors without license, from an incorporated town, is not an indictable offence: it is simply a breach of the by-laws of such town, if license is required by such by-laws. It is a civil suit between the incorporated town and the individual sued on such by-law in debt for the breach.

Thus sec. 9, p. 28, of the Revised Statutes of '43, which enacts no appeal or writ of error shall lie from inferior courts in cases originating before justices to supreme court, where the amount in controversy, exclusive of interest and costs is under twenty dollars, governs in suits for breach of corporation laws. The plaintiff below, the city of New Albany, recovered only ten dollars, with which she was content—the writ of error was dismissed, as jurisdiction is not given the supreme court.

Mandlove et al. v. Burton. Error to the Decatur C. C.

PERKINS, J.—A vendor of his own volition cannot avoid his conveyance as to the whole or a part of the property, nor can he set up his own fraud as a ground for avoidance. Trover is a concurrent remedy with trespass *de bonis asportatis*—the latter action may be brought by an execution defendant against an officer who sells goods claimed by such defendant as exempt from execution. *Reversed.*

Jackson v. Baxter.—Error to the Steuben C. C.

BLACKFORD, J.—It is a well settled rule that a denial of one out of several allegations in a declaration, admits the facts stated in the other allegations.

A judgment of another State has the same validity in this State that it had in the other. The issue of *Nul Tiel Record* should be tried by the court; and the existence of a statute of another State may be denied by plea. *Reversed.*

Millison v. Holmes et al. Error to the Pulaski C. C.

BLACKFORD, J.—A petition for a change of venue objecting to the judge of a circuit court, must state the causes laid down in the statute, or such as come within the spirit of the law—an application for change of venue cannot be repeated without some special cause. The right of possession may be said to give the close and soil to the possessor during the time of possession.

Held, that a settlement effected under the pre-emption law of the U. States, and according to its provisions, gives the close and soil to the settler for twelve months, the months to be considered calendar months, and the same may be said to be his. To prove this, it does not require proof of a freehold title. The allegation that it is his (the settler's) is satisfied as against a wrongdoer by proof of actual possession alone. *Affirmed.*

FRIDAY, May 26th.

McCormick et al. v. the President and Trustees of the town of Lafayette. Error to the Tippecanoe C. C.

SMITH, J.—The Legislature provides the mode of compensating for property taken of individuals for the public good; and it is not necessary that the damages should be actually ascertained and paid before the property is taken possession of for the use contemplated.

Held, that a corporate town could not be enjoined in the taking private property for the benefit of the town, on the ground that the corporation had not property sufficient to pay damages, before any attempt has been made to procure compensation in the mode pointed out. In such cases, the public treasurers of towns and cities incorporated by the Legislature, are ordinarily sufficient security for damages sustained by their citizens in consequence of the exercise of corporate powers, to this extent.

They would be liable only to such losses as may have been occasioned by the temporary use and occupation of the land by the corporation, and not for the value of the soil.

Simcoke v. Frederick et al. Error to the Whitley C. C.

PERKINS, J.—An amendment in the *address* of a writ of replevin may be allowed by the courts. An avowry is not to deny property in the plaintiff, but sets up a legal right in the defendant to take property without regard to ownership—an avowry then amounting to a plea of property in a stranger should be rejected on motion. The plaintiff in replevin must recover only on the strength of his own title.

The plea of *non cepit* in replevin admits property in the plaintiff—the plea of property in the defendant, or in a stranger, does not. *Reversed.*

Winston v. McCormick et al. Error to the Tippecanoe C. C.

BLACKFORD, J.—This was an action of assumpsit brought in the year 1845.

Plea, that the causes of action did not nor did either of them, accrue within five years next before the commencement of the action. The defendant relied on the act of 1838, under which the contract was made, which act limited the bringing of such actions in five years.

Held, that this suit having been commenced after the act of '43 was in force, which prescribes SIX years as a bar, the plea relying on the lapse of five years next before the suit was commenced, cannot be sustained.

Were the statute of limitations a part of the contract, then this plea would be valid; but the law is otherwise. The statute affects the remedy only; and that statute governs cases like this which happen to be in force when the suit is brought.

MONDAY, May 29th.

Allen admr. &c. v. Lee. Error to the Decatur C. C.

SMITH, J.—So far as evidence is concerned, there is no doubt that in questions of sales of real estate, the same as in personalty, that a warranty does not extend to defects which are known to be obviously perceptible to the purchaser at the time of the same—nor does a general covenant of warranty conclusively extend to such incumbrances as were known to the purchaser at the time of the contract. *Reversed.*

Parker and Helm v. Henderson. Appeal from the Fayette C. C.

PERKINS, J.—The charter of the White Water Valley Canal Company being a public act, which all are bound to notice, and by it an appeal from an assessment of damages by the provisions of that charter must be taken to the circuit court of the county in which the land injured lies, and an appeal to any other circuit court is void. *Reversed.*

Calver v. Smart et al. Error to the Johnson C. C.

BLACKFORD, J.—The trustees of a school district properly appointed, have the power of building, of furnishing and disposing, of the district school house, and of causing a school to be kept therein, and of contracting with a teacher. Instructions may be given by the voters of the district, but the trustees only can carry them out.

A peaceable entry as against a wrongdoer, in his absence, by the proper owner is justifiable. *Affirmed.*

TUESDAY, May 30, 1848.

Esther and Rachel Stantan, v. Henderson et al. Error to the Fayette C. C.

SMITH, J.—It is not sufficient to aver that a deed was not *unconditionally* tendered; when the declaration contains a common count, after judgment for the plaintiff or demurrer, a writ of inquiry should be awarded to ascertain the damages. *Reversed.*

Marshall v. the State of Indiana. Error to the Park C. C.

PERKINS, J.—A writ of *Mandamus* will not be granted where there is a different legal remedy. The absence of a party, or of his attorney at the trial of the cause is not sufficient cause for mandamus—as writ of error is the remedy. *Reversed.*

PINE AND WILD CHERRY are trees of our own soil, and are generally known to possess, even in