BY TELEGRAPH.

[From the Madison Papers.]

WASHINGTON, July 25, 8 P. M.

SENATE.—The question was taken on Mr. Hale's amendment, which in substance is as follows:

That, until the duties of the board of commissioners shall have been completed, the rights of the United States and Texas shall remain as they are.

Mr. Hale again modified his amendment so as to apply to the date of the exchange of the ratification of the treaty of Guadaloupe. It was rejected—yeas 22, nays 30.

Several other amendments were proposed, and, after a lengthy discussion, referred.

The Senate, without coming to a conclusion, at five o'clock adjourned.

A great effort was made to get a vote on the omnibus bill, but failed.

BOSTON, July 25, 8 P. M.

Littlefield and Prof. Webster had an interview yesterday, in jail, at the desire of the latter. The professor said that he could not rest until he had acknowledged that he had done Littlefield great injury and asked his forgiveness. He said that Littlefield, in his testimony, told nothing but truth; but he, Webster, knew nothing about the sledge-hammer.

WASHINGTON, July 26, 8 P. M.

Hon. Thomas Ewing has received telegraphic information of his appointment to the Senate from the Governor of Ohio, to fill the vacancy occasioned by the resignation of Hon. Thos. Corwin. He expects to receive his commission to-night. This will be a vote gained for the compromise.

PORTLAND, Me., July 25, 8 P. M.

Mr. Hamlin was to-day elected United States Senator by both branches of the Legislature—in the House on the second ballot and in the Senate on the third ballot. Particulars as to the number of votes have not been received.

WASHINGTON, July 26, 8 P. M.

SENATE.—Mr. Clay presented the petition of sailors who served in the Gulf or Pacific during the war with Mexico, asking three months extra pay and bounty land. Referred to the naval committee.

Mr. Dayton desired in this connection to call the attention of the Senate to the propriety of giving some indications of its appreciation of the gallant services rendered by naval officers on land during the Mexican war. Com. Stockton, it will be remembered, rendered these land services in connection with Gen. Kearney and fought an important battle. He thought there were other naval officers who rendered most important services under peculiar circumstances; and, although military officers had been breveted and received swords or medals, the officers of the navy had received no notice of their services. He hoped the committee would consider the propriety of adopting some measure giving these gallant men some token of the approbation of Congress.

On motion of Mr. Mangum, Mr. King was excused from rendering further services on the committee on foreign relations; and Messrs. Hunter, Phelps, and Douglass were appointed to fill vacancies in said committee.

The bill reported yesterday to give every man or woman, the head of a family, one quarter-section of land, free of cost, was taken up.

Mr. Brown, of Miss., briefly explained an amendment which he intended to offer, which would not give absolute title to lands, but continue the pre-emption laws now in force, and to extend to all territories of the United States.

Mr. Morse moved to reconsider the vote. He characterized the scheme proposed as a monstrous system of corruption for making votes to support Government.—He was in favor of graduating the price of lands to enable worthy men to obtain homes.

He repeated that the scheme was to take money out of the treasury and to give it to men without any consideration whatever. He was unwilling to take away proper incentives and give lands away to low-bred vagabonds, who are to be found in certain purlieus, and force them to take land whether they will or not.

CINCINNATI, July 26.

A despatch from Baltimore, of the 23d, says: "In Culpepper county, Va., a mob of three hundred persons, including justices of the peace, members of churches and others, resisted the sheriff and took from the jail one William Grayson, and hung him until dead. The cause assigned was that Grayson had been twice convicted of the murder of David W. Miller, a white man, but had been granted a new trial, on the ground that the testimony hardly justified his guilt. Great excitement reigns, and the papers entreat the Government to arrest all hands."

The fire at San Francisco destroyed four blocks in the heart of the city; consuming property to the estimated value of five millions of dollars.

Among the principal losses were Finley, Johnson, & Co., 500,000 dollars; Messrs. Howard & Co., 200,000 dollars; J. L. Folsom, 100,000 dollars; Rumback & Co., 100,000 dollars; Sanches, Bro., & Co., 80,000 dollars; Branham, 50,000 dollars; J. J. Chauretean, 40,000 dollars; S. H. Cortleows & Co., 50,000 dollars; Cook, Baker & Co., 50,000 dollars; Merandray & Co., 30,000 dollars.

There were at least five hundred other sufferers to a smaller amount.

The blocks bounded by California, Clay, and the water, and including Sacramento and Montgomery streets, were entirely destroyed.

WASHINGTON, July 27.

The National Intelligencer, of this morning, publishes the correspondence between the late Secretary of State and the British minister, relative to the establishment of protection over Yucatan and Costa Rica. The answer of the British minister states that Mr. Chatfield was unauthorized by his government to make a treaty placing the Republic of Costa Rica under the protection of her Majesty, and that his Government has no intention of the kind. He also says that it would be contrary to the fixed and settled policy of Great Britain to entangle herself in any engagement to protect distant States, over whose policy and conduct it would be impossible for her to exercise effective control.

WASHINGTON, July 27.

SENATE.—After reading the journal, Mr. Davis of Mass. presented the credentials of Hon. Thomas Ewing, to take the place of Hon. Thomas Corwin.

After the presentation of the memorials and reports, Mr. Douglass offered a resolution, making the previous question, when demanded by a majority of the members present, a rule of the Senate, cutting off all debates, amendments, &c.

Mr. Atchison moved to postpone it indefinitely, but as the resolution was not under consideration, the motion could not be entertained, and it therefore lies over under the rules.

A message was then received from the House, announcing the death of Hon. Daniel P. King, of Mass.

Mr. Davis, of Mass., delivered an encomium, giving a succinct statement of the public services of the deceased, and offered the customary resolutions.

After which the Senate adjourned.

HOUSE.—After the usual opening business, Mr. Rockwell, of Mass., rose and announced the death of his colleague, Hon. Daniel P. King, which took place on Thursday last at his residence in Danvers, Mass.

Resolutions expressive of the feelings of the House in relation to the melancholy event were adopted, and, as a further mark of respect to the memory of the deceased, the House adjourned.

CINCINNATI, July 27, 8 P. M.

The board of health reports forty interments to-day, only ten of which were from cholera.

BALTIMORE, July 27, 8 P. M.

The barque Indus arrived at this port this morning, with dates from Rio Janeiro to June 14. She brings no news of importance. Her cargo consists of four thousand bags of coffee.

NEW YORK, July 27, 8 P. M.

The splendid American steamer Atlantic, Capt. Wirt, sailed to-day for Liverpool with one hundred and twenty-three passengers. She takes out only $5,000 in specie.

LOUISVILLE, July 27, P. M.

The weather is hot, and the cholera is abating. There were only three or four cases to-day, and about as many deaths.

ST. LOUIS, July 27.

The total number of interments for the past 24 hours, ending yesterday at 6 p. m., were 43, 15 of which died of cholera.

ST. LOUIS, July 29th, 8 P. M.

The interments for the twenty-four hours ending on Saturday, at six o'clock, P. M., twenty-nine—ten of which died of cholera. Sunday—total thirty-six, cholera seven.

CINCINNATI, July 29, 8 P. M.

Deaths from cholera twelve, other diseases thirty-eight.

The river has risen two inches. The weather is showery.

LOUISVILLE, July 29th, 8 P. M.

The interments for the twenty-four hours ending this evening were twenty, of which six were of cholera.

Four feet three inches water in the canal. Weather showery. Boats report three feet six inches on Treadwater bar. Crittenden, Martha Washington Chancellor, and Robert Rogers aground there. Chief Justice Marshall laid up at Paducah.

WASHINGTON, July 29th 8 P. M.

SENATE.—Mr. Ewing was opposed to Mr. Bradbury's amendment. He was in favor of the reference of the question to the Supreme Court.

After a long debate, the question was taken on Mr. Dayton's amendment, which was rejected—yeas 18, nays 39.

Mr. Benton moved to amend by adding a proviso that no person shall be appointed a commissioner who has formed or expressed an opinion on the question and that the commissioner shall be sworn.

The motion was rejected—yeas 12, nays 37.

The question was then taken on Bradbury's amendment, and it was rejected by a tie vote. Several other amendments were proposed and rejected.

At 5 1-2 o'clock the Senate adjourned.

HOUSE.—At six o'clock, after a stormy session of seven hours, the House adjourned without coming to any conclusion.

BALTIMORE, July 29, P. M.

The bark Fairmount arrived at this port last night, twelve days from St. Thomas, with Gen. Jose Antonio Paez, the distinguished Ex-President of Venezuela, his son, and suite, as passengers.

This morning Gen. P. was waited upon by a large concourse of citizens, including many foreigners—principally Spanish and French.

SENATE.

SATURDAY, July 20, 1850.

On motion of Mr. CASS, the Senate took up for consideration the following resolution, submitted by him:

"*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of prohibiting, by law, any officer of the army from assuming or exercising, within the limits of the United States, any civil power or authority not conferred by an act of Congress; and of providing adequate punishment for such offence."

Mr. Pearce said he regretted the necessity which compelled him to say any thing on this resolution. When this resolution was up before, the Senator from Texas, [Mr. HOUSTON,] had made charges against the late President of the United States, of a grave and serious character. He hoped the Senator would not take offence at what he should have occasion to say, as he was not influenced by any personal motive, but by a desire to put on the page of Congressional history the vindication of the President. He quoted four official documents to show that the President had been greatly slandered in this matter. He thought the President had done full justice to the valor and gallantry of the Texan troops.

He would not go into the discussion of the title of Texas to the territory east of the Rio Grande. It was true she had placed on her statute book a claim to all the territory east of the Rio Grande, from its mouth to its source. But he considered that statute of no more avail than one which the Congress of Texas passed declaring her territory to extend from the Sabine to the Pacific Ocean, but which was however vetoed by the Senator, then President of Texas, with his usual good sense. But Texas never had actual possession of any part of New Mexico, proper, nor never attempted to exercise jurisdiction there.

The other Senator from Texas [Mr. Rusk] had asserted that President Polk had committed this Government in favor of the title of Texas. This he [Mr. Pearce] denied, for other acts of his administration showed that he did not recognize the title of Texas. Mr. Polk had said expressly that Congress and the Legislature of Texas were the proper tribunals to settle the questions.

It seemed that Texas was going to resist the United States authorities at Santa Fe, by sending an armed force thither to expel the United States troops. He thought it very impolitic, in Texas, at this time, to try to settle this question by the sword. He thought Texas had received too many favors from this country, to attempt to settle this question by force.

Mr. Rusk rose to say, as it was becoming a question who first drew the sword, that Texas was annexed to this Union with the boundaries claimed by her. All the negotiations with Mexico showed this. He hoped that Texas would be spared the necessity of drawing the sword. He had used every effort to adjust the matter. But if it was not adjusted—if this territory was to be held adverse to Texas, she would resist, and if that were treason, she would incur it. And he would take his part in the odium.

The further consideration of the resolution was postponed till Monday.

Candidates for the Legislature.

SENATE.

Allen, &c.—S. S. Mickle, dem., T. W. Swinney, whig.
Clark—J. S. Athon, dem.
Daviess and Martin—William E. Niblack, dem., R. A. Clements, whig.
Elkhart and Lagrange—J. Wyland, dem., J. H. Defrees, whig.
Gibson, Pike and Dubois—H. W. Barker, dem.
Jefferson—J. G. Marshall, whig.
Lawrence—Pleasant Parks, dem., G. G. Dunn, whig.
Miami and Wabash—Benjamin Henton, dem., A. A. Cole, whig.
Orange and Crawford—Houston Miller, dem., J. T. Cox, whig.
Posey and Vanderburgh—E. R. James, dem., P. D. Wilson, whig.
Ripley—H. L. Gray, dem., Hiram Knowlton, whig.
Rush—R. D. Logan, dem., B. F. Reeve, whig.
Washington—J. A. Cravens, dem.
Wayne—James Elder, dem., D. P. Holloway, whig.

HOUSE OF REPRESENTATIVES.

Adams and Wells—Sylvanus Church, whig.
Allen—Ochmig Bird, dem., George Bullard, whig.
Bartholomew—Thomas Essex and Smith Jones, dems.
Boone—J. H. Nelson and H. M. Marvin, dems.
Carroll—A. G. Hanna, dem.
Cass and Howard—S. L. McFadin, dem., D. D. Pratt, whig.
Clark—George Swartz and Thomas Carr, dems.
Dearborn—E. Dumont and A. J. Alden, dems.
Decatur—R. H. Crawford, dem.
Dubois—John Able, dem.
Elkhart—John Jackson, dem.
Fayette—John V. Lindsey and E. H. Barry, dems., Charles Stone and Horatio Mason, whigs.
Floyd—A. P. Willard, dem.
Fountain—W. K. Marquess, dem.
Franklin—A. J. Ross and E. Withers, dems.
Gibson—Geo. B. Graff, dem.
Grant—Joseph Morrow, whig.
Hamilton—George White, dem., Wm. Conner, whig.
Harrison—A. M. Jones, whig.
Hendricks—S. A. Russell, whig.
Henry—Butler Hubbard and Russell Jordan, whigs.
Huntington and Whitley—L. P. Milligan, dem.
Jackson—J. R. Hamilton, dem.
Jefferson—J. W. Chapman, dem., John McCoy and Howard Watts, whigs.
Johnson—Gilderoy Hicks, dem., John McCorkle, whig.
Kosciusko—Benjamin Blue, dem., John Rogers, whig.
Lake and Porter—W. M. Harrison, dem., Jeremy Nixon, whig.
Laporte—James Bradley and J. R. Hall, dems., W. Millikan and A. H. Robinson, whigs.
Lawrence—A. J. Hostetter, dem.
Marion—Benjamin Morgan, Madison Webb and Percy Hosbrook, dems., John Coburn, Fielding Beeler and Joseph Buchanan, whigs.
Miami—J. L. Miller, dem.
Monroe—Lemuel Gentry, dem., Z. K. M. Hoge, whig.
Montgomery—T. E. Harris and R. W. McMakin, dems., Wm. Campbell and Sherman Hostetter, whigs.
Noble—Abram Pancake, dem.
Ohio and Switzerland—Thomas Armstrong, dem.
Orange—John W. Rice, dem.
Perry—J. McKim, dem.
Pike—P. Brown, dem.
Posey—H. S. Casselberry and S. M. Cox, dems.
Randolph—David Heaston, dem., Elza Lank, whig.
Ripley—H. W. McCullough, whig.
Rush—G. B. Rush and Henry Haywood, whigs.
Shelby—G. W. Brown, dem.
St. Joseph—A. A. Whitlock, dem., John Reynolds, whig.
Tippecanoe—L. B. Stockton and A. L. Patterson, dems., T. H. O'Neal, whig.
Union—Laban Haworth, dem.
Vanderburgh—J. A. Fairchild, whig.
Wabash—Gabriel Swihart, dem., A. W. Smith, whig.
Warren—John Benson, dem., Jackson Fleming, whig.
Warrick—Eli Lewis, dem.
Washington—Henry Painter and T. N. Jordan, dems.
Wayne—J. N. Beard, N. W. Miner and A. W. Lewis, dems., Miles Marshall, Edmund Lawrence and J. M. Bulla, whigs.

Candidates for the Constitutional Convention.

SENATORIAL DELEGATES.

Allen, Wells, &c.,—J. W. Borden, democrat, Samuel Hanna, whig.
Bartholomew and Jennings—David G. Vawter, dem., Hiram Prather, whig.
Carroll and Clinton—J. W. Wilson, dem.
Cass and Howard—Robert Mehaffey, dem., H. P. Biddle, whig.
Clark—J. G. Read, dem.
Dearborn—W. S. Holman, dem.
Decatur—J. B. Foley, dem.
Elkhart and Lagrange—John Moore, dem., J. H. Mather, whig.
Fayette and Union—Daniel Trembly, dem., Justus Wright, whig.
Floyd—P. M. Kent, dem.
Fountain—Joseph Coats, dem.
Franklin—George Berry, dem.
Gibson, &c.,—Smith Miller, dem.
Grant—Walter March, dem., J. M. Wallace, whig.
Hamilton—Wm. Garver, dem., Albert Cole, whig.
Harrison—W. M. Saffer, dem., W. A. Porter, whig.
Hendricks—H. G. Todd, whig.
Huntington, &c.,—Elijah Horton, dem., Elias Murray, whig.
Jackson and Scott—J. F. Carr, dem.
Jefferson—Milton Gregg, dem.
Johnson—James Ritchey, dem.
Knox—Samuel Judah, whig.
Laporte, &c.,—S. J. Anthony, dem. Aaron Little, w.
Lawrence—G. W. Carr, dem.
Madison and Hancock—R. A. Riley, dem., Orlando Crane, whig.
Marion—A. F. Morrison, dem., Robert Hanna, whig.
Monroe and Brown—D. Read, dem., E. P. Farmer, whig.
Montgomery—Horace E. Carter, dem., Benj. T. Ristine, whig.
Noble—Robert Work, dem.
Ohio and Switzerland—A. C. Pepper, dem., Scott Billings, whig.
Orange and Crawford—W. F. Sherrod, dem., J. W. Gillam, whig.
Owen and Greene—D. M. Dobson, dem.
Parke and Vermillion—O. P. Davis, dem., Geo. K. Steele, whig.
Putnam—A. C. Stevenson, whig.
Perry, &c.—J. P. Dunn, dem., J. A. Brackenride, w.
Posey and Vanderburgh—James Lockhart and A. L. Robinson, dems.
Ripley—Thomas Smith, dem., Obed Wilson, whig.
Rush—Jesse Morgan, whig.
Randolph, &c.,—Jeremiah Smith, dem., N. B. Hawkins, whig.
Shelby—Thos. A. Hendricks, dem.
St. Joseph, &c.,—F. R. Tutt, whig.
Tippecanoe—J. B. McFarland, dem., Robert C. Gregory, whig.
Warren, &c.—R. A. Chandler, dem., R. C. Kendall, whig.
Washington—John I. Morrison, dem.
Wabash and Miami—Harrison Kendall, dem., J. L. Knight, w.
Wayne—O. Beeson, dem., James Raridon, whig.

REPRESENTATIVE DELEGATES.

Adams and Wells—E. K. Bascom, dem. J P. Grew, whig.
Allen—C. E. Sturgis, dem., Allen Hamilton, whig.
Bartholomew—Z. Tannehill, and Smith Jones, dems.
Benton, White, &c.—Jona. Harbolt, dem.
Blackford and Jay—E. G. Carroll, dem.
Boone—Wm. McLean and Mark A. Duzan, dems.
Carroll—R. H. Milroy, dem.
Cass and Howard—Geo. A. Gordon, dem., M. R. Wickersham, whig.
Clark—T. W. Gibson and Jacob Fisher, dems.
Clay—F. B. Yocum, dem.
Clinton and Tipton—John Young and Carter T. Jackson, dems.
Crawford—J. R. Brown, dem.
Dearborn—David Tibbetts and J. D. Johnson, dems.
Decatur—Samuel Todd, dem., Jos. Robinson, whig.
Delaware—David Kilgore, whig.
Dubois—B. R Edmonston, dem.
Elkhart—E. M. Chamberlain, dem., Walter E. Beach, whig.
Fayette—Ross Smiley and James Tuttle, dems., W. W. Stone and James Veach, whigs.
Floyd—Jacob Summers, Sr., dem.
Fountain—Joseph Ristine, dem., David Brier, whig.
Franklin—Geo. G. Shoup and Spencer Wiley, dems.
Gibson—Samuel Hall, whig.
Grant—B. C. Hogin, whig.
Greene—R. H. Rousseau, whig.
Hamilton—Samuel Dale, dem.
Hancock—George Tague, dem.
Harrison—John Mathers, dem., G. P. R. Wilson, w.
Hendricks—C. C. Nave, dem., John Reverson, whig.
Henry—G. H. Ballingall and Isaac Parker, whigs.
Huntington and Whitley—Jacob Wunderlick, dem.
Jefferson—W. M. Dunn and Moody Park, whigs.
Jennings—J. L. Spann, dem. Alanson Andrews, whig.
Johnson—Franklin Hardin, dem., T. M. Finch, whig.
Kosciusko—James Garvin, dem., J. H. Jennings, w.
Lagrange—J. B. Howe, whig.
Lake and Porter—A. M. Turner, dem.
Laporte—C. W. Cathcart and E. D. Taylor, dems., J. B. Niles and Alex. Blackburn, whigs.
Madison—Wm. C. Fleming, dem.
Marion—J. P. Chapman, James Johnson, and Levi L. Todd, dems., David Wallace, Douglass Maguire, and Wm. Moore, whigs.
Miami—J. A. Graham, dem.
Monroe—Wm. C. Foster, Sr., dem.
Montgomery—D. A. Shannon and H. T. Snook, dems., Abijah O'Neal and Silas Kenworthy, whigs.
Noble—D. B. Herriman, dem.
Ohio and Switzerland—Perret Dufour, dem.
Orange—Wm. Holladay, dem.
Pike—Charles Alexander, dem
Posey—Robert Dale Owen and A. P. Hovey, dems.
Putnam—S. Farrow and Oliver Badger, whigs.
Randolph—Asahel Stone, whig.
Ripley—J. H. Cravens, dem., H. J. Bowers, whig.
Rush—William Bracken, dem., Jefferson Helm and J. M. Hodelson, whigs.
Shelby—James Van Benthusen, dem.
Spencer—W. B. Richardson, dem.
St. Joseph—Albert G. Deavitt, dem., Schuyler Colfax, whig.
Tippecanoe—John Pettit and Lemuel Devault, dems. O. L. Clark and Isaac Shelby, whigs.
Union—James Osborn, dem.
Wabash—James Stoops, dem., Stearns Fisher, whig.
Warren—J. R. M. Bryant, whig.
Warrick—G. H. Roberts, dem.
Washington—E. D. Logan and R. Schoonover, dems.
Wayne—Henry Carver, John Beard, and Henry Hoover, dems., J. S. Newman, John Beard, and W. R. Foulke, whigs.

From the Plains---Trail of the California Emigrants.

The St. Louis Republican of the 20th inst., contains some interesting items in reference to the emigration over the Plains, furnished by a correspondent at Fort Laramie, which is pretty well on towards the South pass, in the Rocky Mountains. In his letter of June 5th, he says:

Up to last evening 12,270 men and 3,436 wagons had passed this post. To this number may be added some 700 persons, who, owing to their haste to reach the mines had not time to register their names, making the number 13,000, at this moment toiling through the Rocky Mountains. The head of the ox column may be considered as having now fairly reached this point.—Heretofore only the light brigades of horses and mules have shown themselves, with a small sprinkling of footmen, wheelbarrow men and hand cartmen. The main body will provably be past this point by the end of the present month, and by the middle of July the rear guard of the "Grand Army," consisting of dilapidated gentlemen and loafers in general will also, doubtless, have passed. There has been considerable skirmishing on the way, but chiefly among the emigrants themselves. Two or three have been killed or severely wounded with bowie knives and pistols, but the main loss has been amongst the horses and mules. Many have changed owners, and not a day passes that two or three complaints are not made to the commanding officer by emigrants of having been robbed by their fellow-emigrants and set adrift on the prairies.

* * * * * * * * *

Col. Fremont's protege, Kit Carson, arrived here a few days since from Santa Fe, with a band of thirty horses and mules, and is in camp a few miles distant, trading with the emigrants. Every body who has read Fremont's work, and there are very few who have not, wishes to see Kit, and the consequence is he holds a grand levee from morning till night, which is a source of great annoyance, as he is a modest man and not fond of such notoriety. Guide books and maps of the road have no chance against his word.

A youthful emigrant of some twelve years of age was picked up a day or two since, within a few miles of here and brought to the post. He had five biscuit strapped to his back, and a small bundle in his hand, and with such an outfit was trudging along as unceremoniously as if the goal of his wishes was but ten miles distant, instead of thirteen hundred. Upon being questioned, it appeared he had been turned adrift on the prairies with his five biscuit, by a gentleman whose name I forbear to mention. This is but a solitary instance amongst hundreds of a similar nature that has occurred on the plains this season.

June 18th.—For fifty days one unbroken line of emigrants has been moving along the California trail, and there is no sign yet that there will be an end to their coming. The leading wagons are now within a short distance of the mines, while the hindmost ones have scarcely left the banks of the Missouri.

Up to this morning, thirty thousand nine hundred and sixty-four men, four hundred and thirty-nine women, five hundred and eight children, and seven thousand one hundred and thirteen wagons, have past this post. Several passenger trains from St. Louis have recently gone along—all well. There has been but little sickness on the road thus far; not more than forty persons having died by disease, shot and drowned.

June 21st.—Up to this morning, 35,000 emigrants and 7,500 wagons have passed beyond this post. I do not believe there are more than 6 or 7,000 yet behind, and the great majority of them this side of the South Fork of the Platte. Every stream is rapidly rising, and the Laramie river has blocked the game on some 7 or 800, who are now quietly waiting for a fall.

☞ Danger should be feared when distant, and braved when present.

☞ Graves are but the prints of the footsteps of the angel of eternal life.

☞ Fancy rules over two-thrirds of the universe—the past and the future—while Reality is confined to the present.

☞ Hope is like a bad clock, forever striking the hour of happiness, whether it has come or not.

Supreme Court of Indiana, May Term, 1850.

Reported for the State Sentinel

BY ALBERT G. PORTER, ESQ.

FRIDAY, May 31, 1850.

Swails v. *Butcher*. Appeal from the Dearborn C. C.

SMITH, J.—A plea of justification in an action of slander, although not sustained by proof, cannot be considered by the jury in aggravation of the damages. Shank v. Case, Nov. T. 1848; Shortly v. Miller, Nov. T. 1849. *Reversed*.

Baily v. *Epperly*. Error to the Wayne C. C.

SMITH, J.—Assumpsit by the defendant in error against the plaintiff in error. Plea: the general issue. Verdict and judgment in favor of the plaintiff for $227.

The facts disclosed in evidence were to the following effect: Baily and Epperly made an agreement in writing in January, 1847, for the delivery by Baily to Epperly of 60,000 pounds of bulk pork, and 60 barrels of lard, and as much more of those articles as Baily had to spare, at *Fairhaven*, Ohio, by the 1st of March then next ensuing, at the price of $3 45 per cwt. for the pork, and 6 cents per pound for the lard, to be paid on delivery of the pork and lard if so required by Baily. Baily delivered some 58,000 pounds of the pork and 61 barrels of lard according to the contract, and, after such delivery, in February, 1847, a parol agreement was made by the parties, that the residue of the pork remaining to be delivered under the first contract, and all the pork and lard Baily then had on hand, should be delivered at Keck's pork house, in *Hamilton*, Ohio, within a reasonable time, at the price of 4 3-4 cents per pound for the pork, and 6 3-4 cents per pound for the lard. This suit was brought to recover damages for the failure of Baily to deliver the specified quantities of pork and lard at Hamilton, Ohio, under the latter agreement. *Held*, That from the facts shown, the latter agreement was void by the statute of frauds. *Reversed*.

The Board of Commissioners of Fountain County v. *Jones*. *Affirmed*.

Pendergast v. *McCaslin et al*. Error to the Marion C. C.

PER CURIAM.—In an action of disseisin, the plaintiff may, under our statutes, recover damages up to the time of the rendition of the judgment. R. S. p. 800, sec. 49.—R. S. p. 794, secs. 20 and 21. *Affirmed*.

Davis & Yeager admrs. of Joseph Walter v. *Walford admr. de bonis non of Joseph Walter*. Error to the Probate Court of Harrison County.

Petition in said Court by Walford, administrator *de bonis non* of the estate of Walter, deceased, against Davis & Yeager former, but removed administrators. The petition charges them with the reception of $151, belonging to Walter's estate, for which they had not accounted. Davis made default. Yeager answered as follows as to the $151: He denies that the same "ever came to his hands, as such administrator, or in any other way, either separately or jointly, with his co-administrator, Davis. He admits that he was present when said sum was paid to Davis, but had nothing to do with the reception of it, nor did it, nor any part of it, ever come to his hands, or in any manner under his control. He knows nothing of the giving of any credits as stated in the petition, but he admits there was a balance owing said estate from the person who paid Davis the $151, of about $41; that he and his co-administrator agreed that said person so owing said balance should pay the same to Walford, the petitioner, in discharge of a debt the estate owed said Walford, and that said person executed to Walford a note for said amount, for which said administrators took a receipt as for so much money paid to Walford, and that they charged themselves with and accounted for said $41;" &c.

The cause was submitted to the Court upon the petition, the default of Davis, and the answer of Yeager, and a decree was rendered against both the defendants for $151.

Held, That the decree was wrong. Administrators are not liable for the mismanagement of their co-administrators, where they are not themselves in any manner culpable. An administrator may be passive without being chargeable. Yeager is not shown to have been more than this. He could not have prevented the payment of this money to Davis, nor compelled the payment of it to himself; and he is not shown to have directed, or positively assented to, its payment to Davis. His participation in the arrangement of the balance of the debt cannot affect the case. Langford v. Gascoyne, 11 Ves. 333, is in point. See, also, Ray v. Doughty, 4 Blackf. 115; Call v. Ewing, 1 ib. 301. *Reversed*.

Elderkin et al. v. *Fitch et al. admrs, &c.* Error to the Floyd C. C.

PER CURIAM.—In our practice in chancery, a cross bill is considered a dependency merely upon the principal bill.

In the practice in chancery, under our statute, R. S. p. 848, where the answer to the original bill is used as a cross bill, as also in cases requiring a cross bill, the two together make but one suit; and hence the dismissal of the original bill must carry with it out of court the cross bill, which is an appendage.

A complainant in chancery has a right to dismiss his bill, at his pleasure, before final hearing, upon payment of costs, if he be not in contempt. Smith v. Smith, 2 Blackf. 332. *Reversed*.

JUDGE WOODBURY.—This gentleman delivered an oration on the fourth of this month, in Portsmouth, N. H., which is highly spoken of as a splendid effort, distinguished alike for its eloquence and patriotic sentiment. The concluding paragraph we copy here, as singularly appropriate to the times:

"I ought, before bidding you farewell, allude to one other consideration. There lurks a serpent in our political paradise. It is disunion. It is not that the bands are likely to be suddenly cut or torn asunder by *violence*; but what will they be worth if neglected, decayed, and allowed to perish by omission of duties and of the compromising temper by which the Union was founded, and can alone be preserved? I stand not here on this occasion as the censor of any political party or section, but as a friend of the Constitution and the Union against all and every aggression in spirit or deed. If the bonds of a common language, a common religion, a common country, a common government, and all the great common glories of the last century cannot make us conciliatory and kind—cannot make all sides forgive and forget something—cannot persuade to some sacrifice even, if necessary to hold us together—force is as unprofitable to accomplish it as fratricide is to perpetuate peace in a common family. And broken into petty States, agitated by the contending parties, and ere long the prey of some military chieftain, we shall all tread the down-hill path, already strewed by similar wrecks in the history of Republics, and hence more disgraceful to us for not being admonished by so many deadly warnings.

A PROPHETIC SPIRIT.—A Washington correspondent of the Buffalo Commercial Advertiser has the following:

At about eleven o'clock, coming from the house of a friend, I met one directly from the President's. Upon asking how he was, he replied with a choking voice, "DEAD!" I turned and left for my room, too much affected to wish to see any one. As I passed up the avenue I overtook Col. Marshall, of Kentucky. "Well," asked he, "how recently have you heard from the White House?" "At this moment," I answered. "*The President is dead!*" "*My God!*" he ejaculated with startling emphasis, "*is it possible?*" We walked on a few moments in profound silence. At last he said, "this is something terrible. A little over a year ago Gen. Taylor, on his way to Washington, called at my house in Kentucky, which is in the same district where his relatives live. In the course of conversation, he said, 'Well, Marshall, they killed Gen. Harrison at Washington in one month, and my wife says they'll kill me in a year; but I think after standing Mexico I can stand Washington.' Now, it seems," said Mr. Marshall, "that Mrs. Taylor was right. He has been here but little over a year." At this moment the bell of the State Department tolled forth a solemn peal, which was taken up by other bells, and the melancholy fact of the decease was announced to all.

PRESIDENT FILLMORE AND HENRY CLAY.—The Lexington (Ky.) Observer says that the present very sensitive state of the public mind in reference to the *slave* question, has induced the gentleman to whom the following private letter was addressed immediately after the Presidentiai election in 1848, to allow it to be presented to the public:

"ALBANY, Nov. 17, 1848.

MY DEAR SIR—I am pained to hear that Mr. Clay has been quite ill. I hope he is now convalescent, and that life has much of health and happiness yet in store for him. He is a noble man, and when he falls, we ne'er shall look upon his like again. I am told he has said many kind things of me during the canvass, and that he vindicated me from the charge of *Abolitionism*, but I have not seen his letter, still I am none the less grateful for his kindness, and desire to be most cordially remembered to him.

I am truly yours, MILLARD FILLMORE."

☞ Man passes his life in reasoning on the past, in complaining of the present, and trembling for the future.

☞ LITERARY NOTICE.—The Eleventh Anniversary of the Philalathean Society of South Hanover College will be on Thursday the 15th of August next, in the evening.

july27-2w L. J. SHERRILL, Sect'ry.

INDEPENDENT CANDIDATE.

EDITOR OF THE STATE SENTINEL:—Please announce the name of ABNER SMITH as an Independent Candidate for the office of Sheriff of Marion county, at the August election, in favor of License, and oblige your friend,

ABNER SMITH.

VALUABLE MILL PROPERTY.—The Mill Property erected by Allen McLean, at the Bluffs of White River, in Morgan county, will be offered for sale at my office on Saturday, August 10, at 2 o'clock, P. M.

Indianapolis, July 21, 1850.—2w. E. W. H. ELLIS, Auditor of State.

COMMERCIAL.

INDIANAPOLIS, July 31, 1850.

Corn 40c. per bu.; wheat 70c.; Oats 30a35c.

NEW YORK, July 27, 8 P. M.

Flour steady; upper grades in fair request; low grades inactive; sales making at $5a$5 12 1-2 for common and straight State; $5a$5 37 1-2 for Michigan; $5 75a$5 87 for fancy Ohio; $5 87a6 for extra; there are also sales of straight State for export at $5 12 1-2.

Wheat is in demand, but sales are limited.

Corn is better with good Eastern demand at 56a62 for mixed; 64a64 1-2 for round yellow; and 65 for white.

Pork in moderate demand; sales dull at $10 37, and $8 37 for mess and prime.

Lard in bbls. 6 1-8a7 1-8.

Groceries in fair demand without change in prices.

CINCINNATI, July 29th, 8 P. M.

Nothing doing in provisions.

Sugar is generally held for a further advance of a1-4.

Coffee 10 1-2 cts.

NEW YORK, July 29, 8 P. M.

Wheat remains as last noted.

Corn—Light receipts and very firm. Sales of mixed were made at 62 1-2a 64; yellow 64a65.

Whiskey—Sales of Ohio at 25.

Pork dull—Mess $10 31a$10 37 1-2; prime $8 37 1-2.

Coffee in demand. Sales of Rio at 9a10 1-2.

TO THE STOCKHOLDERS AND THE PUBLIC.—The Cars are now running over about 13 miles of our road. The iron is being laid rapidly, and by the first of October, we expect to run the cars, and do a regular business from Indianapolis to Pendleton, and soon thereafter to Anderson. The whole line is in active progress of construction, and we wish to complete the balance and put it in operation with the least possible delay. Our daily expenses are necessarily heavy; the instalments due from our subscribers *must* be paid without further delay. We wish to employ several efficient stock solicitors. Two per cent. will be allowed them for all good stock taken, and we will give the same per cent. for all such stock subscribed at our office by individuals, companies, or counties, without the aid of such solicitors. All new stock must be evidenced by notes payable, without relief, in six, twelve, eighteen, and twenty-four months.

A limited quantity of unimproved lands in this State will yet be taken, for a short time, on subscriptions, as heretofore.

O. H. SMITH,
july31-tf Prest. I. & B. R. R. Com.

ADMINISTRATOR'S NOTICE.—Letters of Administration on the estate of Isaac Estep, late of Marion county, deceased, have this day been granted and issued to the undersigned by the Clerk of the Marion Probate Court. The estate is probably solvent. ELIZABETH ESTEP, Adm'x.
july31-3w

ADMINISTRATOR'S SALE.—The personal property belonging to the estate of Isaac Estep, late of Marion county, Indiana, deceased, consisting in part of horses, cattle, hogs, sheep, one wagon, farming implements, household and kitchen furniture, wheat, hay, 27 acres of corn, &c. &c., will be sold to the highest bidder, at public auction, at the late residence of said decedent, in Washington township, in said county, commencing on Saturday the 24th day of August next, between the hours of 8 o'clock, A. M., and 5 o'clock P. M., and continuing from day to day between the same hours, until the whole of said property shall be sold.

TERMS OF SALE.—On all sums over three dollars a credit of nine months will be given, the purchaser giving bond with good security, payable without any relief whatever from valuation or appraisement laws. All sums of three dollars and under cash in hand. ELIZABETH ESTEP, Adm'x.
july31-3w

STATE OF INDIANA, MARION COUNTY, SS.

IN THE MARION CIRCUIT COURT—OCT. TERM, A. D., 1850.

Divorce.—Sarah Ann Imhoff vs. Michael Imhoff.

BE it known that on this 27th day of July, A. D., 1850, the complainant, by Brown & Porter, her solicitors, filed in the office of the Clerk of the Marion Circuit Court, her bill of complaint herein; also, an affidavit of a disinterested person, showing that the said Michael Imhoff is not a resident of the State of Indiana. The said Michael Imhoff is therefore hereby notified of the pendency of said bill of complaint, and that he be and appear on the first day of said term of said court, to be holden at the Court House in said county, on the fourth Monday in October next, and answer said bill of complaint, or the matters and things therein contained will be heard and determined in his absence. WM. STEWART, Clerk M. C. C.

BROWN & PORTER, Sol. for Com. july31-3w.

THE STATE OF INDIANA.

SUPREME COURT—MAY TERM, A. D., 1850.

Monday, June 3d, A. D., 1850.

In Error to the Hendricks Circuit Court.—James Dugan vs. William Sprague, Philip Tillinghast, and Brockholst Matthewson.

AT this time comes the plaintiff by his counsel, and it appearing to the satisfaction of the Court that the defendants in error are not inhabitants of this State: Whereupon, on the plaintiff's motion, it is ordered that said defendants be and appear before this court, at the State House, on the fourth Monday of November next, and answer the plaintiff's errors filed herein, or they will be proceeded upon in their absence. And it is further ordered that a copy of this order be published in the Indiana State Sentinel, a newspaper published at Indianapol