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NEW-YORK TRIBUNE.

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NEW-YORK TRIBUNE

PENNSYLVANIA.—The Senate of this State is still Whig by 19 to 14; the Whigs having carried the new Senators in the Beaver and Mercer and Indiana, Armstrong, &c. Districts. The total vote in the former is, Ezekiel Sankey (Whig) 4,800, Graham (Loco) 4,565; Sankey's majority 235; in the latter Wm. F. Johnston (Whig) 5,287, McDowell (Loco) 5,154. Atchison (Loco) 99: Johnston over both 34.

FROM HAVANA.—We are indebted to Captain Adams of the ship Adelaide for a file of the *Diario de la Habana*. The papers contain no intelligence of importance.

Result in Pennsylvania—How Effected, &c.

Correspondence of The Tribune.

WESTCHESTER, Oct. 21, 1847.

DEAR GREELEY: The election in this State may astonish the Whigs elsewhere, and lead them to conclude that with us the War is popular. Not so. Our State Central Committee advised a quiet campaign. The streak of Porter, Cameron and Muhlenberg leaders who desired the defeat of Shunk, advised the Whigs to make no stir, hold no meetings, and quietly give their vote, and the dissatisfied Locos would insure Shunk's defeat. If we got up an excitement, they stated, it would drive all their party into the ranks of Shunk.

In all this the Whigs have been deceived and betrayed. A quiet campaign for the Whigs lulled thousands to sleep, and one fourth of the Whig vote was not out. The support which Irvin was promised from the Porter, Cameron and Muhlenberg faction failed entirely—while the War making, Taxcreating, Debt-increasing and Slavery-extending Democracy turned out in their usual strength for Shunk.

Beside, that portion of "the Democracy" who pretended to be opposed to the reelection of Shunk are the earnest advocates of "Old Rough and Ready for President. They sagaciously apprehended that the election of the Whig candidate for Governor would give Clay the vantage-ground over their favorite for Whig support: hence they voted for Gen. Irvin's defeat.

As to the result of the Election in this State showing the War to be popular, it is all a humbug. The men who were Whigs in '44 are Whigs now, truer and firmer than ever, and more hostile to the War since what was Whig prediction in 1844 has become History.

The Whigs see that the election of HENRY CLAY over Polk would have saved this nation from the calamity of War and all its direful evils, and prevent the abhorred Extention of Slavery to new countries in which its decaying trunk may take fresh root, and glut itself on fresh victims. This War, I venture to say, in our State, has made for the Whigs two votes to every one against them.

I will merely add, that at the Whig National Convention—which I hope will meet in Philadelphia on the 4th of July next, in Independence Square, to nominate Whigs as candidates of our party for President and Vice President—the Delegate from this Congressional District will be for HENRY CLAY, and nobody else. Truly yours, P. V.

Whig Nominations.

Cattaraugus Co.—JAMES G. JOHNSON, Burton; GEO. A. S. CROOKER, Conewango, for Assembly.

Loco-Foco Nominations.

Erie Co.—Wm. S. Merriam, Assembly.

General Episcopal Convention.

SEVENTEENTH DAY.

Prayers were read this morning by Rev. Dr. Forbes of N. Y. and the Lessons by Rev. Dr. Rutledge of Florida.

The Committee on Elections reported in favor of granting sundry applications for leave of absence.

The Committee on Canons reported a canon allowing of the election of Suffragan Bishops in case of the inability from any cause of a Diocesan Bishop to perform Episcopal duties.

Dr. Jarvis of Conn. Chairman of the Committee on Canons, moved that the above canon be sent to the House of Bishops with a request for a Joint Committee—the Committee on the part of this House to be the Committee on Canons. He thought that the adoption of such a canon would do more to settle the difficulties in New-York than anything which could be done.

Mr. Colston of Va. thought it was too late in the session to take up so important a subject for definite action. It might be considered and left over to be acted on at next session of the Convention.

Dr. Hawks and Dr. Mead hoped the reference would be made.

Dr. Brook of Ohio said the report was out of order.

On motion, the unfinished business was laid on the table, and then the reference to the House of Bishops was carried.

The unfinished business, namely, the resolution of Mr. Huntington of Conn. that the vote on the main question should be taken at 2 o'clock.

Dr. Brook opposed the resolution. He did not intend to speak on the question, because the little light he might have to shed would be so charged with heat as probably only to add to the mystification which had already been cast about it. He was aware that there were strong reasons for hastening to an adjournment. Many of the clergy especially were enjoying the expensive hospitality of the hotels, (laughter,) and might become exhausted in their means and seek relief from their anomalous position. (laughter.) Beside, the principle of free discussion should be held sacred. It was Protestant and Republican. The Church was already under suspicion of being Popish in doctrine, and if they should adopt this proposition they might incur the suspicion of being Popish in morals and Popish in cutting off freedom of debate. There were several gentlemen who wished to be heard on this question, and he for one wished to hear them. There was the honorable mover of the proposition, (Mr. Ingersoll,) who had tried in vain to get the floor; there was his honorable friend from South Carolina (Mr. Memminger,) to whose trumpet voice and burning words he wished to listen; and there was his honorable colleague, (Mr. C. Delano,) who intended to speak on the question—the House did not know him, and he wished that it might know him.

Mr. Gratz Gall of Mo. hoped that the resolution would pass. He thought half an hour was enough. Where they preached longer sermons they were thought tedious. (Laughter.)

Mr. Memminger of S. C. suggested that 12 o'clock to-morrow would be a better hour for taking the vote.

Mr. Huntington acceded to the suggestion so far as to adopt 9 o'clock this evening for the hour named in his resolution.

It was then moved to lay the subject on the table and carried—57 to 56.

Mr. Gallagher of Ky then moved that the main question be taken to-morrow at 12 o'clock.

Judge Jones of N. Y. objected very warmly to any such limitation of the debate. The Diocese of New-York wished for the fullest light to be shed on this question, and he trusted no gentleman would be hindered from the fullest expression of his views.

The question was then taken and the resolution carried, so that the final vote will be taken to-morrow at 12.

Mr. Vail of R. I. then, by leave, introduced a special canon relating to the case of New-York, which was laid on the table.

Rev. Dr. Mason of N. C. then entered upon an argument on the New-York case, maintaining that the Diocese was not vacant, and the sentence might be remitted. With regard to the speech of Dr. Hawks, he said that though he had elaborately erected a noble and magnificent structure, with abundant and far-sought materials, he had built it on the sand, and, without knowing it, had been the first to put a crowbar under it to shove away even the sand on which it was based.

At 12 o'clock the order of the day—namely, the election of a Joint Committee on the nomination of the Board of Missions—was then called up, but on motion, was laid on the table, and Dr. Mason was allowed to continue his speech.

When Dr. Mason had concluded Mr. Ingersoll of Pa. commenced an elaborate argument to the effect that the suspension of the Bishop had taken away his jurisdiction, and that the Diocese of New-York might proceed to elect a new one.

Mr Hudson of Western New-York followed Mr. Ingersoll, in a speech in favor of Bishop Onderdonk; and after he had concluded, the House took a recess till evening.

☞ The store of Mr. E. Knowlton in Cumminsville, Ohio, was destroyed by fire on the 15th—loss about $6,000. Two negroes have been arrested on charge of having set the store on fire.

☞ Two Kansas Indian Chiefs, in full war costume, passed through Cincinnati the other day, on their way to Washington, to settle some land difficulties.

Exposition of Santa Anna's Views.

From the N. O. Picayune, 17th.

The following is the circular to which we alluded yesterday, addressed by the Mexican Secretary of State, Señor Pacheco, to the Governors of the different States, throwing farther light upon his motives for abandoning the Capital, and unfolding his views as to the Government lately installed by him, and his own personal designs. There are many passages in it of notable import, and the whole document will command attention.

Circular by Don José Ramon Pacheco, Secretary of State, to the Governor's of the different States:

TOLUCA, Sept. 18, 1847.

YOUR EXCELLENCY: After having sent to your Excellency from the City of Guadalupe Hidalgo the manuscript decree issued from that city under yesterday's date, by his Excellency the President *ad interim*, I have now the honor of sending you (blank) copies printed in this city, in order that your Excellency may circulate them in the State which you so worthily govern, and that the nation may be informed that it is not left without a head, as his Excellency, Gen. Don Antonio Lopez de Santa Anna, previous his march to commence his military movements against the base of the enemy's operations, has devolved the Government upon the authority designated by the Constitution.

His Excellency, by virtue of the extraordinary powers conferred on him, took the responsibility of ordering some details, which, from the force of circumstances, could not be done in conformity with the tenor of the constitution, none of the bodies in whom these attributes are vested being in existence. On this account he has dispensed with one of the necessary qualifications in one of the colleagues of the Executive, in order to give this additional guaranty to the nation. It is also desirable that the place fixed upon as the residence of the Supreme Government should be generally known, in order that all the functionaries and servants of the General Government should regulate their actions according to our political system as provided by the laws.

Impartial history will some day record whatever fate Providence may have decreed, the causes which brought about the events which have just occurred in the Capital, in consequence of which it is now, to our astonishment, indignation and grief, in the power of the enemy. These causes are known to thousands of witnesses, and well understood by those only who truly feel its immense loss to their country. The fact is that one of the points which defended the entries to the city having been abandoned without any orders, and another point having been taken at the end of the day on the 13th, after a combat of fifteen hours, it was decided by a meeting of the Generals held that night in the citadel, that a continued resistance would only expose the city to pillage, and to all the acts of immorality to which a savage enemy abandons himself.

This latter was a misfortune which his Excellency wished to avoid at all hazards, and with a view to which he had at the very commencement caused the fortifications to be made at far advanced points. In order to retain on the other hand all his armament and the necessary means to continue the war, without owing them to a humiliating capitulation, it was resolved to evacuate the City that very night, conducting the whole army to the city of Guadalupe de Hidalgo, in order to take the next day, according to the intentions of his Excellency, the road to Puebla, to redeem that city out of the power of the enemy, cutting off at the same time all communication with Vera Cruz.

The troops having already commenced the march, and having made some progress on the road, it became known, as much to our satisfaction as surprise, that the people, who the day before, although supported by the army and the valiant national guards, had taken no part in the struggle, had undertaken on their own account the extermination of the invaders. Immediately the army was countermarched, and two columns, one under the command of his Excellency and the other under Gen. Don Juan Alvarez, penetrated as far as the streets of Santo Domingo and La Ceres, leaving some of the Americans. Subsequently, after some conferences and other circumstances which it is unnecessary to mention, the heroic people of the capital were disarmed."

In undertaking to carry out his first intent, the most formidable obstacle to be encountered was the entire want of means. The troops had been five days without any support. His Excellency the President had exhausted all his personal resources. From the 19th of Aug. the date of the misfortune at Padierna, to which our present situation is to be ascribed, up to that day—that is, in twenty-six days—not a man nor a dollar had been sent from any part. How could it be exacted, or even expected, that the City of Mexico, which had already made so many sacrifices, should alone carry on the war and bear the weight of the burdens which are destroying the nation?

To the evils of the war, caused by the invaders, it would not have become the Government to add those of making the army live at the expense of the people, and yet to disband the troops, in order that they might devastate the roads and villages, would have been a still greater evil. The difficulty was insuperable, as there was no food on that day for the soldiers, and the situation was dreadful. His Excellency the President, since his return to the Republic, has above all had to contend with difficulties of this nature, and to them is to be attributed the greater part of our misfortunes;—but rather than destroy a force which, after being purified and organized in a different manner, could still be rendered serviceable to the nation, he embraced the middle course, of dividing the army into sections, under the command of tried officers, giving them instructions as to the roads they were to take, his Excellency reserving for himself a part of the cavalry. In this manner were obviated the great evils of a disbandment of the army; the burden was distributed so as not to weigh on a single district, and above all it furnished to the States of the interior a nucleus which they could increase or shape as they might like, in order to carry on the war, which they have all demanded, without listening to any propositions of peace from the enemy.

As regards political organization, his Excellency saw the extreme of perplexity of another kind in which he was placed by his determination to continue, personally, the defence of the independence of his country, until one of the reverses of which so many have fallen upon us, through the will of God and our own dissentions, and under which we are suffering, should put an end to his existence. His Excellency did not wish to be invested with the character of President of the Republic in conformity with the resolution of August last year, his desire being to devote himself exclusively to carrying on the war against the invaders; and if he has since assumed that power, it was to put down a civil war which was raging in the Capital, and finally, to raise the necessary resources to place it in a state of defence.

His Excellency saw that there was no one before whom he could make his resignation, in order to release himself from that onerous charge which prevented him from pursuing the only object of his ardent desires, and which had drawn upon him so many annoyances; that all his efforts and his repeated orders had been in vain to bring about a meeting of the Congress, composed of 140 members, which never held its regular sessions for want of numbers, and of which hardly twenty six members could be assembled on occasions when he applied to it to discharge the mission which had been confided to it, and in order that the Executive might do no more than to carry out the will of the representatives of the nation.

His Excellency saw that for the new operations which he meditated it would be necessary that he should be personally absent from the centre, and that moving with his forces in different directions, the very uncertainty of his movements would occasion great difficulties in the administration of the Government; he saw finally the consummation of the triumph of the enemy by abandoning these questions to the views of designing partisans. Under these circumstances, his Excellency determined to issue the decree which I communicated to your Excellency, and of which I have the honor to annex a printed copy, by which his Excellency, the President *ad interim* endeavored to consult not only the observance of the fundamental law in a great crisis, but also the spirit of the law and the will of the nation, manifested on former occasions.

His Excellency only intends by this decree to fill a vacuum in the present circumstances, to preserve a representation of the unity and nationality of the Republic—the Capital of which is in possession of the enemy—but by no means to impose his will upon his fellow citizens. Far from this, he has on this occasion only taken upon himself the solution of the difficulty, because neither at the Capital, which is its legal residence, nor in any other part of the Republic, is there a legislative body, and he is ready to abide by whatever it may decide.

After acts so pure originating in intentions so honorable, there will not be wanting vile passions that always will accuse after a misfortune, and upon that very account they are the more reprehensible. His Excellency the President carries in his garments, in the death of individuals allied to his person, and in his own person, irrefragible testimonials of his self-denial to devote himself to his country. Gen. Santa Anna does not despair on account of these misfortunes, nor on account of ingratitude, which is still worse. His Excellency renounces power, and yet it is possible that stupidity may join with malice to add absurd calumnies to his other immense disasters. He abandons power, and with it consigns three facts to history for his eternal honor.

Firstly, that at the North, at the East and at the Capital, although with various fortune, he has been found confronting the enemies of his country, appearing at all points of the battle, and in those most exposed to danger. Secondly, that in all the States their respective authorities, as well individuals as corporations, remain in the free exercise of their functions and in the enjoyment of their respective laws. Thirdly, that the nation, and the government which may be called to preside over it, will have absolute liberty to act as may seem proper with regard to the question of war or peace with the United States, since it has been proved that neither the presence of their cannon nor the approach of a danger which has since become a reality, have had any influence on what was due by the Government of His Excellency Gen. Santa Anna to the divinity of his country nor to his own honor.

The Government has not taken a step, nor has it had a single communication with the enemy but what is within the reach of all his compatriots, nor has it been bound by any compromise, past, present or future. If in the publications which have been made it may have excited surprise, and not without reason, not to have found the discussions which were expected from the General and the Commissioner of the Government of the United States, it was that the contempt with which they treat us, and the unblushing determination which they have taken to carry on a war the most infamous and sanguinary for their simple diversion and pleasure, no other answer could be given, except through the cannon's mouth and death.

His Excellency the President *ad interim* orders the undersigned to communicate to your Excellency the preceding exposition, at the time transmitting to you the decree of his resignation, reserving to himself to give a proper time to his fellow citizens a circumstantial manifesto; he has also enjoined him particularly to state in his name to the new Constitutional Government, that he will not lay down his arms against the enemy of his country until this Government, or whatever Government may be nominated by the nation or Congress, shall order him to lay them down; that he will be its firmest support against any revolution—as also in every matter which may be determined as to the American question, be it peace or war; that he will comply in his quality of subject with the National will legitimately expressed as he always has done in his capacity of First Magistrate, and that his Excellency wishes to be the first to give an example of submission to the authority of the laws. God and liberty!

I have the honor to be, with distinguished consideration, PACHECO.

His Excellency the Governor of ——.

* The *Monitor Republicano* peremptorily denies this statement of Pacheco about the two columns countermarched upon the city. It states that on the 14th some of Santa Anna's troops reëntered the city, and that on the 15th, about 10 o'clock in the evening, a small body of cavalry entered in disorder, inflicting great injuries upon the peaceable population which had suffered so much the day previous.

From Havana.

From the New Orleans Picayune of the 17th.

The brig Titi, Capt. Allison, arrived yesterday from Havana, having sailed thence on the 10th inst. Our files come down to the 8th only.

The British steamer Medway arrived at Havana on the 7th inst. The accounts of late events in Mexico are by no means so full as we have received here. We translate one letter, written by a Mexican to his friend in Havana:

MEXICO, Sept 27, 1847.

You will have seen by the public papers the unfortunate events which have occurred in this country, but console yourself by the fact that we have not incurred the ignominy of a disgraceful peace, and be assured that unfortunate as we are, as humiliating as may be our condition, that of the enemy is daily becoming worse. Santa Anna has resigned the Presidency, and is fighting the Americans near Puebla.

Our army has gone to Queretaro, where it is intended to reorganize it for the continuation of the war, which in my opinion has but just begun, since the popular effervescence after what has happened at the Capital is daily increasing. Peña y Peña, the Chief Justice, now occupies the Presidency. He is decided in favor of the war. He is a man of known probity, and we all believe will bring the war to a successful termination. Santa Anna has 2,000 cavalry, which with 3,000 infantry under Gen Rea, are at Puebla, occupying the most elevated hights and doing great injury to the enemy. The latter have thrown into the city more than three hundred shells and grenades.

From South America.

From the New-Orleans Picayune, 17th.

VENEZUELA.—By the way of Havana we have later accounts from South America. The *Diario de la Marina* has dates from Caracas to the 4th of September. The President of Venezuela had withdrawn the nomination of Gen. Paez as commander-in-chief, and other military officers, the crisis for which they had been made having passed. The country appeared to be tranquil, although the Government was called upon from some sections of it for troops to put down bands of robbers composed of numbers of the dispersed factions.—The President, in announcing to Gen. Paez the withdrawal of his nomination, thanked him for the eminent services he had rendered his country, and the latter in reply professed his readiness at all times to leave his retirement at the call of the country to maintain tranquillity and order.

There is already a strong opposition organized to the Administration of Gen. Monagas, although he has been so short a time in power. It was principally founded upon objections to his appointments to office.

A defalcation of $48,000 has been detected in the Cashier of the port of Laguayra. The most rigorous judicial proceedings had been instituted in the premises.

NEW GRANADA.—President Mosquera left Bogota toward the end of July, on a tour to the provinces of the South, the Isthmus, Magdalena and Antioquia, with a view to promote commerce, intercommunication, and other local improvements. His tour would be extended through five months.

ECUADOR.—The aspect of affairs in this country threaten a revolution. The family of Gen. Flores is said to be in the greatest distress. The local news from this country is without interest.

LET JUSTICK BE DONE.—The desertion of a number of men from the American army, and their capture and execution near the City of Mexico, has given rise to many remarks calculated to reflect on the patriotism of certain adopted citizens of this country. It has been thought, and we confess that this was the impression left on our minds, that the battalion alluded to were mostly from the Emerald Isle. The *The New-York Police Gazette* contains the names and places of nativity of that infamous set of scamps, from which we are sorry to learn that a large portion were Americans. They are classed as follows: Americans 64, Irishmen 34, Germans 16, Scotch 4, and one each from England, Nova Scotia, France and Poland. We publish this account that unjust reproach may be taken from the shoulders of those who do not merit the censure. Let all bear their part. [Raleigh (N. C.) Register.

DUTCH SETTLEMENT OF PELLA.—This is the name of the town located by the colony of Holland emigrants, who passed through the southern section of the State to their new home in Marion County. The colony comprises between eight hundred and a thousand persons, and a large accession to their number is expected in the Spring. They are Protestants, and left their native country on account of political and religious intolerance. On their departure from the Netherlands, all political connection with their mother country was dissolved, and on the 17th inst most of the men having declared their intention to become citizens of the United States, took the oath of allegiance. Of the two hundred, but two made their mark. This speaks well for their intelligence. Mr. Schault, President of the Association, is a gentleman of enterprise and learning. He was a student of the University of Leyden at the time of the Belgian insurrection, and took a conspicuous part in vindicating the rights of his country. In his zeal in advocating the cause of political and religious liberty, he suffered much persecution and even imprisonment at Utrecht. In the broad prairies of the West, he and his followers have sought that liberty of conscience which was denied them in their own homes. The purchase occupies two entire townships, situated in the northeast corner of Marion County, and extending over that body of land lying between the Des Moines and Skunk rivers. [Burlington (Iowa) Hawk Eye.

GERMAN COLONY IN TEXAS.—We understand that a difficulty has arisen between the German colonists and the government respecting the number of emigrants that are entitled to lands under the colonial contract. The colonists assert that all emigrants who have arrived in the country, including those who have died before they settled on the colonial grant, are entitled to lands. It is urged on the contrary that those only who have settled within the limits of the colony, are entitled to receive lands. This is a question of great importence to the colonists, as it is estimated that upward of a thousand emigrants have been sent from Europe to Texas, who have not settled in the colony. The expenses of transporting them to Texas have been defrayed by the company, and large sums have been expended to support them after their arrival, with the ultimate object of settling them upon the colonial tract. Many of them have died, and others have refused to remove to the colony and have settled in other portions of the State. A few have emigrated to other States of the Union. [Houston (Texas) Telegraph, Sept. 30.

HORRIBLE MURDER.—A Mr. J. Clipfell, a highly respectable old gentleman of Colon, in this County, has, for a long time, been living with a son who was of intemperate habits. At about 4 o'clock on Wednesday morning, the 6th inst. the son called his father out of the house on some pretence, when he struck him with a large iron bar, so severely fracturing his skull that he died in about an hour. After the horrible deed, the report of a gun was heard from an old brewery, distance some few rods from the scene of the murder. On repairing to the place, the wretch was found at the head of the stairs, with his skull blown nearly away—having closed up the bloody drama with the destruction of himself. The frequent expostulations of the old gentleman with his son, on his intemperate course, and some other difficulties of long standing, are the only known causes for these horrible proceedings. The father's age, we believe, was 89, and the son's 51. [St. Jo. (Mich) Rep.

☞ THE ENGLISH MAIL STEAMERS to the Gulf of Mexico will, according to a recent arrangement, run to the Bahamas, New-Providence, Havana, New-Orleans, Tampico and Vera Cruz, returning upon the same route. A steamer is to start every month. At New-Orleans the landing point is Cat Island, which is on the track to Mobile, and by means of a railroad and ferry can be reached from New-Orleans in eight hours. Cat Island is healthy at all seasons, and the new arrangement will be likely to furnish a very desirable escape for the citizens of New-Orleans from the unhealthfulness of their own city during three or four months of the year. The plan is likely to facilitate the trade of New-Orleans in all directions. [Jour. of Com.

EMBARKATION OF MISSIONARIES.—Rev. Samuel G. Dwight and Rev. Henry Kinney and wife embarked this morning in the bark Samoset for the Sandwich Islands, where they go as missionaries under the patronage of the A. B. C. F. M. Rev. George H. Atkinson and wife go in the same vessel, under the direction of the Home Missionary Society, destined to labor in Oregon City. Religious services were held on the deck of the Samoset, a little past 11 o'clock, being conducted by Dr. Anderson, in the absence of Rev. J. S. Clark, who was expected to have been present for that purpose. Many friends of the missionaries and others were present.—There are seven other passengers in the Samoset, in all, twelve; five ladies and seven gentlemen. [Boston Traveller, 23.

THE ALLEGED HOMICIDE AT SEA.—On Saturday, a final hearing in the case of the United States *vs.* Abraham Morrell, master, and Wm. Smith, steward, of the brig John Potter, charged with poisoning John Denham, first mate of that vessel, at sea, was had at Philadelphia, when the defendants were committed to answer. The *Philadelphia Ledger* says, "The trial will probably be commenced immediately in the Circuit Court of the United States for this District.

DISTINGUISHED VISITERS.—The Marchioness of Wellesley, a grand daughter of Charles Carroll, of Carrollton, accompanied by her relative, Mr. M'Tavish, expected to embark at the close of the past week, for the United States, on a visit to her family connections in this country.

Morse's Telegraph vs. House's.

TO THE PUBLIC

CINCINNATI, Oct. 5, 1847.

On my return to this city this morning, a friend placed in my hand the *Cincinnati Gazette* of yesterday morning, in which is an article over the signature of R. E. House, implicating Mr. Kendall and myself, as the representatives of the Patents of Prof. Morse for the Electro-Magnetic Telegraph, *to vindicate a suit against him to test the validity of his Patent for a Printing Telegraph*, as an infringement upon the Morse Patents.

He publishes a letter which he addressed to Mr. Kendall and myself on the 28th ult., and to which he alleges he has received no answer from us—which may be true.

His letter is published to show, I presume, how sedulously he has labored to become the hero of a law-suit against the Morse Patents.

But, notwithstanding he says he received no answer from Mr. K. and myself, we wrote him promptly on the day following the receipt of his letter, and in the absence of all other known direction, placed it in the Post-Office of this city for him, on the evening of the 28th ult. It is singular that, up to the 4th instant, the day on which he makes public his letter to us, he should have been so lucky as to be able to say he had received no answer, and thus excuse himself from putting the answer before the public in juxtaposition with his letter. But so it seems to have been his luck.

This one-sided position he has given the matter before the public, compels me (in the absence of Mr. Kendall) to make the other side public,—and, that both may be seen together, I republish, with our answer, Mr. House's letter.

But let it be remembered that neither Mr. Kendall or myself *call in question the validity of House's patent.* See answer below:

By sught which that patent calls for under the decision of the Patent Office, we are in no degree concerned or disturbed. To make plain what that Patent is, and what it is not, I place before the reader, in this connection, the correspondence of Mr. Kendall with the Commissioner of Patents. For any use that can be made of the House Patent, within its legitimate scope, we care not the weight of a feather.

Nor as now advised, for all that it also is under the necessity of drawing stealthily and circuitously upon the Morse Patents, in order to be used at all, do we deem the House Patent worth the brass of which his instruments are made; and yet, I would detract nothing from the ingenuity of its conception. As compared with the simplicity of Morse's invention, it is complicated and involved as the child's story that describes "the House that Jack built."—The public is aware, that I have for the Morse Patentees proposed to abandon all claim upon, or interference with the entire line of wires constructed from Philadelphia to Louisville, to the builders of it, *if they will confine their work to the House Patent, and abandon the use of Morse's.* BUT THIS PROPOSAL HAS NOT AND WILL NOT BE ACCEDED TO!

It is due the Patentees of Morse to say here, that they deem the whole secret of House's importuning them to make a litigated matter with him, of a thing we neither value nor fear, except as a cover to pilfer from the reputation and performances of Morse's instruments, to be in the desire of Mr. O'Reilly and associates to use him as a decoy to draw the Morse Patentees from an unembarrassed and naked vindication by the latter of their rights that are now most lawlessly trespassed upon by the former, under cover of an expired contract. Mr. O'Reilly's associates are now made responsible parties, and against them the Morse Patentees are now proceeding. And if Mr. House really desires a share in a law suit that will have something serious and valuable to act upon, he will find his purpose by a change of tip from his former position of this same O'Reilly's public and private ridicule, and from his present one of mere employer, to that of a partner with O'Reilly and associates.

The documents to which I invite the reader's special attention below, are,

1st. Mr. House's Letter to Mr. Kendall and myself.
2d. The answer thereto.
3d. Mr. Kendall's Letter to the Commissioner of Patents.
4th. The answer thereto. FRANCIS O. J. SMITH.

Mr. House's Letter.

CINCINNATI, September 23, 1847.

GENTLEMEN: I address you as being one a part owner, and the other Agent for the rest of the owners, of the patents obtained by Professor Samuel F. B. Morse, for an "Electro-Magnetic Telegraph." The purpose of this communication is to inform you, that on the 16th day of April, 1846, I also obtained from the United States a patent for a Telegraph, which I have named the "LIGHTNING LETTER PRINTER;" and that I am now using machines for which I obtained such patent, on a line from this city to Louisville.

In communications purporting to emanate from both of you, and to be published by your authority, you have asserted that I have no right to use such machines for telegraphic purposes, without your "consent;" and that to use them would be an "infringement" of the patents granted to Professor Morse. Such publications, *if untrue*, are calculated to do me an injury, and should be disavowed; *if true, or believed* by you to be true, it is a duty which you owe to *the public* and *to yourselves* to subject the matter to the proper inquiry before the *judicial tribunals of the country.* Indeed, it is a duty you owe to me, as I conscientiously believe that I have the right to use the said machines *without your "consent,"* and the course you have pursued has *injured* and still *continues to injure* what I conceive to be my *just rights.* And I therefore most respectfully REQUEST YOU TO TELL ME WHETHER BY PROPER PROCEEDINGS to TEST THE ACCURACY of the ASSERTIONS YOU HAVE SO PUBLICLY MADE. Respectfully yours,

ROYAL E. HOUSE.

Hon. F. O. J. Smith and Hon. A. Kendall.

Answer.

Pearl-Street House, CINCINNATI, Sept. 29, 1847.

SIR: We have received your letter of the 23d instant, in which you inform us that on the 16th day of April, 1846, you obtained a patent from the United States for a Telegraph which you have named "*The Lightning Letter-Printer,*" that you are now using machines for which you obtained such patent, on a line from this city to Louisville, and in view of our alleged declarations that you had no right to use such machines for telegraphic purposes, and that such use would be an infringement upon the Morse patent, and of the injury such declarations have produced and are producing to your interests; you request us, as a thing due to the public, to ourselves and to you, to institute the proper proceedings to test the accuracy of our assertions.

We are before aware of the existence of a patent granted you on the 16th day of April, 1846, for what, in your specification, you call the "*The Magnetic Letter-Printing Telegraph.*"

From the correspondence of dates, we presume this is the same invention you now call "*The Lightning Letter-Printer,*" and the same which in England assumed the name of "*Bertels's Subterraneous and Oceanic Electric Printing Telegraph.*"

We are not aware of having done you any *wrong* by our publication, whatever may have been the *injury.* Your agent or partner in England claimed all the performances of Morse's Telegraph in this country, as the work of yours or Bertels. We have exposed that fraud in so decisive a manner, that you have not ventured to deny it. Your friends in this country have made publications equally unfounded, a specimen of which has just presented itself in an article from the Pennsylvania Enquirer, which states that your machine is now in "full operation from Philadelphia to Cincinnati," by which "messages are received and forwarded with perfect ease." The results are truly wonderful, &c. &c. No wrong is done to you by connecting falsehoods so monstrous, and reclaiming for Professor Morse the merit of these wonderful performances.

If you suppose that we deny your exclusive right to your machine *as patented*, you are in error. It is only the use of that which is *not* patented to you, and is patented to Prof. Morse, to which we object. We claim that you cannot work your machine without using a power and a combination already patented to Prof. Morse, we but state a fact which is undeniable. That the Electro-Magnet is used in put your machine in motion; that you claimed a patent for it in that connection; and that the claim was rejected at the Patent Office, expressly on the ground that it interfered with Morse's patent, is shown by documents from the Patent Office, now before us. In stating this fact to the public we do you no wrong.

We cannot but think that your request that we will institute proceedings to test your right to use your machines on the line from Cincinnati to Louisville is made without reflection.

The right of those who may have previously acquired the right to use Morse's inventions, to use yours also, cannot be contested. You are aware that Mr. O'Reilly claims a right to use, and is actually using Morse's inventions on the line in question, and if he sustains that claim, he will at the same time sustain a right to use yours. If your request had come accompanied by Mr. O'Reilly's disclaimer of all right to use Morse's inventions on this line, and at the same time he had ceased to use them, it would have presented itself in a more serious aspect.

We have farther to say that if you use nothing which conflicts with Morse's patents, as decided by the Patent Office, you are in no danger of interruption from us. As at present advised, we do not expect to sustain any injury to our interests from your machines, with or without the parts conflicting with Morse's patents, other than the bewildirment they produce in the public mind; and should you attempt their use on lines where no right to use Morse's is claimed, we must be our own judges as to the time and manner of vindicating our violated rights.

In return for your kind suggestion of what is due to ourselves, we would also, in the same spirit suggest as an act due to the public, to Prof. Morse, and especially to yourself, to put an end, both in Europe and America, to the barefaced appropriations of the performances by Morse's Telegraph to the credit of your inventions.

Very respectfully, your ob't serv'ts,

A. KENDALL, F. O. J. SMITH.

Mr. R. E. House, Cincinnati.

Mr. Kendall's Correspondence with Commissioner of Patents:

WASHINGTON, Sept. 11, 1847.

SIR: Assertions of the following tenor have been made in various parts of the United States for the purpose of raising money under pretence of building lines of Telegraph, viz:

1. That Charles B. Moss has obtained a patent for a system of telegraphing different from that of Samuel F. B. Morse, and not incompatible therewith.
2. That a Mr. Pease has a patent for another system different from Morse's, and not incompatible therewith.
3. That Mr. R. E. House of New-York, has a patent for a system of telegraphing not inconsistent with that patented to Samuel F. B. Morse.

As well to put a stop to impositions as to protect the property of Samuel F. B. Morse and his assignee, I ask of you the favor to answer the following questions, viz:

1. Has Charles B. Moss a patent for any system of telegraphing, or has he applied for one?
2. Has Mr. Pease a patent for any system of telegraphing, or has he applied for one?
3. Did not Mr. R. E. House set up claims which were decided, both by the examining clerk and yourself, to be incompatible with claims already patented by Samuel F. B. Morse? What were the claims so rejected? Is there not an appeal from your decision to the Circuit Court?—Did Mr. House take an appeal, or did he acquiesce in your decision? What was left of Mr. House's system, after the rejection of these conflicting claims?

Designing your reply for the information of the public, I desire only so much detail as may be necessary to make the truth plain to the common understanding.

With high consideration, your obedient servant,

AMOS KENDALL, Agent.

Hon. Edmund Burke, Commissioner of Patents.

Official Reply.

PATENT OFFICE, Sept. 13, 1847.

SIR: In reply to the several inquiries contained in your letter of the 11th inst. I have the honor to state, first, that no application for letters patent for improvements in telegraphing has ever been made to this office by Mr. Pease or Charles B. Moss; secondly, the application by Royal E. House for letters patent for a printing telegraph, filed in this office Sept. 27, 1845, contained ten claims to various improvements, eight of which were admitted, and two rejected on the ground of interference with the patent of Samuel F. B. Morse. Mr. House being dissatisfied with the examiner's report upon his claims, requested me to make a personal and careful examination before a final decision. After full compliance with his request, I informed him by letter that his ninth and tenth claims conflicted with the claims of Mr. Morse, and that if he could prove priority of invention, the claims could be allowed; that no interference could be declared with Mr. Morse's patent, and the parties summoned to produce evidence of the dates of their inventions; that there was also a remedy provided by law in this case, by appeal to the Chief Justice of the District Court of the United States for this district, and also by bill in equity. Mr. House withdrew the two objectionable claims without appeal from the decision of the office, and a patent was accordingly granted upon the eight claims, or their substance. The ninth and tenth claims objected to are as follows:

"Ninth, I claim the application and use of the coils of wire with the movable magnets represented in part 2, fig. 3, of sheet I, and part 2, fig. 1, of sheet III, of the annexed drawings, for the purpose of giving motion endwise or longitudinally to said magnets by a current of electricity or galvanism passing through or along said wires, as herein described. Also the combination of said magnets and coils with the other mechanism described, for the purpose of applying the electric or galvanic force to regulate the motion of the other parts.

"*Tenth*, I claim the combination of the parts of the apparatus shown by part 3 of fig. 1 of said sheet III, of the annexed drawings, and their combinations with the machinery of Part 2 of said fig. for the purpose of breaking and closing the second circuit, as herein before described."

The above are the facts, as appear on record, as answering to your several inquiries.

A copy of Mr. House's patent, with the eight claims allowed, will be furnished if desired.

I have the honor to be, respectfully, your obedient servant, EDMUND BURKE.

Hon. Amos Kendall, Washington, D. C.

NOTICES.

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