SOUTH AMERICA.

Sketches of Nature, Society, Trade and Politics in Brazil and Chili.

Correspondence of The Tribune.

North Pacific Ocean, Lat. 6° N. Lon. 112° W. }
On Board Brig Amazon, Sept. 29, 1850. }

Horace Greeley, Esq.: *Dear Sir:* I am still *en route* for California, nearly five months having elapsed since I sailed from New-York. I now write you from the cabin of an American brigantine (commanded by Capt. Wm. J. Watts, of Baltimore) in which I took passage from Valparaiso, in order to avoid a detention of several weeks at Panama. I am in the midst of the Pacific ocean, and from this prison of waters you will hardly expect to receive important tidings from me. But I find that in my letters from Rio Janeiro and Valparaiso there were some matters of interest, to which, on account of extreme haste, I did not allude at all. Indeed, the intelligent voyager to South America will always find subjects worthy of his attention and study, which cannot be noticed in the columns of a newspaper.

SOUTH AMERICAN RUINS.

In all the cities of that country we discover signs of past splendor and present poverty. No where is the appearance of decay so striking as in the ruins of ancient buildings. Magnificent churches, whose vaulted roofs have echoed to the fearful *Dies irae*, and whose neighboring cemeteries teem with the carcases of illustrious dead, are crumbling into gloomy ruins, carrying with them the recollection and the knowledge of their sublime architecture.

"A glorious remnant of the Gothic pile
(While yet the Church was Rome's,) stood half apart
In a grand arch, which once screened many an aisle."
* * * * * *
"Within a niche nigh to its pinnacle,
Twelve Saints had once stood sanctified in stone."
"But in a higher niche, alone, but crown'd,
The Virgin mother of the God-born child,
With her Son in her bless'd arms looked round."
* * * * * *
"A mighty window, hollow in the center,
Shorn of its glass of thousand colorings,
Through which the deepen'd glories once could enter,
Streaming from off the sun-like seraph's wings,
Now yawns all desolate: now loud, now fainter,
The gale sweeps through its fretwork, and oft sings
The owl his anthem, where the silenced choir
Lie with their hallelujahs quench'd like fire."

Nor are the relics of regal palaces and Franciscan convents wanting to make up the picture. They loom up from the midst of deserted plains, grand even in their decay. They carry us back in imagination to those stirring times when the royal court of Portugal, of which the Brazils were then a colony, migrated to the New World, and planted its scepter upon the summits of the gigantic Andes. They teach us that human works are perishable shadows, dust in the nostrils of the Omnipotent.

THE SPANISH-AMERICAN RACE.

The destiny of the country seems to be a semi-barbarism—else why is it that, with equal facilities, they are so far behind the English race? Why is it that a people possessing one of the most favored countries on the globe, are so deficient in the knowledge of the glorious arts of peace and the less glorious art of war? The spectacle of ignorance and imbecility presented at this moment by South America, furnishes the world with a solution of the great problem of civilization. It is this: that it is the mission of the Anglo Saxon family of men to civilize the world; and that the more extensive the infusion of that people with the other races of mankind, the more rapid will be their advance in all the arts and elements of civilization.

OPERAS IN RIO JANEIRO AND VALPARAISO

Some of the South Americans possess a musical taste, quite as unexceptionable as that displayed by the "Committee of Subscribers" to our own Opera. Operas are supported in Rio Janeiro and Valparaiso upon a scale of magnificence which I have never witnessed in New-York. Indeed an Italian operatic troupe may be found in every city of importance in South America. In Rio Janeiro the emperor and his family are scrupulously regular in their attendance at the Opera; and in Valparaiso it is mainly supported by the foreign residents, of whom there are many wealthy and enterprising. I attended the Opera in Valparaiso—I think "*I Puritani*" was the piece performed—and it was given with ability and marked effect. The instrumentation was exceedingly accurate and beautiful; the orchestra numbered about forty persons. The choruses were defective; the prima donna reminded me strongly of Truffi; her acting was graceful and elegant, and her voice, which gave evidence of the highest cultivation, possessed a sweetness and purity which I have never heard excelled. Similar praise might be justly awarded to the basso and tenor. The costumes and scenery, as well as the audience and the building itself, showed the presence of wealth and refinement.

VALPARAISO.

The lucrative business of Valparaiso is almost wholly monopolized by foreigners. The best mechanics and the richest merchants are foreigners; the natives do not seem to possess sufficient business tact to enable them to compete with the American, English and Scotch residents. The natives are in fact merely "hewers of wood and drawers of water," while the more enlightened Anglo Saxons amass colossal fortunes with ease and rapidity. Valparaiso (which rendered in English means, I suppose, "Vale of Paradise") is the most important commercial port in the Pacific ocean. The amount of shipping in the harbor seemed to be nearly equal to that which we see approaching the harbor of New-York. There is an extensive trade carried on with the interior; the ancient mode of transportation by mules is still universally practiced. I have seen droves of these animals numbering several hundred in each, coming into the city helter-skelter, all heavily laden, and without any other guide than one or two pedestrian drivers. An abundance of wheat and potatoes of an excellent quality are grown in Chili. Vegetables, consisting of pumpkins, beans, onions, &c. &c. grow almost spontaneously and are fully equal, and in many instances superior to our own. The soil must, therefore, be very thrifty and productive.

SCENERY AROUND PERNAMBUCO.

The country in the neighborhood of Pernambuco (Brazil) is exceedingly beautiful. While in that city I procured a horse, and in company with two friends, rode out to the "Baden-Baden" or "Newport" of Brazil, to which the wealthy residents retreated during the prevalence of the yellow fever in the city. The country through which we rode abounded in groves of figs and cocoanut trees and smiling pastures, while ever and anon vast gardens, overcrowded quite with fragrant flowers, would greet our eyes. My botanical education being somewhat limited, I could not find names for the multitude of flowers; I could only pause, and ejaculate "beautiful; oh, how beautiful!" There are many princely residences in the environs of Pernambuco; the architecture is evidently an importation of the Arragonese or the hidalgos of old Spain. They are generally square and massive buildings constructed of the most durable materials; they are without those gaudy ornaments which mar all art, but they are nevertheless imposing and elegant.

The style of buildings in Valparaiso is inferior; I did not see a single building in the town worthy of note. There are in Valparaiso several restaurants or eating and drinking houses on a scale similar to Florence's in New-York; these houses were swarming with Americans and English, all eating and drinking and chatting with that sort of eagerness which is, I believe, peculiar to the universal nation.

CHILIAN VEGETATION.

The town of Valparaiso lies, gracefully enough, in the lap of a range of mountains more remarkable for their fantastical shapes than for their hight. A carpet of green covered their summits; specimens of the cactus plant, of the most rare and beautiful species, might also be seen growing luxuriantly and spontaneously. I thought how dearly some of our lady florists in New-York would prize these specimens of the cactus; without any tending or cultivation, they exceed here any of the species which I have seen at home.

THE VALPARAISO PRESS.

For the information of the compositors up stairs, including my good friends, Rooker and Gale, I will state that the printers of Valparaiso, are, as a class, very inferior to their brethren in New-York. The printing offices too are not regulated with that regard for good order and cleanliness for which American printing offices are remarkable. The type and cases are execrable—the presses antiquated and worn out hand machines—the printers wretched creatures—and the prices 12½ cents per 1,000 ems! I can hardly believe that these people know there is such a thing as a steam press in existence; and if Mr. Hoe would send out one of his presses I think he would find a purchaser for it. The leading daily papers are the *Mercurio* and the *Impressario*; the Government is interested in one or both of these papers, and would, no doubt, buy a press for them if a good opportunity offered. They have a good circulation, and are making money. Their printers, however, do not understand the rights and the dignity of labor as they are understood in the United States.

THE FEVER AT RIO.

You have been fully advised of the late dreadful mortality in Rio Janeiro in consequence of the introduction there, by a slaver, of a kind of fever peculiar to the coast of Africa. At the period of my departure from Rio, some three months ago, the disease had partially subsided; but in consequence of the near approach of warm weather, its reäppearance, in a more dreadful form, was daily apprehended. I learned during my stay that so profoundly impressed was the Government of the necessity of doing something to prevent a revival of the disease, that the Cabinet was discussing the propriety of shutting its ports against all vessels from the coast of Africa. Such a measure would seriously affect the slave trade, which, in spite of the laws of Brazil and her treaty stipulations, is still carried on.

THE SLAVE TRADE.

There are to the Brazilian Government other conclusive reasons why an embargo should be placed upon vessels from the ports of Africa. One which might be urged, was the prospect of difficulties between Brazil and England, arising from the severe and active measures which the latter country is taking against vessels engaged in the slave trade. The English Government has signified, in various ways, its belief that the Government of Brazil secretly encourages the slave trade. Hence the ports of Brazil are constantly blockaded by English men-of-war, and every vessel entering or departing is boarded and searched, if in the judgment of the English, there are good reasons for suspecting that she is a slaver. I have already informed you that the American steamer Confidence, from New-York, in which I entered the harbor of Rio Janeiro, was boarded off that port at 4 o'clock, A.M. by an armed boat from an English vessel of war. This incident is a conclusive proof of the accuracy of the statement which I have just made respecting the searching system.

PARTIES IN BRAZIL.

From the best intelligence which I was enabled to gather in Rio Janeiro during a very brief stay in that city, I was persuaded that there were some good grounds for the suspicions entertained by the English in relation to the supposed encouragement given to the Slave trade by the Brazilian government. There are in Brazil two distinctive parties—distinctive and antagonistic, not in politicts alone, but in Society, and in the various commercial and financial enterprises in which that country is so largely engaged. One of these is called the Portuguese party—the other the Brazilian party. Both are represented in all the departments of the government; but their strength is unequal; the Portuguese party is the strongest, not in blood and sinews, but in money and in intellect. The Portuguese party is represented in the person of the Emperor, who is brother to the present Queen of Portugal. The influence of the Church, which in Catholic countries is always overwhelming, is also enlisted on the side of the Portuguese. They are in fact the great monetary and monarchical power of the country which the Brazilians only half succeeded in throwing off in the late revolution. The Brazilian party is the popular party—the strongest numerically, but the weakest in talent and money. The animosity subsisting between these parties is most inveterate and irreconcileable. It is a deep and implacable hatred which can only be eradicated by the utter extinction of one or the other. The identity of these parties will be sufficiently indicated when it is observed that one is "the party of the people," and that the other is "the monarchical party." The last is the party which it is universally conceded, secretly encourages the slave trade while the former discourages it by every means in its power. So far then as the Brazilian or popular party is responsible for the acts of the Portuguese, in their individual but not in their public capacity, (for the Portuguese representatives in the government profess to be warmly opposed to the slave trade) so far they are amenable to the charge which is made against "the government of Brazil" of encouraging the slave trade. The truth is that the masses of Brazil are cruelly oppressed by the lordly Portuguese; and that if they must suffer the horrors of war they will have to bear it as one of the train of evils which despotism and misrule has brought upon them.

Yours, &c. W. A. C.

FROM WASHINGTON.

The Union Convention at Washington likely to be abandoned.

Correspondence of The Tribune.

Washington, Friday, Jan. 3.

It is becoming evident that the call for a Union Convention of the different States to meet here on the 22d February will not be responded to in the manner which was anticipated by the original movers. If it is held at all it is painfully certain that it must be a weak and puerile demonstration which would inevitably weaken instead of strengthen the cause of Union. A few weeks since, even, there seemed to be some little necessity for reässerting that attachment to the Union of the States and to the Federal Government which is so universally and unanimously entertained North, and which is comparatively but slightly weakened South. But now we have Congress in session, pacifically and peacefully proceeding with the public business and exerting upon the country the most beneficial influences in the direction of peace, harmony and conciliation. The fires of disunion are smoldering even in South Carolina and they have entirely gone out in Georgia and Alabama. The American people are quietly engaged in their usual pursuits; why then disturb this returning repose by an assemblage like this at the seat of the National Government?

If it is to be a mere political Convention, designed for President making, and it will be difficult to convince any man at all conversant with politics that it is designed for any other purpose. The projectors can arrive at the end proposed without disturbing the existing calm, or opening anew the agitation of the last twelve months.

The Union of this morning advocates the Convention, but fails to show what good it can effect. It significantly intimates in very plain terms that the Democracy will not merge itself in any new political organization. It is unquestionably of the opinion, however, that it would be an excellent thing if the Whig party could be split up by this new plan of a Union Party and set adrift at the next Presidential canvass, to float about for the next twenty years, while the Democracy fatten upon another Jackson era.

Mr. Cass, however, knows that his chances are not with the Union party, and other gentlemen are beginning to be afraid of it since Democrats are beginning to draw back. Messrs. Cass, Webster and Clay have within the last forty-eight hours expressed their disapprobation of the proposed Convention. They can see no advantage which can possibly accrue from it, since excitement upon the subject has died away, and the state of things which could give it moral force have ceased to exist.

The Senate, as will be seen, are going on with the California land title bill, Mr. Benton's substitute to Gwin's bill being now before the Senate. When the merits of the case become more apparent, it will become an interesting as well as important subject for comment. At present it does appear that the mode in which Mr. Benton's bill proposes to get at the validity of titles is more nearly in conformity to that strict justice of which this Government ought to be (though it is not) the exemplar than any proposed or likely to be proposed. It provides for the ascertainment and confirmation of all good and valid titles by summary and simple process, and at the expense of the United States. Wouter Von Twiller.

☞ Ex-Gov. Fish returns, in a few days, with his family, to New-York, where troops of friends and cordial greetings await him. He leaves at Albany enduring recollections of his integrity and patriotism as a Chief Magistrate and of his virtues as a citizen. [Alb. Journal, Friday.

Tribune's Special Dispatches.

From Washington—Gov. Quitman, &c.

Washington, Saturday, Jan. 4.

Gov. Quitman refuses to answer the indictment in the Cuban case until he ceases to be Governor of Mississippi.

The *National Intelligencer* commences to-day a history of the Disunion projects, &c.

By Telegraph to The New-York Tribune.

Washington Items.

Washington, Jan. 4.

The Union National Convention for the 22d February being deemed unnecessary by its original friends, the movement will not be carried through.

The U. S. frigate St. Lawrence has finally been selected as the National Vessel for transporting articles to the World's Fair at London.

The Weather, &c.

Buffalo, Saturday, Jan. 4.

We had another old-fashioned snow storm last night, which is still raging, with a high wind from the north. Snow drifting badly; thermometer 24 degrees, barometer 29.

8 P.M.—The wind is blowing from the northwest. The thermometer is 12 degrees above zero. No train is yet in from the East. The storm has passed over, and we have a prospect of fine weather.

Rochester, Saturday, Jan. 4.

A heavy storm of snow and wind, fully equal to any of the season, is now raging. Snow fell last night to the depth of four inches. Thermometer 20 degrees. Wind from the northeast, and drifting.

8 P.M.—We have a sharp piercing wind from the northwest. The thermometer is falling fast, and is now only 10 degrees above zero. It has snowed by spells all day. About five inches have fallen since last night.

Oswego, Saturday, Jan. 4.

It snowed during the night. Wind from the northwest, and rising fast. Every appearance of another heavy storm. Thermometer 18 degrees.

7 P.M.—We have a very high wind from the northwest, accompanied with severe snow squalls. It is a very boisterous night. The thermometer is 17 degrees above zero.

Syracuse, Saturday, Jan 4.

Snowed quite hard all last night, and still continues. Wind north; thermometer 15¼ degrees.

8 P.M.—There is a high wind from the northwest, and it is snowing very hard. The thermometer notes 15 degrees.

Utica, Saturday, Jan. 4.

Weather stormy. Some three inches of snow fell last night. Wind south-east; thermometer 17 degrees; barometer 29-180.

8 P.M.—It is now clear and cold. The storm of this morning ceased about 11 o'clock. The wind then changed to the northwest, and the weather has grown colder. The thermometer indicates 10 degrees, and the barometer is rising. A few miles north of the city, the snow is four and a half feet deep.

Albany, Saturday, Jan. 4.

Snowed all last night, and still snowing; about three inches fell during the night. Wind northwest; thermometer 15 degrees.

8 P.M.—The weather is pleasant, but cold, and the wind is blowing very strong from the west. The thermometer is 14 degrees above zero.

Troy, Saturday, Jan. 4.

Thermometer 15 degrees. Snowed last night to the depth of three inches. Wind west. Weather heavy, and still snowing.

8 P.M.—The wind is strong from the west, and the thermometer is 11 degrees above zero. It is a clear, starlight evening.

Montreal, Saturday, Jan 4.

Thermometer 2 degrees below zero. Barometer 29 65. Snowing a little. Wind north-east.

Quebec, Saturday, Jan. 4.

The thermometer, in Lower Town, is 3 degrees above, and in Upper Town, 3 degrees below zero.

St. Johns, C. E. Saturday, Jan. 4.

The weather is fine, and very cold. The thermometer is 3 degrees, with a northerly wind.

Burlington, Vt. Saturday, Jan. 4.

The weather is cold and cloudy. Wind from the north, with a slight fall of snow. Thermometer 5 degrees.

XXXIst CONGRESS....Second Session.

Washington, Saturday, Jan. 4.

The Senate is not in session to-day, having adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

Mr. Buel introduced a bill to refund to Michigan certain money advanced for the transportation of Volunteers to Mexico during the war.

Mr. Young introduced a bill granting certain Lands for a Railroad from Terre Haute to Illinois Town. Both refeferred.

The House went into Committee on the Postage Reduction Bill.

Mr. Featherston (Opp.) of Mississippi, gave notice of amendments which he intended to offer, providing for the transmission of newspapers free of charge in the States wherein they are published, and beyond such States at a charge of half a cent per copy; and also providing for an increase of mail facilities.

Mr. Gerry of Maine was opposed to a uniform rate of postage. He was willing to submit to the charge of two cents for letters transmitted five hundred miles, five cents for a thousand miles, and for any greater distance ten cents. He thought that postage should be charged on all matter. A great deal of trash was sent by members free, more to tickle than to benefit their constituents; and those who never receive any documents should not be taxed for the advantage of those who do.

Mr. Watkins (Whig) of Tenn. was opposed to the bill, if it was to deprive his people of mail facilities, which was the result of the reduction of 1845. He was opposed to the abolition of the franking privilege, viewing it as the most direct medium through which the people can obtain information from Washington.

Mr. Sweetzer, (Opp.) of Ohio, opposed the bill, and expressed his surprise that his colleague (Mr. Potter) should be so blinded by the influence brought to bear on him. The petitions in favor of the bill originated in a common source, and were distributed all over the country for signatures, and enforced by hired agents of the scheme. The measure has in it an ulterior object—it is to increase the general expenditures of the country, that the tariff may be raised. He was opposed to the abolition of the franking privilege.

Mr. Root, (Free Soil,) of Ohio, intended to vote for the best reduction he could get, and argued that the Post Office Department should sustain itself; that all matter should pay postage, and in advance, and if the system could be established on this principle, then it could be determined at what rates of postage the Department could sustain itself.

The Committee then rose.

Mr. Potter, (Opp.) of Ohio, offered a resolution which was adopted, that the debate on the Postage bill shall close in two hours after the House shall again go into Committee on it.

Mr. Sibley, (Delegate from Minnesota,) introduced a bill authorizing Oregon and Minnesota to take charge of their school lands.

The House then adjourned.

Absentees in Congress.

A call of the House of Representatives on Friday, 3d inst. to ascertain the names of the Absentees, resulted as follows:

Absentees—Allen, Anderson, Andrews, Ashmun, Baker, Bennett, Bissell, Bowdon, Bowie, Brown of Indiana, Bullard, Cabell, Cable, Caldwell, Cartter, Colcock, Daniels, Dickey, Duer, Durkee, Evans of Md., Fowler, Giddings, Gilmore, Hackett, Haralson, Harlan, Harris of Ala., Harris of Ill., Hebard, Holliday, Holmes, Howard, Hubbard, Inge, R. W. Johnson, Jones, Julian, Kaufman, Leffler, Levin, Littlefield, Mason, McDonald, McDowell, McLane, Meacham, Miller of Ohio, Miller of Iowa, Morse, Morton, Nelson, Newell, Olds, Outlaw, Phœnix, Pitman, Reynolds, Root, Rose, Ross, Rumsey, Schermerhorn, Seddon, Spalding, F. P. Stanton, R. H. Stanton, Stephens, Thompson, Thurman, Wildrick, Wilmot, Wright.

Present..........154. Absent..........73.

Treasury Notes Outstanding.

The amounts of Treasury Notes outstanding on the 1st of January, 1851, were as annexed:

Treasury Department, Register's Office, Jan. 1, 1851.

Amount outstanding of the several issues prior to July 22, 1846, as per records of this office..	$138,761 64
Amount outstanding of the issue of July 22, 1846, as per records of this office	25,600 00
Amount outstanding of the issue of Jan. 28, 1847, as per records of this office	28,200 00
Total	$192,561 64
Deduct cancelled notes in the hands of accounting officers, of which $300 is under acts prior to July 22, 1846, and $100 under act of July 22, 1846	400 00
	$192,161 64

TOWNSEND HAINES, Register.

☞ Up in Franklin County they have snow in places 9 feet deep.

THE COURT OF APPEALS.

Comstock's Reports, Vol. IIId.

To the Editor of The Tribune:

The volume above mentioned, has not yet appeared. It may be interesting to the public to know that it is to be published by Gould, Banks & Co. at the low price of $1 50, there being no copyright. The Constitution provides that all laws and judicial decisions shall be free to all to publish. An Act was passed in 1848, authorising the publication of the Decisions of the Court of Appeals by *Contract*, without obtaining a copyright. An amendment was made last Winter, providing for a copyright of any notes or references made by the State Reporter. What the value of the notes or references may be, remains to be seen. It would seem likely, from some indications, that there will be a traditional or unwritten law, that is to say, unreported decisions, which the reporter may have confidential custody of, and which may be occasionally referred to in notes.

Some cases may be omitted as being of no great importance in principle; but sometimes such omission may occur for the contrary reason, that is, of being too important to be made to depend upon any written opinions.

The great case of the Dry Dock Bank, decided a year since, has not yet been reported. The opinion delivered by Justice Cady, which was, at the time, considered to be the opinion of the Court, appears to have been repudiated or thrown aside. It has been given out that other opinions were to be written, but it will be found difficult, after this lapse of time, to extricate the case from the doubts in which it appears to have been involved, and we shall, probably, not see it in the forthcoming volume of reports. The Dry Dock case will, therefore, it is to be expected, be one of those ominous decisions which occasionally loom up in the arguments of lawyers, or the recollections of Judges.

The case of Selden vs. Vermilya, which will be reported, will be worthy of some notice by the Reporter, that may, perhaps, deserve a copyright. I shall volunteer a few remarks which it shall be free to all to publish.

The question involved in this case, was whether a sale should be made of a large property, consisting in part of real estate and in part of personal. The property was held, or, at least, a copy thereof had been made with the intention of vesting the title in trustees. By an agreement of all the parties in interest under their hands and seals, it was covenanted, in consideration of the relinquishment of certain prior rights belonging to some of the parties, that the property should be sold by the trustees, upon due notice, by advertisement, and the proceeds divided pro rata, according to the respective rights of the parties. Mr. Selden, one of the parties to this agreement, commenced a suit to prevent the sale and have partition made, instead of the sale. A long litigation ensued, in which repeated decisions were made by the Supreme Court, both at Special and General Terms, against Mr. Selden, and by the Superior Court, where the cause was finally brought to a hearing.

The Court of Appeals have decided that there was a defective trust, and that the trustees could not give a title, therefore there must be a partition. The opinion only was delivered, in which the single point was discussed as to the validity of the trust in regard to *real* estate.

Admitting the soundness of the opinion as to the trust, it might have been questioned whether the conclusion would follow that partition should be made contrary to the express agreement of the parties, as the defective title could have been made good by a confirmatory deed, which the parties could have been compelled to execute. But this, at all events, related only to real estate. There was no suggestion in the opinion of any difficulty in regard to the personal property, which was in the actual possession of the trustees, and which, of course, they had the power to sell.

The decree, however, which was entered upon the decision, includes the whole property, real and personal: it also directs the payment back of all costs which Mr. Selden had paid under the various orders above mentioned, and allows him full costs and counsel fees, and that partition should be made for which purpose a referee is appointed, with power to inquire into the interests of the respective parties, and to make partition among such as shall be found to be entitled.

One is struck with astonishment at the aggregation of anomalies in this decree, and can hardly tell which calls most for comment.

Here is a decree for partition where the right of some of the parties is to be litigated before the referee, a thing unheard of in chancery practice, the rule being well settled that partition can be made only where the rights of all parties are admitted, and that adverse title cannot be tried in that form of proceeding. The payment back of interlocutory costs, it is believed, is also without precedent.

Then also as to final costs, if this is to be regarded as a suit in partition, all parties should be allowed their costs alike; or, if the general rule is not to be followed, and the merits of this particular case are to be regarded, why should costs be allowed to a plaintiff, who by a technical objection has succeeded in getting rid of his agreement? Costs, being discretionary, could have been denied by the Court. Was it a case calling for an allowance by way of indemnity for the very conscientious proceeding of this party?

But as to councel fees the allowance is without precedent and, I venture to say, without authority by statute.

Lastly, a partition is here made of personal property, held by trustees which the parties had agreed should be sold, and against which there was no legal impediment. If a covenant under seal has no more worth than this, it is well that it should be understood.

The report, perhaps, will not show the decree in full. This short note of the case, it is to be hoped, may be of service to some publisher who has not the benefit of a copyright.

JURISCONSULTUS DEDOCTUS.

The Census.

New-York.—The *Utica Gazette* has been furnished with the following additional returns:

	1840.	1850.	Farms.	Dwellings.
Before reported	586,183	680,114	54,270	123,660
St. Lawrence	56,634	68,634	6,233	11,737
Broome	22,348	30,660	2,497	5,644
Montgomery	35,801	31,913	1,924	5,358
Tioga	20,351	25,384	2,031	4,442
Herkimer	37,378	38,257	2,755	6,863
Chautauque	47,641	50,621	5,278	9,074
Oswego	43,820	62,150	4,582	11,056
Livingston	35,324	40,887	2,581	7,173

Disasters on the Lakes.—The *Buffalo Commercial Advertiser* of Saturday last publishes a detailed statement showing the loss of life and property on the Lakes during the past year. The vessels which met with disasters were 31 steamers, 9 propellers, 2 barks, 34 brigs, 88 schooners, and 6 scows—in all, 170. The loss of property was:

On Steamboats	$265,710
" Propellers	30,444
" Sail vessels	262,782
Total	$558,936

Ten steamboats, twenty-one sailing vessels, and probably one propeller, were entirely lost; the remainder were only partially damaged.

The loss of life was 395, of which 375 were on board steamers and 20 on sailing vessels. The steamers in which lives were lost were the G. P. Griffith, burned, 250; A. Wayne, exploded and sunk, 65; Commerce, sunk by collision, 38; America, explosion, 11; Troy, do. 9; Calumet, do. 1; Canada, gale, 1. The sailing vessels were, schooner Neptune, foundered, 7, all on board; schooner Martha Freme, wrecked, 7; schooner General Thornton, do. 4; two scows capsized, 2.

Many of these lives and much of this property have been sacrificed for the want of convenient harbors on our Lakes. There is not in the wide world a commerce so valuable as this which is left without the protection of its Government. The hostility of former Administrations to the construction of lake harbors is criminal. The loss of life, every year, on the Lakes, for the want of safe harbors, is frightful. Every Executive Veto of a lake and river improvement bill has cost hundreds of lives. How long is this crying injustice to be endured? [Albany Eve. Journal.

Fatal Accident.—Yesterday morning a most terrible accident occurred at Allen's Print Works, (North End) in this city. A man by the name of William Pollard became entangled in the machinery and was carried around by the shaft of the engine at the rate of 100 revolutions a minute. He was first discovered in this situation. Before the engine could be stopped both his feet had been torn from his limbs and were found from ten to twenty feet from him. He expired almost instantly. He was about 30 years of age, and leaves a wife in indigent circumstances.

[Norwich Courier, Friday.

AMERICAN AND FOREIGN MAILS.

Report of the First Assistant Postmaster-General.

Post-Office Department, }
Contract Office, Saturday, Nov. 16, 1850. }

Sir: The annexed table (marked A) exhibits the mail service of the United States for the last contract year. It represents the extent of the service as it stood at the close of the year, by the number of miles of annual transportation, the only common standard to which it can be reduced; and it presents the cost of the transportation in the annual prices at which that service was engaged. It may be well to explain, that, in the nature of things, it gives results at higher amounts than what the actual payments of the year, under the modifications and reductions that take place, would show.

As compared with a like table made for the year ending June 30, 1849, it shows an increase in the service of the last, over the preceding year, in all particulars—greater length of routes within the United States by 10,969 miles—more annual transportation thereon by the difference of 3,997,354 miles—more aggregate cost on transportation within the United States by the sum of $295,911—more cost in mail agencies and foreign service by $54,343—making the total increase of cost $350,254. That increase, from 1849 to 1850, is 12 7-10 per cent. in cost, and 9 4-10 per cent. in service.

The mail service in California, (and the trifling amount in Oregon,) performed within the last contract year, were too irregular, and too imperfectly reported and understood at the department, to be embraced in the annexed table.

On the 30th June last there were 5,595 United States mail routes in operation; there were 4,765 mail contractors; 100 route agents; 27 local agents, and 376 mail messengers. Table B will show how they were distributed among the different sections of the service.

In respect to the current year, commencing 1st July last, attention is called to the annexed table, marked C. It shows the annual prices, and the extent of transportation at which the mail service in the southwestern and northwestern section of the Union was placed under contract, at and since the last annual lettings, held in April and May last, for the term of four years, beginning with the 1st July, 1850. A quarter's performance of this service has already expired. The last year's service in those States and Territories, to wit—Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Missouri, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana and Texas—was the last performed under the contracts that expired on the 30th June, 1850, and sums up at 17,368,998 miles of annual transportation, and $943,592 of annual cost.

The new service now employed in those States and Territories, and in operation since the 1st July, 1850, stands at 19,241,940 miles of annual transportation, and $1,180,188 of annual cost—more this year than last by 1,872,942 miles and $236,696.

Here is one item—the difference in cost of transportation between the old and new contracts, in one of the four sections of the United States, that will increase the expenses of the present over the past year $236,696

This is the result of the last periodical lettings. The miscellaneous daily orders of the Postmaster General, directing changes, improvements, and enlargements of the mail service, in the three other sections of the Union, for the first quarter of the current year, will add the further sum annually, after deducting the amount of curtailments, of	$12,479
The placing of the steam mail packet Franklin on the New-York and Havre route, will add the cost of a half-monthly line, for about ten months	62,500
The service in California and Oregon, so far as officially reported for the current year, is	30,470

There is reason to believe that the actual amount will exceed that sum. The service in California is yet in a crude and unadjusted state. No routes have been established within it by Congress, until a very recent date. No mail transportation has been authorized, except the temporary service to be procured by the agent created by the act of August 14, 1848. What has been obtained has been for short periods, and on brief notices, and at high rates. The agency placed in charge of this anomalous service has changed hands three times. At so remote and difficult a point of operations, beyond the immediate reach of orders and advice from the head of the Department and its other offices, what is most needed is an adequate knowledge and practical familiarity, on the part of the agent, with the principles, rules and mode of proceedings in the arrangements of the mail service, in the letting of contracts, and other details; and this is not to be immediately expected, if the necessary experience is yet to be acquired. Sufficient time has not elapsed to receive information from the agent last appointed.

There are other items of expenditure to swell the expenses of this year over those of the last; but the amounts of them cannot be stated with precision. The steamship Humboldt will be placed in the New-York and Havre service, at the additional cost of $75,000 per annum, but at so late a date probably as to bring but a small portion of the expense into the accounts of this year. It is impossible to anticipate what will be the amount of the current orders for the increase of the service, in the three last quarters of the year. Putting it at due proportion, (which would be quite arbitrary,) to the amount of like orders for three sections of the Union, made in the first quarter, it would be at the rate of $52,878 a year. But then only a part of that amount would fall into the payments made this year; and circumstances in the service may arise, to produce a very different amount of additional allowance.

By an act, approved September 27, 1850, Congress created 783 new post routes. One-sixth of them, in number, may be put in operation this year, at a supposable cost, we will say, of $15,000 per annum, five-twelfths of which only will come into the expenditure of this year. To put this service under contract, requires an advertisement for proposals, and a public letting. In respect to those new routes that lie in the New-England, New York, and middling sections, advertisements for bids may be immediately issued, and the lettings thereon held at an early day in January next.—This preliminary letting could not well be enlarged, in order to include in it those of more distant States, without seriously interfering with the proceedings of the great annual lettings, which this year embrace the entire service of the Southern States, as a later period would have to be fixed to allow the legal notices to be given to the distant points. Therefore, the new routes in all but the New England, New-York, and middle sections, and in California and Oregon, will have to be disposed of, to contract at the annual lettings next Spring, and go into operation on the 1st July, 1851. But in the meantime, temporary contracts might be made whenever parties proffer proposals for that purpose. This last proceeding will involve an additional cost beyond what is above estimated, and the amount will be further increased by the new service that the California and Oregon agents may succeed in placing under contract within the year.

I recur to the new contract service of the current year—that of the northwestern and southwestern States and Territories—to point out the character of its increase in cost and extent, over the old service of the same section, which has been superseded by it. We pay on that section twenty-five per cent. more this year than last, while we have but ten and three fourths per cent. more of annual transportation of the mail. This, with the fact that the increase of the last year over the preceding, greater in cost than in the extent of the service, would indicate a constant rise in the prices of mail transportation. A close examination will show, that in the change from the preceding year to the last, and from the expired contracts of last year to the new contracts of the current year, there has been to a large extent a substitution of the higher for the lower grades of mail conveyance. If we do not get an equivalent increase of the service in the number of mails, we get service of greater speed and better quality. The mails have been shifted to more expeditious and costly lines of steamboats on the western lakes. They have been transferred from coaches to the newly constructed railroads radiating from the great centers of business and population, in all sections of the country; and they have formed entire new channels of conveyance on the Cumberland and White rivers, and on the coast of Texas, in steamboats arranged into lines for that purpose, where before there were nothing but some detached cross routes; and this species of change is more or less in progress, as the enterprise of the country is developed in the creation of improved facilities. Nor is it confined to the cases where steam has superseded the inferior modes of conveyance. At the last lettings, four-horse coach transportation was contracted for on the thoroughfare roads in the southwestern and northwestern States, instead of the two-horse coach conveyance, which could have been obtaintained at much lower prices, but which left the public to suffer under an inadequate mode of mail transportation, or look to the uncertain favor of the contractor to furnish a better mode, under the influence of some other motive than a sense of obligation to the Government. The increase of cost beyond the proportionate increase of extent in miles, is not, therefore, wholly an advance of price, or additional cost, without an equivalent; but represents mainly a better quality of the service, secured by the contract, in the particular of speed, and greater capacity to give certainty and security to the mails.

On account of the more special interest taken by Congress, and the public, in our railroad and steamboat mails, the annexed tables, (D and E,) are appended, to show the particulars of the contract on each route of railroad and steamboat conveyance, for the current year. Improvements have been made on several of the lines, so as to give a speed of about twenty-five miles to an hour, by means of special trains, stopping at but few of the intermediate points, and devoted to the accommodation of through mail and travel. It is believed that this is attended with decided pecuniary advantages to the companies, derived from the additional travel thus attracted over their roads. The desire is universal and most urgent, to see this improvement introduced where it is so natural to look for it, upon the principal lines in the United States—that between its first commercial city and its capital. A departure from New-York on this line, at seven instead of five in the evening, would promote the convenience and economy of travel. It would promote the mail accommodation of the public to an immense extent, by taking on the entire correspondence of the day, which there would then be time to write before the close of business hours, and by taking on a vast amount of mails from the interior, which, in that case, would have time to make full connections with the Southern line. This, with a dispatch of but twenty miles to an hour, including all stops, instead of the average of sixteen, now given on the whole line, would bring the mail to Washington by seven o'clock the next morning, and allow a reasonable interval (whereas there is now not a minute,) for overhauling and distributing that portion of it that is to go forward to the South. Between Liverpool and London, the speed of the ordinary mails, as we compute from office to office, is from twenty to twenty-three miles an hour, and of the express mail trains, from twenty six to thirty. The emulation of our contractors on the Ocean line, has, in a space of three years, increased the speed of our steamships between America and England, to equal, if not to surpass, that or the British steamers. Nowhere within the United States, could this example be followed with greater advantage and distinction than on this—the most national of our railroad lines—the route between New-York and Washington. Another improvement on a portion of the railroads is greatly needed—more suitable apartments in the cars, than have been furnished, to contain the mails safely, and to serve as an office for the mail agent.

Table F exhibits a list of the foreign or ocean routes, distinguishing those under contract with the Secretary of the Navy, from those held directly under the Postmaster General.

On these routes correspondence is conveyed to and from foreign countries and remote portions of the United States in steam packets employed under contract by Government, and running at stated periods. By the former mode (still in use whenever parties resort to it) it was conveyed by sailing vessels, as their voyages might occur, for a small gratuity payable upon each letter at the port of delivery. The new system is much the most expensive; but it gives to correspondence regularity and dispatch, the utmost that is attainable for any purpose, between the same points of destination. This is of the highest importance to the interests involved in correspondence, and as a matter of service deserves a larger compensation. But this species of mail conveyance devolves a cost upon the Government beyond the price of service as fixed by any postages that have been prescribed. This is because individual means are inadequate to the undertaking of establishing and maintaining steam navigation on the ocean. Aid from the Government is necessary, and a wise policy contributes it; for navigation by steam, in view of the competition of other nations, is essential to the commerce of the country, from which our public revenues are derived, and eminently important as a means of public defense and an element of national prosperity and power. Government aid has been extended to these important steam enterprises to an extent beyond the revenue in postages, derived from the correspondence so conveyed. Yet an enlarged view of the subject will show that the surplus thus contributed, is, after all, returned to the Government, in postages collected. One letter received from abroad may cause several to be written at home. Look at the extraordinary annual increase in the amount of postage since our foreign steam mail lines have been fairly put in operation, swelling it to nearly three-fold the usual per cent of advance! Foreign commerce that deposits its freights at our seaports, does not limit to them the prosperity it creates, quickens and enlarges domestic trade through all the interior channels of business. So with foreign correspondence. It creates and stimulates a correspondence within the country, which enlarges the more as the former becomes, through the agency of steam conveyance, more regular, expeditious, and frequent.

The policy of aiding commercial enterprise, increasing and improving the facility of steam navigation by contracts for the mails, was commenced by Great Britain. France followed the example for a brief period only, in her short lived Havre and New-York line. The honor of maintaining the competition in that career of policy where the struggle is for success in the improvement of steam navigation, and in the commerce of the world, now devolves on the United States. Our commencement (on the 1st June, 1847,) was on a small scale, with the steamship Washington, on the route to Northern Germany. We now number sixteen ocean steamers, in actual mail service, on routes to England and France, as well as to Germany, to Cuba, the Isthmus of Panama, and the ports of California and Oregon; and the number will be twenty when the full complement under the present contracts is furnished. It would be unreasonable to suppose that the system has attained its full growth. We may well anticipate that other steam packet lines will be established from the Atlantic and Gulf cities, will connect the East Indies and China with California, and be extended to the Pacific ports of South America.

The establishment of them develops important duties on the General Post Office. Postal arrangements with the countries to which they are extended are necessary to enable the benefits to be enjoyed, which they are designed to confer, as mail facilities. Hence the postal arrangements made by this Department with the Post Office authorities of Germany in 1847, and those which were effected through treaty with Great Britain in 1848. Now we have a line just established to France, postal arrangements with that Republic should follow, so as to secure with it, and the countries beyond, advantages of like character with those obtained from the lines of Germany and England. And it is highly desirable to have like arrangements with the authorities of Cuba, of Jamaica, and of Panama, to enable us to mail by our steamships through those places, and by the foreign lines there connecting, the correspondence of our citizens to points beyond, in the West Indies, and on the South Pacific Coast. Beside the foregoing, there are unfinished arrangements with Great Britain respecting the Canadian correspondence with the United States, which have been withheld from completion by Great Britain, on account, it is believed, of some important change in the relations between the mother country and the Provinces. The convenience of our public requires the consummation of these arrangements, providing a uniform rate for United States and Candian correspondence, with privilege of prepaying the postage, or sending unpaid.

It is proper to state, in this connection, that the Minister of the King of Prussia having manifested a strong desire for the establishment of better postal relations with this country, under negotiations with him, the late Postmaster-General directed an agreement with the Post Office Department of that kingdom to be prepared. It is now under the consideration of that Government. The object to be gained is a "closed mail" communication through England and Belgium; a uniform rate of postage, combining, with that of the United States and Prussia, the transit charges of Great Britain and Belgium, with the right to repay or send unpaid, and a scheme of accounting between the two Governments, and with those of the intermediate countries—Boston and New-York on our part, and Aux la Chapelle, on the part of Prussia, to be the exchange offices. A recent Post Union Convention between Austria, Prussia and other German powers, will give a wide effect to the postal agreement with Prussia, whose frontier town is the key point to this extensive territory. Its execution by Prussia is delayed to obtain lighter transit rates through England and Belgium.—