

Edgefield Advertiser.

"We will cling to the Pillars of the Temple of our Liberties, and if it must fall, we will Perish amidst the Ruins."

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NEW TERMS.

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Miscellaneous.

From the Savannah Republican.

THE AUGUSTA BRIDGE CASE.

Pursuance of our promise we, this morning, commence the publication of an abstract of the argument recently made in this important case, before the United States Circuit for the District of Georgia. Our own avocations having been such as to preclude our personal attendance upon the Court, we have, at the request of the Complainants, and at considerable expense, procured the subjoined abstract from the notes of a gentleman of the Bar, who has given, we feel assured, an impartial and faithful synopsis of the points made on both sides. It was thought inadvisable to report the speeches at length, because they would have been too voluminous for insertion in the columns of a daily paper, and, besides, would not have been understood or appreciated by the general reader. If injustice has been done to the arguments of any of the gentlemen, either by "omission" or "commission," we need only state that our columns are open to them, and they, or the party which they represent, can make the proper correction.

We undertook the publication at the solicitation of the complainants simply as a business matter. It was their purpose to give but one side of the argument, supposing that the Bank would provide for the publication of the speeches of its own counsel. No movement of this kind having been made on the part of the Bank, we have been requested by the other party to publish the whole—not only because it is necessary to a proper understanding of the case—but because, as they say, they wish to withhold nothing from the public. We have the more readily acceded to this request because of the importance which the case has assumed from its long continuance in the Courts—from the pertinacity with which the claimants have followed up their demands—and from the varied and extensive interests which are involved.

Without taking any part therefore, in the controversy—without espousing the cause of the House of York or Lancaster—without prejudicing the interests of any one or interfering with the progress of justice—we may state that the subjoined argument is connected with a legal dispute which had its origin somewhat more than a quarter of a century since.

In 1813 and '14, Henry Shultz and others obtained from the Legislatures of South Carolina and Georgia, charters empowering them to construct a Bridge across the Savannah River, at Augusta; and accordingly soon after erected a structure where the present Bridge now stands. In 1816, Shultz and John McKinné formed a co-partnership in the Banking business, each partner, as is alleged, setting apart on the books of the firm a portion of his private property for partnership purposes. Among these items of property was the Bridge, valued at \$75,000.

On the 21st of April, 1818, Shultz sold out his interest in the Bank, including the Bridge, to Barna McKinné, who continued the business in company with his brother John. Subsequently the Bridge Bank became greatly embarrassed, in consequence of the failure of certain mercantile firms with which the McKinnés were connected; and they being indebted to the Bank of the State of Georgia to the amount of about Forty Thousand Dollars, applied for a further loan of \$50,000, alleging as was averred by the Bank of the State, that the object was to relieve the Bridge Bank. Only two fifths of this money, as is stated in the decree of Chancellor Harper, appears to have been applied to this purpose. To secure the Bank for this loan of \$90,000 on the 3d of May, the McKinnés executed a mortgage on 80 negroes, McKinné's warehouse square in Augusta, & the Bridge on certain conditions. On the 24th of May the Bridge Bank stopped payment; upon which Shultz, who had made his preparations to return to Europe, resumed his position in the company, and on the 10th of June, a second mortgage was executed, it having been alleged that the first mortgage was not binding, in consequence of some mistake in the name of the Bank.

Without attempting to follow the parties through all their windings and twistings in these and other financial operations, a record of which, together with the subsequent proceedings in the courts, would fill an old fashioned royal octavo volume, it may perhaps be sufficient to state that the Bank of the State finally, either legally or illegally, got possession

of the Bridge. Shultz alleged that they appropriated the partnership property to the payment of the private debts of McKinné and others, and instituted suit for the recovery of the Bridge or its value, with interest, &c., &c.

The action was first instituted by bill of complaint in the U. S. Circuit Court, for the State of Georgia, in the year 1821.—Since then, in different forms, it has been almost constantly before the Courts in Georgia and Carolina. It has even been before the Supreme Court of the U. States, and the Bill upon which the subjoined argument arose, is "a bill in the nature of a Bill of Reviver and Supplement." It was filed May 19th, 1845, by Messrs. Hansel and Law, in behalf of John W. Yarbrough Trustee, &c., of Henry Shultz, &c., and of H. Shultz, complainants, against "the Bank of the State of Georgia," "The City Council of Augusta," and "John McKinné, and G. B. Lamar, Esqs.," all of whom have at different times been owners of the Bridge. The Bill is a long one, and details the history of the case very minutely, and we presume accurately.—As it has been printed, we refer our professional readers to it for those details, which may serve to throw some light upon the material parts of the argument of counsel. It will be recollected that the cause was remanded from the Supreme Court, on account of some informality in the Bill in the Court below, and subsequently there was a decree taken by consent. The parties to the consent decree, however, not embracing the holders of Bridge Bank bills, they through Yarbrough and Shultz are seeking the discovery and relief. This Bill aims to reinstate the case. To it, after entering an appearance, the Defendants by their counsel demurred alleging that "the complainants had not made out such a case as entitled them to a discovery, or a relief from the Defendants in a Court of Equity." The argument below was upon the demurrer, and as the point was exclusively a legal one, it will be seen that the distinguished counsel studiously avoided as far as possible, all discussion upon the merits. If the demurrer is not sustained by the Court, the whole controversy will again be opened—when to be closed is a question which some Philadelphia Lawyer, more shrewd than his brethren, may, perhaps, hereafter be enabled to determine.

Thus far, the decision of the Court has not transpired, nor do we understand that it will be made known before next week. It is certain, we presume, that whatever that decision may be, the case will not be allowed to rest here. The amount involved, and the distinguished character of the counsel on both sides, will doubtless prompt either party to pursue the matter to the last extremity.

BATTLES OF THE REVOLUTION.

Lexington, April 10, 1775; British Major Pitcairn, loss 273; American yeomanry loss 84.

Bunker Hill, June 1775; British, Lord Howe, loss 1051; American, Col. Prescott, loss 453.

Ft. Mifflin, August 12, 1775; British, Lord Howe, loss 400; American, Putnam and Sullivan, loss 2000.

White Plains, Oct. 26, 1776; British, Lord Howe, loss 300 to 400; American Gen. Washington, loss 300 to 400.

Trenton, Dec. Dec. 25, 1776; British, Gen. Rahl, loss 1000; American, Gen. Washington, loss 9.

Princeton, Jan. 3, 1777; British Gen. Mawhood, loss, 400; American, Gen. Washington, loss, 100.

Hobbsdon, Aug. 7, 1777; British Generals Frazer and Baron Reidesel, loss, 180; American Cols. Frances and Warren, loss, 808.

Bennington, Aug. 16, 1777; British, Generals Baum and Breyman, loss, 800; American Gen. Stark, loss, 800.

Brandywine, Sep. 11, 1777; British, Lord Howe, loss, 500; American, General Washington, loss, 1200.

Sullivan, Sept. 17, 1777; British, General Burgoyne, loss 600; American, Gen. Gates, loss, 350.

Germanstown, Oct. 4, 1777; British, Gen. Grey, and Col. Musgrave, loss, 600; American, Gen. Washington, loss, 1200.

Saratoga, Oct. 1777; British, Gen. Burgoyne surrendered 5753 men, his entire Army, to Gen. Gates.

Red Bank, Oct. 22, 1777; British, Count Donop, loss, 500; American, Colonel Green, loss 32.

Monmouth, June 25, 1778; British, Gen. Clinton, loss, 400; American, General Washington, loss, 130.

Rhode Island, Aug. 29, 1778; British, Gen. Pigott, loss, 260; American, Gen. Sullivan, loss, 211.

Brandywine, March 30, 1778; British, Gen. Prevost, loss, 13; American, Gen. Ash, loss 500.

Stony Point, July 15, 1779; British, Gen. Johnson, loss 600; American, General Wayne, loss 100.

Camden, Aug. 16, 1780; British, Lord Cornwallis, loss 375; American, Gen. Gates, loss 610.

King's Mountain, Oct. 1, 1780; British, Major Ferguson, loss 950, American, Cols. Cleveland, Campbell, and Shelby, loss, 96.

Cowpens, Jan. 17, 1781; British, Col. Tarleton, loss 800; American, Col. Morgan, loss 72.

Guilford C. H., March 12, 1781; British, Lord Cornwallis, loss 623; American, Gen. Green, loss 400.

Hobkirk's Hill, April 25, 1781; British, Lord Rawdon, loss 300 to 400; American, Gen. Green, loss 300 to 400.

Eutaw Springs, Sept. 8, 1781; British,

Gen. Stuart, loss 1000; American Gen. Green, loss 550.

Yorktown, Oct. 19, 1781; British, Lord Cornwallis surrendered 7073 men, his entire army to Gen. Washington.

This last surrender was the final conclusion of the Revolutionary war. The whole expense of the struggle to the Americans, estimated in round numbers, \$135,191,700.—The occasion of peace, as may be well imagined, was celebrated throughout the country with the most fervent demonstrations of joy; and General Washington, the American Fabus, who had with such signal ability conducted this great contest to a successful issue, was unanimously called to preside over the councils of the nation.

Provisional articles of peace acknowledging the independence of the U. States, were signed in Paris, Nov. 30th, 1782, by John Adams, Benjamin Franklin, John Jay, and Henry Laurens, on the part of the United States, and Mr. Fitzherbert and Mr. Oswald, on the part of Great Britain. The definite treaty was signed September 30th, 1783. The confederation of the states, which in time of war had given to the resolves of congress the force of law, now that the danger was passed, evinced that its power was inadequate to all the purposes of an efficient government. It could neither meet the claims against the United States, provide for the public debt, raise a revenue, or harmonize the jarring interests of the States. Indeed, the difficulties which attended the formation of this new government it is said, though different in kind, was scarcely less than those of achieving its independence. But by a happy concurrence of circumstances, a constitution was at length formed and ratified, which has effectually secured the happiness and prosperity of the people, and stands as an illustrious proof of the wisdom of the fathers of the revolution and a model for other nations in the pursuit of freedom.

ARISTA AND TAYLOR.

One of the editors of the N. O. Tropic, who has just returned from a visit to the Rio Grande, presents the following graphic pictures of the Mexican and American Commanding Generals as they were successively seen in camp at Matamoros.—The sketches are true to the life, and the contrast which they present is both strong and striking:

The contrast of the two commanding Generals, Taylor and Arista, in the pomp and circumstance of their respective positions, of the different institutions under which they lived. There was a semibarbaric splendor associated with Arista's according with the despotism of the Mexican government. A simplicity about that of Taylor's equally significant of pure Republican institutions.

The marquee of the commanding General of the Mexican forces was bell-shaped, and of great size. The material of which it was composed, was ornamented by parti colored stripes, giving it a holiday appearance. Around it were stationed gaily dressed officers who glistened in the sun, and were ever ready to pay the most respectful respect to their chief. Led horses richly caparisoned slowly paced in sight. Protecting its rear, like continued labyrinthian walls, were arranged the equipage of the camp. Pack saddles for five hundred mules were tastefully placed for display, and their leads near by, heaped up in prodigious confusion. To the poor Mexican soldier bivouacked in the open air, this wealth seemed a vision of a fairy land, and its conventional possessor, rich beyond their imagination and powerful beyond comparison.

Bands of rude music almost constantly rent the air with their noisy labor. The furniture of the marquee was rich; the costly figured chests of the camp were the ornamental furniture; upon their tops reposed in ostentation, the heavy silver service of the table, or the elegantly finished "maps of the campaign." In this array sat the commanding General, surrounded by his numerous staff—his clothes of gay colors and laced with gold profusion. Visits of ceremony or of business were conducted with pomp and needless delays; long lines of officials stared and leered, and were impudent or cringing, as suited their purposes best. Music rolled, ashies and muskets rattled, and the buzz of inflated greatness and hollow pretence, was triumphant.

About a mile above the city of Matamoros, a little distance from the banks of Rio Grande, is to be seen (June Ist.) some stunted and illshaded trees, which bend their gnarled and almost leafless limbs over a group of three or four small tents, only different from those of the common soldier in their rear, in this, that they are heterogeneously disposed of for shade, instead of being in a line, regardless of all else than military precision. The plain above is dotted over with thousand of tents, before many of which were artillery, and groups of men and soldiers; and over some waved in triumphant folds our national flags, giving promise of more importance and pomp, than the little knot to which we have particularly alluded. We wended our way on towards the dwarfish trees that were distinguished, from being a few feet higher than the surrounding brush, and for the little group of tents that rested beneath them, for they were pointed out as marking the head quarters, of the commanding General of a triumphant American army.

Not the slightest token was visible, to mark one tent in the group from another; there were no sentinels or any military parade present; a chubby sunburnt child,

"belonging to the camp," was playing near by in the grass, temporarily arrested in its wanderings by some insect of unusual size that was delving in the dust.

We presented ourselves at the opening of one of the tents, before which was standing a dragon's horse, much used by hard service. Upon a camp stool at our left, sat General—, in busy conversation with a hearty looking old gentleman, sitting in a box, cushioned with an Arkansas blanket, dressed in Attakapas paulowns and a linen roundabout, and remarkable for a bright flashing eye, a high forehead, a former look, and "rough and ready" appearance. It is hardly necessary for us to say that this personage was General Taylor, the commanding hero of two of the most remarkable battles on record, and the man who, by his firmness and decision of character, has shed lustre upon the American arms.

There was no pomp about his tent; a couple of rough blue chests served for his table, on which were strewn in masterly confusion a variety of official-looking documents; a quiet-looking citizen dressed personage made his appearance upon hearing the significant call of "Ben," bearing on a tin salver, a couple of black bottles and shining tumblers, arranged around an earthen pitcher of Rio Grande water. These refreshments were deposited upon a stool, and "we helped ourselves," by invitation.—We bore to the General a complimentary gift from some of his fellow citizens of N. Orleans, which he declined receiving for the present, giving at the same time a short but "hard sense" lecture on the impropriety of naming children and places after men before they were dead, or of his receiving a present for his services "before the campaign, so far as he was concerned, was finished."

With the highest possible admiration of the republican simplicity of the manners and character of General Taylor, we bade him good day, with a higher appreciation of our native land, for possessing such a man as a citizen, and of its institutions for moulding such a character.

California.—That California will eventually constitute an integral portion of the United States, there is every reason to believe, from the demonstrations which have been lately made. Mexico is largely indebted to the country, and as the state of her finances will not admit of her paying the indemnities due us direct from her Treasury, it is certainly consonant with her policy, that she should come to the aid of the territory which will be proffered us in payment of those indemnities. The eyes of many of the people of this land, have been for a long period, steadily directed towards this point.—They have deemed the acquisition of California, as essential to us, and the policy of purchasing it, has been advocated by many of our leading statesmen.—Of course we are presuming the war with Mexico to be ended, and the terms of peace agreed upon. As regards the conquest of Mexico in a literal sense, it is we trust, unnecessary to multiply words, as to the palpable impropriety of such a step. The Constitution recognizes on such principle as is involved in the matter of conquest. To conquer any foreign country by force of American arms, would be an act in direct violation of the National honor, and contrary to the spirit of the genius of our institutions, or as has been more forcibly expressed by a N. Y. Journal, "treason to the great cause of freedom."

We take it then that this is a settled point, that no part or portion of Mexico, can come into the possession of this Republic, save by purchase or concession. In anticipating in accordance with these views, the purchase of California by the United States Government, or its concession by Mexico, it will not be out of place to inquire into the advantages to be reaped by us in either event.

In an able article which appeared some time since in the New Orleans Times, we found many items, or perhaps we should say, notes of information relative to California. As the notes referred to, were obtained from high authority, we shall embody a few of them in this article:

In speaking of California, a geographical distinction must not be lost sight of. The vast extent of country bordering on the Pacific, to which the name has been assigned, is divided by well drawn demarcations into two parts—Upper California and Lower California. Of lower California little need be said. It comprises a long and narrow peninsula, stretching between the Gulf and the Pacific, from the 21st to the 33d degree of latitude, with an average breadth of about sixty miles. Travellers universally concur in representing it as sterile and hopelessly desolate. "It consists," says a high authority, "of a chair of volcanoes, treeless, barren mountains and rock, broken by only still more dreary plains of sand, destitute of streams, swept by fierce tornadoes, of necessity abandoned, almost entirely to sterility and desolation."

"A very large portion of Upper California is nearly valueless. When we reach however, the western portion, which lies nearest the Pacific Coast, the eye is greeted with an aspect of nature, in her loveliest and most attractive forms. This beautiful tract of land embraces the whole country, drained by the waters which empty into the Bay of San Francisco.—The river San Joaquin," which runs 600 miles and is navigable through nearly its entire extent, irrigates a splendid and spacious valley, covered with dense foliage, and possessing a soil of unsurpassed fertility.

"The superficial area of this magnificent

valley is estimated at 40,000 miles, or about the size of one of our largest States. In respect to its agricultural capabilities, those who have explored the region furnish the most glowing descriptions. Van Couver, Farinham and Humboldt, unite in attesting its wonderful advantages, the richness of the soil, the luxuriance of its herbage, its diversified scenery, and the mildness of its climate."

A writer in a recent number of the *American Review*, observes, "that altho' agriculture throughout this vast and fertile region is of the rudest and most unskillful character, nearly all kinds of grain have been readily raised."

Dr. Marsh, long a resident on the banks of the Sacramento, informed Mr. Farinham that from ten bushels, he had known to be harvested a crop of 3,752—the average yield being from thirty one to fifty bushels from one that is sown. Lieut. Wilkes places the crop at 80 fold. Whether these statements be rigidly exact or not, they demonstrate a most extraordinary degree of fertility, and prove that, in an agricultural point of view, Upper California, presents inducements that are scarcely equalled by the most fruitful sections of the Valley of the Mississippi."

The population of the country, is about eighty thousand.

We have thus the advantages of this highly favored region spread before us.—That these advantages would multiply "ten thousand fold," if the enterprise and industry of our people were brought to bear upon them, will be readily conceded. It is for others to determine when they shall accrue unto us.

FROM THE ARMY.

The following Proclamation has been issued by General Taylor, and is published in both the English and Spanish language in the Matamoros papers:

A PROCLAMATION.

BY THE GENERAL COMMANDING THE ARMY OF THE UNITED STATES OF AMERICA.

To the People of Mexico:

After many years of patient endurance, the United States are at length constrained to acknowledge, that a war now exists between our government and the government of Mexico. For many years our citizens have been subjected to repeated insults and injuries, our vessels and cargoes have been seized and confiscated, our merchants have been plundered, maimed, imprisoned, without cause, and without reparation. At length your government acknowledged the justice of our claims, and agreed by treaty to make satisfaction, by payment of several million of dollars; but this treaty has been violated by your rulers, and the stipulated payments have been withheld. Our late effort to terminate all difficulties by peaceful negotiation, has been rejected by the Dictator Paredes, and our Minister of peace, whom your rulers had agreed to receive, has been refused a hearing. He has been treated with indignity and insult, and Paredes has announced that war exists between us.—This war, thus first proclaimed by you, has been acknowledged as an existing fact by our President and Congress, with perfect unanimity, and will be prosecuted with vigor and energy against your army and rulers; but those of the Mexican people who remain neutral will not be molested.

Your government is in the hands of tyrants and usurpers. They have abolished your State governments, they have overthrown your federal constitution, they have deprived you of the right of suffrage, destroyed the liberty of the press, despoiled you of your arms, and reduced you to a state of absolute dependence upon the power of a military Dictator. Your army and rulers extort from the people by grievous taxation, by forced loans, and military seizures, the very money which sustains the usurpers in power. Being armed, you were left defenceless, an easy prey to the savage Comanches, who not only destroy your lives and property, but drive into captivity, more horrible than death itself, your wives and children. It is your military rulers who have reduced you to this deplorable condition. It is these tyrants, and their corrupt and cruel satellites, gorged with the people's treasure by whom you are thus oppressed and impoverished, some of whom have boldly advocated a monarchical government, and would place a European Prince upon the throne of Mexico. We come to obtain reparation for repeated wrongs and injuries; we come to obtain indemnity for the past, and security for the future; we come to overthrow the tyrants who have destroyed your liberties, but we come to make no war upon the Mexican people, nor upon any form of free government they may choose to select for themselves. It is our wish to see you liberated from the savage Comanches, to prevent the renewal of their assaults, and to compel them to restore to you from captivity, your long lost wives and children. Your religion, your altars and churches, the property of your churches and citizens, the emblems of your faith and its ministers shall be protected, and remain inviolate. Hundreds of the army, and hundreds of thousands of our people, are members of the Catholic Church. In every State, and in nearly every city and village of our Union, Catholic Churches exist, and the Priests perform their holy functions, in peace and security, under the sacred guarantee of our constitution. We come among the people of Mexico as friends and republican brethren, and all who receive us as such, shall be protected, whilst

all who are seduced into the army of your Dictator, shall be treated as enemies. We shall want from you nothing but food for our army, and for this you shall always be paid in cash the full value. It is the settled policy of your tyrants to deceive you in regard to the policy and character of our government and people. These tyrants fear the example of our free institutions, and constantly endeavor to misrepresent our purposes, and inspire you with hatred for your republican brethren of the American Union. Give us but the opportunity to undeceive you, and you will soon learn that all the representations of Paredes were false, and were only made to induce you to consent to the establishment of a despotic government.

In your struggle for liberty, with the Spanish Monarchy, thousands of our countrymen risked their lives and shed their blood in your defence. Our own Commodore, the gallant Porter, maintained in triumph your flag upon the ocean, and our government was the first to acknowledge your independence. With pride and pleasure we enrolled your name on the list of independent Republics, and sincerely desired that you might in peace and prosperity enjoy all the blessings of free government. Success on the part of your tyrants against the army of the Union is impossible, but if they could succeed, it would only be to enable them to fill your towns with their soldiers, eating out your substance, and harassing you with still more grievous taxation. Already they have abolished the liberty of the Press, as the first step towards the introduction of that Monarchy, which it is their real purpose to proclaim and establish.

Mexicans, we must treat as enemies and overthrow the tyrants, who whilst they have wronged and insulted us, have deprived you of your liberty, but the Mexican people, who remain neutral during the contest, shall be protected against their military despots, by the Republican Army of the Union. Z. TAYLOR, Brev. Maj. Genl. U. S. Comm'g.

The late *News from Mexico*, which we referred to in our last paper (says the *Augusta Constitutionalist*), has been regularly received, and confirmed. It was brought to Pensacola by the steamship Princeton. By it we learn further that a conflict took place between the crews of the boats from the Princeton, Cumberland and Potomac, and the Mexicans. The Americans landed for the purpose of procuring wood and water, and notwithstanding the fire of the enemy they succeeded, without the loss of a man, and only one wounded by a spent ball. The Mexicans lost three killed and eight or nine wounded.

The Mississippi was to be kept at Vera Cruz, to enforce the blockade. The Princeton left for Pensacola with despatches.

The correspondent of the *Mobile Tribune*, dated Pensacola, July 20, says:

"President Paredes is still in the city of Mexico. The papers say the citizens are asking why he does not take command of the army of the North, as Congress has given him permission to do. The impression is, as soon as he leaves the city his Government will cease to exist. It was said an effort to effect a change was to have taken place on the 5th inst. The Government got wind of it and called in all the troops, who were under arms all night.—The citizens feigned astonishment at the cause.—The squadron are at Vera Cruz. The Brig Perry has been sent off Cape Antonio after privateers said to be in that vicinity."

Another correspondent of the *Herald and Tribune*, dated Vera Cruz, July 14, says:

"It is the impression of our Commodore that the Mexicans cannot hold out much longer. They are doing nothing towards prosecuting the war—and Paredes dare not leave the City of Mexico. An insurrection was expected there on the 5th inst., and all the troops were called out and kept under arms all night. Congress is still in session, but is doing nothing. It has passed a decree however, authorizing Paredes to prosecute the war, but has furnished him no means of doing so. The fact is, Congress cannot devise the way to raise the "ways and means." Time, however, will soon show what is to be done."

"The frigate *Raritan* will follow the Princeton to Pensacola, in a few days. She has about eight on the sick list, with the scurvy. Several sick officers from the squadron go up in the Princeton."

Trophies.—The House of Representatives has adopted a resolution authorizing the President of the United States to cause medals from the trophies of Palo Alto and Resaca de la Palma to be made and distributed among the soldiers engaged in these battles.

Accumulated Property.—Three-fourths of all the houses and stores in New York City, are the property of three or four men, among whom is Louis Philippe King of the French. All Boston belongs to scarcely a dozen families. Seven-eighths of the city of Detroit are owned by two or three landlords, and leased to multitudes of tenants.

Cement for Joining Stone.—Twenty parts of the clean river sand, with two parts of litharge and one of quick lime, being mixed with linseed oil to the consistency of putty, is said to be an excellent cement for joining pieces of stone, when broken off from stone steps, posts, &c. It soon becomes nearly as hard as granite.