LAWS OF OHIO.

Published by Authority.

[No 172] AN ACT.

For the relief of the holders of orders issued by Free Turnpike Road Companies.

Section 1. *Be it enacted by the general Assembly of the State of Ohio*, That whenever the right of any free turnpike road company to levy special road taxes to pay the orders issued by it, as provided in its act of incorporation or by acts amendatory thereof or supplementary thereto, shall cease, or in case said right to levy such tax has already ceased leaving outstanding orders unpaid, and their payment unprovided for, it shall be the duty of the commissioners of such road company, immediately to make out and deliver to the auditor of the county, in which such road or any part thereof shall be situated, a complete and perfect list of all outstanding orders of said road company, for the payment of which they have no funds or means of payment, with a description of each of said orders, as to state, amount, rate of interest, [if on interest] and when payable. Said list shall be verified by said commissioners, and the county auditor shall lay the same before the county commissioners at their next regular session thereafter.

Sec. 2. At any regular session of the county commissioners at which a certified list of free turnpike road orders shall have been laid before them, as provided in the first section of this act, it shall be the duty of said county commissioners immediately to proceed to ascertain the aggregate amount of said orders including interest, in case said orders draw interest, and adding thereto an amount sufficient to pay the expenses of assessment and collection; to cause the same to be assessed upon the same lands and town lots adjacent to and lying near said free turnpike road, as were subject to taxation, for the construction of said road or to pay for the same, at the time when by the expiration of its charter, or otherwise, the right to tax such lands and town lots ceased. Said amount shall be assessed upon such lands and town lots according to their true value in money, as shown by their valuation contained in the county duplicate; and whenever by the laws in force immediately preceding the time when the right to levy taxes for the benefit of any such road ceased, different rates of taxation were authorized upon the lands adjacent to or lying near any such road, according to their proximity to such road, the amount authorized to be levied by this act shall be so assessed upon those lands as to preserve the same relative proportions between the taxes on the several tracts as formerly: provided that said county commissioners may in their discretion divide the aggregate of such indebtedness in to installments not exceeding five in number, and order that one of those installments be assessed and collected annually the amount so assessed shall be collected in the same manner as the state and county taxes.

Sec. 3. Immediately after the settlement of the county treasurer with the county auditor in August of any year next after that in which any assessment has been made, as herein provided, to pay the indebtedness of any free turnpike road company, the county auditor shall proceed to ascertain the net amount of money collected on account of the indebtedness of such free turnpike road company; and if the amount so collected is sufficient to pay the whole of said indebtedness, he shall proceed to pay all orders of said road company on presentation, by his warrants drawn on the county treasurer payable out of the proper fund, and shall cancel said orders and keep them on file in his office, but if the net amount so collected shall be insufficient to pay said orders in full, or said amount of indebtedness shall have been ordered to be collected in annual installments, the county auditor shall divide the net amount collected pro rata among the holders of said orders, taking up and cancelling the original orders, and issuing new orders for the balances unpaid.

Sec. 4. Whenever any free turnpike road shall have been finished according to law, with an outstanding debt unprovided for, and the right to levy special taxes for the benefit of such road shall not have ceased, such special taxes when collected, shall be applied exclusively to the payment of such debt, till the same shall be paid in full.

Sec. 5. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

[No. 173.] AN ACT.

To prescribe the duties of Judges of Elections in certain cases, and preserve the purity of elections.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judge or judges of any election held under the authority of any of the laws of this state, shall reject the vote of any person offering to vote at such election, and claiming to be a white male citizen of the United States, whenever it shall appear to such judge or judges that the person so offering to vote has a distinct and visible admixture of African blood.

Sec. 2. Any judge or judges of any such election, who shall receive the vote of any person when such person has a distinct and visible admixture of African blood, shall on conviction thereof, be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, and imprisoned in the county jail of the proper county not more than six months, nothless than one month.

Sec. 3. Any person who shall procure, aid, assist, compel or advise another to give his vote at any such election when such other person has a distinct and visible admixture of African blood, shall on conviction thereof, be fined in any sum not exceeding five hundred dollars, nor less than fifty dollars, and be imprisoned in the county jail of the proper county not more than six months, nor less than one month.

Sec. 4. All prosecutions under this act shall be by indictment in the court of common pleas of the proper county, and it shall be the duty of the judges of the court of common pleas to give this act specially in charge to the grand jury at each term of the court.

Sec. 5. This act shall take effect from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

No. 171. AN ACT

To provide for the election of an additional Judge of the Court of common Pleas for the first sub division of the second Judicial District.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the second judicial district there shall be one additional judge of the court of common pleas, who shall be a resident of the first sub-division of said district, being the counties of Butler, Preble and Darke, and be elected by the qualified voters of said counties, at the next annual election for state and county officers, in the same manner and for the same time as prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary, possess the same powers, and discharge the same duties, as are conferred or enjoined by the constitution and laws of the state upon other judges of said courts. And any vacancy that may occur in the office of such additional judge, whether by expiration of his term of service, or otherwise, shall be filled as in other cases.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

(No. 170.) AN ACT

To amend section 7 of an act to Regulate the election of State and county officers, passed May 3, 1852, (Swan's Statutes, 341.)

Sec 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7 of an act passed May 3, 1852, entitled an act to regulate the election of state and county officers, be so amended as to read as follows: Sec. 7. That if either of the trustees, commissioners, or clerk of any township, shall fail to attend at the time and place of holding elections, or if either of them should be a candidate for state or county office, then it shall be the duty of the electors present to choose, viva voce, suitable persons, (as the case may require) having the qualifications of electors, to act as judges or clerk (as the case may be) of the election; and, previous to any votes being received, such judge and clerk, not being a trustee or clerk of the township, shall take an oath or affirmation, which may be administered by a justice of the peace, trustee, or clerk of the township, in the following form: "You, A. B., do solemly swear (or affirm, as the case may be) that you shall perform the duties of judge or clerk of this election, (as the case may be) according to law and the best of your abilities: and that you will studiously endeavor to prevent fraud, deceit, or abuse, in conducting the same."

Sec. 2. That said original section 7 is hereby repealed; and this act shall be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER.
President of the Senate.

April 2, 1859.

No. 156. AN ACT

Authorizing the examination of Banking Corporations in certain cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any banking corporation in the state of Ohio, organized under the laws thereof, which shall have suspended payment upon its notes of circulation or other liabilities, or shall have made an assignment in trust of its effects, or any part thereof, for the purpose of preferring any of its creditors, whereby the provisions of the charter of any such corporation, or the law under which the same is organized, the supreme court of Ohio has power to appoint a master commissioner, examiner or other person, for the purpose of investigating the condition and management of said corporation. The master commissioner, examiner or other person, who may be appointed by the supreme court of Ohio to make such examination, shall examine fully in regard to all such matters touching the condition and management of such corporation as may be directed by the court, and for that purpose power is given him to issue process for the attendance of witnesses, the production of papers, books, and accounts necessary for such examination; also, to summon the officers, agents, assignees, or employees of said corporation, or other persons, to appear before him and testify in relation to the condition and management of said corporation, and also to take all necessary testimony to show the condition and management of the affairs of said corporation. Sec. 2. That said master commissioner, examiner or other person, who may be appointed by said court, shall have power to compel the service of his process, the attendance of witnesses and other persons, the production of books, papers and accounts, to compel answers to questions which may be propounded to all persons by him sworn, and to enforce all orders by him made touching such examination, by proceeding for contempt, as fully, and to the same extent, as any court of the state of Ohio can.

Sec. 3. The master commissioner, examiner or other person, before entering upon the duties of such appointment shall take an oath that he will faithfully, honestly and impartially discharge the same, and shall report his proceedings to the supreme court as it may require.

Sec. 4. That if upon the examination of the officers, agents, employees or assignees of said corporation, or from the evidence of other witnesses sworn, it shall appear that there are books, papers or accounts material and necessary to the examination, provided for in this act, in the possession, or under the control of, or within the knowledge of such officers, agents, employees or assignees, within the state of Ohio, or elsewhere, which now belong to, or once did belong to said corporation, the originals of which cannot be produced at such examination, such master commissioner, examiner or other persons shall have power to the same extent, and in the same manner as is prescribed by section two of this act, to compel the officers, agents, employees or assignees of said corporation to produce upon such examination attested copies of said books, papers or accounts.

Sec. 5. This act shall take effect upon its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

(No. 165.) AN ACT

To authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of natural persons, not less than five, being citizens of the state of Ohio, may become a body corporate, with all the rights, privileges and powers conferred, and subject to all the restrictions of this act.

Sec. 2. That any number of persons as aforesaid, associating themselves together for the purpose of transporting freight on any of the navigable rivers in the state of Ohio, and any of the lakes and navigable rivers bordering thereon, shall, under their hands and seals, make a certificate, which shall specify as follows: First, the name assumed by such company or association, and by which it shall be known; second, the name of the county or place where the principal office of such company is situate; third, the amount of capital stock, not to be less than two thousand dollars, and the amount of each share.—Such certificate shall be acknowledged before a justice of the peace or other proper officer, and shall be forwarded to the Secretary of State, who shall record and carefully preserve the same in his office; and a copy thereof, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of such corporation or company.

Sec. 3. That when the foregoing provisions have been complied with, the persons named as corporators in said certificate, are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of this act; and they and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate, with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with; to make and use a common seal, and the same to alter or break at pleasure; and to do all needful acts to carry into effect the objects for which it is created.

Sec. 4. Any company or association, organized for the purposes aforesaid, shall have power to build, purchase and hold such number of steamboats or other vessels, and such other personal property as may be deemed necessary for commencing and conducting the business of the association; and shall have power to sell the same, or any part thereof, in such manner and for such purpose, as may be prescribed by the rules and regulations of the company, and not inconsistent with the laws of this state. And said company shall have power to carry any articles of freight or produce upon any of the navigable streams in the state of Ohio, and on any of the lakes and navigable rivers bordering thereon; and shall be governed by the same laws, not inconsistent with this act, which govern individuals in such employments.

Sec. 5. The annual meeting of the stockholders of such company, after the first election of directors, shall be held at such time as the directors may prescribe, at which meeting the directors of the company shall be elected, and such other lawful business done as the stockholders may deem necessary and proper; and should they fail to elect directors at the annual meeting, they shall hold a special meeting at some subsequent time for that purpose by giving thirty days' notice thereof in some newspaper in general circulation in the county where the principle office of such company is situated. The directors shall hold their office until their successors are chosen and qualified, and shall have power to fill all vacancancies in their body; but no person shall be a director after ceasing to be a stockholder.—Immediately after the election of directors, they shall elect one of their number president of the corporation, and may appoint such other officers and agents as they may deem proper to transact their business, and may prescribe the amount of compensation to be allowed for their services; and such officers and agents, when required by the by-laws, rules and regulations, shall give bond to the satisfaction of the directors for the faithful discharge of the trust committed to them. Said directors shall have power and are hereby authorized to make such rules, regulations and by laws as may be necessary for their regulation, not in consistent with the constitution and laws of this state; they shall have the general management of the affairs of the company, and may dispose of the residue of all capital stock at any time remaining unsubscribed, in such manner as the stockholders for the time being may prescribe, and shall employ the capital and means of the company as they shall deem best for carrying on the business for which it was organized, subject always to the control of the stockholders; they shall cause a record to be kept of all stock subscribed or transferred, and of all business transactions, and their books and records shall at all reasonable times be open to the inspection of any and every stockholder; they shall also, when required, present to the stockholders reports in writing of the situation and amount of business of the company, and declare and make such dividends of the profits of the company, not reducing the capital stock while they have outstanding liabilities, as they shall deem expedient.

Sec. 6. The persons named in said certificate of incorporation, or a majority of them, shall be commissioners to open books for subscription to the capital stock of said company, at such times and places as they shall deem proper, and said company are authorized to commence operations upon the subscription of eighty per cent. of said stock. An installment of thirty per cent. on each share of stock shall be made in cash at the time of making the subscription, and the residue thereof shall be paid in such installments, at such times and places, and to such persons as may be required by the directors of such company. If any person or persons subscribing to the capital stock of such company shall fail to make payment of such subscription, or any part thereof, at the time or times prescribed by the directors, the said company shall have power to proceed by suit to collect the same in any court of competent jurisdiction.

Sec. 7. Each stockholder shall be individually liable for all the debts of the company in an amount equal to the amount of his subscription thereon in addition thereto.

Sec. 8. This act shall be in force from and after its passage.

WILLAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER.
President of the Senate.

April 2, 1859.

[No. 160.] AN ACT

In Relation to Public Records.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the county commissioners of any county to cause any public records of said county to be indexed or transcribed, whenever the public interest shall require the same to be done, or when the same may be necessary to facilitate the business appertaining to the office to which such records belong; and to pay in compensation to the persons employed for the same, any price not exceeding five cents a case for indexing, and ten cents for every hundred words for transcribing. And all contracts heretofore made by the county commissioners of any county for such indexing or transcribing, are hereby confirmed and declared valid; such compensation to be paid out of the county treasury, upon the order of the county commissioners and the order of the county auditor.

Sec. 2. This act shall be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER
President of the Senate.

April 2, 1859.

(No. 167.) AN ACT

To protect Literary Societies.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio.* That if any person or persons shall hereafter wilfully disturb, molest or interrupt any literary society, or any school or society formed for the intellectual improvement of its members, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than five nor more than twenty dollars, with costs of prosecution, and shall stand committed until such fine shall have been paid: provided such commitment shall not exceed five days; and provided, further, that the judgment for costs shall not be stated until such costs shall have been fully paid.

Sec. 2. That it shall be the duty of any judge of probate, justice of the peace, or mayor of any city, town, or incorporated village in this state, upon information by affidavit, to issue his warrant, causing the body of the accused forthwith to be brought before him, and if, upon the investigation, shall be found guilty, to adjudge against said guilty party or parties, the penalty provided in the first section of this act.

Sec. 3. All prosecutions under this act shall be in the name of the State of Ohio: and all such fines collected shall be paid into the township treasury, of the proper township, for the benefit of common schools therein.

Sec. 4. This act shall be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER
President of the Senate.

April 2, 1859.

No. 163. AN ACT

To amend the forty-fourth section of an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty fourth of the above named act be so amended as to read as follows: Sec. 42. The corporate authority of incorporated villages, organized or to be organized under the provision of this act, for the special purposes of being a road district, shall be vested in three trustees, who shall be qualified electors residing within the limits of such special road districts, and who shall hold their office for three years, except as herein provided, and until their successors are elected and qualified. At the first meeting of the trustees elected under the provisions of this act, they shall determine by lot the term of service of each trustee so elected, so that one of the trustees shall serve for the term of one year, and one for the term of two years, and one for the term of three years; and at every succeeding annual election of any special road district, they shall elect one trustee who shall serve for the term of three years: the said trustees shall appoint either from their own body or from the qualified voters of the corporation, a clerk, and may appoint a supervisor or such other officers or agents as may be necessary; and by proper by-laws or ordinances prescribe the duties and compensation of the officers so appointed, and may remove any such officers, and may appint others at their discretion. The said trustees shall have power to fill any vacancy which may happen in their own body from the qualified voters of the corporation, and the person so appointed shall continue in office until the next regular election, & until his successor is elected and qualified; and any two of the said trustees may act, but notice of any meeting for the transaction of business must be given to all.

Sec. 2. That the forty-fourth section of an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, be and the same is hereby repealed.

Sec. 3. That this act shall be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives,
MARTIN WELKER.
President of the Senate.

April 2, 1859.

No. 164 AN ACT

To provide for the Payment of indebtedness of Townships, incurred for the support of the poor.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of townships be and are hereby authorized to levy annually, any sum not exceeding three mills on the dollar valuation, in addition to the levies now authorized by law, for the payment of indebtedness heretofore contracted by the township for the support of the poor.

Sec. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives,
MARTIN WELKER.
President of the Senate.

April 2, 1859.

VERY IMPORTANT FROM EUROPE.

Exciting News From the Seat of War!!!

Great Battle near Milan!--Austrians Defeated!!

25,000 Killed and Disabled.

FIVE THOUSAND PRISONERS.

FRENCH LOSS 12,000.

Details of the War, &c.

FARTHER POINT (below Quebec,) June 18.—The steamship Anglo Saxon, with dates from Liverpool to the 8th inst., four days later than those received by the Europa, passed this point this morning, bound for Quebec. She brings the most important and exciting news from the seat of war.

A great battle has been fought near Milan, in which the Austrians were defeated with the loss of 25,000 killed and disabled. Five thousand were taken prisoners.

The French loss is estimated at 12,000.

The Austrians have evacuated Milan.

The Queen's speech was delivered in Parliament on the 7th inst. It contains nothing very important.

A motion was pending of a want of confidence in the ministry.

In the Liverpool cotton market, the quotations reported by the last steamer were barely maintained, and in some cass there were sales at a decline of ⅛d.

All qualities of breadstuffs had slightly declined.

SECOND DISPATCH.—A desperate battle was fought at Magenta on the 4th inst., between the allied army under the Emperor Napoleon and the Austrian army under General Hess, in which unlimited forces were engaged on both sides.

The Emperor Napoleon is his dispatches to the Empress at the Tuilleries, claims a decisive victory, saying that his army took seven thousand prisoners, disabled twelve thousand men, and captured three cannon and two standard.

He estimates the loss of his own army at three thousand, but it was rumored in Paris that the French loss was between nine and twelve thousand.

It is reported that there were from one hundred and fifty thousand to one hundred and eighty thousand Austrians and one hundred and thirty thousand French engaged in the battle.

The Austrian accounts differ widely from those of the French. Their bulletins speak of several battles being fought with varying success on both sides.

It was still undecided on the night of the 6th instant as to who gained the victory. Great losses on both sides are reported. General Espinosel, of the second corpse d'armee, was killed, and Marshall Canrobert, commander of the third corps, was mortally wounded.

General Maurice McMahon, commanding the second corps d'armee, had been created Marshall and Duke de Magenta, as a reward for his bravery on the battlefield.

Five of the French Marshals and Generals were wounded.

Four Austrian Generals and five staff officers were wounded at the battle.

There had been a general revolt at Milan, and the people had declared in favor of the King of Sardinia.

The Austrians had retired from Milan, but the city had not yet been occupied by the French.

Later rumors detract from the French the victory at Magenta.

It was believed that proposals of peace would follow the entrance of the French army into Milan.

The city of Paris had been illuminated in honor of the victory of the French army at Magenta.

The Paris bourse was active, and threes had advanced.

The latest news by the Europa, reporting the Austrians in retreat across the Ticino, is fully confirmed.

The French crossed the Ticino at Buffalora and Tubige. There was considerable fighting at both places.

GREAT BRITAIN.—The Queen delivered her opening speech to Parliament on the 7th inst. She laments the outbreak of the war; she did all she could to prevent it, and proclaims her strict and impartial neutrality. She says the navy has been increased beyond the authority granted by Parliament, and asks for its sanction. She recommends the reopening of diplomatic intercourse with Naples. She expresses the hope that the Reform question will be settled at this or the next session.

In the House of Commons the Liberals had moved an amendment to the address to the throne in reply to the Royal speech, declaring that Her Majesty's ministers do not possess the confidence of Parliament, and the debate thereon was pending.

QUEBEC, Sunday, June 19.—The Anglo Saxon having arrived here, the papers recieved furnish some details of the battle of Magenta.

It appears that on the 4th inst., the French troops were under orders to cross the Ticino at Turbigo.

The Emperor in his official bulletin, says: "This order was well executed, though the enemy in great force, offered a determined resistance. The roadway was narrow, and during two hours the Imperial Guard sustained, unsupported, the shock of the enemy.

"In the meantime, Gen. McMahon made himself master of Magenta, and after the most sanguinary conflicts, the enemy was repulsed at every point."

It is said that the Austrians, in the precipitation of their evacuation of Milan, left their cannon and treasure behind.

The Emperor says that the troops have captured 12,000 Austrian muskets.

The municipality of Milan presented an address to King Victor Emanuel, in the presence of the Emperor.

The King was to enter Milan on Tuesday, the 7th inst.

The Austrian official bulletin says:

"The conflict was desperate between the 1st and 3d Army Corps, and the enemy in considerable force. The contest was undecided and continued on Sunday. Our troops threw themselves on the enemy with an ardor and perseverance worthy of the most glorious feats of the Imperial arms."

A Vienna dispatch (unauthenticated) in the Frankfort papers, says that through the opportune arrival of Count Clair Gallsand his corps, the Austrians were victorious, and after a hot fight the French were thrown back over the Ticino.

The London Times says:

"There was very hard fighting at Buffalora, with varying success. The battle lasted till late at night and was continued the next day at Magenta."

TWO DAYS LATER FROM EUROPE.

ARRIVAL OF THE PERSIA.

Still Later from the Seat of War.

MORE FIGHTING.

The Austrians Retreating Across the Adda—Defeat of the British Ministry.—Prussia preparing to take the Field.

BATTLE OF MARIGNANO.

2,700 Austrians killed and Prisoners.—French loss 500 killed and wounded.—Both Armies preparing for another general Engagement.

NEW YORK, June 21.—The Cunard steamship Persia, with dates from Liverpool to the 11th inst., two days later than those furnished by the Kangaroo, arrived at her dock at 9 o'clock this evening.

The Austrains have been driven from Marignano with a loss of 1200 prisoners, and the main body of the army is reported to be retreating across the river Adda.

The British Ministry has been defeated in the House of Commons, the resolution of a want of confidence having been carried by a majority of 13.

The Ministry was expected to resign on the meeting of Parliament on Saturday, the 11th inst., the day the Persia left Liverpool.

WAR NEWS.—The details of the battle of Magenta are recieved at London and Paris very slowly, but they do not change the first complexion. The losses were undoubtedly severe on both sides.

The Austrian official accounts only acknowledge from 4000 to 5000 killed and wounded, and that the enemy lost fully half as many again. It is reported, but not confirmed, that Gyulai has been dismissed, and Gen. Hess, appointed Commander in Chief.

The Austrians have retreated across the river Adda.

Their head quarters were near Cremona. They were expelled from Maulignano by Gen. Baraguay D'Hilliers, who took 12,000 prisoners.

Pavia was evacuated by the Austrians, and the Emperor Napoleon and the King of Sardinia entered Milan on the 8th inst., where they were most enthusiastically received. They remained there at last accounts.

The latest advices say that the allies were advancing from Milan in pursuit of the retreating Austrians, and also that the Prussians have given indications of siding austria.

GREAT BRITAIN.—The motion of a want of confidence in the Ministry was carried in the House of Commons by a vote of 323 to 310. Nothing was known as to the expected change in the Ministry when the Persia sailed. At the meeting of the atlantic Telegraph Company, the report already published, was adopted.—The Red Sea Cable broke and was lost when only sixty miles from Cape Sidero.

The Latest by Telegraph from London to Liverpool.

LONDON, June 11.—The British Ministry did not resign on Saturday. The house of Commons adjourned over till Friday, the 18th inst.

It is reported that the Prussian army will be mobilized, and Prussia will soon take part in the conflict. It is also said that the Prussian Government is negotiating for the passage of troops through Germany.

The Austrians were at Lodi, the allies advancing. Gen. Garibaldi had beaten an austrian force at Bresca. Five hundred Zouaves were killed at Marignano. The Austrians lost 1,500 killed and wounded, and 1,200 made prisoners. The battle of Marignano lasted nine hours.

The armies were preparing for another general engagement.

THE BATTLE OF MAGENTA.—It turns out that Gen. Canrobert was not wounded at the battle of Magenta. All accounts give the great glory of the day to Gen. McMahon. He had no orders to proceed to Magenta, but heard the roar of the battle, rushed on and saved the army.

In the subsequent action the French General Wimpfen was wounded; Desme and Madhurt, commanders of the Grenadiers, were killed.

The defeat of the Austrians at Magenta is said to have produced an immense sensation in Germany.

The correspondent of the News gives the following details:

"In less than two hours the allied monarchs had deployed 60,000 men against the Austrians, whose force was 80,000, together with a powerful artillery. They compelled them to move on a most disadvantageous ground. As their left was soon turned by Gen. Conrobert's corps, supported by Gen. Faut's division, the Austrians were obliged to fall back on their center at Abbiate Grasso.

"The Austrian center being thus swelled by the routed colums of their left wing, was soon in disorder, and thousands fell crushed by the French artillery. Gen. McMahon had now reached the scene, and seeing that the moment had come to break the disordered center of the Austrians, charged with an impetuosity seldom witnessed, supported by Durant's division, which stood in reservation, moving slowly beside him. The shock was terrible, and the dead and wounded were falling by thousands. The Austrians were finally routed and the victory won."

The same writer says that 20 Austrian guns were taken. The Zouaves had 700 killed and wounded. A brigade in Gen. Canrobert's corps was almost destroyed in the last charge. The Emperor and the King were always in the thickest of the fight. The military men are unanimous in praise of the strategetic combinations of the Emperor.

THE BATTLE OF MARIGNANO.—At Marignano the austrians were entrenched. Gen. Benedik commanded the austrians.

Gen. D'Urbaa is said to have effected his retreat by Cassanno.

The King of Sardinia had issued a proclamation to the Lombards, saying that their independence having been secured, a *regimen*, liberal and durable, will be established. He eulogises the Emperor Napoleon, and calls on the Lombards to join them in the battle field.

A Hungarian Legion was organized at Turin.

The London Post's Paris correspondent says that over 4,000 of the prisoners are Italians, who took the earliest opportunity to give themselves up. They were always placed in the front, and were threatned by the Croats in the rear, if they did not fight well.

Many of them offered to join the Allies, but their services have not yet been accepted.

The Swiss Government has ordered the immediate fortification of the Austrian frontiers. Three Austrian armed transports with vessels in tow, have been stopped in Swiss waters and surrendered.

The Emperor of Austria has issued a proclamation to his subjects in the Tyrol and Zoralberg, calling them to arms to defend the most righteous cause for which the sword was ever drawn. He confides to them the task of defending the frontier against the enemy who has made himself an ally to revolt, against the legitimate domain established by God.

Battle of Magenta.

This is the name by which the great struggle betwen the grand armies of France and Austria, of which we have just been advised by telegraph, will be known in history. The town of Magenta is situated on the Railroad from Novara to Milan, which crosses the Ticino at Buffalora, and is about five miles from the river on the Austrian side, twenty-five miles west of Milan, and twenty-four miles north-west of Pavia. It is a place of about four thousand inhabitants. Those who have good maps of the seat of war, and have closely read accounts of the various movements and combats of the contending armies, cannot fail to understand the occasion and location of this battle, and the reason why the Austrians evacuated Milan. The allied army at the time of the advance of the King of Sardicia, which resulted in the battle of Palestro, occupied a position in the form of a crescent; the wings advanced towards the Austrians. The battle of Montebello was at the extreme point of the allied right or southern wing, and resulted from an endeavor on the part of the Austrians to ascertain whether the advance of the main French army was to be along the south bank of the Po and upon Piacenza with the intention of turning the Austrian position on the Tisino, and threatening Pavia from the rear, and Milan from the south. Upon the extreme northern wing of the allied crescent, the left wing of their army, Garibaldi crossed the Ticino and entering Austrian Lombardy stirred up an insurrection in the province of Como taking the cities of Varese and Como, and carrying on an effective guerilla warfare north of Milan, which very inopportunely gave employment to several brigades of Austrian troops. At the moment of this brilliant maneuvre, the French made a feint south of the Po, to cover the oblique movement of the grand mass of their army from the right to the center of their position.—It will be remembered that letters from Alessandria, written during the last day of May, mention that a great movement had taken place. The French cavalry had arrived. The preliminary preparations were made, and the Imperial Guards had departed in the night, leaving the streets, heretofore crowded with them, empty and silent. This movement was toward Vercelli, which is on the direct route from Turin to Milan. The fact of the battle of Palestro was the forcing of the passage, by the Sardinians, of the River Sesia, the western boundary of the Sardinian Province of Novara, which is the one next Austrian Lombardy, and is bounded by the Sesia and Ticino, the Alps and the Po. The Sardinian troops had almost all the honor of this affair, only a few of the ubiquitous Zouaves assisting. It was probably desirable that the Austrians should be in doubt, at that moment, as to the point upon which the French troops were concentrated, hence the French took no important part in this battle. But the Austrians discovered that Marshal Canrobert, with his *corps de Armee*, had effected a junction with the Sardinian King on their side of the Sesia. The Emperor Napoleon was in the immediate vicinity of the battle of Palestro, and is said indeed, to have ordered the Third Zouaves to the rescue—a bridge of boats over the Sesia, all important to Canrobert's division, being threatened. The incomparable agility and daring of the Zouaves, in taking an Austrian battery and destroying its supporters was the most brilliant and decisive feature of the fight. This was on the 31st of May. No time seems to have been lost. The main body of the French being concentrated, by the oblique movement from Alessandria, upon the center of the crescent we have described, advanced at once, and forced the passage of the Ticino at two points, and on the fourth encountered the Austrian masses at Magenta, on the soil of Austrian Lombardy.

The Austrians were evidently not taken by the adroit and rapid advance of the French, but are reported to have blocked the way to Milan with from one hundred and fifty to one hundred and eighty thousand men. The struggle between the grand armies was obstinate and bloody.—The Austrians have disputed the advance of the Allies mile by mile. But all their determined valor could not avail against the fiery dash of the French. They may claim that they gained advantages, but the loss of the splendid city of Milan, the true capital of Northern Italy, makes their discomfiture plain. It would hardly be disputed, if the Austrians and French had met on the road between Vercelli and Turin, and fought a general action, and the latter had thereupon evacuated the Sardinian capital, that they were victorious. As long as the Austrians retire over river after river, and abandon city after city, bloody fighting going on all the time, we must conclude that the fortune of the war is against them. The insurrection in Milan, of which we are informed, may have been important in forcing the Austrians to retire before the allies. We have not the date of the insurrection, but it could only have taken place at the time or after the day of battle, while the great armies were engaged. The Milanese, as is well known, have long entertained for the Austrians the most deadly hatred. The city contains about two hundred thousand inhabitants. The Zouaves have already been enabled to avail themselves of the directions which they were reported to have asked of Germans in Paris, to the leading Cafes of Milan. Napoleon is said to have promised to enter that city early in June, and has been as good as his word. The telegraph does not announce his arrival at that place, but the way was clear and the distance from the battle field a day's march. The allied army at Magenta was commanded by the Emperor Napoleon in person, Gen. Hess, who accompanied the Austrian Emperor, whose whereabouts was not signified, from Vienna, commanded the Austrians. He is an old and able officer, and was opposed to the Guyali invasion of Piedmont. It was probably under his orders that the Austrians retreated over the Ticino, and he of course selected the ground for the action. The dispatches are meager and we will not have the details for some time, as of course the only accounts recieved in England, whence our account is drawn, were telegraphic dispatches and official ones at that. The slaughter among the officers on both sides shows the desperate and murderous nature of the affair, and to considerable extent due the long range of the rifles now used on both sides. The same thing was remarked at Montebello. Marshall Canrobert was announced mortally wounded, was the commander in chief of the French in the Crimea from the death of St. Arnaud to the accession of Pelessier. He was distinguished for personal bravery, but for coolness and prudence in the management of his troops. He stood high in the confidence of the Emperor, who advised with him constantly. His death will be much lamented by the French with whom he was a general favorite. The hero of the day seems to have been McMahon whose honors followed speedily upon his performances, as it is already stated that he is made Marshal and Duke de Magenta. He is a remarkably fine soldier, and was really entitled to the honor of storming the Malakoff, into which infernal region he led his troops sword in hand. We do not question that he performed prodigies of valor at Magenta. The splendor of the reward conferred will animate other officers to do likewise.—*Cin. Commercial.*

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FIFTY