

# REPORTER

Wednesday, May 29, 1844.

For President in 1844,  
**MARTIN VAN BUREN,**  
OF NEW-YORK.  
For Vice President,  
**COL. RICHARD M. JOHNSON,**  
OF KENTUCKY.  
(Subject to decision of a National Convention.)

Electors for President and Vice President.

- WILSON McCLELLAND, } Senatorial.  
AND DEWEY, }  
1. George F. Lehman, 13. George Schnabel.  
2. Christian Keenan, 14. Nath'l B. Eldred.  
3. William H. Smith, 15. M. N. Irvine.  
4. John Hill, (Phila.) 16. James Woodburn.  
5. Samuel E. Leach, 17. Hugh Montgomery.  
6. Samuel Camp, 18. Isaac Ankeny.  
7. Jesse Sharpe, 19. John Matthews.  
8. N. W. Sample, 20. William Patterson.  
9. Wm. Heidenrich, 21. Andrew Burke.  
10. Conrad Shimer, 22. John McGill.  
11. Stephen Baldy, 23. Christian Meyers.  
12. Jonah Brewster, 24. Robert Orr.

DEMOCRATIC NOMINATIONS.

For Governor,  
**HON. HENRY A. MUHLENBURG,**  
OF BERKS.  
For Canal Commissioner,  
**JOSHUA HARTSHORNE,**  
OF CHESTER.

**COLD WEATHER.**—The weather in this vicinity, has been unusually cold, for the season of the year, during a great portion of the present month. On Wednesday and Thursday mornings, severe frosts occurred, which, in some sections, done great injury—cutting off all the tender vegetables and destroying the fruit.

The season had been uncommonly early, and the promise for an abundance of fruit &c., was all that could be desired—but so far as we have received accounts from the townships remote from the river, all is cut off. Along the river no perceptible injury has been done.

It is said that ice was found in Albany township, on Wednesday morning near 1 of an inch thick—that even the water in the road was frozen over. In every direction around us, especially on the highland, we hear that the frost was so severe as to kill the leaves on the trees, and in some places the forests appear as if they had been scorched by fire.

**CANAL COMMISSIONERS.**—We have seen a letter from Harrisburg—of recent date, stating that a writ of *Quo warranto* has issued from the Supreme Court, by direction of the Attorney General, authorized by the Executive, citing the Canal Commissioners to appear before said court on the 4th of June next to shew by what authority they are exercising the said office of Canal Commissioners.—We think their repudiation should be similar to that of Ethan Allen of revolutionary memory,—when he demanded the surrender of Fort Ticonderoga, he was asked by the British commander of the fort, "by what authority" he made the demand—and with all the dignity and daring boldness for which he was so notorious, he replied that he demanded its surrender in the name of the great creator of worlds and the Continental Congress. The Canal Commissioners should reply to this procedure that they hold their office, in the name of the sovereign people, and by the authority of the laws of this commonwealth.

**DISSENSIONS AMONG THE MORMONS AT NAVVOO.**—The St. Louis Republican gives a long account of some occurrences which, it is said, took place at Nauvoo on the 26th ult., in which a man named Foster attempted to shoot Smith, the prophet. The person who gives the Republican this information, says Joe Smith has a number of enemies, and his influence is beginning to decline, but thinks his doctrine is on the increase. There are about fifty masons and stone cutters engaged about the temple. It will be the most extraordinary building on the American continent. They have a regular theatre, got up by the Mormons themselves.

**FIRE AT OLDTOWN, (ME.)**—Five persons burnt to death.—A house near the railroad at Oldtown, occupied by a French family, was entirely consumed by fire last week, and a man and four children perished in the flames. The man, Mr. Benjamin Davoust, alarmed the family, and immediately proceeded up stairs to rescue the children belonging to his brother, and there he and the children perished together. Three other children of the same family were saved.

## Bradford County Court.

**DEFERRED CASES.**  
**WILLIAM GIBSON, vs. DAVID SMITH.**  
—On defendant's appeal, a motion was made by the Plaintiff's Attorney, to strike off the appeal, the plaintiff at the same time offering to accept the confession of judgment made by the defendant before the Justice, and pay all costs accruing since the appeal.

This was an action brought before a Justice of the Peace, by whom judgment was rendered, March 23d 1843, in favor of the plaintiff for \$87 10. On the 3d of April following, the defendant offered to confess judgment for \$62, and costs, and at the same time, entered bail for stay of execution and appeal, i. e. if plaintiff accepted the confession of judgment, then the bail would be for stay of execution; but if not, then for appeal. The appeal was taken to May Term, 1843, and Feb. 17th, 1844, the plaintiff accepted the defendant's offer and agreed to pay all costs since the appeal. The defendant, however, resisted the striking off of the appeal, and the Court decided, May 6, 1844, that by the provisions of the Act of Assembly, the plaintiff must accept the offer, of confession before the appeal is carried up; that the bail for the stay of execution would be merely nugatory, being bail for appeal. Rule discharged, and defendant allowed his appeal.

**Wm. H. PURDY vs. THE USE OF THOMAS MAXWELL, vs. HENRY S. DAVIDSON.**

This was a case stated and submitted to the Court at the last term on the following facts. The present suit was brought to recover the amount of a judgment obtained April 23d, 1842, in the Common Pleas of Chemung Co., N. Y., by William H. Purdy against Henry S. Davidson. Thomas Maxwell, the Attorney of Purdy in Chemung Co. took from him an assignment of this judgment April 28th, 1842, and afterwards instituted this action in its present form in the Common Pleas of Bradford County.

The defendant offered as a set-off a judgment rendered April 30th, 1842, in Chemung Common Pleas, in favor of Samuel Hall against Wm. H. Purdy and Fay H. Purdy. The note for which this judgment was given, was executed by Wm. H. and F. H. Purdy to H. S. Davidson Dec. 23d, 1841, made payable Jan. 1st, 1842, and by Davidson delivered to Hall about the 4th Jan. 1842, as collateral security towards the payment of a larger debt due from D. to H. with an express agreement that the money, when collected, should be applied in satisfaction of Hall's demand against Davidson.—Accordingly, Hall brought suit on the note in his own name, and obtained judgment therein; but did not collect any part of the amount. On the 30th Nov. 1842, Hall, having previously received the amount of his claim from Davidson, gave him a written assignment of this last mentioned judgment.

The question which arose for the decision of the Court was, whether the set off offered by the defendant under the foregoing circumstances, would be admissible. A written opinion was delivered by JUDGE CONYNGHAM, May 9th 1844, deciding against the admissibility of the set-off, in the following terms:—

"The general principle certainly is, that in a suit by one person as Plaintiff, against a Defendant, such Defendant cannot set-off a debt due to him by the Plaintiff, and another joint debtor; for the debts are not mutual and due in the same right. See Bab. on set-off 6 Lw. Lib. 16; 1st condensed rep., U. S. 417, in not. 5 Cranch 34, Tucker vs. Riley, 14 S. & R. 300, M'Dowell vs. Tyson. These authorities, without referring to others, establish the principle, and if the rule be the same with regard to judgments, must decide the present case in favor of the Plaintiff.

It is supposed, however, that in an application to the Court to permit an equitable set-off of judgments, the strictness of this rule with regard to other debts does not apply; and so Kenyon, Ch. J., in the case of Mitchell vs. Oldfield 4 T. R. 123 ruled, as to the equitable set-off of judgments of the same court. But this is not the case here, as stated before us, it only presents the question of the admissibility under the plea of set-off, of the joint debt of Plaintiff, and another to the Defendant, as ascertained by judgment. Situated too, as the debt due to the Defendant, appears to be, would be another reason, why as against

the real Plaintiff, here Maxwell, the offset should not be allowed.—When the judgment upon which this suit is brought, was obtained, and when it was assigned to Maxwell on the 28th April, 1842, the claim now proposed to be set off was not in judgment, and then belonged to Hall, to whom in the January previous it had been assigned by the Defendant, collaterally, it is true; but still, Hall had the entire and only right to receive the money, and Davidson, the assignor, had no right to off-set it or apply it to the payment of another debt due by him, till Hall was paid; and this by the case, does not appear to have been till Nov. 1842, about seven months after the right of Maxwell accrued. Under all the circumstances of the case, the Court direct judgment to be entered in favor of the Plaintiff, for the amount of his claim, and interest, to be calculated by the Prothonotary."

**PETER C. WARD, vs. HENRY VANDERPOOL.**—In this case, the Court ruled, May 13th, that the certified transcript of a Justice of the Peace to be valid, must be under seal.

**AN IMPROVEMENT.**—Mr. Ezra Cornell, Ithaca, New York, has invented a plough of great merit and much simplicity, for laying lead pipes in the earth by animal power, and without excavation by hand. The thickness of the share, made of cast iron, is in proportion to the size of the pipe desired to be laid; and, of course, it is moved through the earth with corresponding ease, causing but a narrow cut or crack in the earth, which readily closes as the machine advances; the pipe being disengaged from the drum or cylinder of the machine, on which it is coiled, is left at the bottom of the trench, or as deep in the ground as the machine was gauged to run, by an adjustment of the wheels. The pipe for Prof. Morse's Telegraph has been laid by it for the distance of about ten miles. In illustration of the rapidity and success of its work, four hundred and fifty feet of pipe were laid, at the depth of twenty inches, and completely covered in the short time of five minutes, including one stop of nearly three minutes. It is estimated that three miles of pipe can be easily laid in a day with this machine, when the ground is free from obstruction, requiring a team of from two to four yoke of oxen or teams of horses, according to the nature of the soil, and depth at which the pipe is laid. It will prove important to the agriculturist, as it will afford facilities for irrigation or watering stock.

**SENATOR NILES.**—The Globe of Saturday contains a letter from Gideon Welles, Esq., accompanied by a statement from A. Brigham, Esq., the conductor of the Utica Asylum, respecting the state of Mr. Niles' health, and the object of his visit to Washington.—They state that the journey was concluded on during the winter, and that had there been no election in Connecticut, Mr. Niles would have started for Washington precisely at the time he did. Mr. Brigham states that it was at his urgent request that Mr. Welles accompanied him, as the most suitable companion under the circumstances; the object of the visit was to seek a more southern climate for the recovery of his health. In a prospect to his letter, Mr. Brigham states that he has just received a letter from Mr. Niles, in which he discovers that he has been somewhat disturbed by the newspaper notices; and that although he is anxious to resume his duties in the Senate, feels somewhat doubtful whether his bodily health will permit him to do so. In reply to which he has urged him to take his seat, and engage in active duty, as a resource against mental disease.

**HAIL.**—A hail storm passed over Lebanon, on Friday the 3d of May, from the Northwest. In Dauphin county, hail fell as large as hen's eggs, killing small animals. In its course, it did serious injury to the grain fields, and broke thousands of window glasses.—The storm passed into Berks county in the neighborhood of Stonchburg.

**FIRE.**—A destructive fire occurred at Canal Dover, Tuscarawas county, Ohio, on the 8th inst., which destroyed warehouses on the bank of the canal, the Collectors Office, and the grocery store of Fetig & Tory. The value of the goods, grain and buildings destroyed, is computed at \$25,000—\$10,000 insured.

## "What has Mr. Muhlenburg done?"

This interrogatory was propounded, a few weeks ago by the United States Gazette to the editors of the Democratic Union—to which those gentlemen replied in their usual polite and gentlemanly manner, that, as the question was asked in a respectful manner, and apparently intended to collect valuable information they did not feel at liberty to decline answering it, even to a political opponent. The answer, which we subjoin appears, by a subsequent number of the U. S. Gazette to be "perfectly satisfactory" to the courteous editor of that paper.

"Mr. Muhlenburg has done, and is doing, all that is expected from a Patriot, a Christian, and Philanthropist. By a long continued series of deeds of charity and kindness—feeding the hungry, clothing the naked, and consoling the afflicted—he has won the cordial esteem and affection of all his neighbors, irrespective of political distinction. For many years also, Mr. M. ministered to the spiritual wants of his fellow-men, until physical infirmity constrained him to abandon a profession, which threatened the inevitable and abrupt termination of his own existence. Then, those who had learned to appreciate his great private worth, demanded his services in a different sphere of usefulness, and elected him their representative in Congress, a station not incompatible with the one he had reluctantly relinquished. He served his constituents faithfully and well, and was re-elected. He increased in efficiency as he gained in experience, and they added another term. In Congress his career was one of eminent fidelity and usefulness, as we shall proceed to prove.

"He resisted, with all his energies, and successfully, too, the wild project of launching the General Government in the same extravagant system of Internal Improvement, that has since impoverished two-thirds of the states—vide his excellent speech against the Maysville road-bill.

"He aided, materially, in saving the National treasury from bankruptcy, by the withdrawal of the public monies from the venal grasp of an institution, which was then already engaged in wasting million upon million in reckless speculation, and which finally succeeded in plunging itself into the vortex of irretrievable insolvency, and those who had placed their trust in it, into a condition of absolute destitution.

"He tried to investigate its condition, being one of a committee deputed for the purpose by Congress, before folly generated into madness, but was prevented. The bank closed its doors upon him, as it has since done upon its stockholders and creditors.

"He put an end to the panic speeches of members of Congress in the interest of Mr. Biddle, and thereby saved thousands of dollars to the people, and a monstrous waste of precious breath, spent in behalf of a rotten institution.

"In a strain of fervid and impassioned eloquence, seldom surpassed in the halls of Congress by the most aspiring, and never equalled by one so unpretending, he fearlessly resisted Southern nullification—declaring against the sacrifice of AMERICAN INDUSTRY to the intemperate demands of Southern Hotspurs—when even the stout heart of Mr. Clay yielded to the tempest, and induced him (Clay) to imolate his own cherished offspring.

"He gained a pension for the widow of STEPHEN DECATUR, by one of the finest appeals to the justice of Congress on record, and so much was he respected in responsible post of chairman of the committee on revolutionary pensions, that his endorsement of a claim was deemed all-sufficient to insure its immediate adoption.

"He was a powerful advocate of the GOLD BILL, one of the crowning features in the wise policy of President JACKSON.

"Mr. VAN BUREN tendered him the embassy to a distinguished foreign court, a voluntary tribute to his pure patriotism and exalted worth, and it was accepted. In his new relations Mr. M. was regarded by all who secured his acquaintance as the noblest American of all. He did much to elevate the character of our country in the estimation of those who had before but little understood it. The letters referred to by the Gazette were designed to exhibit the superiority of republican over monarchical institutions, and no where did he find the difference more striking than in the domestic condition of the humble artisan and laborer. After he had accomplished the purposes of his mission, he returned to his native land, separating forever from devoted

hearts abroad, to be welcomed by others, yet more devoted, at home.

"All this Mr. M. has done, to gain for himself that pearl above all price—a good name—and, unlike thousands of others, he has done nothing to tarnish or deface it. He has now yet to defeat Mr. Markle in the race for Governor, a task which he can and will accomplish with the utmost ease. After that, our esteemed contemporary will scarcely be tempted to repeat the inquiry: "What has Mr. Muhlenburg done?" The facts will speak for themselves."

[For the Reporter.]

**Messrs. Editors.**—Much has been said by our whig friends of late about a tariff's furnishing a home market for the agricultural productions of the country, by transferring men from the agricultural to the manufacturing interests and thus making them consumers instead of producers. This argument admits and rests entirely for its support on the fact that there is a surplus of agricultural production in the country. Does a tariff then, or do manufactures increase the home consumption? Would a man engaged in manufacture consume any more than one engaged in agriculture? Again, would eight millions of manufactures consume any more of the fruits of the earth than the same number of people engaged in agriculture? Or would the entire population of the United States (which we will suppose to be 19,000,000) consume any more than they now do, were it possible to convert them all into manufacturers? What then becomes of that surplus production? It is not disposed of by means of a home market but it is lessened it is true because the number of producers is lessened. The argument of our whig friends then is this, that to dispose of our surplus agricultural productions you must lessen their amount, that is, raise less, and then the farmers can get more for what they do have. Now if there is a surplus of agricultural productions in our country over and above the wants of our own people is it not evident that that surplus must seek a foreign market, and that a home market for surplus productions is entirely out of the question. Again if it were practicable; would it be policy to shift men from the producing to the consuming classes? Would it be policy for the working bees of a swarm to become drones or for more than a due proportion of them to be engaged would not the other interest of the swarm suffer?—

From this homely and simple illustration may we not with unerring certainty draw the conclusion that the number of men engaged in any branch of business is better regulated by the simple rules of nature than by any legislative enactments. Is it not apparent that he who produces anything from the earth, adds to the real wealth of the country, of the state and nation whilst what is gained by merchandise, trading and the like, is only a change of wealth from one man's hand to another. Have we not as a nation been too sorely afflicted with men who have sought to procure a living by any and every means except that of tilling the earth, and should we then encourage this spirit of gambling and speculation by legislative enactments? Will our friends both whig and democrat take these things into serious consideration.

## WHITEHEAD.

**FINAL RESULT IN VIRGINIA.**—The Virginia papers concur in stating the following as the final result of the election in Virginia:

	Dem.	Whig.	Total.
House Delegates,	61	73	134
Senate,	21	11	32
	82	84	166

Whig majority on joint ballot, two. In this statement is classed as a whig, Mr. Parley of Logan, elected last year as a Democrat, but somewhat whigish in his notions. He is re-elected by a combination of both parties. The Washington Globe still claims him as a Democrat. On the whig side are also classed both members from Mecklenburg, one of whom, the Globe says, is pledged to vote for a Democratic United States Senator, in opposition to Mr. Rives. If these conjectures prove correct, as there is reason to believe, the boot will be on the other leg, and there will be a majority of two for the Democrats. On the whole, it will be an exceedingly "close shave."

The Texas papers say that if the United States refuses annexation, that their next Congress will throw open their ports to the admission of English manufactures free of duty.

## News from all Nations.

A mammoth cave has been discovered in Talladega county, Alabama. It is situated four miles east of Reynolds gaffrey, on the Coosa, and thirty miles above the turpicks. A number of human bones have been found in a slight distance from the cave. The cave is filled with bats.

It is stated that about 500 individuals have already collected at Independence to be joined in the course of the month by 1500 more from Wisconsin, Indiana, Illinois and Iowa.

Gen. Samuel Stewart, died at his residence near Jersey shore, Lycoming county, on the 26th ult., aged about 75 years. Gen. S. was among the earliest settlers of Lycoming, and the first Sheriff of that county.

The bill providing for the election of Canal Commissioners by the people, which passed the New York Senate Friday last, was carried through the Assembly on Monday by the strong vote of ayes 96 to noes 22.

A Mrs. or Miss Irene B. Allen votes the fair sex of all conditions meet in convention at Peoria, on the 23d of May inst., to form a State male Anti-Slavery Society.

The small pox or chicken pox appeared in Longueuil, near Montreal with a virulence and fatality rarely what is recorded of its ravages in middle ages. More than five hundred persons, of whom a large portion had been vaccinated, have been more or less affected by it.

On Monday morning, at East, near Pittsburg, Adam W. young German, died of Hydrophobia. He was bitten about three weeks ago.

A duel was fought at Vicksburg Saturday, between James M. Down Esq. and Thos. E. Robbins. The weapons used were rifles; at the fire Mr. Downs was severely, but dangerously, wounded.

There was a row between the sects of Irishmen at Croton on Saturday spreading to Sing Sing, the itary, led on by Gen. Ward, men to the scene of action, but the row over, and so they marched back.

The leaf of the Rheubarb plant poisoned a family on Long Island, N. Y., who partook of a mess of it. Two of the children are not expected to survive.

The steam ferry boat Iceland burnt on Saturday night, while sailing on the Illinois shore, opposite Louis. She had on board a large quantity of cord wood.

A violent tornado passed over a section of Arkansas on the 23d ult., destroying houses, fences, trees and everything in its course. The Arkansas Post, a distance of 175 miles, was fully high at the same date, being in a very few inches of the ground of 1833. Plantations and fields under water all along the river, and crops were ruined. Several persons it is feared, perished.

At Pittsburg, the dwelling of Samuel M'Clean, on Peen street, Brewery alley, was robbed of \$300 and a quantity of deeds, papers &c., on Sunday evening, whilst the family were at church.

The New Yorkers are luxuriating in green peas.

A Brussels paper mentions that is in contemplation in the Common Hornu for constructing an iron structure is to be of cast iron, and in the Greek original of architectural ornaments, with the whole of the internal of the church, are to be made of iron.

The coinage of the New Branch Mint, during the late April, has been as follows: \$140,000; Gold, \$1,238,000—\$1,378,000.

On the morning of Tuesday intensive sheet-brass, pin and wire of Messrs Brown and Elton, of Conn. was burned the ground. It is very heavy—partly covered by snow.

An old man, named Samuel D. wandered away from the Post farm, Litchfield, N. H., on the 26th and was not found for some time when his dead body was discovered in the woods, three miles off.

There is a rumor that a new or is to be appointed at Philadelphia the place of Calvia Blythe.