Miners' Journal.

POTTSVILLE, PA.

SATURDAY, JULY 18, 1857.

SHALL MOB LAW RULE?—The Dead-Rabbit Riots of New York on the Fourth of July, the responsibility of which rests on the petty municipal Nero, Mayor Wood, and his rabble, were renewed in New York on Sunday last, and resulted in the death of a German, named John Miller.—The utmost feeling existed among the German population, they accusing the *Metropolitan* police with being the murderer of Miller, and exhibiting their feeling by hissing and groaning as his funeral passed the Metropolitan station-house.—Subsequently, at a German mass meeting in the evening, a Mr. Watschell, vehemently denounced the laws relating to New York city passed by the last legislature of that State, and advised the people not to submit to them.

To permit such action to pass unrebuked, is to establish a precedent calculated to plunge our country into anarchy, and make it the sport of mob-rule. The man was killed, while engaged in a riot, the sole object of which was an attack on the Metropolitan Police, existing by law, which law was affirmed by the Court of Appeals, with nine judges on the bench, seven of them Democrats. Coroner Perry with a desire that full justice should be done to the German population, who were intensely excited, had the jury of inquest composed of four Germans and three Americans. But in their fury they seemed indisposed to agree to anything, but that Coroner Connery should hold the inquest, and they be permitted to annihilate the Metropolitan Police.

The fact is, there is a growing disposition to set at defiance the laws. It is calculated to rouse the indignation of every American citizen, to witness a foreigner harangue a crowd in opposition to statutes, in defence of which every law-abiding citizen should feel it his duty to shed his best blood. It is insulting, humiliating. Yet not upon these New York rioters alone should our indignation descend. We should reserve a portion for Mayor Wood, upon whose head rests all the anarchy, rioting, death and expense, which have visited New York City during the last two months. A more disreputable, dishonest, reckless man than the New York Nero, does not exist. From the moment that the law which did not happen to pass the New York Legislature exactly in the shape to suit him, went into effect, he has exerted every effort of his cunning and rascality, to throw impediments in its way. How successful he has been, let the ghastly corpses of the Fourth testify; let New York's mourning habiliments testify; let the curses of the suffering wounded testify; let the injured reputation of New York city testify. Every drop of blood shed in New York during the riots; every disorderly act, every hand raised in opposition to the will of the people of New York, can be laid at the door of, and were actuated by that infamous official, Mayor Wood. Mob rule must be crushed. Foreigners must be taught to respect the laws and institutions of this country. Peace and order should reign unceasingly within our state and municipal borders; but how in the name of all that is just and right, can we expect it, when such men as Fernando Wood, who hesitate not to provoke breaches of the peace to serve their selfish purposes, and who in their private capacity, are notoriously dishonest, are elected to offices of trust and responsibility? Not until such men are driven into the obscurity, from which they never should have emerged, can we expect a satisfactory reply to the question, "shall mob law rule?"

TROUBLE! TROUBLE!! TROUBLE!!!—The leaders of the Democracy are in a pteck of trouble.

In the first place, they read the *Register* out of the party, and made the *Gazette* the official organ. The *Gazette* died a few weeks subsequently, the dose, we presume, being too strong for its weak nerves.

Secondly, the Roman Catholic Irishmen will persist in believing that the President of the County Committee is one of that race descended from the nation that crucified the Saviour. They also think that he cuts off heads too readily, without the formality of a trial, or permitting the accused to utter a word in self-defence. It is even alleged that he wishes to regulate their Associations.

Thirdly, some of the leaders of the Democracy, who have the most implicit faith in Rum as an electioneering engine, are alarmed at the bad quality of Liquor,—the potent instrument for a campaign,—in consequence of several sudden deaths in the "sucker" ranks. Marvellous as the statement may seem, they absolutely refuse to "take a nip" upon invitations extended by fellow suckers. One recently admitted that once he thought the advocates of Temperance *fibbed* in relation to the extent that liquor was adulterated; but now he *was fully satisfied* that they spoke the truth. Farewell the knock-down, drag-out sports of Cass township; farewell the squads of broths of boys; farewell the spirit-stirring call, "let's liquor;" the Democratic leaders are afraid of being poisoned—*their occupation's gone.*

Fourthly, the old, tried Democrats have been sold to the *Old Line Whigs*, who assume their leadership. The old liners of the Democracy feel literally, that they are "no-where" at last, and are compelled to bow to the pomposity of the *Captain*, and *wriggle up* to the gyrations of the Colonel. Alas, how are the mighty fallen!

*As we feel for the condition of that wing of the Democracy, which organless, is at the beck and call of its titled leaders; and as we are somewhat ahead of the things which bind a portion of the press to party rules and usages, we therefore, as we did last Fall, to the Fillmore men, offer them a column of our paper weekly, until election, for the purpose of giving them an opportunity to pour their lamentations upon the public ear. They shall not burst with speechless indignation; but have free vent, if a column of the *Journal* will be of service.*

SHAMOKIN.—This town located on the Sunbury and Erie Railroad, has progressed rapidly within the past few months. With a population of about 1700, new buildings are in progress of erection, and everything wears an air of go-headativeness. Mr. Stephen Bittenbender is putting up a very fine building; the base of cut sand stone; the door and window lintels of iron, and the front of pressed brick. The first story will be used for stores, the remainder of the building as a dwelling. It will when completed, be the finest house in Shamokin. The town contains three hotels—the "National," W. M. Weaver, is admirably kept —and three churches. The Shamokin Furnace, Longenecker's, is in full blast. Everything about the works is most complete. The machinery which is working well, and which as a piece of workmanship cannot be surpassed, is from the establishment of G. W. Snyder of this Borough.—The Coal deposits of the Shamokin Region are rich, and the dip of the veins possesses a peculiarity not met with in any other Coal field of the country, being precisely the reverse of those that form the Coal basins of this Region. The Mammoth vein which penetrates the Shamokin Region, could, a mile south-east of Shamokin, be reached by a shaft 150 feet in length, while beneath the town of Shamokin, a shaft 1000 feet in length would be required to reach it. The Coal used at the Shamokin Furnace, is Red Ash from Locust Gap and Big Mountain Collieries. Both are fine free burning coals; and do not clinker to that extent which renders some Coal so unpopular. That of Locust Gap is very hard, and makes but little dirt in its preparation for market. The Coal business of the Shamokin Region is becoming quite important, and would be more so were facilities for reaching market, not limited. During June just closed, twenty thousand tons of Coal were transported on the Philadelphia and Sunbury Railroad, being the largest amount ever shipped from the Shamokin Region in a single month.—Facilities however, will come in good time, and the iron horse will yet perform for our north-west neighbors what it is doing weekly, for us of the Schuylkill and Mahanoy Regions. The Coal business is yearly nearing that point which will make it one of the most important and indispensable trades of the country.

"THE MINERS' GAZETTEER."—The first number of this paper published at Ashland by J. M. McElwain, Esq., made its appearance on Saturday last. Making due allowance for the bustle and confusion attendant upon arranging a printing office, and getting everything in "ship-shape" order, we think that the number before us is very creditable to the editorial tact and ability of Mr. McElwain, and to the taste of Mr. J. A. Hennessy, to whose hands we [secoive, the mechanical part of the paper is entrusted. As our Ashland cotemporary says that he is "not making the experiment with the hope of *profit* but the pure love of industry," he will not, we trust, think us unkind, if we suggest that an immense *stock* of the latter will be required to realize a *tithe* of the former. It is true, and pity 'tis 'tis true." We cheerfully welcome the *Gazetteer* into the newspaper ring.

EDITOR'S TABLE.

GODEY'S LADY'S BOOK for August has for its principal illustration, a prettily time artistically delineated, entitled "Autumn Flowers," a fashion and numerous pattern plates; a piece of music entitled "Trio Juneto in Flor;" an interesting paper on the art of painting on glass; a quantity of literary matter from favorite contributors. Godey's Arm Chair; invaluable receipts, etc. Copies of the August number can be had at BANNAN'S. Godey cannot we are glad to perceive, be affected by any of the modern flimsy publications.

GRAHAM'S MAGAZINE for August contains a charming little illustration, entitled "Dead Bird," a beautiful fashion plate, a number of useful pattern plates; an amusing illustration, and a large quantity of literary matter, (some of it illustrated,) from the pens of favorite contributors. Publishers, Watson & Co., Bulletin Buildings, Philadelphia. Single copies can be obtained at BANNAN'S.

THE AMERICAN JOURNAL OF MEDICAL SCIENCES.—The July number of this Medical Journal is upon our table. It contains a number of papers of interest to the profession. This work one of the most valuable of the character published, has an extensive European and American circulation and celebrity. It is issued quarterly. Blanchard & Lea, Philadelphia, are the publishers.

Local Affairs.

The Postmaster General has discontinued the post-office at Lidnerville, this county.

Two new churches—Welch Baptist and German Lutheran—are being erected in Ashland.

Ice Cream.—By the use of the Patent Ice Cream Freezer, sold at BANNAN'S, cream can be frozen in eight to ten minutes, and this delicacy can be obtained at about half the usual cost.

An invitation to a Pic-nic near this Borough on Monday last, came during the absence of the Junior from town. This will explain to the Committee of Arrangements the cause of his non-attendance.

Now is the time to use the Kane Refrigerator, the best in the market. It keeps provisions nearly as cool as at the Arctic Regions. It makes a handsome piece of furniture for a dining room. It can be had at BANNAN'S.

At DeHaven's colliery, Minersville, has been placed an iron stack, in connection with an air shaft. Its dimensions are five feet in diameter, and sixty-five feet in length—weight, five tons. It was made at Mr. Dellaven's foundry in Minersville.

Dissolution.—The co-partnership heretofore existing in Tremont between John Barndt & Co., in the general grocery business, has been dissolved, and the business will in the future, be conducted by Albert D. Eckel, on the cash principle. To the notice in another column we ask attention.

Boy Drowned.—On Friday evening of last week, as Frank Canty, an interesting lad, aged 12 years, son of Mr. James Canty of this Borough, was bathing at Young's Landing, he was accidentally drowned. Through the exertions of Chief Burgess Crist, and others, the body of the unfortunate boy was recovered after some difficulty, about 11 o'clock the same night.

The "Pottsville Scientific Association" was lately incorporated, on application to our Court. It was founded in 1853, and is now in a prosperous condition—having already collected a large mineralogical cabinet, and the nucleus of a valuable library. The officers are Dr. Jas. S. Carpenter, Pres't; Samuel Lewis, Vice President; C. Little, Recording Secretary; J. H. Adams, Treasurer; Samuel Lewis and John Warner, Curators; and John Warner, Librarian.

Arthur's Patent Air-tight, Self-sealing cans and jars, for preserving fresh fruit, tomatoes, etc., are for sale at BANNAN'S. Many hundreds of thousands of these cans have been used during the past two summers, by families and hotel and boarding-house keepers, with the most complete success. No other can will bear comparison with Arthur's, and we advise all to try no other can or jar this year. Call at BANNAN'S and examine them.

The Washington Artillerists, under the able command of Capt. James Nagle, has received an impetus, and added to its roll recently, a number of new members. We notice the fact with pleasure, as it is one of the finest corps in the County. On Monday evening next, the Artillerists will parade, being their first evening parade. Evening parades are not unusual in the cities, and a good company by the way, never appears to better advantage.

The weather during the week has been warm, tempered however, with occasional showers. Yesterday was a "scorcher." Our meteorological record for the week is as follows:—

P. R. & P. TELEGRAPH OFFICE.
Pennsylvania Hall, Pottsville.

Sat.,	July 11,	8 A. M.—76	degrees above zero—	cloudy.
Mon.,	" 13,	" —84	" " "	—.
Tues.,	" 13,	" —86	" " "	—.
Wed.,	" 14,	" —76	" " "	cloudy.
Thurs.,	" 15,	" —80	" " "	—.
Fri.,	" 16,	" —81	" " "	clear.

Dig Run Branch Railroad.—The Ashland *Gazetteer* states that the Graduation, Masonry and Bridging of this line is slowly approaching completion, and the rails are being prepared along the line at convenient points, ready for the superstructure. The present state of the work makes it evident that the opening of next season, however early that may occur, will find this line ready to contribute her quota to swell the product of the region. The Colliery of M. G. Hellner, Esq., on the Locust Mountain estate is far in advance of the other improvements—indeed, were the means of transportation at command, coal might be shipped from the point in a few weeks. The Breaker is one of the largest class, and the coal (the Mammoth Vein) of the first quality.—An opening has also been made in the South dip of the Mammoth Vein in Locust Ridge, South of Mr. Hellner's establishment, by J. P. Beck, Esq. Arrangements are about to be made with reliable parties to lease.

Sonnet by "Tranquilla."—To the columns of the MINERS' JOURNAL we again welcome the productions—fraught with poetical genius—of a lady of Pottsville, whose calm spirit blended with her talented contributions to the *Home Journal*, secured for her form its editor, the *nomme de plume*, "Tranquilla." Nothing more appropriate could have been bestowed. We really trust that "Tranquilla" will as time and inclination sanction, brighten our *sanctum* with her inspirations. The chastaness of her writings allied to their beauty of style and diction, challenge admiration, and render approval on our part, almost superfluous. "Tranquilla's" sonnet runs as follows:—

I have been reading all this weary day,
Dante's most wonderous visions; rapturously
I drank the draught of his immortal lay,
And as I read, my thoughts oft turned to thee;
Never they must turn, and then I thought
On and Francesca's and Rimini's fate.
I felt no doom with punishment was fraught,
That left not either bosom desolate;
Fate which on earth had sundered them apart,
Gave them one doom, one punishment, one death;
Mingled the last sighs of each bleeding heart,
And cured together their fast fleeting breath;
And kinder yet e'en in its last decree,
Gave them each other through eternity.

A trip this week through the north-western portion of Schuylkill, and lower part of Northumberland county, enabled us to inspect the condition of the growing crops. They are luxuriant, in fact everything in the agricultural line, looks well, never finer than at this season.—Now and then, upon reaching the rise of some gentle elevation on the road, the scythe of the mower flashing in the sunlight, met our gaze, while the delicious perfume of new mown hay ravished our senses. It brought vividly to recollection the delicious lines of Charles Mackay:—

When swallows dart from cottage eaves,
And farmers dream of barley sheaves;
When apples peep amid the leaves,
And woodbines scent the way—
We love to fly from daily care,
To breathe the country buxom air—
To join our hands and form a ring—
To laugh and sport—and dance and sing,
Amid the new-mown hay.

A stranger comes with eyes of blue:
Quoth he, "I'm Love, the youth and true;
I wish to pass an hour with you,
This pleasant summer day."
"Come in! come in! you saucy elf!
And who's your friend?"—"My Friendship's self"
"Come each—come both, our sports to share;
There's welcome kind, and room to spare,
Amid the new-mown hay.

The ring is formed; but who are these?
"Come, tell your errand if you please;
You look so sour and ill at ease,
You dim the face of day."
"Ambition!" "Jealousy!" and "Strife!"
And "Scorn!" and "Weariness of Life;"
"If such your names, we hate your kin;
The place is full, you can't come in,
Amid the new-mown hay."

Another guest comes bounding by;
With brow unwrinkled, fair and high—
With sun-burnt face and roguish eye,
And asks your leave to stay.
Quoth he, "If in fun, your right good friend!"
"Come in! come in; with you we'll end!"
And thus we'll rile in a sting—
And thus we laugh, and dance, and sing,
Amid the new-mown hay.

The annexed verses from our friend, the "Buckville Blacksmith," are an excellent imitation of the style of Mrs. Heman's "Homes of England." The spirit embodied in the stanzas, and their poetical excellence, will we think, be appreciated by our readers. The Buckville poet must not let his harp remain silent long; but sweep his fingers often over its strings for the gratification of our patrons and ourselves:—

The Free Homes of America.

The free homes of America!
Where dwelt the men of yore;
Who in the times that tried men's souls,
The brunt of battle bore;
Forever sacred be those shrines,
And honored still their name;
And prized be the implous hand,
Would desecrate the same.

The free homes of America!
Where genius sheds her light;
Where intellect and talent reigns,
So radiant and bright;
Where live the men of mighty minds,
Whose burning thoughts and words,
Have done far more to bless mankind,
Than conquerors with their swords.

The free homes of America!
That in our cities stand;
From whence fair commerce sends abroad,
Her blessings through the land;
Homes of our merchant princes,
Proud shelters may you be!
To those who still in all their wealth,
Love best their Liberty.

The free homes of America!
Beneath the greenwood shade;
They smiling stand 'mid cultured fields,
Within the sunny glade:
Fair be the flowers that round them bloom,
And bright the streams that glide;
Down by the homes where hearts are reared,
Of honest worth and pride.

The free homes of America!
Far, far in forest glen;
Whose walls of logs smooth and rude,
Form homes for stalwart men;
For men whose independent souls,
To tyrants cannot bend;
For men whose arms are ready still,
Their country to defend.

The free homes of America!
May they ever more abound;
Till not one single chanting chain,
Shall ring its doleful sound;
Until the starry banner's folds,
Triumphantly shall wave,
Over homes whose inmates all are free,
Where freedom no single slave.

THE BUCKVILLE BLACKSMITH.

Buckville, July 13th, 1857.

[COMMUNICATED.]

MESSRS. EDITORS:—In the JOURNAL of the 11th you say the times *speak out of joint*. They are truly so in a pecuniary and moral point of view. In your allusions to Rum you hit the nail on the head. Rum is the foundation and father of all the evil. It has for many years controlled the politics of the country. It begets a majority of our bloated, corrupt and scottish legislators and congressmen. They beget the appointments of other officers of the same stamp, who plunder the public.—Rum has had more influence in the hands of knaves at the ballot-box than anything else. The people have everything in their own hands. Let them elect sober, honest, common-sense men, and a change would soon be visible. I do not mean to say that no honest men go to the legislature or congress. They are so few, however, that they have no influence. Can any one of common sense expect things to continue prosperous with drunken knaves as law-makers? Can we expect the people to remain honest under such influences? Rum and money do the work. The game now played by drunken and scottish law-makers, is into each others' hands.—They create capital and keep it among themselves. The effect is to crush the laborer and producer. SIKOV.

The Pound Avoirdupois, and the Pound Troy.

ASHLAND, *July 14th*, 1857.

MESSRS. EDITORS:—Last Saturday, at Palo Alto, the County Superintendent examined several Teachers.—During the examination he gave this question—"Three-fourths of a pound Troy is what part of a pound Avoirdupois?" The answer I gave was pronounced to be incorrect. Mr. P. D. Barnett, one of the School Directors, labored earnestly, (but not successfully,) to prove me in error. He asserted that an ounce Avoirdupois equaled an ounce Troy, and gave an answer according to his assertion. I denied his assertion. I maintained that a pound Avoirdupois equaled seven thousand grains Troy.

I will give two quotations to show him and others that I was correct, both in theory and practice. In Dodd's High School Arithmetic, on page 124, will be found this sentence—"The pound Avoirdupois is 1lb, 2oz, 11dwt, 16gr, Troy weight." In Greenleaf's National Arithmetic, on page 358 will be found this sentence—"For a standard of weight the Law of England makes the pound Troy to contain 5760 grains,—one cubic inch of distilled water, weighed as above, weighing 252,458 such grains,—and the pound Avoirdupois to contain 7000 such grains." I hope this communication will benefit the cause of Education by showing Mr. P. D. Barnett *his* error. WILLIAM E. PORTER.

[CORRESPONDENCE OF THE MINERS' JOURNAL.]

PEORIA, ILL., *July 6th*, 1857.

B. BANNAN, ESQ.:—I herewith enclose $1 for six months subscription to your paper. I notice from the tone of the JOURNAL that your ardor in the cause of Temperance has not abated in the least. Although I am not one of its advocates, still I freely admit its usefulness to society.

This city and vicinity is becoming noted for its numerous *distilleries*, and they are mostly of the largest class. We have several here that consume 1500 bushels of grain daily (mostly Corn).—none use less than 400 bushels. We have in all 3 distilleries. The daily consumption of Corn and other grain is between 7 and 8000 bushels. Think of this! For the last year or two it has been very profitable—they have reaped in fact a fortune. At the present time it is losing business on account of the high price of Corn. This section of Illinois has an abundance of Coal in the Bluffs along the Illinois River and its tributaries. The Coal used in this city by the wagon load at from 7 to 9 cents per bushel. The Coal, so far as it has been developed, runs in veins from three to five feet in thickness, and is almost level. Many miners from the East are settling here. I have met several parties from Schuylkill county.

Yours, truly, W. J. D.

Is it not a burning shame that between 7 and 8000 bushels of Corn; are consumed a week in one place to make hogs of, and *murder* the human race, while the poor among all classes, particularly the laboring classes, which constitute so large a portion of the community, are deprived of many of the necessities of life, by the high price of produce and provisions? Now under the great and good JOHN WESLEY, the father of Methodism, as early as 1730, pronounced the following curse against the Rum Manufacturer, every word of which applies with ten-fold more force now than it did then. Builders of Distilleries and Rum Manufactories read it, and then ask yourselves the question, whether you are willing to meet the spirits of the murdered victims, and hear the cures of the heart broken women, whose prospects in life have been blighted by your infernal traffic,—when you lay down your head upon your dying pillow. Think of it in time. The *large profits* of the business will then avail you but little:

"Neither may we gain by hurting our neighbor *in his body*. Therefore we may not sell anything which tends to impair health. Such is eminently, all that liquid fire commonly called drams or spirituous liquors. It is true, these may have place in medicine; they may be used as a means of bodily disorders, although there would rarely be occasions for them, were it not for the unskilfulness of the practitioner. Therefore, such as prepare and sell them only for this end, may keep their conscience clear. But who are they? Who prepare them only for this end? Do you know any the rum distillers in England? Then excuse these. But all who sell them in the common way to any that will buy, are POISONERS GENERAL.—They murder his majesty's subjects by wholesale, neither does their eye pity or spare. They drive them to hell like sheep. And what their gain in lieu of the blood of these souls? Do they not envy their large estates and sumptuous palaces? A curse is in the midst of them. The curse of God is in their gardens, their walks, their groves; a fire that burns to the nethermost hell. Blood, blood is there; the foundation, the door, the walls, the roof are stained with blood. Woe, woe, cannot hope, O thou man of blood! though thou art clothed in purple and fine linen, and farest sumptuously every day; canst thou hope to deliver down the *fields of blood* to the third generation? Not so; for there is a God in heaven; therefore, thy name shall be rooted out. Like as those whom thou hast destroyed, body and soul, 'thy memorial shall perish with them.'"

LEGAL INTELLIGENCE.

[REPORTED FOR THE MINERS' JOURNAL.]

We have received the opinion of the Supreme Court in the case in equity, of Frederick Patterson vs. Alexander Silliman, with which many of our readers are familiar, but owing to its great length, are only able to give an abstract of it. The opinion of the Court was delivered by Judge Knox. The principal facts of the case as set forth in the opinion are as follows:—On the 1st of November, 1851, Patterson and Silliman obtained a Coal lease from the Kentucky Bank, and on the 31st of March, 1852, they entered into articles of co-partnership, for the purpose of mining and selling Coal from the land leased to them. The articles stipulated that "Silliman was to furnish from the St. Clair Colliery, such machinery and property as he there had, which could be advantageously used at the Tuscarora Colliery, at a valuation and appraisement to be made by them to be mutually chosen. Patterson was to furnish two thousand dollars in ready money, to be appropriated towards the work as it progressed, to pay for the work and labor day by day until the sum was expended. After this expenditure, Silliman to furnish one thousand dollars, to be paid and appropriated towards the work from time to time as it might be wanted; after which, if it were necessary to obtain more money for the completion of the works, such money was to be raised between them on their joint note or otherwise. "Both partners were to give their strict personal attention to the business, and neither was to use the funds or the name of the firm for his own private purposes, or for others, without the consent of the other. Upon non-compliance with the terms of the agreement by any one, the other had the right to declare it null and void, and upon returning to the defaulting partner such monies as he had put in, with interest, to eject him from the partnership."

"The Plaintiff set out in his Bill that up to the beginning of November, the time when he had been ejected, the expenditures of the firm were over ten thousand dollars, twenty eight hundred of which he had paid, two thousand the Defendant, and for the residue the firm was indebted; that he then declined making any further individual advances, but that their joint credit should be used to procure the means to prosecute the business, which Defendant at first agreed to do, but afterwards declined; that on the 12th of November, 1852, Defendant tendered to him $2650—and gave him a notice that he had dissolved the partnership, and would conduct it himself, a notice of which he inserted in the MINERS' JOURNAL on the day following.

The Defendant in his answer alleges that the Plaintiff's advances were not $2800, but $2604 91; and that his own had been in cash $2750 93, and in machinery and property, $2858 59—that the Plaintiff not only refused to make any further individual advances, but refused his assent to raising any further means either individually or jointly, so long as Defendant had any further to do with the concern; that the two thousand dollars had not been advanced, as the progress of the work demanded, according to the agreement; that the name of the firm had been used by Plaintiff for his own private purposes, and the agreement had been violated by complainants refusal to take respondents machinery; and that under those circumstances, he, the defendant, had a legal right to dissolve the partnership.

The causes of forfeiture provided for in the agreement were—1st. The neglect or refusal of either partner to make the stipulated advances. 2d. The refusal to allow such other monies as the business of the firm required, to be raised by the joint means and upon the joint liability of the firm. 3d. Neglecting the business of the firm, or using its money or credit for private purposes, or to accommodate others without both partners consenting."

"The burthen of proof of default, clearly lies upon the partner claiming the right to forfeit the interest of his co-partner, and the evidence in this respect should make a clear case. The admitted facts in the case establish the complainants right as a partner and that right continues unless it has been forfeited under the agreement. There is no room here for the application of the equity rule applied by the President of the Common Pleas, that the allegations of the answer which were responsive to the bill were to be taken as true unless disproved by two witnesses, or by one witness with corroborating circumstances; for all the facts of the bill which relate to the offer or willingness of the complainant to raise money for the firm are in effect only a denial of the existence of any ground of forfeiture. The complainant alleges in his bill that originally he was a member of the copartnership and avers that neither by any thing that he had done or omitted to do, had he forfeited his interest, but that he had in all respects conformed to the law of the partnership as contained in the articles. The respondent by his answer, says, "true you were a partner, but you did not perform your covenants and thereby forfeited your right in the firm." Now to say that because the complainant alleged performance and the respondent denied it, that the denial being responsive to the allegation, therefore the answer established the existence of ground of forfeiture until disproven, would be to convert an assertion of innocence into the most effectual means of establishing guilt. The *onus probandi* being upon the respondent, we are next to enquire whether the evidence makes a clear case in his favor.

"It is admitted that the complainant advanced more money than the five thousand dollars mentioned in the agreement, but it is alleged that he did not advance it as promptly as the exigencies of the firm required and as he was bound to under the stipulation referred to.—It is unnecessary of say whether this allegation is true or not, for even if true it would not subject the complainant to have his interest declared forfeited because the neglect to set until after the whole sum and more had been advanced, would clearly amount to a waiver of any right to forfeit for the delay in making the advance. Did the complainant refuse to aid in raising money through the means and upon the credit of the firm? To prove that he did, the respondent relies upon the testimony of Francis Mediar, Charles Worman and William Kendrick.

"The first witness testifies that on the 12th of November, 1852, Silliman showed to Patterson a statement and asked him for the money due the concern; Patterson refused paying it. Silliman then asked him what part he would pay on it. Patterson replied that he would not pay one cent on it as long as Silliman had any thing to do with the concern. The tender was then made and the notice given or offered heretofore referred to. Charles Worman was present and his testimony is in substance the same as Mediar. William Kendrick proves nothing material upon this branch of the case. The evidence of Mediar and Worman falls far short of proving a refusal on the part of Patterson to allow monies to be raised upon the joint liability of himself and Silliman. It only establishes the fact that Patterson refused to pay Silliman's claim as to making further individual advances for firm purposes, and this under the agreement, was no cause of forfeiture.

"It is alleged in the answer that Patterson failed to give his attention to the business of the firm, and also that he used the name of the firm to raise money for his own private purposes, but neither allegation is sustained by proof.

"The answer further alleges that the complainant declined taking the respondent's machinery and property mentioned in the articles of co-partnership, and for proof of this reference is made to the note of 1st November, 1852, signed "Fred." the note reads—

"Dear Sir:—I have concluded to decline having any thing to do with your machinery or any of the rest of the old trash you have, on the ground of its not being suitable for the purpose. Yours, respectfully,

"PATTERSON."

There is no proof that the complainant failed to give his attention to the business, or that he used the name of the firm for his private purposes. If Patterson refused to allow the machinery belonging to the Defendant to be used at the operation, on the ground of its unfitness, he did not thereby forfeit his right as a partner, even though he were mistaken in his allegation concerning it.

"Upon the whole case our opinion is, that the act of Silliman in declaring the partnership dissolved and in denying the right of Patterson to take part in the business or to the possession of the property of the firm and in ejecting him therefrom, was unauthorized and illegal. What then is the remedy? To order the plaintiff to be reinstated as a partner would not be an adequate remedy and would be injurious to the interest of both parties, for it is very clear that they cannot act harmoniously, and therefore the relation of partners ought to be dissolved. The dissolution of the co-partnership involves the necessity of an account and the appointment of a receiver to take charge of the partnership property.

"Two objections are made by the respondent to a sale of the leasehold interest in the Coal Mines,

"1st, That it is not partnership property, but belongs to the complainant and respondent as tenants in common; and 2d, That a sale would forfeit the interest acquired under the lease made by the Kentucky Bank to the parties litigant. To the first objection it is sufficient to say, that the articles of co-partnership clearly embrace the interest acquired under the lease which was thereby converted into partnership assets and became the property of the firm.

"As the Kentucky Bank is not a party to this bill, we cannot give an opinion which will conclusively settle the question of the effect of a sale under an order of the Court of the interest of Patterson and Silliman in the Coal lease Bent as the point is presented, and as it is necessary to pass upon it between these parties, it is proper to say that our opinion is that to decree a sale under the prayer in bill, will not give to the Kentucky Bank the right to declare the lease at an end.

"Upon the whole case we are of opinion that the complainant is entitled to the relief prayed for in his bill."

Decree.

This cause came on to be heard and was argued by counsel before this Court at its last term held in the Eastern district held in the city of Philadelphia, and now to wit on the day of June, 1857, it is ordered and decreed upon the consideration of the Court, that the decree of Common Pleas of Schuylkill Co., dismissing the complainant's bill, be reversed and set aside. And it is further ordered and decreed that the record be remitted to the said Court of Common Pleas, with directions to decree a dissolution of partnership between the complainant, Frederick Patterson, and the respondent, Alexander Silliman, as prayed for in the complainant's bill, and it is further ordered and decreed that the said Court of Common Pleas do appoint a master to take account of said partnership transactions and settlement from its commencement to its termination, including any monies advanced by either partner expended in opening the coal veins leased to the said partners by the Kentucky Bank before the date of the articles of partnership, and it is further ordered and decreed that the said Court of Common Pleas do appoint a receiver to take charge of the effects of the partnership, with directions to the said receiver to sell at public sale the interest of the said parties in the lease of the coal veins made by the Kentucky Bank to them, bearing date, Nov. 1st, 1851, and generally to convert the partnership effects into money, and after payment of the partnership debts (if any) to pay the residue of the money so received, to the said parties litigant, as their interest shall direct. The time and terms of sale of the said leasehold interest, and the other property to be under the direction of the said Court of Common Pleas and it is further ordered that the respondent do pay the costs of this suit, heretofore made and incurred, all further costs to be settled by the order of the Common Pleas of Schuylkill Co. The receiver to give bonds in such sum and with such security as the said Court of Common Pleas may direct and approve.

SEAL. [CERTIFIED FROM THE RECORD.]

In testimony whereof I have hereunto set my hand, and the Seal of the Supreme Court for the Eastern District at Philadelphia, this 25th day of June, 1857.

J. F. BELSTERING, *Prothonotary.*

The Collieries in question were sold on Wednesday at Public Sale by the Receiver appointed by the Court, Mr. Henry Guiterman, for the sum of $13,000 to a Mr. Moser, of Oak Hill. We do not know whether he bought it on his own account or for other parties.

PEN, PASTE AND SCISSORS.

They have ripe peaches in New Orleans.

The Kinckley Bank of Commerce in Chicago, has failed.

225 persons were lost by the burning of the steamer Montreal.

There is a Mormon Church in New York containing 500 members.

478,000,000 of letters passed through the English Post Office in 1856.

Wild Cat, the celebrated Seminole chief, died at the small pox, lately.

There has been but a single case of yellow fever at New Orleans this season.

Since 1851 twenty-five thousand dogs have been slaughtered in New York City.

Prescott, the historian, has received $20,000 the past year for his literary labors.

Theodore Parker will be obliged to leave his pulpit soon, on account of failing health.

Vaccination for small pox, is now claimed to speedily and safely cure the whoopingcough.

The New York riots were resumed on Sunday last. Several persons were killed and wounded.

In France there are only 36 cities which contain over 18,000 inhabitants. Paris has 1,053,262.

Rev. Dr. John L. Blake, author of several school books, died lately at Orange, N. J., aged 59 years.

There is no fear dread that our Government cannot get justice done them by New Granada, without war.

Daniel Loy, employed on the canal boat "Kate Saylor" was crushed to death at Reading last week.

The name of the young English princess is Beatrice. The ceremonies of her baptism were splendid.

The new crop of D. D's begins to come in very favorably. Rutgers College, N. J., has already made four.

There have not been for ten years so many journeymen tailors out of employ, as at present in New York City.

A farewell pic-nic was given on Thursday, at Worcester, to John B. Gough, who is about going to Europe.

From the top of the steeple of Trinity Church, N. Y., 11,000 grosghops can be seen. No wonder there are riots.

About 100,000 crates of crockery, measuring about 125,000 tons, are annually sent from Liverpool to this country.

The Roman forum is now a cow market; the Tarpeian rock a cabbage garden, and the palace of the Cæsars a rope-walk.

The next session of the Ohio Legislature will be held at Columbus, on the 1st of December, 1857.

Prison of Jersey City during June, were 1065, of which 938 were foreigners, (782 Irish!)

"Old Grimes is dead." Mr. S. S. Grimes died recently in Georgia at the age of one hundred and ten years. He was never sick.

Col. Joseph Paxton gave a sumptuous and elegant Dinner to a number of personal friends, at his mansion, in Catawissa on the Fourth.

Gov. Marcy leaves three children, two sons and a daughter. One son is in the navy, and the other in California. He had been twice married.

The new wheat crop in Virginia, in some sections, is the best in 25 years; in others very poor. In South Carolina, the crop is uncommonly good.

Some of the "Dead Rabbit" rioters of the 4th, in New York City, have been found guilty, but efforts are being made by the Wood party to clear them.

Five young ladies graduated at Genessee college at its recent commencement, standing generally above their masculine class mates in every respect.

Hon. Edward Stanley, formerly of North Carolina, but now of California, has determined to retire from all worldly pursuits, and is now studying theology.

Mrs. Snyder of Hilladale, Columbia Co., N. Y., was on Friday last safely delivered of triplets—two boys and a girl. The mother and children are doing well.

One of the Boston papers has been ungenerous enough to suggest that perhaps Gov. Marcy died by his own hand. There can be no foundation for the surmise.

Communication between the city of Buffalo and the village of Niagara Falls has been established, by steamers, through the late efforts of the Niagara Water Power Company.

It is stated that the bodies of the dead at the burning of the Montreal, were stripped and plundered as they came ashore, and that the drunken coroner would do nothing to prevent it.

The cases of the bite of the little black spider are getting numerous. The remedies proposed are catnep poultices—deep coverings of fresh garden mould—constant applications of cold water—and decoctions of plantain leaves.

Are your Lungs Diseased, and would you be cured, do not allow your self to be *experimented* upon, but try a remedy that has relieved thousands and *proved itself* worthy of your confidence. We refer to Dr. Wistar's Balsam of Wild Cherry.

POLITICAL.

In the Democratic City Convention at Baltimore, a resolution approving of Walker's course in Kansas, was laid on the table.

The St. Paul Times, June 20th, gives returns from all the districts in Minnesota, and the Convention stands 59 Rep., 43 Dem.; majority 16.

The Whig Executive Committee of Louisiana have addressed a circular to the Whigs of that State, advising a re-organization of that party.

It is reported from Washington that the Administration fully support Gov. Walker in his determination of submitting the new Constitution of Kansas, when formed, to the people. It is not true that Judge Mason has resigned the office of Commissioner of Patents.

Democratic State Nominations.

GOVERNOR:
WILLIAM F. PACKER, of Lycoming county.

CANAL COMMISSIONER:
NIMROD STRICKLAND, of Chester county.

SUPREME JUDGE:
WILLIAM STRONG, of Berks county.
JAMES THOMPSON, of Erie county.

American-Republican State Nominations.

GOVERNOR:
DAVID WILMOT, of Bradford county.

CANAL COMMISSIONER:
WILLIAM MILLWARD, of Philadelphia.

JUDGE OF THE SUPREME COURT:
JAMES VEECH, of Fayette county.
JOSEPH J. LEWIS, of Chester county.

"EDITORS OF DR. COGGSWELL'S SALT."
A Perfect Substitute for the Lancet, Leeches and Blisters!

Instead of being a panacea for all maladies, it has control over but ONE MALADY—has but ONE AIM—accomplishes but ONE THING, to wit; SUBDUES INFLAMMATORY DISEASE—whatever be its form or locality—whether in the head, throat, chest, abdomen, extremities or skin. Every *form of inflammation* (but no other disease) is subdued by it as easily as fire is extinguished by water. Is it asked, *how* it does this?—simply by restoring the lost balance between the fluids and solids. Such is its potency, that like vaccine matter, it requires merely what adheres to the point of a quill dipped into a solution of it, to affect the entire system.

Of its intrinsic value, the enlightened community, and not the discoverer, must be the judge.

PRICE COST, $1.50 PER BRACHM.—PRICE $2 PER BRACHM.

Four months ago, this unpatented medicine was submitted to the tribunal of an intelligent public. In that short period, nearly *five hundred* editors and publishers (in the U. S., Canadas, British Provinces and England) have personally tested or witnessed its efficacy in *inflammatory Diseases*, and have pronounced it the most valuable medical discovery of this or any preceding age. This enlightened jury of five hundred reliable men, by their unbiased verdict have given the Antiphlogistic Salt an established character, as will be seen by the following brief extracts:

From the Boston Traveller.

"We think the following testimon