

Bloomington News-Letter.

A Weekly Democratic Newspaper---Devoted to News, Politics, Literature, Agricultural and Mechanical Interests, &c., &c.

A. B. & J. C. CARLTON, EDITORS.

J. C. CARLTON, PUBLISHER.

VOL. II.

BLOOMINGTON, INDIANA, SATURDAY MORNING, NOVEMBER 10, 1855.

NO. 37.

THE BLOOMINGTON NEWS-LETTER

Is published every Saturday Morning, by
JAMES C. CARLTON.
A. B. & J. C. CARLTON, Editors.
TERMS OF SUBSCRIPTION.
One copy one year... \$1.50
Six months... 1.00
Local Ministers charged half price—75c a year.
No name entered on the subscription book until the subscription money is paid.

RATES OF ADVERTISING:
One square 3 months. 6 months. 1 year.
Two squares 4 50 7 00 10 00
Three squares 6 50 9 50 13 00
Fourth of a column, 9 00 13 00 18 00
Half column, 13 00 20 00 30 00
One column, 22 00 33 00 50 00

One square, (10 lines), three insertions or less, one dollar; each additional insertion, under three months, twenty-five cents.
Special notices (always inserted next before the advertisement, on third page, and loaded) 10 cents per line for the first insertion, and 5 cents per line for every subsequent insertion.
Advertisements, unlimited as to time, are inserted under a discount of one dollar, and charged accordingly. Advertisers will take particular notice of this part of our rates.
Legal advertisements are to be paid for when inserted, or the agent furnishing them will be held responsible for their payment.
For advertising wives, Five Dollars, for two squares or less; for every square above two, One Dollar extra. Marriages, deaths, or notices of meetings for benevolent purposes when not accompanied by lengthy remarks, published gratis. If accompanied by lengthy remarks, half-price.

BLOOMINGTON:
SATURDAY MORNING, NOVEMBER 10, 1855.

PROCEEDINGS
In the Monroe Circuit Court—October Term, 1855. Judge Hughes, Presiding.

REPORTED BY D. SHEEKS, ESQ.
State of Indiana, vs. Ambrose B. Carlton. Assault with intent to murder.

The above cause was called for trial on Friday, November 2d, at 9 o'clock, A. M. Attorneys for the prosecution, FRANCIS NEFF, Esq., Circuit Prosecutor; Mr. STRINGFIELD, of Greencastle, and JACOB B. LOWE, Counsel for the defendant, General U. F. LINDER, of Illinois; Governor PARIS C. DUNNING, Hon. SAMUEL H. BUSKIRK, GEORGE A. BUSKIRK, C. H. LAIRD, LEWIS C. STINSON, and D. SHEEKS.

After a great many challenges by both sides, the following gentlemen were empaneled as jurors:

James Harrell, William Burkart,
Samuel B. Perry, Chesley Woodard,
Jesse Hill, George W. Ritter,
William Leonard, Thomas Mulligan,
Asa East, John Bennett,
John B. Shipman, William F. Whisenand.

The Prosecuting Attorney (Mr. NEFF) opened the case by reading the indictment, the Statute concerning felonious assaults, and a brief and clear explanation of the law and the facts of the case: The following is the indictment:

STATE OF INDIANA,
MONROE COUNTY.

In the Monroe Circuit Court, October Term, 1855.
The Grand Jury of the County of Monroe, upon their oath, charge that Ambrose B. Carlton, on the first day of June, in the year one thousand eight hundred and fifty-five, at and in the county of Monroe, did purposely and feloniously perpetrate an assault upon the body of Henry Batterton, with the intent then and there to kill and murder him, the said Henry Batterton, by shooting at him with a pistol.

FRANCIS L. NEFF,
Prosecuting Attorney.

The following is the Statute upon which it is predicated:

Sec. 9. Every person who shall perpetrate an assault, or an assault and battery, with intent to commit a felony, [murder being a felony,] shall upon conviction thereof, be imprisoned in the State prison not exceeding fourteen, nor less than two years, and be fined not exceeding one thousand dollars.—2 R. S. 397.

General LINDER then proceeded to state the points upon which the defendant rested the defence. He said that we do not deny the shooting, but we contend

1st, It was not done with an intention to murder Batterton, but only to cripple or scare him.

2dly, Even if the shooting was done with the intention to take Batterton's life, yet that it was done in the heat of passion and under such gross and unparalleled provocation, as to reduce the offence to manslaughter, in case death had been the consequence; and therefore the defendant must be acquitted upon this indictment, as there was no such offence as an assault with intent to commit manslaughter.

He said that it would appear in the evidence in this case that the defendant, who had always borne an enviable reputation as a peaceable and amiable young man, was engaged in editing a newspaper here, in connexion with the practice of the law. That for boldly and manfully defending the Constitution of his country against the machinations of a certain secret political party, and for dragging them forth, as he had a right to do, from their secret hiding places, and publishing their names as members of that party, he had incurred their most bitter malevolence. The names of Henry Batterton, John C. S. Chipman, and James F. Carter, were in the published list. Upon a Sunday evening last summer, Mr. Carlton, who had never given any of these men the slightest offence, was

visiting at the house of Mr. Cookerly, near the College Campus. He went from there to the Christian Church, with a young lady who was staying at Mr. Cookerly's, to witness a wedding ceremony. After the wedding, he returned to Mr. C.'s residence, in company with the young lady. It was dark and raining. He was invited in, and remained until a little after 10 o'clock, when he was lighted out at the door by the young lady; was taking leave of her, and had got to the gate, but a few feet from the door, when he was saluted by a shower of brickbats and stones flying about his head, one of them wounding him on the face slightly, and others striking the gate, and the house near the window where the young lady stood. Gentlemen, (said Mr. L.) Mr. C. did not go on that blessed Sunday evening, upon an errand of blood and violence, but an errand of peace and pleasure. Upon leaving the house he met with quite a contrast with that which had probably past within the house. Upon the next morning, Mr. Carlton suspecting who these midnight assassins were, had them, together with others, subpoenaed to testify in the Common Pleas Court. Upon that investigation, the man he is charged with shooting at, Henry Batterton, together with three others, John C. S. Chipman, James F. Carter, and George Cutler, virtually confessed their guilt in that transaction, by refusing to testify upon the ground that their evidence would criminate themselves.

This examination closed about 11 o'clock, A. M. In the afternoon, about three or four hours afterwards, the shooting charged in the indictment took place.

It will be proved, (said Mr. L.) that Mr. C., although ordinarily of a remarkably peaceable, quiet and amiable disposition, is very sensitive, and quick in resenting an insult or an injury. It will appear also, that such was his peculiarly nervous temperament, that the loss of sleep made him unusually sensitive and excitable, and that on the Friday night before, he had not slept at all, and on the Sunday night before the shooting, that it is not probable that he slept a moment. How could he sleep, after such a gross attempt to injure and disgrace him? On Monday afternoon, then, the next day after he was stoned, but a few hours after he learned who his assailants were, he walked down the pavement on the west side of the public square, and passed by where Batterton was sitting, before Orr's Drug Store. Soon after, Batterton followed Carlton down to Tarkington & Akin's corner, where C. was standing in conversation with some other gentlemen. When Batterton got within about twelve paces of Carlton, the latter drew a pistol, and exclaimed, "Batterton! look out!" and fired; Carlton saying at the same time, "there is one of the scoundrels that attempted to assassinate me last night." The ball, said General Linder, missed a Know Nothing and hit a dog. How fortunate that if a Know Nothing was to be shot at and missed, that a dog should be close by. Now, said General L., we think we shall make it appear either that Carlton was so infuriated by the gross provocation he had received as not to know what he was doing, or that his object was only to scare or cripple Batterton, and not to kill him. And it has had the desired effect. Carlton scared him nearly to death. He has run away and left the State; and since that time the Know Nothings have let Mr. Carlton alone.

[The General, in the course of his remarks, made several witty and humorous hits, which we are unable to report so as to do him justice.]

The witnesses for the State were sworn and testified as follows:

Dr. William C. Foster, Junior.—Was in town the day of this occurrence. Saw Carlton shoot towards Batterton, with a pistol, on the sidewalk, near Tarkington & Akin's, and Kahn's. Carlton was twelve or fifteen paces from Batterton. About the time C. shot, he said to B., "Look out!" and also said, either there is the damned son, &c., or there is the damned scoundrel that attempted to assassinate me last night, or the other night; is not certain which. C. stepped towards Tarkington & Akin's door, and said, "let him come," or something like that. Heard Carlton say soon afterwards that he shot at Batterton to kill him. Did not examine the pistol—it was a small one—suppose the barrel was three or three and a half inches long. Carlton fired in a north-easterly direction if he fired at Batterton. Suppose from the range of the bullet and the place where the dog was said to have been, that if it had struck Batterton, it would have taken effect near the middle third of the thigh. The pistol made slow fire. A number of persons were on the sidewalk; but no one but Batterton in the range of the shooting. Didn't see the dog. The dog must have been on the outside of Batterton's position, from the fact of his being shot. This took place last summer. C. was standing between witness and William Ward. Milton Hight was sitting near the curbing. Blazedell was also there. There were a number of persons on the sidewalk behind Batterton. Heard the report of the pistol—cannot say it was louder than usual. There were persons beyond Batterton, in front of S. F. Dunn's Store.

Cross-examined by Governor Dunning. Batterton was not in the middle of the sidewalk. [A diagram is shown the wit-

ness.] Batterton was nearer the outer edge of the pavement than is represented in the diagram; with that exception the diagram is correct—though I can't say as to the dog. Didn't notice B. until C. spoke to him and said, "Batterton, look out." I then observed that B. was making a movement as if to draw his hand from his pocket. Was present at the July term of the Common Pleas Court, on the Monday morning after it was reported that A. B. Carlton had been rocked on the night before. Mr. C. had a number of persons subpoenaed to testify. He called up Mr. Batterton, who said he could not answer concerning the stoning of Mr. C. on the night before, without criminating himself. Re-examined by the Prosecuting Attorney. Didn't see the dog at the time. It was about six hours after the examination in the Court of Common Pleas until G. shot.

Court adjourned until 2 o'clock. Judge Hughes instructed the Jury not to converse with any one, nor among themselves, nor suffer themselves to be spoken concerning the case; and if the case should be the subject of conversation, in any company in which the jurors might be, during the recess of court, it was their duty to retire. At the suggestion of Governor Dunning, the jury were further instructed by the court, that if any one should approach a juror to converse with him about the case, it was the duty of that juror to report him to the court to be punished for contempt.

AFTERNOON SESSION, 2 o'clock.
Evidence for the State, continued.—William Ward states that he was present at the time the shooting took place.

Was standing on the pavement near the door of Tarkington & Akin's. Carlton was standing nearly in front of the door. Batterton was coming down the pavement. Carlton said, "Batterton, look out!" and then fired at him. B. ran into Kahn's store. C. then stepped into Tarkington & Akin's store door. Immediately before or about the time he shot, C. said, "there is one of the d—d scoundrels that attempted to assassinate me last night." The dog's head was next to Batterton, a foot or more from him, his body ranging from Batterton, his hind parts being near the curbing. Heard the dog yelp. From the place where the dog was hit, on the hinder parts, the ball must have missed B. three feet or more. B. was walking down street towards C. C. stood there some minutes before he shot, 10 or 15 minutes, may be not more than 5 minutes. Had not seen B. and C. together a few minutes previous. Saw nothing curious or peculiar about C.'s appearance. Thinks C. came from towards the depot, is not certain. B. was walking erect when C. shot at him.

Cross-examined by Governor Dunning, who hands him a diagram. The diagram is about correct, only the dog should have been placed a little further back, nearly opposite Batterton. Mr. C. is frequently at Tarkington & Akin's store. Witness is a clerk in Tarkington & Akin's store.—The shooting must have taken place near two or three o'clock.

George Sluss, states that he was present near Orr's Drug Store. Batterton was near Kahn's store door. Heard a pistol fire.—After C. fired, he turned as if to go into the store, and only went a step or two.—His impression was that C. drew a second pistol. Witness was about forty or fifty feet from Batterton. Examined the wound on the dog. It was a glancing lick. Didn't notice B.'s position. Don't know that he had his hands in his pocket. When the pistol fired, B. threw up his hands and sprang into Kahn's store. Was of the impression that C. drew the second pistol. Saw C. pass B. a few minutes before the difficulty, near Millen's store.

Cross-examined by Defendant's counsel. Judging from his motions thought G. drew a second pistol. Did not see the pistol—is not certain that he did draw a second pistol—thought he drew one, either from his breast or waistband of his pants. B. was getting into Kahn's store at the time G. faced around. At the time I thought G. drew the second pistol, believe B. had got into Kahn's store. The bullet hit the dog about three inches from the root of the tail.

Alexander H. Buchanan states that he was standing near Moore's store. G. passed down street, and in a few minutes B. passed down the same way. Heard somebody say something, looked up and G. was just in the act of pulling the trigger—pistol fired—heard dog yelp—witness was about twenty-five steps from Carlton. B. had stopped before G. shot. Thinks B. saw C. before or at the time G. shot.—Thinks B. had not noticed G. till C. called out to him. B. had his head down. He generally walks with his head down.

Cross-examined. Was at Moore's store. Batterton was walking with his back to me. Question.—Could you see his eyes? Ans.—No. Q.—How do you know then that B. was not looking at C.? Ans.—Because B. generally goes with his head down, and suppose he was then.

Jonathan Rogers states that he was near the place, near Kahn's. First, he heard the pistol fire—the dog yelped, and appeared to be wounded. Witness' attention was first drawn to the dog. Then saw Mr. C. near Tarkington & Akin's store door.—Dr. Foster held of him. Mr. G. had a pistol in his right hand presented towards

B. Heard Mr. C. make no remarks. Was about 40 or 50 feet from C. Carlton had a pistol in his right hand presented towards him (witness.) Witness made quick time to get out of the way, and ran into the house of Kahn; did not see Batterton till I went into the house.

Cross-examined. The ball must have passed two or three inches above Batterton's knees.

Samuel Kahn. Was standing before his store, near the door. Heard the pistol fire—looked around—saw Carlton with the pistol in his hand. Heard him make no remarks. Didn't see Batterton at all.

Cross-examined. It was our dog. He is about three feet long.

Isaac Kahn. I was in the store. Batterton ran in, and I ran out. Didn't hear Carlton say anything. Saw G. have a small pistol in his hand. The dog was struck about two inches from the root of the tail.

James Clark states that he was near the Drug Store. As he passed up saw Carlton and others talking at the corner of Tarkington & Akin's store. Batterton passed witness going down the sidewalk. Witness was looking into the Drug Store. Heard G. say, "look out." Looked up and saw C. throw his arm over and bring his hand down, with a pistol in it, which he fired.—The dog yelped. Batterton threw his arms up, jumped over the dog, who yelped, and they both ran into the house of Kahn. The ball probably missed Batterton one or two feet. B. was walking down the sidewalk, near the store than the outer edge of the walk. B. sprang, at the crack of the pistol.

Cross-examined. The hinder parts of the dog were quartering out towards Howe's, and Kahn's curbstones. Batterton was nearer the buildings than to the outer edge of the sidewalk, and the dog was nearer the buildings than Batterton was. B. would have left the dog on his right, by passing right on the way he was going!!!!!! Rodgers was standing with his right arm leaning on Kahn's show window.

James Millen states that he heard the firing—saw Carlton immediately after the firing—saw Batterton run into Kahn's store door—didn't hear C. say anything. (No cross-examination.)

William C. Tarkington. Was in town that day—was in the store—heard some noise at the door—went to the door—all had occurred before he got there—heard some words while he (T.) was in the store—could not recognize them as Carlton's voice—can't say that he heard C. say any thing about it after the transaction—never has had conversation with C. on the subject since then. (No cross-examination.)

Elias Abel. States that he was in the Court House at the time. Never heard C. say what he intended to do when he fired the pistol. No cross-examination.

John T. Rodgers. Never heard C. say any thing about it. Was in the Court House yard. Heard the pistol fire.

Cross-examined. Did you hear the dog yelp? Answer. Yes.

P. L. D. Mitchell, (Sheriff.) States that he heard a gun fire, and heard the dog yelp. Saw Mr. Carlton come into the Court House soon after, in custody of Mr. Blazedell.—Mr. Carlton sent me for Judge Hughes.—Carlton said something about shooting at Batterton—have forgotten what it was.—No cross-examination.

Dr. John W. Young, M. D. States that he examined the dog's wound and saw a hole in his hide. No cross-examination.

Here the State rested the case and the defendant commenced the examination of his witnesses.

D. Sheeks. States he was present at the last July term of the Court of Common Pleas of Monroe county, and heard the examination of witnesses, concerning the stoning of A. B. Carlton on the night before. Upon that examination, Henry Batterton, John C. S. Chipman, George Cutler, and James F. Carter answered on oath, in effect, that they could not testify concerning that matter without criminating themselves. Batterton, on being asked if he stood near a pile of stones, in the north-west corner of the College campus, opposite Mr. Cookerly's, said he could not answer that question without criminating himself. Carter denied being there, (at the campus,) but on being asked if he was concerned in getting up the plot, answered, that he could not answer that question without criminating himself. Carter, upon being asked whether he was a Know Nothing, said that he could not answer that question without criminating himself. The examination at the Common Pleas Court was concluded, the witness thinks, about 10½ or 11 o'clock. The firing, which witness heard, took place between 2 and 3 o'clock, in his opinion.

James W. Cookerly. States that he lives across the street from the north-west corner of the College campus in Bloomington. On the Sunday evening before the shooting, Mr. C. came to witness' house. Mr. C. went with a young lady, my sister-in-law, to the Christian church. There was a wedding there that night. Witness also went to the church. As they returned, saw Henry Batterton at Howe's store.—Heard him call down Cutler. Storm of wind and rain before we got home. Mr. C. came into the house and was with the lady in the parlor. Witness had retired to rest. About 10 o'clock, as Mr. C. was

leaving, heard stones strike his fence or house, and heard Carlton's pistol burst a cap. Witness got up—went out. It was very dark. C., upon witness' invitation, staid all night. It was raining. When rocks come and pistol snapped, heard the lady scream. Saw a slight wound on Carlton's face, that was not there before. Mr. Carlton had been somewhat in the habit of visiting the lady when she was at witness' house.

Cross-examined by prosecution. Chipman sometimes visited my house, also.—He had been there that evening.

Re-examined by Gov. Dunning. Next morning found some rocks in my yard, which were not there before—also found a pile of rocks, 12 or 15 in number, in the north-west corner of the College campus, opposite my house.

James C. Carlton. States that he is a brother of the defendant. Have been publishing the Bloomington News-Letter nearly two years. My brother and myself are the editors, and I am the publisher. Sometime before this difficulty we published in the News-Letter a list of the Know Nothings of Monroe county. On Friday night before the publication day, which is Saturday, I had engaged Henry Batterton to work press for me. He came to the office, and in looking over the type on the imposing stone, he saw his name in the Know Nothing list. He became very angry—inquired for my brother Ambrose—said he had an account to settle with him; I told him that I was the publisher of the paper, and was responsible, and if he wanted to do anything, to settle it with me then. He went off. My brother, the defendant, at that time boarded at my house, and we were in the habit of going to and from our meals together. We often met Batterton after that, and he always looked in a scowling and angry manner at my brother. On one occasion, we passed him while he was sitting at Howe's corner with a number of the Martinsville Gazette in his hand, which contained a scurrilous article about my brother, and after we passed him we heard him laugh in a taunting manner. We paid no attention to him.

My brother has had a good deal of practice in pistol shooting. We used to practice together on Prospect Hill, where I live. I consider him a good shot.

Defendant, though usually of a more quiet and peaceable disposition than the rest of the family, is very sensitive and excitable, especially after losing sleep all night, as he frequently has had to do in reading proof and writing editorial for the News-Letter. After losing sleep all night, he is quite nervous and excitable. The morning after he was stoned he came up to Prospect early in the morning. He told me about it. I noticed abrasions or slight wounds in two places on his face. He was violently agitated—he did not say much, but walked back and forth in the hall for some time. His eyes looked red, and wore the appearance they have when he has lost sleep.

Cross-examined by Prosecuting Attorney. Never saw Batterton make any attempt at violence to my brother.

James Wilkins. States that he has known the defendant about nine months. Worked in his office for some time back. He is a very mild and peaceable man—if not insulted. There is a marked difference in his manners when he has lost sleep and when he has not. When he has been up all night he becomes quick and sensitive.

Lucian Q. Hoggatt. States that he has known the defendant for near 25 years.—Is acquainted with his character and disposition. Always considered a peaceable and quiet boy. Knew him in Mexico—he was in the company of which I was a lieutenant. He was a good soldier, and always did his duty cheerfully. I knew him there twelve months. He was unusually kind and peaceable, but sensitive and quick.

Matthew Borland, Esq. States that he lives in Bedford, where he has been a justice of the peace twenty years. Has known the defendant twenty-five years at least—always considered him very peaceable, but quick to resent an injury.

Dr. W. Foote. States that he lives in Bedford. Is an uncle, by marriage, of the defendant. Has known him upwards of twenty-five years—ever since his birth.—He is very peaceable and mild. He has been industrious and energetic in getting an education, and in studying the law.—Though unusually mild he will resent an insult or injury.

Martial Keney. States that he lives in Bedford, and has known the defendant fourteen years. Keeps store in the brick building of defendant's father, in Bedford. Knows his character and disposition—very good—always a peaceable young man.

Capt. Henry Davis. States that he lives in Bedford and has known the defendant about 14 years. He is unusually mild, agreeable, and amiable. Had some acquaintance with him, but not intimate till he went to Mexico in my company. He was a non-commissioned officer. I became attached to him, and made him an associate. We were often together in the camp, and often out hunting together. Had a good opportunity to learn his character.—He always did his duty cheerfully.

Samuel W. Short. States that he lives in Bedford. That he has known defendant ever since he was grown. Before he went to the Law School, at Bloomington, he read law for some time in my office. After he graduated at the Law School, he returned to Bedford and we entered into a law partnership. Never knew any person more agreeable and amiable, or easier to get along with than Mr. Carlton.

Joseph Saunders. States that he lives in Stanford, Monroe county. Is a Justice of the Peace. Has known Mr. C. ever since his marriage to Miss Leonard. He has practiced law before me. Always considered him a mild, peaceable man.

William C. Tarkington. States that he has known Mr. C. five or six years. He is a peaceable, mild, and quiet man—attends to his own business. One thing I have often observed—I have never found him back-biting and slandering other people in conversation.

Elias Abel. States that he has known defendant ever since he came to Bloomington. Is acquainted with his character—very good—mild and peaceable. I saw Mr. C. on the morning of the difficulty.—He seemed very much excited.

P. L. D. Mitchell, (Sheriff.) Has known defendant since he came to Bloomington. Always found him peaceable, &c. The day the difficulty occurred, defendant came to my house very early in the morning. I was just getting up. I saw him through the window when he came on the porch.—I could see then that something was the matter. I could see it in his face that he was deeply and strangely agitated.

Milton Hight, (Balliff.) States that he had in his possession a subpoena for four witnesses to testify for the defendant in this case, viz.: Henry Batterton, John C. S. Chipman, George Cutler, and James F. Carter, and that none of them could be found. The return of the Sheriff was also read, which stated that they could not be found. [Mem.—They had run off for fear of examination by defendant's counsel.—REPORTER.]

J. I. Alexander. States that he lives in Unionville, in this county. Has known defendant for some time past. He is a peaceable and orderly man.

Charles Bates. States that he lives nine miles north of Bloomington. Has known defendant several years. Character good—peaceable young man.

David Young. Lives in Benton township, Monroe county. States that he has known defendant for some time—character good—quite peaceable as far as he knows.

Isaac Cox. Lives in same township.—States that he knows the defendant well—character very good.

Prof. D. Read, Professor of Languages, &c., in the State University. States that he has known the defendant for five or six years, and a part of that time very intimately. He is a remarkably peaceable and amiable man.

James P. Morgan. Lives in Van Buren township, in Monroe county. States that he has known the defendant five or six years. His character is good.

Richard Sutfin. States that he lives in Smithville. Knows the defendant—he has been at witness' house several times. His character is good—he is mild and peaceable.

Judge Conover. States that he lives in Gosport, Owen county. Has known the defendant for three years. He has been at my house very often. His character is very good—he is very mild and peaceable. I never knew of his having a difficulty.

Other witnesses were examined, who testified to the same effect concerning the defendant's character.

Whereupon his counsel rested the defence. The prosecution offering no further evidence, the Court adjourned.

SATURDAY MORNING, 9 o'clock.

Mr. Stringfield's Argument.—Mr. Stringfield of Greencastle, opened the argument in behalf of the prosecution. The reporter regrets that he is unable to do justice to Mr. S.'s peculiar style of oratory, but will endeavor to give his main points. "I am before you (said Mr. S.) as a prosecutor, with some little reluctance. I am induced to prosecute or defend by a fee. I have got a part of it in my pocket; (slapping his pocket with his hand,) and the balance I expect to get. I will prosecute anybody, I care not who. It is an important case, especially to the defendant. Yea, in more ways than one. For the first time I have known politics introduced into the Temple of Justice. [Hails off his coat.] I don't expect to detain you very long—I may get through before dinner—I don't know—I may not. I am liberally teed in this case. I don't know whether the man who fees me is a Know Nothing or not. I am, gentlemen, a live Know Nothing, gentlemen. General Linder has made two speeches, next one will be No. 3, I suppose. One was a political speech. [Here Mr. S. goes into a general defence of the Know Nothings.] The Know Nothings are scattered all the way from the granite hills of Massachusetts to the Straits of Magellan—you will find 'em ev'rywhar as sho' as you're bawn. [Laughter.] Gentlemen, I may have a rough way of speakin', for I was raised in Kaintucky among the niggers. I copy after no man. I have my own way of speakin'—I have never been to College—your College learning is no account. I am rough, and speak right ahead—so was Henry Clay and Patrick Henry. I know that I am a pigmy in the hands of General Linder, the great Illinois orator; or the eloquent and ingenious

Governor Dunning, who are to argue this case for the defendant; but I expect some day to be fully their equal if I keep on. I ain't afraid to meet 'em anywhar at the huskin's. I have given this thing more importance than it deserves. An intimation was made this morning: "Stringfield, the corner's down on you." I ask no favor, give none; I prosecute without fear or favor. I understand Mr. Buskirk has said—[Here Mr. Buskirk interposes and says: "Mr. Stringfield, I have not honored you, by mentioning your name since you have been here." Mr. Stringfield goes on: "Now, gentlemen, I will proceed to argue this case. The defendant is indicted for attempting to murder. To my mind it is one of the clearest cases I ever saw in the Whole History of my Life. I had hoped the evidence would not have been so strong. I claim to possess some of the higher feelings of human nature. I sympathize with any one when misfortune overtakes him, for I have felt the iron heel of the law. Mr. Carlton is a young man of talent, good character, and fine family connections. Then he is the more criminal because of his advantages. But what is the plea they have put in: Why that he shot at him to scare or cripple him. Better said insanity. If Mr. O. had anything against Mr. B. why not assail him in the examining court? The defendant has made great preparation. Don't the evidence substantiate what I say? Carlton passed by him, when Batterton was among his friends—went on and clustered himself among his own friends, and said, "Damn him, I will kill him." You have to set there all day, gentlemen. General Linder may continue all day, or until Monday. Now, we will examine the evidence of William Ward. They proved that the defendant was a good marksman. But Kaintucky boys can hit a man's eye fifteen spaces. But I can't do it—I ain't a fighting man. A man once challenged me to fight a duel—I accepted the challenge. [Here Mr. Stringfield gives a detailed and circumstantial account of the origin of his difficulty, the result, &c.] But Mr. C. has been practising with pistols—made great preparation—shot at Batterton twelve or fifteen spaces and missed him three feet, they say. Linder compares Batterton to a dog—says he has run off, and hopes they will all run off. They will torment you [pointing to General Linder] till your head is grey, old man. Know Nothings are everywhere, on every hill and valley. But Batterton has run off. I tell you, gentlemen, that is somethin' rotten in Denmark—some other inducement offered. The Court permitted evidence to be offered that certain men were Know Nothings. [Here the Judge interposed and told Mr. S. that in speaking of the rulings of the Court, he must not misrepresent them, &c.] Mr. S. apologises and goes on. Whar's Blazedell, Millen, and some others? There is somethin' wrong, gentlemen, certain and sho'. The defendant proved a good character—I am glad of it. So did Matt. Ward, and this seems like another Matt. Ward trial. The defendant has published some very silly pieces in his paper, and that was the cause of the conspiracy against him. Now, in the name of God, do you want any more evidence? Two or three witnesses swear positively that he shot at him and said damn him, I will kill him. [Mr. Stringfield spoke from 9 to 12 o'clock. The Reporter was so entertained that he did not succeed in taking down all the learned counsel said.]

The Court adjourned until 1 o'clock, P. M., with the same instructions to the jury as at the last adjournment.

SATURDAY, AFTERNOON SESSION, 1 o'clock. By the meeting of the Court in the afternoon, a large crowd had collected. Governor Dunning commenced his argument for the defendant. Shortly after he commenced, a considerable number of ladies came in, and were provided with seats within the bar, by that prince of bailiffs, Unky Pullen. Mr. Dunning made one of his happiest efforts. He paid but little attention to Stringfield's argument—dismissing him with the remark that he told one truth in his speech, and that was that he was a live Know Nothing. He argued the legal merits of the case in a masterly manner, and closed with such an eloquent and impassioned peroration as to draw tears from several of the jurors, as well as the Prosecuting Attorney.

Mr. Neff, the Prosecuting Attorney, made the next argument. He presented the case in a clear, forcible and manly manner. Admitted the good character of the defendant, and that he was his personal and political friend. But good character avails nothing when the evidence is clear and indisputable. Mr. Neff then reviewed the evidence and contended that it proved beyond all doubt, that Carlton shot to take the life of Batterton, and that if death had ensued it would have been murder; therefore defendant must be convicted on this indictment. He read several "scary" passages of law, and wound up with an eloquent appeal in favor of the purity and sanctity of Justice and Law.

General Linder made the closing argument. We would attempt to report the speech in full, (as also that of Governor Dunning) if we were not afraid of doing them injustice. The General read a great many authorities—made a masterly legal argument—was peculiarly happy in drawing his distinctions between murder in the first and murder in the second degree—contended that as this indictment charged an intent to commit murder in the first degree, the defendant could not be convicted at all, if they should be satisfied from the evidence, that if death had ensued, it would have amounted only to murder in the second degree, or manslaughter. He contended at great length, that such was the gross provocation, and such the defendant's sensitive and excitable temperament, that if death had ensued, it would have been only manslaughter. That the jury are to judge of what is sufficient cooling time according to the circumstances of each particular case. To appreciate Mr. Linder's great powers of argument and eloquence, he must be heard; no reporter can do him justice. The conclusion of his speech brought tears into the eyes of several

members of the bar, the jury, and the ladies, of course, who remained in the Court House till the verdict was received.

JUDGE HUGHES' CHARGE. *Gentlemen of the Jury:* The indictment in this case charges the defendant with an assault upon Henry Batterton, with intent to murder him of his premeditated malice—that is, with intent to commit upon him the crime of murder in the first degree. An assault is an attempt, by force or violence to do a bodily harm to another, unlawfully. Striking at a man, within striking distance, is an assault. Throwing a stone or other missile at another, within striking distance, is an assault. A simple assault, unaccompanied with an intention to commit some felony, that is, some crime punishable by imprisonment in the penitentiary, is a misdemeanor of a low grade, and is punished by a fine not exceeding three dollars, concerning which Justices of the Peace have exclusive jurisdiction. But, when accompanied, with, and springing from a purpose or intention to commit some felony, an assault becomes a felony, by reason of the unlawful and felonious purpose connected with it. A charge of this kind, then, presents two questions for examination—first, was there an assault? Second, was there a felonious intention? Of course, the assault and the intent in the particular case on trial, must conform in their details, to the charge contained in the indictment. Now, in this case, the charge is, that the defendant committed an assault on Henry Batterton, with intent to murder him. And the jury are called on to decide—first, whether such an assault was committed; and second, whether, if done, it was done with the intent to commit murder? It is hardly necessary to tell you that the latter question is the more important one, as it is the intent alone that raises the offence to the grade of a felony, and brings it within the jurisdiction of this Court.

Passing by the question of an assault, which I do not think requires any further discussion from me, I shall endeavor to furnish you in the form of a brief and simple statement, with the principles of the law which serve to test and determine the existence of the felonious intention charged in the indictment—that is, the purpose to commit murder. It is a well established and universally recognized rule upon this subject—that where the offence would have amounted to murder if death had ensued from the means employed in making the assault it is evidence of an intent to commit murder. But if, in case death had ensued, the killing would have amounted to some grade of homicide inferior to murder, only, even though it should rise as high as manslaughter which is a felonious killing punishable in the penitentiary the evidence as to the intent to murder would not be sufficient; and in such case the defendant must be acquitted.

It thus becomes necessary to have in view the definition of murder and of the inferior grades of homicide.

Murder in the first degree, is a killing purposely and with deliberate and premeditated malice. Its peculiar characteristics are premeditation and deliberateness of purpose.

Murder in the second degree, is a killing purposely and maliciously—but without premeditation. Its peculiar characteristic is a wilful purpose to take life, without premeditation.

Manslaughter is a killing without malice, upon a sudden heat, that is upon the first transport of passion—but without lawful excuse.

Excusable homicide in self defence, is a killing upon a present necessity for doing so, in order to preserve the life of the slayer.

SPECIAL INSTRUCTIONS ASKED FOR BY GENERAL LINDER, AND GRANTED BY THE COURT.

The Court instructs the Jury that before they can find the defendant guilty, they must be satisfied from the evidence, that the defendant as-

saulted Batterton with the purpose of taking his life, with such malice and intent as would have made it murder had Batterton been killed by the assault.

That the intent with which the assault was made is to be taken into consideration in determining whether the defendant is guilty of the offence charged, and they must be satisfied beyond all reasonable doubt that Carlton's intention in shooting was to take the life of Batterton before they can convict, and this belief upon the part of the Jury must exclude from their minds every belief of a different or inconsistent intent, for if the evidence leaves room to suppose that Carlton might have intended to only scare or cripple him, although it may be more probable, and the weight of evidence may conduce to show that the intention was to kill and not merely to cripple or frighten, they should acquit.

That a mere probability, or any number of finite probabilities going to show that Carlton's intention was to kill Batterton, are not sufficient to convict him of the offence charged, unless the Jury are satisfied from the evidence and that beyond all reasonable doubt, that he could have had no other intention inconsistent with the offence charged.

That if the Jury, from the evidence, entertain a reasonable doubt as to whether the assault was made by Carlton with the intention to kill Batterton, or merely to scare or cripple him, then they should acquit.

And in all cases of a doubtful character, where the Jury have room to doubt as to whether the intention of the accused in the act charged as criminal was criminal or innocent, evidence of good character is to be considered in determining his guilt or innocence.

The Court further instructs the Jury, that if from the evidence they should believe that Carlton, if he had killed Batterton, would only have been guilty of manslaughter, then Carlton is not guilty of the offence charged; or if they entertain a rational doubt whether it would have been murder or manslaughter, they should also acquit Carlton of the offence charged.

The Jury retired and had not been absent more than a minute when they agreed upon their verdict—they reduced it to writing—the Judge was sent for, and the verdict returned in less than five minutes after they left the box. Before the verdict was received his Honor ordered that upon the announcement of the verdict there should be no demonstration in the Court House, either of applause or otherwise.—The verdict was handed to the Clerk and read by him as follows: "We, the Jury, find the defendant **NOT GUILTY**." Jesse Hill, Foreman.

Notwithstanding the admonition of the Court the audience expressed their satisfaction by long-continued clapping of their hands, &c.

Wheat is selling, in New Albany, at \$1 40 and \$1 50; Corn, 50 and 55 cents.

Judge Gookins of the Supreme Court, who has been holding Court vice Judge Hughes, to try causes in which the latter has been engaged as counsel, &c., has presided with dignity and marked ability, and to the satisfaction of the members of the bar.

The News-Letter.

BLOOMINGTON:
SATURDAY MORNING, NOVEMBER 10, 1855.

Monroe Circuit Court.
The Fall term of the Monroe Circuit Court, just closed, has been one of unusual interest.—Several important criminal causes were disposed of. In the case of the *State of Indiana vs. James M. May*, for grand larceny, which excited great interest in Indian Creek township, there being about a hundred witnesses in the case—after three days' examination and argument, the jury were unable to agree, and the cause was continued for a new trial at the next term. FRANCIS L. NEFF, Prosecuting Attorney, Gov. DUNNING, and S. H. BUSKIRK, Esq., appeared for the prosecution, and LOWE, STINSON, and CARLTON for the defendant.

The case of the *State vs. Wiley Rains*, for manslaughter, in killing Mrs. Fox, was continued until next term, on account of absent witnesses.

The *State of Indiana vs. Stanford Jacobs*.—Passing counterfeit money. Continued until next term on account of the absence of AUSTIN REEVES, a material witness for the State.

The *State of Indiana vs. Pryor Sumner*.—Charge of stealing a coat from JOHN W. DAVIS, last January. Defendant acquitted by jury on reasonable doubts. NEFF for the State; CARLTON & SHEERS for the prisoner.

The *State of Indiana vs. A. B. Carlton*.—Charge of assault with intent to murder. After two days' trial, defendant was acquitted by the jury within three minutes after they left the box. Counsel for the State, NEFF, LOWE, and SPRINGFIELD. Counsel for the defendant, Gen. LINDER, Gov. DUNNING, BUSKIRK & BUSKIRK, STINSON, LAIRD, and SHEERS.

Last week, on motion and petition of the Prosecuting Attorney, a writ of *habeas corpus ad testificandum*, was issued by the Court, and directed to the Warden of the State Prison, to bring JAMES LITTLE, a convict, to this Court to give evidence for the State. LITTLE was a witness against eight or ten persons indicted for counterfeiting, but it appearing that there were no other witnesses to the *corpus delicti*, the Prosecuting Attorney did not further prosecute the causes, as the statute requires at least three witnesses (or the Cashier, &c.,) to prove the bank notes to have been counterfeited, and LITTLE was sent back to Jeffersonville.

The celebrated case of JOSEPH STREAN vs. CHAMBERS, again came up on last Tuesday.—Judge HUGHES having been of counsel in the case, with the consent of parties, appointed Mr. COOPER, of New Albany, as Judge, *pro tem*.—Mr. DUNN moved the Court to dismiss the cause for the want of jurisdiction. The question was argued by DUNN for the defendant, and HUGHES for the plaintiff, and the motion was overruled. This case has been in Court several years—two trials have been had, and an immense amount of cost has accrued. The cause of action is an alleged deprivation of riparian rights by the defendant's constructing a mill dam on Clear creek. HUGHES, DUNNING, LOWE, CARLTON, and SHEERS for the plaintiff, and DUNN, HUNTER, and BUSKIRK, counsel for the defendant.

State of Indiana vs. Dr. Jos. G. McPheeters.—Charge of Perjury. The jury was empaneled in this case. The prosecuting attorney commenced introducing the record evidence, and when he offered the defendant's affidavit, upon which the indictment was predicated, the counsel for the defendant discovered that in copying the instrument into the indictment *in hac verba*, two words had been by mistake omitted, viz.: the conjunction "that," and "one," ("FEATHERSTON," instead of "one FEATHERSTON,") and the word "verily" interpolated into the indictment, which was not in the affidavit. The objection was raised that it was a fatal variance, and the objection was sustained. The prosecutor could proceed no further, and the jury rendered a verdict of *Not Guilty*, without hearing the evidence upon the merits of the case. McDONALD & DUNNING appeared for the defendant.

The *State of Indiana vs. Alexander H. Buchanan*.—Indictment for Arson in burning the College. The Prosecuting Attorney entered a *nolle prosequi* in this case.

The *State of Indiana vs. James W. Cookerly*.—Charged with burning WM. RENSHAW'S house. All the evidence was heard—there was no proof at all against the defendant, and Judge GOOKINS, before whom the case was tried, directed the jury, as there was no evidence against the defendant, to acquit him—and they rendered a verdict of *Not Guilty*, without retiring from the jury box. NEFF and SHEERS for the State, and DUNNING and CARLTON for the defendant.

The *State of Indiana vs. Pleasant Williams and Nancy Williams*. The Grand Jury returned a bill of indictment against WILLIAMS and his wife for stealing \$3100 in gold and \$75 in silver from ALEX. McCLELLAND, last September. They gave bail in \$5,000 for their appearance at the next term of the Circuit Court.

The Senior Editor offers his sincere thanks to Gen. LINDER, Gov. DUNNING, Mr. BUSKIRK, and other members of the bar who have so generously aided him in his defence on his trial in the Circuit Court last week; also to those gentlemen who came forward from this and the adjoining counties, to give evidence of his character.

At the term of the Circuit Court just passed, a number of lawyers were present from abroad. Judge McDONALD of Indianapolis, Gen. U. F. LINDER of Illinois, G. G. DUNN of Bedford, Mr. STRINGFIELD of Greencastle, Col. D. McCLELLAND of Martinsville, Mr. COOPER of New Albany, Mr. NEFF of Sullivan, and Judge GOOKINS of Terre Haute, one of the judges of the Supreme Court, who occupied the bench temporarily, to try causes in which Judge HUGHES had been interested as counsel, &c.

State of Indiana vs. A. B. Carlton.
We have yielded to the solicitation of friends, to publish, in the *News-Letter*, the proceedings in the above cause, in the Monroe Circuit Court, as reported by D. SHEERS, Esq., which will be found on our first page, for the purpose of correcting erroneous impressions, which our enemies are endeavoring to create. We believe, if there ever was a fair and impartial trial, that was one. A sworn jury of as good men, so far as our acquaintance goes, as may be found in this or any other county, composed of Whigs and Democrats about equally divided, after two days' investigation of the facts, return a verdict of *Not Guilty*, with less than three minutes' deliberation. But these K. N.'s say that the jury was composed of our friends. Some of the jurors we know, and some were total strangers. But whose fault is it? Do you take us to be fool enough to be tried by Know Nothings when the statute gives us ten peremptory challenges?—And again: if you were thirsting for vengeance and desired to see us convicted, why did you not have your Know Nothing lodges to disgorge their contents, and have your friends there so that the officer might select jurors from among them? Would you expect him to go into Know Nothing lodges to hunt up jurors? It so happened that large numbers of our friends from the country were present, and that very few Know Nothings were in the Court House. Some of these Know Nothings were called into the jury box, but we challenged them so quick it made their heads swim. Are we such a dolt that we would consent to be tried by men, who have sworn vengeance against us, and would sacrifice us to the manes of Know Nothingism as willingly as their coadjutors in Cincinnati and Louisville have trampled upon the constitution and laws of their country?

But they say that we hired witnesses to run away; that we gave HENRY BATTERTON two hundred dollars to leave. This is a falsehood, and it bears falsehood upon its face.—What more could BATTERTON have testified to, than was given in evidence by Dr. FOSTER, WILLIAM WARD, JAMES CLARK, ALEX. BUCHANAN, JONATHAN RODGERS, SAM. KAHN, and ISAAC KAHN—who were eye-witnesses of the transaction? Did we attempt to induce any of them to leave? Ask them. The truth is, BATTERTON ran away because he was prosecuted in the Common Pleas Court for a midnight attack upon us. He forfeited his bail, \$50. He is afraid of an indictment by the Grand Jury; and, further, he was afraid to stand the fire of a cross-examination on our trial in the Circuit Court, about his throwing stones at us on Sunday night before the transaction for which we were indicted. We wanted him as a witness and numbers of our friends will recollect that we got them to make inquiries about him, and that we stated we wanted to make a witness of him. We caused a subpoena to be issued for HENRY BATTERTON, GEORGE QUTLER, JOHN C. S. CHIPMAN, and FRANK CARTER, the four creatures engaged in robbing us, for the purpose of making witnesses of them; but they all ran away.

Did not the State have as fair a chance as we had? Did not the Know Nothings hire two attorneys and pay them ninety dollars to assist in the prosecution? Did they not exhaust their challenges?

The Bedford Standard in speaking of the organization of the new Branch Bank in that place, says:

"The Directors are for the present, STEVER YOUNGER, William M. Northeraft, Newton F. Malott, Ben Newland, and W. C. DePauw.—Dr. Ben Newland is President, and Newton F. Malott Cashier.

Wm. Krenking has sold his extensive steam flouring and saw-mill to STEVER YOUNGER and J. D. Thomasson, who take possession next Monday.—Bedford Standard.

The St. Louis Catastrophe.

By the Saint Louis Republican of Saturday, we have full details of the late terrible catastrophe on the Pacific Railroad. This paper gives the names of twenty-nine who were recognized among the killed.—Two others were found who could not be recognized. Two more had died of wounds since. A number of others would die of their wounds. The Republican deemed it not yet practicable to give a complete list of the wounded, among so many passengers, and where few escaped without a cut or contusion. A great proportion of the killed were of the best business men of the city of St. Louis. Business had been almost entirely suspended on Friday and Saturday on account of it.

The cars on the railroad sometimes come occasionally, and sometimes semi-occasionally. Sometimes they bring the mail, and sometimes not—when the mail comes, sometimes it is opened that evening, and sometimes not. Cannot this condition of uncertainty be remedied in some way?

ELECTION NEWS.—So far as heard from, the elections in New York and Massachusetts passed off without any serious disturbances. The returns received are very meager, but in Massachusetts they indicate the election of GARDNER, one of the Know Nothing seceders from the Philadelphia Convention.

Our paper has a large circulation, and is increasing daily; it therefore affords a desirable medium for merchants and others to advertise.

We happen to know who the Know Nothings are that paid \$90 to hire counsel to prosecute us.

Mrs. NOBLE CAMPBELL, of Indianapolis, who, through mistake, took a potion of corrosive sublimate, about a week ago, died on Saturday last.

H. W. Derby and the Indiana University.

The following correspondence exhibits a princely munificence and liberality on the part of Mr. DERBY, rarely met with in this cold and selfish world. Mr. DERBY is entitled to the thanks of the friends of the State University; and all the world, where he is known, pronounce him one of Nature's noblemen:

CINCINNATI, September 25, 1855.
REV. WM. M. DAILY,
President Indiana University—
Dear Sir: Upon a recent visit to Bloomington, the calamity which had befallen the University in the total destruction of its Library by fire, was brought to my attention.

In aid of repairing a loss so serious to an Institution of Education, I beg you to select from our general Catalogue of Books, to the amount of Fifteen Hundred Dollars, which are hereby placed to your order.

Respectfully your obt' servant,
H. W. DERBY.

INDIANA UNIVERSITY, BLOOMINGTON,
November 5th, 1855.

HENRY W. DERBY, Cincinnati, O.:
Dear Sir: Herewith, I take great pleasure in communicating to you, the proceedings of the Faculty of our University, upon receiving your letter making the University the munificent and appropriate gift, which I beg to assure you, will be highly appreciated by the friends and former Students of the Institution throughout the State.

With great respect and consideration,
Very truly, your obt' servant,
WM. M. DAILY.

INDIANA UNIVERSITY, Nov. 5th, 1855.

At a special meeting, the President laid before the Faculty a letter from Henry W. Derby, Esq., of Cincinnati, making known a donation by him to the University, of Fifteen Hundred Dollars worth of Books, to be selected from his Catalogue.

WHEREUPON, On motion of Professor Read, it was

Resolved, That the thanks of this Faculty be respectfully tendered Henry W. Derby, Esq., for his generous and timely gift—the first of the kind made the University since its great calamity, in the destruction by fire of its Library.

Resolved, That the Building Committee be requested to finish an *Alcove* in the new Library Room for the reception of these Books, and that as a perpetual memorial of the generosity of the donor there be inscribed above the *Alcove*, these words: "The Gift of Henry W. Derby, Esquire, of Cincinnati."

Resolved, That the letter of Mr. Derby be read by the President in the University Chapel, and that the foregoing proceedings be communicated to Mr. Derby, and also that his letter, together with the proceedings of the Faculty be laid before the Board of Trustees of the University.

(Signed),
WM. M. DAILY, President.

Land warrants are now selling at \$1 15 per acre, and the demand exceeds the supply at Washington. The price keeps up much beyond the expectations of the speculators.

SAMUEL WISE, Esq., one of the earliest settlers of Vincennes, died of apoplexy on Friday last.

SICK.—Hon. STEPHEN A. DOUGLAS is quite sick at Terre Haute. He is there as the guest and patient of Dr. E. READ.

To dream that you are worth a million of dollars and then upon waking you find yourself an editor, is excruciatingly provoking.

SERVED THEM RIGHT.—A few days since the steamer Charleston, on the Mississippi, above Memphis, met with an accident to her steam scape pipe. The passengers were much frightened, two of them, in the midst of the excitement got into the yawl in tow at the stern, cut the rope, and refused to let any one else get into it with them; and after finding that all danger was over, they returned to the boat, when they were put ashore by the Captain on a sand island in the middle of the river, and left to take care of themselves.

The booty taken by the French at Sevastopol is estimated at 7,000,000 francs, and the Russian loss at 80,000,000 francs.

We have made our choice, and we abide by it. We join ourselves to no party that does not carry the flag and keep step to the music of the Union.—RUFUS CHOATE.

The great comet of 1836, which was expected in 1848, and on account of whose non-appearance Sir JOHN HERSCHEL put a craze on his telescope, M. BOMME, a distinguished German astronomer, finds not to be due till 1858. With immense labor he has gone over all the intricate calculations, and estimates that the comet would be retarded to that extent by the influence of the planets. The periods of its returns have ranged from 289 to 293 years, and if it shall not return before 1858, its present period will no longer by 9 years than ever before.

NATIONAL DEMOCRATIC REVIEW.—Such is the title of a review which Geo. P. Buell, Esq., proposes to publish in this city. Mr. Buell has been lately publishing the Western Democratic Review at Indianapolis, where he won for himself a high reputation for talent and ability—his review becoming, in a very short period, extensively known as one of the ablest in the country. We refer our readers to the prospectus, which will be found in our advertising columns, from which it will be seen that Mr. Buell intends to publish a thoroughly National Democratic Review, "devoted to literature and politics, and particularly to a discussion of the great principles which form the basis of the Democratic party." We wish him much success in his enterprise. Washington Union.

New York Election.

New York, Nov. 7.
The city has given the Know Nothings a large majority, but the returns are not complete. Canvass completed for ten wards shows a plurality of over 3000 for the Americans.

The Know Nothing vote in the State is larger than anticipated, and certainly defeats the Softs, Hards, and Liquor Dealers. The contest is between the Know Nothings and the Republicans, but the large plurality of the former in the cities cannot be overcome. Partial returns from the State show the vote to stand thus: American 43,000, Fusion 30,000, Softs 31,000, Hards 24,000.

Complete returns in this city give Softs 4,300, Americans 2,300, Fusion 1,200.

Up to 4 o'clock this evening, 87 cities, and towns, including New York, Albany, and Buffalo, have been heard from—King, Republican, for Secretary of State, 15,928; Headley, American, 12,438; Hatch, Soft, 9,389; Ward, Hard, 2,485.

The election returns of this city are very imperfect, but a complete return from 13 wards and incomplete for the remaining 9 wards, foot up thus: Secretary of State—Headley 14,071, Ward 12,494, Hatch 9,670, King 4,684. In Kings county, the returns for 16 out of 18 wards of Brooklyn and 5 small towns, foot up for Ward 7,457, Headley 5,635, King 2,646, Hatch 1,043. Dr. Brandreth is elected Senator. The aggregate returns of the State thus far received represent about 130,000 votes, and are distributed in the following proportions:—Headley 45,542, Hatch 31,496, King 26,807, Ward 24,643. The following are supposed to be elected to the Senate from this county: In the 3d district, Sickles, Hard Shell; 4th, Soft; 5th, P. Peltie, K. N.; 6th, Erastus Brooks, K. N. Our returns are so mixed up as to defy classification. In one ward a party of Irish made an attack upon a building occupied by a Know Nothing and broke in the doors and windows. Fire arms were also used. In Kings county, including Brooklyn, the Hard Shell ticket is elected over the Know Nothings. They poll the next highest vote.

Massachusetts Election.

Boston, Nov. 7.
Returns from 198 towns foot up for Gardner 39,427, Beach 22,747, Walley 10,215, Rockwell 26,134. Gardner's plurality thus far is 13,266. The Know Nothings have probably elected a majority of the Legislature.

Boston, Nov. 7.
Returns from all but 9 towns in Massachusetts give Gardner, K. N., a plurality of 15,000.

Chaffee, K. N., is elected to Congress from the tenth district by a plurality of 4,000.

The House stands 130 Americans and 92 of all others. The Senate, as far as known, stands 23 Americans to 16 others.

Maryland Election.

BALTIMORE, Nov. 7.
The election for members of Congress in this city is progressing quietly. There is an unusual crowd around the polls, and a large vote will be cast. The result here will not likely be known until late tomorrow, as there are a number of candidates on the tickets and the whole count must be completed before any result can be arrived at.

New Jersey Election.

PHILADELPHIA, Nov. 7.
In Salem county, Rille, Independent Democrat, is elected to the Senate from the first district, and Plummer, American, in the second. In Cumberland, Keen, temperance man, is elected from the first, and Wells, Democrat, from the second. In Cape May county, Jesse Deverty, American, is elected to the Senate, and Downs and Edmonds to the Assembly. In Atlantic county, Frames, Democrat, is elected to the Assembly. In Gloucester county the two American members of the Assembly have been re-elected.

Wisconsin Election.

BUFFALO, Nov. 7.
The city of Milwaukee gives Barstow, Democrat, for Governor, 3,400; Bashford, Republican, 2,930. The county gives Barstow 3,000 majority.

The Election in New Orleans.

NEW ORLEANS, Nov. 5.
The election is progressing quietly here, in all parts of the city except the Third District, where a riot is reported to have occurred, in which an American and a German are said to have been killed. Capt. Place, of the Palmetto Guards, was also wounded in the affray.

It is almost impossible, as yet, to tell the result of the election.

The baby show at Pittsburgh, as well as that at Cincinnati, was a failure.

SOME OF THE HARSHIPS EDITORS EXPERIENCE IN STAMPING PAPERS.—Colonel FITZGERALD, of the Philadelphia City Rem., says, in the young days of the Rem he was forced to pawn his watch sixteen times to raise money to pay his hands.

After reading the above, remarks the Frankfort Yeoman, the man who would refuse to pay for his paper promptly, deserves to be kicked all over creation by a wooden legged nigger.

The Covington Friend gives the following account of an affray:

SHOOTING AFFRAY.—Columbus Overbay, a son of Mr. S. B. Overbay, of this place, was shot with a pistol on Tuesday evening, by Nichols Williams, a boy living at Dr. P. Myers'. One of the shots from the pistol took effect in young Overbay's left breast, another we learn passed through the window of Mr. Overbay's residence, and came near hitting one of the female inmates of the house.

Overbay's wound is not considered dangerous. Williams has not been arrested as yet.

As the case will probably undergo judicial investigation, we forbear making any remarks.

ew in-
arge, in

April 7, 1853-6m6 J. B. ANDERSON

CASSIMERS, Satinets, Cloths, Vestings, &c.
[336] G. H. JOHNSTON

