

PRINTED AND PUBLISHED EVERY TUESDAY MORNING, BY EDWARD MULLIKIN, PUBLISHER OF THE LAWS OF THE UNION.

THE MARSEILLES HYMN. Ye sons of France awake to glory, Hark, hark, what shouts bid you rise, Your children, wives, and grandfathers hoary, Behold their tears and hear their cries.

Now, now, the dangerous storm is rolling, Which treacherous Kings confederate raise; The dogs of war let loose are howling, And all our fields and cities blaze.

With luxury and pride surrounded, The bold insatiate despots dare; Their thirst of gold and power unbounded, To mete and vend the light and air.

Oh! liberty, can man resign thee; Once having fast thy gen'rous flame; Can dungeons, bolts, or bars confine thee, Or whips thy noble spirit tame?

Peace to the silent dead! Peace to your valeless land—pale race of men! Gathered from sea and land, from hill and glen To fill the same cold bed.

Men of the ancient time;—peasant and king, Whose stern passions made the earth to ring— Whose din shook land and sea.

Your arms of terror are o'erspread with rust, Your giant-frames are mingling with the dust— Your rest is long and deep.

Peace to the dead of Rome; Empress of heaven time—thy pomp hath fled As the gray mists around the mountain head When thy warm light doth come.

Who doth not bless the dead? Is there a heart that throbs not at the name Of some long-perished friend—whose deathless frame In his own breast is treasured.

Ask of the feeble one That falters by thy path—the aged man, With head bowed down to earth, and forehead wan, If he doth weep for none!

Oh! in the toil of life, When hard beset with grief,—we love to turn And think of those who'll ne'er again return,— The brother—son or wife.

How solemn is the grave! Oh! there's a warning in the death-quenched eye, And pale, pale lip—they tell us we must die, 'Tis the fair—the good—the brave.

From the New-York Advertiser. HENRY ST. CLAIR. HENRY ST. CLAIR.—How at the mention of that name a thousand dreams of friendship and youth—and of the early and beautiful associations which linger like invisible spirits around us, to be called into view only by the magical influence of memory, are awakened!

I need not tell the story of my friend's young years. It has nothing to distinguish it from a thousand others—it is the brief and sunny biography of one upon whose pathway the sunshine of happiness rested, unshaded by a passing cloud.

It was a night of Autumn—a cold and starless evening—I remember it with painful distinctness, although year after year has mingled with Eternity,—that I had occasion to pass in my way homeward, through one of the darkest and loneliest alleys of my native city.

"Wretch!" I exclaimed, as I held his own pistol to his bosom, "what is your object?—Are you a common midnight robber—bear your ought of private malice towards Roger Allston?"

"Allston!—Roger Allston!" repeated the wretch beneath me, in a voice which sounded like a shriek, as he struggled full upright even against the threatening pistol.

"Whoever you may be," I said, "and whatever may have been your motive in attacking me, I would not stain my hand with your blood. Go—and repeat of your crimes."

Even you refuse the only mercy which man can now render me—the mercy of death—of utter annihilation! Actuated by a sudden and half-defined impulse, I caught hold of the stranger's arm and hurried him towards the light of a street lamp.

"Well may you shudder," said St. Clair, "I am fit only for the companionship of demons, for you cannot long be cured by my presence. I have not tasted food for many days—hunger drove me to attempt your robbery—but, I feel that I am a dying man. No human power can save me,—and if there be a God, even He cannot save me from myself—from the undying horrors of remorse."

"I followed the remains of my unhappy friend to the narrow place appointed for all the living—the damp and cold church-yard. I breathed to no one the secret of his name and his guilt. I left it to slumber with him.

"I never possessed those principles of virtue and moral dignity, the effect of which has been so conspicuous in your own character. Amidst the latencies and attentions of those around me, and in the exciting pursuit of pleasure, the kindly voice of admonition was unheard; and I became the gayest of the gay—a leader in every scene of fashionable dissipation.—The principles of my new companions were those of infidelity, and I embraced them with my whole soul.

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whose shrine all the deep affections of my heart were poured out, in the sincerity of early love. She was indeed a beautiful girl—a being to bow down to and worship—pure and high thought as the sainted ones of Paradise, but confident and artless as a child.

"Allston! I look back to that Spring-time of Love even at this awful crisis in my destiny with a strange feeling of joy. It is the only green spot in the wilderness of the past—an oasis in the desert of being. She loved me. Allston—and a heart more precious than the gems of the East, was given up to a wretch unworthy of its slightest regard.

"I had been very gay, for there were happy spirits around me; and I had drank freely and fearlessly for the first time.—There is something horrible in the first sensations of drunkenness. For relief I drank still deeper—and I was a drunkard—I was delirious—I was happy, I left the inebriated assembly, and directed my steps, not to my lodgings, but to the home of her, whom I loved—may adore above all others.

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from his anxious friends, for they now deemed him safe; but he uttered no shout in return. Every nerve was strained to procure help. "A boat!" was the general cry, and some ran this way and some that, to endeavor to procure one. It was now between seven and eight o'clock in the evening. A boat was speedily obtained from Mr. Gordon of Aberlour, and, though no one there was very expert in its use, it was quickly manned by people eager to save Cruickshanks from his perilous situation.

The current was too terrible about the tree, to admit of their nearing it, so as to take him directly into the boat; but their object was to row through the smoother water, to such a distance as might enable them to throw a rope to him, by which means they hoped to drag him to the boat. Frequently did they attempt this, and as frequently were they foiled, even by those which was considered as the gentler part of the stream, for it hurried them past the point whence they wished to make the cast of their rope, and compelled them to row up again by the side, to start on each fresh adventure.

Often were they carried so much in the direction of the tree, as to be compelled to exert all their strength to pull themselves away from him they would have saved, that they might avoid the vortex that would have caught and swept them to destruction. And often was poor Cruickshanks tantalized with the approach of help, which came but to add to the other miseries of his situation, that of the bitterest disappointment.

Yet he bore all calmly. In the transient glimpse they had of him, as they were driven past him they saw no blanching on his dauntless countenance,—they heard no reproach, no complaint, no sound, but an occasional short exclamation of encouragement to persevere in their friendly endeavours. But the evening wore on, and still they were unsuccessful. It seemed to them that something more than mere natural causes was operating against them. "His hour is come!" said they as they regarded one another with looks of awe; "our struggles are vain. The current and the hope which hitherto supported them being about to fail, and the descending shades of night extinguished the last feeble sparks of both, and put an end to their endeavours."

Fancy alone can picture the horrors that must have crept on the unfortunate man, as amidst the impenetrable darkness which now prevailed, he became aware of the continued increase of the flood that roared around him, by its gradual advance towards his feet, whilst the rain and the tread continued to beat more and more dreadfully upon him. That these were long ineffectual in shaking his courage, which he hitherto supported them being about to fail, and the descending shades of night extinguished the last feeble sparks of both, and put an end to their endeavours."

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stated, that, at the time of the accident, he did not think much about his orders, but was anxious to get into town before the opposition. After the testimony was closed, the Counsel for the defendants prayed that the Court would give the following instructions to the Jury. "That if the Jury shall find from the evidence, that the defendants in the cause expressly forbade the driver of the stage to race against the opposition line,—and that disregarding and violating said order, the said driver did race their stage,—and that the injury suffered by the plaintiff was an immediate consequence of such wilfulness of the driver, and violation of the express orders given to him by his employers, that then, in such case, they, the defendants, are not liable in damages for said injury."

This prayer the Court refused, and delivered the following "opinion." The prayer and the argument in support of it on the part of the Defendants have proceeded, we think very correctly, on the ground, that in order to sustain the action against the servant, his act must have been in its inception tortious, and evidence has therefore been given that the driver, in racing against the opposition, did so against the express orders of his owners, and that therefore his conduct, being wilful, rendered tortious in the eye of the law. The objection to this conclusion is that no direction which the master could give to his servant as to duties and conduct which the law of itself imposed, could alter the nature of the obligations to the plaintiff or affect the character of, or the distinctions which the law creates between, the different remedies it affords,—and from a careful examination of a technical question touching the rights and interests of a very useful body of men, affording great accommodation to the public, and the safety of the public itself, we think that the best rule deducible from a collation of the authorities is that inasmuch as a servant can be sued in Trespass vi et armis, only where the master is not liable (except where they are joint Trespassers) so the master is always liable where the servant is not; and both are liable in an action on the case when sued jointly for a joint act. Are the facts then before us such as to sustain an action of trespass vi et armis or an action on the case?

To sustain the former, the act complained of must be tortious and in itself actionable, that is to say, not only wilful in the sense contemplated by the prayer of the Defendants, but intentional, direct, and immediately effecting an injury (no matter how slight) and from its character indicating a design to molest at the moment the rights of others. Now although the racing of a stage may be a misdemeanor and indictable, being contra bonos mores and endangering the safety of the public at large, it is not of itself actionable; the injury arising from it, is therefore technically incidental, and consequential, and the remedy is in case, not in trespass; if therefore the act or the horse against which the driver ran had been injured, the action would be case against the owners not trespass against the driver; the act of racing the stage was wilful, not the running against the cart. If this be the true doctrine as regards the rights of third persons, who are strangers and not at all involved in the obligations of the owners and passengers, the reason for it in the case of the latter is in so much stronger as the injury to them is the more remote; the racing of the stage cannot imply, of itself, any immediate intention of injury to a passenger, and cannot give him an action of trespass vi et armis against the driver.—What tort does the latter commit? The damage is consequential and no injury however slight, necessarily, immediately or even remotely ensues from it, nor can the nature of the remedy be in any way changed by the orders of the owners, to the contrary, for the driver is bound to do so by law, and they are bound for him. The legal qualities, therefore, of his wilfulness are not altered by orders, for his wilfulness may be as great with as without orders; and if the owners had given express orders to the driver to contend with the opposition line at all hazards, that would not give the right of action against them, nor create obligations to the passengers—no orders could diminish or increase the risk and extent of liabilities, by making them answerable for greater damages, as long as the relation of master and servant continues, the liability of the former continues; and it only ceases when the driver goes out of his character as such. The responsibility of a master flows in a great measure from the nature of the service; if a driver wilfully runs against a carriage or passenger, he does not act in the character or according with the nature of his duties and employment; he, as the book says, is deemed in such case to depart from it altogether, and to assume the character of a moderate driver; it partakes of the very nature of the employment, and as such, must be regarded, as respects a passenger as done during the existence of the relation of master and servant between the owner and driver; and while that relation subsists (and cannot be severed by the very act of indiscretion which drivers are most apt to and daily commit) can it be doubted that the owners are at least as responsible for the consequences of immoderate driving as for any other kind of negligence, carelessness or unskillfulness. Every man is supposed to know the nature of the business he is engaged in, and the sort of liabilities he must encounter in it, from the probable misconduct of his agents in reference to the peculiar nature of the service. No man is made answerable for the crime or the malice of another, and is therefore not punishable for his direct tort, but if a man choose to employ an agent in a concern especially requiring in relation to the rights of others, carelessness, attention and confidence in such agents, he is entitled to redress from the principals for any injury he suffers from the disregard, or negligence, of that peculiar carelessness, attention and skill. The owner of the stage, and not the passenger, is supposed to be acquainted with the character of the driver, and the owner in the employment of drivers is bound to guard against those very indiscretions, carelessness, which are most in the habit of committing. If they are most in the habit of committing, the owners are deemed to have been negligent in not letting them seek remuneration for their drivers, as they are in an implied assent in Law cost upon the owners, that they will cause him to be carried not absolutely safely,

but carefully, and that they will employ proper and competent drivers, and that he is not to be subjected to the dangers and risks of improper and dangerous driving of any kind, and that if he is injured, he is not to be turned round to ask for damages from persons generally irresponsible, with whom he has made no contract, and with whose qualifications he is not expected to become acquainted, and over whom he can have no control. After the argument of Counsel had been heard, the jury retired, and after a short absence returned into Court, and delivered their verdict for the Plaintiff—Damages \$600. Latrobe for plaintiff, McCulloh for defendants.

From the New York Evening Post. Our readers will recollect that in one of the late severe gales of wind with which our seaboard was visited, the corvette Kensington, on her way from Philadelphia, bound to St. Petersburg, with the Russian Minister and suite on board, was, after being at sea a few days, dismasted and otherwise injured. In this crippled state she was fallen in with by the schr. Superior, belonging to Mr. Silas E. Burrows, of this city, then on her passage from New York to the Pacific ocean on a sealing voyage. The Captain of the Superior, at the pressing solicitation of the Russian Minister, took him and a number of other gentlemen, officers in the Russian Navy on board, and brought them home. Soon after they landed the following correspondence took place between the owner and Baron Krudener, which we take great pleasure in laying before the public, as honorable to our commercial reputation and character. New York, Sept. 3, 1830.

His excellency Baron Krudener, Envoy Extraordinary and Minister Plenipotentiary from Russia to the United States. Sir—I am informed by Captain Conger, of the sealing schooner Superior, belonging to me, that on his passage to the South Seas, in lat. 38, long. 68, he fell in with the Russian corvette Kensington in a dismasted state of distress, and was induced, from your solicitations, and those of the Russian admiral and officers with you, to return to this port, and safely landed your party (nine in number) last night, all well.

Capl. Conger informs me that he made a most advantageous contract for my interests—that any amount I thought proper to demand your excellency had agreed to pay. I am, sir, a traveller—often have been a sailor—and my feelings cannot be led astray by any pecuniary considerations. I shall not receive any compensation for the service rendered you, knowing that you will repay the same, if chance should place any of my suffering countrymen within your reach. The captain assures me the amount I receive is to be paid by the Russian Government. This in no manner changes my decision, as I consider individuals should act to governments, and governments to individuals, as individuals to each other; and I am happy in having this opportunity of shewing the Russian government (which has invariably been the friend of my country) the feelings that a citizen of the United States entertains. I send you by the bearer twenty-seven trunks and cases of baggage, belonging to you and friends.

Wishing you and your companions every blessing and a safe return to your country, I remain your most obedient and very humble servant, SILAS E. BURROWS. New York, 4th Sept. 1830.

My Dear Sir—I regret that the contents of your letter of yesterday, deprive me of the satisfaction of expressing otherwise than in words, my sense of the services rendered to my government, and myself, by the commander of the schooner Superior, who landed me and the officers of the Imperial Navy, and enabled me thus to accelerate the return of these gentlemen to Russia, at a time when, if the aid of your vessel had not been afforded us, an unfavorable wind might have for weeks together, precluded the Kensington's making this port. His Majesty the Emperor, has too vivid a perception of that which constitutes the feelings of rightful honor and generosity, not to appreciate fully the resolution you have taken to reject the compensation for the loss of time and the trouble occasioned to Captain Conger, which it was my duty to offer you. His Imperial Majesty will feel it the more, that independently of the high motives of a general nature, which actuated you in this circumstance, you express in your letter the particular satisfaction it gives you, to have an opportunity of obliging the Russian government and nation, whose sentiments and conduct you justly observe to have been constantly of the most friendly character towards these United States. It gives me personally more pleasure than I can find words to describe, thus to receive an additional proof of the feeling of good will existing between the two nations.—To that state of things the Emperor will ever attach great importance, and he will learn with pleasure that through your means, it has been placed in a clearer light.

Accept, dear sir, my thanks and those of the officers who accompanied me, and at the same time the assurance of the sincere acknowledgments, and esteem which your conduct towards me, so fully warrants, and which we are fair to extend to your countrymen and country, in whose name you have conferred upon my government, upon myself, and upon the officers of the Imperial Navy, who were with me at this juncture, the obligations, of which I have in the preceding lines, attempted to express the deep and unvaried impressions.

I have the honor to remain with high consideration, dear sir, your obedient and humble servant, BAR. KRUDENER. Silas E. Burrows, Esq.

A new Voyage around the World is projecting in England.—A meeting has been held at the Royal Institution, to consider of a plan for a voyage of discovery directed to the East of Asia, and the great Archipelago of the islands that stretch from Java to the Karles, to be performed by Mr. Buckingham. The Duke of Sussex presided; and the resolutions approving of the voyage, and of Mr. Buckingham's fitness to take the management of it, were moved and seconded by the Duke of Somerset, Lord Durham, Lord John Russell, Sir Sidney Smith, Dr. Lardner, Col. J. Stanhope, General Bentham, and Mr. James Mill. The peculiar features of the projected voyage, as explained by Mr. Buckingham, is that while other voyages have been undertaken that objects purely scientific, this will combine commercial with geographical researches. The individual subscriptions towards the building of a fitting vessel which will perform the voyage, are limited to five guineas. When one thousand subscriptions are received, the building of the vessel will be commenced. A committee was appointed to carry the plan of subscription into execution, at the head of which was the Duke of Somerset.