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LAW INTELLIGENCE.

King's Bench, Guildhall, Saturday, April 19. SPECIAL JURIES.

JOBSON v. Baring and Co.—The facts of which this action arose were the following: On the 17th July, 1811, the plaintiff, then resident at Liverpool, entered into a contract with Government for a supply of 10,000 loads of timber to the Navy Board, the value of which would exceed 150,000l. The house of Morall and Borland, of Liverpool, became his sureties for the performance of the engagement; and for their indemnification the plaintiff executed to them a conditional assignment, by which, under certain circumstances, they were to become principals in the contract. It became necessary that the plaintiff should proceed to East Florida, for the purpose of securing the quantity of timber required; but before his departure, by an instrument dated 29th August, 1811, he appointed Morall and Borland his attorneys, to act for him in all things necessary for the completion of the engagement, for the receipt of money from Government, for the delivery of timber, &c.; and at the same time he executed another power of attorney, authorizing Morall and Borland to employ the defendants as sub-attorneys for the transaction of business in London. In the month of April, 1813, Morall and Borland failed, the defendants being in advance to them in a sum exceeding 10,000l. partly on other accounts. Subsequent to the bankruptcy of Morall and Borland, a ship named the Massachusetts arrived at Plymouth laden with timber belonging to the plaintiff, and it was seized under the embargo, as the property of American subjects. The defendants, however, put in a claim to it, in which they stated that the timber was for the fulfilment of the contract, and that it was the property of Joseph Ibberson, the plaintiff, a British subject, then resident in East Florida: on this representation a decree of restitution was pronounced by the Court of Admiralty, the timber was delivered to Government, which, together with other sums they had obtained on account of the same transaction, amounted to 4,420l. For this sum the plaintiff brought the present action, for money had and received by the defendants to his use.

Mr. Scarlett, on behalf of the plaintiff, having stated the above facts, contended that his client was entitled to recover, and principally urged against the defendant's claim to withhold the money now sought, that they had themselves admitted that the timber by the Massachusetts was the property of Joseph Ibberson, the plaintiff, and it was released only upon that statement; so that they had precluded themselves from making any resistance.

Admissions were then put in which established the case on the part of the plaintiff.

Sergeant Bosanquet, on behalf of the defendants argued, that although in general cases an agent could not pledge the goods of his principal, yet that, under the peculiar circumstances of this transaction, it was to be recollected that the plaintiff had given Morall and Borland such authority, and had actually executed a power of attorney, empowering them to constitute the defendants their attorneys in London. In this respect, the present case differed widely from that of *Graham vs. Dyster*, decided a few days ago, where the broker without any warrant, express or implied, raised money upon the goods his principal had placed in his hands for sale.—It has been said, that the defendants and Morall and Borland had general dealings, and that the advances by the former had not been made merely on account of the timber; but he was in a condition to be able to establish the contrary. He submitted, therefore, that though the Massachusetts did not arrive until after the bankruptcy of Morall and Borland, the defendants could retain the proceeds for advances made in expectation of the arrival of timber; the restitution, on the proof that the cargo belonged to the plaintiff, was a necessary form; nominally, it was his property; but actually, that of the defendants, by virtue of the monies they were in advance to the bankrupts.

Mr. Morall was then called to prove that the advances by the defendants were made solely on account of the timber of the plaintiff; but the witness admitted that there had been other accounts between his house and the defendants and that the money had been received upon them.

Lord Ellenborough here interposed, expressing his decided opinion on this evidence, that the plaintiff was entitled to recover; it was neither consistent with law nor with common sense that he should be finable for all advances made between the bankrupts and their agents in London upon a general account mixed up with that of the plaintiff.

A short discussion took place on the subject of turning the question into a case. The Lord

Chief Justice gave the defendants permission to do so, if they thought proper, but he was perfectly clear as to the opinion he had given. A verdict was then taken for the plaintiff, damages 4,420l.

CHYMICAL.

FROM THE TELESCOPE.
CATAWBA MINERAL SPRINGS.
Believing that an account of the celebrated Catawba Springs may be interesting to some of the inhabitants of this state, I take the liberty of publishing a chemical analysis of the water of these springs, which I have lately made; together with a topographical description, derived from the information of a gentleman, who has had ample opportunity for observation.

The Catawba springs are situated in Lincoln county, North Carolina, about 25 miles from the line which separates New York district, in South Carolina, from the state of North Carolina. The surrounding country is hilly to the extent of a few miles in every direction. The soil is of a light sandy nature, with an inferior stratum of stiff red clay. Lime stone is not known to abound within less than twenty-five or thirty miles. Within seven miles, iron ore is found in apparently inexhaustible quantities. The spring rises in a valley near Killian's creek, and about three and a half miles from Beatie's Ford over the Catawba river. It was formerly surrounded by a morass, which rendered it somewhat difficult of access, but latterly the wash from the neighboring hills has formed a crust of twelve or eighteen inches in thickness, through which if a stick or crowbar be forced, it will descend to the depth of four or five feet without difficulty, passing through a body of black mud, whose smell is the same as the washings of a foul gun. The water is cold and perfectly transparent, and it operates both as a cathartic and diuretic, both of which effects may be regulated in a degree by the quantity taken into the stomach.

Having premised this description, I proceed to state, that in April last, I procured a bottle of the water immediately from the springs; the requisite care and attention having been used in filling and securing the bottle. On pouring out some of the water into a glass, I found its color transparent, its odor like the washings of a foul gun, and its taste a little acidulous. To a portion of it, the tincture of galls, sulphuric acid, and nitric acid, were successively added without producing any change.—The oxalic acid occasioned a white cloud, and so did the carbonated alkalies.—The volatile alkalies also produced a white cloud.—Lime water had no effect.—Mercury was tarnished by the water.—Nitrate of silver produced an orange colored cloud.—Acetate of lead, a dark cloud.—Muriate of barytes, a white cloud.—Prussiate of potash had no effect.—Phosphate of soda, occasioned a white cloud.—Carbonate of ammonia, a slight cloud.—Solution of soap in alcohol, a thick white cloud.—Alcohol, mixed with some of the water, exhibited a very small deposit after standing two days. A recent solution of the green sulphate of iron, mixed with an equal quantity of the water, after two or three days, shewed a brown deposit, which is considered as evincing the presence of oxygen gas. To about six ounces of the water, volatile alkali and caustic pot-ash were added, until they occasioned a slight precipitation—the supernatant liquor was filtered, and muriate of barytes and nitrat of silver, being added to separate portions of it, manifested the presence of sulphuric and muriatic acids.

A portion of the water was tested with a solution of carbonate of ammonia—after ceasing to precipitate it was filtered—the residuum had diluted sulphuric acid poured upon it, which occasioned some effervescence, but did not dissolve it until a large quantity of water was added.—The filtered liquor was then raised to a boiling heat, and pure ammonia was added; but there was no precipitation, which would indicate that no magnesia was present. To a portion of this liquor, solution of soap in alcohol being added, occasioned a milkiness, which would prove that some earthy matter was still present.

Nitrat of silver being added to a portion, occasioned a precipitate that became black on exposure to the sun. Some sulphuric acid was poured on this precipitate, while at the same time a feather, wetted with volatile alkali, was held over it. An instant white cloud indicated the presence of muriatic acid. Six ounces of water, carefully evaporated in a clear glass vessel, yielded about six grains of fine needle shaped crystals—upon these alcohol was poured, and after standing about twenty hours, it was filtered.—The residuum weighed two grains, and therefore four grains have been dissolved by the alcohol.—To this residuum were added one hundred and twenty grains of water, which, after standing several hours, seemed to have no effect upon it; but on increasing the quantity of water considerably the salt disappeared entirely. From the preceding analysis it appears to me that the chemical reader must conclude that the contents of this mineral water are as follows: gaseous or ærial substances, oxygen gas, and sulphurated hydrogen gas. Solid substances—muriate of lime two thirds of a grain, and sulphate of lime one third of a grain to each ounce of the water.

From the source of information above mentioned, I learn that the place where the springs are situated, is furnished with cold and warm baths, and other accommodations for a number of visitants; that many persons are in the habit of spending their summers there, for the

purpose of preserving or regaining health, and that the experience of thirty years has proven the springs to be generally beneficial in bilious affections and cases of debility.

EDWARD SMITH.

South-Carolina College, June 14, 1847.

BOTANY.

FROM THE PHILADELPHIA AURORA.
Mr. Duane.—As you have published Gen. Varnum's account of the valuable properties of the pyrola, in the cure of cancer, you will probably have no objection to inform the public, that pyrola is a generic term, comprising several different species of plants, and that the species which he refers to, is the pyrola umbellata, known in Pennsylvania and Delaware by the name phippasawa. It must be distinguished from the pyrola maculata, or spotted pyrola, by the leaves being uniformly green, and broadest near the extremity, while the leaves of the latter kind are variegated with whitish stripes and are widest near the foot stock.

Having now in my possession a specimen of the plant which was given to me by Gen. Varnum at Washington, I can vouch for the correctness of the above statement.

This noble plant, (called by the ancient natives, the king of plants) has also been found surprisingly efficacious in the radical cure of scrofula.

AMICUS.

Communication.—The beautiful *Cactus Grande Flora*, in Mr. CHAMP-ÉY'S garden now 6 years old, from a small joint, blossomed when 3 years old with 2 blossoms, 5 years old 3, 5 years old 5, and this year with 14—it was in full bloom on Sunday last the 15th, and on Monday the 16th, between 7 and 8 o'clock until 9 o'clock in the evening, when above 300 ladies and gentlemen were gratified with the sight. It is fully expanded at half after 7 in the evening, and shuts up entirely at 6 next morning. It has three rows of snow white flowers, inclosed in an orange colored sheath, and when expanded is strongly perfumed of the vanilla, which property it has not until then. The flowers were 3 inches diameter, and in depth 7 inches.
Chavis, Cour. er.

RURAL ECONOMY.

FROM THE RHODE-ISLAND AMERICAN.
To Farmers.—From the 20th to the 22d of this month, being the longest days of the year, if the bark of old apple and plum trees is peeled off (on those days) a new bark will come on and the trees bear fruit like young trees. Care must be taken not to cut through the sap, as it will be the cause of a separation of the new bark. Caution must also be used if the sun should shine hot, or if it should rain on that day, that a shelter be made to prevent the sun from drying the sap, or the rain from washing it off. I tried this experiment on a few old trees about three years ago, and found they got new bark and bore fruit equal to young trees. I also tried old peach trees at the same time, which would not answer at that time; but probably if the bark should be peeled off of peach trees when the second sap should be at its change, they would produce the same effect as three years ago. I tried all the experiments I could discover from books on Agriculture, and found them only a temporary relief to peach trees; I then dug a hole about 8 or 9 feet from a few young peach trees, to the depth of about 3 feet, to obtain about 10 or 12 bushels of fresh earth, which was piled next to the trunk of the trees in the form of a sugar loaf. I found that those trees to which I tried the experiment became very luxuriant with large green leaves; and those I did not apply the new earth to, were sickly. This banking did not answer for old peach trees.—In the spring of 1816, I banked 250 young peach trees that were sickly in the same manner, and they are now in a promising state, with luxuriant leaves. BRONXIE.

MISCELLANEOUS.

FROM THE BOSTON CENTINEL.
Hannity honored and rewarded.—The following are communicated as among the facts substantiated before the trustees of the Humane Society at their last meeting of the intrepid exertions of Mr. TEWKSBURY, and his son, in saving the lives of several of our fellow citizens, as mentioned in a late Centinel. Few, if any instances, will be recollected, in which more skill and judgment have been evinced, or where a more deliberate and magnanimous exposure of life to jeopardy, in saving the lives of others, has been exhibited.

On the 26th May last, Mr. William Tewksbury, of Deer Island, and his son, Abijah R. Tewksbury, a lad 17 years old, were at work on the eastern part of Point Shirely, near Winthrop's Head. About 4 P. M. a boy came running from the Point and informed him that a pleasure boat had upset in a direction between Deer Island and Long Island. Without waiting for further information, he immediately took his son into his canoe, set a small fore sail, and ran through Pulling's Point gut towards Broad Sound. The wind was so high, that with the smallest sail the canoe nearly buried herself under water. Having relieved her, he stood in a direction for Long Island nearly half a mile, without discovering any indication of the object of his search. He then discovered his wife and children on the beach of Deer Island,

running towards Sound Point. This induced him to keep on the same course, and in a short time he discovered the heads of several men in the water, and as they rose and fell on the sea, he was impressed with the belief that there were more than twenty buffeting the waves, and contending against death. Being perfectly aware of the little burthen and slight construction of his canoe, (she being of the smallest class of "lapstreaks") the wind blowing a violent gale—his apprehensions for his son's and his own safety—had almost caused him to desist from the extreme peril of exposing his frail barque, to be seized on by men agonized to despair, in the last struggles for life. He however prepared for the event, took in his sail, rowed among the drowning men with fixed determination to save some, or perish in the attempt. By an exertion of skill, to be equaled only by an aboriginal chief in the management of a canoe, he succeeded in getting persons on board, and was attempting the eighth, when his son exclaimed, "Father, the canoe is sinking, we shall perish." This exclamation, calling his mind to the purpose, which it was bent upon, exposed him his most perilous situation. The water in his canoe—nine in number on the upper part of her gun wale but three inches above water—the wind high—a heavy sea running, and constantly washing on board, and nearly a mile from the nearest land. That nine might even have a chance of being saved, he was obliged to leave one unfortunate man hanging on the stern of the jolley belonging to the pleasure boat.

Of the men saved, one was so little exhausted that he could assist in bailing—another could sit up—and the others lay motionless, and apparently lifeless on the bottom of the canoe. There not being room to row, Mr. T. had no alternative but to paddle before the wind, and was but able to reach the extremity of Sound Point. The instant she struck, she filled with water from the violence of the sea. Exertions were still necessary to save the five helpless men in the bottom of the canoe. In giving her assistance at this time, Mrs. Tewksbury was much injured by the convulsive grasp of one of the men, apparently in the agonies of death. They were all conveyed to Mr. Tewksbury's house, where, by the application of hot blankets, tea and medicine, they were recovered. Four did not recover so as to be able to speak for more than three hours. Eleven persons were in the pleasure boat when she overset—two of whom attempted to swim to the shore, and were seen by the survivors to perish 30 or 40 rods from the boat. One was drowned in the cabin. After landing those saved, Mr. T. returned with all possible expedition to the relief of the men left in the jolley. He was gone! The distance from the place where Mr. Tewksbury and his son were at work to the place of the place of the accident is one mile and a half.

The above facts being made known to the trustees of the Humane Society, they voted that seventy dollars in money and a silver medal of the value of ten dollars, with suitable inscriptions, be presented Mr. T. Thirty five dollars to his son; twenty dollars to Mrs. Tewksbury; and five dollars to the boy who ran with the information of the boat having upset.

* This canoe, or skiff is sharp at both ends—greatest length 24 feet, and makes very much; four feet six inches wide in the widest part, and eighteen inches deep.

Extract from General Wilkinson's Memoirs, lately published.
GENERAL V. ASHLINGTON.

Power and greatness are frequently confounded—yet nothing can be more distinct. The first may spring from birth, from fortune, from cunning, and a thousand adventitious circumstances; the last depends on a combination of the capacities of the head, the virtues of the heart, active dispositions to promote the happiness of mankind. The former commands respect; the latter invites attachment. Veneration and awe are due to place; confidence and esteem to persons. Men may become illustrious by their vices; but they never can be truly great without virtue. Alexander was an illustrious conqueror, but a murderer and a nuisance to society. Cæsar was an illustrious usurper, and became the tyrant of his country.—Between him and Cataline there was no difference but in their exterior habits, their modes of pursuing their ambitious views, and the peculiar characters of their minds, in choosing their means and directing their measures. The recollection of such characters inspires the sensible and the virtuous heart with indignation and abhorrence, whilst it swells with complacency and delight at the remembrance of Epaminondas and Scipio. Frederick was an illustrious butcher, not devoid of greatness, because he took pains to meliorate the condition of his subjects; but he was a stranger to religion and virtue. The splendor of Napoleon's glories sickens the sight, whilst the gentle beams which irradiate the character of General Washington cheers the heart and consoles the friends of humanity.

Distinguished characters, like meteors, catch the attention by their rarity and splendor, and whether from vain curiosity or rational inquiry for profit or for amusement, mankind seek to avidity the words and actions, and even the frivolous incidents, which emanate from or bear relation to public men, who have been conspicuous for their virtues or their vices, so much is intellectual man governed by the impressions made upon his senses. I therefore anticipate the reader's pardon, for presenting (See fourth page.)