The Convention.

FOURTH DAY .- The Convention was opened by prayer on yesterday, by, Rev. T. R. English. Mr. Cheves, from the Committee of Twenty-One, made the following Report:

The Committee of Twenty-One, to whom was referred an act to provide for the election of deputies to a Southern Con ress and the call of a Convention, with instructions to consider and report thereon, respectfully report-

That they have considered the subject referred to them, and have concluded to recommend to the Convention the adoption of the accompanying resolution and Ordinance:

Resolved, by the people of South Carolina in Convention assembled, That the frequent violations of the Constitution of the United States by the Federal Government, and its encroachments upon the reserved rights of the sovereign States of this Union, especially in relation to slavery, amply justify this State, so far as any duty or obligation to her confederates is involved in dissolving at once all political connection with her co-States, and that she forbears the exercise of that manifest right of self-government from consid crations of expediency only.

An Ordinance to declare the right of this State to secede from the Federal Union. We the people of the of State of South Carolina, in Convention assembled, do declare

and ordain, and it is hereby declared and ordain-

That South Carolina, in the exercise of her sovereign will, as an independent State, acceded to the Federal Union, known as the United States of America, and that in the exercise of the same sovereign will, it is her right, without let, hindrance, or molestation from any power whatsoever, to secode from the said Federal Union; and that for the sufficiency of the causes which may impel here to such seperation, she is responsible alone, under God, to the tribunal of public opinion among the nations of the earth.

The report was ordered to be printed, and made the special order for to-day. Dr. John Bellinger offered the following a-

mendment to the report, which was also ordered for consideration to-day.

"Be it ordained by this Convention, That the regislature of the State shall have the power, by a vote of two-thirds, (accompanied with a notification to the other States,) to withdraw the State of South Carolina from the Federal Union."

Mr. B. F. Perry, from same Committee, made a report on his own behalf. This gentleman's report states that the other Southern States, identified with South Carolina, having declined to meet South Carolina in a Southern Congress, it would be unwise and inexpedient for South Carolina to take any decisive seperate action under existing circumstances. One of the resolutions presented by Mr. P. pledges South Carolina to resist with the other Southern States, on certain contingencies. The report was ordered to be printed, and made the order for to-day.

Mr. Gregg, from the same Committee, also submitted a report on his own behalf, stating his reasons for not concurring in the report of the Committee, which, on his motion, was laid on the table, and ordered to be printed. We will publish these reports to-morrow.

Mr. Dantzler announced that he had prepared, as an individual member of the Co-operation par ty, an ordinance of conditional secession, but was restrained from offering it, least it might distract the deliberations of the Convention.

On motion of Mr. Harlee, the President of the Senate and Speaker of the House of representatives were invited to seats on the floor of the Convention.

The President announced that he had appointed Mr. Whaley as Cashier, and Mr. Dautzler

as assistant Cashier of the Conve tion. The Convention then adjourned to 10 o'clock to-day.

FIFTH DAY .- The Convention was opened on yesterday with prayer by Rev. R. T. Russell. Dr. Bellinger then addressed the Convention at some length in support of his amendment to

the report of the Committee of Twenty-one. Wo published the amendment yesterday. Mr. Cheves stated that it was understood in

the Committee, that all amendments to the report should be moved to be laid on the table. After some desultory debate, Mr. E. Rhett submitted an amendmet to the report of the

committee retaliatory on Massachusetts, and addressed the committee at some length in support of it. This, on motion of Mr. Cheves, was also

Mr. Toomer also moved sundry resolutions as an amendment to the report, which were laid on

Mr. Adams offered an amendment to the effect that this Convention, having been called to secede from the Federal Union, but yielding to the popular vote in October last, and not being able to agree on any other measure, should now adjourn sine die; which, on motion of Mr. Cheves was laid on the table.

Mr. Memminger read a lengthy document. setting forth his views on the question before the Convention. This paper he moved to be laid on the table and printed.

Mr. Pickens thought the motion ought to be divided, and after some conversation, Mr. Memminger withdrew his motion to print, and the co-operation manifesto read by the gentleman was laid on the table.

The question then came up on the adoption of the report and ordinance, and they were adop-

ted by the following vote: YEAS. - Mesers. Aldrich, Allison, Alston, Appl by, Arthur, Atkinson, Barnwell, Bellinger, J. Bellinger, Edmund, Bellinger, E. Bethea, Bobo, Bonham, Bookter, Bouknight, Bradwell, Brown, Buchanan, Burt, Butler, Cantey, Caughman, Cheves, Coit, Cook, Craig, Cuningham, Dantzler. Davant, David, DeSaussure, Doby, Dubose, Dunkin, Dupre, Elfe, Elerbee, Elliott, English, Evans. J. J., Evans, W., Farrow, Finley, Frampton, Frost, Furman, Gadberry, Gladden, Graham, Samuel E. Gregg Maxcy, Gramling, Grimball, Haigler, Hanna, Harlee, Harrison, Hayne, Hayesworth, Henderson, Higgins, Hope, Huger, Huguenin, I'On, Irby, Jamison, Johnston, Jones, A. C. Jones Jas., Jones, H., King, Kirk, Landrum, Lang. Law, Lehre, Livington, Mackay, Magrath, Martin, E, Martin, J., Martin, J. C. Mason, Maxwell, R. A., Maxwell, J., Memminger, Mobley, Moon, McAliley, Macbeth, McBride, McIlwane, Nance, O'Bryan, Patterson, Peay, Perrin, Pickens, coedingly Poole, Porcher, Pressley, Read, Rhett, Rice, idleness.

Richardson, Rivers, Rosborough, Russel, R. Y. Ruth, Scaife, Schnierle, Scott, Seabrook, Sims, J. S., Spain, Sumter, Symmes, F. W. Trapier, Vaught, Wallace, Walker, Wardlaw, D. L.—Wardlaw, F. H., Waring, Whaley, Wilson, B. H., Wilson, H. jr. Whyte, Whitner, Williams, J. Williams, J. D., Williams, J. H. Winnsmith, Wright, Young--136.

NAYS .- Adams, Brockman, Charles, Duncan, P. E Fripp, Gourdin, Graham, Hamilton, Latta, Martin, J. V., McBee, McCalla, McCready, Owens, Palmer, Perry, Senter, Toomer Trotti—

On motion of Mr. Butler, it was ordered that the sum of \$500 be paid to the Clerk for his services. The Convention took a recess until

5 o'clock. On assembling, sundry orders and motions were acted on. The messenger, doorkeeper, and keeper, of the State House were each ordered \$100 for services. Five thousand copies of the journal and ordinance were ordered to be printed. On motion of Mr. E. Bellinger, the Convention resolved itself into Committee; Judge Evans in the Chair.

Mr. Butler offered a resolution tendering the thanks of the Convention to the President for the able, dignified and courteous manner in which he presided over the deliberations of that body Adopted unanimously.

The President on resuming the Chair addressed the Convention as follows:

Gentlemen of the Convention: In return for the very flattering estimates your kindness and courtesy has induced you to place upon my imperfect services, I have nothing to offer you but the tribute of a grateful heart.

I will not detain you by pronouncing upon the wisdom, or otherwise of our proceedings, nor would it be becoming in me, as a member of this Convention, to do so. What we have done cannotbe recalled, and now is history. We must wait for and abide by the verdict of posterity. But I hope that I may be permitted to congratulate you and the country upon the good feeling, harmony, and singular unanimity, which have characterized our proceedings, and to express my ardent hope that they will have the effect of pouring oil upon the angry waters-that hereafter no party will be known in our State but the South Carolina party, firmly united in defence of those principles of liberty and equality which belong to us as our birthright, and which gratitude to our ancestors, and duty to our posterity alike demand that we should ever defend at any and every hazard.

I will detain you no longer. We are now to part; but before we do so, I must be permitted to tender to you my heartfelt thanks for the kinds ess and courtesy you have extended to me as the presiding officer of this Convention. I beg you on parting, to accept my best wishes for your happiness and prosperity. Gentlemen I bid you an affectionate farewell.

After which, on motion of Mr. E. Bellinger, it was ordered, that when this Convention adjourns, it shall adjourn sine die and be dissolved. On motion of Mr. Cheves, the Convention then adjourned .- South Carolinian of May 1.

From the New Era.

East Florida and Consumption. There are but few residents of the Northern States who are aware how much this complaint may be alleviated, if not cured, by residence in Florida. Some twenty years since, I spent a winter in St. Augustine, and experienced all the advantages that beautiful climate presents over the North. During the winter, ice was formed not more than once, and that less than the thickness of a half dollar. While the thermometer at New York was ten above zero, I was enjoying an almost summer heat. Indeed, except for the inconvenience of rain, there was no day du- parties on the broad basis of a solemn enactment. ring winter when an outside-coat would have looking to her protection in the future, than by been desirable on horseback, even for an invalid. trees the whole winter, and continued to improve in their delicious flavour till spring.

The expenses of living are very small-a family of half a dozen persons could live in St. Augustine on \$1,000 per annum, who would in New York, expend \$3,000. The oysters were remarkably fine, and so abundant as to be had for the mere cost of a laborer to bring them from the b ds in sight of my lodging. The fish, also, were delicious and abundant. House rent, for about \$50 to \$75 a year, with ample accommodation for keeping poultry, horse, cow, etc., at a small expense; and as to clothing, a supply for summer and winter should be provided, and a stock, as nothing like unnecessary extravagance kind and considerate for the sick. Over one hundred and sixty invalids from New York State were among the number who availed themselves of the Florida climate in one winter, and generally were benefitted, in some cases cured, and in others their lives for years prolonged.

Some cases came under my observation, of invalids suffering under a severe cough, who had extended their lives by a constant residence, probably for ten years, being able to exercise daily in the open air while at the North the same case would have required constant confinement in doors, and thereby shortened the days of the

Often have I seen, in January and February, a file of sold ers in one corner of a garden, gathering new 1 otatoes, green peas, lettuce, etc., and in the opposite corner another party planting the same kinds. The city is about one-eighth of a mile wide, bounded by the ocean, and a mile long, containing three churches, viz: Catholie, Episcopalian and Presbyterian-all very respectable congregations. About twice a month, a sailing packet arrived from Charleston, which gave more joy and interest to the poor invalids than ever the arrival of one of the Collins steamers gave to the New-Yorkers. A land mail came wice a week, and the invalids generally assembled round the Post Office for an hour or two b fore its arrival, to get letters from their fami

Whoever goes there for health, should carry all needed resources with him, such as books, with an ample supply of newspapers to come by every mail. I was placed there suddenly, and taken from the most active business. For the first month, this new life of inactivity of mind none of it was intended for us. But the Scripand body destroyed both appetite and sleep—afterwards I became reconciled, and enjoyed it exceedingly, after educating myself to a life of secession music. It fell on the ears of Union men

It was a general remark, that invalids who survived the month of March would probably live through the year. Such is the kind influence of climate upon the nerves of the invalids, that were I now troubled with this complaint, and it was reduced to a certainty that my life would end in three months, I would hasten into the climate to die-as there my life would end probably without pain-while at the North the hard winds would make every cough tear me asunder. Leaving home under such circumstances has its evils, but climate, accompanied by a friend, will more than counterbalance in many

Invalids, who comfortably survive the cold till January or February, may often find March unendurable—an escape from which will often prolong their lives. This has induced me to write this article, as I well remember, when ordered myself to seek a more genial climate by my medical friends, I found it impossible to obtain any reliable practical knowledge where to go.-Florida is probably better than even Italy, much more convenient, and less expensive-but of course the former is comparatively entirely destitute of interest. During the past twenty years, new hotels have been opened in Florida, as I am informed, particularly up the St. John. Almost any family in St. Augustine, for \$50 to \$100, for say six or eight months, would havae vacated their house, at a short notice, if it could be rented, as cash was a very rare article.

Invalids go to Florida even from Savannah and Charleston, to avoid the month of March; and Northern invalids, leaving Florida in March, in tolerable health, were generally confined to the house, and often made sick, by the change, on their arrival at Charleston and Savannahthe change of climate being so violent. The medical men in Florida all agree that Northern invalids should never leave before April, and that it was more safe to remain till even June; then they come into a warmer climate at the South, and have the summer to determine the result.

Adjournment of the State Conven-

The Convention adjourned finally at a quarter past six yesterday evening. Its whole action is embodied in the Report of the Committee of Twenty-one, which we publish this mornmg in the regular proceedings. That report, the telegraph informs us, was adopted, by yeas 136, mays 19. It embraces, 1st, a . solution to the effect that the State has good cause to secede from the Union, and forbears to do so only from motives of expediency; and, 2d, an Ordinance, declaring and ordanning the right of secession as a prerogative of the State, for the exercise of which at any time she is accountable only to God and the public opinion of the world.

of a session which has been so long looked forward to with solicitude, and which was once thought to involve the disruption of the Confederacy. Let us not, however, too hastily decide that the Convention has not done all that was in its power to do effectually. For no one will say that there would have been wisdom or patriotism in enacting measures that either aimed at no defined result, or that carried within them the seeds of their own sure decay. We do not say that this was the character of one or all the measures that had been suggested. But we know that it was the settled conviction of many of the most earnest among those who had advocated secession, that any half-way measures would effect no valuable object, and would bear the appearace of an attempt to hide the retreat of the State. It is clear now that such was the conviction of a large majority of the party; or at least, that they believed more could be gained for South Carolina by a reconciliation of any imperfect measures of redress for past wrongs unammity by the representatives of our party, carries with it too much respectble authority,. that we should oppose it. This act of Convention is now the supreme law, for us and for all,

and we bow before its authority.

In regard to the past, then, the Convention has done nothing, save only make it the starting point,-the occasion and the justification of its provision for the future. But in regard to the latter, we look upon its action as full of import. It has ordained and enacted the right of State Secession; and though this Ordiance does not invest the State with a power which it had not before, yet it grieve a new character and efficiency residence there availed of to wear out all theold to it, by putting it in the form of a declaratory enactment, and thus clearly making it part of is encouraged by the people, who are uniformly the supreme law of the State. It is now one of the parts of our Constitution, the guardianship and enforcement of which is entrusted to the Legislature.

Not only is this a great step towards making the action of the State free, speedy and effectual in the event of future aggressions, but it might even be doubted whether, in thus leaving the action of the Legislature so absolutely unrestricted, prudence has not been slightly at fault. We take it for granted here that the amendment of Dr. Bellinger, which both required a two-thirds vote of the Legislature and a previous notice to the other States, was not adopted, although we have no positive information. We think that amendment was a desirable restriction on the exercise of so momentous a power as that of seceding from the Union; but we must rest in the conviction that so grave a responsibility will never be abused .- Charles on Mercury.

MR RHETT.-Mr. Perry, in a letter from Colbia to the Greenville Patriot, notices a fact which had not before come to our knowledge-that the secessionists of Columbia had greeted the arrival of Mr Rhett in town with a serenade, which is highly praised in the following extract. The compliment was deserved, and Mr. Perry has enhanced it by his courteous notice:

"I understand that the Hon. R. B. Rhett, one of our Senators, is in Columbia, but I have not yet seen him. The Columbia Band gave him last night a sweet serenade. I was roused from my slumbers by it, and thought I never had heard finer music. Mr. Duncan expressed the same opinion the next morning, and on learning the cause of the music, we both concluded that as well as disunionists."- South Carolinian.

SEMI-WEEKLY JOURNAL

TUESDAY EVENING, MAY 4, 1852.

THO. J. WARREN, Editor.

OUR MARKET.

We have no change to notice in Cotton. We contin ne Friday's quotations, say 6 to 8c.

Country Produce of every kind is very scarce, and m nands remarkably high prices.

Congressional Favors.

We beg to tender our thanks to the Hon. J. A. WOODWARD and Hon. D. WALLACE, for their late fa-

There will be service at the Methodist Church this evening, commencing at 1-4 to 8 o'clock.

May Day.

The exercises of this gala day were anticipated by the inveniles of Miss Theus' School, on Friday evening last, 30th ult. The usual Coronation of the May Queen, with an appropriate address from her maids of honor, and her reply, were all very handsomely performed, reflecting praise upon the little Misses engaged in these interesting exercises.

Mons. Adolphe Ernette.

This gentleman proposes to give lessons in Drawing and a new style of Painting. He may be found at the "Wateree House," or he will give private lessons to suit the convenience of pupils.

See Advertisement. Fire on the Track-

We learn that about twenty feet of the Trestle work over the Wateree Swamp, was burned so that the Cars on Sunday morning could not pass over. It has, however, been promptly repaired, and they now run as usual. It is supposed the fire occurred by a spark from a freight Engine, which passed over the bridge on Saturday night.

Mr. Rhett's Resignation.

Hon, R. BARNWELL RHETT has, we learn, resigned his seat in the Senate of the United States. The appointing power will again fall upon the hands of the Executive, and we have all confidence in our excellent Governor. We believe the selection will be a ju-

We have but a small number of Editorials today, from the fact that there is but little to write about, and our columns are otherwise occupied. We have been compelled to defer the publication of some matters which we should have been pleased to see in to-day's paper; but for want of room, we could not do so.

The report of Col. GREGG, will be published on Friday,

also, that of Major B. F. PERRY.

The Convention.

Our readers will see from the proceedings of this body, in to-day's paper, that it adjourned on Friday last, To many, this may seem but a barren result after a very harmonious session of five days, during which no debates were indulged in calling forth angry and unpleasant feelings. On the contrary, it seemed to be the desire and determination of all parties to harmonise. The speeches of Gov. MEANS at the commencement and close of the Convention, clearly demonstrates the feeling which pervaded that assembly. The anxiety manifested by our Senator, Judge BUTLER, the efforts and almost unanimous expression of opinion on the part of leading Co operationists and Secessionists, shows us in unmistakerble language, that the friends of Carolina desire still to present an unbroken front to their enemies. It may be supposed that the members of this Convention have done nothing. They have done all they could do; and it is idle to charge them with error because they did not pass an ordinance of secession. The fault lies with the people. They determined by an overwhelming voice to submit to past aggressions. The Convention could do no more than acquiesce.

The Convention has done something. They have declared that Secession is an unquestionable right, and that a State may exercise this as an alternative, when the necessity is forced upon it, or whenever it desires to do so. This is no new doctrine to Secessionists; they The oranges remained in great perfection on the A decision made with so near an approach to have been up to this point for a long time, and would have carried their faith into practice, had they not been prevented by adverse circumstances.

Time will show that the Secessionists were rightthat Co-operation never can be effected, until some

State makes the practical issue.

Even Mr. PERRY, the ardent friend of the Union, admits the right of Secession-that the General Government have aggressed upon our rights, and that there are several points beyond which intolerance may not be borne, among which is the abolition of slavery in the District of Columbia, without the consent of the owners; or to refuse the admission of a State into the Union on account of slavery; or to refuse to carry out the existing Constitutional provisions on the subject of the rendition of fugitive slaves, &c. He regards "the domestic institutions of the South not only moral and correct, but a great blessing to the African race; and absolutely necessary for the continued peace and prosperity of the slaveholding States; and as such, will be forever defended and maintained by them at any and all hazards, and to the last extremity of their existence as a people."

Accidents on South Carolina Rail Road.

We have heard of several accidents on the South Carolina Rail Road, the particulars of which we give below from the Charleston papers:

RAILROAD ACCIDENTS .- One of the freight trains of the South-Carolina Road ran off the turn-out at Lewisville, on Friday night last. The only injury arising from the accident was, that that the night express train from Columbia was obstructed in its downward passage, and was forced to return.

On Saturday morning the crowded passenger train from Columbia, about a mile from the depot, came in contact with a locomotive and train of empty cars, which had been despatched from Charleston for the accommodation of the members of the State Convention. No injury was done to any of the passengers. One of the lo-comotives was disabled and its baggage car was shattered. After a delay of a few hours, the wreck was cleared away, and the train came on safely to Charleston, arriving about nine o'clock. The road curves near Columbia where the concussion took place, so the engineers could not see at any considerable distance an approaching

It has been rumored also that an accident happened at Blackville on Thursday night, and that one of the citizens of that place, whose name our informant did not know, had been killed by the passage of the train over his body. Subsequent investigation, however, has led to the opinion that the person in question had been killed and laid upon the track by some persons with whom he had been drinking .- Southern Standard.

Key West is the largest town in the State of Florida. It contains a population of three thou-sand About one-half of the people are engaged in wrecking and collecting sponges, turtling, and in fishing for the Havana market. The sponge business is becoming very important; immense quantities of this sea animal are shipped to France, and then manufactured into cloth, felt hats, &. The average annual amount decreed by the Admiralty Court of Key West to the wreckers is \$125,000. The Havana fisheries are also a large income. The Government is erecting immense fortification on the island, situation so as to command both entrances to the harbor. It will when completed mount one hundred and fifty guns. The height of the walls above the water's edge will be forty feet. They are now completed to the first tier of guns .-The material used is Conneticut granite. The amout already expended is less than three hundred thousand dollars, and six years have elapsed since its commencement.

"NATURE'S NOBLEMEN.,"-" Dear Sir," lisped a lady in a watered silk at the World's Fair, have the goodness to inform me if there are any noblemen in the United States ?" "Yes, ma'am," answered a full fed Jonathan, who was munching an apple-"and I'm one of 'em."

MISS WILSON would inform the Ladies of Camden that she has taken the Academy, and is nov prepared to receive Pupils, both in Instrumental and Vocal Music. Reference, May 4 36 4t J. M. DESAUSSURE, Esq.

State Military Academies.

RESOLVED, That the Board of Visiters will proceed to elect, at Charleston, on the first day of June next, an additional PROFESSOR, to be placed at the Citadel Academy until the first of January next, and afterwards at the Arsenal Academy. Salary eight hundred dollars per annum. JAMES JONES, May 4 36 1mo. Chmn. Board of Visiters.

State Military Academies.

All appointments of Pay and Beneficiary Cadets
will henceforth be made by the Board of Visiters to the Arsenal Academy in Columbia, (unless the applicant is prepared to enter a higher than the fourth class;) it being intended that the whole of the fourth class shall be entered there for the first year.

Appointments of Cadets will be made at the annual meeting of the Board of Visiters, to be held in Columbia, on Friday after the fourth Monday in November in each year, and at no other time. JAMES JONES,

Chairman of Board of Visiters.

The Yorkville Remedy.

May 4.

THIS paper is published at York C. H. every Thursday morning, at \$2 a year. Being 14 miles from the North Carolina line, and having a large circulation in the Western part of that State, the "REMEDY" of fers to men of business a good advertising medium.-Copies of the paper can be seen at any of the Printing offices
THOS. J. ECCLES. May 4-2

Election for Ordinary.

A N Election for Ordinary for Kershaw District will be held on Monday 10th day of May inst. The Managers throughout the District will assemble at their respective places of Election, open the Polls at 9 o'clock, A. M., and close at 4 P. M. The box, vessel or bag to be sealed up when the Polls are closed, and not to be opened except to count the votes at the regular time and place. The same qualifications for voters are time and place. The same qualifications for voters are required in this Election, as for members of the Legis-lature The Election to be managed by the following persons, to wit:

At Camden: Samuel E. Capers, John J. Workman and James I. Villepigue.
Cureton's Mill: F. Bowen, John Motley and J. P.

Richbourg. Flat Rock: James Fletcher, W. G. Kirkland and

esse Truesdale. Buffalo: William Mungo, James R. Sowell and Laoan Ferguson.

Lizenby's: L. W. R. Blair, Daniel Bethune and Schrock's Mill: B. T. McCoy, Henry Ratcliff and

Liberty Hill: John Brown, Hugh Summerville and Wiley Patterson.

Goodwyn's Store: James Love, Richard Drakeford and William Clyburn. The Polls to be open one day only at all the pl

Managers to meet at Camden on the Wednesday following, count the votes and declare the election.

ELECTION NOTICE. South Carolina-Kershaw District. Office Court of General Sessions and Common Pleas.

I. M. NAUDIN, Clerk of said Court, in pursuance of the directions of the act of the Logislature in such case made and provided, do hereby give public notice, that an election for Ordinary for Kershaw District, will be held on MONDAY, the 10th day of May next, at the usual places of Election throughout the said District, to fill the vacancy eccasioned by the expiration of the

term of the present incumbent.
Witness my hand at Camden, 23d day of February, M. NAUDIN, C. C. P. & G. S. A. D. 1852. March 5. 19-tf

Election Notice. THE friends of JOHN R. JOY, announce him as a Candidate for re-election to the office of Ordinary for Kershaw District. Feb. 27.

T. E. SAUNDERS, Kershaw District, Spring Term. 1852. The So. CA. R. R. CO.

THIS was an action on the case to receive damages for a mule killed by the locomotive Tennessee and a freight train, on the So. Ca. Railroad near the house of the Plaintiff. The train was travelling from eight to fifteen miles

an hour. It was in a very short distance of the mule, (say 40 feet) where it (the mule) broke from the negro who was holding it; it ran quartering with the track, and engine, and sprang upon the road near the cattle guard, was there struck by the locomotive, and its hind leg broken. This rendered it valuless, and it was killed. A Mr. Peoples, who was on the platform, and the run-ner of the engine, and Mr. Spell concurred in saying that it was impossible to have stopped the engine and prevented the accident. So too, they both proved that every effort was made to prevent the accident from the time the mule was discovered to have broken loose, such as blowing whistle, letting off steam, and the use of the breaker.

Mr. Spell said it was impossible to take up the engine with the train, in two hundred and fifty yards.

Mr. G. W. Barnes, who was examined for the Plain tiff, and who saw the whole affair, said the mule broke tiff, and who saw the whole affair, said the mule broke over the bars and ran up the track till stopped by the cattle guard. There was no attempt made, he said, to stop the engine. He gave it as his opinion, that the train could have been stopped in 50 yards.

The case was submitted to the Jury, who were told

that the Company, according to the case of Danner, usthe South Carolina Railroad Company; 4 Richardson 320, were liable for the value of the Mule, unless they could show that the injury done to it was without negligence on their part; that they were bound to show that they had used all reasonable care and diligence to prevent the accident. The jury were referred to the evidence, and told if they believed Peoples and Spell, and not Barnes, then it was clear that the company were not answerable; all proper diligence and care, according to their evidence, having been used, and that it was impossible to prevent the accident. If, how-ever, they did not believe them, but did believe Barn's, then the company would be liable.