

It may be doubted whether the mortgagor of personal property possesses an interest in it which is the subject of levy by execution. It is certain that the purchaser cannot perfect his title without paying the mortgage the amount of his debt. The fact that this steel was purchased subsequently to the mortgage, makes no difference. This Court held in the case of *Coe vs. Knox County Bank* and others, that this mortgage did pass after-acquired property of this nature, and it is obvious that without this principle the mortgage would be no security. Whether such would be the law in the case of an ordinary chattel mortgage containing a clause designed to embrace such chattels as the mortgagor might afterwards acquire, this Court had not decided. But an incorporated Railroad is an entirety. The Legislature has distinguished mortgages by Railroads from all other mortgages in the mode and manner of their record. See *Swan's Statutes*, page 242.—A Railroad can own no property but such as is essential to the prosecution of its business, and the prosecution of its business is its only mode of paying any of its debts. Much more is this true with regard to a creditor who advances money to build and equip the road upon the faith of a mortgage executed at the time of the advance and before the road is either built or equipped. The road, its equipments and its revenue are pledged to the creditor. The revenue is to be semi-annually accumulated to pay the semi-annual installments of interest, and the mortgagee has this lien upon it, as fast as it is earned.

The jury returned a verdict for defendant—**damage six cents.**

Brutality of Col. Titus.

We learn from a reliable source that Col. Titus—Gov. Shannon's right-hand man, and the same one who offered \$500 for the head of Capt. Walker, a few days ago to take possession of a claim belonging to a Free State man by the name of Smith, who resides near Lecompton, and was one of the first settlers. Titus took advantage of Smith's absence, went to his claim, tore down the house, and erected a shanty of his own. On Smith's returning and finding his house demolished, he rallied a few of his neighbors and re-erected it. He had not much more than got it up, however, before Titus came along with a few of his crew, and ordered him off; which order he didn't seem very hasty about obeying. Titus became impatient; and seeing that he was much the largest man, both in regard to bulk and gas, and as he had plenty of his crew to back him, he concluded that he would be perfectly safe in attempting a fist-fight. After pounding Smith to his heart's content, and leaving him helpless upon the ground, he ordered one of his men to go and set fire to his building. The man was rather reluctant about obeying so tyrannical a mandate, when Titus drew his revolver and threatened to shoot him unless he obeyed. He accordingly set fire to the building, which was burned to the ground.

Shannon's attention was immediately called to these facts by Smith's friends; he promised them that he would attend to it, and he did so, the day following, by ordering on a company of U. S. dragoons, to defend Titus in his assumed right to the claim and improvements.

Damnable as this last act of the appointee of President Pierce may seem to some, it is strictly in accordance with his previous course, and with the spirit of this great Democratic Administration. Every step that been taken by the Administration and its supporters in regard to Kansas, has had but one idea—to drive out and exterminate every Free State settler.

They find that all their threats—the destruction of a large amount of our property by fire and ball, the incarceration of some of our prominent citizens in jail, and even in irons, and the cold-blooded murder of others, have failed to intimidate us, and now they propose to resort to the last expedient, that of driving freemen from their homes because they dare to differ with them in sentiment, and yet we are told that the time has not come to act. We should like to know when it will come. Will it be when a company of United States Dragoons are stationed on every claim to protect some hound like Titus who wishes to enjoy the fruits of an honest man's toil? or will it be when we are all tied hand and foot and confined under a guard of United States troops, or hung to the nearest oak?

Clippings.

Ten dollar bills altered from ones, on the Hollister Bank of Buffalo, are in circulation.

Dr. Robertson, Fremont's schoolmaster, has taken the stump in New-Jersey in favor of his pupil.

The receipts of grain at Chicago for the month of August, will, it is said, amount to nearly 5,000,000 of bushels.

Coal has been found on the Pacific, near San Diego. The value of such a discovery cannot be overestimated.

The *Utica (N. Y.) Herald* says a fraudulent five dollar note, on the Bank of Utica, copied from the original by photography, has made its appearance. — It is said to be a very dangerous fraud.

A wine has been advertised under the name of naked sherry. It ought, at least, to have some body.

"Come here, sonny, and tell me what the four seasons are." Young Prodigy—"Pepper, mustard, salt and vinegar; them's what mammy always seasons with."

James Russell Lowell, the poet, enters this month upon the duties of Professor of French and Spanish Language and Literature at Harvard University.

It was the sale of a copy of "The Life and Writings of Frederick Douglass," by Strickland & Co. of Mobile, that caused them to be driven out of the State of Alabama, and their business to be ruined.—**Hail Columbia!**

Ruffianism and Rascality.

We copy the following items from *The Kansas (Topeka) Tribune* of July 28:

On Friday, the 19th instant, a lame man who was teaming for Mr. Barrielo, from Palmyra to Kanter City, was taken by a band of ruffians, headed by Coleman the murderer of Dow, who assumes to be their captain. His load, consisting of provisions which cost one hundred dollars in Kansas City, was taken from him, and he barely escaped with his life. The curses and threats of extermination of the Free State settlers were long and loud among them.

Several others have been robbed of both provisions and money. Horse-stealing is carried on by this band of desperadoes on such a wholesale scale, that there are now hardly any horses in the hands of Free State settlers in that vicinity; not only do they stop and plunder teams, farm houses, &c., but several attempts have been made to murder. We are informed that on Thursday evening Mr. D. A. Clayton, jr., who is known to be an uncompromising Free State man, just after returning from Lawrence, while picketing out his horse was fired at by two ruffians, who had secreted themselves in some brush near the path, where he proposed feeding his horse. Mr. Clayton very promptly returned the fire, when the ruffians took to the bushes, one of them limping as he went.

This Coleman has erected a log fort at the head of Rull Creek, which is about fourteen miles east of Palmyra, which is manned by about 90 armed men, and three cannon. It is at this place that all the plunder in the shape of provisions, guns, &c., is deposited by their guerrilla parties.

And what makes the case still more aggravating is, that Company 1, of the United States Dragoons—who have been enrolled by order of the Administration from Col. Ruford's company, who conducted themselves so gallantly at the destruction of Lawrence, that Pierce, Douglas and Buchanan thought it necessary to take them into regular service, in order that they might have men to rely upon to do their dirty work—have been stationed at Palmyra, to defend the settlers, but instead of resisting the "law and order" bands which are prowling around them, they allowed and even participated in their rascalities.

Where are those four valliant companies that were brought up in battle array before Constitution Hall on the 4th of July, who were so eager to disband all armed bodies in the State—so much so that they even dashed through and broke up a 4th of July celebration? Where are they?—Echo answers, where? when they are called upon to disband a company of Pro-Slavery men,

From the Zanesville Courier.

Important Railroad Decision.

Thatcher Perkins } In the Court of Com-
vs. } mon Pleas of Muskin-
Joseph G. Stanley. } gum Co., May Term.
1856.

This was an action to recover personal property.

It appeared in evidence that the plaintiff was appointed Superintendent of the Central Ohio Railroad Company early in December, 1855, and shortly thereafter went to Baltimore to purchase a lot of steel amounting to about \$600, to be used in the repair of engines belonging to the Company. The credit of the Company was low, and the owner of the steel refused to sell upon credit to the Company, but agreed to sell to the plaintiff upon his individual acceptance at three months.

This was done, the bill drawn and accepted, the amount made out against the plaintiff, and the steel sent to Zanesville, directed to the Railroad Company, where it was received and partially used in the repairs of the Company's engines. The plaintiff paid his acceptance at maturity, with his own funds, but expected the Company to reimburse him at some period.

The defendant proved that he had an execution against the Company, and claimed the right to levy on the steel as property of the Railroad Company.

The plaintiff then gave in evidence the mortgage executed by George S. Coe, Trustee of the bond-holders, and proved the issue of bonds to the amount of two millions of dollars. The mortgages in terms convey the present and future to be acquired property, both personal and real, of the Company, to Mr. Coe. The last of these mortgages bears date in October, 1855, two months before the purchase of the steel. Upon this evidence, the plaintiff claimed that in the event of the jury finding a verdict for the defendant, such verdict should only be for nominal damages.

The road is to be run to earn revenue, and an attempt to seize the road or its equipments, or its materials, for repairs, or its tolls for freight and passengers, is fatal to the rights of the mortgagee. Nor does the assertion of its principle enable a Railroad Company to set its creditors at defiance. Whenever its creditors are of opinion that its affairs will be better managed by a Court of Equity than by the Directors, we may expect them to apply for the appointment of a Receiver.

Judge Searle charged the jury, that if they were of the opinion that the defendant's title to the property should prevail, then the amount of damages to be awarded would be the value of the steel, or the amount of the execution, whichever should be the smallest sum, had there been no evidence of the mortgages. The court then further charged the jury, that if they found that mortgages had been executed and bonds issued as claimed by plaintiff, then the defendant could only recover nominal damages, inasmuch as the execution could have produced no fruits. In the case of a Railroad mortgage, covering its road, rolling stock, materials, for repairs, tolls, profits, rents, &c., &c., a levy upon a part could not effect the mortgagee's rights. A creditor of the company having no mortgage could not compel the mortgagee to surrender a portion of his security upon