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TERMS.

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THE WEEKLY REPUBLIC.

A New Volume.

This journal has been enlarged, and is printed on paper of a superior quality. It is not a mere compilation from the DAILY REPUBLIC, but a well conducted literary, political, and miscellaneous periodical, embracing in its contents a summary of the News of the Week, carefully condensed; Reviews of Passing Events; Tales, Sketches, Essays, Poetry, &c., &c. It is our determination to render it an agreeable and instructive newspaper, alike worthy the patronage of every family, and appropriate for the perusal of every reader.

TERMS:

TWO DOLLARS per annum, payable invariably in advance.

GIDEON & CO. Washington, D. C.

By the President of the United States.

IN pursuance of law, I, FRANKLIN PIERCE, President of the United States, do hereby declare and make known that public sales of the sections and parts of sections of land, all bearing the *odd numbers*, which remain to the United States, within six miles on each side of the line of the Mobile and Ohio River railroad, in the States of Alabama and Mississippi, subject to double the minimum price of the public lands, as provided by the act of 20th September, 1850, will be held at the following land offices, in the States of Alabama and Mississippi, at the periods hereinafter designated, to wit:

At the land office at ST. STEPHENS, in Alabama, commencing on Monday, the *fifth* day of *September next*, for the disposal of such sections and parts of sections, being the *odd numbers* above referred to, as are situated in the undermentioned townships, to wit:

North of the base line and west of the principal meridian.

Townships *one* and *two*, of range one.

Townships one, *two, three,* and *four*, of range two.

Townships one two, three, *four* and *five*, of range three.

Townships *one, two, three*, four, *five, six*, and *seven*, of range four.

Townships *three*, four, five, six and *seven*, of range five.

South of the base line and west of the principal meridian.

Townships *one, two, three, four*, and *five*, of range one.

Townships one, two, three, *four*, and *five*, of range two.

Townships *one, two*, and *three*, of range three.

Township *one*, of range four.

South of the base line and east of the principal meridian.

Townships *three* and *four*, of range one.

At the land office at DEMOPOLIS, in the same State, commencing on Monday, the *twelfth* day of *September next*, for the disposal of such sections and parts of sections, being the *odd numbers* above referred to, as are situated in the undermentioned townships, to wit:

North of the base line and west of the principal meridian.

Townships *eighteen, nineteen*, and *twenty*, of range four.

At the land office at TUSCALOOSA, in the same State, commencing on Monday, the *fifth* day of *September next*, for the disposal of such sections and parts of sections, being the *odd numbers* above referred to, as are situated in the undermentioned townships, to wit:

North of the base line and west of the principal meridian in the southern surveying district.

Township *twenty one*, of range four.

At the land office at COLUMBUS, in Mississippi, commencing on Monday, the *nineteenth* day of *September next*, for the disposal of such sections and parts of sections, being the *odd numbers* above referred to, as are situated in the undermentioned townships, to wit:

North of the base line and east of the Choctaw meridian.

Townships *eight, sixteen, seventeen, eighteen, nineteen*, and *twenty*, of range fifteen.

Townships *eight, nine, twelve, thirteen, fourteen, fifteen, sixteen*, seventeen, eighteen, nineteen, and twenty, of range sixteen.

Townships eight, *nine, ten, eleven, twelve*, thirteen, fourteen, fifteen, sixteen, *seventeen, eighteen*, and *nineteen*, of range seventeen.

Townships *eight*, nine, ten, eleven, *twelve, thirteen, fourteen, fifteen*, and *sixteen*, of range eighteen.

Townships *eight*, nine, ten, eleven, and *twelve*, of range nineteen.

At the land office at AUGUSTA, in the same State, commencing on Monday, the *twenty sixth* day of *September next*, for the disposal of such sections and parts of sections, being the *odd numbers* above referred to, as are situated in the undermentioned townships, to wit:

North of the base line and east of the Choctaw meridian.

Township *four*, of range thirteen.

Townships *one, two, three, four, five*, and *six*, of range fourteen.

Townships one, two, three, four, five, six, and *seven*, of range fifteen.

Townships *one, two, three, four, five*, six, and seven, of range sixteen.

Townships *one, five, six*, and *seven*, of range seventeen.

Township *seven*, of range eighteen.

North of the base line, west of the meridian, and east of Pearl river.

Townships *three, four, five*, six, seven, and *eight*, of range five.

Townships *five, six*, seven, eight, *nine*, and *ten*, of range six.

Townships *seven, eight*, nine, and ten, of range seven.

Townships, *eight, nine*, and *ten*, of range eight.

The townships herein designated in Roman letters are wholly within the limits of "six sections in width on each side of said road," and those in *italics* are partly within said limits, as designated on the diagrams, which will be furnished to the respective district land offices by the Commissioner of the General Land Office.

Lands reserved for schools, military, and other purposes, will be excluded from sale.

The lands sold will be *subject to the right* of way granted by the said act of 20th September, 1850, to the States aforesaid, for said railroad, not exceeding *one hundred feet* on each side thereof; and therefore the particular tracts of land which include the road will be sold as containing the quantities respectively shown by the official plats.

Each sale will be kept open for a time sufficient to admit of offering all the lands, but not exceeding two weeks, and applications to make private entries of the lands offered under this proclamation will not be received until after the close of the public sale.

Given under my hand, at the city of Washington, the twenty-third day of May, A. D. 1853.

FRANKLIN PIERCE.

By the President:
JOHN WILSON,
Commissioner of the General Land Office.

Notice to actual settlers on lands of the United States originally withdrawn from market on account of the railroad grant.

Under act of Congress, approved 3d March, 1853, entitled "An act to extend pre-emption rights to certain lands therein mentioned," the pre-emption laws of the United States as they now exist are extended over the alternate reserved sections of public lands along the line of the railroad hereinbefore mentioned, where the settlement and improvement were made *prior to the final allotment* of the alternate sections to the said railroad. Therefore, all claims by pre-emption to any of the alternate sections of public lands within the limits originally reserved will attach, if predicated upon settlements made prior to the 4th February, 1853, the date of the final allotment.

Claims within the six miles limits must be proven up at any time before the day herein fixed for the commencement of the public sale, and are to be paid for at the rate of two dollars and fifty cents per acre. Claims outside of the six miles, and within the limits of the original reservation, must be proven up prior to the restoration of said lands to private entry.

Soldiers' bounty land warrants, at a dollar and twenty-five cents per acre, may be received in payment for either class of lands; one warrant only, however, can be located by each pre-emptor.

Immediately after the close of the public sale directed by the foregoing proclamation of the President, applications will be received for the purchase at private entry, or location by warrants, of the lands reserved to satisfy this grant, outside of the six miles limits, in such order as to prevent confusion and insure accuracy, in accordance with instructions to be issued to the registers and receivers.

JOHN WILSON,
Commissioner of the General Land Office.

May 26—w13w

THE REPUBLIC.

CRIMINAL COURT.

UNITED STATES vs. JAMES W. SCHAUMBERG.

THURSDAY, July 21, 1853.

John B. Sullivan.—[Pamphlet shown.]—I have seen that before—my name is on it. I got it at Jones's Hotel, Philadelphia. Schaumberg in conversation asked me if I had ever seen his publication; I said that I never did; he said he would send or furnish me with a copy of it next day. He did so, which I got in the office of the hotel next day. This conversation was in the reading-room of Jones's Hotel, in November, 1852. I did not tell him afterwards, for in a day or two I left the city.

[Another paper shown.] I have read this paper; I never had any conversation with Schaumberg respecting it, or any of his troubles.

Mr. CHILTON then read the following extracts from the pamphlet addressed by Schaumberg to Hon. S. W. Downs, of the Senate, in reply to a statement previously published by Messrs. Chilton, Gardiner, and Love, officers of the army:

PHILADELPHIA, April 15, 1852.

* * * * * * *

One would suppose this meant an authenticated instrument of official record. And what is it? A lying, concocted note, addressed by a *vulgar ruffian*, one Fuller, to "Gentlemen!" Chilton, Gardiner, and Love. Any one will understand the contemptible and covert slanders which Chilton & Co. are guilty of uttering, the grossness of which is only surpassed by their presumption in addressing such a mean publication to honorable Senators, as if such a barefaced misrepresentation could, by any possibility, influence prejudicially a single Senator in reference to the justice of my demands as an officer, or as to myself personally. I am sure every one who knows me, who has seen the publication of Chilton & Co., will laugh at such ridiculous representations. It will not, I am sure, be expected of me, known as I have the honor and happiness to be by so many honorable Senators, to vindicate myself against the abuse of an unprincipled vulgarian; and I could only be expected in such a case to enter into explanations because of his endorsers and employers, who are his betters, as to social position, only in so far as to the quality of their cloth makes them so by the *prestige* of their commissions, but which cannot cloak them from stern rebuke as the responsible offenders; for seeking or hunting up in low places for a blackguard, to get from him a lying statement against a gentleman and a brother officer. This was certainly an ignoble business. I shall, for your information, and if you think proper to let other Senators know, tell you about this fellow Fuller, and as to the interview which he pretends to represent he had with me. But, first, let me say Fuller has been always about Washington known as a worthless lounger, incapable of doing good for himself, or his wife and children—a sort of hanger-on—too mean to work, and too worthless to be employed by any one. He was several months ago appointed to a clerkship in the Census Office, purely on account of his wife, whose condition, with her children, excited the sympathy of the Secretary of the Department; but for this he would not have a clean shirt to his foul carcass. I hope he will not be dismissed from the clerkship, on account of his wife.

I had been frequently annoyed by Fuller. He addressed me several insolent letters, which I sent back to him. I ceased to read them, and would endorse: "Did not read this—seeing the signature or name of the writer." After this, some day in the month of May or June of last year, as I entered the passage or hall of the National Hotel, where I boarded, Fuller accosted me. He said, "I wish to have some talk with you," or words to that effect. I answered, "I have no desire to converse with you." I said this mildly, and rather undertoned. He says, in his note to Chilton & Co., that I replied to him "in a rough manner;" that I "told" him "to begone." This is false; although I might have very properly done so. After I spoke to him, as above, he said violently, "Why don't you pay me what you owe me?" I answered, "Fuller, you have been annoying me with your false demands long enough; I wish you would stop doing so; you have not the slightest pretence of a claim against me; it is useless for you to make any demand against me. I think, indeed I am sure, I paid to your father's hotel something over and above what I should have done. Now, if you can make out a legitimate or just claim, bring suit against me; employ a lawyer and I will do the same, and I shall tell him to take no advantage, technically or otherwise." This is nearly word for word as I spoke to him. His answer was, "You know I can't sue you." I said I did not know so; if he had any rightful or legal claim, and was authorized to collect on account of the hotel, and the books could show, I supposed he could sue me. He said, "I see how it is; you are determined not to pay me, and you sent back my respectful note to you." I said, "I received a note, but I did not read a word of it, seeing it was from you." He said, "That's false; you did read it." I said, "Fuller, you cannot provoke me into a quarrel with you; I can't and I will not bandy epithets with you." He fully perceived that I was not to be provoked by him. He became furiously belligerent, and vituperately abusive, vomiting forth one continuous stream, "like mad," of worse than Billingsgate; and anon he would wish to have it to be well understood that he was not a ruffian blackguard; saying, "I'm a gentleman, you know; I'm a gentleman, and I can whip you." This he bawled out so loud as to attract the hackmen and servants, who no doubt wondered that such a "low-flung" fellow should dare to behave in such a way to a gentleman. This fellow tells his own story, of his taking me "by the shoulders." If he did so, it was very gently done. I warned him, as he said he had "a mind to strike me," that if he would "dare do so, I will kill you." I then turned to leave him, and he took hold of my hand and said, "Stop, sir; I must curse you some more." I indignantly drew my hand from him, and I went into the office of the hotel. He followed me there with his abuse until he was led out of it by the proprietor, &c. I do assure you I was perfectly cool throughout; and although the fellow provoked me I forebore to strike him, as I knew it would become a regular blackguard fight; and this was what the vicious scoundrel wanted, although, had I chosen, for I was in vigorous health, I could have beaten him into a mummy; still he would have been the gainer, for he would have had the satisfaction of saying he had had a fight with a gentleman, and I would have had the mortification of having been brought as close in contact with a ruffian, and to be chronicled in all the papers of the country. I have had enough experience in knocking over such brute characters; and now that I wish to be at "peace with all the world and the rest of mankind," I presume I should lose nothing in the estimation of society if I should prefer to let a blackguard swear at me to his heart's content, rather than engage with the brute in a "knock-down and drag-out." Fuller says: "He showed such a cowardly spirit that I said to him, 'D—n you, you are such a coward, I will strike you once. I struck him, [me,] and he [I] crawled [!] behind the office counter, where I was prevented from hurting him by persons who interfered'" This is very imaginative, truly; and, if correct, then indeed is "truth stranger than fiction." If, as he says, "he [I] showed such a cowardly spirit," and then, as he says, "he struck him," [me,] could there have been a more cowardly act on his part? But I will relieve him from such an inference. He did not strike me; *he knew better than to do so;* and well for him that he did not commit such an indiscretion; and if such was his intention or wish, and he was "prevented from hurting" me "by persons who interfered," he should feel himself under great obligations for their intervention.

I wish you to remember that Fuller wrote his lying statement to Chilton & Co. *On their application* he says, "*Gentlemen*, (?) by your request I send you the following facts," &c.

Of course all will agree that if I had resented the blackguard abuse of the man Fuller by striking him, I would have degraded myself to his level; I am sure I would have felt I had done so; one blow would have brought a return, and so on, it would have progressed to a vulgar fisticuff, which is not in accordance with my taste; and as a blackguard cannot insult a gentleman, so no gentleman could be approved if he were to get into a fight with such a character. I have said more in reference to this whole matter than perhaps is necessary to place myself *rectus in curia;* but you know,

"To hear an open slander is a curse,
But not to find an answer is a worse."

You may think, my dear General, that I am too sensitive in respect to the scandalous publication of Chilton & Co. I must say I feel indignant that three officers could be found in the army who could so far forget their loyalty to their *position* as gentlemen to hunt up and fraternize with a vulgar, unprincipled, and common fellow; and the more so as it was unprovoked and unjustifiable.

Another thing influenced me in not desiring to get into another rencontre. A short time before I had very unexpectedly got into a quarrel with an officer in the navy, who attempted to strike me with stick, which I easily parried, and it was broken, and, having a rattan, I punished him over the head and shoulders. As he felt the blows, and to secure himself from further castigation, he rushed at me with clenched fists. Now he, as a gentleman, having made the attack, which he premeditated, and being disarmed, was bound to stand and receive my blows upon him, instead of which he closed upon me. I was seized by four or five persons and held until I became exhausted. I was let go, and went at the assailant, who all the while was at rest. We passed two or three blows, and the matter ended. This affair was telegraphed over the whole country, and to my prejudice; as was the insolent conduct of the man Fuller magnified into a fierce fight, in which I was ingloriously vanquished. The officer has remained satisfied ever since; so I suppose, as he never communicated to me afterwards. I mention this to show that I had good reason to avoid getting into personal quarrel. Why those worthies—Chilton & Co.—did not include this affair in their publication to appear to my prejudice may be accounted for. I will do the officer credit by supposing they called on him, too, to write them as Fuller so readily did; and that he did not from their application—the difference being that the officer alluded to had something to lose, and that the fellow Fuller has every thing to gain, and whom they flattered with their temporary notice the more easily to effect their mean purpose. The Jesuit aphorism, "the end justifies the means," obtained with them, certes.

I must now say something of Fuller's demand against me. I do so reluctantly, as it is, if anything, but a private business matter; but which is made the basis of his lies against me, and I wish to explain everything about the matter. He says in his note to C. & Co.: "Mr. S. boarded some time at my house, for which he was largely indebted to me." By this he would make it appear he at some time had had a *house*. "My house," he says, i. e., a boarding-house, a tavern or hotel. Now it is well known in Washington that he was never the proprietor or owner of anything in the shape of a house; that he was more or less an idler, supported and indulged by his father, who kept the "City Hotel," better known as "*Fuller's Hotel.*" For several years I "put up" at this house, from one to two and six months at a time. My account was a running account, paying whenever most convenient, by drafts, checks, and cash. I have credits for over $1,200, and I believe I have considerably overpaid; I am sure I do not owe a dollar to the estate of Mr. Fuller, the father of the man who is claiming payment in a bill of "*sundries, &c.*" This man makes out a bill of nine distinct charges for "*sundries*," without specifying an item! amounting with a charge of interest to $296. He makes an additional after-charge for over seventy-six weeks' board and lodging at $10 per week, embracing winter and summer months, making for the winter months a charge of $5 more a month, and for the summer months $10 more than was agreed between Mr. Fuller, the proprietor, and myself. But allowing that I was so indebted, that it is no attempt at extortion, the man Fuller could have succeeded to nothing of his father's, who died a bankrupt, leaving, as I understand, many privileged creditors, *poor servants and furnishers;* this man has no right to demand or collect money, if any is due, as the administrator for the benefit of the creditors has authorized no one to do so. The man Fuller has taken this task gratuitously upon himself, and he hoped no doubt that he would succeed in extorting from me, knowing me to be more or less indifferent in preserving bills and receipts, and somewhat liberal withal, and thinking that, rather than be annoyed, I would yield to his demands; but in this "he counted without his host."

I have mentioned these matters upon your own suggestion, which I have endeavored to state understandingly, that you may with more confidence and certainty defend me in the Senate, should any one assail me, or question you on the subject. It is due to you, and my other friends who have vindicated me, to know from me every thing affecting my reputation. The letter of Fuller carries on its face that it is the production of a base mind and malignant falsifier; I need therefore notice it no further.

* * * * * * * *

Now, my dear General, I must end this much-extended propugnation, and respectfully submit, whether what *Chilton*, Gardiner, Love, and their *colleague*, the bully Fuller, have uttered against me is of any sort of consequence? But

"If my offence be of such mortal kind
That neither services past, nor present sorrows,
Nor purposed merit in futurity,
Can ransom me into his love again,
I shall clothe me in a forced content,
And shut myself up in some other course—"
——"If I shall be condemned
Upon surmises; all proofs sleeping else,
But what your jealousies awake, I tell you,
'Tis rigor, and not law."

To the Hon. JAMES SHIELDS, &c., &c.

* * * * * * * * * *

The next named, whose nomination is before your committee, unfortunately (for his own outrageous conduct renders him an incompetent witness against any one, much less against a gentleman) for himself, has his own conduct to answer for; but was there nothing alleged against him before your committee, it is enough that he disgraces himself by seeking a ruffian low-lived fellow to procure from him a vile lying declaration against a gentleman, (who, because he claimed his just rights as an officer,) to injure, wantonly, his fair fame, and most cowardly to prejudice him in the minds of honorable Senators. * * * * I would not condescend to notice base slanders coming from a blackguard ruffian named Fuller, whom the above-named officers have disgraced themselves, if they have not before this done so, by communing and conspiring with against me; but as they are entitled, by *their commissions* only, to be considered *gentlemen*, I have taken such steps toward them as I feel bound to pursue.

* * * * * * * * *

(Signed) JAS. W. SCHAUMBERG.

PHILADELPHIA, February 28, 1852.

E. H. Fuller. [Recalled for examination by defence, and pamphlet published by Messrs. Gardiner, Love, and Chilton shown him.] I have seen this before. I circulated, I think, some of them among some of my intimate friends. This was about or after February, 1852. I gave some of them to my friends. I do not recollect that I gave one to Mr. Berret. I had about a dozen copies, and have some two or three of them now at home. I got them from Captain Gardiner; I cannot say whether I asked for them, or if he voluntarily gave them to me. I have not employed counsel to aid the prosecution, nor have any of my friends, to my knowledge. I did not ever attempt to assault Schaumberg after we were separated in June, 1851. After that difficulty Captain Black, the proprietor of the National Hotel, came to me and said: "Ned, let us go home;" he took me through the parlor into the bar-room, and said to me while there not to have any thing further to do with him; I said certainly not.

Mr. FENDALL. It is said in this pamphlet that you never had a house, &c. State whether you were or were not the proprietor of the hotel.

Ans. I was in partnership with my father and my brother-in-law, Mr. Clark, in the City Hotel, from 1839. Some time after that Mr. Clark retired, and I was then solely the partner of my father up to the time of his death in April, 1848; after that time I kept the Irving House till August 17, 1848. After that time I kept the United States Hotel from December, 1849, to January, 1851. I was succeeded at the Irving House by Mr. Thomas—who commenced there in November, 1848. After that, having nothing to do, I resorted to keeping a little exchange office adjoining the Irving House, and all my letters and papers I mailed in the box at that hotel.

Mr. Thomas had a stamp—a sort of card of the hotel—with which he stamped all letters, &c., put into his box. I suppose it was because my letter had this stamp on it that Schaumberg returned the letters to Thomas, supposing that I was perhaps still interested in that hotel. Thomas said to me, "Fuller, here's a bundle of letters sent to me from Philadelphia for you from one J. W. Schaumberg; who is he?" I said, "I know him very well; he boarded with me for some time." He laid them down on the counter, and I said, "I do not see what you have got to do with the business; I won't receive them, and the best thing you can do is to send them back." Mr. F. then explained the condition of his father's estate. No assignment was ever made to trustees. I had the right to sue upon this claim as surviving partner of my father. This claim I assigned to my mother in December, 1849, when she became responsible for some debts I incurred in opening the United States Hotel.

John A. Linton.—I was in company with Fuller on the Monday evening previous to the shooting. I met him on the steps of the National Hotel. I was standing there in conversation with a gentleman. Fuller passed in, and shortly after came out again and said to me, "I have seen Schaumberg." I walked into the hotel and passed into the bar with him. As we passed to the right near the office, Schaumberg was sitting there in company with two gentlemen. He looked up at first and saw us; and then, after catching Fuller's eye, turned his face from us; as we came out he was still there. I proposed, when we came out, to walk up to the court-house to see if the sum mentioned in the declaration in the civil suit was correctly stated. We did so, and returned to the hotel, where we again saw Schaumberg standing on the west end of the platform conversing with some gentlemen. Fuller was next the platform as we passed by him again, on our way from the hotel to Walker's, where we went to get a julep, and also on our return to the hotel. It was about five o'clock in the evening; it was before sunset, for the Clerk's office was not closed.

Cross-examined.—When I met Fuller on the steps of the hotel, and he came out and said he had seen Schaumberg, I did not know or ask him what he meant. He had then sent, as he informed me, the placard to Schaumberg. My impression was that Fuller was armed on that evening. I did not know it, but it was my impression. I did not hear him on that occasion threaten violence towards Schaumberg, nor on any other occasion, except in 1851, when he said he intended to go to the hotel, and unless he explained the return of the letter he would whip him.

On Sunday evening I was on the avenue with a friend; I met Fuller; he asked me if I could give him five minutes' conversation. He took me aside and showed me a proof-sheet of the handbill, and I read it. He said he intended to send it to Schaumberg, with a note. I said it was nearly as bad a publication as the one by Schaumberg against him. He made no threats then against Schaumberg. He asked me what I thought of it. I said it was nearly as bad a publication as Schaumberg's. I told him I did not know what a man would do if such a publication were posted up against him, but I thought if such a placard was put up against me, I would take a double-barrelled gun, load it, and shoot him face to face, on sight. I understood Fuller to say he would go prepared to defend himself—that is my impression. When at my room I advised Fuller to arm himself if he put up that placard. I do not know what business, if any, he had at the National Hotel that Monday evening. I saw him engaged in no business there. We went from the National Hotel to Walker's to get a julep, on our return from the court-house, and had to pass by Schaumberg going there and returning to the hotel. We walked down Four-and-a-half street from the court-house, and along the avenue to the hotel. Fuller told me he intended to send the placard, and after that he told me he had found out that Schaumberg had received it. I did not see Schaumberg evince any disposition to attack Fuller, nor did I see any thing of the kind on the part of Fuller. Fuller said nothing to me of any style of weapon he intended to use in arming himself.

The evidence for the prosecution here closed.

Mr. LEE then addressed the jury for more than an hour, stating the evidence and the law on which they intended to rely in showing this case was a plain one of unmistakable shooting in self-defence. An intimacy of twenty-three years with Mr. Schaumberg justified him in saying that he had acted in this case upon every principle of moral, legal, and honorable assertion of his rights. His remarks were fervid and most eloquent.

TESTIMONY FOR THE DEFENCE.

William B. Walworth.—I am a clerk in the telegraph office in the National Hotel. I heard nothing of what took place outside. I saw nothing of it. One of my messenger boys brought into the office and gave to me a small pistol—some ten or fifteen minutes after I had heard of the shooting. This is the pistol—small single-barrel pistol produced. It had when brought to me an exploded cap upon it, and apparently had been but recently discharged. It was foul. It has not been out of my possession since then. I did not go out of my office after the shooting.

Gaspard Tochman.—Some time in 1848, shortly before Fuller closed the Irving House, or after he opened the exchange office, he stopped me just in front of the Irving House one day, and complained against Schaumberg; that he had written to him several times—two or three times—and had received no answers; and that he had then written to his lady, and shortly after he received from the captain a very insulting letter. He showed me a copy of the letter he received from the captain, and of the one he had written to the lady. I said to him perhaps the captain was absent, and it was improper to write to his lady on such a matter—pecuniary matters. He said I wish you would speak to the captain to get a settlement of the account; he owes me some six or seven hundred dollars, and if he don't pay me I will destroy his character, and he will never be restored to his office, or rank in the army. He said, "I will do everything I can before the Senate to destroy his character."

I met the captain some six months after on the avenue, and advised him to settle with Fuller. He said he owed Fuller nothing—that if he owed any thing it was to the estate of his father, or trustees, or whoever was entitled to receive it; but he owed Fuller nothing. I told Schaumberg that Fuller said he would destroy his character before the Senate, and the captain answered he would take care of himself. I told Fuller afterwards what the captain said I heard nothing more of the difficulty until after the fight at the National Hotel in June, 1851. I heard there, and saw it in the newspapers, that Mr. Fuller had given the captain a beating or a flogging at the hotel. The captain was a friend of mine, and I did not believe it at the time; I supposed it to be the story or invention of some reporter for the newspapers. Shortly after, I met Fuller near the post office, and told him what I had heard and seen published, and that I did not believe it. He said it was a fact, and that he had beaten or given him a whipping. He said to me, "He is a coward, and he ran here and there to get out of my way." I told him that was not the proper course—that he should resort to legal measures. Fuller said that there were no legal means to compel him to pay; that he could not arrest him here, but that the next time he met the captain he would give him a better whipping and cut his ears off. I told this to Captain Schaumberg. I told Fuller that if the captain owed him any thing he ought to pay him; that I was sorry he did not do so; but that he ought, if he could not arrest him here, to go to Baltimore, where he could do so. He said he could make nothing out of him by such means, and if he did not pay he would take the law in his own hands. This conversation took place four or five days after the occurrence at the hotel. I did not credit the story told in the newspapers, and I told Fuller that I could not understand how the captain had submitted to the flogging. He said "It is a fact—he is a coward, and he ran just like a mouse." He further said that the next time he met him he would give him a greater beating. I told the captain about it some months after, when he came on here at the next session of Congress.

Cross-examined.—I did not see Fuller or have this conversation with him for some days after the fight in 1851. I did not see the captain to tell him of what Fuller said till the next session of Congress had commenced, which was in the winter following. I am certain Fuller used the expression he would cut off Schaumberg's ears, because he told me to tell the captain he said so. He said to me that he would take the law in his own hands or do himself justice—that was the meaning of what he said. I understood him to say he could get nothing by suing him, and would take the law into his own hands. I do not know, and I cannot say, whether he saw this at that conversation, or at some other. I had several conversations with him on the subject. When I told the captain, his answer was, "I will take care of myself; I will be prepared."

John W. Wells.—I saw but a portion of the fracas in 1851. On that occasion I heard a noise in the hall. I was employed in the hotel as bookkeeper. I saw Fuller and Schaumberg at words. My recollection of the matter is not very distinct, and I did not see the commencement of it; and when I left the office to see the affray the crowd had gathered around them and obstructed very much my view of it. I went back into my office. Fuller appeared excited. The deportment of Captain Schaumberg was calm, and he appeared to be seeking to avoid Fuller.

I heard Schaumberg say, "Don't strike me." I heard Fuller retort in harsh epithets. Fuller had his right fist clinched and very near the face of Captain Schaumberg; heard him say "You are a d—d scoundrel, pay me what you owe me;" and I think he called Captain Schaumberg a thief. I did not hear Schaumberg say, "If I owe you any thing, sue me." I saw Schaumberg with his hand out before him, saying, "I want nothing to say to you; keep away from me, don't strike me."

I did not see the shooting. Captain Schaumberg on that evening did say to me that he desired me to go to Justice Morsell and tell him he wished to give himself up to him. It was just after the shooting. I met Schaumberg coming through the hall, apparently as if he were coming to my office. I think I must have been the first person he spoke to after coming in. I had heard previously that he had shot Fuller. I made a proposition to him—to retire with me. I made it because of the clamor and excitement outside, and I desired him to be separated from the crowd. I asked him to walk into my office and go with me, and we could get out at the back way. His reply to me was rather stern—"No, sir, I have done nothing wrong or dishonorable, and why should you desire me to leave your house?" I said I desired him to leave the hall to avoid the crowd and the clamor outside, and perhaps he would go to his room. He walked on, and Major McRea came up to him and conversed with him; the crowd had now got half-way down the hall. I approached the captain and he saw me and took my arm and walked towards my office; he then repeated his first request, that I would go to Justice Morsell and say that he wanted to see him and deliver himself up into his hands; we went up stairs to his room. There was a buzz in the hall, and perhaps some exclamation of "There he is." The appearance of the crowd was threatening. We went up the stairs and to the captain's room, which was in the east part of the building; we were then clear of the crowd; when we got in the entrance of the hall leading to his room in the —— story, we heard the crowd coming up; I heard some one say, "Where is he?" "He has run to his room." I suppose the crowd believed he had secreted himself, when in fact he had gone to his room at my request. I was pointed out by some person as one who could tell where he was. I answered that Captain Schaumberg would give himself up to an officer. Just then Mr. Davis came up and said he was an officer, and simultaneously Captain Schaumberg came out of his room and surrendered himself.

Cross-examined.—I do not recollect that Schaumberg said in the hall any thing about his shooting Fuller. In 1851 I did not hear him say he would shoot Fuller if Fuller struck him. I saw no pistol on the night of the shooting. I did not see either Fuller or Schaumberg previously that evening. I was otherwise busily engaged. I know Mr. Gary. I saw him up stairs that night; he was the person who said I was one who could tell where Captain Schaumberg was. I thought he was officious, and his remarks perhaps impertinent and uncalled for.

James G. Berret.—I was summoned by the United States. I had frequent conversations with Schaumberg and with Fuller respecting the settlement of their accounts.

Mr. FENDALL objected to any testimony of any thing said by Schaumberg, unless it was part of a conversation concerning which the United States had offered testimony.

Mr. BAXTER contended for the admissibility of the testimony.

The COURT ruled it out.

Messrs. LEE, KEY, and BAXTER, argued the admissibility of the testimony.

The COURT repeated its decision; to which the defence excepted.

James G. Berret.—I was not present at the shooting, nor at any hostile proceedings between the parties.

Gilbert C. Russell.—In the evening, previous to the shooting, I was at the United States Hotel—it was the same day of the shooting—about sundown. I saw Fuller standing near there; after a while he moved up the avenue westwardly, and soon after I went up that way also. While going up there I was met by some one and remained a few minutes in conversation, and lost sight of Fuller. I went up to the National and saw Schaumberg sitting on one of the benches there. I told him I had seen Fuller a few moments before down at the United States Hotel, and he had better look out. I had seen the handbill and the letter which Fuller had sent with it to Schaumberg. It was not perhaps more than thirty minutes before the shooting. I told Schaumberg that I had seen Fuller at the United States Hotel, and he had passed up the avenue towards it or was in or about the building, and he had better look out for him. There was nothing unusual in Fuller's manner; he appeared vexed. I saw Fuller the day of the rencontre in 1851, and from Fuller's conduct towards Schaumberg, his publishing him, &c., I thought it would do him no harm to tell Schaumberg that Fuller was about. Schaumberg's manner was calm. I did not tell him that Fuller would attack him. Schaumberg's manner was tame. I went into the hotel and to the bar, where I got a glass of water, and when I came out Schaumberg was standing on the steps.

Ques. What did Schaumberg say to you?

Mr. FENDALL objected, and the question was ruled out.

I do not think I had any conversation with Henry Taylor when I went into the bar-room that time.

Ques. Did you have any conversation with him?

Mr. FENDALL objected. If the object was to contradict Taylor, no foundation had been laid.

Mr. KEY said he had asked Taylor if he had had any conversation with Schaumberg.

Mr. FENDALL. And what was his answer?

Mr. KEY. He did not recollect.

The COURT said the circuit court had decided over and over again that a witness who said he did not recollect whether he had or had not said so and so, could not be contradicted by calling a witness to prove he had said so.

Mr. KEY contended that he had asked Taylor the question in another form, and pending the question of fact—

The court adjourned.

The following letter was omitted in the evidence of Wednesday's proceedings:

J. W. Schaumberg to E. H. Fuller, written after Fuller had addressed a note to Mrs. Schaumberg.

"TO EDWARD H. FULLER—*Sir:* Mrs. Schaumberg has placed in my hands your letter. I have first to say, it is very impertinent in you to address yourself to any lady; in the second place, you could have been certain whether I was here or not by inquiring at the Adjutant General's Office. In the third place, you could have no reason to suppose Mrs. Schaumberg, upon *your* simple statement, could pay you any thing on my account. In the fourth place, you should *tell the truth.* I am not certain that I owe to you any thing. I have paid a large amount from time to time. What credits I have received I know not; but before I admit any indebtedness on my side, all your books, from 1837, should be examined, to see what credits and debits stand, not between *you* and myself, but between the firm of A. Fuller & Co.; and if it appears from the books and Z. Chaney's testimony that I owe any thing, it would be but justice to give notice to some of the poor people to whom so much is due as creditors. Besides, you have no right to meddle with the unsettled accounts of A. Fuller & Co., much less to collect a cent, unless you have been duly authorized to do so by the creditors, and this I doubt.

"I had determined, notwithstanding your unworthiness, want of energy, and thriftlessness, to help you along so soon as I had arranged matters to enable me to do so; not on your account would I have done so, but for the benefit of your excellent wife. You say that you have to support a large family. If this were true, you would be worthy of high respect. *Prove this to my satisfaction, and I shall make all things right with you.*"

Letter from Fuller to Schaumberg, dated June 14, 1851, which was returned on the morning of the day of the fight at the hotel, June 16, 1851.

"WASHINGTON CITY, June 14, 1851.

"Mr. SCHAUMBERG—*Sir:* Mr. Linton having informed me of the nature of your note to him in relation to your indebtedness to A. F. & Co., I beg leave to address you upon the subject. That I have the legal right to do so is beyond question, and I believe that Mr. Linton has made you acquainted with that fact

"Upon what grounds you deny the debt I am at a loss to imagine; and I will take the occasion to ask, how much you paid me on your account at the *City Hotel*, from December 14, 1845, to November 21, 1846; and from January 8, 1848, to August 17, 1848, at the Irving Hotel? I will state $30 and $50 at the City Hotel, $50 and $20 at the Irving Hotel. In all $150, for eleven and seven=eighteen months' board, &c., (with exception of occasional absences.)

"The character of your letter to me, and of the subsequent correspondence in September, 1849, was such as to preclude all possibility of further intercourse until the present time, and as you are now in condition to liquidate the indebtedness, I take occasion to renew the subject, and hope that a peaceable and equitable settlement will be made.

"I think, that upon a mature reflection, the offence which I unwittingly committed in writing to Mrs. S. on the occasion which I did, could conscientiously be overlooked by you. I was in actual distress at the time, and receiving no answer to my letters to you, concluded of course that you were absent.

"In the true spirit of conciliation I address you this note, and hope that you will receive and reply to it in the same light.

"I am, sir, yours respectfully,
"EDW. H. FULLER."

TROPICAL FRUIT.—Yesterday, the schooner Central America, Captain Chace, arrived at this port from Messina, bringing 1,750 boxes and 258 half-boxes of oranges; 1,600 boxes and 250 half-boxes of lemons. She left Messina on the 16th of April. Several other vessels, having cargoes of tropical fruits, are now due. Lemons were sold in this city for $20 a box the first week in July, but will hardly command that price again this season.—*Boston Chronicle, 19th.*