THE TRIBUNE.

MONDAY MORNING, NOV. 22, 1841.

☞ For the late Foreign News by the Caledonia—Burning of the Tower of London, Great Forgery, Markets, Passengers, &c. see First Page.

☞ For two Poems, and extracts from Mrs. Austin's new Translations from the German, see Last Page.

THE EFFINGHAM LIBELS.—We learn from Fonda that the libel suit of James Fenimore Cooper against James Watson Webb, which was tried before the Circuit Court at Fonda last week, was given to the Jury on Friday, and, after an absence of six hours, they declared themselves utterly unable to agree, and were discharged. We understand that they stood from the first *one* for convicting, *eleven* for acquitting, and that no impression could be made on either party. Mr. Effingham has poor encouragement for another effort.

THE MISSISSIPPI ELECTION.—The result of the late Election in Mississippi is now morally certain. The Loco-Foco party early assumed that the State should not pay either principal or interest of its Bonds, issued under the authority of its Loco-Foco Governor and Legislature to form the capital of its great 'Union Bank,' and now held in Europe. The Whig party, at its State Convention, unanimously resolved that the Bonds, however unwisely issued, were morally and legally binding on the People of Mississippi, and must be paid. Every one of their candidates were in favor of paying.—Of the Loco-Foco candidates originally nominated some were in favor of paying; but the sentiment of their party set so strongly against them that they were constrained to decline, and a full ticket of 'Anti-Bonders' was made up. The question of 'Pay or No Pay' was the all-engrossing one in the canvass. It was every where discussed by the rival candidates—the Whigs in favor of paying, the Loco-Focos against it. The old Whig Counties have, with scarcely an exception, given majorities for paying; but the new Counties, which were always Loco-Foco, have gone so again, and by increased majorities. Tucker, the Loco-Foco and 'Anti-Bond' candidate, is elected over Shattuck, Whig and Bond-paying, by about the same majority that McNutt, the present Loco-Foco and Anti-Bond Governor, obtained over Turner, Whig, in 1839—say 2,500 to 3,000. The other candidates of 'the party' have similar majorities, except the Attorney General, who is probably beaten by a split. We have no reason to doubt that the Legislature is also Loco-Foco, and against paying the State Bonds.

Our readers may be curious to know what kind of a pretext is set up for refusing to pay a debt incurred by authority of the Legislature and Governor, and for which the unfortunate bond-holders have given full value. So far as we can understand the pretext, it is this: The Legislature directed that the 'Union Bank' should go into operation as soon as the State Bonds for Five Millions at five per cent. could be sold at par. The State's Commissioners proceeded to negotiate the stocks on the best possible terms—taking therefor at par drafts on Eastern Cities having some time to run. These drafts were passed over to the Bank, paid out by it in discounts as cash, paid in full by the drawers, and were in fact better than money in Mississippi. Yet the pretext set up is that the bonds were sold *under par* by the State's agents, and, being so sold, the State ought not to pay them! This is the ground, and all the ground, so far as we can understand it, on which the Loco-Focos of Mississippi have voted to repudiate their State Debt.

Such being the facts, we watch with much interest the columns of our Loco-Foco cotemporaries in other States to see how they regard this matter. For, it must be evident if this pretext suffices to cancel a State's Debts, there cannot be wanting pretexts for a similar course in other States, whose debts are more formidable and more embarrassing than those of Mississippi. With what feelings do the Loco-Foco Press and Party in other States regard this repudiation?

So far as we have observed, *not one Loco-Foco journal or meeting has condemned the course of their party in Mississippi.* The New-York *Sun*, whose proprietor is a very heavy holder of State Stocks, thinks Rupudiation a naughty thing, but suppresses the facts transpiring in Mississippi, as well as all comment upon them. The *Standard*, while it shouts over the victory, strives to conceal the grounds on which it was won, and recklessly asserts that Judge Shattuck's defeat for Governor is owing to imputations on his personal character and dealings. Nothing could be farther from the truth: Mr. Shattuck is the Presiding Elder of the Methodist Episcopal Church in Mississippi, as well as a Circuit Judge, and a man of lofty integrity and just popularity. We are confident he will have the largest vote of any candidate on the Whig ticket, except Col. Benjamin for Congress. The *Evening Post* is mum; the *Albany Argus* ditto, but vociferous in exultation over the *victory*. But the Washington *Globe* man is the sturdiest rascal in the land: he plays no sneaking game. In his Friday evening's paper, he backs his Mississippi allies very fairly, quoting in their behalf an opinion of THOMAS JEFFERSON that credit in Europe is an injury to us, as an excuse for cheating Foreign Creditors, and following it up with a 'Money Article' from *Bennet's Herald*, in which swindling is commended, of course. In this article, Mr. WEBSTER's opinion that Bonds issued by the Territorial Legislature of Florida (though that Legislature was not authorized to contract loans) would be binding unless Congress should promptly interfere and forbid the proceeding, is perverted into an opinion *in favor* of Repudiation! and the writer exultingly exclaims—

"This covers the whole ground, and admits that Congress can repudiate a contract for an abuse of the powers granted. This is all that Mississippi contends for. If Congress can, consistently with good faith and propriety, *repudiate*, under any circumstances, *sovereign and independent States* have surely the same power. * * * After the high authority of Daniel Webster, *and the example of Mississippi*, it may well be feared that *other States will adopt the same course.*"

All this, be it remembered, is not merely one of the money articles of the Herald, *but it is incorporated approvingly into the leading article of the leading Loco-Foco journal of the Union.* What wonder that State Credit reels and State Stocks tumble under such blows as these. And yet the Albany Argus and its satellites are dishonest enough to attribute the decline of our State Stocks to *Whig extravagance!* Who can fail to trace it directly to Loco-Foco dishonesty!

☞ The Wabash and Erie Canal route, Indiana, has just been located from Lafayette to Terre Haute.

NEW-YORK STATE ELECTIONS....Official.

	Whig.		Loco.
	ESSEX.		
Senate...	David Russell....	2573 Edmund Varney..	1623
Assembly.	Geo. A. Simmons.	2567 Nathaniel S. Sterrs	1612
Coroners.	Jas. R. Egerson..	2560 James W. Eddy...	1617
	GENESEE.		
Senate...	Gideon Hard.....	2469 Lyman Bates.....	1716
Assembly.	Robinson Smiley.	2448 Samuel Willet....	1731
	Albert Smith....	2413 Miles P. Lampson.	1697
Coroners	Chester Hannum.	2451 Joel Allen.....	1704
	Aaron Long.....	2447 John W. Shedd...	1695

ABOLITION—*Senate*, Joseph Plumb, 34; *Assembly*.. 31; *Coroners*, 13

	ONTARIO.		
Congress	Francis Granger.	5792 Bowen Whiting...	3709
Senate...	Henry Welles....	3837 Lyman Sherwood.	3476
	Barak Niles.....	3753 William Bartlit..	3496
Assembly.	Peter M. Dox....	3430 Richard Hogarth..	3259
	Stuart Green.....	3[illegible] Lyman Hawes.....	3246
	Joseph C. Shelton.	3415 William C. Duger.	3258
Coroners.	Wm. W. Green...	3426 William Case.....	3254
	Robert Boyce....	3425 Sanford R. Hall...	3249

ABOLITION vote, 274

	ROCKLAND.		
Senate...	H. A. Livingston...	501 Abraham Pocker...	799
Assembly.	No candidate....	Egw. De Noyelles.	554
	ST. LAWRENCE.		
Senate...	David Russell....	3525 Edmund Varney..	4527
Assembly.	Wm. E. Sterling.	3490 Geo. Kedington..	4569
	William Blake...	3485 C. T. Hubbard....	4461
	.....	Jabiel Stevens.....	70
Co. Clerk.	Henry P. Cook..	3456 Alvin C. Low...	4552

ABOLITION—*Senate*, Jesse Campbell 95; *Assembly*.. 88; *County Clerk*, 80.

	STEUBEN.		
Senate...	Allen Ayrault....	3014 James Faulkner...	4191
Assembly.	Wm. H. Bull.....	3014 Ziba A. Leland...	4126
	Wash. Barnes....	3049 Aaron W. Beach..	4102
	Charles Oliver....	2971 Francis E. Erwin.	4068
Co. Clerk.	Henry Brother...	3045 William Hamilton	4115

ABOLITION—*Senate*, Samuel H. Hammond 60.

	WASHINGTON.		
Senate...	David Russell....	4001 Edmund Varney..	2190
	.....	*Edward* Varney..	423
Assembly.	Dan S. Wright...	3953 Stephen Barker...	2916
	James McKie, Jr.	3704 Sam'l. B. Sargent.	2905
	James McKie....	322	.....
Coroners.	Tim. Stoughton..	4040 Timothy Eddy....	2881
	P. C. Moore.....	4002 William Reid....	2877

ABOLITION—*Senate*, Jesse Campbell 143; *Assembly*.. 126 and 129; *Coroners*, 189.

	WAYNE.		
Senate...	Henry Welles....	3632 Lyman Sherwood.	3822
	Barak Niles.....	3621 William Bartlit..	3811
Assembly.	Loami Writcomb.	3631 Jas. M. Wilson...	3812
	B. R. Rogers.....	3616 Theron R. Strong.	3811

ABOLITION vote 112

☞ The Whigs of Georgia have nominated Ex-Gov. GEORGE R. GILMER, Hon. CHARLES DOUGHERTY and AUGUSTA WRIGHT, Esq. as candidates to fill the vacancies occasioned by the resignation of Messrs. ALFORD, DAWSON, and NISBET. We wish there was a better chance of their election.

☞ Col. WM. L. BRENT, the gentleman who wanted to fight a duel with Mr. Clay because he was not appointed to an office, has just been tried in Washington on a charge of Forgery in relation to a Pension. The evidence against him was very pointedly contradicted, and the Jury acquitted him without leaving their seats.

☞ The National Intelligencer thinks the report that Mr. CLAY will soon retire from the Senate without foundation.

☞ The News from England by the Caledonia roached Albany, (via Western Railroad) six hours earlier than this City. Thence it went on West one day AHEAD of us.

NORTH-EASTERN BOUNDARY.—Considerable uneasiness is still manifested in the New-Brunswick papers in relation to the doings and designs of our Boundary Commission. Some are predicting trouble; some stating that Major Graham has qualified his manner of surveying, and no longer works his *ex parte* line 'U. S. B.' The St. John Chronicle has a story that the Yankees have dammed the Allegash, a tributary of the St. John, so as to make its waters set back into the Penobscot, sixty miles, and are rafting off timber from the Disputed Territory. Of course, this is a hoax.

☞ The Burlington, Vt. papers mention the death in Randolph on the 3d inst., of STEPHEN HERRICK, son of Sir Wm. Herrick, one of those members of the British Parliament who legalized the persecution which drove our Pilgrim Fathers to the shores of America. His son, just deceased, was a soldier of the revolution and was of course but little infected with his father's political principles.

☞ The 'Learned Blacksmith,' ELIHU BURRITT, A. M., delivers the second Lecture of the Course before the Mercantile Library Association, at Clinton Hall, *this evening*.

☞ The Schenectady Reflector thus frankly exults over the triumph of its party in Mississippi:

The *Anti-Bond* candidate is elected Governor of Mississippi by at least 10,000 majority. *This result repudiates the State Debt*, for the present, at any rate, and probably for many years to come. Michigan, Indiana and Illinois *must* follow suit There is no escape."

FAMILY RECORDS, OR, THE TWO SISTERS: By LADY CHARLOTTE BURY. 2 vols. Lea & Blanchard. New York: Carvills.

The authoress of this work is a successful novelist in the world of fashion. Having never found time to read one of her productions, we cannot say how well her popularity is deserved.

GEORGIA RAILROAD.—The State Commissioners of the "Western and Atlantic Railroad" have reported to the Legislature that the grading, bridging and masonry of one hundred miles of that work have been completed, and that the grading of the last grand division, terminating on the Tennessee River, will be completed early in next year. The Tunnel section of seven miles in Murray Co. may take a little longer. The total amount of debt incurred so far is $1,303,184. To complete it, furnish it with engines, cars, &c. is estimated to cost $1,989,544. It is stated that this will be one of the cheapest Railroads ever constructed.

☞ The Mayor of New-Orleans has offered a reward of $500 for the detection of the person or persons who committed a foul and fearful murder on the body of the unfortunate man who was found in the woods near that city. We like this promptitude; it argues well for the vigilance of justice.

UNITED STATES vs. REESIDE.—On Friday last, in the United States Circuit Court, Philadelphia, before Judges Baldwin and Hopkinson, Richard S. Coxe, Esq. concluded his argument for the defendant in this case.

☞ The first body of mineral rock salt ever found in the United States was discovered recently near Abington, Va. at the depth of two hundred and sixty feet.

☞ As this year is the Centenary of Lutheranism in this country, it will be generally observed throughout that Church.

☞ Names do not always go by contraries. At a large *tee-total* meeting in Liverpool lately, the assembly were addressed by a Mr. *Drinkwater*, Mr. *Allwater*, Mr. *Bowater*, and Mr. *Waters!*

☞ Gov. Porter has signed the death warrant of the murderer Shuster, who will be executed on the 31st of December.

☞ The Georgia House of Representatives have repealed the act which appropriated $6000 annually to the Georgia University.

DESTRUCTIVE FIRE AT PETERSBURG, VA.—On the morning of the 17th inst., a fire broke out on Walnut street, in the coach shop occupied by Jno. H. Atkinson, which, with a great deal of timber and unfinished work, was consumed. The fire next caught the frame house, immediately adjoining, belonging to the Rev. Dr. Syme, which was laid in ashes. It then communicated to four small wooden tenements, also adjoining the coach shop, and belonging to Montgomery Lynch, which were also destroyed. At this stage of the fire, the buildings in the rear of the fire were pulled down, which arrested its further progress. Several times the Petersburg Railroad Depot was on fire, but, by the appliances of water and blankets, it, with the cotton, tobacco, &c. it contained, was saved from the devouring element. The house on the opposite side of the street, belonging to William Weeks, also caught fire, but was put out, with the roof very much damaged. The respective amounts of property destroyed and insurance effected on it, had not been ascertained. The fire is supposed to have been the work of an incendiary. A boy has been arrested on suspicion. Another fire occurred about noon of the same day in a frame house belonging to James Lynch, in Chesterfield, about a mile and a half from Petersburg. It was entirely consumed.

STEAMBOAT ACCIDENTS.—The New-Orleans Picayune of the 11th says the Joan of Arc, arrived last evening, reports the steamer Tarquin sunk, opposite Princeton, Mississippi. Particulars not heard.

The Zephyr is sunk, and it is reported she is snagged at Scuffletown Bar. She was from Cincinnati for New-Orleans.

The St. Louis New Era states that the steamboat Vienna was recently lost on her passage from New-Orleans to Cincinnati, heavily laden with groceries.

Further Foreign Items.

POPULATION OF GREAT BRITAIN.—According to the Census of 1840, the Population of Great Britain is as follows:

England and Wales.....	15,901,931
Scotland.....	2,624,536
Ireland.....	8,205,392
Guernsey, Jersey and Man.....	124,079
Total	26,856,028

This is exclusive of the Army and Navy, of merchant seamen afloat, and of all persons traveling abroad, or not under a roof on the night of the 5th of June. Including these classes, the population may be safely taken at twenty-seven millions, which is an increase of about two millions since 1831.

INUNDATION OF THE RHONE.—The Paris Moniteur of the 29th says that telegraphic despatches were received on the day before, announcing that the Rhone had overflowed its banks in several places between Arles and Tarascon. The latter town was inundated, but the waters had begun to decrease. The Prefect of the Guard had caused bread to be distributed to those persons who suffered most by the floods. At Avignon the waters, after having fallen, increased again. The greater part of the embankments in that neighborhood were broken down. The inundation had already reached the hight of that which occurred in 1827.

The German Journal of Frankfort publishes an ordonnance of the King of Prussia, giving a sum of £15,000, of which the interest is to go to defray half the stipend of a Protestant Bishop, to be established at Jerusalem, in concert with England. The interest to be paid to the Archbishops of Canterbury and York and the Bishop of London; but if lands can be bought in Palestine to establish the donation, then the capital will be paid to these prelates. The decree is dated Nolbnietz, Sept. 5, 1841.

GEORGIA JUDICIARY.—Judge C. S. Henry has been re-elected Judge of the Eastern District:—Judge John Schley of the Middle District; Judge C. B. Cole of the Southern District; E. D. Tracy, Esq. has been elected Judge of the Flint District, and Francis H. Cone, Esq., Judge of the Ocmulgee District.

IMPROVING THE TIME.—At the time the train ran off the track near Norwich, on Tuesday, a gentleman and lady, accompanied by a friend, jumped from the cars, and asked if they were in Connecticut. On being answered that they were, they posted off to a Justice of a Peace, and the two were made one flesh. They then returned to the cars and pursued their journey. It is said they were from Boston.

AN AMERICAN PANTHER.—An enormous animal of this species was killed in Sydney on Saturday last, about seven miles from this place, by a party who were out fox-hunting. They came upon and followed his tracks about three miles, when they overtook him in the woods, and fired at him at the distance of about fifteen feet, without any apparent effect. He retreated some fifty rods, and stopped.

Two of the party again approached to within about ten feet and fired again, when he turned and came at his pursuers with the utmost ferocity; but fortunately a hound which they had with them at this moment seized him behind, and caused him again to retreat a short distance. After firing a dozen rounds of shot and balls they so disabled him as to allow them to approach and knock him on the head with an axe.

He measures 7½ feet in length, and 12½ inches round the fore arm, and weighed nearly 200 lbs. He has been exhibited in this town, and is considered the most formidable animal ever taken in our forests. He had not long been in that vicinity, and it is surprising how an animal of this kind could have penetrated into so populous a territory without being sooner discovered and hunted down.

[Augusta (Me.) Journal.

SPORTS OF THE WEST.—Yesterday, says the Little Rock Gazette of the 27th ult., two of our *antiques* went out to the Fourche bar, just below town, and killed 900 pigeons at 15 shots. This may seem rather a tall one, but the bar was densely covered with pigeons, and it was foggy immediately above and below the bar, so that the pigeons could not see their destroyers, until within the very jaws of destruction.

PAT AMD THE TRAVELER.—A traveler one day chanced to meet brother Pat. Tell me, I pray, whose fine mansion is that? Arrah, honney, said Pat, while scratching his head, One Mr. Fitzgibbon lives there, but ha's dead, poor sowl. The traveler said to Pat, as he sighed, I pray thee, how long since the owner has died? Och, your honor, replied Pat, in very great sorrow, Ha'd ba jist thraa wakes dead had he lived till to-morrow. The traveller, after receiving this *satisfactory* piece of information, proceeded on his journey, calmly and peacefully.

POVERTY.—We too often complain of poverty and yet it is one of the greatest blessings that the world at large can boast. Distressing for the individual—of immense benefit to the community at large. There are numberless souls whose intellects are more precious than the minds of Golconda, and whose rich ore is only discoverable when worked upon by adversity. In a state of continuous prosperity, these mines would never be worked—adversity calling into action all the noble attributes of the soul, bids it unbosom itself to an admiring, delighted and instructive world. Wonderful are the dispensations of Providence.

☞ **Mr. Bradbury's Juvenile Concert will be given at the Tabernacle this evening. Over 200 singers will sustain the choruses.**

TRIAL OF MITCHELL.

COURT OF SESSIONS....SECOND DAY.

SATURDAY, November 20.

Before the Recorder, Judges Lynch and Neab, and Ald Leonard and Hatfield.

The Court met at 10 o'clock and proceeded with the trial of the Ex Honorable Charles F. Mitchell, for forgery.

The narrative or journal of the accused, written before his arrest, and delivered by him to officer Bowyer, was read by the District Attorney. It is a diary of his movements and proceedings commencing with the 30th of March last, when he left this city for Philadelphia under the assumed name of Randolph, arriving there on the 31st of March. Went and got some drafts cashed, amounting to about $2200; then purchased a suit of coarse gray clothing, an old overcoat, cotton shirt, old broad-brimmed hat, green spectacles, and a carpenter's rule which he put in his pocket. In this disguise he went to a low tavern and entered his name in the book as R. P. Henry. He then proceeds to narrate his movements in Philadelphia—the several places he visited; the reading of the accounts of his forgeries in the papers; the comments he heard made thereon and on the letter he wrote to Col. Webb; the description of his person; account of his parentage and family; his mother being a Quakeress &c.; his subsequent leaving of Philadelphia in his disguise; going to New-York in the same; thence to Albany, Troy, and onward to Montreal, which he reached on the 9th of April, having passed by different names at different stages of his flight. At Montreal, he assumed the name of Goodwin, and at his private room was arrested as a suspicious person by an officer of Police, having previously destroyed his papers and concealed all his money, save $200 in his boot—but by offering money to the officer to make him his friend, and giving a lawyer $100, he was discharged by the Court before which he had been taken; and thence ended his strange diary, after sundry comments on the perils he had passed and the humbug of the world. As other indictments are pending against Mitchell, the Court, on motion of prisoner's counsel, refused permission to have the diary published entire.

Officer Bowyer recalled and examined by Mr. Graham. Witness went to the office of the Herald on this (Saturday morning) to withdraw the original letters he had written from Montreal to the editor of that paper. One of the letters, he stated, had been destroyed, but the other had been got into court, and also a printed copy of the other in the paper—but the letters were not read.

Samuel S. Coleman, a clerk of the Astor House, called by Mr. Whiting, said—I know Mr. Mitchell, who came to the Astor House on the 25th or 26th of March last, remained a few days, and left, without our knowledge, without paying his bill, or apologizing for his leaving the house. He always paid his bill before. I have seen him write his name on the book of the Hotel, as Mr Mitchell of New York, and have also seen his name on letters franked.

Cross-examined by Mr. Graham.—Saw the prisoner write his name once on the book of the hotel: saw what he wrote. Did not see him write his name on the letters franked, or see them in his possession.

Direct resumed.—Did not recognize his hand-writing by the franks, but believed them to be the hand-writing of Mitchell. I had not acquired a knowledge of his hand-writing by seeing him write his name on the books, but think I could tell his signature from his name on the book and the franks. (Drafts shown.) Should believe the endorsements on the drafts were the prisoner's hand-writing.

Cross-examined.—Never saw him write his name but once. Looked at that signature this day, and once before soon after he went away. Witness thinks he can identify the signature of Mitchell from his name written on the books of the hotel.

Thomas S. Underhill, of the firm of John T. Smith & Co., recalled, and the drafts shown. Witness said, from the knowledge I have acquired of Mitchell's hand-writing, believe the signatures on the back of the drafts is Mitchell's. I had compared the signatures on the back of the drafts about the time of Mitchell's arrest with the signature of the draft I cashed for Mitchell. I formed the opinion of these being Mitchell's signatures from the comparison I made with that on the draft in my office, and from a comparison of that on the drafts passed to Mr. Clark and with his name written on the books at the Astor House.

Direct resumed.—I recognized the signature of Mitchell on the blank drafts and that on the books of the Astor House before I compared them.

The District Attorney then read the several forged drafts to the jury, under the exceptions taken by the prisoner's Counsel.

The prosecution then rested the case and Mr. Graham opened in behalf of the prisoner, stating the grounds of defence in an able and eloquent manner, and then proceeded to call his witnesses as follow:

Warren Draper sworn for the defence and examined by Mr. Smith.—I have had a great many conversations with Mr. Bowyer, and once when on what he called his wild goose chase he corresponded with me. The night he came down with Mitchell he met me in the Shakspeare and informed me he had brought Mitchell down. He said he did not go so much for Mitchell as for several other things. That he and Capt. Comeau got several prisoners, and that he had to go again. On a subsequent occasion, in the Sunday News Office, he repeated all he has said here about disguises. He said he had got a funny document he had got from Mitchell, which he would let me see at some other time. He took out of his pocket a handful of gold and silver coin he had got in Canada, and said there were plenty of Sovereigns, Victorias and Napoleons there. I asked him what he thought of Mitchell. [Further answers objected to; objection sustained by the Court.] Bowyer said that Mitchell was one of the queerest or strangest customers that he had ever had hold of in his life—that some times he would lay down sullen and stubborn and would not say or do any thing he wished—again he would be fluent and free to speak of every thing, particularly his own funny affairs. I asked him if he thought the man was guilty; he said that it was not a fair question: wait until after his trial. He said he had not been paid half what he ought to have been for his trouble, as he had been running all over the country and laughed at—and added, wait till the trial and if he is convicted we shall make a fat job of it.

Cross examined.—I am a reporter, and report now for the Sunday Morning News. The paper is published and sold on Sundays. When Bowyer made the declarations to me, I think I was reporter for the Courier & Enquirer. It was in the Sunday News office. I think Mr. Barnett and a lad, and also a Mr. Weed, were present. The conversation was within a few days after Bowyer's arrival with Mitchell. Bowyer also alluded to a narrative of Matsell at that conversation. I did not state the conversation to the Counsel but to another person. I am indicted now for a libel on Mr Bowyer or some one else, and was told that you [the District Attorney] was the cause of it. You told me so yourself in the Bowery Theatre.—[This the District Attorney denied.] I visited Mr. Mitchell once in prison, and have reported for the Sunday News, off and on, six or seven years.

The Court then took a recess for dinner.

EVENING SESSION.

At 4 o'clock, P. M. the Court met and resumed the trial of Charles F. Mitchell.

Edward Barnett, sworn for defence.—I heard the testimony of Mr. Draper in Court this day. I was present at the conversation alluded to by him; heard Draper ask Bowyer what kind of a man Mitchell was. Bowyer stated that he was the greatest fellow he ever had any thing to do with. Bowyer stated concerning his having gotten papers from Mitchell, and which he said would make a hit of noise. Draper asked him to let him have a look at them. Bowyer said he would in time, and he told Draper that Mitchell would be convicted, and if he got him convicted it would be a fat job for him.

Cross-examined.—I am a collector and general out-of-door agent for the Sunday Morning News. [Witness declined answering whether or not he was the proprietor of that paper. He declined answering also who appointed him to the situation of collector, as it might tend to criminate him in the libel suit.] Witness said he knew that there is such a suit from common talk out of doors.

Mordecai M. Noah, one of the Judges of the Court, sworn.—I have been acquainted with the prisoner several years—have corresponded with him, and am acquainted with his hand-writing. (Drafts shown.) I should not think the signatures on the back are prisoner's handwriting. Mitchell's hand writing in the letter he wrote to me is much larger and bolder than these signatures are. They are smaller than any I have ever seen of his. I should have very great doubts of these signatures being in his hand-writing.

Cross examined.—I am very well acquainted with Mitchell's hand-writing, having received many letters from him when he was in Congress up to March last.—Mitchell was in Congress for four years or two terms, from the thirty-third Congressional District, composed of the Counties of Niagara and Orleans. The filling up of the $200 draft, witness said was much more like his writing. [The $400 draft of March 18 shown.] The filling up of this is less like his writing than any other. The other $400 draft [of March 20] witness said was much like his writing in the filling up. Mitchell often called to see me, when in the city. His character I always thought to be good. I have not had any communication with him since near the close of the session in March; did not see him in this city after Congress adjourned; I could not discover any thing like insanity about him from the letters I received.

Direct resumed.—The last personal interview I had with Mitchell was in November or December last.

Mrs. Hannah Mitchell, mother of the prisoner, affirmed, that she resided at present in Philadelphia; my son has a family, consisting of a wife and three children, residing also in Philadelphia; I reside with them; the oldest child is in her 11th year; the youngest, a daughter, is in her 3d year; my son returned from Washington on the 23d or 24th of March last, I believe. I particularly observed the conduct of my son in the month of March last, and thought I had an opportunity to form an opinion, and more than an opinion, what amounts to a conviction. I discovered a manifest change in the countenance of my son when he returned from Congress: there was a wildness in his eye, and unnatural quickness in all his conduct; his manner of meeting me was entirely different from what it had been. I always before considered him a remarkably affectionate husband, and a kind and doating father, always fond of having his children around him. The change, when he came home, was that he did not even notice his little daughter until I called his attention to her; he was fond of all his children; when I called his attention to her, he for a moment seemed to be amazed; took her on his knee and caressed her, and the next moment seemed to be entirely unconscious of her being there. Another change I observed was, that up to that time he had been very fond of conversing with me, but then I could not draw him into conversation; his answers were in short and broken sentences, and I could not draw him into conversation on any subject. He appeared unconscious and indifferent, and seemed not to understand what I was saying, and I have reason to believe he did not. I might state some answers, but they are all so short and incoherent that I could make nothing of them. I met him as he returned from Washington; he arrived on one afternoon and left on the next afternoon; his whole conduct while with me convinced me that he needed a care taker, and I urged the necessity of his being with us; I entreated him not to go, and when I found I could not succeed, I spoke to a friend who happened to be in the city, to take him and take care and take him home with him; he said he must go on to New York; his manner was very hurried; the same expression of his eye and countenance continued, and were very singular; he said he must be here, and gave no other reason; I men joned to his wife, and to my own daughter, that he was not fit to go, and wanted a care taker; I might have said that he was not capable of directing his own movements, but am not certain that I did. I never saw him from that time until I found him here in prison three weeks ago, when I came on; I left Philadelphia on the 27th March, and went to Bristol and was called upon to return, as a calamity had befallen my family; it was a letter from my daughter, dated 31st March, and I received it the 1st of April; the language was, that a new and unexpected calamity had befallen the family—come, come home immediately; my exclamation was, that my son, from the state of mind I saw him in, was in a state of mental derangement.

Cross examined.—I cannot particularize what questions I put to my son; one question I recollect was, (as politics had absorbed his attention,) what he thought of the new President's Inaugural Speech. He answered hastily, that any other man could have made as good an one; he appeared to show a total aberration of mind; his family had not been with him the last session, but he had been home once during the session to see them; the time alluded to was the first time I ever discovered the painful conviction of his situation. The other answers he gave me were vague and incoherent; he showed no disposition to engage in conversation; he did not say whom he promised to meet in New-York. I do not know that he returned to Philadelphia before he went North; he takes his age from 18 to 5 and is 36 years old.

Mary Mitchell, sister of the prisoner, affirmed, and immediately fell into a swoon, and was carried out of court.

The testimony of the Hon. Charles Naylor, late member of Congress from the County of Philadelphia, was then read. It stated that he had known the accused since 1837 in Congress, and had known him since. He said that for several years he has formed an opinion that his mind was not sound, and more particularly in the latter part of the last session of Congress. Has given advice to Mr Crosby of Philadelphia in 1837, who gave me $2000 to give to Charles F. Mitchell. Asked him if he knew Mitchell—He said he did. I told him that I thought Mitchell a wild and unsettled man—that he appeared to act without mind or motive, and that if he loaned him the money it would never be returned. He gave me the money, and I gave it Mitchell. During the last session of Congress, Mitchell acted very strangely—could not fix his attention on any subject. He appeared to be incapable of waiting for or understanding an answer to his questions; and, before he could receive an answer, he would start suddenly, go away, and not return. The conclusions of this witness is that at times he was not of same mind.

George Reynolds sworn.—Has known Mitchell 10 years; he resided in Lockport, Niagara co. the same town that I do. His general character was good.

Mary Mitchell re-called after her recovery.—I am the sister of Charles F. Mitchell. My brother was in Philadelphia in March, after his return from Washington. I first saw him at Mrs. Badger's boarding house where his family were. I discovered something in the conduct of my brother and cating a change in his manner. I observed a total absence of mind. Two of our cousins were there, whom he did not notice until I called his attention to him. His change was also great toward his mother, whom he always appeared fond of conversing with; but this time he did not. I observed that my mother made various attempts to draw him into conversation in many subjects but he appeared not to answer her, and to take little notice. I spoke to him often, and he appeared not to take any notice of me, nor any of his children whatever. His eldest daughter had been to boarding school, and was not at home that day. She was always a great favorite of his, and he was fond of questioning her about her studies. On this occasion he said nothing to her. I observed a great wildness and strangeness of look, and mentioned it to his wife. He was not at home long at a time, but when we attempted to converse with him he would pick up his hat, go out, and after a while return. His wife also noticed it. I thought from his conduct that he was under great excitement; that he was not in his right mind; that his mind was overwrought—that he did not know what he was doing, and was incapable of taking care of himself.

Cross examined.—He said when he left he was going to New York, and took on a valise with him. He said that he would not be gone more than a day or two. He returned on the 31st of March, and remained a very short time, leaving almost immediately. I did not see him again until I saw him here in prison.

Defence here rested.

The District Attorney then called to the stand

Robert H. Morris Esq., Mayor of the City, who, on being sworn, stated that he had known Robert W. Bowyer for several years, and before he was Recorder. Never heard any thing against his character for veracity, and believes his character to be perfectly good. Would place the most implicit confidence in his oath.

Cross examined.—Have heard complaints made against Mr Bowyer by other officers through jealousy—have investigated these charges and found them groundless.—Notwithstanding these charges, has the most perfect confidence in his character.

James T. Brady—sworn. I am a member of the bar, and am well acquainted with Mr. Bowyer. I have known him for 20 years. He was a school fellow of mine—his character is perfectly good;—I would place perfect confidence in his statement under oath.

Morris Franklin, Esq., Alderman 7th Ward, sworn.—I have known Robert W. Bowyer personally, and by reputation for the last five years. His character is perfectly good. I would place the most implicit confidence in his statement under oath.

Alfred A. Smith, Esq. City Comptroller, sworn. I have known Bowyer personally two and a half years, and by reputation longer. His reputation is good. I would fully believe him under oath. I have the fullest confidence in Mr. Bowyer.

Robert B. Coleman (of the firm of Coleman & Stetson) sworn.—I know Mr Mitchell. I saw him at the Astor House in March last, after the adjournment of Congress. I did not converse with him more than to give him some paper, and ask the number of his room. I saw nothing like an aberration of intellect, or any thing strange about him. I had no opportunity of judging. He left without giving notice, and I never heard of his doing so before.

Charles A. Stetson (of the Astor House) sworn.—I saw Mitchell twice in March last at the Astor House, but did not speak to him. I went to his room only after he went away.

Cross-Examined.—I noticed Mr. Mitchell when at the Astor House last March. Once I saw him walking in the long entry on the Barclay-street side, and followed in his train. I thought him a strange looking man. He walked with his hands behind him, very slow, and looked melancholy and sad. I went to the office, asked who he was, and was told it was Mr. Mitchell Member of Congress. I then expressed my surprise, but thought all was right.

The District Attorney then read some other extracts from the diary or narrative of Mitchell, in which he expressed his hatred of bad company, his desire, at times, to be alone, and his indisposition to form any new acquaintances. He also read the statement of Mitchell, when he heard the knocking at the door of the house near Montreal, from which he escaped on the night of his arrest. His statement is substantially the same as that given by officer Bowyer, as derived from Mitchell after his arrest, and detailed in his evidence.

The testimony here closed on both sides, and the Court adjourned to Monday (this day) at 10 o'clock, when the respective counsel will sum up the cases.

ASSASSINATION.—The Batesville (Ark.) News gives an account of the murder of a young man of that town, Mr. Nicholas E. Burton, son of Dr. P. P. Burton. He had been riding out on business, and passed a Dr. Trust C. Aikin's, with whom his father had a dispute. On his return, Aikin concealed himself by the road and shot young Burton in the back. Eleven buck-shot entered his back and head. Aikin has made his escape. One thousand dollars reward are offered for his apprehension.

"STILL ANOTHER.—from a letter received by a citizen, we take the following: 'There was a man by the name of Rice shot and killed on the Eleven-point river, on Saturday last, supposed to have been waylaid.'"

☞ The officers of the U. S. frigate Constitution, recently returned from the Pacific, have had leave of absence granted them for three months.

[Army and Navy Chronicle.

APPOINTMENT BY THE GOVERNOR.

NOVEMBER 19, 1841.

JOHN RICHARDSON, of the City of New-York, Measurer of Grain for that city in place of James Rogers, deceased.

NEW-YORK, Nov 18, 1841.

THE INDEPENDENT CATHOLICS.—We are informed on good authority that two new members have been added to Pope Bennett's conclave. These are Mr. Shea, who is appointed Cardinal Secretary to the Congregation of Rites, and Dr. —— is to be the Devil's Attorney, whose duty it is to prevent the canonizing of saints.

There are over 60 vacancies still left in the College of Cardinals, when full, always numbers 72. Great excitement prevails amongst the ambitious.

P. S.—Mr. Del Vecchio has just been nominated President of Propaganda. Yours, truly. n22 1t*

LATE AND INTERESTING FROM YUCATAN.—By the arrival at New-Orleans, on the 10th, of the Texian schooner of war San Antonio, news was received from Yucatan to the 2d inst.

An act declaring Yucatan independent of Mexico had been introduced into the Yucatan House of Representatives, and passed by an almost unanimous vote. It was immediately taken up in the Senate, and a stormy discussion ensued. No doubt existed, however, of its speedy passage through that body, and its full enactment into a law.

The report that Santa Ana had been appointed Dictator in Mexico, had been semi-officially communicated to the Government of Yucatan.

When the San Antonio left Sisal, there were in all seven vessels in port: the brig Lucinda and a barque, both of New-York, a schooner bound for New-Orleans, ready to sail in a day or two, and four Spanish brigs.

The Government of Yucatan had purchased a brig, which was to be armed with eighteen guns. The naval force at present consists of a brig of ten guns and two armed schooners.

According to all accounts, Yucatan is rapidly improving under the new order of things, being even now fifty years in advance of the Mexican provinces generally. In addition to other improvements, a regularly organized Lancasterian school was about to go into operation, under the auspices of one Eduardo Gunbault; and we also observe something that must serve as a favorable point in ta