

We are convinced that justice was done to Mr. STRANG, the counsel for Topping, in an article in this paper on Tuesday. It was seen in the morning, and with the first impression, that a man should be tried and convicted of murder and so much important testimony in his behalf not produced; but when we consider how degraded and friendless Topping was, and how utterly unacquainted his counsel must have been with the names and residence of persons who could testify in his favor, every unfavorable presumption must be in favor of the accused, and we are glad to see that he was acquitted.

For Literary Notices—the remainder of the Treaty—Gov. Seward and the American Trust Co. See First Page. For a Poem—Wisconsin Copper, and a Review of the Markets, See Last Page.

The Tariff Bill. It was the general impression in this city yesterday, as in Washington on Tuesday, that the Tariff bill which has passed the House will also pass the Senate and be signed by John Tyler. Indeed, a Loco-Foco U. S. Senator who arrived here yesterday expressed his conviction that the bill is by this time a law. We think not. It may have been reported and taken up in the Senate yesterday, but there is no Previous Question or other time-saving machinery there, and Mr. Benton will not allow any Tariff bill to pass without favoring the public with his Salt Speech again, at the least, which will stimulate Mr. Calhoun to reproduce his string of metaphysical abstractions; then some of our sorely-trying Whigs will feel constrained to define their positions. We do not share in the belief that the bill will be materially amended, though it may be; yet we do not look for the final vote on it before Friday. Meantime, every indication of its probable fate will be watched with intense anxiety. We cannot yet see where the votes to pass it are to come from, though we shall not regret to hear that it has passed.

We will not now discuss the propriety or impolicy of the course of the House. A majority of the People probably approve it, since it will somewhat alleviate the distresses of the Country; and, in these days, to buy bread with principle is esteemed a good bargain. And—regarding the prostrate condition of our great Industrial Interests, the hopelessness of present relief except through some such concession, the earnest and pressing demands of so many thousands for Protection at any sacrifice—we can appreciate and honor the self-devoting spirit which impelled the large majority of the Whig Members to surrender the Land Distribution, even while we might not have been able to imitate it. And yet, so far as the case was our own merely, we could have drained the bitter cup of humiliation; but we could not, after all that has passed, have held it to the lips of such men as ARCHER, and MANGUM, and CRITTENDEN, and MOREHEAD. But 'Necessity hath no law; and if the bill shall pass by the aid of these high-hearted men, the more fervent will be the Nation's gratitude for their self-forgetting Patriotism. The Congress which shrinks not from any humiliation which the Public Good requires will be cherished and beloved, when the traitor to the great principles of Representative supremacy in legislation and Executive conformity—principles which made him what he is—will have ceased to be remembered even in execration.

Whatever may be the fate of the bill, a great point will have been gained for the Truth in unmasking the hypocrisy of those who pretended that the Loco-Focos were friendly to a Protective Tariff, but were repelled by the Land Distribution. 'Why not,' said even Mr. CUSHING, 'give up the Land Distribution, which is a party measure, and let us pass a good Tariff, which is not.' The answer is given in the Twenty Loco-Foco votes for a Tariff without the Distribution, after such pretences on their part as absolutely compel most of them to vote yea. Had not the Land Distribution been first insisted on, they would not have given a dozen votes for the bill as it is.

There is one view of the subject which will force itself upon us, and on which we must say a few words. The pretext for resisting so stubbornly the Land Distribution is the deficiency of Revenue; and yet, by the giving up of the Duties on Tea and Coffee twice as much will for the present be subtracted from the Revenue as would have been by the Land Distribution. In other words, the Treasury will gain One Million and a Quarter by despoiling the States of their rightful interest in the Public Domain, while it will lose Three Millions by admitting Tea and Coffee free of duty! And all this is done to increase the Revenue and pay off the Public Debt! A simple Revenue Duty of twenty per cent. on Tea and Coffee, which would have produced Three Millions to the Treasury without cost of collection or danger of smuggling, and which would never have been felt by the country, is made the pretext and the price of depriving the States of their just and permanent right for cherishing Education and Internal Improvement. That great National Domain which ought to be harnessed and used only for objects of public and permanent usefulness, is to be dribbled away from day to day till it is all gone and nothing to show for it—drank up in our Coffee-cups, and nobody ever furthing the richer! And this is the great end for which Congress has been humbled and the essential principles of Popular Government outraged! And the men who are most vociferous for Revenue Duties have been most clamorous for this exemption, although their Financial leader, Levi Woodbury, himself recommended a Duty on Tea and Coffee when Secretary of the Treasury! And now they are to be exempted that Benton and Calhoun may gamble away the Public Lands, for Presidential votes and for the schemes of Graduation and Cession! Such is the second united triumph of Tyranny and Loco-Focoism!

Gov. SEWARD is a stockholder in a company which owns wild lands mainly in the south-west part of Chautauque County, which the Erie Railroad touches on its North-East corner. The completion of the Erie Railroad will benefit those lands—though not more, we believe, than that of the Canal Enlargement. As Governor, he believes that to both these great works should be pushed on to completion, and so speaks in his Messages. Is there any fair ground of attack on him in this? Any evidence that his public conduct is governed by his private interest? Has his public course been changed to suit his private interest? If not, why do reputable journals like the Evening Post make this the ground of attacks upon him?

Gov. SEWARD will remain in this City for a day or two when he will proceed to Boston. He will return in time it is said to partake of a public dinner on Thursday next week, and is expected soon after to sail for England.

The Toronto Colonist says that the crops in that vicinity yield well, except late-sown wheat, which will fall short of an average crop.

The Legislature—Appointments.

ALBANY, Tuesday, Aug. 23. In the SENATE, an Appointment Bill Distinguishing the State as shown in our paper of yesterday was reported by the Select Committee, PASSED through all its stages without objection in the course of the day, and sent to the House, so there is at last a beginning made on the business of the Session.

The resolution of Mr. Faulkner, as amended by the Senate, directing a postponement of the sale of the Erie Railroad under the State Mortgage was discussed at length. Mr. Hunter's amendment was rejected: Yeas 8; Nays 18. Mr. RUTGER moved an amendment, providing that such postponement shall take place only in case the Company within 60 days give ample security for the repayment of the \$3,000,000 advanced by the State. He thought if some such proviso were not adopted, it would be contended that the State had bound itself to complete the work. Mr. FAULKNER disclaimed and denied the justice of this inference, and the Senate refused to reconsider in behalf of this amendment: Ayes 21; Nays 20. The resolution then passed: Yeas 8; Nays 6.

The ASSEMBLY busied itself with laying Railroad Petitions on the table: Ayes 67; Nays 46. The proceedings of the Owego Democratic Convention were similarly treated: 72 to 42. Also, a petition for the completion of the new Locks at Lockport: 83 to 29.

The ground being thus cleared, the House went into Committee on Gen. Dix's Resolutions condemning the Single District section of the Apportionment Law of Congress, and proposing an amendment of the Federal Constitution: which Gen. Dix supported at length, and was ably answered by Mr. SIMMONS. Before the latter had concluded, the Committee rose and the House adjourned.

The Tribune defends the monstrous frauds of the Am. Life Insurance and Trust Co. [Union.] Major Noah! why went you tell the truth once a century, for the variety of the thing? What 'frauds' of the Company have we defended?—What evidences of fraud have been laid before the public? Is the mere fact of failure proof positive of fraud? And are we to judge every man a villain who has held stock in or had dealings with an institution that becomes insolvent?

Here is your wrong which we rebuked; and we ask you to look it in the face. Of the management of this Trust Company we know nothing; but we do know that you have held up honorable and just men to odium merely because they had borrowed money of this Company on abundant security. How can you defend your conduct? Here you, with the base intent of turning this failure to political account, have insinuated that its funds have been spent in Whig electioneering, and that none but Whigs had loans from it. We have proved the assertion untrue, and if you will offer any evidence to justify the insinuation, we will use that likewise. Why don't you support or retract your former assertions instead of making new ones?

INDIANA.—The scale appears to turn against us but we do not give up. The last Indiana Journal seems to admit that the Legislature will be Loco-Foco by two majority in Joint Ballot, but says that three of the Locos are pledged to vote for a Whig Senator, their Districts being strongly Whig. We don't rely much on such pledges. But there have been several elections so close that we think the Journal may be mistaken in the results it admits, as we have accounts of a contrary tenor. In one District a tie is reported.

The Rochester Democrat misrepresents and then condemns a resolution passed at a recent Whig Delegate Convention in this City. That resolution simply states that Hon. LUTHER BRADSHAW is the 'decided choice' of the Whigs of this City, but does not instruct the Delegates to support him at all hazards, or indeed at all. We ask the Democrat, as an act of simple justice, to publish the resolution, and let its readers see what it condemns so unqualifiedly. We cannot see that our City has gone farther in expressing its preference than have those Counties wherein the Whig journals display the name of the man of their choice at the head of their columns. And if 'modesty' especially becomes the Whigs of New-York, why not those of Steuben and Chemung?

Our friend GEO. W. KENDALL of the N. O. Picayune, dropped into town a day or two since, looking scarcely the worse for all the buffaloes, wolves, prairie-dogs, Indians, Spaniards, traitors, prairie-fires and nothing-to-eat, he encountered on his adventurous journey to Santa Fe, and circuitous return as a gentleman in difficulties. We miss nothing of him but his whiskers—of his wit and drollery, not a particle has been scared out of him by ugly proximity to the wrong end of Mexican shooting-irons, with his hands tied, and like pleasantries. He assures us that he means to revise and complete his Santa Fe sketches for collected publication as soon as he can find leisure—which we hope will be this summer.

Gov. TUCKER of Mississippi employs the Penitentiary convicts of that State to harvest his Hay and Oats! This is turning official dignity to some account.

The son of the famous L. J. PAPINEAU, the Canadian 'patriot,' has been returned to the Provincial Parliament for the County of Ottawa. Montreal and Toronto papers anticipate the speedy recall of his father from exile. This step would tend greatly to conciliate the French population of the Province, with whom Papineau has great influence.

ACCIDENT AT THE POTTSVILLE MINES.—We learn by a letter to the Philadelphia Ledger that three persons were seriously injured at one of the Pottsville mines on the 19th inst. by the falling in of a quantity of slate. One named William Lindall lived but a few hours; another named Peter Weaver was expected soon to die—and the third, named Davis, was likely to recover.

The Haverhill N. H. Gazette says that on Sunday two men named Gate, from Saugus, came to that town and stole from his grandfather's wagon a lad named Cawley, who had been apprentice to one of them but had left. A strong body of citizens pursued the men and rescued the boy after some violence. A strong squad turned out in their defence, but one of them was finally arrested and bound over for trial for abducting the boy, in the sum of \$100.

We understand that a large haul of stolen goods—some \$3,000 or \$10,000 worth—was made yesterday by the officers engaged in ferreting out the robbers of Bowen & McNamee. Those who have lost goods recently by theft will do well to attend the examination at the Police Office this morning.

The GREAT NATIONAL ANNUAL FAIR of the American Institute will open at Niblo's Garden October 16th, 1842. The 7th and 8th are receiving days. Notices from Exhibitors already indicate an immense display.

LATER FROM RIO JANEIRO.—The ship Pollers.

Capt. Offerin, arrived yesterday, brings twelve days later intelligence. The Rebels in the Province of Minas are not yet pacified, as was reported in our last accounts. They have torn up all the bridges between there and Rio Janeiro so that all communication is stopped. There is a great scarcity of bullocks at Rio, as none have been brought in since this was done. It is difficult to state which party is likely to conquer, but it is supposed that the Imperialists will eventually succeed in quelling the Rebellion. Disturbances have broken out afresh at St. Paulo. There has been an engagement between the Rebels and the Government troops in which the Rebels lost about fifty men (killed). This occurred about ten days before the Pollers sailed. The Rebels retreated into the country, and are collecting all their forces together, which are considerable, to make an attempt to regain St. Paulo, and there is every reason to suppose they will succeed. A number of distinguished men were imprisoned at Rio for some time, and sent to Lisbon in a Brazilian frigate. They were charged with having been implicated with the Rebels at St. Paulo, and making secret endeavors to raise an insurrection in the City of Rio Janeiro. Business has somewhat revived at Rio and freights were plenty. Nothing of any importance has occurred there lately. The friar, one of the principal leaders at St. Paulo, is supposed to have been assassinated, as nothing is known of what became of him after his arrival at Rio. On the accounts reaching Rio after the defeat of the Rebels at St. Paulo, placards were posted all over the streets, stating in large letters the account of the victory. This was done by order of Government. There was not one American vessel of war in the port of Rio Janeiro.

The Toronto Patriot says that 40,000 emigrants have reached Canada this season by way of Quebec. Great efforts are made in Great Britain to induce emigration.

LATE FROM TEXAS.—The News from Matamoros confirmed.—The schooner Henrietta, Capt. Hurd, arrived yesterday morning, in 6 days from Galveston. We received no papers by her, but a gentleman who came passenger informs us that a news had been received at Galveston of the movement of 4,000 Mexicans, under Gen. Reis toward the borders of Texas. Commissions had been issued to raise citizen soldiers for the purpose of protecting the borders against the inroads of the Mexicans. All the volunteers from the United States had been disbanded! Col. Clements of the Huntsville volunteers came passenger in the H. Two Mexicans had been taken prisoners on the borders, who stated that the Mexicans were preparing for another invasion, and that the Orders from Santa Ana were to take no prisoners.

This information, though not official, comes through sources which may be depended upon; but we still incline to the belief that Santa Ana's invasion of Texas is all "gas." No man knows better than the "Napoleon of the South" the total impracticability of such an enterprise, and experience has taught him the quality of Anglo conduct on blood. His policy, however, is to keep the eyes of the nation of menials he rules fixed on the darling subject of invasion, and in this respect his course of conduct is precisely similar to that of Napoleon, if we may be permitted to write the names of the two individuals on the same sheet of paper. The Corsican told Sieyes de Moit, either advance or retreat—go ahead or fall back—there was no middle ground for him to stand upon and to maintain the ascendancy, it was absolutely necessary he should continue to gratify the insupportable thirst of the French for military glory. Santa Ana's hold on the scepter is not very firm, and he has just sufficient shrewdness to keep the public mind upon an expedition he knows full well would not, under any circumstances, prove successful. The next arrival from Texas will be looked for with interest.

N. O. Crescent City.

THE MORMONS.—The Cincinnati Microscope says: "We hear that after the Illinois troops had reached the city of Nauvoo, the prophet was not to be found high or low, neither could a trace be found of Smith or Rockwell. In a few days we shall hear more from the Nauvoo country. It may be possible that Smith has only concealed himself, to gather his forces to resist the authorities of Illinois! He is a bold, reckless fellow, and we would not be much surprised to hear that a battle had been fought, by the next mail, between the forces of the Mormons and the State of Illinois."

DROWNED.—A son of Mr. Roderick Andrews, of New York, aged about eight years, was drowned at Hunter, in this county, on Friday last week, by falling into the race-way of Col. Edward's chair factory. The body passed under the water wheel, and was soon afterwards recovered. [Catskill Messenger.]

Yesterday afternoon, a boy named Julien Conchaux, about thirteen or fourteen years of age, while leaping from a barge into a canoe alongside of the wharf, lost his balance and fell into the river. His body was recovered after having been about twenty-five minutes in the water, but life was extinct. [Montreal Herald of Sat.]

Drowned, from barge Lady Van Rensselaer, on her passage to Albany, on the evening of the 16th inst., a passenger, supposed to be James Guegry, from Ireland, about 18 years of age. [Albany Adv.]

CITY INTELLIGENCE.

WEDNESDAY, AUG. 24.

POLICE OFFICE.—FEMALE PICKPOCKET.—Jane White, a young woman, was arrested and committed for having on Tuesday night stolen \$14 in bank bills from the pocket of William Dempsey, while in the house No. 377 Water Street.

STEALING CLOTHING.—Three men, named John Horton, James Fairbanks and Thomas Joyce, were arrested by Officer Joseph, charged with having stolen clothing, &c. of the late Mrs. Lawrence, 40 Grand Street, which was hurriedly and notoriouly proceeding, and entering a district, was immediately nabbed in three places, in the front and back parts of his body, by Crawford, looking very severe, and the other two were arrested, the same being found on the body of Crawford.

RECOVERY OF STOLEN GOODS.—Officers Clark and Stehly have succeeded in recovering nearly all the property—viz. about \$1200 worth of gold and silver coin, jewelry, &c.—which was stolen on the night of the 12th May from the house of Mrs. Lawrence, 40 Grand Street, which was hurriedly and notoriouly proceeding, and entering a district, was immediately nabbed in three places, in the front and back parts of his body, by Crawford, looking very severe, and the other two were arrested, the same being found on the body of Crawford.

CHARGE OF PERJURY.—A German named Johann Halbig was arrested to-day by Officer Clarke, charged on the oath of Mark Senior and Solomon Woolson, with having committed perjury in swearing false in a suit pending in the Superior Court (Chief Justice Jones) in which John N. Selby took the oath to the last day of the year, and Woolson defendant, under the act entitled "an act to abolish imprisonment for debt and to punish fraudulent debtors." He was committed to the County Jail.

MARRIAGE IN THE POLICE OFFICE.—A young man from Vermont named Edwin Goodell was this day united in marriage to a young woman named Mary Smith, by Justice Maxwell, in the private room of the Police, in the presence of several witnesses; and left to their way through life together with the best wishes of the company for their future happiness.

CORONER'S OFFICE.—The Coroner held an inquest this evening at the dwelling of the deceased, 125 Rosevelt Street, on the body of John O'Connell, a native of Ireland, aged 33 years. The deceased went out from home on Tuesday night, and was either killed by falling or in some other way, and died this morning. The Coroner's inquest was held yesterday on the body of the deceased, and the verdict was returned in favor of the Coroner's jury.

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BY THIS MORNING'S MAIL.

Correspondence of The Tribune.

WASHINGTON, Tuesday Night, Aug. 23. The Finance Committee of the Senate, this afternoon, after the termination of the Executive Session, reported the Tariff bill, which yesterday passed the House, with various amendments. The amendments are the same that were reported by that Committee to the bill when it was in the Senate on its first passage, with a few additional ones, which I cannot now give you. Sheathing Copper, Cotton Bagging and Iron are among the articles upon which the duty is somewhat reduced from that fixed in the bill as it came from the House.

I hope that their amendments will not jeopardise the bill in the House. The passage of this measure by the Senate is by no means certain, and I am not without apprehension that several of our Southern friends will not vote for it.

The two Pennsylvania Senators, and some others whose votes do not usually go with us, may support the bill. I hope, (and hope, by the way, is sometimes better than even judgment,) that it may yet receive all the votes of the Whigs of the Senate, or at least a sufficient number to carry it. The Southern gentlemen certainly cannot make a greater sacrifice of feeling in voting for this bill than do the Northern and Western Whigs; it is a patriotic giving up, not of principle, but of feeling, to the wants and necessities and requirements of the Country. I am not without some misgiving as to the result.

There were several rejections and confirmations of nominations in the recent Session, but I cannot now give them all: Grund, Consul at Bremen, rejected; Paine, Consul to Tunis, I believe confirmed. Several Military brevets were confirmed. A Mr. Rives of Virginia, was to-day nominated Secretary of Legation to England.

Correspondence of The Tribune.

BALTIMORE, Wednesday morn'g, 8 o'clock.

MARYLAND WHIG CONVENTION.—The Convention called by the Whigs of Maryland is to meet to-day in this city. There are already a great number of delegates in town from the counties, and by the time of meeting we shall have representatives here from all the counties. The purpose of calling the Convention is to make a nomination of President and Vice President—Henry Clay and John Davis will be the men.

As most of the delegates from this State to the Harrisburg Convention are members of the Convention in the city now, it is suggested that they hold a meeting to express their united opinion of Mr. Tyler's treachery.

Correspondence of The Tribune.

WASHINGTON, Tuesday, Aug. 23.

In SENATE, to-day, private bills were first taken up and after consideration for some time, several were passed. Mr. CRITTENDEN moved to take up the House bill, regulating the taking of testimony in cases of contested elections and for other purposes. Mr. WALKER opposed taking it up, denouncing the bill as inexpedient, unjust and unconstitutional. The bill was taken up yeas 25, nays 20.

Mr. CRITTENDEN, briefly explained and enforced its provisions, and said if any State was to be disfranchised it would be by means of the apportionment act and not this. Mr. WALKER further opposed the bill as infringing on the rights of Mississippi and other States. Mr. ALLEN moved an amendment to strike out the first and second sections and insert a provision repealing the districting provisions of the Apportionment Act. He violently opposed the bill and denounced it as a flagrant violation of the rights of the States. On the part of General Government—Messrs. WOODBURY, WRIGHT and BAGBY opposed the bill, as unconstitutional, fatal to the harmony between the States, tending to conflicts between them and the General Government &c.

Mr. ALLEN's amendment was rejected—Yeas 20, Nays 25. Mr. BERRIE moved an amendment providing that this or the Apportionment act shall not apply to the elections of Representatives to the 28th Congress, in those States where the elections have been held or shall be prior to the meeting of the next regular session of Congress. Messrs. CATHER and LINS advocated this amendment. The bill was, on motion of Mr. KING, postponed till to-morrow, and the Senate went into Executive Session.

The Revenue bill is expected to be reported to-morrow from the Finance Committee.

In the HOUSE, Mr. STANLEY offered a joint resolution authorizing the Secretary of the Navy to make experiments to test the efficacy of Colt's Sub-Marine Battery, &c., which after some explanations was referred to the Committee on Naval Affairs.

A resolution offered by Mr. BARNARD to terminate debate in Committee of the Whole on the Remedial Justice bill when it shall have under consideration one hour, after a refusal by Yeas 73, Nays 82 to lay it on the table was adopted: Yeas 75; Nays 54.

The bill to establish certain Post Routes was taken up and occupied the Committee (or at least a small portion of them, as it was with great difficulty that a quorum could be collected at all) during most of the day.

It was at a late hour laid aside to be reported to the House. Two or three other bills relating to Louisiana militia, to the site for a marine hospital in North Carolina, &c. were taken up and immediately laid aside to be reported. The Committee then rose and reported the several bills.

Mr. J. R. INGERSOLL from the Committee of Conference on the disagreeing votes of the two Houses on the Contingent Appropriation bill made a report which was concurred in and the House adjourned.

ARGUMENTS.

GEORGE P. OAKLEY, of Poughkeepsie, Commissioner of the Duties for Customs, vice Peter P. Hayes, deceased. The London and Paris Convention in advance of D. D. Chancery, vice Jonathan, resigned.

AN APOLOGY MAY BE MADE TO OUR Democratic readers for the praise yesterday bestowed upon HENRY CLAY. We are perfectly willing to say, then, that we have as high opinion of the ability and patriotism of Van Buren or Calhoun as of Henry Clay. They are all great men, and it is too much to say of any one that he is superior to all the rest. But as to the rest of what we said, we stick to it; and we think that the friends of the Union will be glad to see it.

Had I been guilty of disobedience of orders, still this public and angry manner of speaking to me upon the subject would have been improper, as such language addressed to me would have been an insult, and to diminish that respect for him which is so necessary in the proper performance of his duty.

I am, respectfully, your obedient servant.

CHARLES WILKES, Esq., Commanding U. S. Sloop.

Mr. Hamilton.—Had the offensive words alluded to have been addressed to you by Lieut. Wilkes he would have been the date of your letter of the 16th of September, 1839.

Mr. Hamilton.—Did you in that letter make the subject of a complaint against Lieut. Wilkes?

By the Judge Advocate.—Why not?

Trial of Lieut. Charles Wilkes, U. S. N.

NAVAL COURT MARTIAL.

Reported for The New-York Tribune.

[Continued.] SIXTH DAY, AUGUST 23.

Lieut. Pinkney's Examination Continued. I said I was not a suitable man on board, and I added there was a man on who had once been in the schooner and was anxious to return to her, and I thought he would make a good boatswain's mate. I asked Lieut. Wilkes if I might have the man, and he said he would see about it. I then called the boatswain to the deck, and I told him that I had ordered him to rate as boatswain's mate. He then asked me some questions about Parker, and I told him Parker would not make a good one, and he said I must rate him for his last name to be the man.

A letter from Wilkes to Pinkney was here read denying a boatswain as unnecessary to the schooner, on the plea that four officers were on board and it was their duty to take out and alter the crew.

The next specification was in relation to the repairs of the Flying Fish. It was in substance as follows: Lieut. Wilkes was ordered to the tune of \$500, because Lieut. Wilkes would not sanction them.

In support of the specification a letter was read stating that Lieut. Wilkes could not approve of the enclosed account for the repairs and supplies of the schooner. This was dated April 6th. A long account from the U. S. Consul at Rio Janeiro, dated the 15th of August, 1842, was read amounting to a U. S. money \$302 18. Out of this account Lieut. Wilkes did not approve of \$498 32, which sum Lieut. Pinkney paid to the party out of his pocket.

Witness: I sent him a barrel of pitch to the squadron in not forwarding documents to the Secretary of the Navy. Com. Stewart was Lieut. Wilkes's Bay of Islands command. Lieut. Wilkes was not there. I arrived there the 10th of March and Lieut. Wilkes came in on the 24th of March. The repairs were done before he came, and I did not see him. The schooner had been on the Southern coast in the Antarctic circle.

Judge Advocate.—Now state, sir, what you know in relation to the specification to the third charge.

Witness.—I sent that report alluded to by Lieut. Wilkes at Matari Bay, between the 16th and the 10th of September, 1839.

A letter was here read from Lieut. Wilkes to the Secretary, dated 20th October, 1840, enclosing and transmitting the charges brought by Dr. Gillou and Lieut. Pinkney to the Department.

A letter was here read from Lieut. Wilkes, dated April 18, 1840, suspending Lieut. Pinkney from duty and appointing Mr. Peacock to succeed him in his command, and commanding Lieut. Pinkney not to leave the schooner without Lieut. Wilkes's written permission.

Witness: I received the letter appointing me to the duty. I remained on board the schooner until the Peacock joined the squadron at Tonga Tassou. I was then ordered to go on board the schooner immediately. I did so. The next morning I sent a letter to Mr. Hudson to be forwarded to Lieut. Wilkes. I wrote to know why I was sent to me, and told me that I was sent because I had turned my back on Lieut. Wilkes. I left the cabin, and in a few minutes after I was ordered to go on board the schooner. I sent the letter. He sent it, and I got an answer to it. I met Lieut. Wilkes in the village. He was standing in the village, and I went up to him. He said to me, 'I have just received your letter, and I am glad to hear of it. I will send it to you.' I remained in confinement until Mr. Palmer went to Lieut. Hudson. It was about the 21st of October that he applied to me near me, and I did not speak to him. Well, sir, I remained in confinement until Mr. Palmer went to Lieut. Hudson. It was about the 21st of October that he applied to me near me, and I did not speak to him.

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