THE TRIBUNE.

FRIDAY MORNING, JANUARY 5.

FOR PRESIDENT,

HENRY CLAY.

Names and Things.

The Portland 'Argus' considers it 'blackguarding' on our part that we call the party which that paper supports 'Loco-Foco.' We see no reason for this. There is nothing opprobrious in the word 'Loco-Foco;' it is quite as good a word as 'Whig,' and every way as reputable, intrinsically. It was not even a term of reproach or ridicule originally, as 'Whig' surely was—yes, and even 'Democrat' in its day. Why, then, should one who does not object to the *thing* be so sensitive about the *name?*

We should like right well to oblige our opponents in putting a handle to their party if we could do so without violating the truth. But we cannot in conscience speak of them habitually as 'Democrats,' for we think they have no right to that distinctive appellation, and we believe our acquiescence in their assumption of it would tend to mislead our readers. We do not intend to dispute their claim to be 'Democrats' if they will; we only insist that they are not exclusively or especially so. We know sincere Republicans in all parties and some who are not such in each, and we prefer to use words that express ideas.

The term 'Loco-Foco' we generally use to distinguish the new doctrines—anti-Corporation, anti-Bank, &c.—which were first set forth by a band of Radicals in this City, whose doctrines, though at first violently opposed by what called itself 'the Democratic party,' were ultimately adopted by it—not universally, but generally.—Of course, those who support these new views are christened after their tenets. These doctrines we regard as the foundation of our present party divisions. Now their originators are not a bit ashamed of the name 'Loco-Foco'—they are rather proud of it, as we see no reason why they should not be if they sincerely assent to the doctrines it implies. It seems to us, then, that those who have found it convenient or necessary to profess adherence to the same creed ought not to be ashamed of the corresponding designation.

Personally, we care precious little for names, and see our party styled 'Federal,' 'Bank,' 'Coon,' or any thing else with profound indifference. We would consent to accept the most opprobrious name and adhere to it if we could thereby induce the People generally to disregard names entirely and look always to essential things. But, so long as the fact is deplorably otherwise—so long as there are are hundreds of thousands who will swallow any swindle, any tyranny, any National mischief, if it be but covered with the mantle of 'Democracy,'—we cannot concede that term to our opponents, while we believe they have no right to it.

—And now a word in another direction. The New-Orleans 'Courier' quotes us as asking what the Democratic party, so calling itself, is doing for the elevation of the Blacks and other degraded and miserable races, and answers *Nothing*, and thereupon raises a shout to the South to see what a champion of their rights the *Whig* Tribune is. Neighbor, you can't juggle away from the touchstone in that way. The question raised by us is not what ought abstractly to be done, but what *Democracy* implies and requires. Be it ever so right and wise that one race should govern and the other *be* governed—one race be gentlemen and the other be serfs—one race be educated to shine in Senates, and the other forbidden by law to know any thing except how to raise Cotton—it certainly is not *Democracy*. *That* is the point we want you to look at, and you cannot shuffle it aside by talking about Abolition. It is the humbug pretension of your party to expansive and exclusive Democracy that we are probing, and we cannot be diverted from this to consider whether the subjection of one race of men to another is right or wrong. Be that as it may, your 'Democratic' Phariseeism is proved a swindle, and that is the whole question now in issue between us. The question *you* raise we will consider afterward if you wish it, but let us settle one at a time.

MASSACHUSETTS.—The sixth trial for Representatives in the Third, Sixth and Seventh Congressional Districts of Massachusetts came off on Monday, the 1st inst. We give returns, as far as received, compared with the vote of the fifth (Nov.) trial. In the Third District, we have returns from 18 towns, as follows:

November.			January.		
Abbott, *W.*	Mansur, *L.*	Sc.	Abbott, *W.*	Mansur, *L.*	Sc.
4241	4018	1008	2878	2118	718

.....2878 2118 718

Majority against Abbott, 26. Do. in November, 785. Net Whig gain, 759.

From the Sixth District we have returns from 27 towns, with the following result:

November.			January.		
Baker, *W.*	Chapin, *L.*	Sc.	Baker, *W.*	Chapin *L.*	Sc.
5036	4306	692	3991	3031	752

.....3991 3031 752

Baker's majority, so far, 118. Do. in same towns in November, 38. Whig gain, 80. Fifteen towns to be heard from.

A letter from Pittsfield, dated on Tuesday last, says Rockwell's gain in 22 towns of the Seventh District is 445. Of course he is elected, as he lacked only 132 votes of an election at the November trial.

☞ Col. JOHN FELLOWS, a relic of 'the time that tried men's souls,' died yesterday in our City, aged 84. He was the companion and friend of Thomas Paine, and we believe also of Thomas Jefferson, of whom he was a warm admirer, and possessed a vast fund of information with regard to the men of the last and preceding generations. He was the author of several works—one on Antiquities, and one or two caustic examinations of Gen. Putnam's pretensions to courage and conduct in the Revolution. He has lived to a good old age, and when we last saw him, but a few weeks since, he seemed as hale and vigorous as at any time these five years. Peace to his memory!

LEGISLATURE.—Both Houses of the Legislature convened at Albany on Wednesday morning. The House proceeded to the election of Speaker. On the first ballot the vote stood:

Elisha Litchfield, (Van Buren).91
Samuel Stevens, (Whig).....36—majority 55.

So Mr. LITCHFIELD was declared duly elected.

JAMES R. ROSE, of Albany, was appointed Clerk; JONATHAN P. COUCH, of Chemung, Sergeant-at-Arms; JOHN P. DAVIS, of Ulster, Door-keeper; DAVID E. WILLIAMS, of Oneida, Assistant Door-keeper; JOHN MORE, of Steuben, second Assistant Door-keeper.

WOOLEN FACTORY BURNT.—The Woolen Factory occupied by Levi Duncan, in the village of Penfield, near Rochester, was destroyed by fire about 11 o'clock on Friday night. The loss of Mr. D. in machinery is estimated at $1200, upon which there was an insurance of $600. The building was owned by Robert L. Dalzell, of Rochester, and was not insured.

Matanzas.

Correspondence of The Tribune.

MATANZAS, Dec. 22, 1843.

We arrived at this city on the 17th inst., making the voyage in about eight days.

There is but little news of interest stirring here; business of all kinds is at the lowest ebb; there are no freights, and the shippers are holding back until after the first of January, when the tonnage duty upon vessels is to be removed, at least upon vessels loading with the products of the Island.

But few estates have as yet commenced grinding. The general impression is that the crop of this year will be a full average, and much better than the last season. The markets here are over-stocked with American produce. Shipments to this city and Havana cannot be made except at a ruinous loss. I was informed by one of the largest commercial houses here, that the invoices of produce shipped from the United States, have not for a number of years realized fifty cents on a dollar, yet, strange to say, shippers continue to send forward, close upon the heels of each other, shipment upon shipment, always with the same results.

The annoyances to which strangers have been subjected have been greatly meliorated by order of the new Governor, in abolishing the old foolish system of passporting from one portion of the Island to the other.

There seems to be considerable dissatisfaction upon the estates, among the slaves. I understand quite a number were shot a few leagues from Matanzas a day or two since. The weather is fine, the city lively. There are a great many visitors in town, and the cry is, "still they come." Yours, R.

Meeting of the Massachusetts Legislature—Whig Organization of both Branches Election Sermon.

Correspondence of The Tribune.

BOSTON, Jan. 2, 1844.

The Legislature of Massachusetts convened in this city at 11 o'clock to-day. The House was called to order by Mr. GRAY, the senior member from Boston, after which the oath of office was administered to them by Gov. Morton. The House then proceeded to the election of a Clerk. LUTHER S. CUSHING, Esq., who has discharged the duties of that office to great acceptance for many years, being this year a member of the House, was of course not a candidate for reëlection. The Whig candidate was CHARLES W. STORY, Jr. Esq., of Boston; that of the Loco-Focos, WM. E. PARMENTER, Esq. Mr. STORY was elected on the first ballot as follows:

Story, 185; Parmenter, 123; Scattering, 2—Whig majority.....60

The Clerk having been sworn, the House proceeded to ballot for Speaker with the following result:

Thomas Kinnicutt, (Whig).....178
Scattering, 7; Geo. S. Boutwell, (Loco,).....127
Clear Whig majority.....44

The Speaker elect having been conducted to the Chair by the Hon. Mr. SALTONSTALL of Salem, returned his thanks to the House in a very brief and appropriate Speech; and after the transaction of the business necessary to complete its organization, the House adjourned, and, with the other branches of the Government, proceeded in procession to the Old South Church to hear the Election Sermon.

The Senate was organized by the choice of the Hon. JOSIAH QUINCY, Jr. President, and CHARLES CALHOUN, Esq. Clerk.

You will thus perceive that the Whigs have every thing their own way. Their majority is very large in the House, and will be proportionably larger in the Senate when the vacancies in that body are filled. The Locos are awfully chopfallen at this result. Gov. Morton looks sad and disappointed in view of his political fate, but there is no help for him. The party is completely routed, and the Whigs have a clear field. Only one of the principal Loco-Foco leaders in the House last year (Boutwell of Groton) is this year a member. Allen of Northfield, Tarbell of Pepperell, Whitmarsh of Seekonk, and Thomas of Charlestown, have all had leave to stay at home. The Whigs have not only a large numerical majority, but they have many strong men in both branches, among whom I may mention the Hon. LEVERETT SALTONSTALL of Salem, of the House, and CHARLES FRANCIS ADAMS of Boston, of the Senate.

The Committee to canvass the votes for Governor and Lieut. Governor will meet to-morrow for that purpose, I will send you the official returns by Counties as soon as I can obtain them.

The Election Sermon was preached by Rev. E. H. CHAPIN, (Universalist) of Charlestown.—It was a very able and eloquent production, on the Relations between the Individual and the State; but I was sadly disappointed in that the preacher had nothing to say on the subject of Capital Punishment, it having been currently reported that he would make that the principal topic of his discourse. Yours, truly, HANCOCK.

RHODE ISLAND.—The General Assembly of this State met on the 2d inst. The Governor laid before the Senate documents from several States relating to various topics, when the death of Gen. Carrington being announced the Senate adjourned. After some little business done in the House, it adjourned also, at the annunciation of the death of Mr. Carrington.

MNEMOTECHNY; or, *The Art of Memory.*—We learn with pleasure that Prof. GOURAUD has entirely recovered from the severe illness which prevented him from commencing his Lectures on this interesting topic in the course of last month, as he had anticipated. Those of our readers who take an interest in this matter will have an opportunity to satisfy themselves soon on the importance of his system of Mnemonics, of which so much is expected; for we are requested by Prof. G. to state that he has obtained the Tabernacle for next Thursday evening, the 11th instant, when his Introductory Lecture will be given, if his health remains. We take great pleasure in bearing our personal testimony in favor of Prof. GOURAUD's system. Under it, the human memory becomes a new thing, and its astonishing retentiveness seems almost miraculous. We have known and proved several systems of Mnemonics, and always rejected them as inefficient; but this of Mr. GOURAUD commends itself to every man's common sense, and has this peculiar recommendation, that it asks the most rigid and severe tests. We venture to say it will form a new era in the science of Memory.

☞ Rev. Mr. Maffitt delivers a lecture this evening at the corner of Catharine and Madison-streets, on the origin, power, richness and beauty of the English language.

To the Friends of Mr. Clay.

LIFE AND SPEECHES OF HENRY CLAY.—The publishers of this work are now prepared to execute orders to any extent. The work is comprised in two octavo volumes, containing in the whole upwards of 1,100 pages, and is illustrated by a splendid steel Portrait of Mr. CLAY, a View of his Birth place in Virginia, and a *Fac Simile* of one of his letters—*One Hundred copies for Ninety-Five Cents each!*

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☞ Fortune Telling by the beautiful Gipsy Girl, sister of the famous Queen of the American Museum, is now advertised at Peale's.

By This Morning's Mail.

☞ Mr. WEBSTER, late Secretary of State, has arrived in this city from his residence in Massachusetts, and will, we presume, remain here through the winter months. [Nat. Intelligencer.

☞ We are very sorry to learn that Senator SEVIER, of Arkansas, who has been indisposed ever since he arrived here from the West, continues seriously ill at his lodgings in this city. [National Intelligencer.

☞ The annual term of the Supreme Court of the United States begins, at its hall in the Capitol, on Monday next. [Nat. Intel.

☞ A bill has been introduced in the Legislature of Tennessee, now in session, for the establishment of *a new State* out of the territory of East Tennessee. The preamble of the bill states that the great local interests of that portion of the State lying east of the Cumberland Mountains are totally distinct, separate, and adverse to the interests of that portion of the State lying west of the Mountains; that at a future and not distant day the conflict between the two divisions of the State may be productive of great injury to the welfare of the people; and that a separation would be productive of much blessing to each division. The Counties proposed to be ceded, in order to form the new State, to be named 'Frankland,' are twenty-six in number. It is proposed also in the bill that to the new State may be added such portions of the States of North Carolina, Virginia and Georgia, as may be ceded for that purpose. [National Intelligencer.

CONGRESSIONAL PROCEEDINGS.

BY THE REPORTER OF THE NEW-YORK TRIBUNE.

Repeal of the Tariff—The Sub-Treasury—District System—Reduction Postage, &c.

WASHINGTON, Wednesday, Jan. 2, 1844.

In the HOUSE OF REPRESENTATIVES, to-day, on motion of Mr. COST JOHNSON, the rules having been suspended for this purpose, resolutions were offered in the order of the States, in great numbers, and many of much importance—among which are the following:

By Mr. ADAMS, inquiring of the President as to the present state of the Smithsonian fund, in what stocks invested, &c.: adopted.

Also, calling upon the President for copies of all instructions given to commanding officers of vessels employed, under the late treaty, on the Coast of Africa for the suppression of the Slave Trade; and of any similar instructions in his possession from the British Goverment to their commanders: adopted.

By Mr. HUNT of N. Y., for an amendment to the Constitution of the U. States rendering the President (who has been elected and accepted of the office or who has exercised the powers thereof) ineligible for a second time. Laid over.

By Mr. CLINTON of N. Y. for the distribution among the Members of the House of the remaining copies of the Compendium of the Sixth Census. Adopted.

By Mr. PRATT of N. Y. calling upon the Secretary of the Treasury for a report in a tabular form of the several Banks in the Union, with their condition—the amount of capital, importations and exportations of bullion, with the revenue thereon, &c. &c. Laid over.

By Mr. BARNARD, calling on the Secretary of War for the report of the topographical bureau of the Survey of the Hudson above and below Albany, with reference to the state of the improvements therein. Objected to by Mr. McKAY, and laid over.

By Mr. WILKINS, granting the use of the Representative Hall for a meeting of the friends of Agriculture and Manufactures this evening.—Adopted.

By Mr. GILMER, for the printing of 2,000 copies of his Retrenchment Report of the last session. Adopted. Mr. G. gave notice of his intention to renew some of the propositions contained therein.

By Mr. RHETT of S. C. *instructing* the Committee of Ways and Means to report a bill reducing all duties upon imports above 30 per cent. *ad val.* to 30 per cent. and providing for the final reduction within two years to a 20 per cent. *ad val.* maximum, with discriminations below for revenue purposes. *Rejected*, under the operation of the previous question; Yeas 57, Nays 112.

By Mr. CARY of N. Y. to reconsider the vote of yesterday, rejecting the motion of Mr. ADAMS to make his report upon the rules of the House, from the Select Committee on that subject, the order of the day for Tuesday next. Mr. BOYD of Ky. moved to lay the motion on the table; rejected—Yeas 80; Nays 87. The subject was then laid over.

By Mr. J. CAMPBELL, to rescind the resolution for the election of Postmaster of the House and to declare re-elected the present incumbent, Mr. McCormick. Laid on the table, on motion of Mr. CAVE JOHNSON; Yeas 94, Nays 76.

By Mr. BLACK of Ga., *instructing* the Committee of Ways and Means to report a Tariff Bill for the repeal of the present law, and to establish one for revenue only: *rejected*—Yeas 83, Nays 84.

By Mr. DUNCAN, *instructing* the Committee of Ways and Means to report a bill to provide for the safe-keeping and disbursement of the public moneys, and for absolving the Government from all connection with Banks. *Adopted*, by an overwhelming vote: Yeas 110, Nays 58.

By Mr. McDOWELL, of certain instructions to the Committee of Ways and Means on the Tariff; which was pending when the House adjourned.

Various other resolutions were offered (principally of no general importance) of which my space will not permit the mention.

Bills were introduced (under the suspension of the rules) as follows:

By Mr. DANA of N. Y. for the abolition of the franking privilege, and the amendment of the postage laws. [Its principal provisions are the abolition of the franks of Postmasters, and of Members of Congress except upon official business, and the imposition of a slight postage upon public documents.] Read twice, referred to the Post-Office Committee, and ordered printed.

(Mr. King of N. Y. gave notice of a bill for the abolition of the franking privilege, for the regulation of the rates of postage to Federal coin, and for their lowest reduction which would enable the Department to sustain itself.)

By Mr. C. J. INGERSOLL, regulating copyrights: referred to the Select Committee on that subject.

Also, authorizing the Judges of the Supreme Court to take depositions in cases of fugitives from justice.

By Mr. E. J. MORRIS of Pa. for the construction of a dry-dock at Philadelphia. Referred to the Committee on Naval Affairs.

By Mr. A. V. BROWN, to repeal the district section of the apportionment law. Mr. J. CAMPBELL moved to refer to Committee of Elections—referred, however, on motion of Mr. B. to Committee of the Whole on the Union.

Without concluding the business under suspension of the rules, the House adjourned.

In SENATE, bills were introduced on leave as follow:

By Mr. CRITTENDEN, to change the time of meeting of the Supreme Court of the U. States from the second Monday in January to first Monday in December.

By Mr. HANNEGAN, to continue the Cumberland road through Indiana and Illinois. [A similar one was introduced by Mr. STEENROD, in the House.

By Mr. SEMPLE of Ill., to change the consular arrangements of the United States.

After the adoption of certain resolutions of inquiry, and some other business of no general importance, the Senate adjourned. ARGUS.

☞ 'JUNIUS' desires us to say, in addition to our remarks yesterday, that the *reason* of his prohibition of the republication, by others, of his present Series of Tracts, was the *fact*, that the liberties taken with his Tracts of 1840, not only put them beyond his control, but subjected him to serious losses.

Things in Philadelphia.

Correspondence of the Tribune.

PHILADELPHIA, Jan. 4—3 P. M.

HENRY CLAY.—One of the most interesting ceremonies ever witnessed in this City, in which the name of Henry Clay was particularly identified, will take place in the course of a fortnight, at the Musical Fund Hall, in the presence of the Whigs of the City and County of Philadelphia, their wives and daughters. I allude to the presentation, on the part of the subscribers, through the Honorable John Sargent, of Neagle's full length portrait of the greatest champion of American Industry now living, HENRY CLAY, of Kentucky, to the "National Clay Club," in whose spacious room at the N. E. corner of Fifth and Chesnut street it will then be placed, where the thousands, nay, tens of thousands, of the warm and devoted friends of the Statesman of Ashland may view it. The portrait in question is a correct and brilliant effort of the master hand of Neagle, and was originally executed, through the liberality of many enthusiastic Whigs, at an expense of about $1000.

Mr. Sargent leaves to-day, I believe, for Washington, where he is engaged on the part of the City of Philadelphia, to conduct the case pending before the Supreme Court of the United States in which the Will of Girard is contested by his heirs; and immediately after its conclusion, the above interesting presentation will take place.

GIRARD ESTATE.—The Treasurer of the Girard Estate has published an interesting statement relative to the same, by which I learn there was a balance in the Treasury on the 30th Dec., 1843, of $42,376 96. The estimated statement of income from rents, interest and dividends for the year 1844, is $104,676 12, from which is to be deducted appropriations for annuities, taxes and water rents, salaries, &c., the sum of $63,454 91, leaving a balance of $41,215 21.

A TRIBUTE TO GOV. JONES.—A pair of magnificent Silver Pitchers are now being manufactured by Messrs. Reed, of Market-street, at the instance of a large number of the Whigs of Philadelphia, intended as a present to that indomitable and noble Whig, Hon. JAMES C. JONES, Governor of Tennessee.—When completed, they will probably cost from $600 to $800. On one side, the Governor is represented upon a stump, addressing his fellow-citizens, while upon the opposite may be seen the residence of the distinguished son of Ashland. There are other descriptions, equally appropriate, which I do not at present remember. They are superb articles, worthy the man for whom they are making.

LEGISLATURE.—In our State Legislature, a bill to give the public printing to the lowest bidder has been introduced; also, a resolution in relation to the fine of Judge Hall imposed upon Gen. Jackson; also, a bill to abolish Capital Punishment; and one to establish a Preventive Police, (a Loco Foco Measure,) in the City and County of Philadelphia. In the House, J. B. Andrews has been re-elected Clerk, and Thomas G. Grass, Assistant Clerk.

The Philadelphia Banks, whose deposites are unusually large, continue to discount at 4 per cent. per annum, while I hear of first rate paper being readily negociated at 3¾. Indeed, Money was seldom, if ever more abundant. In Exchanges, there is a better feeling for Alabama funds, which have improved, specie checks on Mobile selling a ½ a 1 per cent. premium, and the notes of the Alabama State Bank at 5 per cent. discount. New-Orleans is quoted at ½ prem. Exchange on London 9 a 9½ prem; on Paris 5f. 27½ a 5f. 25.

Many of the notes of our county Banks have considerably advanced in value, and I quote, to-day, Bank of Susquehanna County, Montrose, at 30 a 35 cents discount; Gettysburg Bank, Gettysburg, 1¼ a 1½; Bank of Lancaster, Lancaster, 2; Erie Bank 2½ a 3; Farmers and Drovers' Bank, Waynesburg, 2½ a 3; Harrisburg Bank 1¼ a 1½; Lehigh Coal and Navigation Co. Bank at Mauch Chunk, at 33; Miners' Bank of Pottsville 1½; Towanda Bank 90; Taylorsville Del. Bridge Co. 25; West Branch Bank, Williamsport, 3 a 10; Wyoming Bank, Wilkesbarre, 2; Northampton Bank, no sale. Relief Notes are held at 1½ a 1¾; and Domestic Creditors Scrip remains nominal.

The Message of Gov. Porter, which I sent you yesterday, gives a deplorable picture of the condition of the finances of Pennsylvania. The effect of it has been to lower States Fives, which closed heavy to-day at 66½.

ASHORE.—The brig Oak, Capt. Ryder, one of our Boston packets, is ashore at Marcus Hook. Her cargo is now going out in a lighter.

STOCK SALES.—The "fancies" were unusually heavy to-day in our stock market, and generally declined. United States Bank fell off ¼; Girard ¼; State Fives declined ¼. No demand for State Sixes. Wilmington Railroad improved ¼, and Reading was firm at 27¼; United States Sixes, 1862, improved ¼. The sales at the second board were $200 City Fives, 1867, at 103; 20 shares United States Bank at 3¾; 5 do Union Bank of Tennessee at 63¼; 135 do Girard Bank at 9; $2000 U. States, 1862, at 115¼; $500 Lehigh Sixes at 35¾; 75 shares Wilmington Railroad at 16¼; 20 do Grand Gulf at 9¼; $1100 County Fives, old, at 93¼.

Cutler *vs.* Oatmans;

Or the Perils of Love, Law and Matrimony.

Our Circuit Court has been mainly engaged for the last three days in the trial of an action brought by *Willis Cutler*, carman, against *Dr. Joel S. Oatman and Harriet, his wife*, for a violation (not by the Doctor, but by his now wife) of an alleged promise of marriage made by the lady to the carman aforesaid. The case is one of so much intrinsic interest, in connection with the fact that it is the second ever brought in this State—and we think the fourth or fifth ever brought any where—by a man against a woman for Breach of Promise, that we shall endeavor, after a careful attention to the evidence and charge, to give its substance as briefly as possible to our readers.

Mrs. Oatman is the daughter of the late John Pye, Esq. who died in August, 1842, leaving a property of $100,000, which he had accumulated by his own industry and assiduity. In 1841, she was the widow Coles, having been left at the decease of her first husband with two children and little or no property. Her father being aged and invalid, she aided him in the collection of the rents in which his income consisted, and received pecuniary assistance from him in return. In May, 1841, she went to reside in one of his houses, 146 Third-Avenue, occupying the lower part of the house, with her young children, whom she educated, and here managed the letting of tenements and collection of rents in this and the neighboring buildings belonging to her father. Here she was soon called upon by the present plaintiff, Cutler, who was the intimate friend of a Mr. and Mrs. Canniff, who occupied apartments in the same house and were acquainted with Mrs. Coles.—Cutler was a widower of 40, living a door or two off, but made an errand of wishing to hire rooms. Having thus made the acquaintance of Mrs. Coles, he continued it, aided by his friends the Canniffs, and was very assiduous to her through the term of her residence in the house, which, however, lasted but two months, one half of which time she spent at her father's. In July, she gave up her rooms here, and removed to her father's house, where she remained until his death, in August of the next year. The acquaintance between the parties was thus limited to two months; for, although they met twice afterward, it was under circumstances not at all propitious to the widower's wooing. But during these two months, it was contended for the plaintiff that an acquaintance had been formed, had been warmed into intimacy, and ripened into love, and that an engagement of marriage had been the result.

In support of this allegation, the principal witnesses were the Mr. and Mrs. Canniff, aforesaid, who testified that Cutler frequently visited Mrs. Coles, ('every night,' was the repeated assertion of Mrs. Canniff)—that he spent his evenings there, staying often to a late hour; and once, they both testify, he was shown to the door by her at 2 o'clock in the morning. Canniff testified that he once saw Cutler put his arm around Mrs. Coles's waist, but that she reproved the liberty. He once heard her say that she thought Cutler would provide a good living for a wife, and again that when she married Cutler she would have some alteration in his household. Mrs. Canniff said that Mrs. Coles remarked that when she married Cutler, his mother-in-law should not live with them. Cutler once or more said to Mrs. Coles, 'Harriet, you know you are mine.' She appeared quite fond of him, and, after she moved away, Mrs. Canniff says that she asked permission to meet Cutler at her (Mrs. Canniff's) room, as she did not wish him to come to her father's. Mrs. Canniff consented, but it did not appear that any such meetings actually took place. Mrs. Canniff's testimony seemed to imply that a fair share of the wooing was carried on by the widow.

For the plaintiff, it was farther testified by Mr. Halsey, who lived in the house with Mrs. Coles and the Canniffs, that he saw Cutler come to the widow's two or three times, and once saw them sitting in her room, the door being open. Mr. Rayner, who took Mrs. Cole's apartments when she vacated them, once saw her get into a stage from the parlor of a public house, while Cutler was seated in the bar-room. He (R.) said to her, 'Have you been to see your beau?' She answered, 'I have seen him.' He continued, 'He has been sick.' She replied, 'I hope he will be better.' He pursued, 'When do you mean to marry him?' She replied, 'When my father consents.' He (Rayner) handed her into the stage, Cutler not coming out of the house, and she departed.—This was substantially the case for the prosecution.

On the part of the defence, it was contended that there was never any promise or intention of marriage on the part of Mrs. Coles, though she for a short time received the attentions of her neighbor with civility; but that the whole affair had been got up by Mrs. Canniff, whose intimacy with the plaintiff was very close and questionable, who attempted first to manage a match between the prospective heiress and her particular friend; that for this end was Cutler brought to the house, and his suit pushed forward by the united efforts of the scheming parties; and that finally, when Mrs. Coles left the premises and ultimately married another man, the direction of the conspiracy was changed into an attempt to extort money from her who had escaped their matrimonial snares. It was contended that their testimony that Cutler spent 'every night,' or any thing like it, with Mrs. Coles, was contradicted by his notorious and proved habit of spending most of his evenings and many of his entire nights in gambling at a low public house entitled 'The Pocahontas;' and that their assertion that Mrs. Coles, a delicate and refined woman, of most unsullied character, had permitted Cutler to remain in her room till 2 o'clock in the morning, or any thing like it, was—though, from the nature of the case, impossible to be met by direct testimony—absolutely incredible, and abundantly refuted by the whole life of Mrs. Coles and her conduct toward Cutler throughout.

In support of this view of the case, it was proved that Cutler, beside being very intimate with the Canniffs at their house, and Mrs. Canniff at his own, was the gaming confederate of Canniff at the Pocahontas, whispered with him at the gaming-table and divided winnings with him. Cutler's grandmother-in-law and housekeeper (Mrs. Chamberlain) testified that on one occasion he declared to her that 'he would share his last dollar with Mrs. Canniff.' Mrs. Chamberlain (Cutler's housekeeper) said she had been witness to indecencies committed by Cutler in the presence of Mrs. Canniff, and offered to explain them, but the Judge informed her that she need not. Mrs. Brace (who at this time lived in the same house with Mrs. Coles and the Canniffs) testified that Mrs, Canniff told her that she thought Cutler and Mrs. Coles 'would get together after a while.' At another time, Mrs. Coles said to Mrs. Canniff sarcastically that the latter had better go and make matches elsewhere. Again, Mrs. Canniff told her (B.) that there was a kind of doctor who came to see Mrs. Coles, but she (Canniff) did not think much of him. Mr. Wheatley testified that both Cutler and Mary Russell told him in 1842 that they two (not Mrs. Coles) were soon to be married. Again, Cutler, during the pending of this alleged promise, used to call Ellen Orpan 'My lovely woman,' and her brother 'My brother-in-law;' and in like manner talked of several different women, (as sworn to by different witnesses) each as soon to become his wife. He appears to have been fond of the ladies generally, and as fond of talking of as with them.

After Mrs. Coles left the Canniffs, Cutler once called on her at her father's house, and observed, on his return to 'the Pocahontas,' that he had met but a cold reception. Mr. Woodhull testified that in 1842 he, at the request of Mrs Coles, called on Cutler, with an intimation that she wished to see him. Cutler replied that if Mrs. Coles wished to see him more than he did her, she must wait. At another time, three persons testified that Mrs. Coles made an appointment to meet Cutler at 'the Pocahontas,' but he left the house on her coming and hid himself in the stable. Finally, Ellen Lampton testified that Mrs. Coles did succeed in meeting Cutler by accident, and charged him with slandering her by reporting that she had agreed to marry him; whereupon he denied it, and said he had never reported any thing of the kind. (This was previous to her father's death.) Once, Mrs. Coles was walking up the Avenue, when Cutler appeared walking the same way on the same sidewalk, which she directly abandoned and went over to the other side of the street.

There was a good deal of testimony offered for the defence to prove Cutler an inveterate though petty gambler; (by his grandmother-in-law and sister-in-law by his first wife,) that he abused and knocked down his first wife, &c.—to which it was responded that that wife was addicted to intoxication. This evidence afforded Mr. Gerard, for the defence, an opportunity for a splendid and effective appeal to the Jury, depicting the horrors of the gambler's career, the inevitable wretchedness of his family, the despair which must have driven Cutler's wife to intemperance, the fiendishness of inflicting personal violence on a woman, and the atrocity of compelling a virtuous and refined lady to commit her happiness to the keeping of such a man as the plaintiff.

Thomas McKnight, brother-in-law to Mrs. Coles, (called by the plaintiff) testified that he had joked Mrs. Coles about plaintiff, and she denied that there was any truth in the reports, and asked if he supposed she would marry an ugly old fellow like Cutler with six children. He farther stated that Dr. Oatman had visited Mrs. Coles, as physician and otherwise, from the death of her first husband (seven years ago) to the time of their marriage. Mrs. James testified that Cutler had told her, six weeks before Pye's death, that Mrs. Coles had told him she would not marry any man with children. Mr. Linen, (groomsman at the marriage) testified that he accompanied Dr. Oatman on a visit, not professional, to Mrs. Coles, in the fall of 1841. Dr. Dunbar testified that he had driven Dr. Oatman's carriage to the residence of Mrs. Coles's father, and left him there, two years before Mr. Pye's death, and that Mrs. Coles's little daughter was accustomed to spend weeks at a time in the house of Dr. Oatman in each year of the three or four previous to Mr. Pye's death.

[These latter facts were introduced to rebut the insinuations thrown out in the pleadings, though not sustained in the testimony on the part of the plaintiff, that the intimacy between Mrs. Coles and Dr. Oatman commenced on the death of her father—'at the funeral,' the advocate said. It was also represented by the counsel that Dr. Oatman was poor and needy, when the testimony showed him a popular physician in extensive practice, though he came to this City from Vermont, a stripling and a stranger, but a few years ago, since which he had acquired, by skill and assiduity in his professsion, a very handsome property before his marriage to Mrs. Coles.]

On the 14th day of February, 1843, Mrs. Coles gave her hand to Dr. Oatman; and on the eighth day thereafter, Mr Willis Cutler likewise united himself in matrimony with a Miss Curtis, and on the second day following (Feb. 24th, 1843) commenced this suit against Dr. Oatman and lady for her alleged Breach of Promise!

Judge Kent, in reviewing the testimony, which he did very fully and fairly, stated that this action for Breach of Promise is a very rare one in our Courts, and he could wish it were still rarer, more especially against women. The law authorizes such an action, however, and does not require to sustain such an alleged promise the same kind and degree of evidence that it requires to establish other contracts. A contract to marry may be inferred from the conduct of the parties. But it must be an express *promise* to marry, and must be *mutual*—a mere *intention* to marry—proof of strong *affection* on one or both sides, will not answer. Unlike other promises, again, this promise may be invalidated by the acts of one of the parties—by proof of deception or concealment by the other party, of bad character or unfitness on the part of the party claiming a fulfilment of the promise. Such allegation is made in this case, as a reserved ground of defence in case the Jury should consider any promise proved; but the Judge inclined to the opinion that it would hardly be necessary to consider this ground very nicely.

In sifting the testimony in this case, the Judge cautioned the Jury against laying much stress on reports of conversations, the gossip of neighborhoods, &c. &c. Able jurists had doubted whether this sort of testimony ought to be taken at all, and it certainly should be taken with great caution and allowance. Admitting that the witnesses aimed to tell the truth, a slight misrecollection, the misplacing of a word, may alter the meaning entirely; and, above all, the look, the tone, the gesture, which give character and meaning to the words, can never or rarely be thus given at second hand. Thus, the testimony of Mr. Raynor of his conversation with Mrs. Coles respecting her 'beau,' has one meaning if regarded as relating a serious conference between the parties, but a very different one if understood as the badinage of acquaintances—he rallying a young woman respecting one of her suitors and she replying to him in the same strain. Considering that thi conversation took place in a public street, between persons by no means intimate, in the presence of a stage-full of utter strangers, the latter must certainly seem the true hypothesis.

As to the testimony of the Canniffs, the Judge remarked that there was a minuteness of coincidence between the testimony of two concurring witnesses which was regarded as more suspicious than slight discrepancies. Thus when Mr. and Mrs. Canniff mutually testified that Cutler spent his evenings almost entirely with Mrs. Coles, while other witnesses testified that he spent them mainly at 'The Pocahontas,' and was paying court to and talked of marrying sundry other women—that Mrs. Coles said substantially to each of them that she would make changes in Cutler's household when she became its mistress—and, most incredibly, that Mrs. Canniff happened to be awake and Mr. Canniff to be coming home at the same late hour when Mrs. Coles was dismissing her suitor, and each noted and recollected that it was just 2 o'clock in the morning—these coincidences were of a nature to shake rather than to strengthen the testimony in which they occurred.—These are the only general distinctions which we remember as laid down by Judge Kent, who presented the testimony on both sides with great clearness and force, and committed the case unqualifiedly to the judgement of the Jury. If they believed there had been a solemn engagement to marry, and that it was broken off by Mrs. Coles without sufficient cause, they must find for the plaintiff in such an amount of damages as should to them appear reasonable; otherwise for the defendants.

The Jury retired about 3 o'clock yesterday, and in a few minutes returned a verdict *for the defendants.*

Thus endeth the Breach of Promise case.

The Staten Island Murder.

Letter from our Reporter.

PORT RICHMOND, January 4, 1844.

The injunction of secrecy having been removed, the Reporters of the different papers were admitted this day.

Mrs. Bodine was not present, her condition being such that it is impossible to remove her.

Waite was present, and still maintained his usual composure.

The first witness called was *Garret Gibson*, who was sworn and testified as follows: I am in the employ of James Walden; Miss Bodine has been staying at Smith Freeman's; I received a letter, to be conveyed from Polly Bodine to Mrs. Freeman; I destroyed it, after having it in my pocket three or four days; I read it first; it was a request from Mrs. Bodine not to let her daughter come home, it was so muddy; it was signed by Mrs. Bodine; she returned to her mother's on Christmas Day; I have no means of knowing how Polly Bodine reached the Quarantine the night she left her father's house.

John Thompson, sworn.—I am 13 years old. I reside along the shore, at John Thompson's. On Christmas morning I was sent up to George Houseman's by my grandmother after some pills. I was to get them from Mrs. Houseman. Before I got to the house, John Burbank said to me, 'You wont get any Christmas.' I went through the little gate to the back part of the house and knocked some time at the kitchen-door, but got no answer. I then went to Mrs. Houseman senior. I asked her where Emeline was; she said if she was not home, she must have gone out. I went again and knocked, but got no answer. I went back, and Mrs. Houseman said she did not know where she was—that the windows were opened a part of Sunday, and then shut. I went a third time to Captain Houseman's and knocked, but could get no answer. I could not open the back door. I did not hear any noise in the house. I did not smell any smoke. I did not see Polly Bodine at all. I went again to the kitchen door, but could not succeed in opening it. While I was knocking, Mrs. Burbank cried out to me, if I knocked much harder I would knock the door down. I then started to go home. Polly Bodine did not speak to me, I am sure, that day. I do not know Polly Bodine.

John England, sworn.—I reside at 22 Renwick-street, New-York. I am a newspaper carrier. I