harm to us; and it came—I knew it would. Why did you not die when you had the small-pox, and I came myself and watched you, and you didn't know me in your delirium, and you called out for me, though I was there at your side? All that has happened since was a just judgment on my wicked heart—my wicked, jealous heart. O, I am punished, awfully punished! My husband lies in his blood—murdered for defending me—my kind, kind, generous lord; and you were by, and you let him die, Henry!"

These words, uttered in the wildness of her grief, by one who was ordinarily quiet, and spoke seldom except with a gentle smile and a soothing tone, rung in Esmond's ear; and 'tis said that he repeated many of them in the fever into which he now fell from his wound, and perhaps from the emotion which such passionate, undeserved upbraidings caused him. It seemed as if his very sacrifices and love for this lady and her family were to turn to evil and reproach—as if his presence among them was indeed a cause of grief, and the continuance of his life but woe and bitterness to theirs. As the Lady Castlewood spoke bitterly, rapidly, without a tear, he never offered a word of appeal or remonstrance, but sat at the foot of his prison bed, stricken only with the more pain at thinking it was that soft and beloved hand which should stab him so cruelly, and powerless against her fatal sorrow. Her words as she spoke struck the chords of all his memory, and the whole of his boyhood and youth passed within him, while this lady, so fond and gentle but yesterday—this good angel whom he had loved and worshiped—stood before him, pursuing him with keen words and aspect malign.

Henry was at length released from his confinement and follows Marlborough to the wars, On his return, he goes straight to the village, where his patron had resided since Lord Castlewood's death, and gets his first sight of her at the neighboring Cathedral. The reconciliation, which of course takes place, is thus described:

There was scarce a score of persons in the Cathedral besides the Dean and some of his clergy, and the choristers, young and old, that performed the beautiful evening prayer. But Dr. Tusher was one of the officiants, and read from the eagle, in an authoritative voice, and a great black periwig; and in the stalls, still in her black widow's hood, sat Esmond's dear mistress, her son by her side, very much grown, and, indeed, a noble-looking youth, with his mother's eyes and his father's curling brown hair, that fell over his *point de Venise*—a pretty picture, such as Vandyke might have painted. Monsieur Rigaud's portrait of my Lord Viscount, done at Paris afterward, gives but a French version of his manly, frank English face. When he looked up there were two sapphire beams out of his eyes, such as no painter's pallet has the color to match, I think. On this day there was not much chance of seeing that particular beauty of my young lord's countenance; for the truth is, he kept his eyes shut for the most part, and, the anthem being rather long, was asleep.

But the music ceasing, my lord woke up, looking about him, and his eyes lighting on Mr. Esmond, who was sitting opposite him, gazing with no small tenderness and melancholy upon two persons who had had so much of his heart for so many years: Lord Castlewood, with a start, pulled at his mother's sleeve (her face had scarce been lifted from her book,) and said, "Look mother!" so loud, that Esmond could hear on the other side of the church, and the old Dean on his throned stall. Lady Castlewood looked for an instant as her son bade her, and held up a warning finger to Frank; Esmond felt his whole face flush, and his heart throbbing, as that dear lady beheld him once more. The rest of the prayers were speedily over. Mr. Esmond did not hear them; nor did his mistress, very likely, whose hood went more closely over her face, and who never lifted her head again until the service was over, the blessing given, and Mr. Dean and his procession of ecclesiastics, out of the inner chapel.

Young Castlewood came clambering over the stalls before the clergy were fairly gone, and running up to Esmond, eagerly embraced him. "My dear, dearest old Harry," he said, "are you come back? Have you been to the wars? You'll take me with you when you go again? Why didn't you write to us? Come to mother."

Mr. Esmond could hardly say more than a God bless you, my boy, for his heart was full and grateful at all this tenderness on the lad's part, and he was as much moved at seeing Frank, as he was fearful about that other interview which was now to take place; for he knew not if the widow would reject him as she had done so cruelly a year ago.

"It was kind of you to come back to us, Henry," Lady Castlewood said. "I thought you might come."

"We read of the fleet coming to Portsmouth. Why did you not come from Portsmouth?" Frank asked, or my Lord Viscount, as he must now be called.

Esmond had thought of that too. He would have given one of his eyes so that he might see his dear friends again once more; but believing that his mistress had bidden him her house, he had obeyed her, and remained at a distance.

"You had but to ask, and you knew I would be here," he said.

She gave him her hand—her little fair hand; there was only her marriage ring on it. The quarrel was all over. The year of estrangement was passed. They never had been separated. His mistress had never been out of his mind all that time. No, not once. No, not in the prison, nor in the camp, nor on shore before the enemy, nor at sea under the stars of solemn midnight, nor as he watched the glorious rising of the dawn; not even at the table where he sat carousing with his friends, or at the theater yonder, where he tried to fancy that other eyes were brighter than hers. Brighter eyes their might be, and faces more beautiful, but none so dear—no voice so sweet as that of his beloved mistress, who had been sister, mother, goddess to him during his youth—goddess now no more, for he knew of her weaknesses; and by thought, by suffering and that experience it brings, was older now than she; but more fondly cherished as woman perhaps than ever she had been adored as divinity. What is it? Where lies it? the secret which makes one little hand the dearest of all? Who can ever unriddle that mystery? Here she was, her son by his side, his dear boy. Here she was, weeping and happy. She took his hand in both hers: he felt her tears. It was a rapture of reconciliation.

But we must break off from those tempting revelations of two unstained hearts, which we are bound to say, are after all but an episode in the love-making of the susceptible Henry, who falls into the train of the mischievous Beatrix, and is led through a pretty maze, to be sure, by that incomparable practicer on the weakness of man. We must refer the reader for her history, as well as for the denouement of the Colonel's adventures, to the book itself, taking to ourselves due credit for not anticipating their curiosity by giving them any notion of the plot. Our space allows us merely to say, that this novel needs not the presence of the author to insure it a most cordial welcome in this country. Its unrivaled sweetness and pathos of delineation, so finely blending with its antique gravity—its cunning felicity of expression in which high art and beautiful simplicity meet—its frequent vein of profound reflection, stern, caustic, and tender at once—its keen insight into the strangest varieties of passion—and its pure flow of humanity untainted by any effete conventional fictions,—will recommend it to the best class of readers even more than the cutting persiflage and Mephistophelean irony, with which Thackeray has pierced the heart of so many hollow pretensions. His former novels are doubtless more amusing, more brilliant, more startling in their artistic audacity than Henry Esmond: but the conditions of permanent fame, in our opinion, are more fully realized in the quiet wisdom and genuine beauty of the present work.

## CITY ITEMS.

RANGE OF THE THERMOMETER AT *A. J. Delatour's, (formerly Lynch & Clark's,) 294 Wall-st.*

| 1852. | 7 A.M. | Noon. | 3 P.M. | 5 P.M. |
|---|---|---|---|---|
| Nov. 29 | 38 | 46 | 49 | 48 |

AMUSEMENTS, ETC., THIS DAY AND EVENING.
Burton's Theater—Patricium and Parvenu; 1,000 Millners, etc.
Broadway Theater—As You Like It; Married and Settled.
Wallack's Theater—Blake's Benefit. Old Heads and Young Hearts.
Niblo's Theater—Linda of Chamouni, &c.
Barnum's Museum—Sea Tigress; The Last Nail, etc.
Metropolitan Hall—First of Mr. Fry's Ten Lectures on Music.
Apollo Rooms—Moving Picture of Charles I.
New-York Amphitheater—Sands & Co.'s Circus; Northas Don Juan.
Society Library—Bryan's Gallery of Christian Art.
Wood's Minstrels, No. 444 Broadway—Concert every evening.
Gallery of Varieties, No. 536 Broadway—Pelopaying Piano-Forte, etc.

☞ Certainly Madame Sontag is giving the New-York public a most thorough course of instruction in the divine art and practice of music. Even the vast programme of Mr. Fry's lectures is not more magnificent in its promise than the gigantic entertainment of last evening in its reality. It opened with a symphony of Beethoven's (the 4th in *b* flat,) and contained such things as Luther's *Judgment Hymn*, Meyerbeer's overture to *Struensee*, and Rossini's Prayer from the *Israelites in Egypt*, with music of Donizetti, Bellini, Lachner, Eckert, Mercadante and Adam to spice and fill up. Surely the most insatiable auditor could ask no more either in the way of excellence or variety. First, of Madame Sontag, let us say that she sings with a fuller, clearer voice than when here before, having apparently quite recovered from the effect which this quick and irritating climate exercises on Europeans at their arrival. Nothing could be more exquisitely beautiful than the delicacy and finish and archness with which she gave the variations in the song by Adam, with Mr. Kyle's flute accompaniment. It is the perfection of art. She also sang the *Music Lesson* with Signor Rocco with infinite spirit, and to the infinite satisfaction of the crowd that filled the hall. Signor Rocco, a vigorous and lively baritone, made a good impression; he is a valuable addition to the troupe. Pozzolini quite repealed the former decision against him, and in spite of great faults of manner, bids fair to be a favorite. Bedialli was the same true, manly artist as ever, and Paul Jullien was warmly applauded, as he deserved. But the great feature of the evening was the enormous chorus of six hundred voices. The swelling body of sound given forth by such an army, well drilled, and singing well together, is most imposing, and is a great thing to hear. The auditory was densely packed; the stage now occupying nearly half the floor, and even that is not large enough for the performers.

—Madame Schtag has thus successfully introduced a great novelty in New-York Concert giving, but there is one thing more which we hope she will yet invent. That is, a concert programme with no last piece on it. Now, as soon as only one piece remains to be performed, a great part of the people begin to move out in couples, platoons, and all degrees of straggling, to the great disturbance and disgust of those who want to hear the remaining piece in quietness. If there were no such piece, all would go out together and nobody need commit the sin of secretly objurgating his neighbors.—Would it not be well to put on the bill one or two pieces that are not intended to be performed, and to let the rushers out remain in ignorance of the time to leave, till a master of ceremonies should come forward upon the stage and dismiss the whole crowd together?

Mr. THACKERAY'S LECTURES.—It has been found necessary to make some alteration in the programme of Mr. Thackeray's second course, as will be seen, upon reference to the advertisement in another column. The lectures of the present course will continue to be delivered, as heretofore, on Monday and Friday evenings. This will probably be the only opportunity that our citizens will have of hearing Mr. Thackeray, as his engagements in other places will prevent his again appearing in New-York. Those who wish for good places should apply early.

☞ We call attention to the alteration in the day for the commencement of the Historical Society's Lectures, and the reduction in the price as advertised on the first page of this paper.

MISS BACON'S HISTORICAL LECTURE.—A lecture by Miss BACON introductory to a systematic course of lessons for ladies in the study of history, is to be given this evening at the Stuyvesant Institute. The method of instruction proposed by this lady is of an original and very comprehensive character, and commended as it is, by the high authority of several distinguished literary men of New-York, Irving, Bancroft, Bishop Wainwright, President King and others, cannot fail to attract the attention of the public. We presume the exposition of of her plan this evening will command a numerous and friendly audience.

☞ Mrs. Mowatt commenced an engagement at the Broadway Theater last night, before a very large and delighted audience. The play was Ingomar, the Barbarian. Mrs. M., as Parthenia, was enthusiastically applauded.

☞ The morning line for Philadelphia, over the Camden and Amboy Railroad, leaves this City hereafter at 10 instead of 8 A. M. Fare on this line, $2; in the afternoon line, $3.

☞ We are requested to call attention to the advertisement of M. Robert Heller, on the first page.

BREAKING UP OF A GANG OF COUNTERFEITERS.—*Arrest of one of the Gang, and Capture of Dies, Press, &c.*—A few days since, Officers Hogan and Clark, of the Chief's Office, received information which led them to believe that the basement of the house No. 79 Hammersley-st., which ostensibly was occupied as an engraver's door and card-plate establishment, was the resort of a gang of counterfeiters. They accordingly kept watch of the place, and yesterday about noon called under pretence of getting a door-plate made, and while one of them engaged the attention of Louis Barry, a Frenchman, who was the only person present, the other attempted to get into the back basement, but Barry happening to observe him, told him no one was permitted to enter that room. The officers then feeling their suspicions to be well founded, arrested Barry, and suspecting that others of the gang would call in during the day, Officer Clark left for the purpose of obtaining the assistance of Officers Bilger and Davis, of the Jefferson Police Court, Officer Hogan remaining in charge of the prisoner. No sooner, however, had the officer left, than Barry attempted to seize an axe which was lying near, for the purpose of striking the officer with it; but being prevented in this, he seized an engraving chisel, and with it stabbed himself twice in the left breast; and the officer had to use every exertion to prevent his taking his own life. While the officer was awaiting the arrival of his associate and the assistance he went to procure, three more of the gang entered the place, but soon left, it being out of the power of the officer to detain them. Finally Officer Clark returned, bringing with him Officers Bilger and Davis, and they then entered the rear basement, where they found a complete set of implements for counterfeiting gold dollars and sovereigns; these consisted of a large press, a galvanic battery, a set of dies, finely executed for making gold dollars, a die in an unfinished state, for making sovereigns, a large quantity of sheet brass, from which thousands of counterfeit gold dollars had been made, together with chisels, &c., of every description suitable to the purpose. They also found about seventy-five counterfeit gold dollars, and a large number in an unfinished state. All of this was taken possession of by them, and is now at the Jefferson Police Court. The prisoner was taken before Justice Stuart, who locked him up to await examination. The names of two of his associates are known to the police, who having seen both of them, will probably soon succeed in effecting their arrest. The prisoner states that he is merely a workmen for the others, and this is believed to be the case.

The gold dollars are beautifully executed, and excepting their weight, are well calculated to deceive. It is believed that thousands of them are in circulation, and the public will do well to be on their guard in relation to them.

THE OLD BREWERY.—Hundreds of persons, last evening, visited that extensive old rookery so celebrated in the history of crime, and so intimately associated with vice and intemperance. No such rush was anticipated. It was lighted throughout and rendered perfectly safe for visitors. The rooms are mostly vacated preparatory to the tearing down of the building. It will be lighted up for two or three evenings more, so that those who wish may take a view of the spacious shanty previous to its being demolished.

☞ The Swiss Benevolent Society of New-York held their regular annual meeting at Delmonico's Hotel on Saturday evening. The President read the administrative report of the Society for the past year, from which it appeared that the total receipts amounted to $3,020 15, including a donation of $283 from the Swiss Federal Government, and an aggregate appropriation of $381 from sixteen of the Cantonal Governments. The total expenditure for the year amounted to $1,948 43, distributed in cash, fuel, food, clothing, &c., to 1,037 applicants. The balance in the treasury, at the close of the year, is $1,071 72. After the reading of this report, the meeting proceeded to ballot for officers for the next year, and the ballot resulted in the election of the following gentlemen: C. A. Robert, President; L. P. De Luze, Swiss Consul, Vice-President; A Mayor, Treasurer and Secretary; Messrs. Viollier, Bourry, Cramer and E. Robert, Committee. The President elect addressed the meeting, accepting the functions imposed on him, and pledging his exertions to the maintenance of the prosperity of the Society, and to the performance of its benevolent duties. He then paid a high eulogy to his predecessor in that office, affirming that if there was any person peculiarly entitled to the thanks of the Swiss residents of New-York, and of Switzerland, it was M. Guerber, to whose health he pledged the company. The compliment was gratefully acknowledged by M. Guerber; and after several toasts and sentiments the meeting broke up.

STRANGERS.—At the AMERICAN, J. D. Seaton, Washington, Pa.; R. Saunders, Hartford, Conn.; R. L. Hawes, Worcester; John C. Ogden, Philadelphia; E. Bangs, Boston; N. G. Jewett, New-Hampshire; S. W. Trotter, Staten Island; J. B. Fry, Tuckahoe.

At the METROPOLITAN, Hon. S. F. Vinton, Ohio; H. B. Ingalls, Troy; Hon. L. S. Chatfield, Albany; E. R. Johns, Newburgh; Col. S. Hunting, Sag Harbor; G. W. Beebee, N. Y.; Prof. S. F. B. Morse, Poughkeepsie; Wm. M. Goodrich, do.; Wm. Griswold, Troy; P. P. Norton, Conn.; B. H. Springer, Philadelphia; Hon. Geo. Perry, Vermont, and others.

At the ASTOR, Hon. C. H. Peaslee, N. H.; The Bishop of New-Jersey; A. L. Van Blarcom, Buenos Ayres; Daniel Ammen, Navy; W. Potter, Washington; S. W. Goodrich, Hartford; David Felt, N. J.; V. Hickox, Ill.; Henry Norris, Phila.; L. J. Stansley, Canadaigua; W. Griffen, Albany; D. W. Clark, Hartford; W. F. Barrill, Bridgeport; W. E. Seymoor, N. O.; E. French, Troy; S. C. Phelps, Boston; S. Scoville, Salisbury; F. Dodge, Georgetown; and others.

At the IRVING, Gen. Dunham, West Troy; S. D. Lawrence, New-London; W. A. Livingston, Hudson; J. Geddes, Cincinnati; Col. Payne, U. S. Army; D. Campbell, Mass.; J. Knower, Albany; M. Tucker, Boston; P. B. King, Chicago; L. Roe, Navy; Lt. Russell, Navy; Col. Lansing, Poughkeepsie; A. Gordam, Detroit; Prof. Davies, Newburgh; T. Cronise, San Francisco, and others.

At the HOWARD, Dr. Deal, San Francisco; Capt. Bryant and servant, do.; H. A. Curtis, Boston; Dr. Pritchard, New-Haven; T. W. Armstrong, do.; T. J. Gardner, Albany; Dr. T. E. Hatch, Steamship; A. L. Ackly, Auburn, Mass., are among the arrivals.

THE FIRE.—In our report of the fire in Washington-st. on Sunday afternoon, by which Mr. Titus's bakery was destroyed, our reporter of fires stated that the operations of the firemen on the building of H. H. & P. Brunjes were for "mere amusement." The firemen say that they acted in obedience to the orders of the Fire Department.

FIRE.—About 5 o'clock this morning a fire broke out in the building No. 376 Fourth-av., occupied by Mr. Stewart. The fire was occasioned by the bursting of a gas-pipe, and the flames were soon extinguished. Damage about $50.

☞ About 12½ o'clock yesterday afternoon, a fire broke out in an old frame building in the rear of No. 162 Varick-st., occupied by Mr. Thomas McKenna, as a hat pressing establishment. Damage about $150.

CHARGE OF ARSON.—Officer Newbury, of the Nineteenth Ward, on Sunday night, arrested a man named Michael Mack, charged with having fired his own premises, at the corner of Forty-eighth-st. and Fourth-av., in five different places, and also with threatening to burn up the whole neighborhood. The fire was extinguished before any damage of consequence was done. The accused, who, it is believed, is or was temporarily insane, was taken before Justice Stewart for examination.

FATAL RESULT OF A FRIGHT.—Chas. Brown, the sailor who on the morning of the 21st inst., jumped from his bedroom window in the fifth story of house No. 33 James-st., having been terribly frightened by three young men, named David McCarty, James Farley and Wm. Blair, who broke into his room while he was asleep, died at the New-York Hospital on Sunday night in consequence of the injuries received. His back was broken, his skull fractured, and he was otherwise dreadfully bruised. The young men were arrested at the time and taken before Justice Osborn, who committed them to prison, but subsequently discharged one of the number, as he appeared to be less culpable than the others. During last week, the other two gave bail for their appearance, but on the death of Brown a warrant was issued by the Coroner for their rearrest when they came voluntarily before him and will appear at the holding of the inquest, which will take place to-day.

[Advertisement.]

☞ The great living panorama which a fair day brings into Broadway is worth an ocean voyage to see; and it is scarcely less wonderful to see how regularly they stop at Root's, No. 363, to procure his patent Crayon Daguerreotypes.

[Advertisement.]

☞ One Hundred Pictures will be exhibited this day at the door of ROOT'S Premium Gallery, No. 363 Broadway. They invite criticism.

Advertisement.

☞ The great prize medals awarded in 1850 and 1851 for the best Daguerreotypes, over the same exhibitors as were in this year, can be seen in Root's great show case, No. 363 Broadway. Perfect pictures taken in any weather.

## BROOKLYN ITEMS.

HON. HORACE MANN AT THE BROOKLYN INSTITUTE.—Hon. Horace Mann will lecture this evening, in the New-England Course, at the Brooklyn Institute. Subject—Woman.

RAILROADS IN THE CITY.—In the Common Council, last evening, the Street Committee to whom was referred the subject of introducing railroads through the streets of the city for public accommodation, reported adverse to the project, and the whole matter was laid over for two weeks, to be then taken up under the head of special order.

THE LONG ISLAND IRISH VOLUNTEERS.—A number of meetings of the officers of the Fifth Brigade New-York State Militia have recently been held at the City Armory, to take into consideration the propriety of admitting a new Regiment, (the Long Island Irish Volunteers,) now in course of formation, into the Brigade. Gen. Duryea presided, and Lieut. John O'Rourke acted as Secretary. At the last meeting on Friday evening the report of the committee to whom was referred the question of the admission of the new Regiment was read by Major Ball, from which it appears that at a consultation with the officers the question was fully discussed, and the following objections were suggested:

That it was intended to be an exclusive body composed of one class of our citizens in violation of the principles of equality and unity; that the present regiments were not full, and that the new regiment would take their forces and prevent their increase; that such new regiment proposed to wear a peculiar uniform, not that of the State; and that the funds received into the County were not adequate to the support of three regiments, much less of four.

These views were met by the Committee on the part of the Irish volunteers by the following suggestions and pledges:

That the said proposed regiment desired to be governed by the same laws and usages as other regiments now in the Brigade; that it was not to be exclusive; that it now had citizens in it of various nationalities; that the Bye-laws provide for the admission of citizens without respect to birth, and that the regiment, if organized, should be called by its regimental number and only so known. Further, that said new regiment would not be composed of any company or persons to the present regiments, and would not be created at the damage of existing organizations; that a regulation had been adopted to that effect by said new regiment; that it was willing to adopt and wear the regular State uniform; that an amendment of the present Militia Law, so as to place the regiment on the same footing as that in the first Division, with the increase of population and a more perfect enrollment would give and save enough to support a new regiment.

With these pledges and statements the Committee appeared satisfied, and the report was adopted.

A Committee, previously appointed to investigate the facts attending the grant of 250 muskets for the Irish Regiment, by Mayor Berry, of Williamsburgh, on application of Capt. Powers, of that body, made their report, which exonerates the parties from any imputation of misconduct in the premises.

After the transaction of some other business, it was resolved that regular quarterly meetings should hereafter be held by the officers of the Fifth Brigade, viz: On the first Fridays of January, April, July and October, and the meeting adjourned.

## WILLIAMSBURGH ITEMS.

EFFECTS OF THE STORM.—During Friday night a frame building in course of construction in North Seventh-st., owned by Thomas Monroe, was prostrated to the ground by the violence of the wind. A portion of the building fell upon a stable adjoining, demolishing it and injuring a horse which was in the stable at the time. A building at the corner of Grand and Ninth-sts. was damaged by the water undermining a part of the cellar wall. Grand-st., between Ninth and Tenth-st., was impassable, in consequence of the depth of the water which had settled there, and as Ninth-st. is some three feet higher than Grand, there is no way by which the water can be drawn off, a sewer is much needed. The streets in the vicinity of Eleventh and South Fourth-sts., were also rendered impassable in consequence of the water, and the basements of many of the houses were flooded.

ACCIDENT.—Yesterday morning, a German residing in New-York, was badly hurt by being thrown from a wagon, at the foot of South Seventh-st. He was standing up in the back part of the wagon, when the horse suddenly started, throwing him out upon the walk, by which he was badly bruised. He was taken to the Kings County Hotel, where he was attended to.

☞ The Williamsburgh Ferry Company have purchased the property between the Peck-slip and Division-av. Ferries, and a new slip for the use of the Peck-slip Ferry is to be erected.

## LAW INTELLIGENCE.

U. S. CIRCUIT COURT—Before Judge NELSON.
Brooks, Crehore & Jackson agt. Henry Johnson.

This was an action for infringement of letters patent for the Hotel Annunciator, patented by Jackson & Judson, which patent, by assignment, is held by the plaintiffs. The trial was commenced on Saturday last The Jury were sent out yesterday about 12 o'clock and agreed upon a verdict for plaintiffs of 6 cents damages, Friday night about 11½ o'clock, which establishes the validity of the patent and the infringement were the important points to be settled.

SUPREME COURT—GENERAL TERM—Before Judges EDWARDS, MITCHELL and ROOSEVELT.

Jas. Sullivan, convicted some time since in the Oyer and Terminer, for the murder of a young man, by stabbing, during a difficulty in Cliff-st., and Joseph Clark, convicted of the murder of Mr. Gillespie, police officer, in Roosevelt-st., by striking him with a cart rung, were brought up, pursuant to postponement, for resentence to execution.

The wife and children of Sullivan were present.

The District Attorney read the order (on the habeas corpus on which they were brought up for resentence) of Oct. 29, remanding them to be brought up Nov. 29, (to-day) He moved for an order further remanding them to Saturday next, then to be brought up for resentence.

After the conviction of these men it will be recollected their counsel (Mr. Robt. H. Morris) brought writs of appeals on their behalf to the Supreme Court, and the case was argued. On the trial it was held by Judge Edmonds that if the Jury considered there was a design to effect death at the very instant the blow was given (and to ascertain this the Jury must consider the weapon used and the part where the blow was struck): it is murder, although there had been no premeditated design. The Supreme Court held that there must have been premeditated design—that is, a design previous to the instant of the blow being struck, in order to constitute Murder—and ordered new trials. At the time of the conviction, we believe, there was no law granting an appeal in eminent cases on behalf of the Government beyond the Supreme Court, but a law was passed by the Legislature, last winter, authorizing further appeal on behalf of the prosecution, and the decision of the Supreme Court in relation to these two men was further appealed by the District Attorney to the Court of Appeals, which reversed the decision of the Supreme Court, holding to the rule laid down by the Judge at the Oyer and Terminer (who, then, by the general arrangement of the law forming the Court, had become a member of the Court of Appeals), and sending the case back to the Supreme Court to sentence the man—the time of sentencing fixed by the Oyer and Terminer having passed anew.

After the motion of the District-Attorney for them to be remanded to Saturday, and then be brought up for resentence,

Judge Roosevelt said it appears to be proper that counsel of prisoners, on both of the cases, should be heard on some of the questions which arise and that it should be done before these warrants are signed. I have drawn up in writing the suggestions which have occurred to my mind in reflecting upon this case, and I am free to say they were not without difficulty. The statute provides that before this Court direct the execution of a person they shall inquire into the facts and circumstances connected with it, and if no legal reasons exist to the contrary the Court are to sign the warrant for execution. It would seem, although it is not perfectly plain, that this law, (the Revised Statutes,) remains unrepealed. The present law requires each and every member of the Court to sign a warrant to consign a human being to the scaffold in obedience not to our own judgment but to the judgment of the appellate tribunal. It is a grave case, and I am free to say has been to me a source of deep and most anxious reflection. Had the law been that the Court generally should act I might have kept the objections which arose to my own bosom, but here the members of the Court are individually required to sign this warrant. Before doing so we have taken, I admit, time for consideration—have taken already several weeks—and the case is passed now by the District Attorney. Still I think it is proper we should take further time, for it appears to me, considering the character of this case, and its consequences, that if it be possible counsel should be heard, and heard deliberately, and with due preparation, on any question, if there be any, which may arise in the case. I do not mean that the counsel are to go over the original ground again, but in the case as it now presents itself to this Court, under an act, it will be borne in mind, not part of the permanent legislation of the State, but an act passed at the last session, retrospective, as it seems to me, in its character, and which alone has brought to this Court the duty beyond the act, in the matter now before us it is proper. It is under this act of last session a special act—and one which appears to me—I may be wrong—not to harmonize with the general character and general spirit of our jurisprudence, that we are in a criminal case not in favor of the weak against the strong, but in favor of the strong against the weak—and on a case which allowed no further appeal on the then existing law by the people against the prisoner—and an appeal which by the law, as it then stood, the prosecution could not have taken, but which appeal was taken under the new law, and the effect of which has been that the decision of this Court has been reversed, and we are now called upon to sign a warrant in direct opposition to the judgment which we have before pronounced. [Judge Edwards here said something in a low tone to Judge R. The latter continued.] It is proper that I should observe that the views which I have thrown out are suggestions or considerations of my own, and I am alone responsible for them. I had reduced them to writing, but it is unnecessary to detain the Court and audience, as I have given a brief outline of them.

Mr. Blunt (District Attorney) rose and said: "It will be proper for me at this stage of the proceeding to say, ready as I am at all times to meet counsel, especially in a case involving the life of another, and give it a favorable consideration, it will be proper to correct some Hon or in regard to the law of last winter, and I say it was not a special act, but one general in its character.

Judge Edwards remarked to Mr. Blunt: My associate and myself think it is not proper to have a discussion at this time. The order that you have presented is proper and will be entered.

Mr. B. replied it was only to correct his Honor Judge R., as it was a general law.

The prisoners were remanded, and the Court adjourned to Saturday next.

COURT OF OYER AND TERMINER—Before Judge EDWARDS and Ald. WARD and OAKLEY.

TRIAL FOR MURDER.

William Johnson, indicted, with Howlett and Saul, for the murder of Charles Baxter, ship-keeper of a vessel at the foot of Oliver-st., in August last, was called on. Messrs. John Cochran and Jonas B. Phillips appeared as counsel on his behalf, (having been assigned by the Court,) and District Attorney for the prosecution.

A Jury, after a few challenges, was empanneled, and the case proceeded.

Witnesses testified to being on the pier, when they heard the report of a pistol on board the ship Thomas Watson; saw two men answering, by their dress, (as contended on their trials,) to Howlett and Saul, ran from her, cross a schooner lying at the end of the piers, get into a boat which was alongside and push off; that the witnesses, afterward, observed three men to be in the boat, and they rowed toward Catharine-slip, where the witnesses lost sight of them, the night not being very light.

*Mr. Saunders* testified, as before, to being a private watchman for steamboats at foot of Gouverneur-st.; was attracted by the conversation of the mate and others on board brig Islam; went on board, and saw police officers bringing Saul out of the forecastle; saw Howlett in an upper berth on board the brig; looked over the side, and saw a man in a boat about two rods off; told him to come alongside, or would fire at him; he did not, and fired; he rowed off; when last saw, he was resting on or slightly dipping his oars, floating down towards the stern of the brig, which was towards Catharine-slip; this was about 3 o'clock; at 5 o'clock the pistol was found in the berth in which Howlett had been; it was a double-colored boat, 16 or 17 feet long.

*Officer Way* testified to having been called by mate of brig Islam, who said that he thought thieves were on board; saw Saul lying on two spars, mostly in the forecastle, with his head lying outside; found Howlett in a berth; saw the boat lying off; it was inside a light colored boat; when hailed he began to pull pretty fast; when Mr. Saunders fired, the man in the boat (whom I could not identify) pulled directly toward Brooklyn; found on Howlett, when searching, after taking him to Police Office, $4 96, the former in bills, in a purse, and the balance in change; Saul had 3 cents in his pocket; at 5 found a pistol; it smelt as if recently discharged.

The officer testified to Howlett and Saul being barefooted when found in the Islam, and they thought the shoes found on board the Thomas Watson, similar to those they had previously seen Howlett and Saul wear.

*John Smyth* testified to being porter to the firm that bought the cargo of coffee of the ship Thomas Watson; there were in the cabin about $300 worth of furniture, &c.; was engaged in discharging the vessel; think I saw prisoner on board the ship the afternoon previous to the death of Baxter, about 4 o'clock; he came to me on the dock as I was engaged examining the coffee, and stood about a minute; he then went on board the ship; I did not see him after that; the ship was from California by the way of Rio; there was a passenger, a Scotchman, who took away his baggage next morning; he had some shells on board; nothing was missing from the vessel that I heard of; when prisoner looked at me I said to one of the darkies that was with me that he looked like a citizen, (a term I have); he went up the gangway of the ship; knew him again as soon as I put my eye on him in Court to-day.

*Thomas Kelly*, sworn—Is a keeper at Blackwell's Island; saw at No 51 Cherry-st., that night, about 5 minutes after 12, Johnson, Howlett, Saul and four others; crossed over at 5 o'clock from foot of Sixty-first-st.; saw along side the steps at Sixty-first-st. Johnson, the prisoner, in a boat, light inside and stripe round it; I asked Johnson what brought him up so early; he said he was taking a cruise; he asked me if they were up at the tavern; he said he wanted to get something to drink, that he had been up all night; he then said Saul and Howlett had been taken on board a vessel, and he made his escape afterward; he showed a piece of hickory he had in the boat and said he might thank that for his life; it was about two feet three inches; it looked like something taken out of a pile; there was a piece of the bark knocked off the side; I told him I thought he was leading a bad life, and would get in the State Prison; he said when he got enough to buy a horse and cart he would knock off; he said he meant to put the boat up, then take the stage and go down town and see what had become of Howlett and Saul; he showed me a silver watch, said it was worth $30 or $40, and he wanted to sell it; there was a piece of black string attached to it; the last I saw of him he was going down the river between Fifty-seventh and Fifty-eighth-sts., standing up in the boat; the boat was about 16 feet.

*Cross-examined*—He knew I was a public officer; he was in the boat when he spoke to me; he went up to the tavern; I believe they were up; then returned and went off; no one was present but him and myself.

*By a Juror*—The bark did not appear to have been knocked off by a ball but as if coming in contact with something.

*By District Attorney*—He said he had been fired at that night, and that he had been fired at a dozen times the last month.

*John A. Smith* testified to being a boat letter at the foot of Forty-seventh-st., and that Johnson brought a boat there about 5 o'clock in the morning; it was a new boat, about 16 feet long, [such a boat was testified on last trial to have been made a short time before for Howlett]; there were a pair of pumps and a pair of boots in the boat; they were saturated with water; he said he was tired and did not want to take the boat down, and some of the boys would come up and let them have it; they are dress boots.

*George C. Newman* testified to making a boat latter part July or beginning August, 16 feet long, for Howlett.

*John Morrison* testified to seeing Johnson, Howlett, Saul, and others in Cherry st. that night, as stated by other witnesses; bought a pistol 3d July, which looked like the one shown; sold it to Johnson five or six weeks before the night in question; saw Johnson with it three or four times afterward; saw no pistol with Johnson the night Baxter was shot.

*Officer Wogan* testified to having arrested Johnson in Carlisle-st. on 25th August. I put some questions to him, but he declined answering them; he said he had been home that night, and I went with him to Washington-st.; when we got there, I asked him if he had any trunk; he said no, but the woman said he had, and pulled it out; Johnson said he had lost the key; Officer Gleason got a key and we opened it and found some coats and shirts and a watch.

*Eliza Lewis* certified to living with Mr. and Mrs. Duffy in Washington-st.; Johnson was in the habit of sleeping there, but did not sleep there the night before his arrest; he came up soon after witness got up; it was then about 7 o'clock; he staid a minute and then went out again.

*Morrison recalled*—The pistol looks like the one I sold to Johnson, but it appears to me to be heavier.

The examination of Johnson was then read. He said he was born in New-York, and was not guilty.

Mr. Blunt then offered to read the testimony of the mate of the Thomas Watson. Objected to and ruled out.

The case for the prosecution then rested, with the exception of the testimony of the nurse from the City Hospital.

*Catharine Duffy*, sworn—Resided in Washington-st. in August; Johnson lodged at my house; he did not sleep at the house the night before he was arrested, or the night before that; there were some other nights he did not sleep there; saw a person take a pistol from the mantelpiece in my room, and run out on the sidewalk with it; Johnson came down and scolded that I let the person have it; a boy had taken it out of Johnson's trunk and put it on my mantelpiece; didn't know when it was; Johnson had slept there about six weeks; he was there 4th July.

*By District Attorney*—When Johnson was brought to the house after arrest, he told the officer he had slept there that night, and my husband told him he did not.

*Dr. Traphagen* testified to having been called to see Baxter; there were 14 or 15 buckshot in his neck; had separated the windpipe and some had fallen down; he said he heard two men come on board the ship and he got up, and the two grabbed him, one from behind and the other in front, and the one in front fired at him; he said he was not more than a foot or a foot and a half off; he said he was asleep in front of the cabin and was woke up by the steps, and he got up and they grabbed him.

Messrs. Cochran and Phillips said they had one more witness, but he was not in Court. They asked that the Court adjourn, and they would consider by the morning whether it would be necessary to call him or not.

The Court then adjourned (the Jury, by consent, and with an admonition from the Court not to let any person whatever converse with them on the subject, being allowed to separate) till this forenoon.

MARINE COURT—Before Judge COWLES.
Robert M. Chatterton agt. Geo. Buckle.

To recover damages for alleged unlawful taking of certain household furniture belonging to Mr. C. In defense it is said the furniture was taken by the Sheriff by due course of law. It appeared that defendant left with the Sheriff the proper papers to enable him to make the levy, but that the Sheriff omitted some formalities on his part.

The Court held that if a party places the regular papers in the hands of the Sheriff he is not liable for any omission on the part of the Sheriff, who is a responsible officer, and gives security for the due performance of his duty; and the remedy, if any, cannot be against the principal—Judgment for defendant.

## MARRIED.

On Tuesday evening, Nov. 23, by Rev. Mr. Chaker, Mr. JOSEPH E. DORR to Miss EURETTA WEBB, daughter of George Webb, Esq., both of this city.

On Thanksgiving evening, Nov. 25, by Rev. Wm. R. Bogardus, of Aquackanonk, N. J., Mr. PETER MARSELUS (son of the late E. P. Marselus) to JULIA, daughter of Rev. Wm. R. Bogardus.

Nov. 27, by Rev. Henry Chase, Mr. CHARLES J. TITTERMARY to Miss MARY C. HENDRICKSON, both of Philadelphia.

☞ Philadelphia papers please copy.

In Brooklyn, Nov. 28, by Rev. Mr. Rockwell, Mr. REUBEN CONKLIN to Miss CHARLOTTE MINOR, both of Fompey, Onondaga County.

On Monday morning, in Darien, Conn., Nov. 24, by Rev. Mr. Kinney, Mr. WILLIAM TURNER, of this city, to Miss PHEBE S. CLOCK, daughter of the late Abram Clock, Esq., of the former place.

## DIED.

On Monday, Nov. 29, ISABELLA, wife of John H. Bartlett, and daughter of Horace Hayes, Esq.

The relatives and friends of the family are requested to attend the funeral, from her late residence, No. 95 McDougal-st., on Wednesday, Dec. 1, at