THE NEW YORK HERALD.

Vol. XII., No. 86—Whole No. 4299. NEW YORK, SATURDAY MORNING, MARCH 28, 1846. Price Two Cents.

The Wreck of the Packet Ship HENRY CLAY.

THE LOSS OF LIVES.

NAMES OF THE DEAD.

The announcement made in the *Herald* on Thursday last, that the packet ship Henry Clay had gone ashore; that several lives had been lost; and that there were three hundred human beings on board, of whose fate we were all uncertain, threw the city into a state of the greatest excitement and anxiety. We were induced, in consequence of this, to despatch a special messenger to Squan Beach, in order to gather all the particulars of the disaster, and return by an express to this office.

About noon yesterday, our special messenger returned, and, we are happy to say, with much more favorable intelligence than was generally anticipated.

The following are the particulars gathered at Squan Beach, from those who came out in the Henry Clay, which we published exclusively at five o'clock yesterday afternoon, in an *Extra Herald*.

Our messenger left the ship at 5 o'clock yesterday morning.

The ship sailed, as we have said, on the 22d ult., from Liverpool. She was on the Banks of Newfoundland on the 14th instant, after very boisterous weather. On the 15th and 16th, had the wind from the eastward; 17th, heavy weather and north-west wind. From the 17th up to Monday the 23rd, had north winds, generally light and variable. On Tuesday, the morning, light east winds; at noon, sun observed, but owing to haze, not a reliable observation; afternoon winds from E. N. E. to S. E. In the evening it increased gradually. When she went ashore, had steering sails alow and aloft on the larboard side; wind South by East; steering North-West by West. She struck on Squan Beach, opposite the head of Barnegat Bay, about two and a half miles South of Squan Inlet, at half past eleven P. M. Brought up on the outer bar; slewed her head to the Northward. It was found that the rudder was injured. Took in the steering sails, hauled up the mainsail and crotchet, clewed up and furled mizzen topsail and top-gallant-sails. Thumped heavily. The carpenter attended the pumps; she made no water at that time; but shortly after, she had about two feet in her; passengers and all hands attended the pumps, and commenced throwing bags of salt overboard out of the fore hatch, and continued this labor. At 2 A. M., clewed up fore and main top-gallant sails; lowered the main top-sail down and made it snug. At about 3 A. M., stopped discharging salt, having thus lost about 200 bags.

The ship striking severely on the larboard bow, hauled up foresail and fore-topsail; wind increasing and equally, the sea breaking over the ship heavily. At four A. M., shifted 4 to 500 boxes of tin over to larboard side, to try and heel her on shore, and it had the desired effect. At six A. M., the wind increasing rapidly and blowing a gale, cut away the main and mizen masts to ease the ship. Part of the false keel came up along side—the broken spars dragging and crashing heavily. At about eight A. M., all hands got breakfast, and as it was broad day light, the passengers, 270 in number, were less excited, seeing many men on the shore preparing to save them. At nine A. M., Mr. Cooley, the second mate, and four men, took the life boat from the stern, and, at much hazard, owing to the wrecked spars and very strong south current, succeeded in getting a line safely on shore. At 10 A. M., gale still increasing, and the weather very thick, sea making a breach over the ship fore and aft, and she striking very heavily, cut away the foremast; hauled a hawser ashore. At 11 A. M., the life boat came off with the second mate and two seamen, named Harley and John Thompson; four second cabin passengers and three steerage passengers jumped into the boat, and an attempt was made to land. In going ashore, the line, on board of the ship, became entangled, and the boat immediately capsized, by which the two seamen, Harley and Thompson, three steerage passengers, viz:—John Felt; —— Farley; and one, name unknown; and Charles ——, and Daniel McDonald, who were second cabin passengers, were drowned. Thus, six persons perished. The disaster was believed to be more fatal, for the life boat upset and drifted along the undertow until John S. Foreman, with his men, turned her over, and then Mr. Cooley, the second mate, and three passengers, named Jackson, Woodhouse and Munday, were found to be alive, although insensible. Munday was bleeding profusely from an injury received Mr. Foreman had taken the timely precaution to secure the attendance of a neighboring physician, and Munday's life is saved, with the three persons last named. The dead bodies of Harley, Thompson and McDonald have been recovered, and are now lying in a Meeting House at Squan, near Mr. Foreman's house. The other bodies were not recovered up to 5 A. M. this morning. The man Charles ——, left a wife and one child in England.

To resume our narrative—at 4 P. M. Mr. Foreman personally led a boat's crew of fearless surf men off to the ship, at the imminent hazard of their lives, and offered to commence saving and landing the passengers; but Capt. Nye believed that it would be unsafe, until the weather moderated. The same attempt and offer was repeated, and it was declined. Capt. Nye, Mr. Fletcher, of Brooklyn, the first officer of the ship, with two ladies, (the Misses Cunningham,) and two gentlemen, cabin passengers, and with 120 second cabin, and 145 steerage passengers and the seamen spent a long night of horrors, in momentary expectation of death. But their lives were protected by an all seeing Providence.

At the peep of day, that is, of Thursday the 26th instant, the Jerseymen were anxiously on the alert. The surf boats could not approach the ship, owing to the play of the wrecked spars. By this time the Captain planned with Mr. Foreman, a method for saving all hands. *The scene was truly awful. Strong bodied men had given up in despair. The women and children were lying about in groups, paralyzed by fear.* But the ship had worked round so as to head directly off shore, with her stern near the beach. Captain Nye rigged a derick on the taffarel, to which a strong hawser was secured, and the other end was hauled on shore, and properly made fast. A hogshead was then safely lashed and slung, with a traveller and hauling lines, to and from the ship. The hogshead was hauled aboard loaded with its human freight, and in parties of twos and threes, all were by these judicious means safely landed, without even wetting their feet Then much of the luggage was landed in the same way, Captain Nye and the crew remaining and directing. There were no sails saved, and, consequently, no tents were erected to protect the passengers. The houses were distant, and as many persons with wagons were on the beach, it was recommended that all the passengers should go to Red Bank, to the steamer, which left at 2 P. M. yesterday, and arrived up to the city last evening. Generally, the passengers were thrifty Irish people, with sufficient money to pay their own way. Some less fortunate were compelled to walk, and trust to the hospitality of the people of their newly found country for food. They were not disappointed. These passengers were shipped by Grimshaw & Co., No. 10 George's Piazza, Liverpool. Their travelling expenses should be refunded *here*. Capt. Nye remained on board all Thursday night. At five o'clock, yesterday morning, not a passenger was within miles of the ship.

VIEW OF THE WRECK OF THE PACKET SHIP HENRY CLAY.

The steamboat from New York, with two lighters, arrived at the ship at daybreak yesterday morning. They brought the necessary material to pump and save the ship. She is not hogged, and has very little water in her. She does not show any serious strain of her butts or seams. She was lying very easy yesterday morning. It will not be possible to bring the lighters alongside, on account of the wrecked spars, which are partly buried in the sand near the ship. With a strong western wind the ship's stern would be within fifty feet of the under tow.

No cargo had been saved up to yesterday morning. The principal articles are salt, tin crates and hardware. She drew eighteen feet of water on leaving Liverpool. The cargo is not of more than half the value of a cargo shipped in December or January. The insurers are fortunate. The cargo will probably be saved without serious damage, and the ship will be got off, if there is no sudden storm.

Too much praise cannot be awarded to Mr. Foreman, who was formerly wreckmaster, and to his men, George Johnson, Joseph Borden, Elias Allen, Faber Sherman, Peter Sulphin, John Morris, Elias Johnson, Jacob Fleming, Enoch Potter, Tyler Fierce, Wm. Fortinberry, Robert J. Finley, and John and James Johnson. These brave fellows were continually up to their necks in the surf—and whilst the sufferers remained on board, many a manly resolve was made to die, if needful, in attempting their rescue. The organization of these men was worthy of the veteran who led them. We regret that we cannot name all who thus labored. There were some fifty men on the beach.

The John Thompson lost, has a brother at Mobile.

Mr. Cooley, the 2d mate, rejoined the ship last night.

Capt. Nye owned $20,000 of the ship, which interest was insured, and the policy was within twenty-four hours of expiring.

The stranding of this ship is attributed to a very unusual strong Southern current, and the gloomy weather which prevailed preventing a sight at the sun, or any light house.

The Henry Clay sailed four days after the St. Patrick, and these ships were in company on Tuesday afternoon. The St. P. arrived on Wednesday noon.

The complete utility of the plan suggested by us for saving lives, some days since, and afterwards improved, has been fully demonstrated in this instance. We must have the station houses on the beach, and the United States government must pay for this important outlay.

STILL LATER.—Steamer Duncan C. Pell returned from the wreck yesterday afternoon, unable to effect a communication, owing to a very heavy sea which was then running She towed down the lighter with the steam pump on board, which will be put in requisition the moment a chance presents itself. The captain of the D. C. P. states that Capt. Nye, the second mate, and crew, were on board at 12 o'clock yesterday, and he saw also persons on the beach pick up from the surf a body, as he supposed.

The steamers Orus and Edwin Lewis arrived last evening from Shrewsbury, having brought up about one hundred of the passengers.

APPOINTMENTS BY THE PRESIDENT.—Ephraim D. Dickson, to be Register of the land office for the district of lands subject for sale at Fayetville, in the State of Arkansas, vice James H. Stirman, removed. Thomas Mussey, Collector of Customs for the district of New London, Connecticut, vice Charles F. Lester, deceased. Charles S. A. Davis, Surveyor of the District and Inspector of Revenue for the port of New Haven, Connecticut, vice Charles A Judson, removed. Wm A. Pritchard, Collector of Customs for the district of Camden, and Inspector of Revenue for the district of Elizabeth city, North Carolina, vice Geo. W. Charles, removed. Christopher R. Dickson, to be Postmaster at Jackson, Mississippi, vice Howell Hobbs, removed. Alexander B. Meek, Attorney of the United States for the Southern district of Alabama, vice Geo. J. S. Walker, whose commission has expired.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

PROMOTIONS.—*Corps of Engineers*—Second Lieutenant Jeremy F. Gilmer, to be first lieutenant, December 29, 1845, vice W. H. Wright, deceased. Brevet Second Lieutenant Edward B. Hunt, to be second lieutenant, December 29, 1845, vice Gilmer, promoted.

Second Regiment of Dragoons—Second Lieutenant Reuben P. Campbell, to be first lieutenant, November 3, 1845, vice Ransom, dismissed.

Third Regiment of Artillery—Second Lieutenant Geo. W. Ayers, to be first lieutenant, December 20, 1845, vice Rankin, deceased. Brevet Second Lieutenant Isaac F. Quinby, of the second regiment of artillery, to be second lieutenant, December 22, 1845, vice Ayers, promoted.

Seventh Regiment of Infantry—Major Greenleaf Dearborn, of the first regiment of infantry, to be lieutenant colonel, November 26, 1845, vice Hoffman, deceased.

Eighth Regiment of Infantry—Second Lieutenant Robert P. Maclay, to be first Lieutenant, December 31, 1845, vice Browne, resigned. Second Lieutenant John G. Burbank, to be first lieutenant, December 31, 1845, vice Hetzel, resigned. Brevet Second Lieutenant Alfred Crozet, of the seventh regiment of infantry, to be second lieutenant, December 31, 1845, vice Burbank, promoted.

APPOINTMENTS.—*Medical Department*—Wm. Roberts, of Georgia, to be assistant surgeon, December 31, 1845, vice Van Buren, resigned. Grayson M. Prevost, of Pennsylvania, to be assistant surgeon, December 31, 1845, vice Buist, resigned.

SEDUCTION.—A very shocking case of seduction and death, or rather two cases, have been related to us. The victims were two young and fatherless sisters, formerly residing in Birmingham, Oakland county, but afterwards at the Flint. One was about 20 and the other about 19 years old. They came finally to this city, and took shelter in a respectable family with a sister. Here both died in childbed—one about three weeks ago, and the other on Saturday last. The alleged seducer was also formerly a resident at Birmingham, but after their situation became too evident, removed to parts unknown. Names and other circumstances were furnished us, but we forbear to give them at present.—*Detroit Advertiser.*

Capt. George W. Waters, late of the Sixth Regiment of Infantry, Army of the U. S., died at his residence in Jefferson county, Missouri, on the 14th instant.

The Speech of the Governor General of Canada, at the Opening of the Canadian Parliament on the 20th inst.—Our Relations with England.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly:

The duty of opening this session of Parliament has necessarily devolved upon me as Administrator of the Government, in consequence of the lamented departure of the late Governor General. But I am commanded at the same time to make known to you, that the Queen has been graciously pleased permanently to designate me as her Majesty's future representative in this Province.

In announcing to you the fact of my having thus become the successor of Lord Metcalf, you will, I feel assured, concur with me in the expression of sincere regret at the painful cause which has removed this distinguished nobleman from a station, the duties of which he discharged with a zeal and ability that on every occasion won for him the highest approbation of his Sovereign, and the respect and gratitude of the people over whom he presided as her representative.

The several addresses to the Queen which were adopted during the last session of the Legislature, have been laid at the foot of the Throne. It will be my pleasing duty to announce to you her Majesty's gracious replies.

I should, under any circumstances, have directed your early attention to the condition of the militia law; but the unsettled state of the negotiations which have been for some time past carried on between the imperial government and that of the United States of America renders it imperative upon me to press more immediately on your consideration the necessity of a reorganization of this arm of the public defence. I feel the most unbounded confidence that the loyalty and patriotism of every class of her Majesty's subjects in Canada will be conspicuous, as they have been heretofore, should occasion call for their services to aid in the protection of their country; but a well-digested and uniform system is indispensable to give a fitting direction to the most zealous efforts. At the same time, I feel warranted in assuring you that, while our gracious sovereign will ever rely on the free and loyal attachment of her Canadian people for the defence of this Province, and the maintenance of British connexion, Her Majesty will be prepared, as her predecessors have always been, to provide with promptitude and energy, corresponding with the power and resources of the empire, for the security of her North American dominions.

The subject of the Civil List, which was brought under your consideration by my predecessor, will doubtless engage your attention, when I trust to your wisdom to make such a provision as will enable Her Majesty to give effect to your wishes, by recommending to the Imperial Parliament the requisite changes in the act of reunion.

Gentlemen of the Legislative Assembly.

The financial accounts of the Province for the past year will be immediately laid before you. The estimates for the service of the current year will be likewise submitted for your early consideration.

The necessity of providing for the prosecution and completion of the public improvements undertaken with the sanction of Parliament, will form a subject for your deliberation.

It affords me pleasure to be able to inform you that the revenue of the past year has not fallen short of the expectations which were entertained of its amount, and I rely on your willingness to make such provision for the public service, as a due regard for the interests of the people may require.

Honorable Gentlemen, and Gentlemen of the Legislative Assembly:

Since your last meeting the ancient city of Quebec has been subjected to unexampled calamity in the successive fires which laid waste its buildings. Measures, rendered indispensable by the exigency, were adopted by my predecessor, which will be sent down for your approval.

The sympathy and benevolence of different portions of the British Empire were roused into active exercise by the knowledge of the severe infliction with which it had pleased Divine Providence to permit the citizens of Quebec to be visited, and we have the strongest reasons for appreciating the noble generosity which has been exhibited, and which has proved how truly the inhabitants of Canada are felt by the people of Great Britain, to be brethren and fellow-subjects of the same mighty nation. It will be for your wisdom to consider what further measures it may be proper to adopt for the restoration of what has been thus destroyed.

The last intelligence from the Mother Country indicates a most important change in the commercial policy of the Empire. I had previously taken occasion to press upon Her Majesty's Government a due consideration of the effect that any contemplated alteration might have on the interests of Canada. But until we have a fuller exposition of the projected scheme, which a few days will probably bring to us, it would be premature to anticipate that the claims of this Province to a just measure of protection had been overlooked.

In these and the various other subjects affecting the prosperity of Canada, which may occupy you, I offer my hearty co-operation; and I earnestly trust that under the direction of an all wise Providence, we shall be enabled to pursue a course calculated to promote the best interests, and to foster the rising growth of this rapidly advancing Colony.

MASS MEETING FOR THE INDIANS.—The mass meeting for the purpose of devising some means for the protection of the Tonawanda Indians, was held at the Court House in Batavia on Saturday last, and was largely attended. The meeting was addressed by Mr. Morgan, of this city, and by S Richmond, J. A. Verplanck, J. H. Chandler, John H. Martindale, and others. A committee was appointed to draft resolutions, and another to prepare a memorial to be presented to the Legislature of this State, and also to the Senate of the United States. The memorial sets forth at considerable length, the frauds and impositions which have been practised upon the Indians, by those who have endeavored to possess themselves of their lands. It states that the Tonawandas are a clan of the Seneca Nation of Indians, residing on a reserve of 12,800 acres, situated in the counties of Genesee and Erie; that there are three other reservations in this State, occupied by clans of the Senecas—one near Buffalo of 68,000 acres; a second, of 22,000 acres, called the Cattaraugus Reservation; and a third, of about 31,000 acres, called the Allegany Reservation. In 1837 a Commissioner was appointed for the purpose of treating with these Indians for the repurchase of five hundred thousand acres of land owned by them in Wisconsin, which had been offered them by the U. States on condition that they remove West. The memorial states, however, that the real object of this Commission was to get them removed from their lands at the expense of the United States, a scheme projected by the Ogden Land Company, who thus wished to obtain a clear title to the Reservation. In 1838, a conveyance to the Land Company was made, and signed by 24 Chiefs of the Seneca Nation, but which was not regular, the usages of the Nation making it necessary that every conveyance of land must be made by consent of a majority of their Chiefs in Council. The deed of cession to the Land Company never received the sanction of a majority of the Chiefs. By a treaty between this government and the Indians in 1794, they can only be deprived of their lands by their own voluntary consent. These are the main points set forth in opposition to the claim of the Ogden Land Company, in view of which, it is contended the Company have not a shadow of title to the land. The Agents of the Company having threatened to employ the military force of the country to remove the Indians in case they refuse to go, the memorial asks the interference of Congress to prevent such a course. The proceedings of the Convention will be immediately forwarded to Albany and Washington, one of the old Chiefs of the Senecas having gone to the latter city, accompanied by an interpeter, for the purpose of presenting their wrongs with greater force.—*Rochester Advertiser, March 25.*

Sporting Intelligence.

Jackson, the "American Deer," has, in the *Savannah Republican*, accepted the proposal of Mr. Lovell and the gentlemen of the Charleston Jockey Club, to run 11 miles in one hour—Mr. L. to stake $600 to Jackson's $400, and the race to come off on the Oglethorpe course, Savannah, on the 26th or 30th.

TRIAL OF ALBERT J. TIRRELL, FOR THE Murder of Maria Ann Bickford, IN BOSTON.

THIRD DAY.

Supreme Judicial Court.
Present—Judges Wildes, Hubbard and Dewey.

EVIDENCE FOR THE DEFENCE.

THURSDAY, March 26, 1846.

LEONARD B. TIRRELL recalled.—I saw my brother Albert on Saturday afternoon, Oct. 26, 1845; saw him at Pearson & Williams' stable in Hanover street, where I put up my horse: I called for my horse, and while I was waiting he came and wanted me to take him to Weymouth; I could not, for I had another passenger.

Cross examined—He wanted to borrow money of me—$5 or $10; I gave him $5; I told him he had better go home—that he had been in trouble in the city, and better go and live with his wife; he said he would.

JOEL H. TIRRELL called—I reside in New Bedford; I am 36 years of age; keep a public house; know Albert J. Tirrell, and have known him for 20 years; first knew him in Weymouth, where I was born; lived a mile from Weymouth: have also known him at New Bedford; he is my cousin; knew Maria Bickford first at New Bedford, at a tavern three miles out; at Farmers' and Exchange Hotel heard Albert make a noise and Maria say, "he is asleep—wake him up;" the noise was an extraordinary one, like unto that which a person makes on waking up—a noise of distress or agony; saw him and Maria at New York in the U. S. Hotel; there was an instance there; his reason for having full lamps burning was that he was subject to these spells; saw Maria about 14 months ago; Albert J. Tirrell handed a 2 oz. phial to me, from which she had taken two-thirds full; she was sick nearly a week after; had a doctor at Albert's request; Albert appeared very kind to her at this time; he didn't say, "I don't care, wished it had killed her;" I have known her to have razors in her room, and to buy a dirk knife; at the Farmers' Hotel I saw her have a razor, and she told me she shaved her forehead with it every other day, so as to have a high forehead; she kept it for that purpose; in New York at the U. S Hotel, in relation to a dirk knife, I saw Albert looking over the beds after a dirk knife which I told him she had—it had a spring blade; he found it under the rug on which she was standing; I put up with them in Congress Hall; there was a wash bowl and decanter broken there—Maria was a tolerable good looking girl; more than middling; she was great for dressing, and a good accordian and piano player; she was a very good dancer, and he was very fond of her dancing; he used to buy all the spangles in a store, so as to prevent any one from dressing like her; his attachment for her was extraordinary—greater than any I ever knew; she had a rather fascinating spirit; he was always exceedingly fond of her—down to two months before she died; for half the time I had seen them for six months together, and his disposition was the same towards her; he always appeared as though he wanted to be with her.

[Mr. CHOATE here said, in reply to some objections from the Court as to a question put by defence: he wished to show their general conduct and declarations of fondness, especially his—to show a *perpetual res gesta*—an extraordinary line of conduct pursued by the defendant. He thought these declarations, accompanied by open and manifest acts, were a portion of the *res gesta*, and not mere bold declarations. They were reaching the heart of the defendant, and he thought the criminal law should allow a very liberal range of proceedings—especially as he was so fond of her. If he saw the dead body of one dear to him, for instance a wife, on his awaking, by his side—how could he show his innocence, but by presenting evidence of his former fondness and continued attachment to her?]

The COURT said that the defence might show the mutual acts and mutual conversations of the two parties when together, but mere declarations could not be given in evidence.

Mr. PARKER made a few remarks in the same connection.

Evidence continued.—Albert first brought Maria to my and his house, in New Bedford—at the Railroad House—in October, 1843; Albert said she was a mighty nice girl; he was mighty pleased with her, and afterwards brought her there to board; she stayed till last of November, when we all went to New York and Philadelphia; I then returned and took the Farmers' and Exchange Hotel; we were absent about a fortnight; we separated at Providence; I had opportunity of observing them together every day; he was excessively fond of her all the time; next saw them in a cab in New Bedford, and they wanted to stop; told them they had better go to Sylvester's house; saw them there, and they were very nice together; saw them again at the Franklin Hotel; they were very pleasant and nice together; she used to quarrel and dispute, but he was kind and never resented, but told her not to do so; she used to throw grapes down which he got up, when she didn't like them, or took a turn in her temper; she used to do what she pretty much pleased with him; once Albert staid about April at this house; he was going to come to my house with his trunks, for Maria acted so he could not live with her; the trunks were there, and she came in; she stamped on a $15 bonnet, and went down; he said he was afraid to pass by her, for fear she would run a knife into him; she was in hearing, and said "that I would." Albert went to his house, then sent her a bottle of wine, and came back again with his trunk, and said "Maria has all made up with me." He stayed with her there a fortnight. After this, they appeared very fond and nice with each other. During the hour they separated, Albert was very miserable; saw them again together in London street, and they appeared very fond and pleasant; showed me their new furniture, &c; this was before the 4th of July; stayed there about an hour; next time, in about 10 days, saw Maria at New Bedford; came up to my bar, drank, and asked if Albert was there. I said he was not. Spoke about going home to Maine; she appeared very cheerful, and talked of going out to dance. Albert came in a few days; was in my sitting room, and appeared very nice and good; he was much pleased; he wanted, next day, to go to Newport with me; we went to Newport, and down to the beach, he bought some champagne and preserved lemons; saw her again with him at my house in New Bedford; they stayed about a week; were very good and nice; he appeared remarkably fond of her; they then started away, and said they were going to Exeter, N. H.; never saw them together again; when arrested for adultery, she was at the Franklin House; he was arrested in the street; he never appeared weary of her; she used to drink to excess, and I have seen her when I supposed she was drunk; he tried to keep liquor from her; she used to ask him to go with her to dance hall; he was willing, he said, to go with her to some respectable place; he would send and get a two horse carriage; he gave her money in my presence; she was always proud in her dress and personal appearance; she never neglected her dress, and always kept it up; she had a satin dress at my house, a velvet, a silk one, a cinnamon one, and in fact other fine dresses—more than I ever saw a woman have; she said to me that Albert gave them to her.

Cross-Examined.—They never entered their names as man and wife in travelling; they never stayed together as man and wife to my knowledge in travelling; he travelled as Albert J Tirrell, and by no other name; I may have had a letter from him last fall; never knew him or her to go by any other than their usual names; in London street there was Mrs. Welch on the door; they said the furniture was theirs, and he said he was going to sell it; in my house they occupied the front rooms; but never thought about their sleeping together; don't know whether they did or not; we leased the house together; he paid the whole rent; I supplied the table from the house money; he said he had a wife; he used to speak of her as "Orry." Her true given name is "Orient;" I don't know of any quarrel in their travels except by hearsay; in my own house they occupied the back part of the house; I never charged them any thing for board. [A letter shown, dated Oct. 6] Can't swear whether I ever saw this letter before. [Witness opened the letter and looked at it inside.] It is not my writing—never saw it before; she had a great many trinkets and much jewelry; when he was arrested saw him in a carriage with the officers; think I once saw Albert have a dirk knife in his hand; this was in New Bedford; don't know that he ever carried a dirk knife with him; he was merely picking his finger nails with it; never saw him use it, or threaten to use it.

ROBERT CHARLTON, called.—Reside in North Margin street; know prisoner; known him for two years or more; saw him first at New Bedford, and then Boston and Weymouth; went with him once from Boston to Weymouth; been acquainted with deceased in New Bedford; saw her near Newport, R. I.; he was with her at last place, about five miles from Newport; at New Bedford saw them together about four weeks, at Sylvester Tirrell's; he used her very kindly; they came to their meals together; I stayed there and carried wood to them; he was very fond of her, and I saw no quarrel; our rooms were pretty near together; I heard one night a noise from the latch, in the middle of the night, and saw him in the entry near my door, and walking; I spoke to him by a short name—"But," and shook him; he stared, and staring around went into his room, making a strange noise; saw them together again at Joel H. Tirrell's, where she was; the cars came in and Albert came and inquired first if Maria was there; I said she was up stairs; he run up and I followed; he had his arms around her neck, talking with her; they went next day to Newport; they used to keep a light in their room; near Newport we went to their room at the tavern; Maria came to the door, and Albert went down with us; at Sylvester Tirrell's have seen her with a white handled dirk, and said she usually carried dirks with her; she used to keep a razor to shave her forehead; she was a very smart, pretty and fascinating woman; she used to come into our part of the house and drink; she said Albert did not want her to drink, but she would if she could get it; she got disguised, but it didn't alter her dress; she always was smart-looking and well-dressed; she used to play on the accordeon, and always had money; she did no millinery or other work.

Cross-examined—Saw him last of September or first of October in 1845 at Wilde's; I attended her at New Bedford; I now keep an oyster saloon; don't know what business or trade Sylvester had; he kept first an oyster saloon down Water street; he aired a house there with my wife; Albert and Maria occupied a front room and bed room; my wife and Sylvester Tirrell kept the house together a few miles from New Bedford; Sylvester and Joel were brothers, and cousins to Albert.

ABIGAIL AMANDA CHARLTON called—Am wife of Robert Charlton; was acquainted with Albert and deceased; knew Albert in Weymouth and New Bedford; saw Maria first at New Bedford with Albert, a year ago last December; this was in Second street, at Sylvester Tirrell's; saw them at no other place; they were together there about about six weeks; one night my husband heard a noise at the door and got up; I heard him call Albert "But;" he was asleep; Albert used to treat her very kindly at New Bedford; he always purchased things for her and gave her money when she wanted it; he always had a good deal of it; I saw in a wash-bowl in her room the effects of a vomiting one day; Albert was in the room at the time, and was in hearing of what she said about her taking laudanum; knew of Maria having weapons with her; she had a dirk, and was accustomed to shave her forehead; she dressed very richly; she had a brown silk dress, a light silk dress, with satin stripe, &c.; she kept her dress neatly; she used to drink; (and, in reply to the counsel,) had other accomplishments—(laughter); she said she had; she was pleasing in her manners.

EBEN TIRRELL, called—Knew Albert J. Tirrel; have been acquainted with him since 1841; knew him at Weymouth; have known Maria Bickford; have travelled with him; last September, the 25th, he walked in his sleep at Pittsfield, Mass; we met him there and put up at the same house; I was asleep in my room; a woman came to my door, and I got up and went into another room and saw Albert at the glass; he went out, and I asked him where he was going; he said he was going home; I followed him across to the stable, and he said he was going to get a horse; he appeared asleep; and stepping further he stumbled and made a noise; at last he kicked against the stable doors, and made again a strange noise; I then shook and slewed him around till he spoke; he went down one flight of stairs; the noise was as though he was trying to speak: he was all dressed this time; he had his eyes open; Maria Bickford was the one that called on me; he was in company with her; on waking up he went back and seemed much exhausted in strength. I once saw him give money to Maria to defray her expenses to to Boston; this was at Taunton; I went to Wareham with him; we had the same bed; he had the light left burning; I went to sleep; I heard a sort of noise, and found myself pulled out on the floor; he said, "drive along; start that leader, or I'll cut his neck; some of the gearing is out;" he made for the door, and grabbed the knife that was over the latch; when he said he'd cut the leader, I began to be a little afraid that he might take me for the leader, and I dragged him away from the door, pulled him to the bed, made him to sit down on the side of the bed, and talked to him; he tried to speak, but only made the noise; got my arm round his neck and laid him down, and then pulled his legs and covered him up; it took me fifteen minutes to wake him; during the night he got up again; I saw him at the window trying to push it up; got him back, rubbed him and pushed him till I got him awake; it was September 25; we were going to the Middleborough muster; the evening we were at Wareham I saw him writing; he had parted with Maria at Mansfield; I think I saw him put the letter into the Wareham post office; he treated Maria very well, but sometimes she treated him scornfully; (names the places where he had seen them together and separate;) she dressed genteelly, rich and very splendid; was a fascinating woman; at Exeter she appeared rather more scornful towards him than I had ever noticed before; I had carried his baggage up to Exeter for him; he had told me about the indictment for adultery, and gave that as a reason for leaving New Bedford. He seemed to admire her at all times; at Exeter I saw her looking at herself in the glass, when she had on a white silk dress; she asked me how I liked it, and I said I thought it was very beautiful; she said she did not like the way it set, and that she meant to have a dress of blue-black silk.—Albert was sitting in the room, and in a low voice he said to me, "see her beautiful feet—hasn't she a beautiful form?" and likewise, "see her beautiful features."—When she said she would have the blue-black silk dress she added, "if I don't have all I want while I'm with you, Albert, I'll cut my throat." I said I thought she wouldn't do any such thing, but she said she "would do it, although Albert might think she would not." [Further examined as to their deportment toward each other; nothing different from previous descriptions.]

Cross-Examined—I am cousin to prisoner, and brother to Joel Tirrell; kept bar for my brother at New Bedford; while returning from Niagara last August I met Albert at Rochester with Maria Bickford; I accompanied them to Pittsfield; stopped on the way at Auburn, then at Syracuse, then Utica, Canajoharie, Schenectady, till we reached Albany; stopped about a day in each place; sometimes he paid my expenses; I did not book my name, or generally call for a room; Albert booked his name sometimes; at Pittsfield we staid eight days; we had no carriage at Pittsfield; had previously travelled by stages, steamboat and railroad; saw them in New York, &c.; it was before we met at Rochester that I carried Albert's baggage to Exeter, and saw them there together; it was early in August that they were in Exeter; while travelling Albert used to shave at the barber's; didn't shave himself; I don't know what name they went under at Exeter, nor how Albert booked himself; I staid there two days; my business slacked off in July last, and that's how I was moving round; worked for my brother Joel, and also lived at but did not work for my brother Sylvester; never saw Maria and Albert together in New Bedford, except at the railroad, Franklin and Mechanics' hotels; I don't know how many people have asked me about Albert's walking in his sleep; I had told of it before this charge of murder, told of the Pittsfield instance as soon as I returned from the journey; I told of it to my brother; I don't know the name of any other person in particular that I told these things to; have not told it to any lawyer, nor had it written down.

WILLIAM GRANT—I have seen the prisoner before on board of the ship Sultana; never heard his name till he was arrested; sailed about the middle of November; were 21 days going to New Orleans; I slept in the house over the steerage, over the hatchway; had 200 steerage passengers; 100 had to go down the hatch under the house I slept in; a week out, heard a strange noise; was woke up; found Tirrell on the hatch stairs; the passengers all in confusion, and talking about Tirrell; it was dark; they were talking to him, asking him what he meant by making the noise he had; he thanked them for speaking to him, and said it was something he had been subject to from his youth; it was talked of the next day by the people on board; Tirrell slept below; he was one of the steerage passengers, and had to pass down the hatch, that was partly in my house; was told he slept on deck afterwards.

Cross-examined—I was chief cook of the Sultana; returned from New Orleans to New York in her; then returned home to New Bedford on account of sickness; I never saw Tirrell until I saw him on board of the Sultana; I had before going to sea been employed in different hotels in New Bedford; was steward of the steamer Telegraph; afterwards was on board of the English steamer Great Western; next joined the Sultana; when I mentioned in New Bedford that I had been in the Sultana, people inquired of me about Tirrell, and I told generally what had occurred.

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DR. ERASTUS O. PHINNEY, of Boston, (after Judge Wilde had described the wound on the throat of the deceased, being one gash six inches in length, that is, three inches on each side, above the larynx, and through all the muscles and cartilage, but not, according to the testimony of Dr. Moriarty, back to the neck bone,) testified that such a wound might have been inflicted by a person upon herself. My opinion is founded on a case of suicide which happened about 3 years ago, which I was called to. [Mr. Parker objects to a description of the case—Mr. Choate claims the evidence, and the court rules partially in favor of his view, and then adjourned to dinner.]

THREE O'CLOCK.—*Examination of Dr. Phinney, for the defence resumed.*—My opinion that she could have inflicted the wound, is founded on the instrument used, the sharpness of the edge, and her physical ability to inflict such a wound, with such an instrument; such a wound as the court has described, might be made by one's own self, or by another; after inflicting such a wound and bled considerably in bed, the carotid branches being severed, the person might be capable of more or less motion; before I could satisfactorily answer the question as to jumping from the bed, I should require to know particularly what vessels were severed.

Cross-examined.—After both jugular veins had been cut, and the blood had flowed enough to soak through the mattress, and there was no blood under her head on the floor, I should not think she could have jumped from the bed.

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DR. WALTER CHANNING—I have heard the description of the wound; I think my reading and observation has been sufficiently extensive to warrant me in expressing an opinion with confidence that the wound might have been inflicted by the deceased with one blow, she being in a high state of excitement; she might have moved by extraordinary convulsive action after the great loss of blood. Among the latest acts of life is an exhibition of great muscular violence. An animal, as a fowl, will run about after the head is off. In cases of guillotine, heads have been held up with unquestionable signs of life and intelligence in the face and eyes. I was called to a case where a woman cut her head almost off, cut through the trachea, œsophagus, and clear to the backbone in the neck, and had ceased to bleed, but she was not dead; she still breathed, and the action of the lungs had not ceased; after inflicting this wound she had resisted her husband for some seconds with effect, in his attempt to get the razor from her. I think the deceased might have jumped out of bed after bleeding greatly; the amount of blood, though so popularly regarded, is not the necessary measure of the swiftness of death; death may follow very suddenly, although the loss of blood be very trifling; I have attended some, not much, to the subject of somnambulism; have looked at Gall and Spurzheim, John Mason Good, Elliotson, Bichat, &c. The noise spoken of here was the result of volition; in dreaming, a portion of the brain is active, memory and the imagination; the thoughts which have occupied these faculties will come into play; if the faculties connected with any limb, or leg, or arm, be not asleep, the limb will act; so as to eyes, the subject seeing while asleep. [Cases stated, but ruled out. Among them one where the brother of Lord Culpepper, in his walking sleep, shot him, and another in which a somnambulist shot a soldier, in 1686. Also the case of the girl in Dresden, eighteen months ago, who had perfect vision and memory, but in consequence of a light having been placed in an unusual place, she was aroused by the change, awoke, and fell from the top of the house, and was killed.] Somnambulism is where the stimulus of the dream directs the muscles, so as to produce walking &c., yet no moral power be in our action; the individual may write; while the moral being might be profoundly asleep, the subject might strike a blow, under the control of the will; generally the ideas which exist in the somnambulist state are those which have existed before, but ideas which never before existed might occur; latent ideas might be developed in the somnambulist state and carried into action through the muscles; in general there is no memory in the waking state of what occurs in the somnambulist state; the unnatural noise made by the awaking somnambulist is caused by a natural effort on the part of the lungs to restore perfect breathing; it is a demand of the system for assistance; the sound partakes some of the sound of strangulation; the sound which the sleep-walker makes is not like the sound of stifling from smoke, after the person had got out of a room filled with smoke; from the evidence I have heard in this court room, supposing it to be true, I should say the defendant is a sleep-walker; the fact of such a person's rising and killing another is perfectly consistent with the somnambulist state; might see and procure a weapon; might dress; persons in that state have threaded a fine needle; though the eye sees vividly, the will may move the muscles, &c., but the will is governed by the dream—as the dream is so will be the act of the muscles, as directed by the will, under the impulse of the dream. The habit may increase under disturbing influences, moral or physical—bodily exhaustion might increase the tendency—exhaustion is not favorable to natural sleep, at any time. When the mind is in a moral crisis growing out of a contemplated change of life, preceded by circumstances of great excitement, the party if of a somnambulistic habit, might exhibit remarkable phenomena of sleep-walking.

Cross-examined.—Am clear the wound, large as it was, might have been inflicted by the deceased. I know of one case where the suicide ran a considerable distance and hid herself a ter giving herself a very long and deep cut, which bled freely at the first moment. I have examined the authorities in reference to the general subject. In the phenomena of artificial mesmerism and natural somnambulism there are analagous exhibitions. I think my opinion on this subject is not influenced by my opinion on the subject