THE NEW YORK HERALD.

NO. 5716. MORNING EDITION----THURSDAY, JANUARY 31, 1850. TWO CENTS.

Court of Oyer and Terminer.

Before Judge Edmonds and Aldermen Franklin and Conklin.

THE TRIAL OF SAMUEL DRURY FOR AN ATTEMPT TO MURDER THOMAS WARNER, ESQ., BY MEANS OF A TORPEDO.

SECOND DAY.

JAN. 30.—Geo W. Warner was recalled, and in answer to counsel for defence, said that his father allowed ten dollars a week for his mother's support, and three dollars for his; the Doctor Moffat alluded to is the Doctor Moffat who lives at the corner of Anthony street and Broadway. Q.—How many children has your father by Miss Busby? Objected to and ruled out. Q.—What is Miss Busby's name? A.—Elizabeth; Liz is a nickname for Elizabeth. Question.—When that box came, did your mother propose to open it. Objected to and overruled. Answer.—She did, and I objected, as it might be on Mr. Warner's private business. It was known to my mother that a package had come from Miss Busby to my father on a former occasion; it contained some small presents; I have been to Miss Busby's residence; I have been to 37 Sullivan street, where Mrs. Felstead lives; I went to see her; it was not known to my father; Walter Morse used to take money to Mrs. Felstead from my father; the residences of these persons were known to my mother as well as to my father; shortly after the explosion, a man came in at the window; Mr. Warner treated him harshly at first; he asked him what business he had there? and he said he came to render assistance, as he thought the place was on fire; my father apologized to him afterwards, in the basement. [Another letter produced and identified as the handwriting of Mr. Warner.]

Counsel read part of the letter, which was to Mrs. Warner, in which the writer said all connection with those other women was over, and that he loved her (Mrs. W.) and her alone.

Witness continued—I never saw Miss Busby or Mrs. Felstead at my father's house, since my mother came.

Mary Regan was recalled, and her cross-examination resumed.—I was present when Mrs. Warner picked up the bits of paper produced here yesterday; I don't know where she found them; [witness's affidavit produced;] I do not know whether the box was handed in with two or three hands; I do not know that I was made to swear it was handed in by a person with one hand; I knew the woman who lived opposite Mrs. Warner's, but I do not know her name; it was proposed by Mr. Warner that a man named Coile was to sleep in the house, to watch it, during his absence; he did stop there; I do not recollect Thompson being proposed, by Mr. Warner, to sleep in it.

The Hon. Judge Mitchell—I am one of the judges of the Supreme Court; I was a referee in a case between Mr. Warner and Mr. Drury; Sheppard Knapp and Philo T. Ruggles were the other referees; it was in the nature of a claim of Mr. Warner against Mr. Drury; I do not know the extent of the amount of that claim; the case was never even opened to us; it was postponed at the request of Mr. Drury's counsel; there was to have been a meeting on the day of the explosion.

Cross-examined—I was told that Mr. Drury had been arrested on his way to the meeting of the referees.

Geo. W. Norris—I am attached to the office of the Chief of Police; I went to the house of Mr. Warner, after the explosion; some one ran to the office, and said they wanted an officer to go over to Mr. Warner's immediately; Mr. Patterson and myself went there; we found everything in a confused state; decanters and tumblers broken, the walls smashed, and the door knocked off its hinges. [Identifies the fragments of the things picked up.] Mr. Warner seemed to be very much frightened; I never saw a man like him at the time; he told me to be very exact and careful in picking up everything, which I did to the best of my ability; I do not recollect anything about a reward at that time.

Cross-examined.—I never was employed by Mr. Warner in my life; I arrested or participated in the arrest of Mr. Drury, which took place on the day of reference, in Nassau street; I cannot say who gave me information where to find him; I did not go to Mr. Drury's house, that is not the way to do police business; if we did, we would not send so many up the river (laughter); I know Thompson; I did not arrest him; I sat in a court room where he was, and you (counsel) were there too; I did not stop Thompson when he attempted to leave the room; it was A. M. C. Smith stopped him; that was after Drury was arrested; I did not see Thompson taken into arrest; I knew that Mr. Warner offered a reward of $500; I have not participated in it; $500 was offered by the Mayor also

To Mr. Graham—The arrest of Drury alluded to was on a peace warrant for using threats, and not the arrest on this charge.

J. A. Patterson.—I was an officer. [This witness, who accompanied Norris to Mr. Warner's, corroborated the testimony of last witness.]

Cross-examined.—Q.—Do you know of One Eyed Thompson having manufactured a torpedo box to kill a police officer? A.—No, I do not. Question was, though answered, ruled inadmissible.

W. O. Jenkins, examined by Mr. Graham.—I was one of the police officers of this city; I know the Drurys, father and son; I first saw Mr. Drury in prison in the spring of 1819; I saw him on the 13th November of the same year, in Fulton street, Brooklyn, in a house on the left hand side as you leave the ferry; he was in company with a man named One Eyed Thompson, and Bristol Bill, whose name is Bill Darlington. Q.—What is the reputation of these two men?

The question was objected to by counsel for defence; the objection overruled. It was again put.

A.—I always understood that Bristol Bill was a burglar, a man of very bad character, and that Thompson was the same. Thomas Crassous was with me when I saw these men; I was locked up with Crassous, in a closet adjoining the room in which they were; there was a sash over the door in which we stood; there was blue paper over the sash, and a hole made in it; the door was locked inside by me; and gimlet holes were made and nails put in the door, for the purpose of making it appear that the door was nailed up; the nails were driven in the upper corner of the lower panel; when I first entered the room, there was a man there; I never saw him before; that was Darlington; A. M. C. Smith, Crassous, and Thompson were there, we made some preparations to go into the closet; there were some women going in and out; Smith directed me to go out and buy some dark blue paper, a gimlet, and some nails; I went out, bought the gimlet and nails, and could not get the paper; I went out again and got the paper; I then bored the holes I have described; we bored holes in the panels for the purpose of enabling us to see all over the room; we tried if we could see through the holes; Smith remarked that the holes looked fresh; I went out and got some putty, and rubbed it over them; the key holes in connection with the holes in the panel and the holes, in the blue paper, enabled us to see over the entire room; after the arrangements were made, Crassous and myself went into the room, and the nails were driven in; a table was placed in the room; we placed ourselves in the closet; Bristol Bill was writing on the table in the room opposite the door of the closet; Thompson went out, and in ten minutes came in, accompanied by the elder Drury.

At this stage of the examination, Mr. Ruggles was called, and said the appointment for the reference was 3 o'clock on the 4th of May.

Mr. Jenkins resumed—When Drury came in, they passed the compliments; this was about 12 o'clock in the day; Bill told Drury to take a seat; Drury said to Bill, "They have got you close;" he took his seat with his face opposite the closet; "Yes," Bill replied, "for a few days;" Drury inquired whether Bill had the whole command of the Provincetown money; Bill replied, "Yes, I have got it planted;" Thompson inquired as to the denomination of the bills; Bristol Bill replied, "There were some $5,000 and fifties;" he asked, "Were they the same numbers as those lost—if they were not, he would not give ten cents on the dollar;" Bill said, "There were fives, tens, and fifties; Drury replied, "That is well, they will be more easily disposed of;" Drury then asked Bill when he could come up there to his place, and bring the bills with him; Bill said, "he did not dare go there, that they might nab him;" Drury said, "Oh, pshaw! I have got Boyd and Mills all right, they would not keep you there two minutes;" Boyd and Mills are a magistrate and a constable at Astoria; "besides," said he, "you can take the Harlem stage, and I will have a boy who will conduct you, so that you need not go through the village at all; I am very punctual in business, and if you let me know when you come, I would be there myself;" I think Drury described the road as the Ridge road; Thompson said "there's that g—d d—n Warner, I am not safe with him. I have a project, and it must be carried into effect; he suspected me of the last;" he then said, addressing Drury, "you know I knew nothing of the last, that was yours, I'll try and be more successful"; Drury said, "I hope so. I had done my best;" "However," says Thompson, "I'll put ten pounds of powder in mine, and that will blow the house from the foundation to the skies;" Bristol Bill then charged Thompson with sending the last one; Thompson said, "I knew nothing of the last, I shall father this one;" Bristol Bill said to Drury, "how much was in yours?" and Drury replied three pounds, and Thompson said, "I shall have ten pounds in mine, and that will blow them all to h—ll;" Drury asked if they had hit on any time; Thompson replied, "Yes, me and Bill are going to California, and it must be done the night before we start;" Drury asked him when he contemplated going, and Thompson replied, "by the next steamer, and you must arrange for our passage;" Drury answered, "I am agreed, if we three stick together, all hell can't catch us;" Thompson said he would like to see his wife well provided for before he went; Thompson said to Bill, "you have got some chronometers and jewels; Bill replied, "Those chronometers I had to raise stuff on to go bail for some one;" Drury said, "that was bad, they would make up the assortment;" Drury then said to Bill and Thompson, "when shall I expect you;" Thompson answered Thursday; Drury said then "bring those things," and Thompson said "yes, I'll be on hand;" Drury said something about going bail for Ashley, that he went there with the best intentions, and that that rascal, John McKeon, insulted him; he then described how he defeated Mr. McKeon, and when he became bail the whole audience laughed; the word "planted" is slang, it means "buried;" I could hear every word that was said in the other room; the glass in the sash over the door was clean; Crassous was on the table, and turned the corner of the paper; I looked part of the time through the key hole, and part through the gimlet hole; I could see the face of the man distinctly; the conversation was in an ordinary tone of voice; I was there lately, showing Mr. Graham and Mr. McKeon the closet.

Cross-examined.—I understood Bristol Bill to be a burglar, and Thompson a thief; I never knew him, Thompson, to be a manufacturer of torpedo boxes; I never said anything to the contrary; I was not in the city prison when Thompson was there; I was a prisoner about four years ago in the city prison; I was discharged in a few hours. Q.—Was the charge against you for endeavoring to levy "black mail," by sending letters to gentlemen, saying that you would expose them to their wives for going into certain houses? A.—I was discharged, for there was no evidence against me, for I never sent the letters; I read the *Police Gazette*; I contribute to it; Mr. Wilkes is the editor of that paper; he was in court during my direct examination; I read in the *Police Gazette* and in the *Herald* a printed statement about that interview I have described; I read the *Police Gazette* yesterday, to refresh my recollection; I was not aware that there was a manifest impropriety in so refreshing my memory; I took a memorandum of the conversation; Mr Graham has it; you (counsel) were unwilling that I should have it in my possession at the Police Office, and it was given to Mr. Graham; I gave Mr. Wilkes a copy of my memorandum, before the case was published in the *Police Gazette*; I made the memorandum part in the Ivy Green public house, and part in my own room; Thompson was not in the Ivy Green at the time I was writing it; I often see him there; I was not familiar with the voice of Drury; the gimlet hole was about the eighth of an inch, and was bored slantingwise; looking through the key hole and the gimlet hole, I could see three walls of the room, but not at the same time; there was a table in the room, on the left hand side; it did not intercept my view; I could see their faces; Bill had his back to me, and I could see his face when he turned round to speak to Thompson.

To the Judge—I believe I have been six different times examined on this case; four times before the grand jury, and before Mr. Justice Lothrop.

Witness continued—I never was examined by Mr. Wilkes; I have heard Thompson speak of this transaction; part of the time I was in the closet. I was on my belly; I was then listening. I was not looking; when looking I was on my knees; he (Drury) talked about half an hour about Mr. McKeon; at that time I was on my belly resting myself; I was looking at them when they first commenced speaking about the torpedo; Thompson said "there's that d—d d—d Warner—I'm not safe anywheres while he's about;" he said he had been at Warner's the day before, and he gave him a note, which he showed to Bill and Drury, and said, "he believed the d—d son of a b——, (Warner) wanted to trap him" Drury said nothing when Thompson addressed him and made use of the expression "That last was yours;" I won't be positive whether he said, "That last was yours," or "That last was Drury's;" Bill asked Thompson how much was in his, and then he made use of that expression; I omitted to state that Thompson said he wished it (the torpedo) had gone off at night instead of when it did and it would have blown the house to h—ll; he said he was going to make another, with ten pounds of powder. [Witness's memorandum was here produced by Mr. Graham, and handed to counsel for defence.]

[Counsel for defence put the memorandum in the hands of witness, and told him to find the words "I did my best," on it]

Witness—Here it is; they were, uttered but struck out of the memorandum; every police officer takes a memorandum of conversations that it may be necessary to prove

Witness was cross examined at great length as to the accuracy of his memorandum, but his testimony was not shaken. Witness then continued—Mr Wilkes spoke to me at the Ivy Green the night before I went to Brooklyn; I made no appointment with Thompson; I did not know who I was to meet there; I went with Mr A. M. C. Smith and Crassous; I did not see Mr. Wilkes in Brooklyn; I do not know who hired the room or paid for the use of it; it did not appear to be occupied, for there were women going in and out, fixing up things; I was as the arrest of Drury; Mr. Smith told me that when Drury would come on the Astoria boat his son Sam would be with him. I was to arrest Sam, and he (Smith,) was to arrest Drury; I followed a boy, but found out he was not Sam; I went over to Brooklyn with Smith; I saw Thompson at the other side of the ferry at the time; that was the first time I saw Thompson that day; he was speaking to Drury, and Smith then told me that I was to arrest Drury; I did not see Thompson hand Drury any counterfeit bills; I went up and arrested Drury and found four ten dollar bills on the Bristol Bank with him; Mr. Wilkes was in Brooklyn then, and I was going to speak to him, but he beckoned me not to do so; Drury did not tell me when I arrested him that he had not seen the money; he did not tell me that he did not know what it was; I gave those bills to Mr. Wilkes when I marked them; there were six officers and Mr Wilkes and One-Eyed Thompson went to Drury's house in Astoria.

The Court here took a recess for an hour. On reassembling, Mr Jenkins was re-examined by the District Attorney.—I arrested Drury near Colonade Row, where Ashley lives; Ashley, who was spoken of, is now in prison; when I said I was a contributor to the *Police Gazette* I meant a subscriber; I thought it was subscriber; counsel for the defence asked me if I was not a contributor to that paper; I have the gimlet with which I bored the hole. [Produces a piece of board, on which he made a hole with the same gimlet.]

To Mr. Clarke.—When I went into the closet it was not for the purpose of listening; I thought it was to make an arrest.

To Mr. Graham.—When I took the memorandum it was merely of the heads of what I heard.

A. M. C. Smith examined by Mr Graham.—I was at Fulton street, Brooklyn, on the day spoken of by Jenkins; I arrested Mr. Drury a few days after the explosion, on a peace warrant; it was not at Mr. Warner's suggestion I arrested him; I arrested One-Eyed Thompson next morning, not upon the suggestion of Mr. Warner, but by the direction of Justice McGrath; this gimlet is the one that made the holes in the door; I made the holes myself.

The Judge intimated that it was not necessary to go over the same evidence with this witness, as had been deposed to by Jenkins.

Cross examined, but nothing was elicited.

Margaret Van Brunt was called by the District Attorney, but the Judge said it was not necessary to accumulate the evidence, if it was merely to corroborate Jenkins.

In answer to prisoner's counsel, witness said she is the daughter-in-law of the person who keeps the house in Fulton street, Brooklyn; Thompson hired that room; I saw a man there with one arm.

To Mr. McKeon—The prisoner is the man

J. B. Olmstead, examined.—I was assistant clerk in the police office; I wrote out the testimony of the witnesses; the depositions are accurately taken.

Horace H. Johnson examined—I know both the prisoners. Q.—Were you present at a conversation in the Star Tavern, in the Third avenue, between young Drury and other persons, respecting the sending of the torpedo box? A.—I was; the elder Drury was not there; One-Eyed Thompson was

Counsel for defence objected to the evidence, as Mr. Drury was not present, and the younger Drury is not on trial.

Mr. Graham argued that it was competent evidence, as the parties were indicted together for the same offence.

The Judge ruled out the evidence.

Dominick Crassous—I am a policeman of the Sixth ward; I was in company with Jenkins, in Fulton street, Brooklyn.

The Judge made the same remark with regard to this witness. It was unnecessary to accumulate the evidence. Let the defence cross examine him if they please.

Counsel for defence said it was the first time he ever saw the rule applied that the prosecution can call witnesses and then give the jury to understand that they would corroborate another witness, without examining them. They (counsel) did not believe that this witness would corroborate Jenkins, but that he would contradict him.

The Judge said he was sorry counsel never saw the rule applied before; but if he lives a little longer, he would be sure to see it.

The witness was then cross-examined. I was at the arrest of Drury; Mr. Smith told me to watch him, that he might have counterfeit money up his sleeve; when we got to the ferry, Drury said to Smith, "why don't you arrest that man!" pointing to Thompson; Thompson cut away pretty fast; I do not know why Drury wanted us to arrest Thompson; Drury did not say anything about who put the bills in his hand.

To Mr. Graham—The cloak produced I believe is the one I found at Astoria.

Counsel for defence—We will admit the cloak.

Mr. Drury here walked forward to the witness, took up the cloak and said, "Yes, that is mine; I have had it for thirty years."

Witness—Mr. Wilkes told me the evening before the parties met in Brooklyn, that they were to meet there; I heard it from nobody else; I was told by Mr. Wilkes that I would meet Thompson at the ferry. Q.—Did not Mr. Drury, when you arrested him, ask you to arrest Thompson?

Mr. Graham objected—Mr. Drury might have charged Thompson with sending the box, and that would not be evidence that he did so.

The Judge ruled against the objection.

Witness continued—Mr. Drury asked why I didn't take Thompson; and I answered, that "I had no papers for him;" Mr. Drury was fretting, and said it was well done; I don't recollect Mr. Drury saying that he had not seen the money.

To Mr. Graham—I told Crassous to watch Drury, that he didn't throw anything from him; it is a caution I always give the officers

William L. Wyley—I am captain of the Fourth ward police; I know Drury since last May, after the explosion; I was present when he was brought into the police office, on the first arrest on the peace warrant; after he was brought in, and before he was discharged, I heard him make use of some expressions; he sneered and laughed at the idea of Mr. Warner charging him with blowing him up; he said that Warner ought to be blown up; that he had robbed him out of $20,000; he used harsh expressions towards Warner; he called him a villain and a scoundrel; that he ought to be blown up, and that he (Drury) would have satisfaction yet.

Cross-examined—I did not hear Mr. Drury say that if he wanted to kill Warner, he wouldn't take his life in such a mean way as that; did not hear him say that he did not want to kill Warner; the remarks were made openly; I did not hear that Drury had been locked up the night before; I did not see Warner there. Q.—Did you not tell what you knew to the persons who have charge of this prosecution—to Wilkes, Thompson, and others? A.—No I did not.

Mr. Justice McGrath deposed that he gave directions for the arrest of Thompson; there had been an affidavit made against Drury, and I believed Thompson then to be guilty.

Cross-examined—I heard Drury say at the police office that he wouldn't kill Mr. Warner. Q.—Didn't Mr. Warner, on examination before you, decline to tell the persons from whom he received the information? A.—I desired him not to answer; Drury was then discharged on bail of $1,000 to keep the peace.

Counsel for the prosecution said they did not intend to examine Mr. Warner, they would, however, place him on the stand for cross-examination.

Thomas Warner was then cross-examined—I was born in Middle street, Brighton, England; I was 46 years of age on the 4th of last April; I was married at St. Martin's church, St. Martin's Lane, London, I think in January, 1822; I had seven children born alive; there are three living; I lived with my wife until the latter part of February, 1830, and in that time we had the seven children; my father was a baker; I was an only child; I never worked legitimately at the baking trade; my father failed to give me the education that I desired, and I assisted him in his business; at the time I married, my wife's father was a laborer, or a working man in a tan yard; when I left my wife I went to Liverpool; I went with a Mrs. Felsted, and lived with her as my wife; I went by my own name; I never went by any other, except when I felt it necessary to enter my name in hotel books to avoid danger, because I feared I was followed; I never was on the continent with Mrs. Felsted: she passed by my name; I left her; I left her in Liverpool; Mrs. Felsted had a husband when I commenced living with her; I know Mrs. Latham; she had a husband when I commenced living with her; when I left Mrs. Felsted, Mrs. Latham came to this country with me as my wife; I got the money in my business which brought me here; I commenced business here copying for Mr. Townsend; when I came to this country my wife did not know I was here for some little time; I lived with Mrs. Latham for four or five months; I do not know what became of her; I lived again with Mrs Felsted in 1836, when she came out to this country; I do not know at whose instigation she came here; we had had correspondence; I quarrelled with Mrs. Felsted; she never followed me with a pistol and threatened my life; I am now living with Miss Busby; I met her first in Canal street; she was then between fourteen and fifteen years of age; I have three children with her; she was at my house last night and this morning; I think she is now gone to New Brunswick; Mr. Sparks told me there was an attempt to subpoena her; she came to my house last when my wife left it; I requested Mr. Geo Gilbert to make inquiries for my wife in London; I did not tell him to go to my father, or to the factory where she was employed; did not know at what factory she was engaged; I have but one letter of my wife's, and that is one in which she promised to be good tempered, and make me happy; I burned all the rest at the request of my wife on her arrival here; I opened the correspondence with her in London; I found out her address by a reference to a profane and abusive letter I received from my son; that son is now dead; I directed Mr. Gilbert, if he met with my wife, and that she needed assistance, to render it, and I would repay him; I told the same to other friends who went to Europe, and they all concurred in saying they could not find her; I had one child by Miss Busby when I opened the correspondence with my wife; I never proposed to her that she was to come out and take care of the child of that prostitute; I suggested to her, from prudential motives, that she should consent to Miss Busby remaining in the house for a short time; I swear I had up to the time of my home being made miserable and uncomfortable by my wife and her children, been faithful to the promises I made her, and had no intercourse with these prostitutes; I was in Rochester when I wrote the letter (read yesterday) to my wife; Miss Busby was with me; I have known One-eyed Thompson since 1839; he has frequently received money from me; I was first introduced to Mr Drury in 1839; about May, 1847, our relation of attorney and client commenced; I never introduced One-eyed Thompson to him; I conducted several prosecutions for Drury; I know Bristol Bill; I became acquainted with him four or five years ago; I never defended him for burglary; my youngest child by Miss Busby is about seven weeks old; Miss Busby went to Rochester for the purposes of her health, and from her own repugnance to appear here as a witness; I had no objection to her coming here as a witness, for the purpose of clearing my skirts, but I had no desire that she should be made subpœnaed here for the purpose of idle curiosity; Miss Busby's father was a writer in my office; he never came to your house to compel you to give up his daughter?

The Court asked why they had nothing to do with that.

Counsel for defence said they had a right to show that the man whom he had robbed of his daughter and then thrown him into prison, would be more likely to have motives for destroying his life than Mr. Drury.

Mr. Warner, in reply, told Mr. Clarke that he was now stating what was untrue; that he had not done so; he also told counsel that if he made unnecessary remarks, he would ask permission of the court to make some remarks respecting him, (Mr. Clarke,) which would not be pleasing to him. Q.—Do you recollect, in a conversation with your wife, saying that there was a rich man up town, who was connected with Mr. Moffat, and that he was likely to have sent the torpedo, in order to get rid of you, as his attorney? A.—I never recollect any such thing; I never proposed that Thompson should sleep in my house, during my absence, for protection.

The case for the prosecution here closed.

Counsel for the prisoner then rose to address the jury, and contended that there was no evidence to connect Drury with the manufacture or delivery of the box at Mr. Warner's house, and that a mere dispute between them as attorney and client was not motive sufficient to suspect him with the intended destruction of Mr Warner and his family, and that it was more likely to come from Thompson or some of the prostitutes of Mr. Warner. Counsel then went on to state what he intended to prove in evidence; and in appealing for his client, said he had scouted state in his country besides his personal liberty being in jeopardy, which was sufficient to demand that this case should not be hurried. Mr. Drury has a wife and ten children who loved him, and all of whom looked confidently to the result of this trial, on a charge which involves an imprisonment of ten years in the State prison.

[At seven o'clock the Court took another recess for half an hour]

At the reassembling, counsel for defence resumed his address. He stated that when the officers watched Drury in Brooklyn in a conversation with Thompson, they determined not to arrest him while Thompson was with him; Thompson, knowing that Mr Drury was proprietor of a bank, under the laws of this State, with an office in Wall street, handed him some bills and asked him what they were worth, and at that moment, before he had looked at them, the officers pounced upon him; three officers pounced upon this unarmed, unarmed man, and the prosecution want the jury to believe that because this counterfeit money was found upon him he was capable of committing an attempt to murder. In conclusion, counsel asked for a fair and dispassionate judgment on this deplorable facts of this most deplorable case, and he depended upon the providence of God, which is always watching over innocent men, for a true verdict at their hands.

Jane Van Brunt was then called, and deposed that she is the wife of the proprietor of the house in Fulton street, Brooklyn, where the parties met; it was Thompson hired the room; he paid five dollars for it; the room is nearly in the same condition now it was then.

To Mr. Graham—The window over the door is not as clean now as it was then; Thompson told her there were some gentlemen coming there that day.

To the Judge—Thompson said he would want the room for one, two, or three days; knows the room was occupied that day by more than one person, but does not know who they are; has tried if she could hear any conversation in that room from the closet, and could hear very plain.

Eleanor Warner was then called and examined.—I am the wife of Mr. Thomas Warner; we were married 27th June, 1822; we had seven children; two are living, George and Mrs. Coleman.

Mr. Graham submitted that Mrs. Warner is not a competent witness to impeach her husband.

The Judge said the question did not arise yet.

Mrs. Warner continued.—My husband left me after eight years; he said he went to Liverpool; he went with Mrs. Felsted; she was not an acquaintance of mine; Mr. Warner contributed something to my support; I had to apply for parochial relief after Mr. Warner left England for America; the magistrate made an order against him before that of 10s. a week for my support; a friend of mine wrote the letter to my husband; the letter produced here, on my behalf; the circumstances in it and the children's names should have made it known to Mr. Warner who the letter came from, though it was not in my hand writing; my father was foreman in a leather manufactory, and Mr. Warner's father was a baker when we married; his family were in better circumstances than mine; after some few months Mr. Warner returned to London from Liverpool and lived with Mrs. Felsted there; I have visited the house where they lived; I went twice; one time I found Mr. Warner there, and the other I saw Mrs. Felsted; I did not know Mrs. Latham, except to be a woman of bad character; some time elapsed before I received an answer from Mr. Warner to the letter which my friend wrote; I did not hear from him afterwards from 1841 to 1847 Q.—Could not Mr. Warner have found you in London, if he had tried?

Mr. Graham objected to the question; it was put for the purpose of contradicting Mr. Warner.

The Court ruled that the question could not be put.

Witness continued—Mrs Greene was a bad woman; she kept a house of ill-fame in Kensington; when my husband left, my eldest son was 12 years old, the daughter 10, and George 5; in 1847 my husband opened a correspondence with me, soliciting me to come to America; all the letters are not here; I found his statements with respect to certain parties with whom he was living to be correct; he mentioned his entanglements with Miss Busby, from which he could not extricate himself, and he proposed that I should come and have apartments in the house as his wife, or that, if I chose, he would take apartments for me elsewhere; I rejected this proposal; he then promised that the moment I came to this country he would give up Miss Busby; on that proposition I came, and I never would have come otherwise; my daughter was not married when I came; I came on the 6th of January, 1848; my husband came on board the packet to meet me; I had left my two children in England; I saw Mr. Warner once after he left me in London; he came to me and told me Mrs. Felsted was going to Scotland, and he would return to me again; I never saw him after that, to speak to him, except once, at the house that I have stated; when I arrived in New York he took me to 18 City Hall place; his family there consisted of Miss Busby, and one female servant; no children; she (Miss Busby) was confined in the March after; on the evening of the day I arrived, he proposed that I should consent that Miss Busby might remain in the house; I consented, rather than that his reputation should suffer; Miss Busby remained for a month and all intercourse ceased between her and Mr Warner; I afterwards insisted on Miss Busby leaving the house. Q.—What did Miss Busby say on that occasion?

The conversation with Miss Busby was objected to and ruled not admissible.

Mrs. Warner continued—Miss Busby left the house, and I was comfortable and well treated for seven months; Mr. Warner proposed to send, and sent for my son and daughter; he offered Mr. and Mrs. Coleman twelve months board; they left because they were not comfortable; there was some little difficulty about furniture I wanted for her, and Mr Warner would not give it; I was surprised by the receipt of the letter from Mr. Warner from Rochester; it was in consequence of that letter my daughter left; I remember the transaction of the 3d May; some days before that Mr Warner said he might have to go away unexpectedly; I have heard him say so before; on the 3d May I remember Mr. Warner coming down and asking me how soon I could pack has valise? I said in a quarter of an hour; he came back about four o'clock. I had prepared tea for him, but he did not take it; he found fault because the valise was not locked; I said I left it open for him to put his papers in it; he said, "my God, my soul will be d—d to h—ll if I am not in time for the boat (or train) to-night;" he went up stairs as quick as he came down; I did not see him put any papers in the valise; he took it up stairs; he usually took papers; he generally put them in; there was nothing more in my conduct than not having locked the valise, to call for that remark from him; that expression alarmed me; I communicated the fact to my daughter, that evening, at her husband's store, in Nassau street; he did not take leave of me on that night because I did not follow him up stairs as I usually did; I did not follow him, as I felt terrified; I recollect the evening the package was left; my son brought it into the basement; I proposed to open it; I first thought it was a box of segars; the direction, "confidential," did not deter me from opening it; that father disposed me to open it, but my son advised me not to open it, and I desisted; I carried it up stairs and placed it in Mr. Warner's wardrobe in the room occupied by him and myself; I recollect another package having come to the house in the December before; it was from Miss Busby, and contained slippers for Mr. Warner; I was very much offended at that; he read the note of the person who sent it; I was disappointed, and expressed my displeasure; I rejected a present that came for me in the same parcel; it was a pin-cushion, and I threw it away; Mr. Warner knew I would not accept the present, but he does not know the way I disposed of it; prior to the arrival of that box, my suspicions had not been aroused; they were not aroused by the letter of the 3d of March; I said to him, "Thomas, why did you write me such a letter at that?" he replied, "Ellen I have no bad feelings against you, but the fates have decreed that we cannot live together;" up to that time I had treated Mr. Warner with kindness, and not as he accused me; he charged me with being wasteful and extravagant, and with intemperance; the charge of intemperance was after the explosion; that charge was false; I was not extravagant; there was some difficulty about cold liver; the cold liver had been on the table twice, and I then gave it to the cat and dog; I never bought jewelry, nor was I extravagant in that way; he charged me with being slovenly about the house.

Judge—Was there any violent quarrel between you previous to this explosion?

Mrs Warner—Yes, after the receipt of the box from Miss Busby; we had altercations between us, and were not as warm as usual; it never went so far as to cause him to depart from my bed; there was nothing in the unpleasantnesses to prevent us living together, if we pleased.

Examination by Counsel resumed—The servant informed me the next day of the circumstances of leaving the package; the girl appeared ill; she said she did not feel well; that the fright was so much on her mind she could hardly sleep from thinking of it; she said it was left by a black man with a handkerchief over his face, when Mr. Warner came home he was in a very great hurry, but I have seen him in a hurry often; the girl said the person desired the package to be given to "Massa Warner"; I told everything to Mr. Warner that had been communicated to me by the servant; my husband did not give me the usual greetings when he came home that day; I was in the kitchen preparing the dinner, and perhaps that was the reason, probably it was; Mr. Warner looked fatigued, as if he had come off a journey; he was very pale; I understood he had an engagement that evening at three o'clock; it was about twenty minutes to two o'clock when I brought in the dinner; we usually dined at one o'clock; Mr. Warner said when he went away that he went on Mr. Moffatt's business. [Witness then described the circumstances of the explosion testified to by her son; I felt a weight at my heels after the explosion, and took up my dress about me; we were all seated in our usual places at the table; I did not see Thompson at the house immediately after the explosion; I know him; he was about the house after the explosion; he called one Sunday evening; he had a straw hat on; he inquired for Mr. Warner, and I told him he was not at home.

To the Judge.—I had suspicions that that box was intended for my destruction; I formed that suspicion after Mr. Warner renewed his visits to Miss Busby; I did not know that anybody but Mr. Drury was charged with sending the box; the last time Mr. Warner left home he said there would be another attempt made, and that it would come in the form of a letter, and he advised me not to open it; I said I would not, as I never opened his letters; that was when he went to Troy on the occasion which George followed him; I first came to the knowledge that Mr. Warner renewed his visits to Miss Busby by seeing entries in his daybook; Mr. Warner said he was suspected by Mr. Coleman of having sent the box; I said that not only Mr. Coleman but others suspected him, and I then said, "I hope you did not send it;" he made no reply to that; this was about a week before I left the house; I left it on the 10th of July.

The Judge—Do you remember any persons except members of your own family, who suspected Mr. Warner? A.—Yes, there were, but I do not recollect who they were. It was after I left the house, I heard those suspicions.

Examination by Counsel continued—Some time after the explosion, Mr Warner said he thought it could be proved that a rich man up town, had sent the box, for the purpose of destroying him, because he was Mr. Moffatt's attorney; I know Mr. Wilkes; he has never called on me; I recollect the remains of the box coming back to the house, and looking it up; Mr. Warner told me not to let my son touch it, as he was careless; my husband expressed his surprise to me that I should have made my escape from the explosion, as he said I was generally rivetted to the spot when I was surprised or frightened; our silver plate was sent away from the house, when I expressed my desire for a separate maintenance; there is a memorandum in Mr. Warner's book, to the effect that "Thompson called and said he had lent Mr. Drury his cloak; and Drury said he would never leave another d—d box;" Mr. Warner has spoken of Thompson as a man that would lend himself for any purpose; when Mr. Warner charged me with drunkenness, he said I should leave the house, and if I did not, he would; I had not then discovered the renewal of his intimacy with Miss Busby; I then, after the discovery, told him I would expect separate maintenance, properly secured on his property, pending the suit I was about to institute against him.

Adjourned, at a quarter to 11 o'clock, to 10 o'clock this morning.

The court and galleries were densely crowded. There were several well dressed females present, amongst whom were Mrs. Drury, a very lady-like and fashionable looking woman; and her daughter, a young lady, about 18 years of age, of remarkable beauty and most prepossessing appearance. At the hour of the first recess, (two o'clock,) Mrs and Miss Drury came forward to the prisoners, and they each affectionately embraced and kissed. They were all deeply affected, and the ladies wept, as they then left the court, at the unfortunate position of their hapless relatives. Mr. Drury and Mr. Warner are both Englishmen.

At the sitting of the court yesterday morning, Mr. Clarke, after a conversation with Mr. George Wilkes, said that he wished to state that a part of the report of the proceedings which appeared in the *Herald*, and which made him mention the name of Mr. G. Wilkes as connected with this conspiracy against Drury, was inaccurate and untrue. He felt it but justice to Mr. Wilkes to state that he had not said as represented, and to make this denial.

The Court had nothing to do with newspaper reports, and could not allow the time to be occupied respecting their accuracy.

[With respect to this unjust and unwarrantable accusation of Mr Clarke, our reporter now most emphatically iterates the paragraph alluded to, which is as follows:—

On the cross examination of Mr. G. W. Warner,

"Mr. Graham objected to the witness's conversation with Mr. Wilkes.

"The Court ruled that it was competent to show if he had fabricated it since.

"Mr. Clarke—We are prepared to show that this is a conspiracy against Drury, and that the persons concerned in the prosecution were the guilty parties. Wilkes, One-Eyed Thompson, and Mr. Warner will appear at every stage of it.

The only inaccuracy in the above, is an omission, for it is less than Mr. Clarke said. He asserted that Wilkes was the midwife of the conspiracy, and stood at the birth of every circumstance in the whole transaction.

In the *Morning Star* we find the following report of the same statement:—

"Mr. Clarke said they wanted to prove that this was a conspiracy to convict an innocent man, got up between Wilkes, One-Eyed Thompson, and Thomas Warner.

In the *Globe* we find the following:—

"Witness was proceeding to state his conversation with Wilkes, when the prosecution objected. Counsel for prisoner declared his purpose to prove that Wilkes, "One-Eyed Thompson," and Thomas Warner, knew all about the manufacture of the box; that they were the guilty parties, and that they had conspired to destroy an innocent man."

In the *Tribune* it is thus reported—

"Mr. Clarke said they would show that Mr. Drury was innocent, and that the guilty parties were those who got up the prevention; Mr. Wilkes, Mr. Warner, and "One-Eyed Thompson."

Counsel for the prosecution, and several persons who were in court at the time, will aver that our report is correct, and that Mr Clarke did charge Mr. Wilkes with being one of the "conspirators" against his client. If Mr. Clarke, in the intemperance of his professional zeal, will advance charges against a gentleman, which, when called on for an explanation, he deems it necessary or politic to deny, he shall not do so at the expense of our reporter.

The following are the letters of Mr. Warner to his wife, which were read by defendant's counsel:—

20 DUANE STREET, New York City, }
DECEMBER 27TH, 1841. }

E. WARNER—

On the 9th instant, I received a letter signed as above, "E. Warner," under date of the 24 November. I should have written an answer earlier, but that until yesterday I have been expecting daily to sail for Havana, on the Island of Cuba, (one of the West India Islands,) where I shall, when I go, be engaged for some time.

As, however, I shall not now go there until the end of January, or early in February, I have determined to write a reply.

In doing so, I have only to say, the handwriting of the letter in question, and of the signature thereto, is entirely new and unknown to me. It is not the handwriting or signature of any person, at all now, or at any future time, to my knowledge, known to me.

In reference to its contents, and the threats therein contained, I have only to remark, they produce no other effect on me, than pity for the writer, be it who it may. I mean only, that any one should be so foolish as to attempt to hold out threats or intimidations to me and to expect thereby to drive me into any course the threatener might wish. In regard to what would seem to me, to be the spirit of these threats, I have only to say, that if the writer of that letter, or any other person, has any claim on me, let such claim be presented here, and if it be correct, it will be promptly and fairly adjusted.

In the event of nothing occurring, which I do not now know of, I shall in all probability, after I leave the West India Islands and in the autumn of the coming year, visit England, when if I do, I shall endeavor to find the writer of the letter, and personally satisfy myself as to its contents.

THOS. WARNER.

Addressed—E. Warner, at Messrs. Christy's, hatters, Gracechurch street, London, England.

ROCHESTER, March 2, 1819.

My Wife—You desired me to write—I promised to do so, and now proceed to perform my promise, and in doing so, shall endeavor to write truly. What I write, shall not have about it the semblance of hypocrisy. To a very great extent, we have, ever since our reunion, been uncomfortable, and especially so, and very much so, during the last two months or thereabouts, and we have evidently both been alike uncomfortable.