and with a volition that is incalculable, they mingle and consolidate with those who are citizens by prescriptive right; if thus they incontestibly demonstrate that republicanism is the true expression of their nature, their sympathies, their conceptions, their ideas of duty, progress, liberty, and human glory—is it not venturing too far to assert that the European communities out of which they come are unfit for that condition of society and government in which we live, rejoice, and prosper? That the republican experiment has, for the time being, failed in Europe, none will deny. That the failure was, to a certain degree, owing to the mere precipitate of the revolutionists themselves, especially in France, cannot be denied. Such, at all events, is my conviction. But I heard M de Lamartine say in the Hotel de Ville, during the *regime* of the Provisional Government of February, that the intrigues and gold of William Pitt had stimulated and sustained the war in La Vendée. That this policy was revived in 1848, and extensively copied by the absolutists of the European continent, I do not hesitate to assert. Of this I am satisfied, that had there been no kings in the way republicanism would have had a fairer trial, and the issue would have been different. Had Baden a fair trial? Had Milan? Had Venice?—had Rome?—had Buda a fair trial? Why, these bleeding cities had not so much as breathing time. From the dawn to the night-fall they were in action. If they hung up their weapons for an hour it was but to bury their dead children. Who kept them in the trenches? Who kept them in disorder, turbulence, and frenzy; if disorderly, turbulent and frenzied, and worse than all this, the armed votaries of freedom chanced to be? Let their august kingships—with their conspiracies, seditions, and revolts against the people—let their kingships stand responsible. Republicanism was choaked, for the poisonous weeds were, by a generous carelessness, left rooted in the soil. The soil is good, and will give forth fruit like that on which we feast this night when it has been upturned, thoroughly sifted, and from baneful root and vermin purified. Thus I answer the objection of the incompatibility of republicanism with the European disposition. The incompatibility of the European disposition with republicanism! Away with it! It is the philosophic explanation of the robber. It is the argument of the tyrant the world over. "There was a time," said Lord Chatham, "when a Roman Senator reasoning upon such principles, (the question of American liberty was before their Lordships,) and pointing to the British barbarians, might have predicted with equal boldness, 'There is a people that will never rise to civilization—there is a people destined never to be free!'" Let that suffice—little more remains for me to say. Yet much as I have said on behalf of a new order and procession of events in Europe, to my mind human perfectability on this earth is not attainable. John Mitchel believes not in the Millenium, nor do I. With the author of the "Revolt of Islam," I hold that

"Every heart contains Perfection's germ."

But that this germ, in any condition of existence here, will be, or can be, to the highest point of maturity developed, is what I dare not predict. I fear the best condition will be, at the best, defective. But that it becomes us to seek the best; that it is our duty to mount higher up the mountain, and plant our banner on the peak nearest to the sun that is accessible—this, with all men who permit the divine impulses within them to have sway, will be exultingly admitted. That republicanism is that loftier eminence to which our nature should aspire; that a purer atmosphere there surrounds it, strengthens, enlarges, and exhilarates; that the action of the mind, at that elevation, is the freer, and all its visions brighter, and all its purposes the more active, generous and courageous; that the soul receives there a broader measure of effulgence; that there are on that summit fewer obstructions between it and the light; and that the passions, which trouble and obscure a lower station, roll off, like the clouds, below it; that republicanism seems so to me, and that I felt it was so as I looked down one day from the Catskill and saw the storm passing at my feet along the face of the precipice—this, this I confess with rapture! That there is in Europe the ambition to ascend—to leave the region of fog and stagnant waters, and decayed timber—and lay the foundations of a new house, where the soil is fresh, and the eagle soars, and nature looks most glorious—this I joyfully believe. What though it is now summer with the kings? What though the gigantic democracies which smote the princes "hip and thigh" in 1848, are now bound in fetters of brass and made the blind sport of their foes? What though the evil ones have been exalted, and the perjured have been named holy; and the blood of the people is mixed with the wine of the princes, and the bridal couch is spread over the red earth of the slain, and illuminations bewilder the memory of those who mourn, and the gibbet is disguised in lamps, and flowers, and the relics of imperial wars, and the desolate laugh hysterically in their intoxication, and the reign of the wicked is a jubilee, and he spreadeth himself like a green bay tree, and his power is supreme? What recks it? It shall pass as the dream of the drunkard—as the crown of pride from the drunkard of Ephraim. Of this are not the kings conscious, even in this the day of their exaltation? Otherwise why this hesitation with them to strip the sword when principalities declared inviolable are invaded? Otherwise, why this endless game of negotiation when the laws of nations are broken through by hordes of brigands—when the frontiers of an ancient nationality are invested—the balance of power displaced—spoliation insisted on—extermination threatened? Why this inexhaustible exchange of notes, and messages, and modifications, and manifestos, and protocols and notices to quit; these conflicting provisos, acceptances, evasions, rejections, interpretations which interpret nothing, ultimatums which are but lame conclusions, and arrangements which perplex and dislocate the entire system of polity, diplomacy, and commerce—why this interminable comedy of errors—why this inextricable confusion of tongues? What say their Majesties? A few years ago they would have leaped into the field upon the slightest provocation. But now the knights, and their squires, and their men-at-arms, enter the lists with dictionaries and text books, and parchment rolls explanatory of recondite treaties. Now the fate of nations, the march of legions, is decided with all the dilatory cunning of a suit in chancery. Procrastination—equivocation—compromise! This the triple legend on the royal banner. And why? "You paw great honors to M. Arago," said General Cavignac to an officer of infantry, at the funeral of that noble scholar. "Yes" replied the officer, "with forty rounds of ball-cartridge in our pouches." In that anecdote read the explanation of that mysterious web which covers Europe, and into which the shuttles are flying from the four corners of the royal work table. The riddle is solved—there is a conspiracy under every throne! In Westminster Abbey I have seen a tomb—the doors are half opened, though heavily barred and chained—Death issues from it, flinging off the shroud, and, looking up, levels the arrow at the victim, who reclines on the massive slab above. Look to the throne of the House of Hapsburg! Look to the throne of the Dutch descendant of the Corsican! Look to the throne of the Guelph! Within each death has been imprisoned. From out of each death breaks his way. Against the proud proprietor of each death aims his annihilating shaft. And the spectre, having risen, shall put on radiant flesh—like the bones in the valley of Ezekiel—and for "Ireland and the oppressed nations of Europe" there shall be a resurrection more multitudinous and refulgent than that of the House of Israel. So be it.

The eloquent speaker sat down amidst enthusiastic cheers.

The PRESIDENT read the next regular toast:—

The Press—With the pen of truth, it is a sword for Justice and a buckler for Freedom.

Mr. Mitchel here retired from the table.

HORACE GREELEY responded. He said

He would respect the hour and their feelings by being very brief. He rejoiced that once in a while the tyrants of Europe sent their [men] who added dignity to the press. Among them, John Mitchel stood foremost; and he hoped they would all support the paper he was about to establish. He rejoiced that the plains of Van Dieman's Land gave to us this soldier of liberty.

The PRESIDENT read the next regular toast:—

The Army, Navy and Militia of the United States—The protection of our frontier, sea and fireside. Star Spangled Banner.

[Captain REED having retired there was no responed.]

The eighth regular toast:—

P. J. Smyth—To whose gallantry and devotion we owe the presence of our guest, John Mitchel. The Bold Soldier Boy.

Mr. P. J. SMYTH, after some prefatory remarks, said:—

But I will not be guilty of arrogating to myself the sole or even the chief merit of this achievement. It is true that the liberation of the State prisoners had been with me for many a day a darling dream; it is true, that bound to them by political association, personally known to all of them, and enjoying to a large extent, I believe, their confidence, I had meditated long and anxiously on the project the realization of which you this night celebrate. To that body, however, which furnished me with the means of accomplishing this purpose—to the Irish Directory—are your thanks in the first instance due. Most of the members of that body are here present. They are known to all of you—known to be men of as unsullied character as any in this city. They have been subjected, nevertheless, to much calumny and vituperation. Henceforth in answer to all aspersions on its integrity or its spirit, reference may be made, not merely to the personal respectability of the members of the Directory, not merely to the sanctity of the name which heads its list, but to something which in this practical age is valued more highly, to an act—*un fait accompli*, which will live forever in the grateful recollection of the friends of the exiles and of liberty. (Applause.) Alone and unaided in Van Dieman's Land, I could have accomplished nothing. Sustained, however, as I was, by the active cooperation of the brave colonists, without distinction of nationality; [emboldened as all engaged in the enterprise were, by the resolute spirit of the man in whose behalf we acted; cheered above all, by the kindly smile, the ever hopeful word of her whose courage, even in the most trying moments never failed her, success became inevitable and assured. (Cheers.) The difficulties that have been overcome were great, the perils serious—more so than any amongst you may possibly conceive. But that is past. An honorable triumph has been achieved; and had my life been the sacrifice, in spirit I would have been with you still to night, proudly and joyfully to mingle in the celebration. (Loud applause.) Mr. S. concluded by giving as a toast the Irish Directory, coupling with it the name of Robert Emmet.

Mr. ROBERT EMMETT then responded to the toast. He said:—When I came here I did not think I would be called on to mar the effect of the brilliant speeches made this evening. But I cannot, without injustice to that body with which my name is associated, allow the sentiment to pass without taking occasion to say something a little more particular about the Irish Directory. I trust, therefore, you will make due allowance for the imperfection of such observations as may occur to me on the spur of the moment. In what I say I would much rather advert to the noble conduct of P. J. Smyth, whose modesty does not allow him to speak of himself, but about whom enough has not yet been said. (Hear.) You are all aware that in this country, in 1848, an outpouring of patriotism, in the shape of money, came into the hands of the Irish Directory. You know how the spirit of the nation was roused at that time—how men of all classes came forward, and laid their offerings on the altar, which sent up its fires to heaven.

A VOICE—And it will yet.

It was not the rich alone, but the men of labor—men of all classes and colors—that contributed. The resurrection of Ireland was the prevailing topic. The whole country was full of it, and not only the United States, but other countries. The Lone Star of Texas, the West Indies, South America—all sent their offerings. I do not wish to refer more particularly to the events of 1848—they were disastrous. A fund was raised to effect the liberty of Ireland in any way that the Irish Directory might deem fit. I will not say what they did with a part of the money. It was confided to the honor and prudence of certain men. I have yet to learn that any one questions their honor or their prudence. It is enough to say that when there was no opportunity of using the fund for the precise purpose for which it was originally contributed, applications came from all quarters to appropriate it for all purposes—to build churches, to found asylums, and to accomplish, by its means, many other benevolent objects. What were we to do? I will never forget of one member of that body, now was sitting near me. He said, "Money raised for charity or for patriotism can never be reclaimed. The world is not yet done turning topsy-turvy, and the time will come when we may use the fund for the purpose for which it was raised." (Applause, and cries of "Yes, yes, the time will come yet.") This was prophetic. It has been said by Mr. Smyth that the Irish Directory became not only an object of sneering but of calumny and vituperation. More particularly against me the shafts of slander were directed. But I knew that my character had nothing to fear, and could not suffer from such attacks from any quarter, and it was not till on the eve of the election, one year ago or a little more, when I was charged with using that fund for my election, that I thought necessary to take some steps to vindicate myself. I went before the Grand Jury. I confess I had a weakness to do so. They received me well, and admitted that the charge was libellous. But they refused to find a bill, because it was on the eve of the election, and thought it was an electioneering trick.

A VOICE—They did not Fry him?

Mr. EMMET—I was advised to follow it up. I said no. I have other things in this life than hunting game of this kind. That fund has been preserved to the uttermost cent. It has never been used for any other purpose than the original one. I may never have the opportunity again of saying this, and therefore rejoice in saying that no fund ever contributed for any religious purpose was ever preserved more scrupulously. well, the liberation of Ireland failed. Those who contributed the fund asked the money back. But the restoration of it would have been impossible. We could have given back the $500's, the $50's and the $20's; but how could we find out all those persons who contributed small sums from a distance? If we sent back contributions from Philadelphia and other cities, what guaranty was there that the money would find its way into the pockets of the contributors, and not into the breeches pockets of the officers through whom it came to us? What did we do? The next best thing we could do under the circumstances when the last hope was gone, that it could not be used in the shape of powder and ball, we concluded that the best use for it was to apply it to assist in the liberation of Ireland's martyrs.

A VOICE—Being the rest of them back.

Mr. EMMET—Many were sent to the farthest confines of the earth. Even the money in our hands could not rescue them. Mr Smyth came forward. He was named to us as one willing to undertake the noble enterprise—to liberate John Mitchel and his fellow exiles. I did not know him then. Others did. They told me he was honest and intrepid, and as prudent as those persons who go on such adventures. (Laughter.) I took the word of those who had been already tried in the cause of Ireland. We gave him what money was necessary for the liberation of John Mitchel, Smith O'Brien, or any of their compatriots. I will venture to say, that neither in the classics we have read in our youth, nor in the knight errantry of the middle ages, is there anything recorded superior in chivalry to the heroic conduct of Mr. Smyth. I shall abstain from any further remark, for I cannot "paint the lily or add perfume to the rose." I cannot add to the estimation in which he is already held. Let me, gentlemen, give you, in conclusion, if it is not out of order—

"The Contributors to the Irish Fund of 1848—They cast their bread upon the waters of Irish liberty, and it came back to them an hundred fold, in the persons of Thomas Francis Meagher and John Mitchel." Drank with applause.

9. William Smith O'Brien and his companions in exile.

Far dearer the grave or the prison,
Illumined by one patriot's name,
Than the trophies of all who have risen
O'er liberty's ruins to fame.

[*Exile of Erin.*]

Mr RICHARD O GORMAN then rose and responded to the sentiment, as follows:—

Mr. President—It is now so late that I should think myself guilty of ill taste if I were to detain this assembly for more than a very few minutes. However, I should be doing injustice to my own feelings if I did not say a few words on the part of my dear friend, to whom you have just now paid a well deserved honor. (Applause.) It is an every day increasing happiness to me to see once more reassembling that little band, of which, I am proud to remark, I once was of the rank and file. I rejoice to see old friendship renewing, and my old companions in the full strength of their intellect—in the full light of their genius, with unimpaired heart and hope, here on this land where worth is sure to meet its desert. Yet, amidst all this festivity, my heart listens for a voice I cannot hear. I long to grasp again a hand that always met mine with true friendship; and while I look on those who surround me, I grow sad to think on some that are far away. Sir, you have paid to William Smith O'Brien no unmerited honor. A braver, manlier, gentler, tenderer heart never beat in human breast. Sprung from the best of the true Irish aristocracy, the grand impulse—the motive of his life—was passionate love for the Irish land and the Irish race. Through every phase of his life—in the British Parliament, an honored representative; in the van of the Irish popular council, a trusted leader; in the dock at Clonmel, a prisoner doomed to death, or pacing by the banks of the Derwent under the Southern sky, eating away his heart in uncomplaining silence—Smith O'Brien has been—he is, and always will be—a true Irish gentleman: a man without a stain—like Bayard of old, "without fear, and without reproach." (Applause.) Sir, time changes us all, and in many things I feel its influence; but this hand will have lost its nerve and this heart will be cold and still forever before it loses its unfailing reverence, its unshaken affection for that true hearted man. (Applause.) Of John Martin, of Kevin O'Doherty, I need say little. For their services and their sacrifices—their pure, unselfish devotion—they deserve any honor that honest men can pay to honest worth. (Hear.) I know there is a school of philosophy now-a-days that sneers at what men in old times used to call patriotism. It tells us that this passionate love for one particular spot of earth is a mere prejudice, and narrows the mind. Instead of patriots, they would have us philanthropists. I do not believe in this chilly creed. Affection, I very much fear, as it widens and expands over a broad surface, is apt to grow shallow and weak and stagnant. (Hear.) I do not think the great God implanted this all powerful love in men's hearts for fatherland without some beneficent intent. There is, I think, a Power above wiser than the philosopher. The cold calculations of the political economist are still set at naught. It may be, perhaps, that the instinct of a nation is the statesmanship of fate.

Mr. O'Gorman thus concluded, amidst loud cheers

10. The Ladies—the only legitimate power securing allegiance by "divine right."—(To Ladies' Eyes around, Boys.)

Mr. JOHN BROUGHAM responded. He said:—

He discovered at a very late hour that he had been called upon to respond to this toast, which had been drunk with such characteristic enthusiasm. (Laughter and applause.) He could say nothing which had not already been engrafted upon the heart of every honest man. (Applause.) He objected to the word ladies—woman was better; woman was the best term—you couldn't pronounce it without your tongue sticking to it. The first and best thing in the world was (he said) a perfect woman. The women here to night were of this sort—a circle of jewels smiling around us. Then there are the ladies—pretty expensive articles. These last are the things we admire—women we love. Then there are the females. (Great laughter.) Strong minded dogmatics, hot-headed, cold hearted beings. They are mistakes in nature—a sort of offset to a class of men called Miss Nancys. The relation of woman to man! Who has not felt the tender love of a mother, or flirted with a pretty cousin? The best and brightest woman in the universe must yield up the palm to the women of Ireland—(Cheers and applause)—and in no women can be found the love of country and of home so strong as in the Irish women exiled to this country. If you desire to see this in its full effect, go to the post offices all over the United States; you will there find them anxiously awaiting the news from home, and all of them sending their mite to relieve the misery which there exists. Oh, that the Mrs. Jellabys and Mrs. Pardiggles of real life, could see and imitate this real, practical working benevolence! (Hear, hear.) In closing, the speaker paid a beautiful compliment to Mrs Mitchel, and said that he knew the company would be glad to join with him when he gave

The Wife of John Mitchel.

The regular toasts having been exhausted, the President resigned the chair to the Vice President, Mr. McKeon.

Mr. MCKEON gave the following from Mr. C O'Conor,

The Exiled Irish Patriots of '48—Independence was not vouchsafed to their country; but republican citizenship rewards their noble efforts. Air—Garryowen.

Mr. W. E ROBINSON responded. He expressed his sympathy with the object of the entertainment, and his high satisfaction at Mr. Mitchel's intention to start a universal Irish journal.

The CHAIRMAN gave the annexed:—

By Mr. Carroll—We have no commiseration for princes; our sympathies are reserved for the masses of mankind—The sentiment of Henry Clay in 1818 is in 1853 the manifesto of the American people to the crowned heads of Europe.

The assembly now (midnight) dispersed. We have not often attended a more successful demonstration.

THE NINTH WARD RIOT CASE.

Court of General Sessions.

THE CASE FOR THE PROSECUTION.

FOURTH DAY.

Before His Honor Recorder Tillou.

DEC. 19.—The Court met, pursuant to adjournment, at eleven o'clock this morning, and proceeded with the trial of the Ninth ward rioters.

Sidney Parker was recalled, and testified as follows:—

District Attorney—At the conclusion of your testimony you stated that when you arrived at the scene of the riot you found the mob beating the stage driver, and that you solicited them to let him alone, but you were unheeded. Now, sir, state what followed.

Witness—I then went to look for an officer, and the first one I saw was officer Kelly; I asked him if he could not stop those persons from injuring the driver?

Q. What was his reply? A. He said he was doing all he could to prevent them from doing so, but it was impossible to quiet them.

Q. Whereabouts was officer Kelly when you spoke to him? A. He was somewhere near the box of the stage.

Q. What did he say to them, and what did he do? A. He solicited them to let the driver alone

Q. Well, sir, what further took place? They paid no attention to him, but commenced beating the driver and those who sat alongside of him.

Q. What then, sir? A About this time the pole straps of the horses were broken, and they turned around in face of the stage.

Q. Well, sir? A. Some persons then shoved the stage towards Bank street, and the horses got on the sidewalk.

Q. What next? A. I think saw officer Kelly on the stage box with the driver.

Q What did he say? A. He persisted in asking them to let the stage driver alone.

Q. What took place next? A Several persons then interfered on behalf of the driver.

Q. How did they interfere? A. They interfered so far as to still persist in allowing the driver to go away about his business and then the assault was commenced

Q What did they do; describe it generally? A. The fight then became general.

Q. Were you injured any? A. Yes, sir.

Q. How were you injured, and where? A. By a brickbat striking me on the side of the head

Q. Do you know who threw the brickbat? A. No, sir.

Q. During this time where was the marshal?

Mr. McKeon—The marshal is not on trial; we cannot be responsible for the actions of every man in the crowd, therefore, I object to any evidence in reference to Mr. Sanders.

Recorder—I think the question is a proper one; I can see no objection to it

District Attorney—The course that I propose to pursue in this case is for the purpose of consuming as little time as possible. I propose to show a chain of evidence, the character of it, and what the affray ultimately resulted in, and then go on and identify all the parties connected with it on trial; and then I will show their action of consent, as one man, and under orders, too, of the marshal

District Attorney—Q Now, sir, just state if you saw anybody on horseback? A. Yes, sir.

Q. Did you know at the time it was the marshal? A. No; but I ascertained afterwards it was a marshal.

Q. Where did you see this person during the occurrence? A. I saw him riding up and down the line, but did not hear him solicit them to stop beating the driver.

Q. Had he anything in his hand? A. I think he had a sword.

Q. How long did this continue before the police made their appearance in any members? A. I should judge it to be about tweny minutes or half an hour.

Q. Through what streets did the disturbance extend before the arrival of the police from the station house? A. It commenced at the junction of Abingdon square.

Q. Well, sir, how far did it extend? A. I could not say that it extended any further than Hammond street.

Q. Just state what was the result of the blow you got with the brickbat, and where you went after you received the blow. A. I went over to the public house and washed my face.

Q How far was the place where you were hurt to the point where the affray first began? A. About 300 yards.

Q. On your return what did you find? A. I found that the fight continued as usual.

Q. You found the fight continued as usual, and did the police arrive in any number at that time? A. Yes, sir.

Q. State what you saw on your return, and who were fighting? A. I saw the police insisting on dispersing the riot, and making prisoners.

Q. What were the other parties doing? A. Some were fighting, and some were looking around them.

Q. Who were fighting? A. The fighting took place between the rioters, the police and the citizens.

Q When you speak of those citizens, will you state who those citizens were, and how they apparently collected there on that occasion? A. When I say citizens I mean persons who were passing along the street at the time, and who were attracted there by the fight.

Q Did you see any body of men assembled there as a body except the police? A. No; the persons collected there as a body were the police.

Q. Did you identify any of the persons as present there? A I did not identify any person except the marshal.

Q. What became of the driver? A. I cannot say; I think he went off with the stage, or somebody took it away from him.

Cross-examined by counsel for the defence.—Q. Was any one killed in that riot? A. No, sir; I cannot tell.

Q. Was not the driver killed in the newspapers?

District Attorney—We don't want to make him out as killed.

Mr. McKeon—When you were standing on the stoep, just before the riot took place, what time was it? A. It was about 11 o'clock.

Q. When you left did you leave any person behind you in the barroom? A. I left two or three persons there.

Q Were there not more than that? A. I don't think there were more than four persons there at the outside.

Q. Is it not a place where young men go to drink with each other? A. Yes; they go there to have communion with one another.

Q. Did these men come out? A. I think they did.

Q. Did they go towards the stage? A. I think they did.

Q How did they go there? A. They walked there, I suppose. (Laughter)

Q. Was nothing said about a parcel of Irishmen? A. I think not.

Q Do you know what the business of these men was? A. I do not.

Q. Were you in the habit of going there? A. Yes, sir.

Q Who were those men? A. I don't know.

Q During the time of the affray did you see them doing anything at all? A. After the stage had got to the corner of Bank street there were two gentlemen and a boy that took the part of the driver; then these three or four young men helped them, and insisted on the rioters not beating them any more.

Q. How did they take their part? A. They took their part this way: When they saw the rioters taking their staffs and beating the citizens over their heads they caught hold of the staffs and insisted on their ceasing. The Hibernians commenced the fight; the others remonstrated, but in vain, and those three or four young men were driven back and I was with them; one of them had to hide under a cart

Q. Where did the others go? A. They got in between the legs of the rioters, and ran away.

Q What was the name of the public house? A. The Abingdon Square Hotel, kept by Squire Marshall.

Q Did you see any of these three or four young men strike any blows? A I did.

Q. Who did they strike? A. The men with the green scarfs.

Q Did you see them throwing stones? A. No.

Q Did you see anybody throwing stones? A. I did not.

Q. What was officer Kelly doing on the top of the stage? A. I have stated that before.

Q. Did he not drive the stage off? A. I don't know.

Q Was he not on the box? A. He was on the box when I got to Bank street.

Q. Are you sure of that? A. I am certain of it; to the best of my recollection he did.

Q. Did the stage go off then? A. I can't say.

Q. Did you not hear him say that if the procession would not go out of his way he would drive the stage over them? A. I did not, sir.

Q Did you not see whether the straps were broken or cut? A. I did not.

Q. Do you know how many persons came in the stage? A. A few.

Q. Did you see them get out? A. No.

Q At the time of the affray, did you see any of them trying to get out? A. They could not, on account of the members of the society rushing inside.

Q Few long had the procession been passing when you were standing on the stoop? A. They might have been passing about twenty minutes.

Q What way were they coming? A. Down the Eighth avenue, towards Hudson street.

Q. There had been no trouble until the stage had arrived? A. No, sir.

Q. Have you seen the stagedriver since? A. I saw him at Jefferson Market.

Q Did the pole straps break before or after the fight commenced? A. I am sure it was after.

Q Where were they fastened? A. To the pole of the stage.

Q. Now, sir, these young men from the Abingdon Square Hotel, did they throw any articles, either sticks or stones, at the alleged rioters? A. No, sir.

Q Did they, when they saw the driver attacked, attack any one? A. They did not raise a hand until the occurrence in Bank street.

Q. Do these men belong to a fire company? A. I don't know, sir.

Q Do you belong to the "Know Nothings?" A. That is a question that I decline to answer.

Q You stated that you were struck; when and where did that take place? A. When I assisted the police.

Q Did you strike anybody that day? A I did; I have no hesitation in saying so.

Q Did you knock any one down? A. I think my physical capacities are great enough for that; I did knock somebody down.

Q Did you strike them with stones? A. No, nothing but my fists.

Q Now, the question becomes an important one; I ask you again if you belong to a secret society called the "Know Nothings?"

Witness. That has nothing to do with the case, and I refuse to answer.

Edward J. Carpenter, the stagedriver, being duly sworn, deposed as follows:—

Q On the Fourth of July last, what was your business? A. I was driving a stage.

Q. For whom? A. Messrs. Kipp & Brown.

Q. What was your stage route? A. Ninth avenue, Hudson street, Canal, and Broadway.

Q. What direction were you going in at the time of the occurrence? A Toward's Ninth avenue.

Q. Which side of the procession were you driving? A. On the right.

Q. Where did you first meet the procession? A. At the corner of Bank street.

Q. Your line would take you across Abingdon square to the Ninth avenue, what did you do? A. My route was across Abingdon square where stopped.

Q How long did you stop there? A. I was about twenty minutes waiting for the procession to pass.

Q. What then occurred? A. My horses became restless from the firing of guns, pistols, and firecrackers; I had been there about twenty minutes waiting for the procession to pass, when, seeing an opening about twenty feet wide in the tail end of the procession, I started to go through, when the horses were seized by the heads by the Hibernians.

Q. About how many men were left behind at that time? A. About a dozen.

Q How many passengers had you in the stage? A. Five or six.

Q. Were there any persons sitting on the box on each side of you? A. Yes, sir; Solomon Webb and one of Kipp & Brown's men, whose name I don't remember.

Q. What did the rioters do then? A. They beat the horses with their staves, umbrellas and hands; they turned the horses around and then began to climb up on the box of the stage, and several threw stones at me. There were two or three got up on the stage, who began to assail me with their staves, fists and stones.

Q. Did they get you off the stage? A. They did not; there were so many of them together that they bothered each other.

Q Did any of them sit inside the stage? A. They did, and some of them caught me by the leg and said, "I have got the son of a b—h now," and tried to pull me off.

Q. What then occurred? A. They gave me a severe beating.

Q How long were you confined from the effects of the beating? A. For four months.

Q. Where were your injuries? A. Internally.

Q. What did you say to these men at that time? A. I begged of them to go about their business.

Q. What then was done? A. Officer Kelly tried to protect me.

Q. What became of the horses and omnibus afterwards? A. Somebody got up, and drove them down as far as Trey street, and fixed the harness; I am inclined to think it was done by Mr. Morton.

Q. What then was done? A. The stage was then drove off; Mr. Kelly going up as far as Jane street with it.

Q Did anybody interfere or help to protect you except Mr. Kelly? A. I did not see anybody; the crowd was so thick around me I could not tell.

Q. When you got to Troy street what was going on around you? A. I don't know; I was too anxious to get away.

Q. Did you give the society any other offence than by passing through the division in the end of their line; did you speak to any of them? A. I did not.

Q. About how many got around you? A. I think the whole procession came back; I saw the marshal, he had a sword in his hand.

Q. Are you able to identify any of them? A. I identified Mooney.

Mr. McKeon—There is no man named Mooney indicted. One of my clients is named Murray. Is that the man you mean?

District Attorney—I want every one of the defendants now on trial to appear at the bar.

Mr. McKeon—I object to that. They appear here by attorney; I have no idea of letting twenty men stand around me, for the purpose of identification. They are all in the court room, and that is the only way you can compel their attendance, unless the court is about to pronounce some awful punishment upon them.

District Attorney—I will say further; if the parties in this case do not answer to their names, and appear at the bar, I will forfeit their recognizances. I have yet to learn that some eighteen prisoners on trial cannot be made to appear at the bar before the Court when the Judge requires their presence. I am aware that parties can appear by attorney in a civil suit; but they cannot appear by counsel in a criminal court.

Mr. McKeon—What does the statute say, Mr. Blunt?

District Attorney—This is the language of the statute on that point:—"No person indicted for any felony can be tried until he be present, nor can any person be tried for any other crime unless he be present by an attorney." Now, you are not an attorney in a criminal court, and therefore the defendants cannot appear except they appear personally.

Mr. McKeon—I ordered to have them placed around me in the room, and they are here. The defendants, in a case of misdemeanor, have a perfect right to go about their legitimate business wherever they please. You cannot try a man for felony unless he be present; but does the Court pretend to say that in a case of misdemeanor the defendant must be present in court and not attending to his business? I have never known an instance of the bail being forfeited where the counsel was present in a mere case of assault and battery, as this is. My object is that the witness shall not have the advantage of identification. The witness might have taken one man for another; therefore I don't see the necessity of placing them all in a row that they might easily be picked out. I know that in a case that happened under my own observation while District Attorney a witness swore most positively to the identification of a man put into the cells of the Tombs, yet when taken out and placed with a number of others he could not tell who the real man was. One Irishman looks so like another that it would be easy to mistake one man for another.

The District Attorney then read the section of the statute again, and concluded by saying, that in criminal courts the counsel was no attorney, but in civil courts he was, therefore it was necessary for the parties to appear personally.

The Recorder then asked if Mooney or Murray were in court.

Mr. McKeon—I will see, sir.

Mr. Blunt—I will show that such a person, answering the description of this Mooney or Murray, was arrested for being concerned in the riot; that he was taken to the police court, there committed, held to bail, and is now indicted for that offence.

Mr McKeon—But we have no man named Mooney here; but we have a Murray.

District Attorney—Well, what of that?

Mr. McKeon—The witness says it was Mooney.

Witness—I think it was.

District Attorney—Q. Did you recognise any person at the police office, and what did you understand his name to be? A. I stated that it was a man whom I supposed to be Mooney; he stood by my stage and threw a stone at me.

Q How long after that did you see him? A. The next day.

Q. Have you seen him since? A. I saw him in the court room the other day.

Q. Do you think you could pick him out? A. I am sure I could.

The witness then went around the court, trying to identify him, when Mr. McKeon informed the Court that he was not in the room. [A messenger was then sent for him]

Cross-examined by the counsel for the defence:—

Q. Have you not got a suit growing out of the transaction? A. I have.

Q Against whom? A. James Saunders.

Q What is it for? A. For damages.

Q Have you sued Mooney or Murray? A. I have not.

Q. Did Saunders strike you? A. Not as I know of.

Q. Did not Mooney strike you? A. Yes.

Q. Is not Saunders a man of property? A. I don't know.

Q. What have you laid your damages at?

District Attorney—I don't see how the answer to that question will affect the case one way or the other, therefore I object to.

Objection sustained by the Court.

Q. How many men got up on the stage—were there three? Yes sir, more.

Q. Were they all trying to get you off the stage? A. Yes.

Q. What was the reason they did not? A. Because there were so many of them they were all in each other's way.

Q Did you not meet the procession down near Canal street? A. No sir.

Q. How far down were you when you met it? A. At the corner of Bank street; they were to the left of me.

Q. Did you say anything about these men being a pack of Irishmen? A. No, not as I know of.

Q. Did you say anything to the men that were alongside of you? A. No.

Q. Why did you not take the other side of the street? A. I could not get across.

Q Did you not know your route? A. I did.

Q. Could they not have taken one part of the street and you the other? A. I suppose so.

Q. Did not Kelly get you entirely out of the difficulty? A. Yes.

Q. Did you see him strike a blow? A. I did not.

Q. Were the horses driven that day up to the stables? A. They were.

Q. Did you not walk about that day? A. I did.

Q. Were you in bed? A. I was.

Q. Were you at work next day? A. No.

Q. Were you in bed the next day? A. No; I was walking about a little.

Q. Were any of your bones broken? A. No.

Q. How many scratches had you? A. None.

Q. Where did the stone strike you? A On the side of my face.

Q. Had you any marks on your face? A. Yes, sir.

Q. Black and blue marks? A Yes.

Q. Had you a physician attending you? A. No, sir.

Q. Were the horses used that day? A. I don't think they were.

Q. Do you know whether they were or not? A. My impression is they were not.

Q. Were the horses laid up? A. I don't know; the team did not belong to that route; they belonged to the Seventh avenue route.

Q The sticks that you were struck with, were they not light pine wood? A. They were pretty heavy timber and about an inch thick.

Q. Were you struck across the head? A. Yes.

Q. Did they make any marks? A. Yes.

Q. Were you cut? A. No, sir.

Q You say the horses became restive? A. Yes, sir.

Q. Were there five hundred men in the procession? A. Somewhere about that.

Q Were not the most of them passed by you at the time of the occurrence? A. Yes.

Q. How long did you wait for the procession to pass? A. Twenty minutes.

Q. Did you not get tired? A. Yes.

Q A little restless? A. Yes.

Q. And the horses started all of a sudden? A. Yes.

Q. Mooney is now in the court room; will you please point him out?

Witness then left the stand, and looked around the court room for the defendant, but returned, saying he could not find him.

District Attorney—Now, I require every one of the defendants on trial to come inside the bar, and those who do not appear I will be under the necessity of forfeiting their bail for them.

Mr. McKeon—I think the District Attorney ought not to insist upon it. It is a matter at the discretion of the Court.

The Court sustained the course of the District Attorney, and noted Mr. McKeon's exception.

Witness, after looking at each of the defendants for some minutes, said that the man he saw at the police office was not present.

Mr. McKeon—Then I hope your Honor, if you should happen to sentence these men, will decide that Edward Murray is wrongfully indicted, and give him the benefit of the flaw.

William H. Wood was then called to the stand, and deposed as follows:—

Q. Where do you live and what's your occupation? A. I live at 178 West Fifteenth street, and am a carpenter by trade.

Q. Were you on the Fourth of July last anywhere in the neighborhood of Abingdon square? A. Yes.

Q Whereabouts? A. In Ninth avenue, between Horatio and Jane.

Q Did anything take place there to attract your attention? A. Yes, I heard a man say there was a fight, and I went down to see it.

Q. Where did you go to? A. To the corner of Troy and Ninth avenue.

Q. What did you see there? A. I saw several men engaged in a fight, and several men on top of a stage box; saw Mr. Kelly on the box; saw another man trying to shove the driver off the seat with his feet, but he did not succeed; I then saw a number of men beating the horses and the driver with sticks.

Q Had these men any marks so that you could tell to what party they belonged? A. They had banners and scarfs.

Q. Did you see these men with scarfs hit anybody except the driver? A. I saw an old gentleman knocked down by them.

Q. Where was he standing? A. Within ten or fifteen yards of the stage.

Q. Did you see any person on horseback? A. I did.

Q. Had he anything in his hand? A. He had a sword.

Q. Did he say anything? A. He shook his hand and uttered an oath twice.

Q At the time when you arrived there what portion of the procession was present, and how many of them were left behind? A There were about three hundred persons present.

Q. And where were the rest? A. Down Hudson street.

Q. What became of them? A. They all ran back again to the stage.

Q. What was finally done? A I started down Troy to Greenwich street, down Greenwich to Bethune street; I was chased by the Hibernian Society down as far as Bethune street.

Q. Had the police arrived at that time from the station house? Yes, about twenty or thirty of them came in a body.

Q. What did the police do? A. They went in to disperse the rioters.

Q. Do you recognise any of the prisoners taken? A. No, none but the marshal.

Cross examined—Q. Were you standing on the stoop when the stage was first stopped? A. No, sir.

Q Did you strike any one that day. A. No.

Q. What did you do when you got up to the stage? A. I did nothing but look on, because it was dangerous to help the driver.

Q. What made they chase you down Troy street then if you did not strike any of them. A. Can't say, but I suppose it was because I helped the old gentleman up who was knocked down by them.

Q. You did nothing at all? A. No, sir.

☞ Want of room compels us to postpone the remainder of this day's proceedings.

MARITIME INTELLIGENCE.

ALMANAC FOR NEW YORK—THIS DAY.

SUN RISES	7 23	MOON RISES	9 22
SUN SETS	4 33	HIGH WATER	11 16

Port of New York, December 19, 1853.

CLEARED.

Steamship—Merlin (Br), Crenan, Halifax, E Cunard.

Barque—St Louis, Hoyt, New Orleans, Wm Nelson & Son; Alexandrine, Cooper, London, C C Duncan & Co; Northumberland, Lord, London, Griswold, Morgan & Wiley; W D Sewall, Sewall, New Orleans, R P Buck & Co.

Brig—Peter Demill, Hoey, Savannah, Demill & Co.

Brigs—Charlotte (Br), Tyrell, Aspinwall, Whitman & Wheelock; Miemac (Br), Robbins, Yarmouth, J H Braine; Favorita, White, St Thomas, M M Freeman & Co; W F Safford, Nickerson, LaRochelle, R P Buck & Co; R W Packer, McNear, Cape Haytien, master.

Schrs—Eliza Ann, Richardson, Ponce, C & E J Peters; John Price, Price, Baltimore, Mailler & Lord; Flash, McKennon, Porto Rico, R P Buck & Co; Com Kearney, Lovell, Boston, S W Lewis; Mary, Crosby, Bo