VICTION AND SENTENCE OF AARON JACKSON FOR THE DER OF FRANCIS JOHNSTON.

w Williams Sentenced to be Hanged for Poisoning his Wife.

Court of Oyer and Terminer.

Before Judge Roosevelt.

24.—The prisoner at the bar, an intelligent look-ung negro of twenty-five, or thereabouts, was d with the wilful murder of Francis Johnston, also , on the 14th of February last, by blows from a The alleged crime was committed in a negro ouse, No. 55 Anthony street, kept by a woman Parker.

prisoner appeared easy and cheerful in manner. urt room was half filled with colored spectators, ale and female.

Jonas B. Phillips appeared for the defence, and strict Attorney for the prosecution.

following jurors were empannelled in this

. Hutchings,	J. V. Rogers,
cis Bodine,	G. W. Browne,
. Parker,	F. Rockport,
. Moore,	P. W. Livingston,
C. Cloudesly,	F. M. Jones,
Fairgrieve,	George W. Dorr.

District Attorney in opening the case said—In one e vile and miserable dens which infest our city, d the scene of this tragedy. The time of this oc-ce was on the 14th of February last, between the of three and four o'clock in the morning. The ny assembled upon the occasion consisted of some or thirty male and female blacks, engaged in g, and the principal actors in the drama were a per-the name of Peter Thompson, Robert Matthews, Jackson, the prisoner at the bar, and Francis on, the deceased. The circumstances which led occurrence were as follows—The deceased, John-vas engaged in a cotillon, and when so engaged Thompson and Robert Matthews came up towards n the room—in the rear part of the room—and son remarked that Johnston had trod upon his foot. ply was, "You lie." Whereupon Johnston said ld lick him. The deceased replied he could not; vere taken off and Thompson commenced an attack Johnston, Matthews standing by at the time, calling one or the other of them not to strike. They, er, clinched and fought, and while these, Thompson ceased, were engaged in fighting, it is stated that isoner at the bar, who had no part in the original came up from behind, drew a clasp knife from his , struck with his left hand at the deceased, and ith the right hand, stabbing him in two places on 't side, of which wounds, on the 19th of February, d, at the New York City Hospital. If these facts ide out, it would seem strange indeed that this hould have thus intruded himself, without any ap-t cause at the time, into this affray between two , and thus wantonly have used this deadly instru-But, as I am advised by the testimony, there was ge previously existing between the deceased and prisoner. It is also averred that subse-to this he stated, in a manner indicating a feeling of pleasure on his part than morse and regret. Although indicted in the of February last he was not arrested until some-like eight or ten days ago. If the testimony of rious witnesses shall concur in the statements before the Coroner's Jury and before the Grand it would be difficult to arrive at any other conclu-han that the prisoner at the bar had evidently ed these blows. Whatever may have been the cter of the deceased, however depraved his associa-may have been, the law, which respects not per-looks upon his life as equally sacred with that of irest.

ard W. Darby, sworn—Am a resident surgeon at ty Hospital; deceased, Francis Johnston, was ad-l to the hospital on the 14th February; it was in orning; saw him about 10 o'clock; there were two is on the left side of the chest, posterior; one be-the ninth and tenth, and another between the and eleventh ribs; he died on the evening of the made the post mortem the next day; the wounds found to have penetrated the cavity of the chest; ounds were each about an inch in length; they such as would be likely to be produced by such an ment as this, (knife shown to witness;) the cause death was pneumonia, caused by these wounds. ss examined.—Had no conversation with the de-l as to the cause of his death.

rina Parker sworn—I am married; in February last d at 57 Anthony street; occupied the whole house; two story wooden house; it is between Church street est Broadway; kept a porter house on the first floor; dance room in the back part; knew Francis John-have known him since I was ten or eleven years e belonged to Baltimore; he was at my place on th of February last; was in the room at the time s stabbed; it was three or four o'clock in the morn-bers were twenty or thirty persons there, male and e, dancing; had an orchestra there; the bar was he door; there were three musicians in the orches-ohnston was dancing; Matthews and Peter Thomp-me in and leaned against the bar where I stood; ton was in the back part of the room near the or-a; Matthews and Thompson went down towards heard deceased say he didn't want to fight; that he first I heard; then saw Peter Thompson strike n the face with his fist; deceased still said he did ish to fight, and an officer was sent for; the girl was sent could not find an officer, and when I re-d I found Johnston on the floor; Thompson had a uplifted over him and I said, "Don't kill the man;" sed got up then and put his hands to his face; I then l to him to run out; I then saw Jackson alongside of when deceased got up he put his hand to his side aid "I'm stabbed;" he commenced to cry, and then ficer came in; Jackson and deceased had been there her all night; I had waited on them several times; deceased said he was stabbed Jackson went out; pson and Matthews went out; Jackson left his over-behind; as soon as the officer took deceased away a came in for the coat; I said I would give the coat to e but the owner; Jackson then came in for it him-he stood by the bar and I looked at him; he asked by I looked at him so, and I said "Nothing;" he had on his pants; think I saw some on his hands; saw on his thumb; saw his thumb cut; saw him no from that time until now.

ss-examined.—The blood on the pants was near the t and below the knee; first saw the deceased and ner at nine o'clock, and perhaps later; they treated other at the bar, and Jackson had treated deceased ientiy that evening; there had been no quarrel be-n the prisoner and deceased that night in my pre-; saw Thompson strike deceased but once; when pson struck deceased his mouth bled after the blow; deceased was lying on the floor I heard him cry ler; when I called out not to hurt the man, Matthews he was too saucy; I generally heard that Matthews, pson, and deceased were not on good terms; Thomp-and deceased didn't speak; deceased said to the offi-hat one of the party had stabbed him; did not say e coroner's examination that deceased had said it Thompson; I have kept female boarders; do not now; husband is in Philadelphia; his name is Robert Par-have gone by the name of Alexina Sewell; had had minstrels there that evening; had three or four s of music, the minstrels had nothing to do with ing for the dance; James Dorsey was one of the min-s, but did not play for the dance; don't know what of the room he was in that night; he is a banjo play-aw Peter Thompson in my house last Friday.

iza Petty sworn—In February last lived at No. 27 ard street, between West Broadway and Hudson t; knew Johnston; was at Mrs. Parker's the night he stabbed; danced in the same set with him; Peter npson and Robert Matthews came in; they came ugh the set, and it appears that Johnston step-on Thompson's foot; Peter Thompson told him ad stepped on him, and deceased said he had; Peter him he had better keep back, and called him a ck son of a b—h;" Francis called him the same; I saw were about to quarrel, and went to look for my el; while I was looking for it I saw Thompson and sed clinch; don't know which struck first; saw de-ed down on the floor; he got up and said, "Gentle-, I'm stabbed;" the M. P. came and took him to the ital; at this time Matthews was standing up; heard say to deceased not to strike Thompson; did not see kson near the deceased; did not hear Johnston say stabbed him.

omas Barton sworn—Lived in September last at 55 hony street, and tended bar for Robert Matthews; w deceased; at the time I first heard of the diffi-y next door I was putting up the shutters; re I put up the shutters Thompson came and said he was going to the dance; I heard a e there that attracted my attention, and thought Frank and Pete were fighting; knew there was a culty between Frank and Pete; heard Frank threaten hip Pete; Richard Arthur was sitting in the bar-room he time, and I woke him up and told him of it; n I found they were fighting I went into dance room; there were very few people in it; Johnston standing against the wall, with hand to his left side; he had no coat on; said he had been stabbed and did not know who had e it; he said he got stabbed in the fight with Thomp-said Matthews; know the prisoner; saw him after occurrence in our house; his right thumb was bleed-and he seemed as if he had been drinking; gave him g to wrap up his finger, and he gave me a knife and d me to wash the blood off; there was a good deal of od on it; it was a white handled knife with two blades; big blade was open, I had seen the knife before in possession; I washed the knife and gave it to him; he n made me a present of it; I gave the knife afterwards he Coroner; (knife shown to witness,) that is the fe. Nothing material was elicited on the cross exami-ion of this witness.

Villam Arthur sworn—In September last, was tend-bar for Matthews, at No. 55 Anthony street; knew deceased and the other parties; was asleep at the e of this occurrence in the back room adjoining the room; saw deceased just rising from the floor, and a n by the name of Dorsey holding him; heard him say ntlemen, I am stabbed;" he then began to take coat off, and I saw the stab; some one d him who did it, and he said he didn't w; Thompson was near the stove walking away n where deceased had been standing, and I asked him at was the matter with him, and he said Johnston had uited him, and had been at him for some time; saw kson when he came into Matthews' afterwards; he a bloody knife in his hand, and handed it over the to be washed; he asked for a piece of rag to bind up thumb; can't say if it was a fresh or old cut; it ap-red like a cut from the blade of a knife; I bound it Jackson asked us to drink; Jackson appeared to be y much intoxicated at the time; we took a drink, and missed his overcoat and overshoes; he sent some one r them, and the man returned and said she would not them, and he went himself; I recollect that a man ed McKenna got into a dispute with the prisoner at which was the best man; I started to go home with kson that morning with Matthews; it was about two ock; went with him as far as opposite Centre market; wanted him to go home, but he would not go; on the home he told me and Matthews that he didn't like the k son of a b—h,' and had not for some time—that he given it to him twice; we told him he was foolish to do; he repeated it several times; he was drunk all this time; he said he had cut his finger giving it to the black son of a b—h; Matthews told him he had done wrong—he ought to have adopted some other course if he wanted satisfaction; there was a man walking behind us part of the way; we went and got our coffee; he refused to go home, and we then went to Matthews', and stayed the rest of the night; have seen that knife before; think it was shut when he handed it over.

Cross-examined—I now live at 55 Anthony street, lodging at Matthews'; was in his employment when examined before the Coroner's jury; Matthews and I are on terms of intimacy; pay him nothing for my lodgings; am not related to Matthews; have known the prisoner for four or five years; his character has always been good as far as I know.

James Dorsey sworn—Live in Leonard street; am a musician; play the banjo and violin; was in the dance house on the evening of this occurrence; have known Johnston and Jackson before that night; knew Matthews and Thompson; I was on the stage when Thompson came in; Thompson came in and Johnston trod upon his foot; he said, "Please keep off my foot;" deceased said "I ain't on your foot;" they had some words between each other, which I didn't exactly hear; Matthews sung out, "Don't hit him," and Thompson then pitched into deceased; while they were scuffling Jackson got up; he was setting close at the edge of the stage; he then struck at Johnston with his left hand and missed him; he then put his left hand into his pocket and plunged it into his side; saw the blade of the knife; saw him strike once with his right hand; deceased then fell; Jackson then went out into the street; I went and picked Johnston up; got some liquor to wash him, and then the officer came up; saw Jackson afterward, and asked him what ailed his thumb, and he said he fell on an oyster shell.

Cross-examined—Was born in Philadelphia; cannot read or write; don't exactly know the obligation of an oath; know there is a punishment for false swearing in the State prison; don't know of any other. (A long cross-examination was here gone into, in the course of which witness deposed that he belonged to a band of negro minstrels called the "Original Blacks," of which he was the leader. He earned about five dollars a week by this business.)

Thomas Pernell sworn—Am nineteen years of age; came from Philadelphia this morning; knew deceased; lived in Anthony street in February last, where he was stabbed; was sitting alongside of the stage on the night in question; saw Thompson and Matthews when they came in; Johnston was dancing; he had his back turned to the stage; after they came in a difficulty arose between Johnston and Thompson; saw Thompson strik the other in the mouth; Aaron Jackson then took hi knife out and stabbed him in the side; saw him strik one blow; am positive that it was Aaron Jackson.

The Court here adjourned to 10 o'clock on Thursday morning.

SECOND DAY.

MAY 25.—The Court met this morning, pursuant to adjournment. The testimony for the defence was continued:—

Robert Matthews (colored) sworn—Live at No. 42 Leonard street; I resided on the 14th of February last at the same place; keep an oyster saloon at 55 Anthony street, and did so on the 14th of February last; knew the deceased; had known him three or four months previous to his death; know the prisoner; have known him from his boyhood; knew Thompson; was present at a fight in a dance-house belonging to Mrs. Parker; I went there about half-past two in the morning of the 14th; no one was with me; had not seen Peter Thompson since one o'clock in the afternoon of the 13th; he arrived soon after I got in; when he came in he looked as if he had been drinking; left him and walked down the left-hand side of the room, which is forty or fifty feet in length, and sat down on a bench near the back door on the right hand side; was seated about twelve feet from the orchestra; Thompson came down to where I was; he was dancing at the head of the set; Thompson caught hold of the girl that Johnston was dancing with, by the shoulders; they were dancing a cotillon; Johnston was then told to "forward;" as he went forward Thompson said, "Get off my toes;" Johnston said, "I'm not on your toes;" Thompson said, "You are;" Johnston said, "You're a liar;" they then commenced fighting; Johnston raised his hand to strike, and I said, "Don't strike him;" I said so because Thompson was intoxicated; there was a row, and some trying to separate them; Mrs. Parker sent for the watch; the last I saw of Johnston he was lying on the floor, and afterwards standing by the orchestra with his coat off; saw the prisoner there when I came in; did not see the prisoner during the affray; I went next door, to my place, at No. 55; he came into my barroom about five minutes after; he said his thumb was bleeding, and asked for a piece of rag; he had a knife in his hand; he handed it to Barton to wash off; Barton gave him the rag and washed the knife; prisoner gave the knife to Barton and said, "You may keep it, I don't want it;" I had not seen it before; it was a white handled knife; Barton then left my place and went to see about Johnston; prisoner stayed until Barton returned and a long time after; Barton said that Johnston was stabbed; the prisoner said "I stabbed him;" I told him to keep quiet, he ought not to have done it; we then took a drink and he took brandy; Barton and I went with him home; we stopped at Centre Market and had coffee and cakes; on the way the prisoner said he had stabbed him.

Cross-examined—There was a dance at Mrs. Parker's last night; she was there and Thompson also; Arthur and Barton were not there; Barton was up at my place last week, and we had some conversation about the trial; Barton and Arthur spoke of what they had testified to; they said it was the truth about what the prisoner said when giving Barton the knife, and what he had said to Arthur; do not know that Thompson had a knife; did not hear him say that deceased had been at it for some time, and richly deserved all he got; heard the deceased cry out something during the affray; don't know that I saw Thompson raise a stool to strike him with; I was arrested on the 19th of February; had at that time a license to sell liquor; up to that time had never been arrested on any charge whatever; I recollect Barton wanting to buy a knife from prisoner; have known prisoner from his boyhood; has always been rather peaceable.

District Attorney—Perhaps when he is sober; how is he when drunk? (Laughter.)

Witness—When he is drunk he is funny; it was the right thumb that he cut; think he uses his right hand—am not certain; think the knife was shut up.

The Court—How did you see the blood on the knife if it was shut up? A: I think the blood was on the handle.

Q. Have you ever been in the State prison?

Witness asked if he was compelled to answer that question?

The court said he could do as he thought fit.

Q. Do you decline answering? A. Yes, I do.

The record was here referred to, and it was ascertained that the witness had actually suffered imprisonment in 1839.

The case for the prosecution here rested.

Frederic Francis was called for the defence—I know the last witness; he was the same who was tried and convicted and sent to the State prison when Mr. Whiting was District Attorney.

To the District Attorney—I was on the island last September; that was the second time I went; was never in the State prison; was never tried in the Court of Sessions.

Mr. Phillips briefly opened for the defence.

Julia Jackson sworn—I am the mother of the prisoner; I live at 49 Elizabeth street; my husband is dead; the prisoner was born in 1820; he has a wife, and always took care of me; he has always been a mild young man; he has been married for about two years; I read something of this affair in the newspapers; on that night he left the house at a quarter to ten; my little girl asked him to hear her her lesson, but he said he wanted to go out; I said to him, "Before you go I want you to cut me a piece of tobacco for my pipe;" as he stooped over he cut his thumb a great gash; he did not go away until three or four days after; he came back a week before he was taken up; it was between 12 and 1 o'clock on Sunday; I did not know Arthur until I met him on the corner of Orange and Walker streets; the prisoner's wife was with me; he knew her, and spoke to her; he said he wanted to speak to me; he said he hoped I would not have any hard feelings for what he had said about Aaron; I told him I had no hard feelings—I did not know what he meant; he said what he told about Aaron was to clear Bob. Matthews; he said they were going to send him to hell; he asked where Aaron went—if he had gone to San Francisco.

Cross-examined—I was not at home when my son was arrested.

Stephen A. Maynard sworn—Am an officer of the Fifth district Police; was so on the 14th of February last; I heard the cry of watch about three o'clock; I went down Anthony street to the dance house, and saw several persons there; I asked them what was the matter; they said, "Nothing;" I asked who called watch; they answered, "A man going down the street;" when I returned to the dance house I saw Johnston, the deceased, with blood on his side; I went up to him and asked what was the matter; he said he was stabbed; I asked who did it; he said some of 'em; I could not get any information; I then took him to the Hospital; on the way there I asked him again; he then told me it was Matthews; I saw deceased afterwards in the Hospital; don't recollect hearing him express any opinion as to his recovery; did not see him after that night.

Cross-examined—When the wounds were examined at the Hospital they were thought not dangerous; the physicians said they were slight; was present at the Coroner's inquest; heard the testimony of various witnesses tending to throw the guilt on Jackson; think I stated to the Coroner what deceased had told me.

Benjamin McFarland sworn—Am one of the deputy keepers at the city prison; know the prisoner; have known him four or five years; never knew anything disreputable of him before this; he was not quarrelsome.

Dr. Joseph Hilton sworn—Am one of the coroners of the city; held the inquest on the body of Francis Johnston on the 20th of February; recollect of Captain Carpenter's handing to me a slip of paper during the time of holding the inquest; it was represented to me that what was on it the deceased had said; have made search for it, but have been unable to find it; did not pay much attention to it at the time.

Witness was asked whether he recollected what was written on it. The question was objected to and not pressed.

William Ward sworn—Live at 150 Duane street; am a whitewasher; know the prisoner; know his general character; have heard nothing against his character; he always appeared to be peaceable in his disposition.

Joseph Dowling, of the Sixth ward police, deposed that he arrested the prisoner on the 14th of May.

District Attorney—Q. Just state what took place when you arrested him, and his conduct. [Objected to by counsel for the defence. Court sustained the objection, and witness left the stand.]

George Blackwell deposed for the defence, that he was an attendant at the city hospital; took care of Francis Johnston, who was admitted there in January last; recollected when deceased gave up all hopes of recovering, and believed that he was dying; this occurred after the doctors told him he could not live.

Cross-examined—What did he say when he was dying? A. He said if he recovered he would be revenged on Bob Matthews.

Q. Did he say this after Dr. Derby left? A. Yes.

Counsel for the defence—Q. What did he say after that? A. Nothing.

Q. Did he say by whom he had been stabbed? A. Yes.

Q. Who did he say stabbed him? A. Robert Matthews.

Q. When did he say so? A. He said so when he came in and when the breath was leaving his body.

Q. Were you with him when he died? A. Yes; I closed his eyes.

Cross-examined—When he said he was stabbed by Bob Matthews, did he make use of any profane language? A. No.

Q. What did he say about Mathews? A. He said that he thought Bob Matthews would be the last man that would stab him at night.

Q. What did he say just before he died? A. Just as he was about dying, he said if he ever recovered he would have his revenge on Bob or Robert Matthews; he then turned over on his side, and died in about fifteen minutes afterwards.

The counsel for the defence, Jonas B. Philips, then proceeded to sum up the evidence, reviewing the entire testimony adduced in proof of the innocence of the prisoner.

The District Attorney then summed up for the prosecution, counsel occupying each about an hour with their speeches.

At this time the court room was crowded with spectators, the greater part of them consisting of colored persons, among whom this trial seems to have created a great sensation.

Judge Roosevelt, in charging the jury, said:—

Gentlemen of the Jury—The deceased, Francis Johnston, it is clear, gentlemen, came to his death by being stabbed with a knife, in a dispute at a dance house in Anthony street, on the night of the 13th of February. About this there can be no dispute. The only question would seem to be, was the instrument which was used for the purpose held by the prisoner or by Thompson? That the affray was between Thompson and deceased is sufficiently manifest. They had given each other the lie—they had squared off to each other—they had bandied opprobrious epithets, and clinched and scuffled—and they it was who were seen in the attitude of one standing with an uplifted stool over the other, and threatening his life. The passion, the motive, the threat, at first all seemingly pointed to Thompson as the author of the crime. Indeed, in one stage of the trial, the inference against him, as the case then stood, appeared to be irresistible. It was met, however, by positive proof, and that of the most confirmatory character, fixing, if believed, the charge distinctly on the prisoner. Two witnesses, only a few feet from the parties, saw him draw the knife from his pocket, and deliberately thrust it into the side of the deceased. True, the deceased himself, immediately after, on being interrogated, said he did not know "who did it." As he was engaged in defending himself from Thompson, his attention might easily have been diverted from the actual perpetrator. But they saw it, and are certain. They swear that the knife was held and the thrust made by the prisoner at the bar. The knife, too, it is proved, was the prisoner's knife—it was seen a few moments after with blood upon it, in the prisoner's hands; and on his way toward Orange street he boasted to his two companions, and that repeatedly, of having done the deed. He seems to have been equally reckless in the act, and in the acknowledgment of its perpetration. He was drunk before—drunk at—and drunk after it; and would seem to have had no motive, except a drunken, senseless love of fight, regardless of cause, and regardless of consequences. He had, only a few hours before, been treating deceased, and treating him as a friend—indulging, it is true, in rude jokes, but exhibiting no indications whatever of malignity. The whole transaction was, no doubt, the result of liquor. The prisoner drank before he went to the dance, and we may fairly presume drank frequently and freely at the dance. There was a bar at Matthews' porter house, from which he went, and a bar at Mrs. Parker's dancing saloon, to which he went. And it will be recollected that the evening's entertainments continued from about 9 in the evening till after 3 the next morning, when this fatal occurrence brought them to a close. Here was ample time and ample temptation for indulgence; and the condition of the prisoner immediately after showed that he had availed himself of the one and yielded to the other, to such an extent, indeed, that the witness Arthur says he was staggering drunk. If, then—and such should be the result of the evidence—if, I say, the prisoner did the deed, and did it under the circumstances and in the condition detailed by the witnesses, what, in law, is the character of the offence? Is it murder, or is it manslaughter? And if the latter, to what degree? The statute divides the crime of unjustifiably taking human life, into murder, and four degrees of manslaughter. To constitute murder there must be design, and longer or shorter premeditation. If the killing be "in the heat of passion, without a design to effect death, but with a dangerous weapon, in a cruel and unusual manner," it becomes manslaughter in the second or third degree, according to the case—the manner, if cruel and unusual, aggravating the offence. If the killing in the heat of passion—no matter what the manner or the instrument—be even "involuntary"—it may be manslaughter in the fourth degree, unless a legal excuse can be offered for it, which voluntary drunkenness certainly is not. The act of a drunken man may, perhaps, in some sense, and in some cases, be said to be involuntary, or without design, and in the heat of passion. Unless this be so, the statute makes no exception in favor of drunkenness short of entire insanity. The only express reference to a state of intoxication is in the case of a physician who in such a state shall unintentionally administer poison, resulting in death. His act, in that case, is made manslaughter in the third degree—thus showing that where a man voluntarily and viciously puts himself in a condition to endanger the life of others, he is not wholly to escape punishment, under the plea that, in such a condition, he could have no "design," or that his action of necessity must be "involuntary." He who gets drunk usually "designs" to get drunk, and may, therefore, fairly be said to "will" or "design" such circumstances as usually result from drunkenness. The utmost indulgence, if any, to which he could fairly lay claim, would seem to be to have his act treated as done "in a heat of passion," and entitled, on that ground, to such mitigation (not exemption) of punishment as the law allows to human infirmity. If, therefore, you shall find that the prisoner, and not Thompson, inflicted the stab, you will convict him of murder, or of manslaughter in the second, third or fourth degree, according as it shall appear that he was capable or incapable, excited or confused by liquor as he was of deliberately entertaining the design to kill. And you will bear in mind that drunkenness, although it may, perhaps, except in the case of a medical man, reduce the grade of the crime, is no defence to save the culprit from the penalty of imprisonment, however it may sometimes, if ever, shield him from the severer punishment of death. Strictly, the rule is—and so I am bound to charge you—that a state of intoxication, voluntarily produced, unless it amount to actual insanity, is, of itself—although [illegible] light on the case—no defence to a charge of murder.

The jury retired at four o'clock, and, after an absence of one hour, returned with a verdict of "Manslaughter in the second degree."

The District Attorney then moved for the judgment of the court upon the prisoner.

The court sentenced the prisoner to seven years' hard labor in the State prison.

There being no other business, the court adjourned *sine die*.

SENTENCE OF ANDREW WILLIAMS, CONVICTED OF THE MURDER OF HIS WIFE.

While the jury in the case of Aaron Jackson were deliberating,

The District Attorney moved the judgment of the Court upon Andrew Williams, convicted of having deliberately caused the death of his wife, Rosa Williams, by poison.

Mr. Spencer, counsel for defence, asked the Court to defer sentence upon this man at this time. Having carefully reviewed the proceedings had in the trial, and upon consultation with the gentleman who had assisted him in the matter, he had come to the conclusion that it was a case in which duty required that a delay of sentence should be had.

The Court said the prisoner would have, when sentenced, the same benefit which he now had. If he was entitled to a stay of proceedings at any time, he would equally be entitled to it after sentence as before.

The sentence of the Court upon the prisoner at the bar was then pronounced as follows:—

Andrew Williams, you have been tried by an impartial—I may say, in view of their recommendation to mercy, a sympathizing jury—on a charge of deliberately, in cold blood, murdering an unoffending female, and that female your own wife. The jury, on the evidence, have found you guilty of the charge, and if their verdict be true, as the Court must, and does, assume it to be, your own conscience, now that its slumbering torpor has been roused by the impending fate that awaits you, cannot but acknowledge that the crime was one whose enormity admits no exaggeration. Some twelve months or so before your wife's death, in consequence, it may be, of her intemperate habits, you had refused, it appears, to live with her or to support her. She accordingly, on the 7th of June last, applied to the authorities to compel you to give security for her maintenance. An order to that effect was made, you and your friend entered into the required recognizance, and, from time to time, by weekly or monthly instalments, you promptly fulfilled its conditions. No complaint was made of any neglect on your part, and no cause of complaint existed. This order, being limited by its terms to one year, would have expired in one month from the 7th of May. And although, on the application of your wife, its requirements might have been renewed, yet there was no evidence—certainly none has been offered or shown—of any such intention on her part. On the contrary, on several occasions within a few days of her death, both her language and deportment exhibited the most unmistakeable signs of entire reconciliation; and for some weeks, it would seem she was in the habit of visiting you every Saturday night. She did so, we have a right to presume, the Saturday previous to her death. On that fatal night, impelled by a long cherished but concealed spirit of resentment, or by the mercenary motive of being relieved from the small contribution of a few dollars to her support, or from the entire burthen of the marriage bond; impelled, I say, by some such instigation, you administered to her in the unspecting confidence of restored affection, that fatal tea, or whatever else it was, which set her all on fire and made her "look as if she had been laid in the grave." The next day, Sunday, in the afternoon, seemingly conscious of what you had done, and contrary to your ordinary custom, you visited her in her humble garret. Delighted with this demonstration of restored affection, she rose from her bed, put on her dress, and poured out the contents of her slender purse to send her fellow-lodger to purchase fruit and confectionery—not to eat herself, but to bestow upon you. You heard her tale of suffering, and you saw with your own eyes the agonies your something—that "something which you gave her the previous day"—had produced. Here, certainly, was an opportunity, in the stillness and solemnity of the Sabbath, and an admonition in the torturing as well as the touching scene before you, to abandon your murderous purpose, and to repent of having ever entertained a design so cruel and unnatural. But instead of sending for a physician—instead of taking any measures whatever to counteract, if it was not too late, as it appears it was not the effects of the poison, you left her after a short visit, without advice or assistance, seemingly content that the fire which you had ignited should consume its unsuspecting victim. On Monday morning you again saw her. Indeed, you spent the whole night of that day with her, hearing her incessant calls for water to mitigate, if not to extinguish, the burning sensations. Still you did nothing, and still, I am sorry to say, you did not repent. From 5 o'clock on the morning of Tuesday till 6 o'clock on the afternoon of Wednesday, unmoved you remained away and left the sufferer to her fate. Here again was an interval—a long interval—for reflection. But what effect did it produce? None, unless it was still further to harden your heart and confirm your purpose. On Wednesday evening, when you made your fourth and last vist, contrary to all anticipation, you found that your wife, instead of being dead, showed strong indications of a probable triumph over the destroyer. Disappointed, as we may suppose, at this unexpected state of things, and yet determined not to be frustrated, you availed yourself—for such in effect is the finding of the jury—of a momentary absence of ten or fifteen minutes of her fellow room mate, to mix, under pretext of sugar, in the previously harmless bowl of tea and toast, prepared by Mrs. Campbell for her convalescent friend, a quantity of arsenic so great as to make the very spoon stand on end. This compound, under the name of tea and toast, you almost forced upon the reluctant patient, and to induce her to take it, and to take the whole of it, even to the very scrapings of the bowl, you held up to her eyes the tempting promise, and! the strong, though false evidence of affection, that she would not only be strengthened, but like a child be rewarded for taking it with "a splendid new dress and hat." You even—and it seems almost inconceivable—accepted unmoved her affectionate embrace, and her confiding kiss, while in your heart you were still plotting and anxiously desiring her torture and death. You not only accepted these endearing marks of your wife's regard unmoved, but, in the dead of night, with an almost absolute certainty of what must soon take place unless a physician were immediately called in, you turned your back upon her and left her to her fate. The scene that followed I need not describe. You anticipated it, and your anticipations were realised. Yet you now ask—and the Jury have asked for you—that mercy which, so coldly and perseveringly, you denied to your unfortunate victim. The law, were I so disposed, has given me no power to grant the request. It has declared the act of which you have been convicted to be murder, and it has further declared that every murderer "shall suffer death;" and that "no judge, court or officer, other than the Governor," shall reprieve or suspend the execution of the sentence. The judgment of the Court, therefore, is—and such is the mandate of the law—that you, Andrew Williams, for the crime of which you have been convicted, do suffer death, and that your sentence be carried into execution on Friday, the 14th day of July next. And may that high and holy Being, whose injunctions you have so inexcusably and cruelly violated, convert the intervening agonies of your suffering spirit into a blessing upon its final destiny.

The prisoner remained apparently stupified during the delivery of the sentence, and evinced very little emotion.

The death warrant was then read, and the prisoner given in charge of Sheriff Orser.

Superior Court—Part I.

Before Chief Justice Oakley.

ACTION FOR ASSAULT ON THE HIGH SEAS.

MAY 25.—*Edward Bradford vs. John McGowan and John Boyle.*—This was an action for assault and ill-usage alleged to have been committed on the plaintiff, who was a fireman on board the steamship Crescent City, in the month of May, 1853, while that vessel was in port at Kingston, Jamaica. The assault consisted in placing the plaintiff in irons. Damages were laid at $3,000. The defendant McGowan was Captain of the Crescent City, and Boyle was first engineer. For the defence it was alleged that the plaintiff was drunk, disorderly and disobedient, and resisted the officers of the ship, and that he had been brought on board the vessel from shore in that state, and then put in irons and confined in the store room of the ship, and that no more force was used than was necessary to keep him quiet, and also that the plaintiff left the ship without the consent of the officers, and refused to come on board when requested. The Jury found a verdict for plaintiff for $500.

Theatres and Exhibitions.

BROADWAY THEATRE.—The benefit of Mr. James Anderson takes place this evening, when Schiller's tragedy of "The Robbers" and the comedy of "The Elder Brother" will be presented. In the first piece he will sustain the character of Charles de Moor, and in the last that of Charles, a scholar. As it will be his last appearance but one, those who have not seen him in "The Elder Brother" should embrace the only opportunity they will have of doing so.

BOWERY THEATRE.—The benefit of Miss C. Hiffert comes off to-night, when a very good entertainment will be provided for her friends and patrons. The amusements will commence with the drama of "Salvator Rosa," with Messrs. Eddy, Johnston, Winans and Mrs. Clark in the principal parts. The "Good for Nothing" will follow, and all will close with the "Pirate of the Isles."

NIBLO'S GARDEN.—The amusements of this evening will commence with the piece called "Jocko," in which Marzetti, François, Antoine and Jerome Ravel will appear. The beautiful fairy pantomime entitled "Medina, or a Dream and Reality," will conclude the entertainments. The Ravels will appear again to-morrow evening.

NATIONAL THEATRE.—The receipts of this evening are for the benefit of Mr. Cony and Mr. Taylor, on which occasion they will appear in two of their favorite dramas. The amusements commence with the "Miller's Maid"—the part of Giles by Mr. Prior. The drama of the "Butcher's Dog of Ghent" will follow, and all will terminate with the "Island Monkey."

WALLACK'S THEATRE.—"The Merchant of Venice," in which Mr. Wallack appears as Shylock, is announced for this evening. If we may judge from the success of Mr. Wallack's representation, on a former night, of this character, there can be but little doubt but that the house will be crowded. The farce of "Love and Murder" concludes the amusements of the evening.

AMERICAN MUSEUM.—The selection of dramatic pieces for this afternoon consists of the "Fairy Light Guards" and "Domestic Economy." In the evening Bulwer's admired play of the "Lady of Lyons," with C. W. Clarke and Miss Mestayer in the principal characters.

CHRISTY'S MINSTRELS.—This band continue to delight their patrons by negro melodies, instrumental pieces, and other attractive features.

WOOD'S MINSTRELS give the operatic burletta of "Uncle Tom's Cabin" this evening, with other amusing features.

BUCKLEY'S SERENADERS.—The entertainments given by this company are very much admired. A good bill for this evening.

PROFESSOR HART continues to give his exhibition of the Whole World, at 377 Broadway.

JULLIEN'S CONCERTS.—To-night is announced as the last [illegible] embrace not only the most choice productions of Jullien's own fertile imagination, but the *chef d'œuvres* of other great masters. Beethoven, Donizetti, Verdi, Mayseder, &c., will be well represented. The never-to-be-forgotten "Farewell Valse," in which sorrow of the heart at parting is mingled most artistically with pleasing recollections of a visit, is now the standard favorite. Jullien leaves this Valse as a legacy, for which there will be numberless claimants. Mlle. Anna Zerr and Mde. Wallace Bouchelle both contribute some of their choicest *morceaux*.

MORE NOVELTY AT NIBLO'S.—On Monday evening next thousands who patronize this beautiful establishment will have an opportunity of witnessing one of the most beautiful *ballets* that has yet been produced. "Bella la Parquerette, or the Prairie Flower," is the title of this novelty, in which Mlle. Yrca Mathias will sustain four characters, in addition to performing a variety of French and Russian dances. The character of Bella is one that calls for extraordinary talent both as pantomimist and *danseuse*, and so great was the success of Mlle. Yrca in this *role* at St. Petersburg, that she received the highest honors ever conferred upon a young artist by the Empress and the Court, and was nightly hailed with acclamations by the Russian audiences. The *ballet* has been in active rehearsal during several weeks, under the personal direction of Mlle. Mathias herself, and she will doubtless renew those triumphs which marked her first series of representations of "Bella la Parquerette" in St. Petersburg and Moscow.

NEW YORK, May 20, 1854.

TO MRS. ANNA CORA MOWATT:—

MADAME—Upon the eve of your final retirement from a profession which you have at once adorned by brilliancy of talent, and elevated by loftiness of character, to whose illustration you have brought all womanly graces, and whose instructions you have painted with all womanly virtues, we feel the peculiar propriety of a request which private friendship and public admiration alike inspire.

We are unwilling to allow a career so triumphant to close, even so prosperously, and in a manner so entirely agreeable to your own choice, without asking you to gratify us and your other friends and fellow-citizens—for such the public of New York, the home of your family, may justly be called—by accepting a complimentary benefit at such time and place as you may appoint.

Confident that the private life upon which you enter under such flattering auspices, will be as happy as your public career has been successful, we indulge the hope that you will grant us this last public opportunity of manifesting our appreciation of the authoress, an admiration of the artist, and our high respect for the woman.

George Bancroft,	Robert Le Roy,
George Wm. Curtis,	Robert Emmet,
Samuel B. Ruggles,	Charles E. Strong,
E. K. Collins, and others.	

NEW YORK, May 21, 1854.

GENTLEMEN:—I find it difficult to make a fitting reply to your complimentary letter, just received. This difficulty I have never experienced in answering other letters of the same nature. My excuse for not framing into language the emotions which your words of commendation have excited, lies in the poet's assertion, "full hearts, few words." Will it not be received? And will you not believe that if I felt less I could say more, and accept the feeling in the place of its expression?

My engagement in Boston terminates June 2d. The compliment you design for me I will gratefully accept on the evening of June 2d, at Niblo's Garden. That evening must close my dramatic career, and I rejoice that it will end where it began—in the city which you have rightly termed "the home of my family." I am, gentlemen with earnest sincerity, yours, &c. ANNA CORA MOWATT.

FINANCIAL AND COMMERCIAL.

MONEY MARKET.

THURSDAY, May 25—6 P. M.

The most important feature in the market to-day was the upward movement in Cumberland. There was, apparently, great activity in the stock, but we notice very few cash transactions. Out of five thousand shares reported sold at the first board of the Stock Exchange, but little more than one thousand were sold for cash. It would be well enough for outsiders to bear in mind the rise, progress and decline of the Phœnix Coal, Parker Vein, and a host of other coal stocks of the Cumberland region. The history of the Cumberland itself is sufficient to deter any sane man from touching it at almost any price. The Phœnix Coal stock was run up to forty per cent, and there is now no market at any price. The Parker Vein has sold as high as seventy-five and eighty per cent; it can now be bought at from four and four and one quarter per cent. Cumberland has been as high as eighty-four per cent, and as low as twenty-four. The present inflation has been produced by the operation, or rather the co-operation, of those who carried up those fancies before, and they have a firm belief that they will be able to do so again. So they will if they find as many buyers with equal means. It is but little more than a year since the great break down in all these coal stocks took place, and it is hardly possible that the serious losses of that time have already been forgotten; neither is it probable that there are enough new fresh speculators in the market to aid the cornering clique in the present movement. Those who were gored before are not likely to be gored again, at all events, by the same bull, and fresh, green material must be hunted up to operate upon, before the expansion can get sufficient strength to sustain itself. The bulls and bears differ very widely in their statements regarding the financial condition of the Cumberland Coal Company. Both parties profess to have thoroughly examined the books, &c., of the concern, and the conclusions arr