THE STATE CAPITAL.

SPECIAL CORRESPONDENCE OF THE HERALD.

The Question of the Adjournment—The Constitutionality of the Cordiale Restored Between the "Ring" and the Vanderbilt Party—Defeat of Pro Rata.

ALBANY, April 23, 1868.

The topic of the final adjournment of the Legislature is actively under consideration, although more than a thousand bills still remain to be disposed of. The tax levies, it will be remembered, are yet awaiting enactment. It is thought, however, that the session will not be prolonged beyond the 30th inst.

The Citizens' Association, represented by Judge Emott and Messrs. Sands, Henry and Daily, had an audience to-day of the Senate Committee on the subject of the tax levy. Judge Emott spoke about two hours in advocacy of reductions in various items, amounting in all to about two and a half millions of dollars. The committee were asked to limit the appropriation for the new Court House to $500,000, and to place its expenditure under the supervision of Messrs. Cisco, Havemeyer and Phelps.

Senator Creamer wished to know if the evils in the tax levy which had caused so much complaint were not attributable to the (republican) Legislatures which had initiated and continued legislation on the subject.

Judge Emott contended that the county and municipal officers with whom the items originated were just as liable to blame.

The city tax levy has not been reported as yet from the Assembly Committee.

The Assembly defeated the Pro Rata Freight bill to-day, which indicates that the "ring" and the Vanderbilt party have made up and become friends again.

A call of the House was moved to-day and the usual farce was gone through with on the presentation of the delinquent members by Sergeant-at-Arms Sandford before the bar of the Assembly. The excuses were numerous and ludicrous; but all were received, and the members were purged of contempt.

It is justice to Speaker Hitchman to state that he was most active in his efforts for the success of the bill to suppress indecent literature.

SPECIAL TELEGRAM TO THE HERALD.

Reported Deposition of Daniel Drew.

ALBANY, April 23, 1868.

It is reported here to-night that the Erie directors have deposed Daniel Drew and elected Jay Gould Treasurer of the Erie Railroad Company.

NEW YORK LEGISLATURE.

SENATE.

ALBANY, April 23, 1868.

BILLS PASSED.

Declaring the effect of judgment rendered in Canada courts *prima facie* instead of conclusive evidence; authorizing the town of Westchester to expend $7,000 on sidewalks; for the improvement and maintenance of Prospect Park, Brooklyn; confirming the action of the Buffalo Common Council in annulling an assessment roll; amending the charter of the Uptown Savings Bank, New York; incorporating the Fulton Savings Bank of New York; authorizing the erection of a regimental armory in Newburg; amending the charter of Peekskill village; authorizing copies to be made of defaced records in the office of the Clerk of the Court of Common Pleas, New York, at ten cents a folio; providing twenty-five per cent additional compensation to deputies and clerks in the several State departments.

BILLS ORDERED TO A THIRD READING.

Appropriating money to pay principal and interest of the canal debt for the next fiscal year; making appropriation for the maintenance and the repair of State canals for the current year; also the one mill tax for the benefit of the canal sinking fund; also the bill reappropriating moneys for extraordinary repairs of the canals.

Recess till afternoon.

Evening Session.

BILLS ADVANCED TO A THIRD READING.

The Three-fourths Mill Tax bill; for extraordinary repairs of the canals; incorporating the People's Safe Deposit Company; incorporating Board of Trade of Oswego; changing the name of the Emigrants' Savings Bank of Buffalo; authorizing a street railroad in Broadway; relative to the Liverpool and Syracuse Railroad; authorizing the construction of a railroad from Fishkill to Matteawan; for a railroad from Poughkeepsie to the Massachusetts State line; incorporating the Fulton Benevolent Society of New York; providing for the examination of the accounts of the several commissions of Brooklyn; incorporating the Peekskill Water Works Company; providing for floating docks in New York; amending the charter of the Odd Fellows' Hall Association of Buffalo; to regulate the use of convict labor and to protect the interests of mechanics; for the more effectual protection of emigrants arriving at the port of New York.

The Assembly amendments to the New York News Boys Lodging House bill were concurred in and the bill was passed.

The Assembly bill compelling railroad companies to afford to steamboats equal facilities for the transfer of freight and passengers as are afforded to railroads was made the special order, and the Senate adjourned.

ASSEMBLY.

ALBANY, April 23, 1868.

REPORTS.

To incorporate the East New York Savings Bank; the Prospect Savings Bank, of Brooklyn; the Coxsackie Savings Bank; to incorporate the East Side Association, of New York; to provide for the construction of a tunnel in Newburg; to incorporate the East Side Savings Bank, of New York; to authorize the extension of the railroad track from Atlantic avenue to Prospect Park, Brooklyn.

PROTECTION OF RAILROAD TRAVELLERS.

Mr. WRED moved that the Attorney General be requested to ascertain and report forthwith whether the several railroads in this State have complied with the provisions requiring all passenger cars to be provided with suitable platforms and aprons to prevent injury and loss of life, which was adopted.

BILLS PASSED.

To incorporate the National Burglars' Insurance Company; relative to opening and widening Ninth street, Brooklyn; to incorporate the Ellsworth Social Club, of Brooklyn; to extend the time for the construction of the Grand Hotel, New York; to incorporate trustees of the fund belonging to the diocese of Western New York; to amend the act to establish fire limits in Brooklyn; to amend the Metropolitan Police law concerning the police life insurance fund; to incorporate the Deaconess Institution of the Evangelical Lutheran Church; to incorporate the Fireproof Warehousing Company; to incorporate the Harbor Christian Brotherhood; to repeal article one, title nineteen, chapter twenty, part one, of the Revised Statutes concerning brokers; to increase the amount of wharfage charged on boats and all sorts of shipping in the port of New York; to repeal the act authorizing ocean steamships to use caloric engines.

BILLS LOST.

The bill to incorporate the Producers and Dealers' Milk Company was lost.

The Pro Rata Freight bill was lost by a vote 35 to 60. A motion to reconsider was also lost.

A recess was then taken until afternoon.

Afternoon Session.

BILLS PASSED.

To facilitate the construction of the Buffalo and Washington Railroad; to incorporate the Staten Island German Benevolent Society; to incorporate the Pullman Pacific Car Company; to improve the Gowanus Canal, Brooklyn; to authorize magistrates of New York city to commit orphan and friendless children to the care of the trustees of the Shepherd's Fold of the Protestant Episcopal Church.

Mr. MURPHY moved to reconsider the vote on the passage of the bill to amend the Metropolitan Police law with reference to the police fund, which was carried, and the bill was recommitted for amendments.

The House then adjourned.

THE STANWIX HALL TRAGEDY.

Trial of George W. Cole for the Murder of L. Harris Hiscock at Albany—Testimony for the Prosecution—Opening for the Defence.

ALBANY, April 23, 1868.

The court opened at the usual hour and the examination of witnesses for the prosecution was continued.

Alonzo Atkins was called for the people and sworn. He testified as follows:—I am a policeman; there were two pistols taken from the prisoner at the time of the killing; there was a single barrelled pistol which was discharged and a revolver which was loaded; the latter had seven chambers; this knife was found on his person.

Egbert Wittaker, recalled—I am an attorney at law at Saugerties; was at Stanwix Hall on the evening of the 4th of June last, in the office; [a diagram of the office shown] the front was very open on Broadway; the windows are on the Maiden lane side; I sat on the north side, midway of the room; I faced eastward; the first I saw was that a man whom I did not know came in from the east door of the office; he walked right along till he came near the pillar in front of the office desk; he slackened his pace as he approached the pillar; he elevated his right hand close up against the face of a large sized person standing there and fired a pistol; the man that was shot threw up both arms; I heard a screech from the man that was shot; Mr. Hiscock sunk somewhat on his knees and fell over heavily on his back and head against the floor; Mr. Hiscock had been standing with his face westward and leaning against the pillar; he was smoking a cigar and conversing with two men; the prisoner came in somewhat on a curve and partially faced Mr. Hiscock; he stood part in front of Mr. Hiscock's right side; it seemed to me that there was a slight turning of the head of Mr. Hiscock toward the prisoner who had to pass around a man standing near Mr. Hiscocks' right side; the prisoner was eight or ten feet from Mr. Hiscock when he raised his arm; I heard nothing said by either up to the time of firing; prisoner said nothing; Mr. Hiscock fell in three seconds after the firing; Mr. Hiscock had slippers on his feet; there was a wound within half an inch of the right eye; the wound bled; I saw something on the floor that I thought was brain; he laid very dead after he fell; after some time there were some muscular contractions and action of the limbs.

Cross-examined by Mr. Mitchell—I was stopping at the hotel; there were a number of people in the office, perhaps thirty or forty; did not know the prisoner at that time; my idea is that Mr. Hiscock stood in front of the post, facing west, for a little to the right of the post, perhaps ten feet from the counter; I did not discover the pistol until after his arm was up and just before the report; heard prisoner speak immediately after the firing; prisoner stood for a moment after Mr. Hiscock fell and then stepped towards the counter; prisoner left in about five minutes after; there was no one in front of Mr. Hiscock; several persons sat on the front stoop; I was examined before the Grand Jury.

Q. What did you hear the prisoner say after he fired the shot?

Objected to by the counsel for the people, who insist that the defence shall state what it expects to prove.

Mr. Tremain stated the grounds of the objection to be that the declarations of a prisoner are not evidence in his favor; second, that such oral evidence is not admissible; third, that the prisoner cannot himself give evidence of the fact of any supposed invasion of his marital rights; fourth, declarations if received tend to present a false issue; and, fifth, that they were made after the homicide, and therefore are no more admissible than declarations made a week or a month afterwards. The evidence is no part of the *res gesta*. It is wholly in the nature of hearsay evidence. Mr. Tremain supported his objection by argument of considerable length and read several authorities upon the point.

The witness, in answer to a question by the court, said that a remark was made by the prisoner to a person who asked "What was this for?"

Mr. Parker claimed the admissibility of the evidence. He asserted their right to prove all that occurred at the time, because it tended to characterize the transaction, instead of the prisoner and the state of his mind. He adduced authorities that, he claimed, supported his position.

Judge Ingraham stated that he had no doubt of the admissibility of the evidence if the remark of the prisoner had been made at the time or before the homicide, and voluntarily by him; but he desired to call the attention of the counsel to the fact that the remark was made after the homicide and in answer to a question put to him by a spectator.

Mr. Tremain followed in support of his objection. In answer to Mr. Parker's allusion to the cases of Sickes and Mary Harris at Washington, the counsel said that that point was not raised in these, for there was no objection made to the testimony, and he also intimated that the judicial authorities in those cases were not of that character that he thought ought to control in the State of New York and before the court trying this case.

Judge Ingraham repeated that he would have no hesitancy if the remark had been made by the prisoner immediately on or before the killing; but under the circumstances he had great doubt about it, and therefore would give the benefit of the doubt to the prisoner and admit the evidence. The remark would not be taken as evidence of the fact stated, and he (the Judge) would see to it that no such impression should get to the jury.

The witness said that the remark was, "He has betrayed my wife; he has got it; he violated my wife while I was at the war; the evidence is clear, and I have the proof;" he said nothing about his children; I heard nothing about that; he had said something before I came up that I did not hear; I did not see him weep at all; I saw him when he went out; some one said that he ought to be arrested; he said that he was willing to be arrested.

Direct examination resumed—From the firing to the fall there was a silence; then some one said, "What was this for?" and prisoner answered as I have stated; the prisoner acted very cool and self-possessed.

Cross-examination resumed—He walked up promptly; I saw no outward demonstration of excitement; he spoke with some emphasis; I did not think he spoke nervously and excitedly; he may have trembled; I did not observe it; I was excited; I did not observe any effort on his part to speak before he fired.

Ezra E. Treadwell was sworn on the part of the people. I made the diagram of Stanwix Hall, and the measurement of distances from which it is made. The distance from the east door, where the prisoner entered, to the pillar where Mr. Hiscock stood, is about twenty-one feet; the distance from the Broadway entrance is about forty feet; the office desk is on the east side of the room; the distance from the office desk to the pillar is about eighty feet; the front stoop is about three feet high.

District Attorney Smith announced that he rested his case at this point.

OPENING SPEECH OF MR. HADLEY.

Mr. Hadley then opened the case for the defence as follows:—

I regard myself as highly favored, gentlemen of the jury, in having been selected by the defendant in this indictment as one of his counsel to represent, in part, his interests upon an occasion of such great trial and solemnity as the present, and I deem it as both a privilege and a pleasure that I am permitted, by the kind courtesy of my learned and much more efficient associates, to submit for your consideration the opening argument in his defence. I had thought it not inappropriate to the solemnity of the occasion to introduce this defence to your notice with a brief history of some of the antecedents of the man upon whom you are called to sit in judgment, that you may know, and, knowing, properly appreciate what kind and manner of man this is upon whose life or death it has become your solemn duty to adjudicate. Although now appearing before you in bonds as a prisoner at the bar of this court, George W. Cole is, by the commission of the President of the United States, a major general of volunteers lately in the military service of the country, promoted to that high and distinguished rank for meritorious services and distinguished gallantry in fighting the battles of the rebellion during the four long years of cruel and bloody war from which the country has so recently emerged. Counsel said prisoner was born in 1827, and after tracing his life to 1851, said in that year he became acquainted with Mary Barto, daughter of Judge H. D. Barto, of Tumansburg, and they were married in September of that year. He then traced their career through the ordinary vicissitudes of life. Two children were born to them when Cole entered the army as a private in the Twelfth New York infantry, immediately after the opening of the war. He remained in the army four years and rose to the rank of major general of volunteers. Returning home, he found his wife a changed woman. She whom he had left so kind, so full of affection, greeted his return with cold indifference. Thoughts of honor and remorse seemed to occupy her mind. Her former affection for her husband seemed to be transformed into a feeling of settled aversion. Her lips gave no utterance of her former love; she had become cold and uninpassioned as the marble; disgust and alienation towards her husband seemed to possess her, and to such an extent did her aversion proceed that she denied him those marital privileges which, as her husband, were his of right to demand. What had caused this change? Ah! gentlemen, the serpent had entered into the paradise of his happiness, and the woman had fallen. A hideous scoundrel had polluted her being; had stolen away her affections, and by the magical secrecy of the adulterer's spell had transformed her former love into settled hatred and aversion. But not at that time did this defendant know or suspect the full extent of the woe and calamity that had fallen upon him and his household. The discovery of her infidelity and the detection of the guilty wretch who had stolen his wife's purity and his happiness was yet in the reserve for the future. So marked a change in her from love to aversion could not take place without leading to comment and remonstrance from him. To his kind and loving expostulations as to her conduct, to his affectionate entreaties to be made a confidant of her sorrow, that he might share and alleviate her grief, she deluded him by attributing it to false causes, indisposition, lowness of spirits, melancholy and hypochondria had caused it. Dispirited and discouraged at the failure to regain his wife's affection, his vision of happiness disappeared, he became sad, dejected, pensive and abstracted in his thoughts. He fell into the deepest despair. It is a painful circumstance in connection with the foul wrong which the evidence will reveal to you, that this defendant and the deceased, L. Harris Hiscock, were and had been for a length of time friends—to his death warm personal friends. Before a man can deliberately debauch the wife of his friend who confides in him, he must have become utterly abandoned to every principle of virtue and be lost to every sentiment of manly honor. It was Mr. Hiscock who was recommended by this defendant to Mrs. Cole as her confidential and professional adviser in such matters as she might need counsel during his absence in the army, and it aggravates the wickedness of his conduct that in availing himself of the opportunities for seduction he not only violated the confidence of friendship, but trampled under foot the sanctity of professional relations. About the spring of 1866 General Cole received an appointment under the government as special agent of the customs. The duties of the office requiring much of his time to be spent in the city of New York, he had made arrangements with a Mr. Tillotson, of Brooklyn, a relative of Mrs. Cole, to receive his wife as a boarder, and I am now about to relate to you the events which occurred in the ten days or two weeks immediately preceding the tragedy at Stanwix Hall. About the 27th or 28th of May he met Hiscock in the street at Syracuse, and stopping to converse Hiscock abruptly inquired "When are you going to New York, General?" He had made the same inquiry of the General on several previous occasions. Something in the manner of the inquiry and of the man who made it aroused his attention. Why is this man always so anxious to know when I am going away from home at once occurred to him. Looking Hiscock suddenly and sternly in the face he observed his countenance apparently to fall under his gaze, and without waiting for any reply the guilty man turned away and shrunk from the sight of the abused friend whose rights he had outraged. He watched him in astonishment, and at once suspected that there was something wrong; what the nature of the wrong was he could not imagine. The inquiry kept running in his heart, Way does this man want to know when I am going to be absent from home? Still no suspicion occurred as to his wife's fidelity. He returned home perplexed and agitated. The first person he saw there was Mrs. Mary Cuyler. Now mark what took place. Mrs. Cuyler was a cousin of General Cole, had been brought up by him, and had lived in Mr. Cole's family during the General's absence in the army, and had observed much that had occurred. Seeing her, he addressed to her, very naturally, the inquiry, "What's the matter with Hiscock? He looks to me as guilty as a dog." Thrown off her guard by the abruptness of the inquiry, suspecting that the General had learned or heard something, but not knowing what, Mrs. Cuyler somewhat evasively said, "Yes, Doctor, there has been a good deal of talk about Mrs. Cole's flirtations with Mr. Hiscock." Stunned and horrified at the suggestion, he exclaimed, "Mrs. Cole's flirtations! What do you mean?" Perceiving now, with a woman's quick perception, that he was still in ignorance of any misconduct of his wife, determined not to be the first person to disclose the fatal secret that was to blast his happiness and carry desolation to a once happy household, Mrs. Cuyler utterly refused to say anything further upon the subject, and to his entreaties would only reply, "You write to Montgomery Pelton, and he can give you some information if he sees fit." With this scanty information he was compelled to go to New York; from New York he wrote to Mr. Pelton and awaited his reply in a condition of great mental surprise and torture. The fatal reply reached him on Saturday, June 1, and from it he first realized the suspicions that by the guilty conduct of this man Hiscock he was not only forever deprived of the comfort and society of the wife he so adored, that not only were his innocent children robbed of their mother's pure affection, but he himself was placed in a situation too dreadful, too horrible to be endured. Returning to his desolated home by way of the Hudson River Railroad, visions of suicide then haunted his brain. He thought he would throw himself from the platform while the cars were in motion; but if he did perhaps they would say of him that he had fallen from the cars while drunk. He must write a letter to his wife and communicate to her his knowledge of her guilt; he must send one final parting benediction to the children he loved so tenderly; he would then jump from the cars and find peace and rest beneath the quiet waters as they crossed the Albany bridge. But, oh God! what would become of his poor children thus doubly bereft? No, he would see his poor childlike wife, perhaps she might not be so very, very guilty. She had a brother, perhaps he could suggest some palliative for this intolerable anguish. He must see Henry. He determined to take his advice and be guided by his counsels. A despatch was accordingly sent to Mr. Henry D. Barto, Mrs. Cole's brother, begging him for God's sake to come to that house of desolation and woe. In due time the answer came that Mr. Barto was in New York or Albany, and I call your attention to this despatch to show you that General Cole's object in coming to Albany was not to meet Hiscock, but to see Mr. Barto. Arrived at Albany, the long-desired interview with Barto took place and soon ended. In the course of it Cole first learned that Hiscock was then in Albany. Of that interview I do not like to trust myself to speak, but in justice to my unfortunate client I cannot forbear the remark that had there been any warm manifestations of brotherly regard, had there been any judicious sympathy with the crushed and bruised spirit of the sorely afflicted man, the unhappy tragedy which forms the subject of this day's investigation might have been arrested and the court have been spared the solemn duty in which it is now engaged. The interview over, his frenzied mind possessed itself of the idea that he must see Hiscock. It was not malice, it was not mischief which prompted the desire. In his frenzy he believed that he was calm and that he could control the outburst of his feelings. He had struggled fearfully to master the instincts of his nature and intended to struggle to the end. He felt that Hiscock had abused and degraded him; he would make Hiscock abuse and degrade himself. Fortified with his wife's confession, he intended to charge him with the perfidy of his conduct; abjectly and at his feet Hiscock should confess his crime and in humility and self-abasement should supplicate his forgiveness. His pride and self-respect thus mortified they would stand in that respect upon a common level. This done he would leave the guilty man to the retribution of a great God and his evil conscience. Still haunted with the idea that every eye could see in his sad and dejected countenance the story of his wife's dishonor and his own disgrace, he entered Stanwix Hall by the side entrance from Maiden lane, as being more likely to escape the observation he so much dreaded. It was his intention to have stepped up to the counter, have obtained an inspection of the hotel register, and thus learning the number of his room, to have proceeded to it and have had the interview in private. As he approached the office the false, deceitful friend who had betrayed him to his ruin suddenly and unexpectedly appeared in his path. There stood the man who had seduced his wife. The tearful countenance of the sad and dejected wife, the weeping faces of his motherless children, the memory of his desolated home and departed joys, all flashed upon a brain surcharged to madness. Overpowered by the violence of his emotions, unable to reason or reflect, deprived by the frenzy of the moment of all power to control his own will or judgment by the confusion of his mind, rendered wholly unconscious of the nature of the act he was committing, the hand, unaided by the will of George W. Cole, discharged the fatal pistol, and then fell the lifeless corpse of the adulterer at the feet of the avenger whose marital rights he had invaded, whose heart and home he had crushed and blighted, and whose reason he had shattered; and all this suffering and misery occasioned in order that his unholy lust might revel in a momentary gratification. Unconsciously the deed is done—done in a public place, in the presence of a score of witnesses. The mourning perpetrator makes no attempt to elude the claims of justice. Sadly and submissively he resigns himself to whatever suffering and sadness is in store for him, and conscious of the rectitude of his own heart, and sustained by the approval of a good conscience he can appeal to that God who ordained and sanctified the marriage relation, and say meekly, but without trembling, "Not my will, but Thine be done." When Mr. Hiscock first cast his lustful gaze upon the person of Mary Barto Cole and resolved to add her name to the list of others who had already fallen as the victims of his lust, he knew then, as well as the world knows now, that if George W. Cole made the discovery of his guilt this broad continent was not wide enough to shield him from the frenzy his own guilt created. In his double character of legislator and lawyer he knew that the right to redress these wrongs for which society fails to provide any remedy was founded in the law of nature, and that when the individual cannot resort for protection to the laws of society that law, with equal propriety and justice, considers them as still under the protection of the law of nature. He knew that the fabric of society was built upon that instinct of the human heart which ever impels the wronged husband to vindicate the sanctity of the marriage bed. He knew that the impulse which prompts the wronged husband to slay the seducer of his wife or the afflicted father to slay the seducer of his child was implanted in the breast of every living man by the hand of God himself; and knowing the character, disposition and temperament of this defendant, he knew that George W. Cole could no more resist the instinct of his nature than he could change the stars in their courses or arrest the whirlwind in its wrath. I shall not seek to furnish any middle ground on which to stand. I claim that his act was not murder, but excusable homicide. The adulterous intercourse commenced in 1864 and continued down to Mr. Hiscock's death. Not until Saturday, the 1st day of June, 1867, was it that he received Mr. Felton's letter which caused him to suspect, for the first time, that his wife had been guilty of criminal misconduct. It was not until that fearful meeting on the morning of Sunday, the 2d day of June, that those suspicions were confirmed into realities and the fallen woman avowed her shame to her wretched husband, fixing the date of its commencement, and revealing, in disgusting detail, then only so much of her subsequent infidelity as she saw fit to disclose; and this knowledge was communicated but little more than ten days before the homicide, and this defendant saw Hiscock for the first time after this knowledge on the evening that he shot him. After dwelling at length on the enormity of Mr. Hiscock's offence Mr. Hadley said:—I affirm that within the last two hundred years no man has been punished by any court of justice either in this country or in England for slaying the seducer of his wife, his daughter or his sister, when that motive and that alone has prompted the fatal blow. If modern morality has directed no human legislation against the invader of domestic peace and destroyer of female purity, yet the best representatives of enlightened moral sentiment—those jurors who have from time to time assembled in the courts of justice and been charged to inquire into the guilt of the outraged and frenzied husband, father or brother—have, so far as they could, supplied this defect of duty by adopting as their rule of action the law of their God, when amid the solemnities of Mount Sinai He uttered for all time, "Thou shalt not commit adultery;" "Thou shalt not covet thy neighbor's wife;" "The man that committeth adultery with another man's wife shall surely be put to death." The voice of God comes resounding to us to-day through the ages that are past, and tells this court that the verdict of juries which justify the death of the adulterer at the hands of the betrayed husband are given in obedience to that law of our nature which governs and controls in every human breast throughout the widespread earth. On the great law of public opinion, sanctioned and sustained by the enlisted sentiment of the Christian world and inspired by the teachings of the Great Jehovah, I assert that General Cole is free from crime, both in the sight of God and man; and on that great and final trial day, when you and I shall appear side by side with him to render in our account of the deeds done in the body, if there shall be no greater sin rendered against him than the punishment he inflicted upon his wife's destroyer, be you and he assured that he need not fear to approach the throne of the Omnipotent Judge to answer for the conduct of his whole life.

TESTIMONY FOR THE DEFENCE.

At the conclusion the defence called Dr. Marcus M. Manley, who, being sworn, testified as follows:—I reside in Philadelphia; have been a physician there eight years; know General Cole; formed his acquaintance the last day of December, 1863, at Fortress Monroe, Va.; he was colonel of the Second United States cavalry; defendant complained of ill health; his injury was an injury of the bowels; he had a protrusion with constipation and hemorrhage of the bowels; the protrusion was two inches or more at times; stated to me that his horse had fallen on him and crushed his bowels; the injury to the bowels continued to the time he was discharged, in 1866; the bleeding gave relief; he complained of pain in the kidneys and suppression of urine all the time he was in the army; his flesh failed, rather declined in health and flesh all the time, the other symptoms increased; I think he declined towards dementia; have seen the knife presented by the District Attorney (knife produced); think it the knife he carried in his vest pocket; it was an ordinary surgeon's knife; general had a case of instruments; he was unusually jealous; noticed it in these desponding spells; thought he was not appreciated; never showed that which his health was better; his condition of mind was somewhat unsound at times; thought so at the time; at one time for several weeks he was very childish.

Cross-examined—Am forty-seven years of age; have practised for eight years; was a manufacturer of marble before that; I graduated at the Pennsylvania University, in Philadelphia; studied the profession one year—in 1859; his wife was with the army; she came in January, 1864, and stayed till May; she returned again about the time Lee surrendered, and went with us to Texas; she left Texas the 1st of September; his mind was childish; dementia is a loss of the mind; think his mind was deceased.

Lodewick M. Woodin, sworn—Live in Chili, N. Y.; became acquainted with General Cole in the District of Columbia; was in the regiment with him till the 4th of March, 1863; was with him when injured; a large horse fell on him on the march from Washington, N. C., to Swift creek; the horse went into a ditch and fell on him.

Dr. Emmet Roberts, of Syracuse, was next called and testified to an acquaintance of sixteen years with Cole. This witness testified to a knowledge of the defendant's physical condition in 1863, when he found Mr. Cole emaciated, sallow, nervous and irritable, the result of the injuries to his bowels caused by the horse falling upon him.

The court then adjourned until to-morrow morning.

LETTER FROM LEWIS D. CAMPBELL TO PRESIDENT JOHNSON.

WASHINGTON, April 22, 1868.

TO THE EDITOR OF THE HERALD:—

The following letter, which has recently come into my hands, may be of interest to the public at the present time:—

HAMILTON, Ohio, May 5, 1865.

MY DEAR SIR—In compliance with your own suggestion and my promise when we parted at Washington a few days since, I write hastily to express frankly my ideas in regard to the general line of policy by which your official action should be governed, with the understanding that you will only read when you have leisure and give them just such weight, and no more, as in your better judgment they may deserve.

It is fortunate, indeed, that in your off hand speeches to various delegations you referred to your past history as furnishing a more reliable guarantee for your future conduct than any promises now made. And I especially liked the announcement of your determination not to decide important questions until they should be legitimately presented for your official action. Stick to that. A judge, on the bench, who would take up cases on the docket out of their regular order and decide grave questions of law not at all involved in the cases in hearing, or who would give judgment in cases not reached or heard, would soon make himself an object of ridicule among sensible men. There are men about Washington, and perhaps elsewhere, who, for sinister purposes, press you to take ground upon abstract theories, and if once you begin to yield you will soon be pressed for an opinion on "vegetable diet," "the Maine liquor law," "woman's rights," &c., &c. I beg of you to stick to your idea of giving opinions upon important propositions only when your official action becomes necessary. There is no practical wisdom in inviting opposition prematurely by taking sides on all the various abstract isms and ills to which the human intellect is heir.

Your views expressed in regard to the proper treatment of rebels meets a hearty concurrence among the people. Your discrimination between the intelligent leaders and the cajoled masses is well made and just. The whole country endorses it.

Our relations with England and France are interesting, and perhaps delicate, as there is prevalent in the country a pretty strong war spirit, which will probably be enhanced when our soldiers are disbanded and return home. I would avoid a foreign war and resort to it only when our national honor imperatively requires it. The country needs repose and the recuperative influences of peace. If diplomacy should fail in bringing England to a proper redress of the wrongs she has allowed to be inflicted on us during the rebellion it will be time enough to call her to account after our fighting men shall have had a little rest and the whole nation shall have been reunited and prepared with a "good ready." If Juarez, with the floating strength he may receive from this and other countries, fails to eject Maximilian in reasonable time and re-establish the Mexican republic, then we may with more propriety than now serve notice on the French Emperor to withdraw his bayonets. In prosecuting the Monroe doctrine we should be cautious not to violate our American principle of "non-intervention." If the people of Mexico, of their own voluntary free will, see fit to change their form of government from a republic to a monarchy, I do not see how we could consistently interfere; but if they are compelled, at the point of the French and Austrian bayonet, to do this, it will, at the proper time, become a high duty we owe to our historic record and to the integrity of our policy, long since enunciated and on all proper occasions reiterated, to interfere, even though war ensue.

Among other questions in our domestic policy there is one which is beginning to assume much significance—that of negro suffrage. This is being everywhere pressed by those who style themselves radicals—a class who sometimes in the grand march of human progress are inclined to get "ahead of the music." Of course, you will be called on to take sides. I regard that question as one belonging exclusively to the States, and not to the federal government. Congress has declared what an alien shall do to become a citizen, but has never undertaken to decide who shall be entitled to vote—not even for federal officers. Illinois and other States allow an alien before he becomes a citizen to vote on a residence of six months. Ohio requires him to naturalize under the act of Congress and reside twelve months in the State. Massachusetts allows the African to vote; Indiana excludes him. I mention these instances to show that the qualifications of a voter is a subject over which the States and not the federal government have always heretofore exercised jurisdiction. And as you have very properly assumed the ground that a State once in the Union cannot go out, and that the rebellion has only been a gigantic mob that temporarily impeded the operations of the government, I cannot see with what consistency you can now interpose federal authority to settle the right of suffrage in a State. If as President you can settle that question for the State of Tennessee or Louisiana, why may you not also settle it for Ohio and Pennsylvania and relieve the people of its embarrassments? You have already too many embarrassments, and my advice to you is, let this question alone. Leave it where it always has been—with the States.

Your determination to make no sudden change in the Cabinet until, at least, the funeral services of our late lamented President were over, was also wise, and meets universal approval. The proprieties of life and a respect for public opinion required this. But whenever, in your judgment, the shocked sensibilities of the people are calmed it may be a question whether you should not reorganize to some extent. On this subject I expressed my opinion pretty freely when at Washington. If you live you are to administer the government for four years. If your administration fails the odium will fall on you; and if, with the present Cabinet continued, it is successful the credit will go to the men whom Mr. Lincoln called into power. The naked question presented is whether the administration is to be marked in American history as yours or as a mere continuation of Mr. Lincoln's; whether you are to open books for business on your own account or merely to act as an "administrator with the will annexed" of your predecessor. Your friends will expect you to carry on business on your own account.

I was fully advised of the hot haste of several parties to get Mr. Seward out, even when it was uncertain that he would live from day to day. On this subject I expressed my views to you fully, perhaps with too much indignation. I will now only add that all grades of loyal men in this region—radical and conservative—believe that Mr. Seward is the right man in the right place during the existence of our present complications with foreign Powers, and his removal would cause much regret. Public opinion seems to settle down upon Mr. McCulloch as the proper person for the Treasury Department. But if the residue of the Cabinet were replaced I think the country would generally approve of it. Mr. Stanton (whether justly or not) has become very unpopular both in and out of the army, and a new man in his place would, perhaps, give satisfaction and produce harmony. I have but little acquaintance with the residue of the Cabinet, except Mr. Dennison. He is a very pleasant gentleman, and being an Ohian I would not if I could utter anything in disparagement of him. But I have already bored you enough for one occasion, and I will close. You must find an excuse, my dear sir, for the freedom with which I write in the fact that I feel an indescribable interest in your success. * * I do most sincerely desire that your administration may be one that will redound to the prosperity and true glory of the American republic, and to the honor of yourself and friends. And if I can at any time, by word or deed, aid you in your great work or relieve you of any burden it will afford me great pleasure to do so. In haste, very truly yours, &c.,

LEWIS D. CAMPBELL.

ANDREW JOHNSON, President, Washington, D. C.

SHIPPING NEWS.

Almanac for New York—This Day.

Sun rises	5 08	Moon sets....eve	8 40
Sun sets	6 48	High water....eve	9 50

PORT OF NEW YORK, APRIL 23, 1868.

CLEARED.

Steamship Merrimac, Timmermann, Rio Janeiro, &c—U S & Brazil Steamship Co.
Steamship Nevada, Megill, Havana and Vera Cruz—F Alexandre & Sons.
Steamship Morro Castle, Adams, Havana—Atlantic Mail Steamship Co.
Steamship Enterpe, Gates, Key West and Galveston—C H Mallory & Co.
Steamship H Livingston, Eaton, Savannah—Livingston, Fox & Co.
Steamship Manhattan, Woodhull, Charleston—H R Morgan & Co.
Steamship Rebecca Clyde, Chichester, Wilmington, NC—Jas Hand.
Steamship Saratoga, Alexander, Norfolk, City Point and Richmond—N L McCready.
Steamship Nereus, Pearce, Boston—W P Clyde.
Ship W Tapscott, Bell, London—W T Papscott.
Ship W Frothingham, Quincy, Havre—Boyd & Hincken.
Barque American Eagle, Harford, Aspinwall—Panama Railroad Co.
Bark Cephas Sterrett, Babbidge, Nuevitas—Brett, Son & Co.
Brig Lucinda (Br), Bisell, Port de France via Bucksville, S C—F I Nevius & Son.
Brig Teresita (Br), Hall, Cienfuegos—Tucker & Lighthourne.
Brig Giles Loring, [illegible]ham, Cardenas—Brett, Son & Co.
Brig Ellen Maria (Br), Hoxie, Cardenas—Brett, Son & Co.
Brig Milo (Br), Townsend, St Johns, NF—J F Whitney & Co.
Brig Alfaretta (Br), Rutherford, Harbor Grace—F I Nevius & Son.
Brig St Mary (Br), Morehouse, Sandy Cove, NS—Morrison & Phillips.
Brig Almon Rowell, Baker, Elizabethport—Miller & Houghton.
Schr Theron J Dale, Lewis, St Pierre, Martinique—B J Wenberg.
Schr Sarah Maria, Horton, Inagua—B J Benberg.
Schr Minnie, Hudson, Indianola and Lavacca—N L McCready & Co.
Schr Four Sisters, Sherer, Saltila Roads—H W Loud & Co.
Schr Martha Maria, Dean, Rappahannock, Va—H W Loud & Co.
Schr Sarah L Thomas, Arnold, Baltimore—Bently, Miller & Thomas.
Schr Ida F Burgess, Burgess, Cambridge, Md—Bryan & Pease.
Schr N F Burgess, Burgess, Belfast—Thayer & Sargent.
Schr C McDonald, Baker, South Dennis.
Schr Eagle, Snow, New Haven—Ferguson & Wood.
Schr Evelyn, Burger, Stamford.
Sloop Thos Hull, Hull, Bristol—G N Stranahan.
Steamer Frank, Pierce, Philadelphia.

ARRIVALS.

REPORTED BY THE HERALD STEAM YACHTS.

Spanish steam frigate Gerona, D Francisco Navarino, commanding, Havana, 6½ days. Mounts 48 guns, and has a crew of 19 officers and 568 men.

Steamship Aleppo (Br), Harrison, Liverpool April 7, and Queenstown 8th, with mdse and 555 passengers, to E Cunard. April 20, lat 41 17, lon 57 01, passed ship Jas Foster Jr, from Liverpool for New York, and bark Amaranth (NG), from Bremen for do.

Steamship Minnesota (Br), Price, Liverpool April 7, and Queenstown 8th, with mdse and 1162 passengers, to Williams & Guion. Had strong westerly gales the entire passage; 16th inst, passed steamship Colorado, hence for Liverpool; 20th, lat 41 16, lon 58 21, steamship St Laurent, do for Havre.

Steamship Pereire (Fr), Surmont, Havre April 10, and Brest 11th, with mdse and 106 passengers, to Geo Mackenzie. Had strong westerly winds the entire passage. April 14, lat 47 58, lon 27 27, passed ship Quebec, bound W; 15th, lat 47 03, lon 32 54, ship Wm F Storer, hence for Liverpool.

Steamship Gulf Stream, Bates, Havana April 17, at 5 PM, with mdse and passengers, to C H Mallory & Co. Had a heavy NE gale off Hatteras.

Steamship Ariadne, Eldridge, Galveston April 11, via Key West 17th, with mdse and passengers, to C H Mallory & Co. Had strong head winds most of the passage. April 19, lat 28 43, lon 79 50, passed schr Charlotte Fisher, of Thomaston, bound N.

Steamship Wm P Clyde, Powell, Wilmington, NC, 70 hours, with mdse, to James Hand.

Steamship El Cid, Hobart, Newbern, NC, April 18, via Hatteras Inlet 23d, with mdse, to Murray, Ferris & Co.

Steamship Albemarle, Lawrence, Richmond and Norfolk, with mdse and passengers, to the Old Dominion Steamship Co.

Steamship Neptune, Baker, Boston, with mdse and passengers, to W P Clyde.

Steamship Wamsutta, Fish, New Bedford, with mdse and passengers, to Ferguson & Wood.

Ship Daniel Webster, Brown, London and Portsmouth, March 10, with mdse and passengers, to E Morgan & Son.