

his official duties—that proper degree of merciful feeling which should ever be the accompaniment of justice, seemed to govern his every action throughout that long and arduous trial.

It has been asked, and naturally so, why the men that were in the house on the night of the murder, were not brought forward. It was also insinuated on the trial, by the prisoner's counsel, that the person who was in Mrs. Townsend's room that night, and the one that Mrs. Townsend let in at three o'clock in the morning, by which fortunate circumstance the murder was discovered, and the fire that had been kindled in Ellen Jewett's room, prevented from extending to and destroying others, could tell, if they pleased, who had committed the murder.

We have taken some pains to ascertain the facts in the case, and feel certain that no person could have conducted the trial with more ability or with more care than were exhibited by Mr. Phoenix and Mr. Morris. In the house that night, besides the girls, there were six persons (men.) The one spoken of as Frank Rivers, two strangers, (genteel men) a young man (a clerk in the city) and two others, (young merchants of respectability.) Immediately, on the alarm being given, as is natural to suppose, they all fled, alike to prevent exposure as to avoid the dangerous scene. The gentleman that was with Mrs. Townsend is one of the latter, a single man of good business standing, and, with the exception of the cloud that this might throw around his good name, one that stands well with his fellow men. The District Attorney endeavored to procure his evidence. He declared that he could state nothing; he knew that Mrs. Townsend got up, and in a short time he heard the alarm, but left the house immediately on the watchmen coming in, or as soon as he possibly could. He said he could do no good—to bring him on the stand would injure himself and his business—and he prayed the District Attorney to spare him the disagreeable task. A consultation was held. It was found, as he had stated, that his testimony could be of no service—that to bring him on the stand would have no effect in subserving the aim of justice, and that it would be cruelty to inflict upon him the stain that he might possibly endure. It is feared that too many men visit such places; their safety is in concealment. The name, in this case, would have been blazoned to the world, and the blow could not easily have been recovered from. He was not brought forward.

The young men whose names were unknown, had remained in the room with their girls until the alarm, when they also got away as soon as possible. The young man spoken of as a clerk, was also in one of the rooms, and was roused from bed by the alarm. He could state nothing as to the facts further than that the alarm was given and that he fled, as early as possible, terrified at the sound of fire and murder that prevailed. He was of respectable connexions, plead, with tears, not to be brought on the stand, as it would, he said, destroy him in the estimation of his employer and his friends. It was found that his testimony would be of no possible service, and he was not called.

The fifth that we shall speak of is a young merchant in the lower part of the city. One who stands well in the community, and whose evidence would have borne very considerable weight. He was the one that Mrs. Townsend let in at three o'clock in the morning, and could, as he stated, have testified to seeing the lamp in the back room, and hearing Mrs. Townsend give the alarm of fire and of murder a few minutes after he came in and went to Elizabeth Salter's chamber. [The latter testified to this effect on the trial.] It will be remembered that there is a defect in the law relative to compelling the attendance of witnesses.—The coroner has power to bind over any that may have been present when an inquest was taken, whom he considers of importance on a trial. The District Attorney has no power of the kind. He can subpoena and he can fine for non-attendances, but there his power ends. In the present instance he did every thing that the law enabled him to do to secure the attendance of this witness, but the gentleman said that worlds could not tempt him to come on that stand. Although a single man, there were circumstances in his case that rendered it peculiarly trying for him to do so. The District Attorney sent an officer to his store to subpoena him, and endeavor to induce him to appear. The officer was told that he had left the city. The District Attorney then dispatched the officer to the upper part of the state, where it was supposed he had gone, and other efforts were made to obtain his evidence, but equally in vain. The Coroner had not bound him over, as he was not a witness on the inquest, and the District Attorney, at the appointed time for the trial, was compelled to proceed without him.

The sixth young man was the person who had been with Ellen Jewett, and whom Mrs. Townsend, Elizabeth Salter, and Emma French declared to be Richard P. Robinson, known to them as Frank Rivers, a name which it was acknowledged by others he had assumed, on his different visits to the unfortunate girl.

The public is not yet in possession of all the information, which, as it appears to us, the cause of morality and justice imperiously demand. Will the people of New-York

be satisfied, under all the circumstances, and with certain admitted facts before them, that the district attorney did all that his responsibility to the state required, merely on the declaration to the effect, of two or three editors who doubtless honestly believe what they declare? It strikes us, too, that there was a manifest intention on the part of the Judge, who presided at the trial, to prevent the exposure of certain individuals, whose testimony in the trial seemed certainly very desirable, if not essential. There was an apparent partiality in the selection of witnesses, if not a real one. Why was a young man by the name of Marston brought on the stand to testify—to his own shame—while others, who probably could tell as much, were not summoned because they might lose their characters. Without any of these witnesses, who might have been obtained, the Times says, the district attorney felt abundantly able to fasten conviction upon the prisoner, and alluded to the letters, which he was not permitted by the court to offer to the jury. It adds—

Perhaps there never was a case in which a public prosecutor had more to contend with than our district attorney had on that trial. For some time previous to its taking place, among other expedients resorted to, colored prints, pretending to be likenesses of Richard P. Robinson and Ellen Jewett, were placed in the windows of all our print-shops, and in every public place where people would allow them to remain. These pictured Robinson as a beautiful, modest youth, one apparently incapable of crime, and Ellen on the other, as a coarse-looking, brazen-eyed shrew, that would do any thing. Neither of them we understand, looked any thing like the original, and, we need not say, were too probably placed there for a certain effect. The minds of our young men, in particular, ran, in consequence, strongly in favor of the prisoner, the courtroom was filled with his friends, ready to hiss any thing said by the prosecution against him, or to applaud what his truly talented counsel might say in his favor. It was in vain the court endeavored at all times to preserve order; the feeling would show itself, when every thing that it consistently could to favor the prisoner, allowed evidence to be suppressed at the request of his counsel, and the whole, put together, truly made up hill work for the exertions of the prosecuting attorney.

In regard to witnesses, it will be conceded, we believe, it must have been truly painful to feelings, and was injurious to the reputation of the young man who had been at the house to be called upon to stand. It was necessary, however, for the district attorney to bring forward those that he did, (and his heart must have bled at the manner in which some of them implored to be excused,) in order to strengthen the circumstantial evidence—in particular that of the cloak, the handkerchief, and the miniature. On this account he brought no more forward, of either sex, than would have been serviceable on the trial.

From all that we have read in the New York papers upon the subject of this extraordinary trial, we are led into the belief, that it was a farce—an entire farce—and nothing but a farce—a mere humbug, to excite the curiosity of the populace with the show of justice, and suppress the indignation of the moral part of the community against those whose conduct, in every thing but the act of murder, was as offensive and wicked as that of Robinson himself.

After the preceding article was in type, we received the Commercial Advertiser of Monday, in which the article from the Times is ascribed to the district attorney. The editor presumes, from a full and free conversation with that gentleman, that it was authorized by him, so far at least, as the facts are concerned. The editor of the Commercial still thinks that Mr. Phoenix "erred in judgement, although he honors the benevolent feeling which swayed him, in not bringing upon the stand the paramour of Rosina Townsend. The object of the defence was to throw suspicion upon her testimony, by that of one who passes as a respectable merchant, it seems to us that he should have done so. True, it is said the happiness of an "affianced" was concerned; but what was a misfortune which however deeply to be lamented, ought not to have been allowed to interpose in the path of duty."

How the editor of the Commercial can "honor the benevolent feeling" which kept the paramour of Rosina Townsend from the witness' stand, and yet think it a misfortune which ought not to be allowed to interpose in the path of duty—we cannot precisely understand. The inference from this apology for the district attorney is this:—A merchant of "respectable standing" is "affianced," or engaged to be married. In the mean time he frequents the most noted brothel in the city, and is in bed with a common strumpet, while a murder is committed in her house. The district attorney knows the fact, and has the power to summon the profligate debauchee into court as a witness; but is swayed from that course—a course dictated by every principle of justice, and probably required by a solemn oath of office—by his "BENEVOLENT FEELING." What sort of benevolence or morality is this? Benevolence to whom? to the paramour of Rosina Townsend? What right has Mr. Phoenix, as a public prosecutor, to allow compassion for such an unprincipled fellow to interfere

with his official duties? Benevolence to the female to whom the adulterer was "affianced?" What sort of benevolence is that which, by screening the rascal from exposure, throws him into a matrimonial connexion with an innocent and lovely woman,—reeking from the stews, with pollution and filth of body and mind enough to entail misery and disease upon a whole generation? Benevolent feelings indeed! Was it a sister or daughter of Mr. Phoenix to whom this 'respectable' merchant was affianced?"

#### CIRCULAR.

TO RECEIVERS OF PUBLIC MONEY, AND TO THE DEPOSITE BANKS.

Treasury Department, July 11, 1836.

In consequence of complaints which have been made of frauds, speculations and monopolies, in the purchase of the public lands, and the aid which is said to be given to effect these objects by excessive bank credits, and dangerous, if not partial, facilities through bank drafts and Bank deposits, and the general evil influence likely to result to the public interests, and especially the safety of the great amount of money in the Treasury, and the sound condition of the currency of the country from the further exchange of the national domain in this manner, and chiefly for bank credits and paper money, the President of the United States has given directions, and you are hereby instructed, after the 15th day of August next, to receive in payment of the public lands nothing except what is directed by the existing laws, viz: gold and silver, and in the proper cases, Virginia land scrip; provided, that till the 15th of December next, the same indulgence heretofore extended as to the kind of money received, may be continued for any quantity of land not exceeding three hundred and twenty acres to each purchaser who is an actual settler, or bona fide resident in the State where the sales are made.

In order to insure the faithful execution of these instructions, all Receivers are strictly prohibited from accepting for land sold, any draft, certificate, or other evidence of money, or deposit, though for specie, unless signed by the Treasurer of the United States, in conformity to the act of April 25, 1820. And each of these officers is required to annex to his monthly returns to this Department, the amount of gold and of silver respectively, as well as the bills received under the foregoing acceptance, and each deposit bank is required to annex to every certificate given upon a deposit of money, the proportions of it actually paid in gold, in silver and in bank notes. Former instructions on these subjects, except as now modified, will be considered as remaining in full force.

The principal objects of the President in adopting this measure being to repress alleged frauds, and to withhold any countenance or facilities in the power of the Government from the monopoly of the public lands in the hands of the speculators and capitalists, to the injury of the actual settlers in the new States, and of emigrants in search of new homes, as well as to discourage the ruinous extension of bank issues and bank credits, by which those results are generally supposed to be promoted, your utmost vigilance is required, and relied on, to carry this order into complete execution.

LEVI WOODBURY,  
Secretary of the Treasury.

APPOINTMENTS BY THE PRESIDENT,  
By and with the Advice and Consent of the Senate.

Lewis Cass, to be Envoy Extraordinary and Minister Plenipotentiary to France, not to be commissioned until notice has been received here that the government of France has appointed a minister to the United States, who is about to set out for Washington.

William P. Van Rensselaer, of New York, to be Secretary of Legation to France.

Andrew T. Judson, to be judge of the United States for the District of Connecticut.

Charles K. Gardiner, to be Auditor of the Treasury for the Post Office Department.

Joseph Balestier, to be consul of the U. States for the Island of Singapore, in the Malayan sea.

Henry L. Ellsworth, Connecticut, to be Commissioner of Patents.

Carey A. Harris, to be Commissioner of Indian Affairs.

Ross Wilkins, of Michigan, to be Judge of the United States for the District of Michigan.

Daniel Goodwin, of Michigan, to be Attorney of the United States for said District.

Conrad Ten Eyck, of Michigan, to be Marshal of the United States for said District.

The commissions of the three last named officers to issue, when the state of Michigan shall be admitted into the Union, according to the provisions of the act "to establish the northern boundary line of the state of Ohio, and provide for the admission of the state of Michigan into the Union on certain conditions."

Thomas H. Kenan, of Georgia, to be Marshal of the United States for the District of Georgia.

Samuel D. King, to be principal clerk on the public lands, under the act for reorganizing the General Land Office.

Mead Fitzhugh, to be principal clerk of private land claims under said act.

John M. Moore, to be principal, or first clerk of the surveys, under said act.

Hudson M. Garland, to be Recorder of the General Land Office under said act.

Wyllis Silliman, to be Solicitor of the General Land Office under said act.

DROLL CONCRET.—An Englishman has lately erected on the river Theiss in Hungary a mill in the form of a colossal man—the head being the dwelling house—the eyes the windows—the nose the chimneys, and the machinery in the body, driven by a stream of water from a canal in the form of an immense bottle emptying into his mouth.

SOUTHERN TELEGRAPH.  
RODNEY.

Tuesday.....August 16, 1836.

FOR PRESIDENT.

HUGH L. WHITE,  
OF TENNESSEE.  
FOR VICE PRESIDENT,  
JOHN TYLER.

We are authorized to announce Mr. WILSON WADE, as a candidate for MAJOR of this Regiment.

We are authorized to announce GREEN T. MARTIN, Esq., as a candidate for Colonel of this regiment.

The supply of paper which we have been expecting for some time past has at length arrived, but came too late for the present number. We hope for the future never to be under the necessity of making apologies.

Nothing new from Texas. There will be no fighting until next fall; and it is more than probable, before that time arrives, Texas will be free.

Gen. Felix Huston, with a large proportion of his men, has returned to Natchez.

On account of the small space allowed us this week, several editorial articles have been crowded out.

NEW FIRM,  
LATE REMOVAL,  
AND  
FRESH GOODS.

J. U. EVANS begs leave to inform his friends and the public in general, that he has lately taken into copartnership, Mr. HENRY CLAYTON. We beg leave also to inform the public that we have lately moved to the well-known house formerly owned and used by Wilson & Allison as a Dry Good Store, and late by Mr. John Payne, where they are now receiving from New York a fresh and splendid

Assortment of Goods,

Consisting, in part, of Black and Blue Cloths, Black, Blue, Gray and Striped Cassimere and Cassinets; Blankets, Flannels, Eastern and Kentucky Linseys and Janes; 4-4, 7-8 and 3-4 Heavy Lowells; Brown, Bleached, Apron and Furniture Domestic; Irish Linen, Cambrics, Jaconets and Gingham. A general assortment of Plain and Figured Silks, Circassians, Muslins, Bombazines, Bombazets and Plaids.

Fancy Silk, Chally and Merino Handkerchiefs, &c.  
Worsted, Buff, Cotton, Linen, Kid, and Silk Gloves.

CAPS, BONNETS, ARTIFICIAL CURLS, &c.  
Tortoise, Silver and Brazilian Tuck and Side Combs, and Silver Head Ornaments.

A General Assortment of Clothing, adapted to the season.

HATS—Drab, White and Black Beaver, Castor, Roram, Silk, Wool and Leghorn.

SHOES.—A general assortment of Ladies' and Gentlemen's Shoes—Gentlemen's Boots. Assorted qualities, &c.

HARDWARE,

Mill, Cross-cut, Hand and Tenant Saws, Patent Balances, Spades, Shovels, Chisels, Augers, Bench Planes, Collins' Axes, Grubbing Hoes, Cut and Wrought Nails, Draft Log and Trace-chains, Bowie & Crocket Knives and Arkansas Tooth-picks, Pistols and Guns suited for Texian emigrants, &c.

SADDLERY.—Patent Railed and Common Side Saddles, Gentlemen's Spanish, French and English Saddles, of superior qualities. Saddle-bags, Bridles, Martingales, Sursingles, Girths, &c., Coach, Dray, Riding and Negro Whips, Riding Switches and Walking Canes; also, a lot of Saddle Trimming.

GROCERIES.

Old Port, Madeira and Claret Wines. Champaigne Wine, in baskets. Champaigne, Cognac, Domestic, and P. Brandy.

Family Soap, Patent Tallow and Sperm Candles, Tea, Coffee, Double-refined Loaf Sugar, Spanish Cigars, Honey Dew and Small Plug Tobacco, Fig Blue, &c.

A general assortment of CROCKERY and CHINA; also, of GLASS WARE, &c. together with almost every article to be found in Dry Good houses—which we offer low for cash, or to punctual men.

The public are invited to call and examine our stock and prices, and patronize us, so far as may be consistent with their own interest and our merits.

Rodney, August 16, 1836

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