

(BY PERMISSION.) HIGH COURT OF IMPEACHMENT. TUESDAY, February 12.

Evidence on the part of the United States. [CONTINUED.]

John Bassett, sworn on the part of the respondent. Mr. Harper. Mr. Bassett will you please to relate what took place on the trial of Callender, relative to your being sworn on the jury.

Mr. Bassett. At the session of the circuit court in May, 1860, Callender was indicted for a libel. On the Monday morning on which the trial took place, I left home, which is about twenty miles from Richmond, early in the morning, and arrived in Richmond as soon as I could. Upon my arrival there, I saw Mr. Randolph the marshal, who called me, and informed me that I had been summoned as a grand juror, and had been noted for not attending, and must go to the court and make my excuse—he added, that as I had not attended on the grand jury, that I must serve on the petit jury to try Callender. I went to court but the case did not come on that day. I therefore attended the next day. I knew the sedition law was odious to the people of my country, and that a number of them thought it unconstitutional—I was weak or wicked enough to be a federalist. I thought the law constitutional, and was determined to do my duty when I should be called on to put it into execution. When therefore I was called on to serve on the jury to try Callender, I conceived it to be proper to make a declaration of any impressions that I had on my mind, and if it should be an objection to my serving, that I might be excused; but that if I should be determined to be a proper juror, that I would do impartial justice between the traverser and his country. When, therefore, the previous question was asked me, I informed the judge of my political sentiments—I also informed him, that I had never seen the "Prospect before Us," but that in a newspaper I had seen extracts which were said to be from that book, and that if the extracts were truly taken, that I had formed an unequivocal opinion, that it was a libellous publication—that I had formed no opinion with relation to the extracts being correct. I also informed the court, that I had formed no opinion with respect to Callender's being the author of the book or on the charges in the indictment. The court determined that I was a proper juror and I was accordingly sworn on the jury. After the evidence and pleadings were gone through, we retired to our room to consult on our verdict and chose Mr. Bernard Mackham our foreman. The book was then produced, and I informed the jury, that I had never seen it before, and wished to have it read through; a number of the jury appeared to disagree to this, but I said that I would have it read, because the other parts of it might explain the passages in the indictment. In consequence of this the book was read through, and we were in our room about two hours, when we returned into court and delivered our verdict, finding the traverser guilty.

With respect to the trial, I will state a circumstance which made a strong impression on my mind. Judge Chafe addressing himself to the counsel for the traverser said, that when his country made him a judge, they imposed on him the solemn obligation of an oath to execute the laws. That he conceived his opinion to be legal but that he might be in an error and therefore the questions might be all reduced to writing in order that a superior tribunal might correct the errors if any should exist.

John Bassett, cross-examined by Mr. Randolph. Q. You have said that you have stated to the court, that you had seen extracts in a newspaper, which were said to be from the "Prospect before Us." After reading the book, did those extracts appear to be faithfully taken? A. I thought the book more libellous than the extracts, but I have no recollection of the extracts more than the impression made on my mind, that they were libellous. Q. What time of the morning was it when you got to court?

A. I believe it was just after the court was called. Q. Was the book which the jury took out, delivered to them by the judge? A. I believe that it was delivered by the prosecutor with the indictment, to see whether they corresponded with each other. Q. Was the indictment read before the jury were sworn? A. I do not recollect to have heard it. Q. Did the indictment contain any of the extracts which you had seen in the newspaper? A. I do not recollect what were the extracts that I did see. Q. Had the book which was delivered to the jury, any passages in it that were marked? A. I believe it had. Q. Were any of those passages contained in the indictment? A. I do not recollect. Q. How did you know that the charges in the indictment, were extracted from the "Prospect before Us"? A. It was a subject of general notoriety. Q. Did you not believe that the extracts which you had seen, were taken from the "Prospect before Us"? A. I had none but newspaper authority for it, however, I firmly believed after seeing the book, that the extracts were taken from it.

Question by Mr. Bayard, one of the counsel. Q. What was the general conduct of the judge to the counsel, and the counsel to the judge, during the whole course of the trial? A. I think it proper to observe, that the impressions made on the witness of the transaction, will enable them to give a different relation to it to each other. To me the judge appeared to conduct himself with decision, but without severity; he was at times sarcastic, but not farcical, and he appeared to wish that if Callender should be guilty, that he should be punished; if innocent, that he should be acquitted. It appeared to me that the defence which the counsel for Callender attempted to make, was the constitutionality of the law, and that they had no hopes of saving him except on this ground; and when the judge determined that the law was unconstitutional, and that they should not address their arguments to the jury on that point, they became extremely mortified. They considered that they had a right to go on, and had the cause much at heart, and were continually mentioning this point in their argument. Whenever they advanced this position, the judge interrupted them, and informed them that the jury had not the power to decide on the constitutionality of a law, and that they must not argue it to them; their perverting in this appeared to be the reason why they were so often interrupted by the judge.

Question by the President. When you informed the court that you had formed an opinion on the extracts, did you inform them that you had delivered it also? A. I did not, for I had delivered the opinion to no person. Question by Mr. Rodney. Did you not deliver the opinion to the court, before you were sworn on the jury? A. It was before I was sworn in chief. The court then adjourned.

THURSDAY, February 14. The court having met as usual. Mr. Harper, said that he had a request to make similar to the one made yesterday—it was that Edmond Randolph, esq. might be examined on behalf of the respondent, and discharged. Mr. Randolph, observed that the managers did not object.

Edmond Randolph, sworn. Mr. Harper. Will you please to relate what came under your observation, at the trial of Callender. Mr. Randolph. I was present some little part of the trial of Callender, but was absent the greater part of it. Q. What was the general conduct of the court and the counsel, in your sense of it? A. The answer which I have already given, is an answer to that question. I was absent a great part of the time, and am not a judge. I left court while a part of the lengthy indictment was reading, and when I returned, the counsel were folding up their papers and retiring from the bar. Q. Was you in court during the previous motions that were made?

A. I was after the indictment was found. I recollect seeing either the clerk or the attorney, handing up a paper to the court, and upon asking what it was, I was informed that it was a warrant for the apprehension of Callender. I was not present when the motion for a continuance was made. Q. What was the demeanor of the court when you were present? A. I cannot commit myself on any statement, if my opinion shall be allowed as evidence, I am ready to give it, I saw nothing that struck me as remarkable in the conduct of the court, I saw nothing which conveyed to my mind the idea of corruption in the judge. Q. What do you mean by corruption? A. An intention to oppress the party. [To be continued.]

NEW-YORK, March 14. Captain Beane, from New Orleans, informs, that two days before he sailed, a duel was fought between Mr. L. W. (the brother-in-law of Gov. Claiborne) and M. Story, of Providence; the former fell the second shot, the ball having entered his chest. In our paper of yesterday we stated under the Philadelphia head the account of an attack on the B. & O. Pack-train by the British ship of war "We were since been informed that the vessel, the Manassas, sent into Bermuda by the British, and that these men were brought from the B. & O. train, this morning. Two others were impressed from the B. & O. train, who have also been brought here. The other three have been detained as British Seamen. The men from the Manassas were not impressed, but detained for the purpose of being put on board a ship in the event of her being captured; but one specimen from the Manassas, Deputy Mayor, that they were to be held in New York, Captain Beane, the commander of the B. & O. train, is in the city.

The fire of yesterday morning of which some account is given in a subsequent article, after being partially extinguished broke out again so much as to render it necessary to suspend the steam bell in the course of the day and evening. Besides the other sufferers by the fire, M. A. H. Dolman, we understand, has also sustained some loss. Not less than fifteen or twenty thousand dollars worth of property, according to some, has been destroyed on this occasion. It consisted principally of ornamental and fine—circumstances which, considering the high price of provisions, is the more to be regretted.

Fire. This morning between the hours of one and two o'clock, a fire broke out in a cluster of wooden buildings on Fitch's wharf, east side, and before it was got under command three large stores, with the principal part of their contents. The stores were owned and occupied by the following persons:—One owned by Daniel Ludlow, and occupied by Cornelius P. Wyckoff, as a flour store—Two owned by the estate of Wm. Murray, and occupied by Messrs. Gorham, and Robert T. Thurston, as Commission stores. Mr. Thurston, we are sorry to state, has lost his books and papers. It is not yet ascertained how or in which of the buildings the fire originated. No probable estimate of the damage can yet be formed.—Ev. Post.

Cooper, the tragedian, has arrived at Boston from New-York. It was his wish to enter into an engagement to play a few nights; but as the benefits had commenced when he arrived, the manager had no power to admit him. The performers, the efforts, with the exception of M. Chalmers, have uniformly combined to prevent his appearance on the Boston boards. This has given great dissatisfaction to the citizens of that place; and at the close of the first performance after it was known that Cooper was in town, some gentlemen on hearing the play for the evening, announced, cried out, "Cooper or no play." A combination, it is said, was formed for the purpose of creating a riot at the Theatre, and a committee appointed to purchase tickets to be distributed among hired partisans, in various parts of the house. In consequence of these facts, the Manager has, with the consent of the performers, determined to CLOSE THE THEATRE. He concludes a card, announcing this determination to the public, in the following manner:—"To this painful resolution he has been compelled by that high sense of duty and respect which he owes to a general and enlightened Public, and which he believes can never be evinced in a more unquestionable shape, than in the effort and sacrifice, which he and his performers have made on this occasion, to present a scene of confusion and alarm—a scene of all others most to be deprecated by the lovers of talent, the patrons of the Drama, and the friends of decorum, in any community."

Last Thursday evening, the gall at Newark was broken open, and nine criminals out of thirteen made their escape. PHILADELPHIA, March 16. Captain McClure, has obligingly furnished us with London and Liverpool papers to the 31st of January.—On a hasty perusal of them, we find but little of im-

portance, except the D-bates and the various papers of the Spanish negotiations previous to the eruption between the English and Spain, which fill many columns of the papers.—The Spaniards seem to exert themselves in preparations for war.

LONDON, January 26. Last night dispatches were sent off from the Admiralty to Admiral Cornwallis, off Plymouth, with orders for him to resume his former station with all possible dispatch. There is a report in the city that Bonaparte had resolved to send M. Schimmelpennick to London with pacific overtures. It produced a slight rise in the funds. We attach no credit to the report. The report of the capture of Minorca, by Lord Nelson, is probably well founded.—The enterprise and promptitude of the gallant admiral would in all likelihood induce him to think of attempting that important Island, after having intercepted the reinforcement destined for it. The grand Chamberlain of Russia, who was sent to his country some months ago on important business from the court of St. Petersburg is about to return. The Ch. fine f. g. has been ordered to convey him to Gotenburg. January 29. It is stated with confidence that Lord Melville is very shortly to retire from the Admiralty, and that Lord Spencer is to be his successor. Upon the various and large interests which such a change must necessarily involve, we are not forward to enter into any abrupt and premature discussion. Yesterday dispatches were received from Admiral Cochrane, off Ferrol. They state that he was desirous to suppress the French fleet at that port, would endeavor to put to sea, having, since the war commenced, been completely fitted out by the Spanish armaments. Not less than sixteen Spanish prizes, exclusive of the Amphitrite frigate, have been carried into Gibraltar. The L. intended to be negotiated in March is not, we are well informed, to exceed the sum of Twelve Millions: the rest of the supplies being to be raised within the year. The British Directory of State have provided provisionally, to the Legislative Body, to consent to the levy of one per cent upon the capital. The courts of Vienna and Copenhagen have declared, in answer to the circular note of M. Talleyrand, respecting the Ministers of Great Britain, whom Bonaparte proposed to put out of the protection of the public law, that they cannot recognize to extraordinary a principle. The King of Prussia does not discontinue the marks of his disapprobation at the detention of the papers of Sir George Rumbold; and it is in consequence of this favorable known indignation, that these papers have not yet been published by the government of France. Austria, Prussia and Russia, are represented as being far advanced in negotiations of which it is the object to maintain the peace of the continent, and to guarantee against encroachments upon the part of any other power.

HOUSE OF COMMONS, Jan. 23. The House in a committee of supply, agreed to the following resolutions:—"That 120,000 men, including 20,000 marines, be voted for the service of the navy.—That a sum not exceeding 3,539,996*l.* be voted for 13 months pay of the said number of seamen and marines, at 1*l.* 17*s.* per month per man.—That a sum not exceeding 2,951,000*l.* be voted for provisions for the same, at 1*l.* 18*s.* per month per man.—That a sum not exceeding 4,680,000*l.* be voted for the wear and tear of the ships, at the rate of 3*l.* per month per ton.

Sale by Auction. On TUESDAY, The 19th inst at 10 o'clock, at our auction room, next to Frederick street dock, will be sold for account of the underwriters, 2 boxes Rouans 2 do Britanias 2 do Dowlas 5 oaks bagging. VAN WYCK & DORSEY, auc'rs. march 16

BURR & HAMILTON. A new opened at the house of Mr. C. O'Brien, sign of Montgomery, Cumberland Row, a New Collection of WAX FIGURES superior to any ever exhibited in America—among which are, a striking likeness and representation of the late unfortunate Duell, between Aaron Burr, Vice President of the United States, and Gen. Alexander Hamilton, wherein Gen. Hamilton is supported by his second, after receiving the mortal wound, while Col Burr, is led from the field by his second; and a number of other Figures, chosen from the best collection in America. Music on an elegant organ. Admission 25 cents, children half price. march 16

St. Patrick's Ball, TO BE held at 7 times Dryden's, on MONDAY EVENING, March 18th. The citizens are respectfully informed that a subscription list is now open for the above Ball. march 6

To Rent. AS I intend declining the retail Grocery business, for the present, I will Rent the HOUSE in which I now live, to a good tenant. The situation is equal if not superior to any in this city, for the wholesale or retail Wet or Dry Goods business. The store is large and convenient, and a cellar under the whole of the house. KENNEDY LONG. N. B. If I rent my house, I will sell 'tst on reasonable terms. march 9

We understand that the governor and council have appointed JOSEPH H. NICHOLSON, Esq. agent to negotiate the stock, in the bank of England, belonging to this state.

Extract of a letter from a subscriber in Pittsburg. (Pa.) to the editors of the American, dated March 6, 1865.

STEPHEN ARNOLD, the wretch who murdered his niece in Otsego county, state of New-York, on the 10th of January last, was on the fourth of this month apprehended, by a Mr. Calloon, who was in search of him, in this Borough.—On his way to a justice of the peace, it being about nine o'clock at night, and very dark, he drew a pistol from his coat pocket, and attempted to blow out his own brains! but fortunately one of the gentlemen present, seeing his object, struck his arm, at the instant he drew the trigger, and thereby prevented the hardened, desperate wretch from adding suicide to murder! The ball carried with it part of the temporal muscle, but did not enter the brain; the powder has, however, disfigured his face a good deal. He has acknowledged the whole fact, and says that he has made frequent attempts to put a period to his miserable existence; but adds that his last resolution was to return home, and kill himself on the spot where he murdered the child. He shows marks of contrition, and wishes to yield up his life for the horrid crime he has committed. Sometimes he raves as if delirious, and talks of the death of his wife, &c. He has no children.

"With equal remorse, not with equal guilt, The murderer dreams of all the blood he spilt." You may rely on the facts, for he was examined before me.

A Morristown (N. W. Jersey paper) states that Stephen Arnold was apprehended, on the night of the 6th instant in the neighbourhood of Springfield.—But we are confident the above extract of a letter may be relied on, and therefore, believe, that the Morristown account is incorrect, and that some poor wretch, who has had the misfortune to resemble that monster in human shape, has been apprehended and will be, perhaps, assigned to some lonesome cell, and the REAL ARNOLD has been lodged in the goal of the county in which the horrid outrage, of which he stands charged was committed.

The president of the United States, left Washington City on Thursday last, on a visit to Monticello.

General JAMES WILKINSON, has been appointed by the President of the United States, Governor of Upper Louisiana.

At an election held at the city of Washington, on Monday the 4th inst. by the Stockholders in the WASHINGTON TOWNE, agreeably to the 4th article of that institution, the following gentlemen were elected directors for the present year, viz:—General John Mason; Robert Brent, Esq. Thomas Monroe, Esq. Richard H. Harrison, Esq. Benjamin Stoddert Esq.

From G. Dobbins's Check Book. Cathedral Church Lottery.

Forty-Fifth Day's Drawing. 1000 Tickets drawn this day. Prize of 500 dollars: No. 13635 Prizes of 200 dollars: Nos. 5370 11986 Prize of 100 dollars: Nos. 16779 13141 9566 7291 16024 8691 18394 920. Prizes 50 dollars: Nos. 16921 1995 19095 9885 19790 9755 7692 8958 2095. Prizes of 25 dollars. Nos. 3252 10487 769 3001 13195 20668 15165 12686 17632 18888 71194. 98 of 20 dollars—and 185 of 15 dolls. Gain of the wheel this day 2815 dolls.

Notice. Gentlemen's tickets of admission, to St. Patrick's Ball held at James Dryden's New Assembly room, may be had at the Bar, any time 'toid Day. March 18

SHIP NEWS Port of Baltimore. FROM BREDDEN'S MARINE LIST. March 16. Arrived last night, brig Jane and Eliza, Russell, 4 days from New York—ballast—Lewis Foulk. Saw 2 ships and 2 brigs in the bay, bound up. 25 sail went to sea on Tuesday, with a fair wind. Arrived at North Point, ship Lucy Ann, Hamilton, from Port au Prince—Coffee—R. & A. M'K... Sailed from Port au Prince the 21st February, in co.

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