

Mr. Preston having made out a case of probabilities, then offered the following additional evidence; to wit: the deposition of Cornelius Sullivan and John Garrison, of St. Louis, Missouri. The character of Sullivan for truth, veracity and honesty was certified to by E. C. Blackburn, President of the Board of Aldermen, John W. Colon, Law Commissioner of St. Louis County, under the seal of his Court, Messrs Howe, Clifton & Cook, J. B. Siskly Esq, Amos H. Shultz Esq, Comr, Drake Esq, Pomeroy, Benton Esq, J. W. Osborne, of the firm of Wood & Osborne, George H. Buda and O. R. Tully. The character of Garrison was certified to by E. C. Blackburn, President of the Board of Aldermen, John W. Colon, Law Commissioner, &c &c, and by other respectable citizens of St. Louis. Jeremiah Langton, J. P., certifies to the genuineness of the signatures of the above parties; and the County Clerk of St. Louis, over his seal of office, certifies to the official standing of the Justice - Thus every precaution was taken to prevent fraud or imposition. Sullivan and Garrison swear that they knew Hemming, Jr., and that he was certainly in St. Louis "on or before the 20th January, 1849." Sullivan, again in his affidavit, that "he might have come to his house some few days before the 20th January, but of that he could not positively swear."

Mr. Preston then produced a statement from the Baltimore post office of the mail carriage for January, 1850, (not having been able to procure that for the winter of 1849,) which showed that the mail between Baltimore and St. Louis was generally nine, ten and eleven days; seldom less. He then urged that it would have been impossible for Hemming to have returned from the County and to have quit the City for the West, before the evening of the 12th January, which would have allowed up than eight full days, supposing him to have traveled with the speed of the mail, and to have arrived at St. Louis at the remotest day sworn to by Sullivan and Garrison. On this connection, the evidence of the two witnesses at the trial was pressed, as to the time of his departure from Baltimore, together with the affidavit of the Master to the fact that Hemming left before New Year's day, 1849. Believing that Hemming was confounded with another of the same name and of bad character - that his identity had been created by the Jury upon uncertain testimony - that the great weight of probability was in his favor - and that his own