husbandman Now sweet sleep embraced the inhabitants of the rural cottage, from the gray haired man who leans upon his staff to the infant in the cradle. The sick forgot their pain, the melancholy their sorrow, the poor their wants. Every eye was closed.

After his labor was accomplished, the benevolent angel of sleep again lay down with his serious brother. When the dawn appears, said he in a tone of cheerful innocence, then man will praise me as his friend and benefactor! O, it is sweet to do good unseen and in secret! How happy we are, the visible messenger of the good spirit! How lovely our noiseless occupation!

Thus spake the friendly angel of sleep.

The angel of death regarded him with silent grief, and a tear, such as mortals weep stood in his large dark eye. Alas! said he, that I cannot, like you, rejoice in the gratitude of man. The earth calls he her enemy and the disturber of her joy!

O my brother, replied the angel of sleep, will not the good, on awaking, discover in you their friend and benefactor, and gratefully bless you? Are we not brethern, and the messengers of one father?

Thus he spake. Then the eye of the angel of death brightened, and tenderly the genii embraced each other.

From the Boston Atlas of Thursday.

THE PIRATES

The trial of these unhappy men was proceeded with yesterday. Several of the crew of the "Mexican" were examined, but their statements were little more than confirmatory of those previously made by the captain and mate. In some respects, however, their evidence was contradictory: one individual, for example, stating that the boatswain was a stout man having large whiskers, and another that he was not a stout man and did not wear whiskers Two of the prisoners, Bayga and Rutz, the latter the carpenter of the Panda, were identified by almost all the witnesses.

Joseph Berez, one of the crew of the Panda at the time the robbery was committed on board the Mexican, and who has turned State's evidence, was next examined. As his testimony is interesting, and descriptive of the whole affair, we give as much of it as the crowded state of our columns will permit.—Previously to being placed on the stand, he was informed by the court that if he told "the truth, the whole truth, and nothing but the truth," he would not be proceeded against; but that if he spoke in any respect falsely he would forfeit all claims to favor, and be considered in the same light as the prisoners at the bar. He was then sworn on a Bible authenticated by the Catholic bishop of this place, and permitted, through the medium of the interpreter, to commence his testimony.—He was born, he said, at Marguerita is 22 years of age; was last in the Havana, 2 years and 9 months since. He shipped at that time on board the Panda, Captain Gilbert Bernardo de Soto was mate and the prisoners now present formed part of the crew. There were 30 men in all. They sailed from Havana on the 24th or 25th August, at 8 in the morning. After being out some time they spoke a corvette, & then an American brig, the Mexican. Spoke the latter on the 2d Sept. Saw her first at 4 in the morning, heading to the southward.

The captain of the Panda was asleep, but shortly afterwards got up and when he saw the brig, ordered the schooner to go about, and stand for her. When the wind became more light, the brig altered her course to the westward. She had all sail set, and the schooner then set additional sails also.

About 8 in the morning, the brig again altered her course, and steered south as at first; the schooner then set her square sail, gave chase, and soon came up with the brig. A sailor on the forecastle of the Panda then fired a musket, upon which the brig hove to and hoisted the American flag. The schooner then hailed, learned the destination, &c. of the brig, and ordered the captain to come on board. The captain obeyed and came in his boat with four men. When the boat reached the schooner, four men belonging to the Panda, (the second mate, boatswain, a carpenter and one sailor,) leaped into her, and ordered her to be rowed back to the brig. [The witness was here asked if any of those four were present in court, upon which he pointed out Ruis. The latter immediately started from his seat, shook his fist at Perez, and in loud and passionate tones, declared him a traitor, a liar and a rogue.] The witness continued—When the schooner's men got on board the brig, they drove the crew down into the forcastle, and shortly afterwards, he (witness) saw the 2d mate take up the brig's speaking trumpet, and tell the captain of the Panda that there was on board the brig plenty of what he was looking for—that she had $20,000 in ten boxes." The boatswain also held up a handful of dollars to the captain, & afterwards threw them into the sea. The captain said "Very well, very well, let the brig be well searched and bring all the money on board." The money was then brought from the brig to the schooner in the American boat, which was towed by the launch of the schooner; some fowls, spars and butter were also brought.—They then returned to the brig—cut the halliards, and let the yards fall on deck. One of the schooner's men also went up and stabbed the belly of the main topsail." Witness was placed on the forecastle of the brig, at this time, on the look out; but was so intensely engaged in watching the brig, that he neglected his duty, and Captain Gilbert was angry with him. The witness here stated that he saw the brig's crew confined below, and said he was afterwards told that a fire had been made with the intention of suffocating them. The schooner's men then returned to their vessel taking with them the brig's boat, which they scuttled; they then hoisted in their own boat, pointed a gun at the brig and stood away across her bows.—The brig was heading N. W. but the schooner hauled her wind to keep out of the way of a sail they saw at a distance, and which they believed to be a man-of-war.

The boxes containing the dollars were marked, but cannot say whether with a P. or a D. The witness here gave an account of the different places the Panda touched at till she reached the river Nazareth, on the coast of Africa, where he was put on shore to take care of some slaves that had been purchased. The schooner went to Prince's Islands, from which she came shortly afterwards in great haste, and was run on shore at Cape Lopez, near the river Nazareth. Witness acted as the captain's servant, & when the captain arrived at Nazareth he set the table for him in a room above stairs. He there heard the captain & boatswain talking together. The former said he had been obliged to fly from Prince's Island in consequence of the news of the American brig affair having reached that place. He had purchased $250 worth of provisions, but had come away without them. The captain came away from Prince's Islands in February, and remained at Nazareth 4 months, at the expiration of which time the English came up the river in boats As soon as they were seen, the carpenter (Ruiz) went into the cabin of the Panda, took up the after scuttle, and put a match to a keg of gunpowder. The crew then went on shore, and the carpenter followed soon after in a canoe, taking with him the ships papers. They all went to the barracks, (huts where they kept the slaves.) The English took the schooner off with them to sea, but returned in fifteen days, when the English commander came on shore and demanded of the African King that he should give up at least the captain and carpenter of the Panda, if none others of the crew. The king, however, refused and the English began to fire upon the town from the great gun of the Panda. This gun was a 12 or 16 pounder (brass) and she had besides two small carronades. During the firing, the schooner took fire.

The English went away in three days.—After this the money taken from the Mexican was buried in a barrel on the beach, but afterwards taken up & carried to Cape Lopez. Five of the Panda's crew were sent for the money sometime afterwards. Four of these men, said the witness, are now present, and I made the fifth. We took up the money and counted out $5000, which we left for the Captain by his orders. $6000 was all that we found remaining, and that was afterwards divided among the crew.

Never knew whether all the money had been buried, as when it was first hid on the beach we suddenly received orders to go into the bush, the Captain telling us that the English were coming. Witness voluntarily surrendered himself at Fernando Po. Five others were taken at that place; three were now present, one (the boatswain) died at Fernando Po another, Delgado, recently committed suicide, and he himself was the 6th. From Fernando Po they were sent to the island of Ascension, where they found the remainder of the prisoners. He and four others were sent to England in a schooner, while the others followed in the brig of war *Cuckew*, and from England they were all brought to the United States in his Britannic Majesty's brig *Savage*.

Much confusion took place in Court in consequence of an objection taken by the prisoner's counsel to the interpretations of Mr. Badlam. The matter, however, was at last settled by two gentlemen being appointed to assist him.

DOWNING CORRESPONDENCE.

Downingville, Oct. 16th 1834.

My dear Mister Chandler,

Not havin heard from you this long spell, and sposin the folks away there in Feledelfy, are as much concerned about the comet, which *I* see mentioned in that newspaper you sent me, as our folks down here in Downingville be, I'm just agoint to write you to let you know about how the matter is. The hul out from beginning to eend's about as curious a thing as you ever see. Tuther night as we were comin home from votin, Zekel Biglow see something streakin it through the air like all possessed, and says he to me Mr. Downing, says he, what upon airth can that be? Raly, says *I*, Mr. Biglow, I shouldnt think it was any thing upon airth; but there's a good deal of fire about it any how, and it looks as round as a punkin. Exactly so, says Jethro Gledson, only its got a neck more like a squash. Now I'll tell you says Zekel, what *I* guess it is—its a Jack-a-lantun and a whopper it is tu. Less go home and see if aunt Darkis and Nabby haint seen nothing out. So we cut on, and when we got there we found them all in a stew about it. Why, Josh, says Nabby, dont you think something is agoint to happen—I raly believe the world is coming to an eend. Well, I dont know says I; it beats all I ever did see in my born days—so upon that *I* cut over to Jake Jaker's, the school masters, as fite as I could peel it, and says I, Jake what's that are strange sight in the sky? *I* dont know says he, less run over and git Gim Butters's, the sea capen's spy glass—so we polled off as fast as possible, capen Gim he took his spy glass and he looked, and I locked, and Jake Jaker he looked—and putv soon over come Nabby een jest out of breath and her heart beetin all pittipat, and she looked. What under the sun is it capen, says she? Why, says he, it seems to be jest in the winds eye, whatherts under the sun or no, twill be squally before long. I guess't it must be the comit, she's drifted all the way from New York, I hear she's bin spoken there a week ago. Thats jest my notion says Jake Jaker—*I* guess there's something brewin for a sartenty, now theres some politics about it—its a forerunner of war—the locusts had W on their backs this spring—besides Ive hearn they've fit considerable already in Feldelfy, and burnt up a snarl of housen. Well, says *I*, if there's any politics in it, my neffo, the Major's the man for us, he'll know all about it So down I sat, and I writ the Major a letter in-less than no time, and Sam Kindall the postmaster, he frankt it, cause says he, it consarns government—and says he, I aint sure but what Cousin Amos would bear me out in sending him an express; and Ive jist got an answer from the Major clearin up the hul out, which I send you with this.

From yours, to sarve,

JOSHUA DOWNING,
of Downingville.

Dear Uncle,—I no sooner got your letter, than *I* set out upon a dog-trot over to the Gineral's, to know the up-shot of the hul matter; I found him quietly smoking his pipe, better natered than he's ben at any time since the blow up last spring, and so says I Ginral, what's your notion of this ere comet, that the opposition's ben gittin up. Why Major, says he, it's all a hoax, there's no such thing or twould ben in the Globe long ago. Dont be too sartin out says I Ginral; if you'd seen sich a sight as our folks down in Downingville see tuther night, you'd been singin out for some cotton bags about the quickest I guess. Uncle Josh writ me that he and aunt Darkis and Zekel Biglow say they haint seen no sich sight this dogs age. *I* was a going to hand him uncle Joshes letter, but *I* seed he was beginning to look rathy, for he begun to stamp on the floor, and he let his pipe fall all to smash, and I see he'd bit off one eend ont and chawd it all up to nothing—then he begun to rare like a two year old, and shook his hickory over me. What's the matter Ginral, says I, you seem to be gettin a leetle rily—your settin up your Ebenezer I guess. Major Downing, says he, do you mean to insult me, I'd beat you all to a punmis. Not all Washington, not the Potomac itself shall stand between me and the man who has dared to insult me. Major Downing, what do you mean says he, raising his cane, what do you mean by the bags of cotton? As *I* seen the Ginral was gittin a leetle arnest, and thinks I to myself, it wont do to let him git his dander up; or I shant be able to git any thing out on him about the comet; so says I, Ginral you'd want the bags of cotton to keep the dust out of your eyes in case the comet should whisk his tail hereabouts. If I'm to be taunted in this manner, says the Ginral, in vain do I bear about my person the indelible marks. Come, come, says Ginral, dont git into your tantrums, dont be so obstropilus.—Arter all, says I Ginral, you are not so coarse a fellow—take you when you've your pipe well lit, and they haint sent you none of them pesky committees, nor nobody haint spoken to you about Mr Biddle, nor the Bank for a considerable spell, nor the Senate haint rejected none of your nominations, and a better fellow never trod shoe luther.

Then the Ginral begun to let off his steam, and took another pipe and went to smokin as ef nothing had happened, and now says I Gineral, less have a sarch for the comet, with that he put on his specs, and says he, Major take a pair, we keep a basket full on em as they do of slippers at Gadsby's it helps short sighted folks mightily, so I took a pair, and I and the Gineral, we went out and looked all about, but we see nothin streaked nor with a long tail as they said it was in Downingville. At last says the *Ginral*, I'm tired out, says he, *I* haint had no sich star gaze since I see the transit of saturn sometime ago. Well, says I Ginral, I dont know what you mean by that—there's no sich stuff as that in the drill of the Downingville militia; but homsomever, my notion ont is its no great wonder we haint seen no comit, for I guess Mr. Blair wears jest sich specs; but if you'd Capen Gim Butter's spy glass, you'd see it, if there's any snakes in Canady. Our folks in Downingville seed it, and they're all in a paty great takin about it I tell ye. Uncle Josh says, that Jake Jaker the schoolmaster, tolled him tuther day, that it took the Hartford Convention, hard on upon three months to conjer up that comit in the last war, and they guess as how the opposition's got jest sich a kink into their heads on account of the war upon the Bank.

Major says the Gineral, its one of the expiring struggles of the monster to convulse the community. General Forsyth says they're determined to move Akeron; but its of no use to agitate the subject prematurely, had I been consulted, I'd got up a comet that should string it hall way across the Heavens. That we would says *I*, Ginral, and we'd have the word Glory on't in large letters like the transparencys at the Downingville lections.

However says he, *I'll* consult with my strologer about the matter, when he comes back from lection.

That's right says I Ginral, I and you and the little magician, can beat them all hollo at that. Its best to be on the look out says the Ginral, says he, for I've hearn that the bank folks have been exarting themselves this summer, theve got up about five hundred of em in Feledelfy and they say that all these and the Downingville comets too Major, are mere squibs to what you shall see next summer, ef the bank aint re-chartered. Yes says Ginral, Zekel Biglow says that they telled him in New York, that the Banks sent out a special agent to arrange this matter with British board of Admirals, and the French buro of longitude. Now says I Gineral, if the bank dont leave off corruptin the morals of the people, and dangrin the lection tranches, and intrigin with foreigners, capitalists, and if they succeed in this way in conjerin up a great big comit next fall, as I've hearn they mean to do, and have bribed the British strologer into the bargin to help them, what will you do then?

By the Eternal I'll veto them both.

That'll do says *I*, Ginral, and I'll tell the folks in Downingville, they need'nt be consarned no more about it: so Uncle Josh, youve only to keep a stiff uper lip, and tell the sea capen to let out an anker to winward, and if the enemies of the Gineral's goverment don't leave off kicking up a row in this way, he'll veto them all into a shoe string.

Your dutiful neffo,

JOHN DOWNING,
of the Downingville Militia, 2d Brigade.

From the New York Gazette.

VERY LATE FROM EUROPE.

The arrival last night of the packet ship Caledonia, Capt. Graham, brings our English Journals down to the 22d ult. They contain no important political news.

The state of the cotton market is highly gratifying, and will be observed with great interest by the grower and the merchant.

We find nothing so interesting as the destruction of both Houses of Parliament, Library, &c.

Previously to the destruction of these ancient edifices, Parliament had been farther prorogued to the 25th of November.

At Fareham, England on 3d and 6th of October the mercury rose to 123 degrees.

Mr. Livingston, American Ambassador, arrived in Paris on the 13th. He is said to be bearer of new propositions from his Government relative to the claim of 25 millions rejected by the chamber of Deputies last session. It is stated that, in order to put an end to this question, and to counteract the possibility of new obstacles on the part of the Chamber, the Cabinet of Washington will reduce its claims by one third.

The Paris Constitutional of Oct. 14 states, that it has been authorised by Mr. Livingston, the American Minister, to declare that he has received no instructions from the Government of the United States to agree to any compromise whatever, relative to the 25,000,000 claimed of France, and further that Mr. Livingston is sure no such instruction will ever be transmitted to him.

The Highland 70th Regiment, at Quebec are to be relieved in the spring by the 60th, at present at Kelkenny.

A fire at Liverpool on the 10th ult. which broke out in the extensive warehouses in Lawnclet's-hey, in the warehouses of Thomas Dover & Co. and in its progress, burnt 1500 bales of cotton, 900 hhds of sugar, and 150 hhds of molasses. Loss estimated at £10,000 partly insured. Most of the cotton belonged to Sands, Hodson, Turner & Co. and Robert Wilson.

Munich accounts state that the negotiations for the marriage of Queen Donna Maria, of Portugal with Augustus, Duke of Luchtenburg, are finally concluded.

Accounts from Madrid bring the conclusion relative to the exclusion of Don Carlos and his progeny from the right of succession to the throne of Spain. The project of law presented by the government on this subject has been unanimously approved of by the Chamber of Procuradores.

William Southgate, Esq. Surveyor of the Customs at Liverpool, has been murdered by a man, named Norman Welch, who had been employed in the Customs upwards of 19 years.

Liverpool Custom Revenue.—The receipts at our custom house, for the quarter just ended, amount to the extraordinary sum of £110,000 being an increase of £87,000 compared with the corresponding quarter of last year.

The Senate of Bremen having been informed of the fact, that certain emigrants, who embarked from that city to proceed to the United States, had been left in England in great distress, has issued an order directing those who are disposed to emigrate how they are to proceed, prescribing a sufficient provision of funds for the whole voyage before embarkation, and recommending emigrants to proceed direct from Germany, instead of going to England in expectation of finding a cheaper conveyance.

The news from Spain gives unfavorable accounts of the progress of the Government party. General Osta has retired from the army; and it is said an extensive conspiracy has been discovered at Madrid. The Carlists are beginning to act on the offensive, and Zumalacarregui is near Tudela, having established a communication, it is supposed with other bands in Arragon. It would seem as if Mina were warned in time not to risk his reputation, by taking the command of a dispirited body of men A report is mentioned that Colonel Wylde is gone to the head quarters of Don Carlos on a peace making mission. The assertion that Don Miguel had arrived at Urdach, in the Pyrenees, is not confirmed It is now certain that Rodil gave up the command of the army with something like indignation.

The Hague, Oct. 12.—At the sale of coffee made by the Netherlands Commercial Society on the 9th the whole of the 78,431 bales of coffee sold at good prices. Even the bales of coffee which remained unsold at the sale of Middleberg on the 25th of Sept. were sold at half a stiver above the prices at which they were then withdrawn

DESTRUCTION OF BOTH HOUSES OF PARLIAMENT BY FIRE.

(From the Times of Friday.)

Shortly before seven o'clock last night, the inhabitants of Westminster were thrown into the utmost confusion and alarm, by the sudden breaking out of one of the most terrific conflagrations that has been witnessed for many years past. The Houses of Lords and Commons and the adjacent buildings were on fire; the ill news spread rapidly, and the flames increasing, and mounting higher & higher with fearful rapidity, attracted the attention of the vast majority of the inhabitants of the metropolis. Within less than half an hour after the fire broke out, it became impossible to approach nearer to the scene of the disaster than the foot of Westminster bridge, on the Surry side of the river, or the end of Parliament street on the other. The spectacle was one of surprising, though terrific splendor.

How and where the fire originated, are still matters of doubt. The general belief, however, appears to be, that it broke out in some part of the buildings attached to the House of Lords, from whence it spread to the House itself with such vast celerity, that before eight o'clock the whole range of structure, from the portico, by which the peers enter, to the corner where it communicates with the committee room of the House of Commons, was in flames.

As rapidly did the devouring element extend its ravages to the ancient chapel of St. Stepen, where the work of destruction was sooner over than in the other house of Parliament. The greater quantity of timber which the fabric of the House of Commons contained, will readily account for this, and from the situation of the building, and the tide being unusually low, a very scanty supply of water, and the application of only one or two engines were all that the most strenuous exertions could bring to bear in the attempt to save the edifice.

The conflagration, viewed from the river, was peculiarly grand and impressive. From the new pile of buildings, in which are the Parliament offices, down to the end of the Speaker's house, the flames were shooting fast and furious through every window. The roof of Mr Ley's house, of the House of Commons & of the Speaker's house had already fallen in, and as far as they were concerned, it was quite evident that the conflagration had done its worst. The tower, between these buildings and the Jerusalem Chamber, was a light on every floor.—The roof had partially fallen in, but had not yet broken clean through the floors The rafters, however, were all blazing, and from the volume of flame which they vomited forth through the broken casements, great fears were entertained for the safety of the other tenements in Cotton garden. The fire soon devoured all the interior of this tower, which contained, we believe, the library of the House of Commons. By 11 o'clock it was reduced to a mere shell. It was evidently the main support of the upper part of the building, and as the beam was certain to be reduced in a short time to ashes, apprehensions were entertained of the speedy fall of the whole edifice.

Simultaneously were heard in other parts of the frontage to the river, the smashing of windows, the battering down of wooden partitions and the heavy clatter of falling bricks, all evidently displaced for the purpose of stopping the advance of the flames. The engines ceased to play upon the premises whose destruction was inevitable, and poured their discharges upon the neighboring houses which were yet unscathed. A little after 12 o'clock the library tower fell in with a dreadful crash, and shortly afterwards the flame, as if it had received fresh ailiment, darted up in one startling blaze, which was almost immediately quenched in a dense column of the blackest smoke. As soon as this smoke cleared away, the destructive ravages of the fire became more evident. Through a vista of flaming walls you beheld the Abbey frowning in melancholy pride over its defaced and shattered neighbors.

The appearance of the fire from the corner of Abingdon st, was also exceedingly striking. For a length of time the exertions of the firemen appeared to be principally directed to save that part of the House of Lords which consisted of the tower that rose above the portico.—All the rest of the line of building was enveloped in flames, which had extended themselves along the whole [except the wing] of that part of the adjacent building to the left that fronts Abingdon st, and the upper stories of which were committee rooms while at the basement were the stone steps leading to the House of Commons. The wing of this building, however, which rose high above the rest, the upper part being a portion of Bellamy's, and the lower being used as a receptacle to the great coats, &c. of members of the House of Commons, was for some time, like the tower above the portico at the entrance to the House of Lords, but slightly injured by the flames and these two objects seeming to bound the ravages of the fire and to offer successful resistance to its further progress, while all between them was in one uninterrupted blaze, attracted universal attention. The flames did not in fact extend beyond these two points, but seemed to exhaust themselves in the destruction of them. They took fire nearly at the same moment, and burning furiously for half an hour, the whole structure, from the entrance of the House of Commons to the entrance of the House of Lords, presented one bright sheet flame. At length the roofs and ceilings gave way, and when the smoke and sparks that followed the crash of the heavy burning mass that fell had cleared away, nothing met the eye but an unsightly ruin, tinted with the dark red glare reflected from the smouldering embers at its feet.

Half past 2 o'clock.

Westminster-hall is, we think, quite safe. The fire still burns furiously among the ruins it has made, but its power to do further mischief appears to have ceased; it is confined within the limits of the walls of the two houses already destroyed. Fresh engines and fresh supplies of men are coming to the scene of devastation, and a continual roll of water is showered upon the ruins; but our ordinary engines are incapable of contending with such a conflagration, and our engine system wants the great element of efficiency—a general superintendent. Each fire office acts according to its own view; their is no obedience to one chief, and consequently, where the completest co-operation is necessary, all is confusion or contradiction. Up to the last we observed no disturbance; and indeed, before 3 o'clock there was scarcely a person to be seen except the soldiers and firemen. The myriads had all quietly dispersed, and the only sound heard, was the crackling of timbers, or the heaving of the fire pumps.

The painted chamber, and whole of the House of Lords and Commons, including the library and Mr. Ley's House, are entirely destroyed; and the south wall of the library has fallen in; part of the Speaker's house is also destroyed. The parliament offices, at the west end of the House of Lords, which are entered from Abington street, by the gateway at the Star and Garter public house, are saved, together with all the books and papers they contained, and all the books from the library. The books and furniture of these two buildings were removed early by the police, & placed in the yards adjoining, & in the terraced garden, covered over with carpets and tarpaulins.

A marble mantelpiece in the speaker's house, valued at 200£, was taken down and removed to a place of safety, with other property, in the rooms that were consumed.

The king's entrance from Abington street, and the grand staircase are also preserved; the communication with the rest of the building having been cut off.

Westminster-hall, for which the greatest anxiety was evinced by every one, is safe. Engines were conducted into the body of the hall, and their supply directed through the large window at the south west end over the entrance to the late House of Lords and Commons: all beyond the entrance and window appeared to be a complete ruin. The glass of the window is of course broken, but the mullions remain entire.

The courts of law remain uninjured, or it is believed have only sustained some very trifling damage.

From a Correspondent.

There were several reports as to the origin of the fire. The most probable cause seemed to be that it originated in the flues which have been lately repaired, and in which some experiments have been making for the purpose of more efficiently warming the House of Lords.

Lords Melbourne and Duncannon were early on the spot, anxiously watching the progress of the flames. The latter lord ascended the roof of the House of Commons, was in considerable danger, and refused to leave the roof till all the firemen and soldiers who were with him, had first descended.

PHRENOLOGY.—A trial was lately held before the Supreme Court of Maine, of a boy about ten years of age, who was found guilty of maiming another boy, some years younger, in the most wanton and cruel manner; and was sentenced to nine years hard labor in the States Prison. One ground of the defence was, that the prisoner possessed certain prominences on his cranium, called by phrenologists the organ of destructiveness; and, that on this ground, connected with that of an early injury, he was incapable in the eye of the law of committing a crime. One physician testified that he had examined the prisoner's head, and discovered a depression on the top: another said that there was an unusual depression about the junction of the parietal and frontal bones; a third declared that there was something unusual in the appearance of the head, a want of symmetry. It was proposed by the prisoner's counsel to examine the last witness as to certain elevations and depressions of the skull of the prisoner, and their tendency and influence, according to the system of phrenology. The Court held that the examination must be confined to the opinion of the witness as a physician or surgeon. In the course of his charge to the Jury, according to the report of the Portland Courier, Judge Emery observed:

"It is said, that the head has a large peculiar formation called the organ of destructiveness. There is no disposition to keep out of the courts of Justice true science, but on the contrary to pay it marked deference. If a question were raised here, as to a fact occurring in the East Indies, and by two persons it should be said to have been full moon at that time; and astronomers should be called, who should demonstrate from calculations, that there could not have been a full moon at that time, it would be proper evidence for a jury. So if dyers be called, as to the effect of chemical combinations upon colors; or if physicians be called, to show the effect of poison upon the human frame—such is competent testimony. But when it shall have been demonstrated by proof like this, that a bump here or a bump there, shall affect the mind, either to destroy the powers of the mind, or decidedly alter its character, then, and not until then will such become proper evidence to be submitted to a jury. Where people do not speak from knowledge we cannot suffer a mere theory to go as evidence to a jury, especially where one says he is a believer in the system, and has no personal knowledge upon the subject. Our decisions are made in the daylight, and the jury are judges of law as well as of facts."

[From the United States Telegraph.]

Lieutenant Babbitt and Commodore Elliott.—It would seem from the following, which we take from the Boston Atlas, that the Commodore is likely to come out of the little end of the horn, in his contest with Lieut. Babbitt. He will gain about as much honor in this contest as he did in the contest with Commodore Perry.

Trial of Lieut. Babbitt.—Our readers are generally aware that a Naval Court Martial assembled in this town last week, for the trial of Lieut. Babbitt, on charges preferred against him by Com. Elliott. Com. Crane was President of the Board. The charges and specifications were those of disobedience of orders, neglect of duty, unofficer-like conduct, and, lastly, the uttering of a "wilful and malicious falsehood." A number of witnesses were examined in the case, for and against the accused among them the prosecutor himself.

On Wednesday last, the defence of Lt. Babbitt was read to the Board, by his counsel, Charles G. Loring and Wm. R. Grey, Esqrs. This document was a clear and very forcible consideration of the case, and examination of the evidence. It was more powerful and convincing than any similar document we remember ever to have heard. In reference to the charges alledged against Lt. Babbitt, it was entirely conclusive, and showed that he had discharged every duty in obedience to orders which had been regularly given to him, and that his conduct throughout had been more gentlemanly and officer-like than that of the prosecutor himself.

In consideration of the last charge, that of uttering a "wilful and malicious falsehood," the argument was not only conclusive as to the innocence of Lt. Babbitt, but was severe, and very much against the veracity of the prosecutor. It appears that in giving in his testimony, Capt. Elliott, who had taken an oath to tell the truth, and the whole truth, had failed to do so in several very important instances, where, in each instance, the testimony not given by him, was entirely favorable to the accused. The testimony so omitted, was obtained from several witnesses, and was that on which Lt. Babbitt mainly relied to prove his innocence.

Lieut. Babbitt, by his counsel, denied in the most emphatic manner, the design to impute to Com. Elliott any intention to falsify or disregard the tenor of his oath. He would rather impute the omission to forgetfulness, or any thing else, than make so serious a charge against any officer of the navy, much less one holding the high rank and station of Com. Elliott. The charge against himself was repelled with force and feeling, indicating a high sense of honor—of the honor of an officer and of a gentleman. The defence was ably drawn up, and undoubtedly had great weight on the minds of the Court. Com. Elliott seemed to bear the force of the argument and the infliction of the conclusions drawn out, with great fortitude. The effect upon the spectators was obvious, and it was very evident to them that the trial had gone more against the prosecutor than the accused. The trial and de-

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