

MUNICIPAL.

THE ALDERMEN.

The Board opened the session with an animated discussion of the propriety of granting permission to Columbia College to close a portion of Forty-ninth street in the construction of a park to surround the new College buildings. Two remonstrances were presented, and the old report was taken up.

Mr. Voorhis, Ninth Ward, owns property in the vicinity of Forty-ninth-street, and advocates the improvement.

Mr. Christy opposed blockades of the streets.

Mr. W. Tucker, Eighth Ward, opposed the proposition on principle; if granted to one party, the same privilege must be granted others. The Catholics are about to erect a Cathedral, and they may ask leave to close another street.

Mr. Voorhis considered this an invalid objection. The College want to square their building on the avenue.

Mr. Hunker, Nineteenth Ward, was bitterly opposed. He found a similar case in any proposition which may come in to close Broadway.

Fox and Voorhis had a pleasant little time together. The latter declared that the gentleman of the Seventh couldn't see after four o'clock, and Fox retorted by accusing his friend of the Ninth of interested motives. The Chair called the gentlemen to order, and the previous question was called.

Ayes—Messrs. Williamson, Voorhis, Trowbridge, Barker, Ely, and Van Hook.

Nays—Messrs. Brown, Baird, Hoffmire, Howard, Fox, W. Tucker, Briggs, Christy, Herrick, C. H. Tucker—10.

ABSENT—Messrs. Moser, Steers, Wakoman, Kelly, Drake—5.

THE RUSS PAVEMENT.

The Special Committee on the Russ Pavement reported amendatory of the report from the other Board. They recommended that the pavement be grooved two inches by one inch, parallel with each course of stone. The piece of work lately done in Broadway, near Murray-street, is to be taken as the pattern; the job to be done in sections, as provided in the following:

Resolved, That the Commissioner of Repairs and Supplies be and he is hereby directed to advertise for proposals for grooving the Russ pavement in Broadway, between Morris and Eighth streets, in sections—one section between Morris and Fulton streets, one section between Fulton and Canal streets, one section between Canal and Houston streets, and one section between Houston and Eighth streets—the grooves to run lengthwise, parallel with each course of stone, and to be not less than two inches in width on the surface, nor less than one inch in depth, the blocks to be grooved to within three feet of the curb on each side, and the said work to be done in all respects similar to the pattern grooved for this purpose in Broadway, near Murray-street, the bids to be made at a specified price per square yard for each section separately, and the Commissioner to report the bids to the Common Council for further action.

THE NEW GAS COMPANY.

The report of the Council Board in reference to the Metropolitan Gas Company was discussed on the point of taking it from the hands of the Committee of the Aldermen. It was made the special order for the meeting of Monday.

THE BELGIAN PAVEMENT. In Chatham-street was a subject that it was thought best to refer to a Special Committee—Aldermen Fox, W. Tucker and Steers.

Board of Supervisors.

In the absence of the Mayor, Mr. VALENTINE, the Clerk, called the Board to order, and Supervisor Ely took the Chair. Mr. Ely stated, before commencing business, that in the absence of the Mayor and Recorder, the Board had no power to pass upon matters requiring the expenditure of money; it could only receive and refer petitions. This, accordingly, was all that was done.

MURDER ON THE HIGH SEAS.

Trial of Sylvanus M. Spencer for the Murder of Captain Frazier.

UNITED STATES CIRCUIT COURT.

Before Judge Ingersoll.

THURSDAY, Dec. 20.

This trial was resumed to-day at 10 o'clock. It appeared to excite considerable interest. The prisoner is a slender-built, thin-faced man, with a fair complexion, fair hair combed back off his forehead, and a sharp chin. The witness of the previous day, Joseph P. Borolasci, was recalled, and his examination resumed by the prosecution.

[A small piece of wood and a marlinspike were produced and handed to the witness.]

This piece of wood, he said, is from the head of the berth of Capt. Frazier, where his head lay; there was white lead on the head of the marlinspike; I tested the white substance on the marlinspike with acid, and found it to be white lead. [Here a shirt marked with black stains was produced.] This shirt was delivered to me at Rio by Mr. Scott, the U. S. Consul; I have a conversation with Spencer about the shirt on board the ship coming home; he asked me if I did not remember him shaving himself before he got to Rio; I said I did; he asked me if I did not recollect his cutting himself; I said I did not; Spencer replied that he did, and that that was the way in which the spot of blood came on the shirt; this is the shirt Mr. Scott sent home.

To Mr. Fullerton—Spencer was not present when Mr. Scott gave me that shirt.

To the District Attorney—I think this is blood upon the shirt; Spencer usually wore a Panama hat before the Captain's death; I don't recollect seeing him wear it after the Captain's death; after the examination Spencer was put in double irons.

Q.—What happened afterwards? Did he attempt to commit suicide?

Mr. Fullerton objected, and the Court thought that it was not legitimate, and that an attempt to commit suicide was no evidence of the guilt of the prisoner.

Q.—About twelve or half-past twelve o'clock that night did you hear the Captain call?

Objected to as leading.

Q.—After twelve o'clock that night, and after the Captain retired, did you hear any voices? A.—I did.

Q.—Where did those voices come from? A.—The Captain's state-room.

Q.—Did you recognize any of the voices? A.—Yes; I recognized the voice of Mr. Clark, the second mate, and of the Captain; it was after that that the second mate awoke me to ask about the time.

CROSS-EXAMINATION.

To Mr. Dunning—I was very much excited after this occurrence; I was apprehensive on the Tuesday after the occurrence of the previous Sunday, that I should lose my reason; I communicated my apprehensions to Mr. Spencer and Mr. Clark, and told them how they should treat me in the event of such a thing happening to me; there was nothing that Spencer could do that he did not do to assist me; I did not go on deck after night-fall after the Captain's death; I remained in the state-room.

Mr. Dunning was proceeding to examine the witness as to the condition of the ship, when it was objected to, and the testimony shut out.

Witness went on—Spencer, after the Captain's death, had a legal book containing instructions for masters of vessels; he made inquiries as to whether the Captain was likely to recover.

Q.—When he asked you if you thought the Captain would recover his senses, did he make any other remark? A.—He said he hoped the Captain would recover his senses so that he might be able to tell who committed the murder; Spencer afterwards suggested to me that we should arm ourselves.

Q.—For what purpose? A.—To protect ourselves against the murderer or murderers, whoever they might be; I communicated to Spencer my suspicions as to who committed the murder, and I suggested to him that those persons should be arrested, and that an examination should be had.

Q.—What reasons did Spencer give for not holding an examination, or not arresting those persons? A.—The only reason I remember is, that he said something would leak out, by means of which we would be able to fasten it on the right person; he said it might be dangerous to do what I suggested, because it might lead to insubordination on the part of the crew; among the other flags displayed at half-mast when we were getting into Rio, was Maury's signal that a murder had been committed on board; Spencer observed on the morning after the occurrence, that if the Captain did not get better, the blame should be put about; I do not think she had been put about at eight that morning; I communicated to Spencer on the morning when he brought the vessel into Rio against wind and tide; he did not take him by the hand and say I loved him; on the morning after the Captain received those wounds, I said to Spencer that if the Captain survived for three or four days, until we got into Rio, I might get instruments that would raise the pieces of the skull, and preserve his life; Spencer said if the wind was fair they might get into Rio in that time; there was a cabin-boy named Jim on board; he did not return with us, but went on with the ship; he used to clean the Captain's clothes and boots; the Captain used to punish him severely; he was a bad boy, and deservd more than he got; I recollect the Captain beating the cabin boy with a riding-whip, the morning before his (the Captain's) death; there was another boy named Tom on board; the Captain used to punish him severely; I recollect the Captain leaving the table within a week before his death to punish Tom; Tom was forward, and I heard his cries in the cabin; I did not see any blood, or the effects of the punishment on him; I did not hear Tom or the cabin boy, or any of the crew, ever make any threats against the Captain; I remember when we were about two weeks out from New-York that Spencer struck Mr. Clark, the second mate, on the temple, and cut him; he bled profusely; the acid I used to test the white substance that was on the end of the marlin spike was iodide of potassium; the effect of that is to throw down a yellow precipitate; I would not like to swear that Spencer wore the Panama hat within a week before that occurrence; I think he did; before the Captain's death I recollect his punishing a man named Blacksmith, another man named Gould, the boy Tom, and, I think, a man called Davis; I recollect that some time previous to his death, the Captain came down to the cabin and told me he had

fell and dislocated his middle finger; he had a baying pin in his hand, with which he said he had been punishing a man; I recollect that on the Sunday evening previous to his death the men were kept without bread for their supper; I do not know that Spencer made a request to the carpenter to make a box for the body; I asked the carpenter to do so; I do not know that the Captain told Spencer as well as myself what he was to do with his body in case anything should happen to him; a slung-shot would produce the wounds described as being on the Captain's head; on the morning of the 6th, after the occurrence, the Captain attempted twice to get out of the berth; he did not get out of the berth before eight o'clock, and before his head was dressed; the second time was about eleven o'clock, and then he was too weak to get up; these marlin spikes are very common on board vessels of that kind.

To the District Attorney—There was an act of disobedience, after the Captain's death; one of the men was charged with breaking open a chest; there was no act of revolt, nor refusal to obey orders; the boy Jim was about twelve years old; he is with the ship in China; Tom was sixteen or eighteen years; he was discharged in Mo; Blacksmith was also discharged there, after the examination; the second mate also took charge of the deck, during his watch.

To Mr. Dunning—I do not know that Blacksmith, after being discharged, was sent to a lunatic asylum; he was not of sound mind; he was half-witted.

To Mr. McKee—He was the butt of the ship.

To Mr. Fullerton—Tom was about five feet high, and stout for his size; Jim was no stouter than ordinary; no stouter than the line of his age.

Q.—You state there was difficulty, after the Captain's death; do you recollect, on the time of ordering some men up on deck, and telling them that you thought Spencer was killed? A.—Not to my knowledge; it was not for that cause; we were taken aboard, and I asked Mr. Clark, the second mate, to go up on deck.

The next witness was Charles McCrea, the fourth mate, who deposed substantially that from twelve to four o'clock on the night of the 4th June, he was on the watch with Mr. Spencer; there were twelve men on the watch; Spencer's position was at the quarter deck; Kinney was on the look-out; the watch was quiet; could not say there was a log cast during the watch; it was the chief mate's duty; it is usually cast every two hours; between three and four o'clock the mizzen top-gallant-sail was closed up; Spencer left the deck three times during the watch; the first time was between two and half-past two o'clock; he remained below time enough to light a cigar and come up again; the cigars were in his room; he was absent again between half-past two and three o'clock; he went down the same way—by the steps leading from the main deck to the hurricane deck; he remained away about ten minutes, and came up in the same way; from three and a half to four he was down again, and was away three or four minutes; witness was in the cabin three times during the watch; the first time was at two o'clock; the pantry light and binnacle light were burning; there was no light in the main cabin nor in the Captain's room; witness could see from the pantry into the Captain's room; saw nothing there but that the light was out; witness went down again at three o'clock to get a cigar, and again at eight minutes before four; the same lights were still burning; did not hear any groans; heard altercations between the Captain and mate during the voyage; the first was at quarantine, and was about Mr. Spencer's altering the rig of the ship; could not hear their words, but saw their motions; remember they had some words about the time Spencer struck Clark; they had a few rows before that; can't remember the time; there were some rows between them very often after that; recollect they had some words on the evening before the Captain was killed, about taking in topmast and studding-sails; at four o'clock witness did not leave the deck, but went below to call the second mate; did not know that anything had happened to the Captain then; Spencer went to call the Captain whilst the port side was calling Clark; Spencer went to the port side, and witness did not meet him below; Clark was with port side; I did not see him; he afterwards saw lights moving round, and asked Spencer what was the matter in the cabin; he (Spencer) was standing then on the main deck, between the house and the hatch; he did not say anything but that some one had murdered the Captain.

Q.—After four o'clock did you see Mr. Spencer wash his hands? A.—Yes, Sir; he washed them at six o'clock; he washed them three times; I did not see him rub his hands before that; I did not see him hold his hands out; the weather was fine; it was a moonlight night with deasy clouds; I did not see when the lights went out; the man at the wheel could not see when they went out.

To Mr. McKee—The words between the Captain and Spencer on the night previous to this occurrence took place between six and eight o'clock, after supper; then witness passed the cabin door in going down to call Clark; Mr. Spencer had gone down the cabin; witness did not see any lights below; had the idea then that anything had happened to the Captain; witness came up on the poop and went down again before he saw Spencer; it was about from eight to ten minutes from when he first went down till he returned and saw Spencer; he saw the lights in the cabin through the poop; heard Mr. Spencer calling the steward before that; when witness met Spencer he asked what was the matter in the cabin, and Spencer said the Captain was murdered; witness went and told Clark to hurry up, for the Captain was murdered; Spencer did not tell him to do so; there was no insubordination among the men, with the exception of Binney, who sometimes refused to work.

CROSS-EXAMINATION.

To Mr. Dunning—This was about the worst crew over I sailed with—that is as seamen; I mean the crew as a crew were not much good; they were not as bad as seamen in every other respect as ever I sailed with; as to their conduct they were a pretty good crew, considering; I have been twelve or thirteen voyages at sea; I am twenty years of age; the first time I went down was just at two; I was not down so long that Mr. Spencer could have thrown the log without my knowledge; when I came up I went to the poop and asked the man to strike four bells; the log is thrown from the stern; I was in a position to see Spencer if he threw the log; I had a glass; I was not without it one time in twenty; when Spencer went down the steps I do not know where he went; he may have continued forward instead of going into the cabin; I lost sight of him; you could not see the whole length of the boat; came back unless you stooped down; the galley was a mess; if you stood amidships you could not see the whole way along; the view for ten feet in the middle would be obstructed by the house; the lookout is on the forecabin; unless a person's eyes were within two and a half feet of the hurricane deck he could not see under it; any person on the forecabin deck had the same access to the cabin as a person from the main deck; I do not think a person from the forecabin deck could go into the cabin without being observed; the person at the lookout looks ahead, and could not see a person coming from the forecabin and along the main deck; if he had his back to him; a person might keep the house so between him and the man at the lookout as to be unobserved by him in going along the deck; the boy Jim was generally punished every morning; I saw Tom punished but once; Jim was not a bad boy; he was not of a bad disposition; the captain punished him with a small horsewhip, a riding-whip, but only when he deserved it; Spencer went down to call the captain; it was customary for Spencer and every officer to call the captain at the end of his watch; it was his duty to do so, as far as I know; I next heard Spencer call the steward; he said: "Come up immediately;" the steward asked what for Spencer said, come and see; I should say that was about four minutes after he went down; when Binney, one of Mr. Spencer's watch, was once put in irons for something he had done, he said he would have revenge on the Captain, or give him a mark that would remain till his death; that was about four or five weeks before the Captain was killed; one of the crew, I remember, was tried up two or three times; I don't remember the date, nor his name; he was a blacksmith; trying to tying a man's hands together above his head, and hanging him up by them to a beam, with his toes catching the deck; he was kept there half an hour or so at a time; never heard him complain of it; he was on our watch that night; when we got to Rio I remember his being sent to the hospital, but I do not know what for; next day after the murder Mr. Spencer told us to arm ourselves; he told us to go forward on the main deck and look at the men's countenances and at their clothes to see whether there was any blood on them; I reported to Mr. Spencer and told him I could see nothing; after this I recommended to Mr. Spencer to put certain men under arrest; that was four or five days afterwards, as near as I can remember; I remember something about my setting the main-royal immediately after 12 o'clock; I cannot say that it was that night; I remember the weather being cloudy that night or the night after; it was about six o'clock next morning, at the break of day, when the vessel was put about for Rio.

To Mr. McKee—The night was clear; it was dark under the hurricane deck.

Edward Madison, the steward on board the Sea Witch, testified to having heard high words between Spencer and the Captain on the night of the 4th June; heard the Captain say that he was neither an officer nor a sailor, and that he could not believe him; he said he was willing to fight him on board or on shore, and to fight him fair; and that if ever they fought on board the ship one or both of them would go overboard; but he told him not to have any more heavers lying about; at about half past eleven, witness, when trimming the binnacle light in the pantry, saw the Captain in bed; he turned round to clear his throat; witness did not see the Captain until he was called again by Mr. Spencer about eight minutes before four o'clock; there were no lights burning then; witness could see Spencer; Spencer said "Steward hasten up, the Captain is murdered;" witness asked how was it that the lights were all out? Spencer said they were all out when he came there; witness got up and put his hand on the pantry light where it always hung; he met Mr. Spencer about the main hatch; he had struck a light as soon as possible, after getting up; Mr. Spencer took it out of his hand and hid it as he met the Doctor; witness tried to turn over the body of the Captain, but could not; witness went for the carpenter, who came, and he was turned then; witness did not see the mate try to turn the body; did not see the mate wash his hands; he asked

witness for a basin; it was a cloudy morning; after calling the carpenter, witness came back and remained about half an hour; Spencer remained at the door of the Captain's room about 10 minutes, and then came back again; when witness met Spencer, he (Spencer) had no light in his hand that witness saw; he did not wear any such hat (as the Panama hat produced); after the Captain's death, to witness' recollection, witness always lighted the lamps; the lamp in the pantry burned till eight o'clock after it was lighted that morning; there was plenty of oil in the stateroom lamp that night, because witness found so when cleaning it the day after; the boy Jim slept down with the steward and cook; he was in his berth that night; he had carried a message from the Captain up on deck before going to bed; witness saw him in his berth at four o'clock; when witness went up stairs for the carpenter, he came back as quick as possible; the carpenter only waited to put on his pantaloons, and then hurried down.

CROSS-EXAMINATION.

To Mr. Fullerton—I never knew to my own knowledge of any difficulty between Mr. Spencer and the Captain, but that night; when I was called, I asked the cook what could be wanted with me; it was not usual for me to rise until after four o'clock; Mr. Spencer called me from the hatch; I saw no lights then; I took down the pantry light from the hook and lighted it at my dresser; I met Mr. Spencer at the top of the hatch steps; the Doctor went into the room first; I think I went in next; I remained there till the head was dressed and the bandage put on; the Captain got up; I think he got up before his head was dressed; I held the chamber for him myself; that was the time he urinated; he did not get up any other time that I was present; after this affair I heard the Doctor tell Mr. Spencer if he should get crazy how much laudanum he was to give him; the Doctor remained mostly in the cabin after that; I hardly ever saw him on deck after nightfall; there were in the state-room beside him after the Captain's death the carpenter, the sailmaker, the boy Jim, and myself.

Q.—Did you see any occurrence between the Doctor and Mr. Spencer, or hear any conversation between them afterwards? A.—No, Sir; I did not hear any.

The question was objected to, and ruled out.

Jose Henrique Laitao, a Portuguese sailor, who was examined through a sworn interpreter, testified as follows: I shipped in New-York on board the ship Sea Witch; was in the watch of the first mate; was in his watch on the nights of the 4th and 5th June; was at the wheel between twelve and two; Mr. Spencer was on deck from twelve to two, but was below three times; I saw him go down by the stairs, but could not see where he went; I had no watch with me, and could not fix the time exactly, but should say he went down first about half-past twelve; I could not say he was down more than a minute; when he came up stairs, he looked at the binnacle and walked on deck; he had a quarter of an hour, and remained away six or seven minutes; when he came up he had a cigar in his mouth; he went back the third time about two o'clock, and remained away about the same time—five or six minutes; the Italian, Antonio Moretta, took the wheel at two o'clock; a man at the wheel could not distinguish a person before him further than five or six footsteps; it was dark under the hurricane deck; witness did not see the log thrown; it was customary generally to cast the log before changing the man at the helm, and near the binnacle, close by the wheel.

Q.—Was Spencer's watch generally a quiet or an active one?

Mr. Fullerton objected.

The District Attorney proposed to show that Spencer generally kept the men engaged during his watch.

The Court ruled that the evidence must be confined to this particular time.

Q.—Was there any change of sail during this watch? A.—No; it was a fresh wind always in the same way (trade wind); I did not see the mate speak to any one, nor hear him speak to any one during that time; I went on the long boat and fell asleep till the watch was over; there were two boats, one on each side; the long-boat was below on the forward side; that is where I slept all the rest of the time; the other men of the watch were there, but I could not say that all of them were there; Bill Davies was on the lookout till two o'clock; Binney, the witness thought, took his place; witness fell asleep and could not say whether any of the crew left the boat until the watch was out; he saw none of the crew near him on the poop deck when he was at the wheel; he could not see the cabin from his position on the deck; he could see that there was some light in the cabin through the skylight, but he could only see the reflection and not the light itself.

CROSS-EXAMINATION.

To Mr. Fullerton—Witness fell asleep immediately after two o'clock; it happened to him on other occasions that he would sit down and fall asleep during the watch; he was in Spencer's watch during the entire voyage.

The next witness was Antonio Moretta, an Italian seaman, who was also examined through an interpreter—He testified that he was in Spencer's watch on the night the Captain was murdered, from two to four o'clock; he was sleeping under one of the boats till two when he was called to the wheel by the bell; the only light he could see was the binnacle light; Mr. Spencer was not all the time on the deck; he absented himself three times; he went down on the left-hand side; the first time he went down was about half-past two; he could not say how Spencer was dressed, nor what kind of a hat he had; Spencer was absent about ten minutes; he came up by the same stairs; the second time he went down was about three o'clock; he went by the same stairs, and was absent about fifteen minutes; the third time he went was about half-past three o'clock; he returned at four o'clock, and ordered the witness to strike the bell; he was away about half an hour; witness did not hear Mr. Spencer order the log to be thrown from two to four o'clock; he gave no orders as to altering the sails; witness saw nobody come along the hurricane deck while he was at the wheel; the other men of the watch, he thought, were all asleep from twelve to two o'clock; he was asleep himself; when they were called by the bell they all answered, and he supposed, went to sleep.

CROSS-EXAMINATION.

To Mr. Fullerton—Witness could not say whether McCrea went below or not from two to four o'clock; the first time the mate came up he was eating a piece of bread; the second time he had a cigar; witness did not see him have anything the third time.

John W. Clark, the second officer, was called and sworn. His evidence as to the manner in which he first became acquainted with what had happened to the Captain, coincided substantially with what had been sworn to by McCrea and the previous witnesses, with the addition that after having been called by McCrea the second time, he went to the Captain's room, called him three times, and discovered his condition; I last saw the Captain of the Sea Witch, he said, about twelve o'clock on the night he was killed; I reported the condition of the vessel and of the state of wind and weather to the Captain then, who said very well, and told me to give certain orders to Spencer about the course of the vessel; I had no opportunity of hearing any disputes between the Captain and Spencer, because we were on deck, watch and watch; after I came up stairs I asked McCrea and Spencer, who were together, what they knew about it; Mr. McCrea told me that there was a man who had been missing from the watch, and then I suggested that he should be arrested; when daylight came, I saw that Mr. Spencer's appearance was awful; I never knew the light in the Captain's room to go out before; when McCrea said Binney was missing, I said he ought to be put under arrest.

Q.—What was Spencer's appearance?

Mr. Fullerton objected.

The Court—You can only testify as to the acts you saw done.

Mr. Beebe contended that the manner in which the prisoner looked was an act.

The Court seemed to think that evidence as to that was admissible.

Mr. Fullerton argued that the excited looks of a man might be as much attributed to a consciousness of innocence and a sense of responsibility as to a sense of guilt, and they could not, therefore, be received as evidence.

Mr. Beebe replied, arguing that it was the object of this prosecution to elicit the truth, and that it was not prosecuting the prisoner, but endeavoring to elicit facts which might go as much to establish the innocence as the guilt of the accused.

The Court said the question here was a question as to the competency of the evidence, and not as to its weight. A man's personal appearance might be changed from a variety of causes, but the evidence was proper—the weight of the testimony should be a matter solely for the determination of the Jury. It was very slight evidence at any rate.

Q.—What was his appearance on the next morning? A.—On the night previous to the 5th he had on a pair of brown pantaloons; they are these; [pantaloons produced;] he had this hat on him; [a Panama hat;] he had not those pantaloons on him the morning after; he looked a little pale only; that is all; I don't remember what sort of hat he had on him next day; I do not recollect seeing him wear that Panama hat afterwards; this shirt [the shirt previously produced;] I took out of a bag that was taken from Mr. Clark's room; this tear was in it; [in the back of the collar;] and there was blood on the breast; [a small stain of blood was shown;] the pantaloons, when I took them out, smelt of turpentine; I saw Capt. Laing come out of Spencer's room with a marlin-spike; it was like this [the marlin-spike produced;] there were only nine marlin spikes on the ship; there was a place forward where those that were in use were kept; Mr. Spencer kept those that were not in use in his room; when I was called that morning by McCrea, I did not take time to tie my shoes; I lost one of the strings, and made the remark at the breakfast table that I had lost it; Mr. Spencer said he had found one; I said if it had an overhand knot on that it was mine; he said it had, and that he put it in his shoe, or I knew that he had put it in his shoe.

(Here some conversation occurred between the counsel as to the relevancy of this evidence as to the shoe-string, but without any result further than the retention of the evidence.)

CROSS-EXAMINATION.

To Mr. Fullerton.—After McCrea called me I heard Spencer call the steward; he said: "Get up quick; you are wanted;" I had not my shoes on when Spencer called the steward; I had on my coat; I met no person when I left the Captain's room to go

to the deck; did not know that either the steward or carpenter had been there before that; I believe they went there after that; I had a little difficulty with Spencer on one occasion; it was before the murder—fourteen or fifteen days, I suppose; he knocked me down with a baying-pin; I did not know what it was for, and I don't know yet; I thought it very unjust then; I don't think any more about it now; I told him I would have satisfaction, and that I would neither use a baying pin, a marlin spike, nor a heaver; I said I would use my hands; I did not threaten to have his life; I did not tell the Captain about it; the Captain did not strike me on the face when I told him about this difficulty; Spencer sometimes changed his clothes; he had two or three pairs of pantaloons; I remembered the color of the pantaloons he had on him the evening before, and thought it strange next morning to see him with a pair of black pantaloons; I did not take those pantaloons out of the bag; I did not see them taken out of the bag; they were handed up past me; I could not say that they were taken out of Spencer's room; I was standing on the hatchway when they were handed up past me by the marines of the brig Bainbridge; the trousers smelt of turpentine; turpentine is used on ship-board; we have frequently to use it sometimes; I hurt it afterwards in Rio Janeiro with a barrel of bread; I knocked these two finger nails off; it bled a little; I called upon the steward to trim the binnacle lamp; not that night; I am sure that I did not call him to trim it that night; he could not have done it without my knowledge, because it would have been seen away.

To Mr. McKee—The morning passed up before me, it may have been a minute or a minute and a half before I went up.

To Mr. Fullerton—I saw him (the Steward) on the ladder; I did not see the Steward after he passed up; I did not say to you that I neither saw nor heard him after being called; I passed up the after hatchway ladder; am sure of that; I spoke to Mr. Spencer about putting in irons the man who was missing in the last two hours from the watch.

Mr. McKee announced that he was going to hand over the hat, shirt and other things to Mr. Chilton, in order that the substance of the marks on them should be analyzed.

Frederick Hanson, the carpenter of the Sea Witch, was next called and sworn: Spencer and the Captain, he said, had a row almost every day; I only heard one, but knew of the rest; when I came down stairs that morning of the Captain's death the steward and doctor were there; I tried to turn the Captain, but as I suppose I put my hand on the wounds he prevented me; I then put my hand under the pillow and raised him up; I remained with him until he died; Mr. Spencer was there twice; I asked the Captain if he did not know me; I said I was the carpenter; he said, "I feel very uncomfortable;" Spencer was then standing at the door looking round the corner at the berth, and the words he said appeared to me to be, "What's that? is he giving it to me?" the next time he came down was about ten, when the Captain was very low; I do not know that he made any remark, then; the first time he was there I told him the Captain was insensible; Mr. Spencer had a black California hat in his hand, and threw it down on the floor; Spencer did not turn the Captain round, nor touch him, that I saw; he was not in, to my knowledge, with the Captain, from four o'clock until he died, but the twice I have referred to; when it was suggested to Mr. Spencer that all the men should be called around to see the body, he objected; he said he felt as nervous as any of them; I told him to tell the men that the captain was killed; he said he would, but he did not; he did not tell the men who were lowering the body down; when I first went up to the Captain I raised him up; I put my hand on him but he pushed it away; I then put it under the pillow and turned him; he tried to tear off the bandages; about six or seven o'clock he rose out of his bunk; I said he must not get up; he put his legs out of the bunk and said, "I must; I want to urinate;" then I raised him.

CROSS-EXAMINATION.

To Mr. Fullerton—I think it was the Steward who called me first, and then McCrea; I saw Clark come up the port side whilst I was going to the larboard side; I heard him say "Oh, God, they have murdered him!" the Captain got up twice to urinate; I am sure of that; the steward darkened the window; he told me that Mr. Spencer had ordered him to do so to prevent the men from looking in.

To Mr. McKee—There was no blood on my fingers when this shirt was given to me.

Here the Court adjourned till 10 o'clock on Friday.

THE SPRAGUE MURDER TRIAL.

THIRD DAY.

The Evidence of a Mistress Admissible.

COURT OF GENERAL SESSIONS.

Before Hon. Recorder Smith.

This case was continued, but not concluded, yesterday. The decision of the Recorder respecting the admissibility of the woman Pilkington's evidence was tacitly overruled, and, as will be seen from our report, she was allowed to testify. Her testimony was all-important for the prisoner. The counsel for defence established their right to place her on the stand by proving that she was not married to the prisoner. The day's proceedings commenced as follows:

Allen Hedding, examined by Mr. Clinton—I reside at Newburg; I have known the defendant, Samuel Sprague, for the last seven years; he was married to my sister Jan, 2, 1843; I was present at the marriage, which took place at my father's house, at Newburg; I saw my sister this morning; she is living with my father and keeping house for him.

Cross-examined by the District Attorney—My sister is divorced from the prisoner.

Mr. Clinton objected. He read a certified copy of the divorce granted to Jane Ann Sprague, the wife of the prisoner, which showed that the prisoner was not at liberty to marry again.

John Sprague, examined by Mr. Clinton—I am a brother of the prisoner; I saw him two days after the affray with Charles Furtig; he showed me two lumps on the top of his head; they