Arkansas State Gazette.

BY BENJAMIN J. BORDEN, AT FOUR DOLLARS PER ANNUM, OR THREE DOLLARS IN ADVANCE.

VOLUME XXIV.] LITTLE ROCK, (ARK'S,) WEDNESDAY MORNING, JUNE 21, 1843. [NO. 28.—WHOLE NO. 1224.

TRIAL OF THE COUNTERFEITERS.

IN THE PULASKI CIRCUIT COURT, MAY TERM, A. D. 1843.

The State
vs.
Van Horne. } *Indictment for Counterfeiting.*

On Saturday, June 10th, this case came up for the closing argument of counsel, which occupied nearly eight hours. The indictment charged Van Horne with having, on the 18th day of June, in 1841, forged certain counterfeit resemblances of the corporation tickets of Little Rock. The defendant had come to the State, from Philadelphia, in 1839, and after working awhile as a printer in this office, was discharged. He then, in company with J. M. Martin, took a tour through the southern part of the State, to peddle medicines. He returned in 1840, and was engaged as foreman in the Times & Advocate office till February, 1841, when he went to Van Buren, and set up a newspaper there.

The principal witnesses against him, were William Caldwell and wife. It is unnecessary to go into any detail of the evidence here, as it is fully stated and discussed in the arguments of counsel.

ROBERT W. JOHNSON, the Attorney General, opened the case, stating that he would endeavor to detain the jury but a short time. He wished only for justice, and desired to take no advantage of whatever prejudices might exist in the public mind. The case should stand upon its own merits, as disclosed to the jury by the evidence received.

All the evidence then before the *jury*, which related directly to the forgery charged in the indictment, had been introduced by the State to establish that charge; whilst on the part of the defence, no testimony whatever had been offered, which had any direct relation to the offence in question. The defence had relied wholly and exclusively upon impeaching and impairing the credibility of the State's witnesses; they had offered no explanation of the evident connection existing between the prisoner and Caldwell, Trowbridge, Whitmore, & Co., or of his dark pursuits; they had failed to sustain for him the reputation of a good citizen, and an honest man, though the investigation of his character had been triumphantly introduced; whilst on the part of the State, the evidence is copious, direct, and complete in all essential, and even in the most minute particulars. One of the witnesses was an accomplice in the deed, and another was an eye and ear-witness to the entire transaction.

But the defence endeavored to overturn the whole case, by assailing the character and credit of the State's leading witnesses: by the self same testimony they sought to bolster up the private reputation of the counterfeiter, to elevate him to a standing equal to that of the best man in the community, and to blacken and degrade so far the reputation of Mrs. Caldwell, that she should not be entitled to credit, even though her testimony was given under the penalties of perjury and the sanctity of an oath. That effort he doubted not had failed, and that the verdict of the jury in the case would signally evince it.

Nor was this the first time in the course of the recent investigations—bringing to light the most astounding villanies, and startling combinations for the perpetration of crime—that the reputation and credibility of Mrs. C had been assailed. It was not the first time that every odious and abominable suspicion had been cast upon her, not only during the progress of these trials, and within this court-house, but beyond its walls and amongst the people. It would be well that upon this trial she should be understood—her true position defined, her motives appreciated—not only that the interest of the State, and the enforcement of the laws might be attained, but as an act of justice to a woman, through whose agency almost entirely have the authorities for the State been so successful in detecting and breaking up the various bands of villains, who have recently infested the whole State—as an act of justice to her, to whom slander has left little yet untarnished, and would leave less.

That this object might be attained, he proposed to take a short review of the history of crimes lately detected, exposed, and now undergoing the steps preparatory to expiation. For four or five years past, many crimes had been committed, in this city, of a malignant nature—larcenies, burglaries, forging and counterfeiting, and though of frequent occurrence, strange to tell, there was no detection—the perpetrators were mantled in profound and impenetrable secrecy. A company of abandoned and cunning thieves were linked together to perpetrate crime and prevent detection. Their lesser offences are unworthy of notice now—the authors were undetected then: with success their enterprize and boldness increased, and in one night they robbed one of our citizens of $5,000 worth of jewelry. So skilfully was this burglary concluded, that no trace was left—that the most zealous investigation and inquiry, and an offered reward of $500 proved utterly fruitless. So successful was its execution, that the public refused to credit the fact that thieves had stolen it, and it became a matter of public opinion, openly stated and generally received, that the owner of the jewelry had taken it himself, or, in other words, had secreted it for some sinister purpose. Villains of *every die* strolled our streets undetected—resented insults—ran for office before the people, and actually filled some of the most responsible of our subordinate judicial and ministerial stations, and met the most honest upon terms of the strictest equality. It was a republican community, indeed, and equality had attained to a frightful level truly, when rogues should promenade arm in arm with just and upright men. They were in the public eye—fair in standing—held the public ear—whispered slander—created public sentiment, and after stealing all a man was worth, they saddled down upon him a public impression that he had taken it himself—first ruining his fortune, then his fame and reputation. How was all this discovered? and are we nothing indebted to the agent by whom such atrocities are exposed?—nothing for the reparation done to private fortune, and to an injured reputation?

After this signal theft of the jewelry, next in the calendar of distinguished crime, we find forgery and counterfeiting extensively practised. Twenty thousand dollars of corporation shin-plasters, of different denominations, and different institutions, are put in circulation. The notes of banks in all parts of the United States are counterfeited and circulated here. Notes on the Louisiana Banks, the Delaware and Hudson Bank, the Kentucky Banks, and various others—all in circulation. The very land is shingled with counterfeit, and droves of horses, and much other property, purchased throughout the State with them. The good passed with the bad—the common people could not defend or protect themselves. They could not detect the cheat. Thousands were in circulation, and thousands more were daily disseminated. The injury was already incalculable, the bounds of its future progress without all limit, unless the whole band should be detected and brought to punishment. Not only was this people already cursed with a miserable currency, and natural evils sufficiently oppressive, but their labor must be diverted, their means swindled and detracted from them by a spurious currency, that in their hands must turn to ashes. That band of felons have been detected—their operations have ceased. Is nothing due to the chief agent in these detections? No credit—even for veracity? Nothing for the injury prevented? Nothing for the private miseries and public calamity diverted?

Next in the calendar, we find the burglary and theft of the Fitzgerald money—$15,000. (The prisoners counsel here objected to the course of argument pursued in the prosecution, as irrelevant. Objection overruled.) This burglary, too, like the former, was fixed on the loser, a justice of the peace, in whose hands the notes were placed, for suit. I myself, in common with many others, suspected it strongly, and presumed that, in a few months, the justice would find it convenient to leave this country for some other distant region, where he could set up with a handsome capital, and in safety enjoy the fruits of his ill-gotten wealth. He is now cleared of the unjust imputation, and I am happy to do him justice.

After a few weeks, some of this stolen money was passed and recognized. This blew up the storm. Several were arrested, and investigation commenced; Yet, little had been ascertained, and the steps of the prosecution were involved in doubt, ignorance and uncertainty.

Then it was that Mrs. C. testified—then it was she came out—though her own prosperity must be irretrievably destroyed, and her husband hopelessly involved—and answered candidly and fully every question addressed to her, and laid bare the whole camp—their past acts, and future designs. Many more were then arrested—the impetus and the lever power was then acquired, and from that time to this has been a constant continuation of discoveries, until $100,000 of counterfeit bank paper, 10 or $15,000 of counterfeit corporation paper—hundreds of dollars base gold and silver coin, numberless plates, dies, moulds, stamps, and the entire apparatus of a host of counterfeiters have been discovered—until ten or fifteen of the master workmen have been taken in custody, some 7 or 8 convicted, and 25 or 30 driven from the State. Does this people owe her nothing? Has she rendered to the State no service? And shall she be scorned, and her testimony under oath now rejected.

When the first three or four criminals were arrested, the State was in possession of but little evidence, and had Mrs. C. refused to tell what she knew, the discoveries would soon have ceased. Had she concealed what she knew, she could have lived independently upon the spoils and unlawful accumulations of the gang, her name would not have been brought before the community, and three-fourths of the crimes now punished, and to be punished, had escaped detection. But, like an honest woman, she told all she knew She subjected her life to danger, and vegeance which has been, and is still threatened, by the confederates of those in custody. She sacrified every thing for truth; and what is now the offered reward? Are all her enumerated services nothing. Will it be denied that she opened up to the State the first intelligible information of this long catalogue of crimes? Will it be denied to her, that her information was the means in the hands of the State, of discovering to the State many daring and atrocious villanies of which she herself was ignorant? And what then does this people owe to her truth? They owe much; and he who denies the public benefit her disclosures have been, is a fool or a knave—he who does not discover her unflinching regard for truth, the lever power which has crushed the most powerful and successful confederacy in crime that has ever existed in this country, is blind and cannot, or is corrupt, and will not see. He who does not recognize her unvarying truth, in her past disclosures, when each disclosure has been followed by discoveries which have stamped their truth, is ignorant of the facts or prejudiced beyond the pale of human reason.

What now is the condition of Mrs. C.? She is without property when she has heretofore always had an abundance, and without any means of supporting herself. How does she live? She supports herself upon a small allowance, made to her by the county, paid to her by the sheriff, and which continues to her only so long as she is needed by the State to testify in these cases; when that necessity ceases, she will be cast off, and must look to *herself for a living*. Beyond this, she owes to this people nothing of gratitude, surely. From that loathsome jail—the den of all existing iniquity and crime, has issued every slander against her. Those slanders have been seized upon and circulated against her, and she has no reputation left. Guilty or not guilty, but breathe one foul suspicion on a woman's fame, and she is hopelessly lost. The utmost purity of life will not preserve her—no truth can sustain her—the respect of mankind is refused her with unrelenting constancy. Deny chastity to a woman, it is never slander—the uplifted voice of every community is against her—the people seize upon the charge with avidity—and gentlemen in the defence lug it in upon this trial as a basis to impeach her veracity under oath. Delectable weapon—and the more particularly against a woman—choicest of all instruments of defence for so notorious a band of culprit scoundrels.

The testimony of Mrs. Caldwell covers this case, and proves every material and essential fact. The only question for debate is, shall we, or shall we not, believe her statements under oath? He that will not believe her, of course will not believe the testimony of Wm. Caldwell, and cannot bring a verdict of guilty. It is the only point for debate—the facts are proved by the State and resisted in no other way than by assailing the credibility of our witnesses.

The gentlemen lay it down as a principle of law, that the testimony of an accomplice is not sufficient to convict the accused, unless corroborated by undoubted testimony. Even if the principle were correctly stated, still it does not apply. Is Mrs. C. an accomplice? Where is the evidence of the fact? Have they shown it? Never. Had they other evidence than her own to the point? Did she admit it? Never. On the contrary, she denied it positively. The counterfeiting was conducted in her house. Was it not by the will and authority of her husband? She opposed it; she remonstrated against it; she refused to assist in it.—And, because she failed to expose and betray her husband, under whose authority and control she lived, was she an accomplice? Gentlemen thought they had proved her an accomplice, when she admitted that she had assisted to color a portion of the counterfeit notes; but, upon further examination, it appears that she assisted only in consequence of the anger of her husband, and that it was several months afterwards, and the notes she colored were not the notes forged as charged in this indictment, but notes of a similar character, forged at another and different time and place, and constituting the subject-matter of a different indictment now pending in this court. She testifies that she was always opposed to it. Caldwell confirms her statement. She says that her home became distasteful to her, and unhappy; that she threatened to quit him if he did not abandon his practices; and his reply was —"go and be d—d; that she was without a place to go to—bereft of all relations and connexions, in a strange land, and liable to censure for it, unless she exposed him; which she was unwilling to do. Her testimony is consistent from first to last. Her whole manner gave evidence of her sincerity. You must believe she spoke the truth, gentlemen; and if you do believe it, Van Horne's fate is fixed.

There is yet another method of testing the truth of the testimony introduced by the State. Caldwell and his wife were the material witnesses for the State. Each one testified as to nearly all the facts concerning which the other was questioned. Is the testimony of each consistent with the other? Caldwell was arrested 8 months ago. Since then he has been kept under the strictest confinement, and permitted to have no private communication of any kind with his wife, or any other person than the officers. Whilst Mrs. C. gave her evidence Caldwell was kept away from the court-house, that he might not hear to what facts she was sworn. Yet the account of this fogery, as stated by the one, was so stated by the other, in all material points and essentil particulars. It took them three hours to get through with it, so much the matter, and so numerous the circumstances. Yet they never disagree in one material point. The defence charges here, that there is an agreement between Caldwell and his wife for the purpose of convicting Van Horne, an innocent and meritorious man. If this charge be true, how shall we account for the consistency of their statement, one with the other? There are but two ways to account for it. One is, that their testimony was preconcerted, and aged upon at some time before the trial, (for at the trial they did not hear, nor were they permitted to know each other's testimony,) or their statements are a true relation of facts which occurred within their own immediate knowledge. But we show that, from the time of the arrest, eight months ago, Caldwell was strictly imprisoned and guarded, and that it was never permitted to Caldwell and his wife to have one word of private communication, verbally or by writing. How, then, and when, could the plot for Van Horne's conviction have been arranged. If arranged at all, it must have been before Caldwell was arrested. But that is absurd, since, if Caldwell had suspected even that he should be arrested, he would have quit the country. Even if they had had full opportunities, they could never have concocted a false tale embracing such a variety of persons and circumstances, without betraying their perjury. There is but one way to account for it, that is Mrs. C. and Mr. C., in their testimony, related truly the facts as they occurred under their own eyes. From Mr. Howard's testimony, they might have had one minute, or possibly, even five minutes of private conversation. Could all this story have been concocted and arranged between them in five minutes, or in a day, or a whole week? It is utterly impossible.

She denies any private connection since her arrest, with her husband. She received from him an order for $200 on Buxton, but tore it up and refused to have any thing to do with it. Reflect upon the evidence, and satisfy yourselves, whether they corroborate or contradict each other. They corroborate each other in the fact, that, in the latter part of the summer of 1841, Van Horne was engaged in the counterfeiting here charged, in the Smith house. They agree in the instruments used in this process, and that the notes forged were of the denomination of $2 and $3, and of no other size or denomination. Both fix upon the same room as the scene of forgery; both point out the same letters in the notes, identify the same figures, and agree in their statement that the paper used was bad, and liable to detection. Mrs. C. says that the paper of the particular note attached to the indictment does not appear to be the same then used, but declares that the impression on it is the same, and marked with the same peculiarities. Mr. C. says the note attached to the indictment is one of the notes then forged, but that the paper does not appear to have been as well colored as the others. A number of corporation notes were *thrown* to Mrs. C., and from them she selected two which she alleged were printed at the Smith house. Caldwell, from the same bills, pointed out the same two as the bills of that particular forgery. How happens it that such a fatal destiny presides over this trial, if all this testimony be false. How happens it that, when they go a guessing for falsehood to convict Van Horne, they invariably guess the same facts?

She declares that Van Horne, Whitmore, Trowbridge, and Caldwell, were engaged in this forgery—that Van Horne was the printer—that Whitmore made the press at Pendleton's. He declares the same things; and Reynolds proves that Whitmore made a small press, at Pendleton's, about that time, designed, as stated to him, for printing the backs of cards. Most miraculous testimony—most strange concurrence, if all this be false, as the defendant contends. Messrs. Smith and Colby, the defendant's witnesses, must be mistaken in their statements that these witnesses are not to be credited under oath.

She states that Van Horne, Whitmore, Trowbridge, and Caldwell; were the same parties engaged in the subsequent forgery, at the Peay tavern; that Whitmore, Trowbridge, Caldwell, Walker, and Ledbetter, were the parties engaged in the forgery at the Fulton house, still subsequent; and that Van Horne was not concerned in this last, but was absent. Caldwell states precisely the same facts. She says Whitmore made part of the type, and all the parties were to share equally in the forged money. Caldwell gives the same account of it. But there is no evidence against her, that she has any share in the forgery, or received any portion of the forged notes. Caldwell was a leading man in the band; the printing was conducted at his house; and, against her will, she witnessed and became possessed of all these facts. She states, that she saw Caldwell fill up some of the notes. Caldwell admits that he did.—She states, that by agreement, Whitmore took part of Van Horne's share to pass off for him. Caldwell confirms the facts. How could any two witnesses thus testify to the identical same facts, I solemnly ask you, unless their testimony had been previously *minutely and carefully arranged*, (which it is proved it was impossible for them ever to have effected), *or unless the facts affirmed were true?*

Both agree, that after the second forgery, and before the third, Van Horne purchased a printing press and establishment, moved with it to Van Buren, and commenced the publication of a newspaper there. A beautiful editor—Francis Van Horne. A most reputable and distinguished felon—to set himself up as the conductor of a public journal for the people of Arkansas.

Mrs. C. states that there was no attempt or effort to conceal from her their unlawful practices—that the printing alone occupied three or four days—that she was once present whilst Van Horne and Caldwell were in the act of printing—that she was many times present in their room on other occasions. Caldwell says no concealment was ever observed towards her,—that he does not recollect that she was ever present when Van Horne and himself were printing, but that she was often in and out of the room on other occasions, and might have been present then without his recollecting it. Caldwell states that Van Horne, in about three days, struck off from 7 to 9,000 dollars. She states that a large amount were then forged, but the exact amount she did not know. She states that Trowbridge brought the paper fom Cincinnati, as she heard among them. He states that Trowbridge bought it at Cincinnati or Louisville. She says Van Horne stated that he procured his type for printing from the Times & Advocate office. He says Van Horne got it from that office. They both agree in their statement of the time, place, and parties, to the first forgery, and to the second forgery, and to the third forgery. Both state that the paper used in the first forgery was bad, and that used in the second and third forgery was good, and was procured by Caldwell, at New-Orleans. *How shall we account for this identity*, astounding and inexplicable, *which runs through the whole course of their testimony, if we assume it to be false?* Can you explain it by any process—probable or even possible? It is utterly inexplicable; and, if false, there is no reliance to be placed in the accepted method and established rules of proceedings in our courts of justice.

I come, now, to the examination of the testimony of the witnesses for the defence, Archibald Smith and Eli Colby. Mr. Colby has been a juror here during the progress of these trials, when Caldwell was one of the principal witnesses for the State. He, with the other jurors in that case, sent the accused to the penitentiary for the full extent of the term allowed by the law. Yet now he swears that he would not believe Caldwell or Mrs. Caldwell upon oath. Mr. Colby is a man either singularly credulous or incredulous. He is a man of strong and decided prejudices. I would not say that Mr. Colby swore falsely; [Colby—"No, you had better not." The Court—"Mr. Colby, you must not interrupt the proceedings of the Court;"] but I do say that his testimony bears evidence of the strongest prejudice. He says he has not lost confidence in Van Horne. He does not consider his character blackened, even after all this testimony. *He must have given his testimony under the influence of the strongest prejudices.* [Colby—"I say I was not prejudiced." The Court—"Mr. Colby, you must keep silence. I cannot permit these interruptions."]

Mr. Colby says that Van Horne was with him from February, 1841, till January, 1842, as a printer—near eleven months; that he never lost a day; that he never was absent from the office over an hour at a time, except at meals and on the Sabbath. Mr. Colby must have a very strong recollection. He must have been often absent himself. He is often sick, and could not have known that Van Horne was not at the Smith house, for hours, in the day time as well as at night. Yet he swears positively to the fact, that Van Horne was not over two hours absent at any one time, and does not even qualify it by stating it to the best of his knowledge and belief. [Colby—"I said he was never absent a whole day, nor, according to the best of my knowledge and belief, two hours at a time." The Court—"Mr. Colby, the counsel is doing you no wrong; he has a right to examine your evidence; and, if you interrupt him again, I will commit you."] The Att'y General resumed. I owe to Mr. Colby no personal ill-will, and have no desire to misrepresent him; but I will not be interrupted further. I have a duty here to perform, and I *will* perform it. I have no apologies to make to Mr. Colby, here or elsewhere; and I am responsible for all I say. Mr. Colby qualifies his evidence. I understood it to be positive. I am glad to have the qualification g·to the jury. His evidence is now worth nothing to the defendant. If he speaks of Van Horne's absence from his office of the Times and Advocate for any two hours at a time, only according to his knowledge and belief, it may well be replied, and I do reply, that he might well have been absent, and yet Mr. Colby might know nothing of it.

Mr. Colby says, that when Van Horne left his office, he was indebted to Van Horne about $400. He paid him about $100 in cash. This is all the money we know of that Van Horne hed; and Colby paid him this. He had some 3 or $400 fourteen or fifteen months before, which he then got out of bank; we must presume he did not keep it on his hands for twelve months. It is contrary to our customs. Where did he get the money to purchase his printing press, and establish his newspaper. The answer is apparent—he forged it. Maj. Lawson proves that he received, at one time, from him, about one hundred dollars, of corporation notes, (and was surprised at the amount of small notes in one man's hands), in payment for the press. Caldwell knowing nothing of Maj. Lawson's testimony, tells us that Van Horne confessed to him that he had passed a hundred dollars of the counterfeit, at one time, in payment for his printing press. This is strong testimony and not to be resisted.

Mr. Colby says that at his office was printed the new issue of corporation notes—that Van Horne was at that time his foreman, and Whitmore was employed by the corporation, and engraved a portion of the form used in printing the new issue. Now, this printing of the new issue at Colby's office continued from June till December, 1841, if I recollect aright. It continued off and on, throughout all the time that Van Horne was engaged in counterfeiting at the Smith house, and long after. Mr. Colby says if Van Horne had been disposed to counterfeit the corporation notes he might easily have used the genuine form to strike off as many as he wanted, and not have been detected, either by himself or the boys in the office. Mr. Colby volunteered this last statement. How does he know this? Who knows but that Van Horne was satisfied he would be detected? But, nevertheless, it is known that many thousand dollars were counterfeited by some one, upon the genuine form that was kept in Mr. Colby's office: how does he know but that Van Horne did counterfeit upon that form? Take it either way, or in any shape, manner, or form, the printing of the forged corporation notes lies at the door of this prisoner; and he richly deserves a twenty-one years' residence in the penitentiary.

Again. Mr. Colby, as before stated, says Van Horne had no need to forge the notes now charged against him. He could have struck off as many as he pleased from the genuine plate. But says again that the counterfeiting of the new issue was done after Van Horne had left this place. This, I presume, is to clear Van Horne of counterfeiting the new issue. Where does he derive all this? How does he know that the new issue from his office was not counterfeited until after Van Horne had left here? I will tell you how he knows it. He knows it from the testimony of Mr. and Mrs. C., witnesses that he credits when they testify in accordance with his opinions, and in favor of Van Horne, but who, as the witnesses of the State against Van Horne, he swears he would not believe on oath. This will support my first statement, that Mr. Colby is a man of strong passions and prejudices, or he would not believe the State's witnesses on a point which was only probable, and disbelieve them on other points, corroborated, and equally probable.

As to the character of Van Horne, Mr. Colby thought it unimpeachable—that he was a correct man in all his dealings, and honorable in all his connections, so far as he knew, and his opportunities to know were good. That he was honest, trustworthy, attentive to his business, punctual, and in an eminent degree industrious. But in their estimate of Van Horne's character, others have expressed opinions widely different.

As to the credibility of Mrs. Caldwell, it is a subject matter of opinion. Mr. Colby and Mr. Smith think the veracity of Mr. and Mrs. C. questionable. Others do not agree with them. We have sworn many of the most respectable and intelligent men here, who do not agree with them. Mr. Headington states that he should believe her on oath. Mr. Reynolds, speaking of Van Horne, says that it was publicly reputed that he and one Mr. Liggett were the first men who counterfeited the corporation notes, by raising the 25 and 50 cent notes to $2 and $3, and he believed the charge. Mr. W. E. Woodruff stated that such was Van Horne's reputation, according to his understanding. Mr. Skelton confirmed the foregoing statements, and when cross questioned as to his reasons, gave public reputation, and a piece of private history, which placed Mr. Van Horne's thieving propensities in a most unenviable light. When cross questioned farther as to the value of the things stolen, Skelton stated that the articles stolen were numerous, and proceeded to enumerate them; but that they were of small value, yet that he always set it down that any man who would "*pick up little things about, would steal bigger ones when he got a chance.*" The remark is a just one. The articles stolen of Skelton he never regarded; it was a theft of small articles, and he invited Mr. Van Horn to find lodging elsewhere, as a two weeks' acquaintance was all that was desirable. The remark is just, for at the next step we find the thief counterfeiting money to the amount of 15 or $20,000.

Of the veracity of Mrs. C., Skelton says he would unquestionably believe her on oath, and there is no man in this community whose strong good sense I would more commend, or whose judgment of human nature I would sooner take, than his. Mr. Thomason says he would believe her unhesitatingly, and that since he has known her, her conduct has been as exemplary as any woman he ever knew. His opportunities to know her, and her veracity and reputation have been good. I take pleasure in adding to the testimony of Mr. Thomasson, my own statement, that I should certainly believe her, that to my knowledge, her testimony has been often tested, and always sustained, and that her conduct has been always exemplary and correct, so far as my knowledge extends. Mr. Lawson states that he furnishes her as the Sheriff of the county, fifteen dollars a month to support her till these trials are over—that he has had good opportunities to know her truth, and would certainly believe her statements under oath. Mr. Reynolds has known her since 1836, in Illinois, and at this place, and never heard aught against her until the counterfeiting was discovered—that his means of knowing her character in Illinois were certainly good, and that she stood high there and unimpeachable. Fitzgerald, would believe her on oath, without hesitation. Howard would give to her testimony full weight, and Barkeloo the same.

It is unnecessary further to review this evidence. I shall not search for the points which will be made in the defence. I shall turn the case over to them and to my colleague, who will conclude the prosecution, and deal properly with all points the defence may make.

The credibility of the State's testimony, I consider fully established, and if I am correct in that supposition, no ingenuity can save the prisoner. Consider his character, his acts, as they have come to light in this prosecution: above all, consider him in the light in which he has held himself out to the people of Arkansas. An editor, an honorable editor of a public journal, designed to enlighten the public mind in all matters of a public nature—politics, religion, and literature. Reflect upon the scoundrel. The guardian of the manners and morals of his country. The self-constituted censor of all public and high minded men, of the acts and virtues or vices of the whole people of Arkansas—the manufacturer of public sentiment, and the leader in all great public measures or undertakings. Give to him a twenty-one years' entertainment, and he will need no more forgery. By so doing you will render to him sheer justice, and to the State an invaluable service. And when his time is out, he can return to his paper—he will be a better man, a better keeper of the morals and manners of the public, and of his own.

MR. EBENEZER CUMMINS followed for the defence:

I came into this case without any interest. The senior counsel not wishing to contend alone against the able prosecution, requested my assistance, and hence, I appear before you. I believe the defendant innocent. It cannot be that I am so prejudiced, as to arrive at this opinion without cause or reason. I never, in my life, on a trial, saw such witnesses, so much evasion, such utter disregard of truth. Wherever they have set their foot out of that infernal hell, Caldwell and wife's house, we have contradicted them, and shown conclusively that these individuals have sworn a wilful and malicious lie. If the jury is so excited as to bring in the prisoner guilty on their evidence, it is of no use to defend any man here.

Caldwell and wife swore that the counterfeiting was done after Van Horne left Mr. Woodruff's office. He worked there during a whole session of the Legislature, and, immediately on his discharge, went on a peddling excursion. On his return, he was engaged by Mr. Colby. The counterfeiting then must either have been done during his absence, or while he was with Mr. Colby. What evidence is there to convict him of this offence? Caldwell and wife must have sworn falsely, because they are directly contradicted by Peach and Colby. What inducement had he? Magruder says that he got $300 from the State Bank, and $28 per week in Woodruff's office, and Colby says he was an economical man, and got enough to pay his expenses. Where then is the inducement? There is nothing to throw the slightest shade on his character. Mr. Johnson mistakes Colby. C. said he had $100 when he left. Mr. Lawson says he paid $100 to him in shin-plasters. Dr. Totten, who was present, says it was not more than $40. Lawson complained of counting them, which made him notice the quantity; but were these counterfeit? Lawson passed them without a suspicion, and never thought of the matter till after this arrest. Caldwell and wife are directly contradicted. They say, that Van Horne came to the Smith house, three or four days, at nine o'clock, and stayed till four. Colby says he never left his office for more than an hour at a time. Mr. Johnson thinks it useless to corroborate Caldwell's statement. It was very proper to pass over him in silence, because he has not only been proved to have perjured himself here, but his character is such, that no man can believe him. C. has been proved in a lie. He swears he never had any communication with his wife; never gave an order on Buxton. Mrs. Caldwell says she did get his order, for money. I should have thought they would have dropped his testimony, when they found him magnifying with other characters in this way. They impeached Lace on this point, the other day, but we confirmed it here by his own wife. Gentlemen cannot deny this, and can they ask a jury to believe a man who has thus perjured himself? I would drop such a man if I were in the prosecution; and I hope the gentlemen will come out candidly, and say to the jury that he is wholly unworthy of credit. They have witnessed his perjuries on this trial, as well as in the case of Keys.

Mrs. Caldwell filed a petition for divorce, in April last. In that she sets up that her husband was engaged with Trowbridge in counterfeiting, in Illinois. She swears to the fact; yet, on her examination here, she denies that she knew it. Here is a direct contradiction, for in that petition she swears to it on her own knowledge. Here she says she did not know it—it was common report. This is a material contradiction. If this is not perjury, I am at a loss to know what is perjury. She swore to this bill two months ago, and yet, come up here yesterday, with sanctimonious countenance, and, forgetting what the bill says, denies it all. She lies in one case or the other. Caldwell says she probably did know that he was engaged in counterfeiting. She knew it all when this petition was filed, and must have known it on her examination. Her statement was designedly false. There is no palliation. She could not have forgotten the facts; nor would so important a fact slip from her recollection under any circumstances.

Caldwell and wife are irreconcilable about the printing at the Smith house. The form had no type in it, she says, when she first saw it, and the printing was done partly by day and partly by night, according to her statement. He says the chase was full, when brought to his house. Caldwell says the printing was done in the day time—says Van Horne was there off and on, and would answer nothing about the printing at night. Another difficulty—Mrs. C. says there is a difference in the vine, on the border of the notes, between those printed at the Smith house, and those printed at the Peay house. Caldwell says there was no difference. The same plate was used in both. There was only a slight mark in one place to distinguish them. Whitmore made the change for a reason of his own. Caldwell says that Whitmore made the letter "R.," in the form used at the Peay house. Mrs. C. says he made the type for the "Three Dollars" and "Two Dollars." There again, one or the other swears to what cannot be true.

When Caldwell and his wife were arrested, it was clear that enormous villanies had been perpetrated by them. A great sacrifice was required to be made, to propitiate the favor of the State authorities, and justify them before the public in releasing the two witnesses. These things were well known and understood by C. and his wife. When Caldwell had made his escape, but found that his wife was in custody and could not escape with him, he consulted with her as to the best course to be pursued: and at that time they seem to have resolved to become State's evidence, and to implicate a great number of persons, whom the State never could convict, unless by the testimony of C. and his wife. By this course they rightly concluded they would become necessary to the State, and entitle themselves to the favor of the authorities.

When this resolution was formed by Caldwell and wife, they naturally implicated persons already of suspicious character, or others who, from poverty, or want of friends or influence, could not well sustain themselves against false charges. They knew Van Horne was a printer—had printed the genuine bills of the corporation, and had a fair opportunity of counterfeiting them. Judging others by themselves, they had no doubt but that Van Horne had used his opportunities for counterfeiting, and that this could be made appear by other evidence than their own. These circumstances, in connection with the poverty and want of influence of Van Horne, afforded a plausible opportunity of fixing these charges upon him.

These were the reasons for bringing forward the charges. The scene of the villanies is laid in Caldwell's house, where none were admitted but the special confidants of the conspirators—where no honest man ever entered, and hence we cannot disprove the facts alleged to have been perpetrated there.

Caldwell, when out five days before he was taken, must have seen his wife, got provisions, and concerted these plans. He could not get his wife off, and they made up this, that they might give a full consideration for being made State's evidence.

The truth of the case is, Ledbetter stole the types out of the Gazette and Times, offices, and did this printing. Van Horne remained at Van Buren a full month after the arrest of the conspirators, and after he knew that there were indictments against him. He would not escape because it would leave suspicion on his character. He says that the testimony here given is the first information he ever had of his share in the transaction; and the circumstances sufficiently show the truth of his statement.

He was a correct man, confined himself to his business, associated little, had no friends, and hence Mrs. Caldwell fixed this charge on him, as he was least likely to rebut it. If he was a counterfeiter, he could have struck off as many sheets as he pleased at the Times office. He had possession of the plate and paper, and yet no suspicion rests on him there. He is an honest, industrious man, but has no money or friends to sustain him now.

It was unjust to bring Mr. Woodruff here to state that he had the reputation of a counterfeiter. Suspicion can be fastened on any man. Mr. Skelton, too, was brought up. Mr. Skelton lost a great deal of property while Van Horne boarded with him. His family missed six ends of candles, one bodkin, and a spoon; and they went and searched Van Horne's unlocked trunk, and found the ends of candles, and a ribbon that did not belong to them, but must have belonged to somebody sometime, and though they didn't see the spoon, they most distinctly heard it rattle. Now, this was a loss of property of great value, to wit: candle ends, a bodkin, and a spoon—worth six bits, say in all. They never mentioned the matter to Van Horne, but suspected him of stealing a spoon, probably a silver one.

A spark was only wanting here to create suspicion. The prosecution knew it, and most unjustly and wrongfully do they bring up here these trifling hearsays and surmises. Mr. Woodruff says he shrewdly suspected that Van Horne raised the bills. It was thrown in here to prejudice you. Mr. W. says it was rumored so; says he don't know it as a fact. Well, what does it all amount to. From one particular fact you could not infer general infamy. Yet because certain suspicious persons have inferred that he was guilty, the prosecution depend on your convicting this man. You could not infer guilt from a particular crime, disconnected with the charge here; yet you are requested to rely upon the inferences of others, just as though you cannot draw as correct conclusions as others, from facts.

But the evidence of Mrs. Caldwell is that of an accomplice. She knew of all these transactions, yet did not disclose them. If a murder had been committed there, would she not have been an accomplice, had she taken a similar course? She gave the conspirators her learned opinion upon the dying of the notes, and the color of the ink. A person standing by under such circumstances is an accomplice; and it is a rule of law that the testimony of an accomplice is not to be believed, unless corroborated.

[Mr. Cummins here read from the authorities, showing that one discredited from perjury or felony is not a credible witness, unless corroborated.]

This is the same principle. One discredited from felony is not a veracious witness. "The credit of his oath is overbalanced by the stain on his integrity." Caldwell and wife have notoriously been engaged in stealing and counterfeiting, ever since they came to the State. Can you give their oaths any weight? It requires the same amount of moral terpitude to commit forgery as perjury, and no more. The crimes are of the same character and grade. The authorities say that if witnesses are "profligate and abandoned," they are not to be believed. You know these to be so, and will cast out their evidence.

The rule of law is, that a party to a crime swearing to secure his own safety, is not to be believed. This is a direct case. As respects the credibility of two several witnesses under such circumstances: if they agree, it has a higher probability; if they disagree, both cannot swear truth. Credit of witnesses is to be taken from their principles; if these are bad, if bad in behavior, the witnesses are incredible. The character of these two, then, destroys their evidence. They have been guilty of counterfeiting, stealing, &c. They are accomplished rogues, and as the law is, unless they are corroborated by material and important facts, they are not to be believed.

[Mr. Cummins quoted several decisions on this point.]

In what material fact is the testimony of these accomplices corroborated? Who has sworn that Van Horne ever passed counterfeit money? He is charged here with counterfeiting, and Caldwell and wife swear that he was so engaged. But this was not corroborated. We cannot go to this infamous house of Caldwell to contradict it.

Mrs. Caldwell has sworn to one lie in her petition for divorce. Gentlemen passed over the evidence of Caldwell in a dignified manner. We have proved that he lies about the order on Buxton. Howard says that they had a chance to communicate, and brake off the conversation when he came up. Gentlemen say he is a truthful witness. We wish to show that he will lie at any time, and to any extent to suit his purposes. We proved the other day by a witness on whom rested some suspicion, that Caldwell did communicate with his wife about Buxton. Here we proved it by C.'s wife. I sincerely hope gentlemen will now come out and honorably declare that Caldwell has sworn a lie. They ridiculed Luce, but it was proved here yesterday that he told the truth, and Caldwell swore falsely. Is it for the dignity of the State to pursue an accused person by a perjured witness?

If gentlemen had not a great regard for honor and gallantry, we should ask them to say the same thing of Mrs. Caldwell, who has sworn a lie in her petition for divorce. Gentlemen must know that both would swear a lie as soon as the truth. They have brought up here Caldwell and wife, and ask you to believe them, though they know they have been engaged in robberies, and villanies, and counterfeiting, and came out to save their own skins. Yes; these accomplices, forgetting the honor which is said to prevail among thieves, the moment they are arrested, come out and betray their confederates. Put your finger on such a man and you can't find him there! Whether it be in a villanous transaction or not, I like to see honor

I will now refer you to the indictment. A genuine bill was introduced here yesterday, and shown to the jury. The indictment charges the prisoner with forging a counterfeit resemblance. Now the two first counts alleged that he printed two blank notes, and charges it as counterfeiting what passed as currency here. This is not correct: no bills passed as currency here that were not filled up. They must have date, letter, person to whom payable, and signature. The indictment in these counts does not charge as the law specifies, that he *began* to make counterfeit notes. They do not charge him as beginning or ending, but as counterfeiting something that passed here as currency by usage. But they have exhibited no blank notes here which passed as currency, and hence on these two counts there is no evidence before you.

The last two counts set out notes that were filled up. But can they convict on these? The currency which they allege to be counterfeited here, was an illegal currency. The law of the State makes it an indictable offence in all concerned, to issue this currency. The act incorporating the city of Little Rock, grants no power to the mayor and aldermen to issue these notes, and the State law makes the individuals who signed the corporation shin-plasters liable. It was an illegal act to circulate this currency. If I forge a note on one of the jury, can any man counterfeit that note? Gentlemen, in drawing this indictment, forgot that they could not set up usage against law. Every man who put his name to those tickets was indictable, and it is impossible to convict the prisoner for counterfeiting these illegal instruments.

Besides, there is no such corporation as the "Corporation of the city of Little Rock," as the gentlemen have alleged. The "Mayor and Aldermen of Little Rock," are the only corporation known to the law. What corporation issued these notes? The indictment says Little Rock issued them. The charge is false, for there is no such abstract being, corporeal or incorporeal, in existence. If these notes were counterfeit, the Mayor and Aldermen would not be injured, only those who signed them. It was their money, not the city's.

In conclusion then, gentlemen, it is clear that they cannot convict on the first two counts, for they charge him with counterfeiting notes that were not filled up. As respects the last two counts, I shall ask the court to instruct you to clear the prisoner at the bar, on the legal question; that the mayor and aldermen had no right to issue these notes, and hence, they could not be counterfeited. Such, gentlemen, is the case, and you cannot have a doubt of Van Horne's innocence. I submit it to you with the utmost confidence in the correctness of your decision.

MR. PLEASANT JORDAN concluded for the defence.

Gentlemen of the Jury—There is not, probably, a period in the history of your past life, at which you have been called upon to discharge a duty more solemn and awful than the present one of making out your verdict in this case.

In the midst of a highly excited community, you are called on to decide as to the guilt or innocence of this unfortunate man, who is charged with committing the foul crime of forgery. It is scarcely possible to pass the streets without hearing this whole clan, or every one connected with them, or even suspected of being so connected, cursed and abused, as the most abandoned and profligate thieves and counterfeiters that ever disgraced a civilized world. However base and contaminating are the unfounded accusations urged against my client by the prosecutor, he has the same rights guaranteed to him as every other American citizen—rights which you are sworn to protect. He is a poor man, with a wife and three children far from this place, near the confines of a merciless savage country, depending mainly for a subsistence upon the charities of a cold unfeeling world. He is unable to employ able and experienced counsel for his defence, having been incarcerated in a dark, loathsome dungeon, since last December, without even ever having had his indictment read to him. Having become acquainted with his history, I am thoroughly convinced that, however degrading his condition may now appear—however dark and lowering his prospects, he has seen better days. He has been raised an honest, industrious man, in one of the most reputable printing offices in Philadelphia; and therefore, I have been induced to appear for him in this case. And notwithstanding all these disadvantages under which he is forced to trial in this enthusiastic community, we believe, gentlemen, from your intelligent and candid countenances, you will divest yourselves of all bias or prejudice, and give us an impartial hearing, which is all we desire. Mr. Cummins, my associate counsel, has very eloquently commented upon the testimony, and ably pointed out the discrepancies, between Caldwell and wife; however, in the course of my remarks, I may touch on some important points to which your attention has already been called. It is readily admitted by the counsel for the State, and all his witnesses, that Van Horne never was concerned, in the slightest respect, in the stealing of Keatts' jewelry, Fitzgerald's money, or any other of the atrocious acts of counterfeiting and thieving, which have been so basely perpetrated in this community; and that he is only charged, by his malicious accusers, in helping to make one issue of the counterfeit shin-plasters, although he lived here during the perpetration of these crimes, and had every opportunity of engaging with the band of conspirators.

In the first place, Caldwell gives no satisfactory account of the manner in which he became acquainted with Van Horne. He tells you he got acquainted with him in company with Whitmore, at Whitmor's shop, without giving any reason why he was induced to believe that he would be a safe accomplice to take into a conspiracy so foul, dangerous, and corrupt. When interrogated closely on this point, he evaded the question. It is not reasonable that a man like Caldwell, who has been a thief and a counterfeiter from his youth up—whose locks have grown grey in the service, would accost a man of respectable standing, occupying a conspicuous situation in a highly respectable office, and enter into an arrangement to counterfeit, as a man would openly form a copartnership, to engage in merchandising, or any other lawful business. He would have been too afraid of being betrayed. It has already been proven in this court, that Caldwell and Whitmore were engaged in counterfeiting the coin. Is it probable that he would not have known any thing of this matter? You will recollect that C. and wife, say, that, in all these cases, Van Horne knew nothing of the counterfeiting and stealing, except the making of the shin-plasters. This seems to me much like a story made up for the occasion, without the slightest foundation of truth. But it will, no doubt, be urged by the counsel that such a coincidence of circumstances as dictated by C. and wife, could not have taken place without Van's being concerned. This, I admit, is their strongest fort, for, unlike their course in former trials, where they have admitted before the jury in every case, that the prisoner should not be convicted by the testimony of these accomplices, unless confirmed by other corroborating testimony in this case, on yesterday evening, when they saw that they were on the very eve of losing their cause, finding there were no essential circumstances to confirm the testimony of these accomplices, in this dilemma, after hearing one or two witnesses of high respectability swear that they would not believe Mrs. Caldwell upon her oath, from the public rumor they had heard afloat in the streets, in the midst of unparalleled excitement in a court of justice, when his honor and two or three lawyers were all talking at once, witnesses were ferreted out from the excited crowd, respectable men, I admit, though strongly prejudiced against the accused, and highly excited at the time, who testified that they would believe Mrs. Caldwell on her oath:—a strange way, indeed, of arriving at truth, in a case where a man's character, liberty, and every thing dear is jeoparlized. I beseech you to recollect, that every single witness that testified that he would believe her upon her oath, when interrogated closely as to his reason for so doing, mainly based that belief on what he had heard her swear on the former trials in this court, therefore you, having heard not only her testimony throughout in this case, but, perhaps in a number of others, also, having seen the infamy of her own character as detailed by herself since her connection with Caldwell, have as fair means of judging of her veracity as those who have testified to her good character. Is a woman entitled to credit who swears that she did not know that her husband was engaged in counterfeiting in Illinois, and then on the cross-examination says he left Illinois for counterfeiting, and that she staid some three months after he left, and wound up his business. Since residing here, she has filed a bill in chancery for a divorce, and sets up as one of her grounds of objection, his counterfeiting in Illinois, and swears to it before an acting justice of the peace. Yet, after all these pointed contradictions, according to her own statements, in transactions which must have struck her mind with such force as long to be remembered, the counsel say you are bound to believe her. She acknowledges that she was concerned in making the counterfeit shin-plasters; she tells you, expressly, that she helped color the bills, she says she made the discovery that, when the bills were colored, the ink used in signing them showed more brightly than that of the genuine ones, (a minute discovery.) She was even so conversant in the matter, that she could tell the difference in the vine on the border. She could tell the difference between those made at the Smith house and at the Peay tavern, by feeling of the paper, which, by-the-by, not even her skilful husband could discern, as he says. All this she did without being compelled by her husband; yet she says she did not like to do it. At this period she reddens up, and appears to become very sensitive. When asked if she did not pass counterfeit shin-plasters on Keys, she peremptorily said we had no right to ask her such questions. The counsel objected to the question: The court decided that we might ask questions concerning her infamy, but she might decline answering them if she desired. I believe she did not answer the question about Keys. There is one circumstance that occurred about this time, to which, in particular, I wish to call your attention. When questioned very closely about her own conduct, she looked towards the counsel rather embarrassed. One of the counsel for the State very hastily said, tell them the truth. Whether he himself distrusted her veracity, or whether he feared she would slip out something unfavorable to their cause, I will leave you to judge. Take it for what it is worth—give it its due weight. She has acknowledged, on a former trial, that $1300 of the money stolen from Fitzgerald, was found in her bosom when her husband was arrested.

Yet, after all this aiding and abetting in forging the corporation notes—in secreting stolen money—this accumulated load of guilt that rests upon this lady, the counsel, who opened this case, tells you she is not an accomplice with her husband, in law. Is the counsel serious in the perversion of the universally established principle of law, on this point? I must confess that I was surprised to hear him advance such an argument before an intelligent jury. There certainly cannot be any construction, however liberal, put on her conduct, that would extricate her from being an accomplice in this matter. If, then, she is an accomplice, the law is laid down broadly, by all the authorities, that no person shall be convicted on the testimony of an accomplice, unless corroborated by other circumstances. But, say the counsel, you are bound to believe her, because she concurs with her husband in every material point. Her husband's testimony is not *that legal kind* known to the law, that should confirm hers, as I understand it. If so, wherever two accomplices were allowed to testify, one would, by previous arrangement, confirm the other, and therefore, there would be no security to guard against the dangerous principle for which the law has so carefully made provisions. The counsel will no doubt urge, that she could have no motive to swear falsely against Van. It is true we cannot always judge of the mysterious workings of the human heart. Van Horne had left this place and gone to Van Buren—some circumstance may have induced Caldwell to fear Van would disclose a declaration made by him in Mr. Colby's office, when he was printing the genuine shin-plasters—when he jocularly said, he would give $500 if he had such a chance to counterfeit. Feeling his own guilt, and fearing that a very slight circumstance might lead to his detection, when there was so much counterfeit money in circulation, would it not be very natural for him to devise some plan with his wife to implicate Van., through spite, if they should ever be detected. We all admit the counterfeiting was done in the house, as alleged—with the press, composed of the type from Mr. Colby's and Mr. Woodruff's offices. All this could have been done by Wilson, Trowbridge, Caldwell, and Ledbetter, and this story made up, and as correctly told as it has been in this case, by simply substituting Van instead of Ledbetter, who has run away, and of whom they have but little occasion to speak in this matter. That this could have been done, I have no doubt. If it is the only rational construction that you can put upon it, you are certainly bound to believe it.

I will now advert to every circumstance which seems, in the slightest respect, to bear upon this case. Caldwell says, that Van Horne passed off a considerable amount of this money—that he heard him say he let a man in Little Rock have about one hundred dollars of it. Major Lawson swears that he received of Van about one hundred dollars, in shin-plasters, when he sold a certain press to him and Sterne; that he inquired, at the time, how he came by so many shin-plasters. Van said his wife took them in at the little store she kept for him. Mr. Lawson further stated, that he passed them off, and never heard of one of them being adjudged counterfeit. Dr. Totten, when sworn, says he was present at the transaction, saw Major Lawson receive of Van Horne, he thinks, about thirty dollars in shin-plasters. When asked by the opposite counsel if he did not judge the amount by the bulk, he answered no, it was by seeing them counted, or hearing the amount named. We happened to have in our possession an account of this whole transaction. The amount of shin-plasters paid, was thirty-two dollars, substantially confirming Dr. Totton's testimony. Now whose testimony is entitled to the greater weight in this matter. Unquestionably Dr. Totten's, because his relation of the matters is confirmed, and he is more likely, from his steady reflective habits, and less business, to have recollected it, than Major Lawson, who has constantly a great variety of business on hand, is a very hasty man, and consequently has a very treacherous memory. Caldwell swears that Van and Martin agreed to let a man in the country have a plate for forging shin-plasters, for a horse. This is very satisfactorily explained by Mr. Colby, who says that Van and Martin told him when they came home from a peddling expedition they had taken in the country, that a man offered them a horse for a plate, and they told him, let them have the horse first, publicly telling and making a jest of it. Has such an open jest as this the slightest appearance of any thing crimininal. Colby was also asked if they did not bring home some counterfeit money: answered in the negative—said some few months after that, he heard of Martin's being charged with passing counterfeit money. Is this transaction to have any bearing in this case? Shall a man be judged an accomplice with a counterfeiter because he happened in his company—associated with him when he was not the least suspected. If that is to fix the slightest degree of guilt on a man's character, the fairest and most irreproachable are not safe in this community. But Mr. Reynolds says that Mr. Whitmore came to his shop to borrow an auger, which he wished to use about a press he was making—that he showed him some cards he printed with it—that he saw Van Horne at Whitmore's shop one day, and therefore the counsel infer that this is the press used for counterfeiting the shin-plasters, and because Van was seen one day in the shop, he must be an accomplice in guilt. You will recollect that Mr. Colby was employed by the corporation to print the new issue of shin-plasters, and Whitmore made the plate for that purpose. This makes it all perfectly plain. But put the worst construction possible upon it, on the part of Van, and what would it amount to? We have no more right to suspicion Van for going into Whitmore's shop, than any other man, and is it not well known to this community, that Whitmore's shop was open at all times, and persons of the first class went there when they had business—even the witness, himself, lies under suspicion upon the same ground. These are the corroborating circumstances urged by the counsel to fix this man's guilt, not one of which has the slightest bearing upon the case. The counsel for the State, in opening this case, passed over Caldwell's testimony, as in former cases, without even asking you to place any confidence in it, except so far as it is corroborated.

Mrs. Caldwell's testimony is not confirmed or strengthened in one single instance, except by Caldwell's: the counsel have not been able to adduce a particle of evidence to support hers. How then, does the matter stand? We have explained away every circumstance that has been offered to corroborate their testimony. Whatever plans may have been concocted, heretofore, by Caldwell and his wife in their clandestine leagues for thieving and counterfeiting, provided they might be detected, we have not the means of arriving at. I wish to call your attention to some circumstances on the part of the defence, which show the improbability of the unfounded, malicious charges, urged against my client. Mr. Colby states that Van Horne was a foreman in his office from February, 1841, to January, 1842, during which time he never was absent a day from the office, except Sundays, to the best of his recollection, nor was he ever absent from his work more than an hour or two at a time. Mr. Caldwell says that Van came one time on a Sabbath, said he could not stay long—it took four or five days to do the printing, from 9 A. M. to 5 P. M. Certainly this cannot be so without Mr. Colby's knowing it. The counsel say the defendant came here without money, and enquire how did he support his family and pay his part in a press, (which cost him about two hundred dollars.) Let us see if we cannot account for it. All the witnesses say that Van Horne was very frugal and industrious. Mr. Peach says he worked some four or five months at the Gazette office, at $28 per week, say four months, that would be $448. Mr. Colby says he worked in his office near one year at $19 per week, which is 8 or 9 hundred dollars. Mr. Magruder says he drew from the State Bank something over $300, for a draft from Baltimore. The aggregate of which is $1,600 or $1,700. In addition to this, he kept a grocery, at which witness said a good deal of business was done. This is a fair statement of his pecuniary affairs, on of which he certainly could have amply supported his family, and laid up money, having only resided here about two years or hardly so much. This was made a considerable point, harped upon with emphasis by the learned attorney, who thought a man might spend a great portion of such a sum, during that time, in treating. It is true a demagogue or candidate might, but it is not probable that Van Horne did, whose character for industry and economy ranks amongst the highest, according to the testimony of every witness, who testified in the case. Mr. Colby, the only gentleman in this city, who had the opportunity of thoroughly testing his character, says, upon oath, that he never had a more industrious and honest foreman in his office in his life. Other witnesses say his character was good so far as they knew. His general character was attacked with a vengeance, almost unparalleled in an American court, and after all, they hatched up two circumstances, upon which they endeavor to render his general character infamous, which, according to the strict rules of law, should not have been admitted as testimony at all. Mr. Reynolds stated he heard it noised about town, by a few individuals, that Van was guilty of raising the amount of the corporation notes, by altering the figures—he knew nothing at all as to the truth of it. Mr. Woodruff knew but very little about his general character; said he had heard some persons talking about his raising the notes, as stated by Mr. Reynolds; knew nothing as to its truth. The fairest character in our community is often slandered, and oft times the worst persecuted of any. Now if there had been any foundation, in reality, for his guilt, he would certainly have been prosecuted. Such a serious charge as that, would have fanned the public excitement so much, that he would have been driven out of town. The vigilance of the Attorney General, certainly would not have suffered such an outrage committed in this community. It is not probable a man receiving the wages he was, would have descended to the low picayune business of raising a few shin-plasters. Mr. Skelton, when called on to give his general character, said he knew he was a rascal, in a very vindictive tone. Seeing his prejudices so far overrun his sober judgement, we urged him to tell all he ever knew, or heard of him; and, when he disclosed all, to what did it amount? My associate summed it up, and exposed its fallacy: found in his trunk, which was not even, locked, a few pieces of candles, which he had no doubt laid there to keep the rats from destroying them, or to use them when he might happen to wish to get up in the night, or for any other purpose. He lost a spoon, and heard something rattle in a little box that he found locked. That, he was sure, was his spoon. A negro boy was about the house, in the room occasionally, and most probably stole the spoon, if it was stolen at all, or lost it. At all events, it is perfectly absurd to suppose that a man would steal a few bits worth of articles, when he first came to the country, and depending entirely upon his honesty and industry to get into business to support his family. These two little, insignificant, paltry circumstances, are brought up here to prove this man's character to be odious and abominable—in order to induce you to fix guilt upon him, and subject him to severe punishment, and loss of liberty, for almost or quite the remainder of his life. Instead of putting any stress upon such an unfounded accusation in proving a man's general character, it ought to be scouted out of a court of justice, and not entitled to the least degree of credit in making up your verdict.

Is the testimony in this case sufficient to convince you, beyond a reasonable doubt, that the defendant is guilty? for, so long as there remains a doubt, you are bound to acquit him. I will again call your attention to the testimony upon which you must decide. The counsel has admitted that you should put no confidence in Caldwell's testimony, only so far as it is corroborated? You have seen the utter failure made in trying to corroborate it. If you find him guilty, then it must be upon Mrs. Caldwell's testimony. If she is in law accomplice, you cannot convict upon her testimony, unless it is corroborated by other credible testimony, or strong circumstances, neither of which has been adduced in this case.

But, if you do find him guilty, what will be your verdict, with regard to the term of punishment. You have a discretionary power over sixteen years, five being the lowest, and twenty-one the highest. I call upon you, then, conscientiously believing it to be your sworn duty, according to the spirit and intention of the legislature in fixing the lightest punishment upon the first offence, and for the purpose of giving the necessary caution, which the human provisions of the law provided for, to put it down to the lowest. If the opposite counsel could laugh or grin you into a verdict of ninety and nine years, and the statute would allow it, he would urge it with all the eloquence he possessed. Is there no mitigating circumstances in his behalf?—Will not his former character, the distressed condition of his wife and children, the tears of a bereaved, disconsolate mother, call forth your sympathies in making up your verdict, if you should find him guilty, through the strong prejudice which is every where prevailing in this highly excited community? Take the case, gentlemen. Consider the discrepancies between the testimony of Caldwell and wife—the flimsy corroborating testimony upon which you must convict, if you do it at all—all the circumstances connected with the case. Do your duty, and we will be satisfied.

F. W. Trapnall concluded, on the part of the State, and said he would, without the ceremony of an introduction, proceed at once to the merits of the case.

The indictment charges the defendant with falsely and fraudulently forging blank counterfeit resemblances of the notes, issued by the corporation of the city of Little Rock, which circulated, by usage, as currency, and with forging a complete resemblance of the notes.

To make out the case, the State must establish these facts by competent testimony. Mrs. Caldwell is the first and most important witness for the prosecution. She states, that, in June or July, 1841, whilst her family occupied the house owned by Jefferson Smith, and in a small room up stairs, in the north-west part of the house, she saw Sam. W. Trowbridge, Ira B. Whitmore, Wm. Caldwell, and Van Horne, engaged with a small printing press in printing the two and three dollar bills of the corporation tickets. She went into the room for a pitcher, and, as she stepped in, Van Horne, who was working the press, took off of the plate a sheet of paper, upon which was printed one two, and one three dollar bill, in blank, and held it up to her. She understood from them, that the paper on which the bills were printed, had been brought by Trowbridge from Cincinnati. A portion of the type had been taken, by Van Horne, from the office of the Times & Advocate, in which he was working. Others had been obtained by Van Horne, from the Gazette office through the agency of a small boy, who worked in the office; and the bordering and some of the letters that were wanting, had been prepared by Whitmore, who was an engraver. They were working, occasionally, for some weeks; and, when completed, they were filled up, and were to be equally divided. What amount was struck off, she did not know, but there was a large stack of it. Upon a consultation, shortly after, it was agreed that the bills were made upon such indifferent paper, and differed so much from the genuine, that it would be extremely hazardous to emit them. It was thereupon concluded, that they should be put aside, and some one of them should go to New-Orleans for more suitable paper. In the fall of the same year, Caldwell moved to the old Peay house; and up stairs, in her bed room, the same persons, with the same press, struck off a large amount of blanks of one, two, and three dollar bills, upon paper brought by Caldwell from New-Orleans, which were filled up and equally divided between them. She afterwards saw Whitmore at the fire, coloring the bills; and he said that he had his share, and a part of Van Horne's, to color—that all these bills were of the date of June 18, 1840, and of the old issue printed at the Gazette office. She stated that Caldwell had been charged with counterfeiting, in Illinois, and compelled to fly the country. She then determined to separate from him, but he promised that he never would engage in it again; that, when he commenced, with Trowbridge and others, in the same business, at Little Rock, she remonstrated against it, and reminded him of his promise, and at length threatened to leave him. He told her if she was tired of being with him to go and be damned. She had no friends or relations in the country, and did not do so, but very frequently absented herself from the house—that when her husband was very angry with her, and commanded her to do so, she helped him to color the tickets at the Peay house. Every thing necessary to complete the case, on the part of the prosecution, is contained in her testimony.

She was not an accomplice, because she never assented to any thing that was done, and always opposed it, and never aided but once, and that was done upon a different occasion from the present, and with the utmost reluctance, and only in obedience to the violent command of her husband. Is she not entitled to credit? One or two persons out of the community have been found who have said, upon their oaths, they would not believe her on her oath—Eli Colby and Archibald Smith. That Mr. Colby is an honest man, I admit; that he believes what he has stated, I do not doubt; but it is well known that he is a man of the strongest prejudices, and readily yields to their influence. Van Horne worked in his office from February, 1841, to January, 1842, was industrious, lost no time, faithfully performed all that was required of him, was trusted, and never known to betray that trust; and, by all this, gained the confidence and good will of Mr. Colby. Believing him to be an honest man from his exemplary conduct during this period, he will not believe Mrs. Caldwell and Caldwell, when they swear, positively, that he was engaged with Trowbridge and others, in counterfeiting the bills of the corporation. The jury have heard the facts upon which Mr. Colby has formed his opinion, and therefore can judge what weight it is entitled to. They can determine whether his opinion results from the action of a cool judgment or of excited feelings.

The next witness is Archibald Smith. He stated broadly, that, from his knowledge of the general character of Caldwell and wife, he would not believe them when on oath. He afterwards stated: and, as he said, for the satisfaction of the counsel for the State, that he and his family had been in the habit of visiting Caldwell and wife; but some one who came from the same country with them, told him that they were dangerous people—that this had created a suspicion against them; and he thereupon found it necessary, for his own security, to cease all intercourse with him: in great dread, without doubt, that, if he continued to visit them, after this dreadful rumor got afloat, that it might extend its tarnishing influence to the bright and polished surface of his own reputation. Like all prudent persons who have acquired a great treasure that they prize above all earthly things, he was very careful of his own bright jewel of a character. Moved by considerations of such paramount importance, he determined no longer to visit persons whose hospitalities he had often taxed, and it is to be hoped, always with becoming mercy; and, at whatever loss to them, no longer to permit them to bask in the sun-shine of his favor, or share in the charms of his elegant society. Having also been elected to the high station of a justice of the peace, he was no longer approachable by persons whose association might cast a shade on the purity of his ermine.

In opposition to this, there has been summoned, from the surrounding crowd, Messrs. Woodruff, Headington, Skelton, Reynolds, Lawson, Howard, Thomson, and others, who say they would believe Mrs. Caldwell when on oath, without the slightest hesitation: and some of them say, that, although she has testified in court on many occasions, in the last six months, they never heard the truth of her statements impeached before. This is the judgment of persons who have no connection with the case, or particular interest in the result, and speak very forcibly what is her general character for veracity. You are well aware that most of the persons who have been tried at the last and present term of this court, were arrested for the robbery of Mr. Fitzgerald, and that, three days after their arrest, some persons interested in the public welfare, fearful that they would escape for the want of testimony, applied to Mrs. Caldwell to know if she would testify, and reveal what she knew of their operations, if brought into court. She frankly replied, that, if she were sworn, she would feel compelled to state the truth, and would do so without reserve, or regard to consequences. Every one will remember—no one who was present will ever forget her appearance in court on that day, or the agitation and alarm manifested by the prisoners. No one ever testified under such trying circumstances. Many a bold heart would have shrunk with terror from such a task. Not so with her. With a frankness, and spirit, and forgetfulness of self beyond all example, she made a disclosure of facts as unexpected as astounding.

You all recollect the breathless silence with which it was listened to by an immense crowd, and the fearful excitement which it produced. She stated that there was an organized band of robbers and counterfeiters at this place, with the mayor of the city at their head, with agents in every section of the State, and active emissaries throughout the country; that they had robbed Keatts' jewelry-store of $5,000 worth of jewelry, and Fitzgerald's office of about $14,000; that they had counterfeiters of every description, engravers of plates for bank notes—of dies for doubloons, half-eagles, dollars and half-dollars, and of plates, and type for the counterfeiting of the corporation tickets; that they had an immense amount of counterfeit money, and had circulated, of the corporation tickets alone, the sum of $21,000; that many other persons beside those who were arrested or suspected, were engaged in it. Whitmore, Walker, Van Horne, Leadbetter, Kelly, Keys, Reasley, Buxton, Stewart, and many others.

Up to the time of this disclosure, many of these persons had fair character, and were unsuspected. Indeed, although some thought that there was a large amount of counterfeit money in circulation, yet it was denied by others; and few persons, if any, knew the difference between the good and the bad. And so well were the counterfeits executed, that many of them could not be distinguished by the oldest merchants in the city. They passed, and boasted among themselves of passing, their gold pieces into the bank, and upon the merchants in town, and of passing their $50 Louisiana bills, not only upon the merchants in this place, but upon the collectors and merchants from New-Orleans. She named the persons upon whom they had been passed, and some of them, happening to be in court at the time, upon looking into their purses, found the very pieces that they had received, and to their astonishment, upon being tested at the time, they all proved to be spurious, but so admirably executed, that they could have safely set at defiance every thing but the most accurate tests. The astonishment and excitement which the statement produced, beggars all description. Every person implicated, who was within reach, was immediately arrested; and those out of the neighborhood, at the first rumor of what was going on, fled the country. Guided by this new light upon the subject, new researches were made, and ample evidences of the guilt of most of them were found out.

The Mayor and Wilson, who, with the others, had held out to this time, firmly denying their guilt, and indignant at the court and country for admitting this witness against them, were overwhelmed with the weight and variety of the testimony against them, acknowledged their guilt, surrendered their ill-gotten booty, and were sent to the penitentiary.

It is admitted that Trowbridge was guilty—Wilson was guilty—so was Reasley, Leadbetter, Kelly, Buxton, Walker, Whitmore—and by whose testimony was their guilt proven? By Mrs. Caldwell. If she told the truth against these—if she did not in her testimony attempt to conceal the connection of her husband with all these transactions, or attempt to excuse or extenuate her own conduct, why should she, without any known or alleged motive, invent this tale, and swear to it against Van Horne? She has been sworn as a witness in a great number of cases—stated upon oath a great many facts, entirely unknown to the public before her first examination; her testimony has been weighed, and sifted, and subjected to every test of truth; she has been constantly subjected to the tortures of the most artful and searching cross-examination;—and we challenge the defence to point out one single instance where she has varied from the truth.

Upon the testimony of this witness, the State might safely rest the case, and claim the conviction of the prisoner.

The next witness is Caldwell, the husband of Mrs. Caldwell. You are aware that he was a prominent member of the conspiracy at Little Rock, and actively engaged in all their proceedings. He has been taken as a witness for the State, and is to be liberated when these cases are closed. The propriety of this arrangement is obvious. When we reflect that the robbery of Keatts' jewelry store was conducted with so much skill and care, that not a trace was left to guide a search, or a circumstance to point suspicion, and although one year had elapsed, no discovery had been made, and no one person was suspected of the act—that although vast amounts of counterfeit money, made at this place, had been put into circulation, detected by none and suspected by but few—and although it was known that twice the amount of small denominations issued by the corporation of the city were in circulation; that it was impossible to detect the counterfeits, and no particular person was suspected of making or circulating them, although there were a large number of persons in this place engaged in the business—it must be evident to the mind of the most prejudiced person, that none other than an accomplice could furnish testimony to convict persons who had carried on their felonious operations so skilfully and cautiously, who had carefully covered up and concealed every circumstance that could create suspicion, and habitually guarded every avenue that might lead to detection. It was under this conviction, and that it was essential to the public safety and all the purposes of public justice, that the public authorities consented to this engagement of Caldwell. And no better illustration than these cases afford could be given of the old adage, that "*it is necessary to set a rogue to catch a rogue*;" for without the aid of his evidence, and the discoveries which he has enabled the officers to make, not one-third of the persons implicated could be convicted. His testimony corresponds in every essential particular with that of his wife—that in June or July, 1841, Trowbridge, Whitmore, Van Horne, and himself were engaged in making counterfeit tickets, in the same room mentioned by his wife, in the Jeff. Smith house, on paper brought by Trowbridge from Cincinnati: that Van Horne, who was the foreman in the Times and Advocate office, had a portion of the type from that office, and, through young Leadbetter, had got a portion from the Gazette office; that Whitmore cut what was wanting, and made an iron chase to set up the form in; that Van Horne set up the form, and pressed the blanks in a press made by Whitmore; that apprehensive of the bad paper, and of some small but to them obvious defects on the face of the bills, they concluded not to use them: that afterwards, at the Peay house, they printed, on better paper, brought by him from New-Orleans, $12,000 more, in 1, 2, and 3 dollar bills, which were equally divided; that Whitmore had colored Van Horne's share, and prepared them for circulation; that Van Horne, shortly after, had gone out into the country, pedling drugs purchased from Dr. Webb, in connection with a man by the name of Martin, who, shortly after his return, was taken up for passing counterfeit money: that the $7000 printed at the Jeff. Smith house, were not issued until the $12,000 printed at the Peay house had been expended: that he did not recollect the opposition of his wife to his connection with the business, or any promise to her to quit it; that they had not spoken together in private since his arrest, and that they had always met in the presence of an officer, and never spoke together on the subject of their evidence.

In every particular essential to the proof of the guilt of the prisoner, they agree in their evidence to the minutest degree. But it is asserted by the defence, that they have prepared their evidence for the occasion, to convict Van Horne. Where did they prepare it? When and how could they do so, when he has been in jail ever since his arrest, and has never been with her, in the absence of an officer, except upon one occasion for about a minute, when coming down from the penitentiary, under the guard of Mr. Howard, his horse started out of the road, and separated him from them for about that time; and this was after she had disclosed against the prisoner. It may therefore be asserted boldly, that they have had no conversation on the subject, or opportunity for preparation; but if they had had the amplest opportunity, what motive could they have had for combining against this man? Have they any pique or spite against him, or ill-feeling that could be gratified, or any interest of their own that could be advanced by his ruin? None such has ever been suggested or asserted.

They could not have had any motive in it, or taken any interest or pride in adding this man to the list; for his name, although the editor of a public journal, would have added nothing to a conspiracy of counterfeiters and robbers, unexampled for numbers, skill, science, and the extent and variety of their employments, which, under the guise of the ordinary employments of life, concealed geologists, chemists, engravers of plates, makers of dies, miners, &c., &c., and carried on a connected chain of operations from the city of Cincinnati to the interior of Texas.

The variance between their statements is unimportant. He does not recollect his promise to her, on leaving Illinois, or her opposition to his proceedings in Little Rock, or whether she was in or out of the room whilst they were engaged in printing the tickets. The value of woman is governed by the intelligence and elevation of man. Among savages, women are slaves, and amongst knaves, their condition is no better. It is impossible for a man, carried away by the constant excitement of any low passion, (which, of course, would make him supremely selfish), to feel any sympathy for a woman. Caldwell has lived the life of a felon, from youth to old age, always excited by, or intent upon, some villainous adventure. Her distress or entreaties never made any impression on his hardened mind. He was evidently unconscious that any thing of the kind had ever taken place. With the woman, however, the case was entirely different. She had a keen remembrance of his being engaged with the counterfeiters in Illinois—that a discovery compelled him to sacrifice his property, and fly the country, in disgrace, to escape the infamy of a conviction and confinement in the penitentiary. When she saw him engaged in the same pursuits, in Little Rock, that might and probably would lead to the same dreadful results, it is reasonable to suppose that she became excited and alarmed, and protested against it, and that all the circumstances connected with it should have left a deep impression on her mind.

The natural and unaffected sensibility she displayed in making the statement, showed how much her feelings had been excited; and, like her manner throughout the whole of this trying examination, wore the authentic stamp of sincerity and truth.

The testimony of Caldwell, independent of the confirmation of his wife, has been corroborated, as to the making of the small printing-press, by Whitmore, by Mr. Reynolds—as to the iron chase, by the production of the chase itself, found at Caldwell's house. Mr. Peach swears that the type with which the bills were printed came, a part from one office, and the residue from the other—that Van Horne was working at the office of the Times & Advocate, and Burrell Leadbetter at that of the Gazette. Mr. Colby states that Van Horne never missed an hour in his office except on Sundays, and frequently had to work on those days until 10 or 11 o'clock. Caldwell, without knowledge as to the testimony of these witnesses, states that Van Horne printed, on type obtained from both offices, the bills, on three successive Sundays, and complained that he could not get out of the office until 10 or 11 o'clock in the day.

It is admitted by all, that the two and three dollar bills of the corporation of the city are counterfeits—that they were made at the Jeff. Smith house, in the summer of 1841—that Whitmore, Caldwell, and Trowbridge, were there—that Whitmore made the press and chase, and cut a part of the type—that a part of the type used came from the Gazette office, and a part of them from that of the Times & Advocate. It has been proven, and must be admitted, that no one but a practical printer could have set up the form and printed the bills. Now, who was that printer? It could not have been Woodruff, or Peach, or Colby, or Budd.

If it were known that, at that time, there was a man working in the office of the Times & Advocate, of whom but little was known, and that very unfavorable to him—who had, shortly after his arrival here, cribbed a great many small things belonging to the house of Mr. Skelton, where he was staying, such as spoons, bodkins, &c., and had been abruptly dismissed by Mr. Burnett from the Gazette office, for some unexplained cause—who had been suspected of raising the two bit tickets into two and three dollar bills, and shortly after abandoned his regular occupation, at which he was getting nineteen dollars per week, and went off, in the heat of summer, to a remote section of the country, on foot, with a man by the name of Martin, peddling off a small portion of drugs, which they had purchased on credit; and that, shortly after their return, Martin was taken up for passing counterfeit money; and that, about the same time, and before the counterfeits were detected, he had paid to Maj. Lawson, the sheriff, at one time, about one hundred dollars in corporation bills, every one would at once exclaim, this must be the man. Now this man was no other than Van Horne, the prisoner at the bar.

The gentlemen in the defence, however, says that the printer must have been Burrell Leadbetter. Why? Because the witnesses have stated, that, upon an occasion long subsequent, and after Van Horne had left the city, Leadbetter stole another form out of the office of the Times & Advocate, and assisted them in making another batch of counterfeit tickets. Upon what testimony do they assert the guilt of Leadbetter? Upon that of Mrs. Caldwell. How is it that the testimony of this witness, whom they denounce and abuse so intemperately, in this case, should be taken by these without exception, to convict Leadbetter, but should lose all its force the moment it is brought to bear on Van Horne. I must leave it for them to explain.

That Van Horne was unsuspected at the time, argues nothing in his favor. Keys was [illegible] with Burrell Leadbetter and others, and yet there can be no doubt as to their guilt. That he had no money at the time of his arrest is not at all remarkable. Caldwell had none, Troy bridge had none, Wilson had but little, although they had handled thousands in the preceding year. Hunt had none, although he had five thousand dollars worth of jewelry in the last year and had passed off a large amount of counterfeit money. Tapley H. Stewart, the brother of the famous Virgil A., had none, yet he passed off immense sums of counterfeit paper and had in his possession a receipt for the delivery of 31 horses on the south bank of Red river, on the 7th of August, 1842—the result of his purchases and speculations, without doubt. It cannot be accounted for except on the principle that it has been ordained by Providence, that those who resort to felonious practices for a livelihood, shall always be ready; for certain it is, that all of these persons, who lived a life of idleness and pleasure, and only employed in villany, and spent most of their time on the street-corners, whilst they must have had in their possession thousands of dollars, and a large amount of valuable property not long before their detection and apprehension—were found to be without any visible means and some of them in great want.

If he be guilty, then all the circumstances of the case are explained, and everything that is remarkable about them accounted for. But if he be innocent, and all the facts stated in the evidence, by these witnesses, be fictions invented for the occasion, the annals of criminal jurisprudence never have and never can afford a parallel to this case: that a woman who had such a profound regard for the truth, that, when put on her oath, should disclose against her husband offences hitherto unknown, enough to secure his confinement in the Penitentiary for the residue of his days: who should never hesitate or equivocate in answering questions, obviously designed to implicate herself—never stop to conceal or excuse her own conduct, should have circulated such a long, circumstantial and most ingenious story, to ruin a man against whom she could have had no malice, and by whose ruin she could not be in the slightest degree benefitted; and that her husband, who had been in close confinement since his arrest, who had never spoken a word to her on the subject, or had any means of communication with her, or had any conjecture as to what she stated, and equally without any conceivable motive, should have recited the same tale, and concurred with her in the minutest particulars, exceeds all human belief, and is absolutely incredible.

If the prisoner be guilty, he is deeply so, and his condition so far as it appears from the evidence is unaccompanied by any circumstances of extenuation and cuts off all claim to lenity. In adjusting the period of his confinement in the penitentiary, reference should be made alone to the justice of the case, and the moral influence which the verdict is to have.

Why is it that so many knaves, from every part of the continent, some flying from prosecutions, and others from the penitentiaries of other States should have collected here, and formed so remarkable and successful an association? It is evidently caused by the well-known and most unhappy relaxation of all our criminal laws. "Let this sin, I beg of you, be no longer upon us"—make this verdict of such a character, that it shall be a formal notice to rogues throughout the world, never to trust themselves in Arkansas.

[The Jury, having retired for two hours, returned into court with a verdict of guilty, and confinement in jail and penitentiary house for 6½ years.]

For the Arkansas State Gazette:

Mr. Borden—A remark of your correspondent *Sabinus* has called my attention to the condition of the surplus revenue, loaned some years since by the general government to this State.

The amount now due from the State Bank, on account of surplus revenue, including dividends thereon, and deducting the $15,000 taken under the specie bill, is $324,724 98. I wish to ascertain what is to become of it. By the act putting the State Bank in liquidation, approved 31st Jan., 1843, sec. 20, it is provided that when the whole amount of paper out, and the whole amount of *specie on hand* is ascertained, *the whole* of the specie, except $2000, is to be paid out on the paper, *pro rata*, in the way of a dividend. The Bank, it is understood, has only about $100,000 in specie on hand, at all the Branches.

Now, sec. 18 of the same law (as "Sabinus" has remarked,) provides that the Bank *shall pay all depositors the full amount deposited by them, in the kind of funds deposited*. If the surplus revenue is a *deposite*, and not part of the capital, then it must be first paid, before any dividend can be declared: and the Bank has only about half specie enough to pay it, no dividend can be declared until she *collects* $224,724 98, in specie.

Now, by the act concerning the surplus revenue, passed *after* this law, and on the 1st of February, 1842, the surplus revenue is expressly declared to be a DEPOSITE, in so many words. It enacts that "the Bank of the State of Arkansas shall reimburse to the State fifteen thousand dollars of the surplus revenue DEPOSITED in said Bank, in specie."

Consequently, by the positive law of the land, which Gov. Yell is bound to regard, if he does not violate his oath, this surplus revenue is to be paid by the Bank, to the last dollar, before any dividend can be made on her notes.

But if this had been all the legislation upon the subject, I should not have troubled you with this note; as the matter had been brought to public notice before. I do not know whether the Governor would obey a law which was passed in despite of his veto. But, on the 3d of February, 1843, subsequent to *both* laws, he approved the act establishing a common school system; and that, at least, he will, I presume, obey. By the 41st section of that act, so much of the surplus revenue as remained unappropriated after the adjournment of the General Assembly, (that is, *the whole*, except the $15,000), with the dividends, was declared to be a capital for the use of common schools; and it was provided that the interest accruing on it after July 1, 1843, should be distributed to the counties semi-annually, on the first days of January and July, in each year.

This section cuts off the whole dividend business. Not a dollar of the specie in the Bank can be paid out on the paper until $224,724 98 has first been collected there, to form the school fund, and until the salt spring fund has also been paid over. This might as well be understood at once. The Legislature have humbugged the people into the belief that a dividend of 40 or 50 per cent. would be paid immediately, when, in fact, there will not be a dollar in specie to pay out for five years.

I do not know what the receivers intend to do, but I hope that, if they undertake to pay out the specie, the county of Pulaski will file a bill to prevent it. We have need enough of common schools, and I have no idea of seeing the fund squandered to make our Governor or anybody else popular. HENRY.

☞The Editor of the New-York Express has a happy knack at sketching character. He has hit off our *bond-selling* Senator in so admirable a style, and withal so justly, that we cannot resist our inclination to lay it before our readers. It also shows the light in which his conduct as Bond Commissioner is viewed by disinterested observers in other States.

Mr. Ambrose H. Sevier.—This is one of those rough and tumble geniuses which no country can produce but ours; and in ours, only the extreme western portion. He has talent of a certain, or rather of a very uncertain kind, and he makes it available by stumping for an election in Arkansas, and then in stumping for Arkansas in Congress. He never gets up and makes a regular set speech upon the merits of a question, but watches his time, when seething cauldron of party politics is bubbling its best, and then precipitates himself into the charmed circle, and adds his potent spell to the witch-work. He is aware that this is his only talent, as a legislator, and usually prefaces his demonstrations, upon the floor of the Senate, with a declaration that he is "about to treat the subject in his usual way;" and then follows, ever, a bitter personal and political tirade, which matches any thing in the vituperative way that has emanated from any of the backwoods legislatures of the wild west.

We see, late western accounts, that this personage has got into some financial difficulty in Arkansas. As the Commissioner to negotiate certain bonds for the Real Estate Bank, there, he received a large sum of money, some $14,300 of which he is charged with having "used up" on private account. This he virtually admits in his published "defence," (in which, by-the-bye, he is so personal in his allusions to others, as to make it almost certain that he must fight somebody,) but apologises for it on the ground that he was a stockholder, and *ergo* had a right to use the cash!

Rabid as Mr. Sevier always was, as a political partisan of the most ultra radical type, we have ever given him credit for honor, honesty and uprightness. But these are queer times [illegible] and things that not long ago were considered theft and robbery are now [illegible] down to speculation and financial embezzlement. And even now, we doubt that, though such fiscal [illegible] as these may get a man to Congress from Arkansas, they would get him into Sing Sing, if perpetrated in New-York. But we don't know.

Singular Case of Desperation.—"Pete, what makes you look so awful?" "Jake, I'm agitated, and unless my spirits grow calmer, I'll do something desperate—I'll rush out and tear a board of the pig-pen!"

THE GAZETTE.

"The Constitution and the Laws."

LITTLE ROCK:

WEDNESDAY MORNING, JUNE 21, 1843.

☞We have taken up much of our paper this week with the Report of Van Horne's case; it could not well be divided, and published in two different numbers. Though to our readers in town, who heard this whole case in court, it may be uninteresting, yet we are sure it will give much information to our country subscribers with respect to the plans of those who have been engaged for some years in counterfeiting our currency. In the speeches published, will be found a pretty full history of the courses which this band of rogues have been pursuing for so long a period with impunity.

☞We call the attention of the Bank Attorney and the Receivers to the communication of "Henry," in our paper of to-day. It affords matter for their contemplation. The 41st section of the Act establishing common schools, would seem to cut off, sure enough, all dividends, for some time, on the notes of the Bank. But did not this surplus revenue, by the act of the State, become a part of the *Capital* of the Bank, and has the State any right now, in equity and good conscience towards the bill-holders, to withdraw it for any purpose—even for the advancement of education by common schools? That is a question to be considered. The suit spoken of in the case supposed by "Henry," would test the matter. Did our members know what they were doing, or were they merely trying to humbug the people?

☞By a letter from a friend in Clark county, we understand that a part of the 16th section in that county is situated on the river, adjoining Arkadelphia, and forms the only point on which the citizens can have any thing like a good landing. The trustees of the township, proceeding under the act of the last Legislature for establishing common schools, have laid off the portion described in town lots, and will offer the same at public sale, on the 4th July next. Persons who are desirous of owning valuable property in that rich and populous county, cannot do better than to attend the sale of these lots in the town of Arkadelphia.

☞Peter Lorillard, one of the oldest and most opulent citizens of New-York, died at his residence in West Chester, on Tuesday last. He is said to be the inventor of Maccaboy Snuff. A Providence paper says, "what countless numbers of the human race, who have converted the nasal organ into a tobacco warehouse, has this inventer caused to sneeze, till their eyes became brimmed with tears! And with how much propriety when he sent forth his first jar to the world, he might have added the words of Anthony, "if you have tears to shed, prepare to shed them now."

The "democrats" of Arkansas held a State Convention at Columbia, on the 1st ultimo. All the prominent locos in the State were present. Richard M. Johnson was nominated for the Presidency, and Col. A. H. Sevier, Wm. S. Fulton, and Edward Cross appointed delegate to the Locofoco National Convention. The month of May, 1844, was designated as the time for the meeting of the National Convention.

[*Nat. Intelligencer.*

[The "State Convention," spoken of in the above paragraph, consisted of about forty persons, of whom the greatest number were the family friends and relations of Col. Johnson. The sitting of the Circuit Court in Chicot county, was deemed a favorable occasion, by Col. Sevier, for drumming up a meeting, friendly to his uncle. So far from "all the prominent locos in the State" being present, it was not heard of out of the county, until after the proceedings were published.—We know that Don Ambrose and a few unfledged politicians in this State (spurred on by their "vaulting ambition, which o'erleaps itself") would have it believed abroad, that Col. Johnson is the first choice of the "democrats of Arkansas;" but the voice which was raised in his behalf at Chicot has not been echoed in any other county in the State. How is this? Are the people so indifferent to the claims of Col. Johnson, or has the name of Sevier, since his *bond-selling notoriety*, lost its potency? Is his recommendation, or rather "*endorsement*," less weighty than he supposed?

DEFAULTERS TO THE GENERAL AND STATE GOVERNMENTS, IN ARKANSAS.

To the General Government.

James S. Conway, Ex-Governor, as Agent of the United States while Governor, to pay off volunteers. Money retained, and judgment in the Federal Court, $13,419 43.

Littleberry Hawkins, as Receiver at Helena, about $100,000.

Davis Thompson, late Senator from Phillips county, as Receiver at Helena, about $14,000.

Caleb S. Manly, as Receiver at Batesville, about $3000.

Benj. S. Chambers, as Receiver at Little Rock, about $4,000.

Laban C. Howell, as Receiver at Clarksville, about $5,000.

Richard D. C. Collins, as Disbursing Agent about $270,000.

Wharton Rector, as Paymaster, (in suit) about $6,500.

William C. Scott, as District Attorney, in judgment, about $1,300.

Ambrose H. Sevier received, in 1829, for William McClelland, then Indian agent, which he has not paid for, (in suit) about $375.

Edward W. B. Noland, as Postmaster, at Fort Gibson, about $9,000.

James W. Pullen, as Postmaster at Pine Bluff, about $500.

To the State Government.

James S. Conway, Ex-Govener, for 5 per cent. fund, retained about 3 years, and paid in Arkansas paper, about $4,000.

John Hutt, as State Treasurer, about 4,400.

William Field, as President of the State Bank, about $1950 in Arkansas money—$2665 in Mississippi Bank paper.

William McK. Ball, as Cashier of State Bank at Fayettville, about $40,000.

PROTEST.

We, the Grand Jury of the County of Pulaski, about to close a sitting of some weeks engaged in our legitimate duties, and understanding that the County Court have made an order, requiring the officers to collect County taxes either in County scrip or silver, or to take Arkansas Bank notes at two for one, beg leave to remonstrate against such order before separating for our homes. We feel that it would operate heavily upon all classes, in times like the present, more especially as the taxes of the citizens, in this State, are unusually high. They do not believe, moreover, that the same amount of revenue can be collected under this order, as without it, since the people have not the means to pay, without too great a sacrifice. The taxes of the State are collected in Arkansas money at par. Why should not the county revenue be paid in the same funds? We believe that Pulaski is the only county which has adopted an order like the one in question—a grievance, we conceive, too great to be borne. And we, therefore, most earnestly, and respectfully request all the citizens of the county to meet on the second Monday of July next, (the day for commencing County Court), to take into consideration the propriety of rescinding the order to which we have alluded. Coming from the different townships, they will know the wishes of the people on the matter, and can aid by their voice in representing them.

JAMES B. KEATTS, Foreman.