

## COOPER AND THE COMMERCIAL.

(Continued from second page.)

*Mr. Cooper*—It will take me at least an hour and a half to make an analysis of the testimony. I have been ill during the day, and if I go on any longer, I shall sleep none to-night. And besides, I shall want an hour and a half to show the malice. You have no idea how much malice there is in that review.

The case was therefore adjourned over until Friday afternoon, when Mr. Cooper resumed, and spoke more than six hours.

He commenced by an analysis of the testimony against Captain Elliot, and he had been satisfied, he said, by examination, that there was a disposition manifested through the whole testimony to cavil and find fault with Captain Elliot, and a disposition to make mountains out of mole hills, which he thought should throw a distrust over the whole testimony. For instance, as to the charge made that Captain Elliot's men were engaged during the action in "dodging the chain shot," he thought they were fully justified in keeping out of the way of articles so much harder than their own heads; but after all there were circumstances about it which made him doubt the truth of the whole story which grew out of it. And it was moreover most undignified cavil on the part of Capt Elliott's accusers.

The testimony of Capt. Barclay, (British) he thought should be received with great distrust, not on account of his character, for that was unexceptionable—but on account of his position. Capt. Barclay was not in the United States fleet, and at such a distance from the Niagara that he could not be supposed to be able to know what was going on on board the Niagara.

He then proceeded to examine the testimony of the witnesses, as given on the stand before the arbitrators. In reference to the testimony of Capt. Sands, he said as to the charge that Elliot ought to have "kedged down" to the English fleet, it was an exploit that could not have been done under the circumstances. It would be necessary, in order to do it, to take the boats right down in the face of the fire of the English fleet; and whatever one may otherwise think of the British, it must be allowed that they are "ugly customers" to meet on sea or land, and we may think we do well if we can get down upon them under the sail and protection of a frigate.

He insisted that political feeling had been mixed up in these attacks upon Capt. Elliott, and ever since the affair of the "figure head," at Boston, he had drawn upon him the malevolence of most of the Whig press of the country. This remark was made in introducing a letter to Capt. Elliot from Major Roach, who he said was a decided politician, who told him (Mr. C.) that he could not help giving Capt. Elliot the letter, although he said he "felt scur about that confounded figure head business." The letter was in regard to the capture of the British brigs near Detroit, in 1812. Mr. Roach was then a major in the U. S. Artillery, and he gives his testimony in favor of Elliot, as behaving gallantly in the capture of these brigs.

Mr. C. next examined the official letter of Captain Perry, commanding Elliot, and his retraction of those commendations some years after. He said he believed that the commendations in the official letter were the free and frank expressions of his (Perry's) feelings and judgment at the time, immediately after the battle, and that the retractions were made under the influence of feelings which afterward arose toward Elliot. And to sustain this position, he went on to show by letters on both sides, that a bitter and vindictive quarrel had arisen between Perry and Elliot. He therefore felt, when he wrote his history, that he should look at the charges made by Perry against Elliot with a good deal of caution. It was evident he said, that there was a personal quarrel between these two gentlemen, and he felt himself bound, as an impartial historian, to take rather the testimony of Perry before this quarrel arose, than the charges made when these officers were at personal issue. That there was such a quarrel he argued at great length, from the nature of the specifications made by Perry against Elliot, many of which he pronounced untrue, and most of them grossly exaggerated. In his examination of the specifications, Mr. C. made use of a diagram to show the actual positions of the vessels at the battle, and his illustrations and nautical terms we should hardly be able to make intelligible.

## RECOLLECTIONS OF THE WEST INDIES.

(Concluded.)

This painful duty accomplished, the line was wheeled back into divisions, and in conformity with the practice usual on such occasions, marched in slow time past the bodies and coffins of the criminals. Here however our task was not ended, for the sentence of the remaining prisoners was to be carried into execution, and a second party conducting the men who were to be flogged soon afterwards appeared. The triangles were soon prepared, and the furnace which was to heat the ignominy-stamping iron lay smoking at a distance. Being quickly stripped, the first who was to suffer extended his arms and legs for the purpose of being secured to the triangle, and beneath the eyes of his fellow criminals, who must have suffered nearly as much in the anticipation as in the actual punishment itself, received as many lashes of the number awarded as the medical men present pronounced him capable of enduring. The hot iron was then brought forward, and beneath its hissing surface, on a part of the back which remained untouched by the lash, was traced the character which to a soldier is ever that of infamy. The other prisoners were successively tied up, flogged, and branded, nor was it until a late hour in the morning that this scene terminated.

Of all the capital punishments inflicted by man on man, a military execution is at once the most imposing and the most affecting. The criminal who perishes on the scaffold is often a stranger to the thousands who, attracted by vulgar and unfeeling curiosity, rush tumultuously to witness the writhings and sufferings of a fellow being. No feeling save that of instinct finds entrance into their bosoms, and even at the solemn moment of death the most disgusting scenes of contention frequently occur. Often does the coarse and brutal jest of some ruffian call forth the still more brutal laugh of the populace, and mingling with the last prayer of mortality, outrage both nature and humanity. The pangs of the victim are witnessed by the mass without emotion, and the spectacle is viewed only with the eagerness of curiosity which would be exhibited at a tragic representation on the stage. Few return better than they came, or benefit by the example they have witnessed, and when they relate the tale of ignominy and death to their children, it is less with a view to inculcate a salutary precept, than to impress them with a high opinion of their knowledge, or of the wonders they have seen. How different is the other. The soldier criminal, when conducted to suffer the penalty of his crimes, beholds in each individual a friend and a companion, and in the awful silence of that moment traces feelings even amid the gloom of inflexible features, which are only checked by a deep sense of military subordination. Men who have been nursed in camps, and hourly accustomed to the sight of blood, feel their hearts sink within them at the anticipation of the scene which is to follow, yet though their sympathies are deeply excited no murmur escapes their lips, for all acknowledge the justice of the sentence. No other image is suffered to engross their attention, but absorbed in contemplation of what is passing, they await in motionless attention the termination of the tragedy, and as the tearless eye of the veteran glances on his officer, he feels that such even would be *his* fate were he to violate those articles of military law which entail the penalty of death. The feelings of the officer are no less moved, but with him as with the soldier, they are only expressed in the stern fixedness of his gaze, and the gloom which overspreads his features. Nor is the solemnity of the last act of justice interrupted by any other sounds than the reports of the instruments of death, and the occasional groanings of the victims. All else is still and motionless as the grave, and when aroused from the statue like appearance they have hitherto maintained, the numerous columns have been marched slowly past the bodies of the criminals, they return to their quarters with minds deeply impressed with solemnity and dread at what they have witnessed, and inclined to become better soldiers, and better men.

CAPTAIN SCHENLEY.—Yesterday, at a special confirmation, held purposely at St. Paul's, Mrs. Schenley, the youthful bride of E. W. H. Schenley, Esq., was confirmed by the Lord Bishop of Llandaff, Dean of St. Paul's, &c. This lady, respecting whose marriage the American newspapers have indulged in so much rancour and rhodomontade, has been sitting for her portrait to T. Lewis, Esq.—*London paper.*