THE EVENING TELEGRAPH

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PHILADELPHIA, SATURDAY, APRIL 28, 1866.

DOUBLE SHEET-THREE CENTS.

THE CHOLERA

Deprived of its Horrors by Purifying and Enriching the Blood.

NOW IS THE TIME TO USE A PREVENTIVE.

There is None Equal to Helmbold's Highly Concentrated Fluid Extract Sarsaparilla.

THE CHOLERA

Is defective vitalization of the blood, and when the blood LIFE GIVING POWER, It causes relaxation of the contracille power of the blood cessels of the booy, and the intestines open their myriad blood ressels and all the albuminous or flesh making material passes of from the bowels. PURE AND HEALTHY BLOOD RESISTS DISEASE,
And while there may be no occasion for diarm, those
of impure blood are most liable to suffer.



IN THE SPEING MONTHS the system naturally undersors a change, and HELMBOLD'S HIGHLY CONCENTRATED EXTRACT OF SARSAPARILLA is an assistant of the greatest value GIVID G BLOOM TO THE PALLID CHEER BEAUTIFYING THE COMPLEXION



IT EEADICATES ERUPTIVE and ULCERATIVE DISEASES of the THROAT, NOSE, EYES, EYELIDS, SCALP and SKIN, which so disfigure the appearance, PURGING the evil effects of mercury and removing all taints increments of Di-EASE, hereditary or otherwise, and is taken by ADULTS and CHILDREN with perfect SAFETY.



Not a rew of the worst disorders that affect mankind Not a few of the worst disorders that affect manified arise from the currupton that accuminates in the blood. Of all the discoveries that have been made to purge it out, none can equal in effect Heimbold's Compound Extract of Sarsysaria. It cleanses and renovates the blood, instills the vigor of health into the system, and purges out the humors which make disease. It stimulates the healthy functions of the body, and expess the disorders that grow and rankle in the blood.



Scrofulous, mercurial, and syphilitic diseases destroy whatever part they may attack. Housands die aunually rem protracted diseases of the class, and from the abuse of mercury. Visit any bosnital, asy um and prisons, and satisfy yourself of the tru humness of this asser ion. The system best resists the inroads of these diseases by a pudicious combination of Tonics.

Helmboid's Fighly concentrated Fund Extract Sarsaparilla is a Tonic of the reatest value—arresting the most inveterate disease after the glands are destroyed, and the bones already affected. Inlis is the tostimony of thousands who have used and prescribed it for the last 16 years.

BBBBBBBB Scrofulous, mercarial, and syphilitic diseases destro-



AN INTERESTING LETTER is published in the Medico-Chirurgical Review, on the subject of the extract of Sarsaparilis in veneral affections, by Benjamin Travers, F. R. S. etc. Speaking or Syphilis, and diseases arising r. in the excess of mercuty, he states. That no r.m. oy is qual to the extract of Sarsaparilia; its power is straightful to the extract of Sarsaparilia; its power its extraordinary, m.r. es other my other drug I am acquainter * h. R is in the strictest sense a tonic, with this incalculate a tribule, that it is a picable to a state of the system so sunken and yet so irritable as renders other substances of the tonic class unavailable or insureus.



TWO TABLESPOONS FUL of the Extract of Sarsaparilla, added to a pint of water, is equal to the Lisbon
Diet Drink, and one bottie is equal to a gallon of the
Symp of Narsaparilla, or the decocdon as usually made.
The decoction is exceeding fromblesome, as it is neces
sary to prepare it tresh every day, and the syrue is still
more objectionable, as it is wealer than the decoction;
for a finic saturated with sugar is susceptible of holding
in solution much less extractive matter than water
alone, and be syrup is otherwise objectionable for the
patient is frequently nauscated, and his stomach surseited, by the large proportion of sugar he is obliged to
take with each done of sarsaparil a and which is of no
see whatever, (xeept to keep the decoction from sholiting. Here the advantages and superiority of the F nid
Extract in a comparative view are strikingly manifest.



He'mbold's EXTRACT BUCHU Cures Kidney Disease, He mbold's EXTRACT BUCHU Cures Rheumatism He'mbold's LATRACT EUCHU Cures Urinary Diseases. He'mbold's EXIR CT BUCHU Cures Gravel. He mod's EXIR CT BUCHU Cures Brictures. He'mbold's IX'RACT BUCHU Cures Brictures. He'mbold's IX'RACT BUCHU Cures Brictures. For the diseases named above and for Weaknesses and Pains in the Back. Female Complaints and Disorders arising from excesses of any kind, it is invaluable.



THESE EXTRACTS HAVE BREN ADMITTED TO USE IN THE UNITED STATES ARMY, and are also in very general use in all the State HOSPITALS and PUBLIC SANIFARY INSTITUTIONS throughout the and as well as in private practice, and are considered as invaluable remedies.

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SOUND ARE OF COUNTERFEITS. BEWARE OF COUNTERFEITS,

THIRD EDITION

PROBST.

THE GREAT MURDER TRIAL.

PROCEEDINGS IN COURT TO-DAY.

ADDITIONAL EVIDENCE.

SPEECH OF PRISONER'S COUNSEL.

THE DEFENSE SET UP.

Etc., Etc., Etc., Etc., Etc.

Special Report for The Evening Telegraph The morning there was not the stightest diminution in the crowd of persons assembled around Independence Equare to witness the usual morning's walk of the ielon Probst up the main avenue of the Equare on his way from the prison van to the court-

Directly after leaving the van and upon entering the Square, the crowd as usual set up a hideous yell. It seemed, however, to make no impression upon the prisoner, as he has by this time got pretty well used to such greetings. As soon as the Square gates were closed, Chief Ruggles, who had charge of the prisoner, turned him around facing the crowd, and permitted those assembled to get a view of his features. The Chief, however, cautioned the crowd not to make any noise, which request was only partially observed.

Just before the prisoner entered the court-room he was stopped for a few moments, in order to permit the crowd on Sixth street to see him. Here, as at the south gate, Chief Ruggles notified the crowd to keep silence, and thus prevented another terrific yell on the part of the mob. There is little change in the manner or appearance of the prisoner since yes-

At 10 o'clock punctually the Crier, Mr. James B Dare, opened the Cou.t. The court-room was, if possible, more crowded than on any former day during the trial, the desire being very great to hear what line of defense would be taken up by the prisover's counsel.

OPENING ADDRESS FOR THE DEPENDANT.

John A. Wolbert, Esq., delivered the opening address on the part of the defendant, in an eloquent and able manner. Owing to the fact that the copy of his address, and that following of John P. O'Neill. Etq., is constantly being ! rought by messengers from the court-room to the office of THE EVENING TELE-GRAPH. in detached sheets, as prepared expressly for these columns, we present as comprehensive an abstract of the re narks for the defendant difficult circumstances of the case will permit.

Jorn A. Wo'bert, Esq. said:—May it please your Bonors—You will pardon me, gent emen, in opening my case if I first make mention of my position, and that of my colleague. When assigned here, I said it was a position, perhaps, not a pleasant one. Feeling deeply into ested as one must in a frial like this, I come to you to meet the commonwealth's case. I ask at your hands, gentlemen of the jury, no sympathy I come on tetall of the prisoner to meet the Commonwealth's case, and answer is from beginning to end. It is not by eloquence we are to try this case, and tew can equal the eloquent District Attorney who shall follow me.

The pr soner at the bar, Antoine Probst, is twenty-four years of age; his tather, mother, and three brothers and sisters now reade at Baden, Germany. He came here on the ship (olumbus, leaving on the 12th of March, and arriving May 12, 1868. He had 12th of March, and arriving May 12, 1863. He had been here but two hours when he strayed into Castle Galden, and was persuaded to enlist there by an officer of the United States Army. He enlisted in an infantry regiment, State of New York. He went to camp, and thence to Virgin a He served, and his time of enlistment expiring, he came to Philade phia. He stayed here three or four weeks, because the bounty was returned to him, and he had money to spend then. He stayed with he comrades until the money was gone and then enlisted in the 5th Pennsylvania Cavair, went to Camp Cadwalader; staid eight cays, and went to camp. The regiment was then at Deep Run. Virginia, a place of little note; not known when there, he commenced doing picket duty and scouting, having been before in an infaviry regiment. He stayed there some time doing picket duty; he, too, was shot and lost that thumb picket duty; he, too, was shot and lost that thum!

on his right hand

Coming I ome a few days after the capture of Richmond, he went to Mr. Moore, on Front screet. He had some money, and gave it to Mr. Moore, staying fourteen days; then went to New York, to Greenwich street, and stayed there three or lour days; returned to Philadelphia; not being well, and meeting a contrade the friend said. "Come with meeting a contrade the friend said." Come with meeting a contrade the friend said. "Come with meeting a contrade the friend said." Come with meeting a contrade the friend said. "Come with meeting a contrade the friend said." "Come with meeting the first of the contrade the friend said." "Come with meeting the contrade the contrade the friend said." "Come with meeting the contrade days; returned to Philadelphia; not being well, and meeting a comrade, the friend said. "Come with moto the Soldiers' Home." He did so, staving about two weeks. He left, and his money being gone, alone, and no one to assist, he started out for work. Why he went to the Neck I can't say; but, perhaps thinking it was nearer to the farmbouses, he went there, being used to farmwork. He went to the house of Mr. Dearing; he was away, but his wife said they wanted a man, and Mr. Dearing would be there at 6 o'c ock. He was taen engaged to work tiffeen do, lars a month; staving a short time and at fifteen do lars a month; staying a short time and carning wages he left, and went to Mr Moore's; left in a few days, and was sent by an employment officin a few days, and was sent by an employment office to Maryland to pick peaches. Fearing the typhoid fewer he returned to Philadelphia, and was taken sick with the fever. Went to the Amshouse, and there hearing or the package from Germany, he called on Mr. Moore and got it. He then vent to hew Jersev; worked, and then being discharged came back to Philadelphia; remained one day, and then returned to Mr. Dearing, who engaged him at \$10 a month. The prisoner stayed there until his arrest

Now, gentlemen of the jury-1st, the Common-weath have failed to prove when this murder was committed. No living person can say when. Fight committed. No living person can say when. Eaglity persons have been murdered, and yet nobody can tell one syllable about the murder. The fact is only we find them there. Mr. Everet goes to Mr. Dearing's barn, and finds a stocking sticking out; this is the furthest known; and they are then dug up, the neighbors gather, examine and find the stocking has in it a man's (oof; the police uncover the hay and find the body of Christopher Dearms. That is all the Commonwealth have to d us in reference to the murder. They have only the naked fact he was thus found. By the side of his body was Elizabeth Dolan; the same may be said of her, and had indeed went to say they are dead. Yet this inquiry to-day i to determine if murdered, who murdered them. The murdered mother lay with her dead chi dren covered up in the No one can throw any light upon the case; no

The Commonwealth on this trial have offered t you, gentlemen, circumstantial evidence. I might have brought before you stacks and stacks of pooks and shown people convicted thus when the people were excited, when the Commonwealth would noot at detonse and yet arior conviction and execution the man has been proved innocent. But there is the are household words. I might have excluded many of you from the box; but we only wanted to have boyen from the box; but we only wanted to have the bonest men in the jury box; we only asked to have twelve honest men to try him fairly; that you would exclude the hallooing and tunult from outside the court house, and think you are to decide upon the line or death of a fellow-being. I think you will not do that hastily—not in a case like this where the links of evidence are broken.

The bodies were found dead a sorry sorry sight.

The bodies were found dead; a sorry, sorry sight. I pass if by uniouched upon. The bodies were found as described by Commonwealth's witnesses, The

Common realth say this man at the bar has done of e died; for that he is now on trial. It is true he is from a grange land, and has no one here in this day of trail o say one kind word to him; but he is here, where our a vs and instintions bid him come, occur tis and of libers from his own country, and he appreciates this country for which he four at.

Mr 1 wight has a luced eloquently to the fact that the pod shed of the army did not use him to scenes of man er, but, gent emen there it is no such binz. I can se him in the army, striving on the side of he right; I can see him there in the ranks; but that Were this a trial for Jarceny, the Commonwealth

might have some argument. From the Let that greds have been found with this man, that might minish a case of tria for largeny alone.

On Friday the prisoner was paid ten do lars by Mr. D; he came to town, perhaps to spend it A wittess site, between 2 and 4 o'clock, he say him at the large ten and a. Another witness, the bay

witness site, between 2 and 4 o'clock, he saw him at the larger bee salorn. Another witness, the boy, so she saw him workene at Mr. D.'s; he was some three hundren or four hundren vards away. I do not, however, desire to ploc out discrepancies, but to neet the Commonwealth's case.

The question is—Diophis man commit this murder? After Fricay, 4 o'clock, Saturday night, between and 8 o'clock, he is seen again; sunday and Moncity, Tresday and Wednesday again. And when y is this murder committed? Saturday, Sanday, hindry, Theeday, Wednesday when? The Commit wealth, by inference—theory alone—are trying to tell you this.

• is seen all these days in Front street, either at Lackleidt's or Moore's; morning, a termoon, even-

Latkield's or Moore's; morning, a termoon, even-ing. Up to this time, gendency, this murder had no been leard or not until the following Thursday

d d the authorities know of it.

Now, went emen of the jury, we are not to split
hars on the question of a man's life. We are not to
try by theory but by cyrdence. Look on those eight dead be dies and say it one man could have done if at—killed them. It is nothedark, and to get out of the dark the Farned gentlemen have go up a theory—attempting to account for that. I submit, wentlemen, theories won do; it must be facts submitted to you! eight people murdered, and all by one man.

lake the condition of the place; look at the cothes upon them; you can see if one man done it and tock the bodies from the yard, or where they were killed there would be evidences of the dragging through the mud. There is no evidence of that on the woman's frock to show that dragging across that soft dirt of the barn. That fact would have appeared, but it did not. The sharp eye or the detective saw all else, but not that. But the bodies are there in the barn, free from a 1 mud whatever. Now could one must have you them there? Do you think could one man have put them there? Do you think that possible to be done? He might have taken the acults by the shoulders and let the shoes draz on the ground and te covered with mud. But they are

free from a ldirf, and that convinces me two people must have carried the bodies into the barn.

The prisoner was arrested on Phursday night, at the Market streer bridge; he is taken to the Sakh Ward Station House. The Mayor has offered a large reward and a lover, not only this city, but the particular wall the solves offerer are at work asserbling. untry, all the police officers are at work searching

country, all the police officers are at work searching for the murderers.

Now, gent emen, the prisoner at the bar, Antoine Protest, fived with hr. Dearing; we do not deny that the left Mr. Dearing's house on Friday, as thave fold you, with \$10 Mr. Dearing gave him. The Commonweath sa, we have found, through the detectives, a carpet-bag, gold and silver watch, and two pistols, airge and small. We prove he left them on raturday night at a house. Who knows the murder was committed on Saturday night? The whole family might have been all well on Saturday night. They might try him for larceny on that evidence, but not for murder.

Now, gentlemen, let me ask you to bear in mind at that time, on Saturday night, when the prisoner est that car et-bag we do not know if he had been murde et No living witness can say, if a min of mins a larceny, and somebody steps in and com-

was dead or a ve We do not know if he had been murde ed No living witness can say. If a min or minis a larceny, and somebody steps in and commits a murder, shall that prove that that man commit d a murder? Remember the carpet-bag was letten Saturday night; on the next Pharsday a shirt is found at Mr. Dearing's home yet wet with perspiration WET. WET, yentlemen was the word he used. If the person had taken off ais shirt on Saturday would it be yet wet on inursday? Gentlemen of the Jury can you presume that? Therefore, gentlemen, I say this main may have had these goods tong before the murder was done or thought of. Common wealth has shown two axes, and both of them bluddled. Think of that. Wou done man want two axes; He could not use an axe in eachand. Why should both axes be bloodled

A other fact proving two men committed the bloody deed:—They say the pris ner's pants was to ind upstairs, under the bed, with plood on cale in ly roled ap; that was the usual place he had to In 19 folded up; that was the usual place he had to put his clothes, having no bureau. Is there anything strange about that they were rolled up, and blood upon them? What kind*of blood? Human blood? The Commonwealth have never roved that.

Could this so cool and deliberate min, as the Commonwealth call him, have put bloody pants rolled up in his own room under his own rock, he might

up, in his own room, under his own oed; he might have washed them at the well, and burnt them. He may have been killing cattle with Mr. Dearing. That

is a legilimate question. Are you to assume only for the Commonwealth? I trust not.

I plead, gentlemen of the jury, for this man and his family at home. Their hearts and their hopes are with him. Little does his aged tather and mother think he is in the bar being tried for murder. Give him justice. Do not be swayed by the tumultuous croad who sway round the Court house to tear a man to please whether smilty or process. man to pieces whether guilty or mnocent. I can imagine the fee mgs that sway them impulsively. But we are here to try him in a court of justice.

We do not know what kind o blood that was on
the bants. We have as much right to believe it of
one kind a of another

It is true the trinkers were taken from the bouse that is a farceny; but it proves no murder \$400 were even by Mrs Dolan to her daughter; where are hey? The prisoner has had very little money; he has sold a watch, offered to sell a revolver; could not lean an old comrade 75 cents.

Again, the prisoner remained about the city. He did not aftern to fice, as do all murderers. No a tempt to t ke flight. He remained where he had been known for enginteen mouths back and does not fly for safety. He fee's that he has committed a lar-ceny. The commonwealth might prove that They have a case for that I admit. He does not then, wish to rourn to Mr. Dearing's He has the watch of Mr. Dearing, indeed, but does that prove a murder?

The Commonwealth has the case all fixed. They The Commonweshth has the case all fixed. They tell you who, first, second, third, etc., were all killed. My learned friend Mr Dwisht, tells you where even Mrs. Dearing was kill d. But they can give the only argument against Mr. Probst that his pants have blood on them, and have been rolled up and put under his own bed in his own room. A man who commits a murder does not do that sort of thing. A man wheles to get rid of the damned spot; he does not take it to his own room and leave it there.

Both of these axes had been used. One left by the kitchen-door and the other in the ditch. I do think you will say gentlemen, that a man would not be apt to throw away the small axe and then take the larger axe, the heaver one, more difficult to use, yet the Commonweal than he used the small one first. he Commonwea th say he used the small one first

and then cast it aside.

But what is the evidence? Purely circumstantial son etin es circumstantial evid nee is better than witnesses; but facts are stabborn things, and in a criminal court we cannot thus decide upon a man's life. We are, however, called upon to presume all this by the Common seaith. tan you do this? Can you take away another's life to follow the eight who have gone tefore?

Even in a case where a man's liberty is concerned, conscientions men must pause. But where a man's

Even in a case where a man's liberty is concerned, conscioutious men must pause. But where a man's live is concerned you must cai thully pause, consider and magnity the doubt into almost a fact.

Gent emen of the jury, I have briefly gone over this case, and in a few moments will yield to my very able collearue But I have endeavored to show the Commonwealth must prove, first, a murder; second, a deliberate, premeditated, willin murder; thind, that the prisoner at the bar did it.

You are to say, contlemen whether this man did

You are to say, gentlemen whether this man did the murger. You are to say beyond all doubt that this man did the deed. If you doubt, the Court will tell you you must give him the benefit of that doubt. You are siting here as this man's neers. Oh, so a one by the evidence! Do no; sacrifice hastily and needlessly another man's life. Presuming that this man is the guilty man uson so pure y direct metal evidence, the law will not permit it.

tail evidence, the law will not permit it.

I will now, gentlemen of the jury, submit this case to your bands. It is a serious thing for a lawyer to have a case involving the life of a fellow-being. It is one he wou d like to shrink from, if he could in justice to law; even it the lawyer believed beyond ail doubt he was guilty, and had the crime stamped and the her was guilty, and had the crime stamped and the bary would take him home. upon his brow, yet the law would take him home and give him a fair trial. I have, gentlemen, duscharged my duty. I can only ask you to exrefatly consider the evidence, and pause, ere you send his life hack to God. life back to God.

SPEECH OF HON, JOHN P. O'NEILL. John P. O'Neili followed. He said:— Gentlemen of the jury—1 feel, gentlemen of the jury, that in your anxiety to do justice, you will

leved a patient car. I rise not to defend murder, or advocate assassins. I rise to discharge a duty committed to me by this honorable Court, and I intend to do the best in my power to discharge it mithfully. I have no recompense I expect none. No pay alial coll the discharge of so honorable a duty. It is made in respect to this honorable Court we are Letore you appointed to walk with him through this dreadfull t avail of his life, as faithfully names. Lest the liberty so sacred in the eyes of the awthough by violated in the trial of this man, we thank you kindly gentlemen of the jury, for your attentive, eager listering, and from the assurances you have thus given we know you will follow us attentively to the end.

rances you have thus given we know you will lol-low us attentively to the end.

Come with me to the case. Good men and true slat d heart and hand together. I scall not ask for symbathy and mercy, only for justice.

He is no ndless homeless, a one. Away from his native Baden, he is here in the dock, on trial for his life. He locks to you, he poers, and he asks you for justice. I ask you, by the spirits of the murgered dead, by the spirit of the little babe that fived in the summer lour weeks ago, by the spirits of a 1 those dead. I ask you, if you flud a doubt that he did that loul deed, do not send his spirit after their stanga-tered lives.

Be calm. He stands before you, in the eyes of the law, equal to the best and purest in the land. Justion charges him and casts her protecting segment them. Who is this man here?—equal to the best, and superior to none, and interior to none. He is before you, and simp y asks a patent, caim nearing. Let not the outside c amor overcould you minds Woe shall be the day ween a verdict shall be forced from a jury by popular yells and executions. We had be that day. This is the consecrated temple of just ce. The voice of the Court will caim those trembled waves of discord, and restore the calm of

As I have said gentlemen, I rise not to defend marder. This day four weeks ago an humole and morder. This day four weeks ago an humole and genteel inmity lived and breathed, in the lower part of this cit; codey they are gone; n four weeks from the time, we are sitting u on the trail of one accused of the trailed. Now the Common vealth asks you to establish the fact by your verdict that Mr. Probst was their murderer. They say on the 7th of April, at 4 o'clock in the afternoon, he was seen in the field working; that next day Mr. Doaring was seen in town with Miss Dolan, going to ais home; that on Thursday following the boals of eight were found murdered on the Dearing farm; they go on to say, by circumstantial evidence, that Mr. Probst did the murder.

Mr Probs. did the murder.

As what are the croumstances? They say that
the property of the Dearnas was found on the person of Amoine Pross. The watch, cham, pisto s son of Anione Pross. The watch, chain, pisto's neckie and oth i things were found. Suppose we admit they were thus found. But is it a just conclusion that he cid commit that murder? What proves it? Not the larceny. Was it committed on saturca;? Who says that? The District Atto ney thus gives his assumptions. But you cannot try by these assumptions. You must be guided only by the restimony. You have nothing else before you Nowhe ein the testimony are you told the murder was cone on Saturday. You only have the theory of the District Autorney in this matter that of the District Attorney in this matter that they were seen before and then not after until Thursday. But how do you know they were muncred on Saturday? There is no evidence; none—none—toward be an outrage to declare there was. If there is any doubt you are bound by the mercy and justice of the law to accept it. You

have no evidence in invor of it; have you any against ti at murder being on saturday? Look at the shirt, wet, wet, wet how came it if wet on saturday not dry by Thursday, if simply wet by perspiration? The witness identified it as the prisoner's shirt, out when cross-examined stated that she had never seen any of his. There a replaced to require weather the same than the same transfer of his. There is nothing to prove it was his. If the left it there on Saturday, I put it to you in reason it would have been completely dry on Thursday. Let no sophistry or declamation cloud that undoubted lact; take it to your room, ponder it, and if you can reconcile that with reason, justice, and mercy, send him to the doom you are empowered to do.

He is a poor wait upon the waters of the world. His hie is worth nothing to tim, the has hope in his heart or money in his pocket. Give the the scaffold; it is nothing who ever But doom nothin, and a day may come of sorrowful, peniteut, suffering retribution. But good men and true, keep to this tynence. Beware to beein to falsity that. Do not for ake the evidence; you can never reconcile that wet thir; with the theory and reasoning of the

Therefore, the evidence of the Commonwealth points to the fact the murder was not committed that saturday. The Common wealth say it was done between breaklast and dinner. But that day many tween breakisst and dinner. But that day many people pass up and down Jones' lane. Thee, how could this awtil deed be contemplated to be done on that day people mardered, when so many spectators were around him repasting at all times? What! In the open day? Did not know when he would be caught? What! Dat wit is o many passing and repasting all the day? The alarm would have been spread far and wide in a few moments. It is against all the lasts to assert the murder was committed on that day. committed on that day.

Now the fact is before you that the murder, as to the time, is not known; therefore the Common-wealth's argument is only theory. Will you, there-fore, argue he committed murder on Dearing be-sause he wore the necktis, because he had these articles of the Dearing family? The key question is, when vas this murder committed; when did he get the goods? Belore the murder or after the murder? No evidence tells us. Who says he did not before? If you hang him upon that assumpts in you give his memory forever to the doys! Good men and true, I decare that he got these things before the murder, and there is no evidence whatever that they were not taken before this cruel nied was cone. And being thus stelen before the murder, their possession by him would prove nothing but a mere larceny. The law mercitally presumes everything and everybody to be innocent sumes everything and everybody to be innocent until the guit is proven. It is against law then to say then that he did the murder, and then took the go ds, without evidence say he got them afterwards. Gentlemen can you swear otherwise. You have no evidence to show otherwise. You will swear to that last if you condemn this man by your verdice. Scarch this evidence, and I sak you to look it, scrutinizingly and carefully look at it. The Commonwealth has not established that fact, and I say you are bound to give him the benefit of that doubt.

The Commonweath asks you shall you infer guilt from the fact that he had left these things beaund them. My coheague most torcibly asked blood!
What blood? Way, in the Armstrong case the whole case turned upon the point of the blood in the wagon. That craminal declared it was chicken wason. That craminal declared that fact, bl. od. The D strict Attorney investigated that fact, bl. od. and Armstrong lost his life by the decision of that

iatal point Now you are asked to declare that that blood was human blood There is no testimony whatever to test you this was human blood.

Now, rendemen, that is the theory of the Commonwea the Is that sufficient? Now could I give you the solitude of the family. Its lone iness and desolation, shut out from the clamor of this city. desolation, shut out from the clamor of this city. Put a chord upon your mem ry to still, the past to go with Protest into some remote place, to forget all the past, simply to hear this testimony. Would you, could you convict on this testimony? Is it clear? Is it positive? Is it teyond a doubt? I tell you it is not. If you could do that, gentlemen. I am sure you could never enter the verdict of guilty in this Court ounded upon such testimony.

this Court founded upon such testimony.

The Commonwealth is inconsistent with litself, it is consistent with Probat's innocence, and you are bound to take the benefit of that case.

Is it probable that Autome Project did this deed? Mr. Dearing a full grown man—Miss Doian a woman—Mrs. Dearing alive, and the little children skipping near by—the big boy in the field—could be go that deed within sight of the near coltage?

Is it probable he did do it. If he would do it? Would be then lost raround, and so to the place he would be sure to be found out? Would be seek public haunts and walk onton studday; walk anywhere and ever, where? Would be have exhibited such coolness of manner and spirits after such a cincle deed? All the actions and surmounting of this man repei the idea of such misdeeds.

He certainly did not do it on Saturday. From

He certainly did not do it ou Saturday. From Saturday until Thursday we have had him fully tracked by the detectives, step by sep. And now. who says that the morder was not commuted on Morday. Oh, I ask and I wish that it would run to every flore of your heart. Oh when was the murder committed. If on Monday I was in the city; and that shirt said to be taken off on Saturday, was et wet on Thursday. The shirts was found wet, wet, wet, mind the word 1-on the Thursday. This argues forcitly the marder must have been recently committed; and if done later, the prisoner at the bar was not at that house. was not at that house.

We have had a great deal of testimony descriptive of the wounds that opened their mouths to tell the bloody deed; but mone of those witnesses told him

the odies were found warm or cold.

Why the very dogs in the three days around the place, from Saturday to Thursday, would have secuted and hunted around that place between Saturday and Thursday; they would have found the bodies of the murdered little once they had so often

frolicked with Therefore, Sentlemen of the jary, you cannot say, I dec are, that this murder was dece of Salurday.

We ask you to look at this evidence on this point. Look at it in all its features. Consider the theory of the law, that all men are to have the benefit of any coubt, any Christian interpretation, you can rut upon it. You are bound by your eaths to do this, as the Court will interm you. You must look

this, as the Court will inform you. You must look at the common case. It is purely upon circums ancial evidence, and how many times has that evidence lied before availed pricon is.

Things got into the case that I did not approve of: I could have objected to them, but I wished to give you all the light that could be afforded you; you have it all, from beginning to end it is only circumstant at the things that surround the case. If you can reconcile these circumstances with any theory of innocence, you are bound to do so, and I ask you to do: it.

Nobody can recall the dead of that most horrible deed. The cottage is consecrated forever, and pos-terity cannot lorget it. I would give it a linge that yould never die out, as sweet as the voice of the

nightingale.

But I would not sacrifice an innocent man. I would not allow your minds to be clouded with any or those feelings of sorrow to the condemnation of this man without the basis of evidence. You cannot, you dare not, with this evidence, send the spirit of Piebst, innocent, to follow those of murd spirits,
I leave Probst with you, good men and true. Hold together and hearken to the evidence.

[Continued in our next Edition .]

WASHINGTON.

Special Despatches to The Evening Telegraph.

WASHINGTON, April 28. A Revenue Decision. The Commissioner of Internal Revenue, to-day,

rendered the following decision:-"All expenses for insurance upon property, and all actual osses in business, may be deducted from the gross income of the year; but losses sustained after December 31, 1865, cannot reduce the income for the kind of business may be deducted from gains in another; but not from the e portions of income derived from fixed investments such as bonds, mort-pages rents, and the like As essors should also be careful not to allow the deduction or amounts c aimed to have been lost in business, when in reality

they should be regarded as investments or expendi-tures; as when merchants expend money in ra-ing, or gardening, for recreation, or adorn, or, rather than pecuniary profit. Persons travel. 2g about the country as the agents of manufacturers, or cealers seeking orders for goods as agents of one person, or firms, only such as salaried clerks or men hired by the month, should not be required to take licenses as commercial brokers. All parts of deci-sion No 159, inconsistent herewith, are hereby re-

North Carolina Freedmen.

The Assistant Commissioner of the Freedmen's Bureau in North Carolina, has transmitted to the Bureau his report for the quarter ending March 31, which contains the following matters of interest:-

"The number of destitute and dependent freedmen has been gradually reduced to such an extent that issues of rations may soon be discontinued. The domand for labor still greatly exceeds the supply. The freedmen of Roanoke Island have been notified that they would receive no more supplies after May I, and strengous effortt are being made to effect their transpart.

The President Monopolized.

It was remarked last night at a late hour, that the Democracy were in an unusually hilarious mood. What spirit inspired the unwonted en-Ausiasm did not transpire till this morning, when it was ascertained that a large party of the Democratic members of both Houses of Conress had a private and exclusive monopoly of the President's time and attention at the White House during all last evening,

The receipts from customs at the ports of New York, Philadelphia, and Baltimore in the week ending April 21, were as follows:-New York, \$2,536,375 49; Philadelphia, \$179,857.84; Baltimore, \$59,981.05.

Receipts from Customs.

The Heroic Treatment.

The Washington correspondent of the Richmond Republic invokes the advent of cholera to disperse Congress, that the President be left free to save the nation. This is paralleled by the recently pardoned Nixon's hope, that yellow fever would decimate the Union soldiers. That correspondent ought to be invited to retire from the gallery.

The President issued orders yesterday to General Sickles to suspend the execution of sen tence in the case of five Rebel guerillas who had waylaid and murdered five Union soldiers, and then robbed their dead bodies, and who had been sentenced by court-martial to be hanged.

Intercourse with Japan. Washington, April 28.—The President has offi-

cially proclaimed the convention between the Empire of Japan and the Governments of the United States, Great Britain, France, and Hol land, providing for the payment to these Gov ernments of the sum of \$3,000,000 for indemnities and expenses. This convention was made in view of the hostile acts of Mori-Daizen, Prince of Nagato and Smoo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties -the Governments above-named having been obliged to send their combined forces to the Stralts of Simonosakı in order to destroy the batteries erected by that Daimio for the destruction of freight vessels and the stoppage of trade, and the Government of the Tycoon, on whom devolved the duty of chastising the re. bellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition.

The Governments of the United States, Great Britain, France, and Holland declare in the Convention that, inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place them on a more satisfactory and mutually a dyants geous tooting, is still the leading object in view; and, therefore, if His Majesty, the Tycoon wishes to offer, in lieu of payment of said claims and, as material compensation for losses and injuries sustained, the opening of Simonos aki or some other eligible port in his inland sea, i shall be at the option of the said foreign Governments to accept the same or insist on the pay ment of the indemnity, in money, under the con ditions above stipulated.

Fire in Portland.

PORTLAND, April 28 .- A brick stable in Templ street, owned by Charles H. Adams, and occupied by H. L. Taylor & Co., was burned this morning, with five horses, four of which were valued at \$1000 each, and all the carriages, har. ness, etc. The total loss is quite large,

FROM BALTIMORE TO-DAY.

Senator Cresswell-Precautions Against Cholera-Sales of Coffee at Auction. Special Despatch to The Evening Telegraph.

BALTIMORE, April 28.—Senator Cresswell has a letter in to-day's Gazette, which thoroughly exonerates him from charges of former complicity with disunionists.

The Baltimore City Council has provided for an ample board of physicians and sanitary com. mittees to guard against cholera.

At an auction sale here yesterday seventeen hundred bags of Rio coffee, slightly damaged, were sold at twenty-two and three-eighths and twenty-two and three quarters cash in currency.

Base Ball at West Chester. Special to The Evening Telegraph.

CHESTER CITY, April 27 .- The base ball match between the Brandywine Club, of West Chester, and the Media Club resulted in a victory for the former by the score of 41 to 17. The victors played the Club of this city to-day, and were beaten, the score being:-The Chester Club, 33; Brandywine Club, of West Chester, 8,

FINANCE AND COMMERCE

OFFICE OF THE EVENING TRIBGRAPH, I Saturday, April 28, 1866.

Money continues plenty at about former rates. Loans on call are freely offered at 526 per centum Prime mercantile paper ranges at from 8@10 per cent. per annum. The Stock Market opened dull this morning, but prices were firm. Railroad shares are the most active on the list. Little Schuylkill sold at 33, an advance of 1; Philadelphia and Erie at 34@34;, an advance of 1; Catawisse Preferred at 29@29], the former rate a decline of 1; Reading at 52;, no change; Pennsylvania Railroad at 561, no change; North Pennsylvania at 38; Lehigh Valley at 61}, an advance of 1; and Northern Central at 45}, a slight decline, 120} was bid for Camden and Amboy, 54 for Norristown, 55 for Minebill, 30 for Elmira common, 41 for Preferred do., and 89 for Catawissa common.

Government bonds are less active and rather lower. 5-20s sold at 106, a slight decline. 108 was bid for 6s of 18e1; 95 for 10-40s; and 1013 for 7:30s, City loans are firmly held at full prices; the new issue sold at 95;; and old do. at 90.

In City Passenger Railroad shares there is nothing doing. 72; was bid for Second and Third; 40 for Fifth and Sixth; 52 for Tenth and Eleventh; 19 for Thirteenth and Fifteenth; 42; for Hestonville; and 51} for Chesnut and Walnut.

Bank shares are unchanged. Mechanics' sold at 80; 208 was p.d for North America; 125 for Philadelphia; 126 for Farmers' and Mechanics'; 54 for Commercial; 90 for Northern Laberties; 100 for Southwark; 105 for Kensington; 55 for Girard; 82 for Western; and 31 for Manufacturers' and Mechanics'.

Canal shares are in fair demand. Schuylkill Navigation preferred sold at 85 no change; Delaware Division at 50, an advance of 1; and Lehigh Navigation at 541, no change; 27; was bid for Schuylkill Navigation common; 115 for Morris Canal preferred; 15] for Susquebanna Canal; and 60 for Wyoming

Oil shares are dull and lower. Ocean sold at 7, a decline of 1: and bugar Creek at 1 06. PHILADELPHIA STOCK EXCHANGE SALES TO-DAY

Reported by De Haven & Bro., No. 40 S. Third street

Adjourned on the announcement of the death of

-Messrs, DeHaven & Brother, No. 40 South Third street, make the following quotations of the rates of exchange to-day at 1 P. M.: otes:Juse, 1864...114
July, 1864...105
August, 1864...105
October, 1864...9
Dec., 1864...84

August, 1865.... Sept., 1865....

Philadelphia Trade Report. SATURDAY, April 28 .- The Flour Market continues to be characterized with much firmness, but the transactions are limited, there being no demand for shipment, and a moderate inquiry only for home consumption. The sales reach 1000 barrels, mostly Northwestern extra family at 89 75@10 50 for common and fancy; \$10-50@11 25 for Pennsylvania and Ohio do. do., and small lots of superfine at at \$7@8; extras at \$3:29; and fancy|brand at \$12:216, according to quality. Rve Flour is quiet, but steady, with les at \$4 75@5. In Corn Meal no new mo

ment to notice.

Trade in Wheat continues very quiet, but the arricle is held firmly, and prime quality is in good demand at full rates; sales of 40.00 but h. red at \$2.10.00 2.65 for good; and \$2.65.00 2.265 for good; and \$2.65.00 2.267 for choice. White is unchanged, 500 bush, including 2000 bush, red, so d on private terms; fair sold at \$2.75. Eve comes in a lowly, and is in good demand; sales of 500 bush. Fennsylvania at 95c. Corn continues in active request but the offerings are very small; sales of 500 bush, vellow, after at \$2.50. In oats no change to no nesses at \$500 bush, are reported at 60c. No sales of Barley or Malt have been reported.

been reported.

Clove-seed is scarce, and not much wanted; we quote at \$4.04.25 for inferior, and \$4.50.05.75 for init and choice. Timothy, if here, would command \$5.25.05.50 P bush. Flaxseed is a ling at \$2.00 Whisky moves slowly, with small sales of Pennsylvania at \$2.24@2-25, and Ohio at \$2.27@2.28.

NEW YORK, April 28 — Cotton is steady at 31@32c, for midding Flour is firm. Sales of 8,000 bbls. at 87 25@9 25 for State; 89 05@12 40 for Obio; 8 7.35@ 9 15 for Western; 810@17 50 for Southern; and 88 25@12 65 for Canadian. Wheat quiet; ales unimportant. Corn steady, with small sales. Beef steady. Pork firm for Mess. Lard firm at 18@21 cents. Whishey steady.

The Tycoon's Enterprise. - A ball-casting machine has been constructed in Berlin, 1 c the Tycoon. It is capable of manufacturing twelve thousand rifle balls a day.