## THE DAILY EVENING TELEGRAPH-PHILADELPHIA, SATURDAY, JANUARY 2, 1869.

TWITCHELL 11115 TRIAL Guilty of Murder in the First Degree."

The Closing Arguments, and Judge Brewster's Charge to the Jury in Full.

Yesterday was the seventeenth and final day of the proceedings in the case of young George Twitchell, who was charged with the marder of Mrs. Mary E. Hill. The afternoon session was better attended than any preceding one. The crowd sat patiently through the loog ar ament of Mr. Mann, and then listened with a zest to the magnitudent closing speech of District Attorney Sheppard, who, as Mr. Mann had said, "went at the evidence with a full and vigorous mind, and presented it in a manner that was appailing.

Then came the able document on circum-stantial evidence and the fall review of the evidence by Judge Brewster. The jury at 8:40 retured, and returned at 9:15, when the quiet in the court-room was really oppressive hast (it seemed a very, very long time) the jury and the prisoner arose and faced each other.

Mr. Galton, the clerk, then said: -Gentlemen of the jury, have you agreed upon a verdict?

a verdicif Foreman-We bave. Clerk-Gentiemen of the jury, how say you? Do you find George S. Twitcheli, Jr., the pri-soner at the bar, gaility of the felony of mader, whereof he stands indicted, or not guilty?

Foreman-Guilty.

Clerk-in what degree? Foreman-First degree.

Crier-The Court stands adjourned until tomorrow morning at ten o'clock. Clear the courtroom.

On the foreman saying "Guilty," Twitchell clasped his hands together, raisca his eyes up ward, and muttered some words.

He was seized around the neck and borne down to the bench by his friend Mr. McCally, who has sat with him all through the long days of the trial. The father of the prisoner sat in front of the dock with his head resting on the iron railing, weeping. At 0.30 the prisoner was removed to his lously cell in Moyamensing. His demeanor during these trying moments was that ot rigid indifference, and instead of being consoled with he was consoling the two who were manifesting so much concern in his welfare. The following are the speeches of Mr. Mann and

District Attorney Sheppard:--Mr. Mann resumed, saying he may have mis-conceived the object of the juror in asking about the shirt, and he consequently recurred to it again. If the prisoner put his shirt on after going up stairs blood might have firted on it when he buttoned his coat. He thought there was no testimony to show that the blood on the shirt was fluid or diluted blood. When he went up stairs he had blood all over his coat, even to the skirts, and the throwing of the cost off night have flirted the blood over the shirt. There was evidence, no matter tow it had been sniggered at, to show that a dog had been upon the shirt. It the stains were from blood, then how scaked the coat must have been to have made them! It was as fair, far more merciful and true, to take other suggestions as to how the blood got on the shirt than that of the Commonwealth, that it got on while the man was beating his mother's braths out w.'h a poker. He read from the London Lancet, of Revember 21, furnished by Professor Gross the elder, an account of a man having been beaten over the head with a poker, the poker being much bent but the man not killed. If the jury rejected all said by the defense as to the blood the shirt, and could conjecture in their own minds a means by wh ch the blood could have pot on the shirt other than suggested by the Commonwealth, then this case was for the Mr. Henderson had not been permitted to tell what Mrs. Hill told him as to the place she carried her money. She had \$35,000 in money two years ago, and expended \$16 000 for the house and \$2000 or \$5000 for the furnitore. She then had a latge amount of money left and no bank account. If this murler was left and no bank account. not for this money, why did the Commonwealth have the cesspool cleaned and raked to find it This missing money is one of the great truths that paralyzes this case. If the money had been found upon the prisoner, or they had proven where he hid it, then they would have had him fastened as was Probst. The dining-room was never visited by Sarah Campbell, and the body in that room was safe from her view. Why the necessity of this prisoner throwing it out of the window? It was difficult perhaps to conceive why another man would throw the body out of the window; but suppose, alter one or two blows were given in the room, the body had been thrown to another man on watch in the yard, who would have rifled it at ease in the yard. Had any one s.opped in the room to rifle the body they might have been surprised by Twitchell coming out of the room, and they would have had no chance of escape. This is not half as strange as to suppose George S. Twitchell would commit this murder and go to bed, leaving his bloody cuffs about, after placing the body exactly where Earah Campbell would see it. And all for what? To get poisession of a house that could not be his, for by the death of airs. Hill it would be his wife's. The murderers may have taken the very caudle which Mrs. Hill had, and gone over the premises. It may be that one of the men was secreted in the house, and let the other in. It may be that some one, pretending to be a beggar, might examine the lock and make false keys. Suppose a letter had been sent her that important information would be sent her at 9 o'clock. Most likely she sleeping with her head in her hand; but did the poker ever cut the inger of? Would not a low from a poker have bruised all the fingers, out rever have cut one off? Mr. Mann concluded by warning the jury that f they rendered a verdict of guilty in this case the prisoner's blood would cling to them. If this prisoner is not acquisted then there is no reliability on human restimony. No attempt had been made to introduce talse evidence, but reliable witnesses had been examined. If he were on this jury he would stant out until the crack of doom. He warned the jury not to be terrified or seduced by the appeals of the District Attorney, who had recanned passive only to gather up his legat points and appal the District Attorney Sheppard arose amidst a mience which has been but seldon noticed in the court-room, and said: -This case is not one of professional or personal rivalry. Nor can it be made the subject of a friendly contest be-tween any of the counsel. I feel too strongly and oppressively the responsibility, to allow to be distracted by any such nnwarrantable or unimportant consideration. Nor shall I under-take to rival the learned gentleman who has just taken his seat, in his rich and profuse eloquence. His case may have required all s its of adorn-ments and illustrations and the help of rhetoric. I shall not undertake to emulate him in display, for I possess none of those qualities. All I desire to do is simply and plainly, and in as few words as possible, to call your attention to what I consider to be the material facts of this case. It is a very important one. This woole community has watched it from its commencement until now, and the auxiety is intensided as the case draws to a close. This little jury-box expands to a wider horizon-that of our entire You have seen the indications of community. the intense anxiety of the public on this subject by the crowds present. I tell you that if there is any miscarriage of public justice here, a very heavy responsibility will rest up in some one. the Common wealth's officers have doue their outy; they have left nothing undone. The Court will do its duty: but after all, it rests pon the twelve jurymen whom i see before me; rests upen each and every one of the twelve. The eight or nine thousand people who are ere watching this case will rejudge it after it all have passed from your hands. They are siting to see whether this sort of homicidal olence is to be checked or to be encouraged. They are waiting to see whe her it is to be met and rebuked, when it does not spare the weak ness of age, nor the defencelessness of women,

nor the quiet of a fireside, nor the sanctity of a Christiau Sabbath. Christian Sabbalb. Now, gentlemen, let us look at it. Let us examine it calmly with a sense of the responsi-bility that rests upon us all, and of our account ability when we walk out of this court bouss.

There has been so much said by the learned gentlemen that has been scattered over the case, that is not in the case, that I propose to take our bearings again to see how far we have been drifting away from the real point of inquiry, and it is these igne falui which have been creeping around the case.

Let us understand one another. The last sentence which iell iron the lips of Mr. Mana re-echoed the first sentence of his predecessor. It began with circumstantial evidence, and it has enoed in circumstantial evidence. That is the scarecrow that is set up here to affright this jury. I say scarecrow deliberately, and of course respectfully. I want to say what are the principles that govern cases of this sort. If all crimes were committed openiy, or if crimi-nais would be so obliging as to contess their crimes, there would be fewer cases of circum stantial evidence. But so long as they will commit them in quiet, then so long there must be circumstantial cases of murder. Gentlemen, the moment you begin to under estimate cir-cumstantial evidence, you are giving liberty to murderers. It is necessary and lawful to accupon circumstantial evidence, and the Court

will so matruct you. There are about eleven or twelve cases colated together as evidence of unjust convictions, and they have for years formed the stock in trade of lawyers in defending criminals "to alarm weak juries." But, like the searcerow in the play, we now know it is nothing but rass. The whole thing is well understood in the prolession. Circumstantial evidence, with direct evidence, must be scrutinized, and when you do that, you can not fail to notice the strong links in this particular case. Let us commence at the beginning, and take the actor in this bloody drams. The first thing we have is the ringing of the bell. It alarms the inmates of the house. The door of the kitchen is open, and the bell is at the kitchen, so that there is no difficulty about the transmis-sion of sound. The bell was rung six times without a pause between each runging. and closing with a violent ringing, and it was beard in the pext house in the cellar, through walls, so violently was it rung, and yet in this house, with an open kitchen door, in the silence of the night, it was not heard, we are asked to suppose. But they say Mr. and Mrs. Twitchell were asleep. That is a suggestion of counsel, and not the evidence. You are sworn to try according to the evidence, and not by what the lawyer may say. There is at last an auswer to the ringing. Mark the man! He comes to the coor, and it is a significant question he asked— "Where can mother be?" It might be a proper question for the servant to ask, but for him, inside the house, is one of the footprints of crime. The only object was to start the girl on a search to find a body apparently murdered. The girl says, "We'll see." It is important to see where mother is. It is an assertion of counsel that he went to her room to look, but it is no part of the evidence, and will be kicked out of the cose with a great deal of other matter introduced in the same way. Bat he goes up stairs, passing the kitchen door open and corrent of air passing and a candle on the table not being attracted by these things. He marches to the door and comes back again without looking into that open kitchen! And yet he is in search for somebody. He sees h open and yet makes no search. How was it possible for him, an innocent man, to face that current of air in that long entry, without going to ascertain what it meant? He goes up stairs. What he does we do not know. He is called, and answers with "what ?" but he don't come down, and she to call him a second time and urge him to come down "la t," and then he takes the longest way down-by the front instead of the back stairs. When he came heasked no questions of the ervant girl; does not inquire the object of the call, all hough they had started to find "where n other was." The girl tells him Mrs. Hill is lying there, and after he is fold that Mrs. Hill is there, he inquires, "My God, what is this!" Then she is carried in; but he makes no examipation of her body to ascertain where and how she is injured; but you have a call for water and a doctor. He commenced the sopping of the head, a thing of no value to the living or the dead, but it gave him time-something to io. He possesses our human nature, and when his mother in-law is killed, he would naturally desire to know how and when it was done. He made no request for an examination, and when the examination is made he does not ask the result. Unless he possessed the guilt knowledge which the Commonwealth allege he d d, would he not have inquired? He is tol that he or his wife committed that murder, and he is silent. At the station house he is asked in he needed counsel, and he says 'No-it is a statility." He did not know then that there were five members of the bar who could wash hum as white as driven snow ! Nowhere is there any evidence that he denied the marier To Mr. Montgomery he said, "Do you believe lid this ?" and that is all he said. Nay, more. the admission at the station house was a sur render to the force of the case, "There is a fatality about it; there is no need of counsel And there is a fatality about crime, and this may, when confronted with his own acts, vielded to the force of his own act. Next. voi have this man's bloody clothing, the blood on the two knobs of the door, the blood in his bed and the blood in the towel and the other art. First, he is the only man in the house: second his conduct is inconsistent with innocence next, his clothes are covered with blood: next he made no allegation that anybody else committed the deed. That was an afterthought but that night he made no such allegation, and he gave an untrue account by saying that the body fell out the window, and finally that he submits to fate, for the facts are against him. These circumstances demand a conviction. the defense does not meet this it has failed. is no defense to show that there is a possibility that other causes could have produced thes results. It is a question of fairness and rea sonableness. The most extravagant things are possible, but the jury must not fall into this mistake. The defense asks you to say that because it is possible with the fingers to flirt blood over a shirt bosom, therefore, it is possible that George S. Twitchell got the blood on his shirt in that way. The jury is uot to take guesses, and yet that is all the defense has presented. Did a third person nter that house and commit that murder? s said that the object of the murder was plun der. That was not the motive. There is evi lence that Mrs. Hill carried money on her erson. No one heard of the money until Mrs. fwitchell, one of these defendants, stated to Mr Morrell, and it can be understood why she should start such a story. It was her purpose to give a reason for a murder by a third person from the outside, and therefore it is Mrs. fwitchell who started this story. The Common wealth did make a search of these premises and ad to go to the other side for permission. was done to find anything connected with the crime, but money was not the object of search. There was no money in the case, but those who took posses ion of that house with such hot ba te may know something about money ! The defence, with all its guesses, could not explain the fact that the bidy was thrown out the window except that it was more easy 10 secrete her person in the yar 1 than in the diningroom. If she had money it would require less time to remove it from her besom than to carry the body, throw it out, then go to the kitchen, xamine it, and then take the longest way through the entry. Who were the third persons? Allgett is the only man who speaks of it. And a remarka tact in his testimony is, that he never inform he authorities, but keeping it back to the last day of this trial, comes upon the stand to tell But with all his anxiety, he did not see the door shut when these two men came out; and when Sarah Campbell came there fifteen minutes atterwards, she heard the door unlocked roan the inside. Murderers leaving could not have locked the door mside afterwards. If the door had not been locked when Sarah Campbell came home would it not have attracted the attention of Mr. Twitchell, especially as he was inquiring "Where is mother?" How did the strangers get in ? and what did they do, and after they had committed the murder, did they place the candle on the table to send a stream of light as they passed to

the front door? The idea is about that two strangors could enter, and carry the body to the window, carrying the cardle down and then leaving the house at 9 o'clock at night with the

blocky instrument on their person. Mr Sheppard went over the case at length, reviewing every portion of it, referring to the medical testimony and to the fact that Dr. Levis' microscopic examination had not been net by anything in the defense. He closed with an enruest appeal to the jury to cling to the facts, and to decide the case according to the evidence, and that alone. The following is the

Charge of Judge Brewster

n full:in full:--GENTLEMEN OF THE JUEY: It is now over a fort-night since this trial commenced. During the whole of this considerably protracted investigation I have noticed the marked attention and patience with which you have watched the progress of the case. Such interest in the discharge of duty desorves all praise, and this is especially your due for the uncomplaining manner in which you have borne the haidship of being reparated so long a time, at this season of the year. from your families and

the haidship of being reparated so long a time, at this season of the year, from your families and from your daily pursuits. The case has been pre-pared by the counsel on both sides with great ability, and has been presented and argued with marked ability and learning. Where their labors end, your task begins. It is therefore my duty to explain to you the law as ap-plicable to this case, and to render you such service as it may be in my power to place at your disposal, to asist you in the responsible office of applying the law to the facts. I deem it quite unnecessary to remind you that the case is of the first importance. The community have the right to expect that the law shall be the ableid of the unspoted, and that no guilty man escapes. A defendant has a right equally as sacred when he demands of us to see to it that no innocent

scapes. A defendant has a right equally as sacred when he demands of us to see to it that no innocent man is punished. Ishall divide what I have to say to you into two general heads, the law and the facts. As to the first, I do not understand that there is any question raised here on either side which re-quires me to trouble you with definitions of the various grades of homicide. We understand—but this is entirely for you—that all the counsel agree as to one element of this case, and that is, that whoever perpetrated this deed was guilty of murder in the first degree. It being conceded that Mirs. Hill is dead; that her death was the result of unlawful and malicious violence, marked with all the elements of premedi-tation and deliberation, I might pass at once from this branch of the subject. this branch of the subject.

It is proper, however, that in a case of so much magnitude nothing should be taken for granted. I shall therefore read to you our statute upon this

magnitude nothing should be taken for granted. I shall therefore read to you our statute upon this subject. It is in these words: "All murder which shall be perpetrated by means of passion, or by lying in wait, or by any other kind of wilful, deliberate, and premeditated killing; or which shall be committed in the perpe-tration of or attempt to perpetrate any arson, rape, robbery, or burglary, shall be deemed murder of the first degree, and all other kinds; of murder shall be deemed murder of the second degree, and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder of the first or second degree. (Act of March 31, 1800, § 74. Br. Dig. 230, § 82.) You will therefor observe that the statute recog-nizes two degrees of murder. Murder is the un lawful killing of a human being with malice afore-thought, express or implied. When in addition to these elements the orline is committed with wilful-ness, deliberation, and premeditation, it is murder

ness, deliberation, and premeditation, it is murder in the first degree. All other kinds of murder are deemed murder of the second degree. Having accertained the law of the case we must rext deal with the facts. These we are to gather

from the evidence. Mr. Bentham tells us that all evidence fisws

These are the only two sources from which we can expect testimony, and unless we resolve to let all secret orimes go unpunished, all divil disputes to remain undecided, and to throw away our reason, we must act upon the statements of per-

reason, we must act upon the statements of per-sons or things. I say statements of things, because if we consult the experience of every hour we will be taught that inanimate objects have their volce as well as sentient beings. It is in vain, then, for man to say that because others have falled in their efforts to detect error, he will sit quietly down and perversely refuse to apply his inteiligence to the problems of life, whether they encounter him in the counting room or the jury box.

jury box. He might just as well refuse to use his legs, because others have fallen or been killed in walking. He might, with equal propriety, refuse to eat, be cause others have been poisoned while partaking of nourishment.

of nourishment. Some persons, admitting the force of the princi-ple which actually compels us to act upon evi-dence, still insist that nothing but positive testi mony should produce conviction, and, adhering te-naciously to this favorite dogma of those who are too timid or too weak to exercise the reasoning

which has led to mischievous results. And, undoutedly, diroumstances may deceive us, for they may be detailed by blassed witnesses, may be arranged by enemies, and may be what Mr. Bentham and others call "falsefacts."
To there or other sources of error may be traced the mistakes committed in the eleven cases which have been so often relied upon by defendants, and which had been so frequently cited in Judge Story's time, as to be called by him "the commonplaces of the law." (U. S. vs. Gilbert, 2 Summer, 19,37.)
What, then, are we to conclude? Shall we refuse to believe our senses because others have erred ? Or shall we resolve to do our whole duty in life, making the mistakes of ethers our beacon lights upon the way?
To resolutely conclude that we will not be governed by circumstantial evidence, is, as we have seen, to close our courts of justice.
It is susceptible of demonstration that positive terms. Falsehood generally fabricates direct evidence.

suits. Faisehood generally fabricates direct evi-dence. And we could not even act upon confessions of guilt, for the trials of the Perrys, and of Captain Green and his crew, (14 Howell's State Trials, 1, 199 to ), 524.) show that the fallest admissions of guilt earnot be relied upon. In the first case John Perry actually acknowledged that he was access fory to the murder of a Mr. Harrison, who ap-peared in full life after the execution of the defen-dant. Let us, then, endeavor to ascertain the rules which should govern us in our efforts to reach the truth in a particular case. They may be briefly stated thus: First. We must of course guard against the false

First. We must of course guard against the false statements of witnesses. This applies whether the evidence is positive or circumstantial.

Second. In cases depending upon circumstances, we must take care to see that they could not have been arranged by others. Having thus tested the existence of the circumstances, we must apply the following rules, in order to decide upon their force or combination. Third. We should draw therefrom no inference

save those which are entirely fair and natural, and which are reasonably and morally certain. Fourth. We must see to it that each fact on which

we rely is independently proven, and that each is consistent with the other. Fifth. Each circumstance relied on to produce

conviction must be consistent with guilt, and with

conviction must be obtained ourselves most care-And, lastly. We must guard ourselves most care-fully against any preconceived ideas, which might lead us to reason inaccurately from facts in parti-

According to Lord Bacon, there is a natural ten-dency in the human mind to suppose a greater order and conformity in things than actually exist. Mr. Burrill (Circumstantial Evidence, 206 7) at-tributes this to our indolence, and to our precipita-

tributes this to our indolence, and to our precipita-tion, the commission of a great crime exciting an intense desire to bring the perpetrator to justice. These, gentlemen, are our guides in every case. They have been gathered from standard authori-ties upon the subject, and have received the sanc-tion of my loarned brother, Judge Ludlow, in his charge to the jury in the case of Commonwealth vs. Miller. (4 Phil. Rep., 199) After a thorough examination of the authorities he thus sums up his views upon this subject:

views upon this subject: 'Crimes are often committed in secret, and, but for the fact that circumstantial evidence may be in the fact that circumstantial evidence. Nor produced, would go altogether unpunished. Nor is there, when closely examined, such a wide dif-ference, so far as reliability is concerned, between direct and circumstantial evidence as is sometimes supposed. In direct testimony we look for the pre-che detail of facts; the witnesses testify to the precise facts in issue at the trial; but such are the laws of nature regulating cause and effect that a body of facts may be presented so linked together as to produce a firm belief of the fact to be proven. In direct testimony we may be misled by the per-jury of a witness, and in dircumstantial we may be deceived by the inferences which we draw from

the faots. " It follows, then, that we cannot close our eyes or lock up our reason in this or in any other case be-cause the evidence is circumstantial. Your oaths

Icck up cur reason in this or in any other case be-cause the evidence is circumstantial. Your oaths require you to examine it. The task is from its very nature unpleasant, the difficulties may be great, but we must look straight forward and do our whole duty in the light of our consciences and our reason. The truth lies some-where, covered up though it may be, with a terril-ble crime; but we must seek it out, and if we do so honestly and patiently, we shall surely find it. Of this, we may always be assured that Provi-dence has given us the means of tracking out and detecting crime. He has stamped it with the curse that it shall be discovered, most frequently, in-deed, with the flat that it shall be its own accuser. The circumstances to which I am thus about to invite your attention may be divided hore as else-where into two general heads—those which favor the presumption of guilt, and those which favor the supposition of incocence. The text-writers give to these heads the names of inculpatory and exculpatory evidence, and they sub-divide each into classes which are of interest to the student, but which might tend to our confusion rather than to our enlightenment. You will observe at the threshold of this exami-

to our enlightenment. You will observe at the threshold of this exami-

If this statement is correct, it may weigh in your incoment signification of Aligett, for, if the door wore looked, two burglars could not have gone out of that door a short time before, looked it behind them, and left the key inside. The detence, anticipating this objection to Alt-gelt's evidence, have examined Messra. Wilbu', Thorp, Clift, Holt, and Cassidy, to prove that the door could be unlocked without making any noise which would be heard by a person on the suiside, They tell us that they actually tried this experi-ment, and although the persons on the step and pavement listened, and although the lock was not sently bandled, still the noise was not heard. On the other hand, Detective Warnock and Messrs, Stevens and Atkinson state that the noise can be heard.

Messers. Stevens and Atkinson state that the noise can be heard. You must weigh these conflicts of the testimony. When certain witnesses swear that they cannot hear the turning of a key in a lock, this does not prove that it cannot be heard by others. But, as very much in this case may depend upon this ap-parently trifling of curmstance, you will carefaily consider all that has been said upon this subject. If you find that the noise of unlocking the door oculd not have been heard by Sarah Campbell, then you will, of course, reject that partion of her testimony. If, on the other hand, you believe her statement that the defendant unlocked the door, you will have the right to piace the fact that the door was locked into the scale against Altgelt's testimony.

door was locked into the scale against Altgeit's testimony. Do you believe Altgeit, and that on the night in question he saw two men leave Mrs. Hill's front ocor! If you do, the defendant's theory of a bur-glary would bestrengthened or established. If you do not believe him, do you find from the circum-stance of the back doors being open, or from any other fact you can recall, that the premises were unlawfully entered? On this question, which is a most important in-quiry, you must weigh all the just inferences bear-ing upon this point, as derived not only from the witnesses and circumstances I have adverted to, het also from the position of the body of Mrs. Hill when found. It is not disputed that she was dis-covered in the yard, and it would seem to be clear that she must have been pushed or thrown out of the back window.

that she must have been pushed or thrown out of the back window. The Commonwealth has asked you whether it is reasonable to suppose that a burglar would waste the moments, precious for the purposes of escape, by car-rying the body into the back room, raising the win-dow, and throneing it into the yard? It is argued that this would not only needlessly prolong his stay upon the scene of his crime, but would, by the noise necessarily created, attract the attention of some inmate of the body not only disproves the assertion of a burglary, but that it points to the conclusion that the murder must have been com-mitted by some person residing in the house, and anxious to conceal the crime or to give it the ap-pearance of suicide.

mitted by some person residing in the house, and anxious to conceal the crime or to give it the ap-pearance of suicide. It is for the jury, then, to take a careful review of the whole case at this point. In support of the allegations of burglary, con-sider the open back doors, the evidence of Altgeit, and any other facts you can recall. As sgainst it, you will remember the condition of the doors, shutters, and gates; the absence of marks, footprints, or disturbance; the presence of dogs, persons, and lights in the house, and of neighbours and others outside. Incidental to this point is the consideration of the question as to what instrument was used in the perpetration of the crime. The Commonwealth alleges that the murder was committed with the poker, which has been exhibited to you. Sath Campbell says that it looks like the kitch-en poker used in that house, and that it was usual. If kept hanging by the range. Officer Howard says he picked it up jung in the blood or just along side of it; that the blood was one or one and a half feet from the screen and the poker might have been three inches further. A portion of it laid in the blood. Mr. Dabiel Doster says that it have been three inches further. A portion of it laid in the blood. Mr. Dabiel Doster says that is have been three inches further. A portion of it laid in the blood. Mr. Dabiel Doster says that is presented of the defendant. It is for you to say how this is, and whether the prisoner made any roply. Dr. Shapleigh tells us that this poker wight have caused all the wounds he saw, except the fractures. He also tells us that a human gray halr was at-tached to it, and that the hair of the decensed was gray. Dr. Levis confirms this statement as to the presence of the hair, and adds that he also found on the poker fragments of wool and cotton and stains of blood. From all this wool and cotton and stains of blood. From all this evidence the Com-

on the poker fragments of wool and cotton and stains of blood. From all this evidence the Com-monwealth argues that the poker was the instrument used.

ment used. On the other side, Doctors Gross, Maury, Mitch-ell, Thomas, and Paine have been called to sup-port the allegation of the defendant that the poker was not the weapon employed. Some of them are of opinion that the wounds could not have been in-fieted with such an instrument, and others think that if the poker had been used for such a purpose it would have been bent or battered. You will remember that it is not contended by

the Commonwealth that the poker caused the heavy fractures described to you. It is conceded that they were produced by the fall from the scc-

fendant by Officer Howard the defendant said that the blood came on his white shirt by carrying the old lady in from the yard." At another time, when Lieutenait Connelly questioned him as to the blood on his shirt the defendant made no reply. At another time, the said set of the part of the post of the blood on the cost and yest. He said, "Y carrying Mrs. Hill in out of the yard." "He continues, "I asked the defendant how the blood continues, "I asked the defendant how the blood continues, "I asked the defendant how the blood the explanation, therefore, of the presence of the dead body. He has called the presence of have already named in support of this position. The the Commonwealth's counsel contend that the defence cannot avail, because, as they allege, the defence cannot avail, because, as the sailes the body of Mrs. Hill from the yard to the kitchen and culls were not on his person when he carried the body of Mrs. Hill from the yard to the kitchen particle, and that there articles were then up statars base to come and remained there until after his the body of Mrs. Hill from the yard to the statars have be body of Mrs. Hill from the yard to the statars in his bed room and remained there until after his the the room and remained there until after his the the said here art be availed the syldence to as. arrest. This requires us to examine the syldence to as-

certain what clothes he wore at the particular time he lifted up the body and while he was bathing its head. Sarah Campbell says he had on a short, dark

Sarah Campbell says he had on a short, dark coat and pants. J. P. Montgomery, Esq., states that he had not a good opportunity of observing; that the defendant had on a dark colored coat with large collar, but-toned up. It is Mir. Montgomery's impression that the defendant had no collar on, and no white shirt was noticed by this witness. Mir. Doster, Mir. Leidy, and Offloer Howard, speak of the coat; two of them say it was buttoned up; all of them speak of the undershirt, and of the storence of the white musin shirt and collar. Mir. W. H. G. Morrell and Mr. Lord make the same statements. Mir. Doster says the undershirt looked white. Mir. Morrell calls it gray mixed. In confirmation of this, Offloer Howard says that when he told the defendant '' to put his cap on, as he was going to take him to the station-house, '' the defendant said '' he wanted to change his clothes, and to go up stairs.'' The offloer adds that when they went up stairs, the defendant put on the white shirt, a black cloth went and the score cost he had on the

the evidence as to the cap worn by deceased and the position of the spots on the defendant's gar-ments. There was, it seems, a woollen cap on Mrs. Hill's head. Detective Warnook says he did not see her hair losse on the settee; it appeared to be confined. The coat which was seen buttoned has, according to Dr. Levis, sprinkles of blood inside. It is also described as having blood on the sleeve up to the shoulder, soaked and smeared places on the collar, side, and cuff. The stains on the vest, pantaleons, boots, and other articles have also been described to yeu. It is asld that the shirt bosom is sprinkled obliquely, from right to left, upward and outward; that the culfs have minute sprinklings, and that the culfs have and from the lappel of the coat. On this point, and the absence of any brain on the poker. Dr. Paine has been examined. Dectors Pancoast, Allen, and Morton have been called by the Commonwealth to rebut the evidence of the defendant's experts as to the time required to the defendant's experts as to the time required.

of the defendant's experts as to the time required for the coagulation of blood in different circumstances.

Now, gentlemen, you must consider all these va-rious arguments and the evidence relied on in sup-port of these respective theories. Weigh them care-fully. Has the Commonwealth satisfied you that the stains on the shirt were received in the very act of murder? Has the defendant, by argument, evi-

of murder's Has the defendant, by argument, evi-dence, or suggestion, created a reasonable doubt upon this point' The Common wealth has also relied upon the evi-dence of Messis. Doster, Howard, Morrell, and Montgomery, as to the defendant's actions. His continuarce of the bhaing after he was told that Mirs. Hill was dead; his omissions to go into the yard or up stairs with those who were searching the previews. the premises; his failure to ask any questions as to the discoveries made by them, and his manner throughout have all been commented upon. The defendant's counsel have in like manner re-

lied upon certain expressions of distress and an guish, his requests for medical assistance, and other matters, as explaining all that has been alleged against him, and as actually establishing

Minged spans and the defendant exclaimed "Oh, Mr. Morrell says the defendant exclaimed "Oh, my God; my poor mother "Mr. Bowen testifies to a similar expression, and Officer Howard says he declared he was innocent.

On the question of motive, you will remember that it is alleged that the defendant's due bill for \$50 was found in the wardrobe of the deceased; that

to go up stairs." The officer adds that when they went up stairs, the defendant put on the white shirt, a black cloth vest, and the same coat he had worn down stairs. If you believe this evidence you will probably conclude that the defendant had not on the white muslin shirt, collar, or cuffs while he was bething the head of the body down stairs. If so, and the shirt collar and cuffs had been left up stairs when he came down at Sarah Campbell's call, then it is very clear that all supposition as to the sprinkling of those articles in the act of carry-ing in or bathing the body is out of the case. You will also remember upon this branch of the case the evidence as to the cap worn by deceased and the pecifion of the spots on the defendant's gar-ments.

acuities with which a kind Providence has endowed them, they assail all circumstantial evide A moment's reflection, however, must satisfy all candid minds of the unsoundness of such a proposition. Suppose for a moment that this was the rule of our being, and that we had been so consti-tuted that we could believe nothing unless it were demonstrated to us by our own senses, or by the statement of an eye witness. What would then be our condition? Of course, we could not punish any crime unless it were perpetrated in the presence of spectators. All secret murders, arsons, burgla-ries, forgeries, and other offences could be committed with impunity. Nor would the mischief stop here. Few civil controversies could be settled by juries. No book of original entries could be received juries. No book of original entries could be received in evidence; no note er obligation would avail unless there were a subscribing witness. Indeed, this would not be sufficient, for if he died before trial the claim would expire with him. An insurance on the life of the witness would not even avoid the difficulty, for the policy would die with its attest-ing witness. For the same reason, all receipts would perish with those who saw them signed, and all our deeds and muniments of title would be swept away by the death of the subscribing witnesses and the maxistrates before whom they were acknow. the magistrates before whom they were acknow-ledged. All proof of handwriting by comparison being annihilated, commerce would be destroyed, or remitted to its infancy in barbarous ages. With or remitted to its infancy in barbarous ages. With the abolition of legal punishment for orime, mob laws and vigilance committees would supersede the use of courts and juries, and the whole frame-work of society would be impaired, if not destroyed. The absurdity of the prejudice against circum-stantial evidence may be still further illustrated by reflecting for a moment upon the uses to which we constantly and properly apply it. Not only do business men answer letters, pay drafts, and credit others to the extent of millions caily upon the testimony of circumstances alone,

only upon the testimony of circumstances alone but they commendably carry this faith, as the evi but they commendativy carry this inter, as the vector dence of things unseen, into the reasoning which connects them with the world beyond our own. A triffing circumstance-the fall of an apple-has proved to the satisfaction of philosophers the great laws of gravitation which control the motions of the universe.

The man who denies the existence of his Maker is

The man who defines the existence of his Maker is properly regarded by many as thereby evidencing his want of reason. Yet what proof have we of this important and accepted truth except from circumstances? The same kind of testimony is the prop of our belief in all the great truths of revelation. If we turn from the world without to the great machanism within the world without to the great mechanism within us we see again that no rational man pauses for one instant to doubt the force of circumstantial

one instant to doubt the force of circumstantial testimony. What evidence have we that it is a heart that beats or a brain that throbs within us, except from the fact that those organs exist in all similarly constituted beings? And we accept remedies for all the life that fiesh is heir to upon precisely the rame faith in circumstantial evidence. Chief Justice Gibson has given an excellent illustration of the force of this kind of testimony. He says (Comm. vs. Harman, 4 Barr, 272): "You see a man discharge a gun at another, you see the itash, you hear the report, you see the person fall a lifeless corpse, and you in/ar from all these ofr-cumstances that there was a ball discharged from the gun, which entered his body and caused his death, because such is the usual and natural cause of such an effect. But you did not see the ball of such an effect. But you did not see the ball leave the gun, pass through the air, and enter the body, \* \* and your testimony to the fact of killing is thereby only inferential; in other words, direum-stantial. \* stantial.

The improvements of modern science furnish us with another illustration. You are in a telegraph office and see the battery in motion. A message is received. The station at the other end of the line may be thousands of miles distant. No human eye saw the subtle fluid pass along the wire, and yet you would hardly listen with patience to the man or the argument undertaking to reason to you that the message might have come through the air or the earth without the agency at the wire, and that all your evidence to the contrary was direumstan-tial, and therefore unworthy of regard. In short, a skepticium like this would open wide the door for the perpetration of all secret orimes, would uprot our faith in man, and destroy even our belief in a Creator and in a future state. These are some of the evils which would flow from the declaration of a principle that we should reject all circumstantial evidence. On the other hand, the sdvocates of circumstantial evidence have purched their preference for this kind of testimony to an extreme length, by exalting it above the most The improvements of modern science furnish us

to an extreme length, by exalting it above the most positive statements. They have cited the cases of convictions secured by perjury, and have somewhat exultingly declared that "circumstances cannot lie." This assertion has in its turn been de-nounced. Mr. Best speaks of it as a "dictum"

nation that you must give to the defendant at every stage of your inquiries the benefit of his character, of the presumption of innocence until guilt is clearly established, and of every reasonable

You must apply at each step what Bishop Butler calls "the *truest* judgment," and keep steadily in view the rules already enumerated. You will also enserve that no comment I may make on the areo observe that no comment i may make on the evidence is in any way binding upon you. All pro-cesses of reasoning must begin with some admitted fact. The admitted fact in this case is the mur-dered body of Mrs. Hill. I call this an "admit-ted fact," for the learned coursel for the defence have not disputed, and have expressly admitted that the lady was murdered. But, as already re-mathed that we may take nothing for created in have hot osputed, and nave expressly almitted that the lady was murdered. But, as already re-marked, that we may take nothing for granted in an inquiry of such importance it is necessary to look at all the surroundings to see whether they rejel every presumption of suicide, for it is well for us to accept no concession, and to prove all things. The dead body was found in the yard. You will probably conclude that Mrs. Hill was in the dining rom above, and that her blood was first shed near the head of the sofa. From this circumstance and from the number of wounds-thirteen being found u; on her head and five on her hands-from their appearance, and especially from the depth of the wound in the temple, it would seem to be quite im-possible that she could have committed suicide. If, then, you conclude that this was not a case of self-murder, you will come at once to the main in-quiry of the case, Who inflicted the injuries whereof Mrs. Hill died?

Mrs. Hill died i The Commonwealth contends that the murder must have been committed by a person or persons iving in the house. The defence insists that the orime was perpetrated

y a burglar. Let us marshal the facts under these separate

The alley gates were found fastened; the shutters closed; the fence uninjured, and unmasked. There were, according to Officer Warnock, no stains or spots on the fence and the side door leading out on the verandah, while the gates and shutters were all secured. There was no unusual disturb-ance of the furniture. A lighted candle was found on the kitchen table. The gas was burning dimly

In the dining room. The Commonwealth contends that none of these facts point towards a burglarious entrance of the premises, and she relies further in this behalf on the presence of the four dogs in the house, the early hour of the night, the passing by of citizens, the presence of E. J. Post at the opposite corner from half past eight to a quarter of nine, and other matters,

The only circumstances favoring the assertion of a burglary are the fact that the back door of the kitchen and the blind door beyond were found open, and the statement of the defendant's witness. Charles Altgelt, that he saw two men leave the premises by the front door. If it is suggested that burglars entered by the rear, then you are to con-sider the probability of a man or men climbing the fence and entering the house at an early hour, while lights were burning; going up stairs, com-mitting a terrible murder, carrying the body to the rear window, raising the sash, pitching the body into the yard, and going down stairs to the front door without attracting the attention of the dogs, the inmates of the house, or any neighbor. As already intimated to you, the defendant re-lies in this behalf upon the testimony of Charles Altgelt. He swears that on the night in question he was at the church at Eleventh and Lombard streets; that he left about nine o'clock; that the clock struck when he turned into Eleventh street, coming from the eburch; that it might have been The only circumstances favoring the assertion of

coming from the eburch; that it might have been two, three, or four minutes when he passed this house, and that he saw two men leave firs. Hill's

two, three, or four minutes when he passed this house, and that he saw two men leave Mirs. Hill's house by the front door. The Commonwealth has, on the other hand, proved by Mr. Post that he was at the southeast corner of Tenth and Pine streets from 3/5 to a quar-ter before 9. With the house in full view he no-ticed no one enter or leave, and heard no noise Mr. Wayne says he left Kemble street, above twelith street, at nine; that he walked down Kem-ble to Twelfth, down Twelth to Pine, down Pine street on the south side, reaching the corner of Eleventh and Pine at five minutes past nice. He did not meet the two men Altgelt describes, or any man on Pine street, between Tenth and Eleventh streets. He heard no noise Mi Cord was at the northeast corner of Tenth and Olinton streets, near the church, at five min utes past nine. He saw no people coming along Tenth street from Pine, as described by Altgelt, noisy, laughing, and talking, and he saw no one cress over Tenth street, as stated by Altgelt, meached the front door, she rang the bell a number of times, and, after waiting some time, the defend-ant let her front door, ''

You may inquire on this point, if the poker were not the weapon, how came it that the gray hair and the fragments of wool and cotton became at tached to the iron 1 Would they adhere simply because the head of the deceased and her cap were near the poker or on the poker in the yard? And, if so, would a person inflicting the wounds with some other instrument take the poker from the kitchen and put it near or under the corpse! You are to try this case by your common sense views of the

testimony. The coincidence of the reliable and scientific experts produced by the defendant is entitled to great consideration and respect, but the mere opinions of a college of professors should not outweigh a substantial fact, reliably established and carefully

We have thus far considered three of the links of the Commonwealth's case:

the Commonwealth's case: First. That this was a murder, and not suicide. Second. That it was not committed by any person unlawfully entering the premises. Third. That the poker was the weapon employed in the perjetration of the offence. Let us proceed to take up the other allegations of the Commonwealth. Having exhibited their theory months other address of the polarity in a set way as the set of the set of

upon the points already noticed, they now ask you to find that the defendant was the guilty sgant in the commission of this offence.

the commission of this offence. I need hardly remind you here of the importance of this inquiry. All the other matters are of great moment, but this outweighs them all. You must, therefore, keep steadily in view all the presump-tions in his favor, and all the rules governing a case of circumstantial evidence, to which I have already called your attention.

already called your attention. It is contended that the blood stains establish the defendant's guilt. They may be divided into two classes: The spots upon the defendant's clothes, and the other marks of blood.

and the other marks of blood. Referring to the last first in order, the witnesses say that in the sitting room there was a large pool on the floor, and an arc of blood spots on the walls, terminating on the door, which Dr. Shapleigh says must have been a little open. They also describe tracks of blood by drippings, from the sofa through the folding doors to the window, a smear of blood upon the lower part of the sash, and on the outside of the building; blood had also flowed or failen on a plece of carpet which ran along near the sofa, and a chair near the sofa was spotted with blood. Traces of blood were also found on the door knobs. Some or all of these are described ts you by Dr. Shap-Some Shap.

a chair hear the sola was spotted with blodd. I faces of blocd were also found on the door knobs. Some or all of these are described to you by Dr. Shap-leigh, Jno. P. Montgomery, Esq., and Messrs, Doster, Leidy, Howard, Morrell, and Warnock. Detestive Warnock also describes a spot on the inside knob, which, according to his statement, appeared to be a drop of blodd, the "centre of which had been cleaned out, but the outlines were perfect." This apparent cleaning of the spot may have been caused by the hands of visitors to the house on the night of the murder. The same wit-ners describes specks of blood on the marble top table, and on the glass of the gas burner. Hesays that a drop of blood was also found in the back en-try, and another drop on the upper part of a blan-ket on the bed in defendant's room. Dr. Levis informs you that the spots on the blan-ket, oil cloth, and door. knobs were blood. No trace of blood was found near the hydrant or in defend-

of blood was found near the hydrant or in defend-ant's basin. A stained towel and piece of linen were found in the slats of the screen in the yard. This is in substance a description of the blood stains

on and in the house. Certain articles of clothing have been produced,

Certain articles of coching have been produced, and have been given in evidence. Detective Warnock says that he took the coat, vest, pantalcons, shirt, and boots from the defen-dant, and that he found the cuffs, collar, and sleeve buttons in the defendant's bedroom. The Commonwealth is bound to satisfy you that these articles belong to the defendant, and were all taken from him or from his room shortly after the taken from him or from he stains examined by Dr. Levis were then on them. If you have no doubt as to these matters, you must then inquire what these stairs are? If, beyond all question, these articles belonged to the defendant, and bore the stains of blood when he was arrested that night, you must then consider what deduction is promarily to be blood when he was arrested that night, you must then consider what deduction is properly to be drawn therefrom. You are to remember here that if they are consistent with innocence they amount to nothing. To weigh against the de-fendant they must point to guilt, and to it alone. Let us, then, address ourselves to this important question — te what result do these stains conclusively lead our minds. They, like the body, cannot speak to us. They belong to the class called "mule witnesses," but they have a voice. Examine them and say what is their testi-mony. Guard yourselves carefully against the conclusions to which the mind is sometimes incan-tiously led by such appearances, and see here, as elsewhere, that you decide this question solely in the light of your calm judgments and the princi-ples of the law. In answer to questions put to de-

is habits were extravagant and his means limited. It is also said that there had been ill feeling be-tween the deceased and the defondant because of the introduction of the name of Mrs. Twitchell in the deed for the house. It is charged that this was done in fraud of Mrs. Hill. It is also said that she complained that the defendant had robbed her, and that this was communicated to the defendant. It is further stated that he spoke of her insultingly. The principal witness on this branchof the case is Mr. Joseph Gilbert. Mr. Henderson speaks of his visit to Mrs. Hill, and that defendant ordered him to leave the house. to leave the house. The tax receipt has also been produced. It is said that it bears the defendant's endorsement to the effect that it was paid by him for Mary E. Hill. In answer to this it is contended that the defend-

ant had possession of considerable property. Mr. Long saw shingles at the defendant's place

of business the Tuesday before the murder that the bundles were marked with the defendant's

name. Mr. Daniels saw at the same place ten thousand shingles on the Thursday before the murder. They we uid average, he says, \$30 a thousand. Mr. Hollinshead counted at the same place fifty-irst.

nine thousand three hundred and twenty five firstnipe thousand three hundred and twenty hve hest-quality shingles and six thousand common shin-eles. He further says that there was machinery there worth about \$5,000. He told you, however, something about the ownership of the shingles, and he said the defendant owes him \$130. Mr. McCully also spoke of the defendant's pro-perty at the stable as worth \$1,200, and netting \$602.

The defendant has further attacked the charac-ter of Mr. Gilbert for truth and veracity. A num-ber of witnesses have been examined both for and against Mr. Gilbert, and you must consider all that has been said on this point in determining the proper weight to be attached to his testimony. If you find that a witness is unworthy of belief, you should not convict upon his testimony; but before you disbelieve a man you must weigh the evidence for him as well as against him. In order to show that Mrs. Hill was not injured by the insertion of Mrs. Twitchell's name in the deed the detendant has examined a number of wit-nesses to prove that Mirs. Hill spoke of the house and furniture as belonging to Mirs. Twitchell. El-len Dolan, Thos. E. Carter, Mirs. Elsenhouer, and Sarah Bouvier have testified on this point. A number of bills have a lao been submitted to you. The defendant has further attacked the charac-

and Sarah Bouvier have testilied on this point. A number of bills have also been submitted to you. The Commonwealth contends that when the wit-nesses say that Mrs. Hill declared the house and furniture were Mrs. Twitchell's, they mean that Mrs. Hill said she would leave or would give all to her. Some of the witnesses used these expressions on cross-examination. Mrs. Twitchell's name is in the furniture bills. Mrs. Hill's name was on the house.

In the turniture bills. Mirs, Hill's name was on the house. I have several times mentioned to you that dogs were kept in the house. The Commonwealth al-leges that these animals were very watchful, and that the two belonging to Mirs. Hill were not seen by any of the wilnesses on the night of the murder. The defendant contends that the dogs were kept in the bed rooms, at times did not bark at stran-gers, and that they made no noise on the night in question until Mir. Long actually entered the bed-room where two of them then were. The defence also rely upon the absence of traces of bloed in defendant's basin and near the hydrant. I have all eady stated to you that Mir. Warnock testifies to these matters, and that he saw a man's stockings on the floor at the head of the bed. He also speaks of the omission to examine the top of the fence to see if the dust had been removed.

The defendant further relies upon the fact that Mirs. Hill had an income of \$6,000 per year, which, upon her death, went to the heirs of Mir. Hill. It is also in proof for the defence that the noises made in the diring, room could not be heard in the bid-room with its dears closed

Messrs. Dobbins, Zess, and Essler have been ex-mined on this point, and they say that Mr. Ben-der was present when the experiments were made. Yeu also beard from Ellen Dolan and Sarah Bouvier as to Mrs. Hill's habit of sitting up late, and that defendant and his wife retired early. In addition to the Sarah Bouviersmasks of Mrs.

In addition to this, Sarah Bouvierspeaks of Mrs. Hill having money in her borom, and of her being on good terms with the defendant. Both of these allegations are denied by the Com-monwealth.

monwealth. The defendant has also shown that the gas bills

The defendant has also shown that the gas bills were very small; that the cess pool was searched at the instance of the Commonwealth's officers, and that no weapon or money were found therein. It is further in proof that on the night of the mur-der the thermometer ranged from 36 to 42. Finally, the defendant has produced a number of witnesses to establish his good character for paces and integrity. They speak highly of him, and you

[Continued on the Seventh Page.]