THE DAILY EVENING TELEGRAPH-PHILADELPHIA, THURSDAY, AUGUST 4, 1870.

REAL.

The Man who Said "Hanging is Played Out" to be Hung-His Orime, Trial, and Conviction-The Efforts Made for his Release-The Question between Law and Lawlessness. John Real, the murderer of Police Officer Smedick, of New York, will be hanged to-morrow at the Tombs in that city.

ASSAULT ON OFFICER SMEDICK. Previously to the murder of Officer Smedick on the night of Thursday, July 23, 1868, Real had been arrested for assault upon this officer. It appears that Real had said that he "would do for him." They had had several quarrels at various times. Real claimed that whenever he obtained a situation Smedick was sure to inter-fere with him, report him to his employer as a man of loose character, and thus secure his discharge.

THE MURDER AND THE TRIAL.

On the night in question he lay in wait for Smedick, and virtually shot him without giving any warning. Real was arrested by Officer Mee. On being taken to the station house he was asked whom he had shot, to which he replied "Smekick," and to the inquiry if he was sure, answered that if he was not it was not his fault. He was tried before Judge Barnard. During the trial the excitement was intense, especially among the roughs and pot-housepoliticians, who filled the court-room, and threatened vengeance not the court and jury if he were convicted. Notwithstanding these threats, the jury brough in a verdict of guilty. The doors were closed, and Judge Barnard sentenced the condemned at midnight.

THE COURT OF APPEALS DECIDES AGAINST HIM

A writ of error and stay of proceedings was granted by Judge Sutherland, and in November last the appeal was argued at General Term before Judges Clerke, Barnard, and Cardozo. The principal exceptions were-first, to the exclusion of evidence on the part of the prisoner to show threats of violence on the part of Smedick, which had come to the knowledge of Real, and also acts of violence committed upon him by the deceased: second, to Judge Barnard's overruling the objection of SF H. Stuart, the prisoner's counsel, to the question put to the witness Henry Real as to whether he had been in the penitentiary. The General Term rendered its decision in December last, Judges Clerke and Barnard concurring, affirming the judgment of the Oyer and Terminer. Judge Clerke, in his opinion, thus dis-posed of the first objection above referred to:--"The law justifies homicide only when an actual attempt has been made to murder the person committing it, or to commit any felony upon him, or upon or in any dwelling in which such person is, or in the lawful defense of any such person, or of his or her wife, husband, parent, child, master, mistress, or servant, when at the time of the attempt there is reasonable ground to apprehend a design to commit a felony, or to do some great personal injury, and when there is imminent danger of the accomplishment of such design; but apprehensions of a previous threat, followed by no overt act. do not justify homicide. I repeat, the law pronounces it to be murder in the first degree, while at the same time it affords an effectual remedy to the person against whom the threat is made to protect him from danger reasonably apprehended." Judge Cardozo, who delivered a dissenting

opinion, held that the question was whether such testimony is admissible when there is proof from which the jury may see that the deceased assaulted the prisoner when the fatal act was done. In reference to the second objection, Judge Cardozo held that the evidence was improperty admitted, as the prisoner was entitled to insist upon his legal right to have the record produced, even if the witness was willing to answer.

The case was argued in the Court of Appeals in April last, and that tribunal affirmed the decision of the general term, and directed that the judgment be executed.

HOW REAL ACCEPTED HIS FATE. After this discussion Real was brought into court and directed to stand up by Judge Ingra-

"d by more than 5000 people, of sentence, fight by more than 5000 people, from many men for whose together with lefters spect. All of which opinions I have great spect. All of which have been considered by men aware how much sympathy for Real here axists. The how much sympathy for Real here axists. The murdered man, sent out of the world with out a moment's warning, seems to be forgotten. "There is no one to speak for him, while thou-

sands ask for mercy for the man who killed him. A large portion of the press join in the demand; clergy and officials, merchants and bankers, help to swell the list of petitioners. And yet, unless the prisoner's own statements against every reliable witness on the trial are accepted as true, he wantonly, wickedly, and deliberately shot down in the public streets a public officer.

"Those who ask for commutation for him have, however, no official responsibility, and can plead for mercy even against the demands of justice. On the other hand, my responsibility is an awful one. They cannot appreciate it. I realize it solemnly and fully. A life of a fellowman is in my hands.

"I need not say to you, whom I have known for so many years, how gladly I would heed the cry for mercy and spare his life if I could. My judgement, however, tells me that the prisoner was justly convicted of murder, and that the interests of the community demand that he

should suffer the penalty. "The case presents a clear and distinct issue between law and lawlessness. The law must be vindicated.

"Tell Real, therefore, he must die on the day appointed for his execution."

COLORED VOTERS.

Practical Illustration of the Fifteenth Amendment in the South-Significant and Amusing Scenes at the Polls.

The Louisville Journal of the 2d inst. has the following:

The election yesterday, contrary to the expec-tations of many, passed off in a quiet and orderly manner. The greatest facility was afforded every voter.

Sambo was in his glory. Congress had invested him with a privilege that he had aspired to only by proxy; and now that he was to really have the right to vote, just like the white people, pleased him as a toy pleases a chikl. They came arrayed in their best habiliments.

as if to do honor to the occasion. They were at the polls long before the white people got up, and thus their strength was polled at an early hour, and at 9 o'clock the Radical ticket was actually ahead. But from that time their vote slackened, and the steady tide of Democratic voters soon overcame the little majority, and finally left the black ticket far in the distance. The park was a salient point of attack with Sambo & Co. The night before it was announced in their churches and places of meeting that it wouldn't do to vote for the park, because it was said it was to be for the white people exclu-sively. So nearly every negro, with scarcely an exception indeed, plumped his vote against the park. Said one darkay, "I objec' to de park." and down went his name against it. Another remarked with something of elegance, 'I don't prefer de park." And so is with the darkey vote and the property ho who was against further taxation, and those who didn't care a fig

about it. The park was beaten. A few negroes, old and respected inhabitants, voted the Democratic ticket. It gave deep offense to the mass of the colored population. who uttered imprecations, both loud and deep. Said one, "Boys, don't you think —— voted wid de Democrats? He did, and my 'pinion is any nigga which would vote wid de Democrats ought to be drummed out of town." "Yes," said another "the ought to be drummed out of de another, "he ought to be drummed out of de world.

At the court-house a Democrat paid a negro a quarter to vote his ticket, but the darkey fooled him, and finally slipped out into a crowd of his people, and enjoyed a hearty laugh with them over the trick he played. A slab-sided, corn-fed darkey said :- "Dat is right. I's one of dem dat can't vote dat way. My boss agreed to give me fifty cents a week, and he cheated me outen twenty-five cents. I can't vote the same ticket he does." An old negro man said to another:he does." An old hegro man said to another:---"Chile, I never did 'spect to see dis day, and I is happy. I is, sure." A bright yellow boy, with just enough white blood in his veins to make him a scamp, was persuading a youth to go up and vote. The boy said, "I won't. I is only nineteen years old, and it ain't right." The tempter told him nobody would know it, but the boy refused and left. At the Seventh ward a negro offered to vote. "Where do you live?." said the judge. "Over At the Seventh ward a negro offered to vote. "Where do you live?," said the judge. "Over yonder—up dat street; been living dar twelve months." "What street is that?" asked the judge. "Don't know its name, sar." "Where did you live before you moved there?" "Up town, sar." "On what street?" "Don't know de names of de streets, sar; I jis come to town!" He was permitted to depart. But few of the negroes could read their tickets, but there was no difficulty on that score, as

FINANCE AND COMMERCE.

EVENING TELEGRAPH OFFICE.) Thursday, Aug. 4, 1870. Thursday, Aug. 4, 1870. 5 The financial market continues dull but very firm at last quotations. The money current has set in strong., towards the West, the agricultu-ral demand being the lively, but local wants are limited, owing to the general stagnation in track, and the bulk of the but ness in loans is for speculative purposes. There is a fair supply of currency at the bank's and elsewhere, but only those who enjoy sterning credit or can offer only those who enjoy sterling credit or can offer good collateral security are treated with any-thing like liberality. The easy times for bor-rowers are gone by for the season, and the needy must be content to pay a good price for accommodation or learn to do wit, 'out it.

Gold continues active and strong. Sales opened at 121%, declined to 121%, and closed at

about 121%. Government bonds are active, and las, night's quotations are fully maintained.

Local stocks are quiet, but prices were my intained. In State loans there were sales of the 6s, first series, at $104\frac{1}{2}$, and of the new City 6s at $101\frac{1}{2}$. Lehigh gold loan sold at $88\frac{1}{2}$.

Reading Railroad was steady at $47\frac{1}{2}$. Sales of Pennsylvania at $47\frac{1}{2}(@47)\frac{1}{2}$; Norristown at 81; Lehigh Valley at $57\frac{1}{2}(: and Camden and$ $Amboy at <math>114\frac{1}{2}(@114\frac{5}{2})$.

In bank stocks there were small sales of Com-

mercial at 60, and North America at 225. In coal, canal, and passenger railroad shares

there was no movement. PHILADELPHIA STOCK EXCHANGE SALES. Reported by De Haven & Bro., No. 40 S. Third street.

FIRST BOARD. 8 sh Com'l Bk.... 60 4 do..... 575 13 sh Cam & Am R.114 13 sh Let Val... b8. 575 8 sh Norrist'n.b5. 81

MESSRS. DE HAVEN & BROTHER, No. 40 S. Third MESSRS. DE HAVEN & BROTHER, No. 40 S. Third street, Philadelphia, report the following quotations: -U. S. 65 of 1881, 113⁺/₄@113⁺/₈; do. 1862, 110⁺/₂@110⁺/₈; do. 1864, 110⁺/₈@110⁺/₂; do. 1865, 110⁺/₈@110⁺/₈; do. 1865, new, 108⁺/₂@109⁺/₃; do. 1867, do. 109@109⁺/₄; do. 1868, do. 109⁺/₈@109⁺/₃; do. 1867, do. 109⁺/₃@109⁺/₃; do. 1867, do. 109⁺/₃@109⁺/₃; do. 1867, do. 109⁺/₃@109⁺/₃; do. 1867, do. 109⁺/₃@109⁺/₃; do. 1867, do. 1867,

Land Grant Bonds, 740@770. MESSES. WILLIAM PAINTER & Co., No. 36 S. Third street, report the following quotations:-U. S. 68 of 1881,113;@1104; to 208 of 1865, 1103;@1104; do. 1864, 103;@1104; do. 1865, 1104;@1104; do., July, 1865, 10657@109; do., July, 1867, 109@1094; do. July, 1868,1094;@1094; bs, 1040, 1074;@1074; Gold, 1214; @12174; Market strong. JAY COOKE & Co. quote Government securities as follows:-U. S. 68 of 1881, 113;@1133; 5-208 of 1862, 1102;1105; do. 1865, 1103;@1104; do. do., 1867, 10021094; do. do., July, 1057;@1094; do. do., 1867, 10021094; do. 1865, 1103;@1094; do. do., 1867, 10021094; do. 1865, 1103;@1094; do. do., 1867, 10021094; do. 1865, 1103;@1094; do. do., 1867, 1072; Pacifics, 1103;@111. Gold, 1217;. NARE & LADNEE, Brokers, report this morning Gold quotations as follows:-Gold quotations as follows :-

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CITY ITEMM.

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A BRILLIANT DISCOVERY .- Every man and woman in the hand, whose locks have been touched with silver by time, or prematurely whitened, has reason to rejoice that PHALON'S VITALIA, OR SALVATION FOR THE HAIR, is numbered among the wonderworking products of this age of discovery. It is clear and free from sediment, while the shades of color it imparts are more natural than those produced by any other agent.

THE POOR LITTLE SUFFERER will be immediately



IRON AND RAILROAD CO.

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ham, who said:-"You have been tried, found guilty of the crime of murder, and sentenced to execution. You have had writs of error issued in your behalf to this court and to the Court of Appeals, and in consequence thereof the time fixed for the execution of your sentence has passed. Since that time the Court of Appeals passed. Since that time the Court of Appeals have affirmed the judgment of conviction against you, and have sent back the papers with directions to proceed in the enforcement of the judgment. It becomes our duty, therefore, under the statute, to designate the day when the sentence of death heretofore passed upon you shall be infinited according to the statute. you shall be inflicted according to the statute; therefore, it devolves upon us to name a day on which you shall be hanged. We have named Friday, the 5th day of August, as the day on which the sentence of death shall be carried into effect.

After sentence had been pronounced Real said "Very good, sir," and then listened very attentively to the reading of the several documents

the several documents necessary, including the death-warrant. When the reading of the papers had been con-cluded Real turned to his counsel and said "the thing is done, I suppose?" and a few minutes after he left the room and was taken to the Tombs, where he was confined in the condemned

THE MURDERER AT HOME.

Real does not appear to have lost flesh during his long confinement. He is hearty and appa rently in the best of health. He is about 5 feet 9 inches in height, stoutly bullt, hair cut short but not cropped; his countenance is cheerful, and does not bear traces of his having suffered which excern Still be saw the approximate the much agony. Still he says, "he cannot help thinking," as the hours are long, very long in his cell sometimes. He wears a red fiannel shirt, neatly trimmed with white stripes, black snirt, neatly trimmed with white stripes, black cassimere pants, kept in place by a neat strap around the body, and a handsome pair of well-shined Balmoral gaiters. His appearance is trim, and his step is light. He said not long since that he was getting used to this way of living, and even joked about the easy times he enjoyed. He has good living, and the best of care and attention from the attendants, and were it net for the circumstances would be satisfied it not for the circumstances would be satisfied. His cell is No. 73, second tier. It is about 10x12. The walls are neatly white, but have a few coarse prints hung around various places. The floor is covered with a handsome three-ply. A string is stretched from side to side of the room, on which are artistically wrought curtains, composed of cloths of various colors, prints from illustrated papers, and interspersed after various fashions-tinselled paper-the whole forming a screen and archway leading to the lower end of the room, and hiding the furniture. The little window, looking upward to the sky, lets in a dim light from the east.

HE STILL PROTESTS HIS INNOCENCE.

Under the advice of his counsel, Real has published what purports to be a detailed and truthful account of the circumstances under which the fatal pistol was fired. He declares in the most solemn manner that he was persecuted for months by Smedick in the most violent and merciless manner; that Smedick, under show of arresting him for drunkenness, beat him and clubbed him over and over again, until he was clubbed him over and over again, until he was one big bruise; that that officer, by representing him as a thief, caused him to lose several situations that were necessary to his livelihood. Real further de-clares that the pistol with which he shot the officer, so far from having been purchased for that purpose, was bought at the recommenda-tion of a friend as a means of protecting a whisky still on board a barge; that the shooting was unpremeditated, and was the impulsive re-sult of an outrageous, unprovoked assault of Smedick upon him, and that the second shot, which was the fatal one, was discharged un-conscionsly in the excitement of the moment. conscionsly in the excitement of the moment. THE GOVERNOR FIRM-THE LAW / MUST BE

VINDICATED.

Neither Real's statement, however, nor the persistent efforts of New York politicians, among whom men as prominent as Tweed and Vandertilt have signed petitions for the mur-derer's pardon, have been able to prevail on Governor Hoffman's sense of justice. In his in al decision upon the case the Governor says: --"You recent to me a petition for commutation

but there was no difficulty on that score, as there were plenty of white men at the pols to call out the names of the candidates for them. If It was quite amusing to watch them as they gathered at the polls. One of the bravest would march in and vote, and then the others would gather around him and eagerly inquire as to the modus operandi of casting a vote. One old darkey was heard to say to several others — "It air't no was heard to say to several others:--"It ain't no trouble to vote. It's jess as easy. Any nigger dat ain't got sense enough to vote ought to be knocked in de head."

THE ST. LOUIS COWHIDING.

A Bystander Struck with a Chair—He Sues the Assailants for Damages. We published recently an account of a rather remarkable affary in St. Louis, in which several leading citizens of that place were concerned. In continuation of the affair we give the following from the St. Louis Democrat of Tuesday

Nathan E. Rumsey yesterday fied a petition in the Circuit Court, asking judgment for \$5000 against John C. Bull, John P. Ball and William Bull. He alleges that the defendants struck and maltreated him a day or two ago, without any just cause or provocation.

just cause or provocation. Mr. Rumsey is agent for the St. Clair Nur-series, and has been a resident of this city for several years. One day last week he went to the office of Dr. T. L. Talbott, on Sixth street, on business. He says that while sitting in the office talking to the Doctor, three men came in apparently much excited. One of them in-formed the Doctor that he had insulted a lady relative of his and he at once commenced a relative of his, and he at once commenced a relative of his, and he at once commenced a violent assault upon the Doctor. Dr. Tabott made a vigorous defense, seizing his antagonist, and handling him with ease. The other two men joined the fray, and pistols and cowhides were brandished. The Doctor held fast to the first assailant, and, being a pretty stout man, managed to make a shield of him and prevent the other two from shooting him, if such was their intention. their intention.

Rumsey says the place was getting too hot for him, and he thought it was his duty to go out and call a policeman. He was in the act of rising from his seat when the oldest of the three men dealt him half-a-dozen savage blows with a chair, splitting the solid bottom of the chair and nearly breaking Rumsey's arm. He made his exit, however, and brought a policeman to the place.

Dr. Talbott states that he mistook the lady for a former acquaintance, and handed her his card, on the back of which he had written a request for a renewal of the acquaintance. The lady retained the card, and, taking it home, gave it to her brother, and the result was as above stated.

The trial of the suit for damages will doubtless bring out all the facts.

-A Pittsburg magistrate, who unites with his official functions the business of an undertaker, holds court in his ware-room, and deals out jus-tice with one hand upon a plate bearing the name of some person deceased, and the other upon a book of orders for funerals. The liti-gants sit upon coffins while their cases are be-ing disposed of. It is to be presumed that the proceedings are always conducted with "solem-nity." and that the magistrate-undertaker exnity," and that the magistrate-undertaker ex-periences but little difficulty in inducing quarrel-some persons to "bury" all their hard feelings and animosities.

relieved by using MRS. WINSLOW'S BOOTHING SYRU for children teething. It softents the gums, reduces inflammation, cures wind colic, allays all pain, and gives the child quiet, natural sleep, from which it awakes invigorated and refreshed. Perfectly safe in all cases, as millions of mothers can testify.

MR. WILLIAM W. CASSIDY, the jeweller at No. 5 Soath Second street, has one of the largest and most attractive stocks of all kinds of Jewelry and Silverware in the city. He has also on hand a fine assortment of fine American Western Watches. Those who purchase at this store at the present time are certain to get the worth of their money.

SINGER'S FAMILY SEWING MACHINES,

Balance in monthly instalments. Ten dollars cash. O. F. DAVIS, No. 810 Chesnut street. NEW STYLE PICTURE .- The German Chromos

made by A. K. P. Trask, No. 40 N. Eighth streat. They must be seen to be admired.

MARRIED.

KEMBLE-TOWELL.-August 2d, 1870, at the Third Baptist Church, by the Rev. J. H. Peters, ALBAN P. KEMBLE, late of Kembleville, Chester county, Pa., to Miss JENNIE D. TOWELL, of this city. MCDONNELL-BAUMGARDNER.-On Sunday evening last, at No. 861 N. Broad street, by Rev. A. Manship, Mr. JOHN H. MCDONNELL to Miss MARY BAUMGARD-NER, both of Philadelphia.

DIED.

CHANDLER.—On the 2d instant, ELIZABETH, wife of Samuel Chandler, and daughter of John and the late Mary Wood, in the 22d year of her age. The relatives and friends of the family are respect-folly invited to attend the funeral, from the resi-dence of her brother, Thomas Wood, Jr., West Falls of Schuylkill, on Friday afternoon at 1 o'clock.

GARNSEY.-On the morning of the 2d instant, LUCY HUDSON GARNSEY, relict of the late D. G. Garnsey, of Western New York, in the 98d year of her are

her age. Funeral from the residence of her son-in-'aw, T. F. Cauffman, Roxborough, on Thursday afternoor at 5 o'clock.

GRICE.-On the 3d instant, aged 2 months and 25 days, MABEL, daughter of Francis E. and Mary H,

HARDY .- On the morning of the 3d of August, HENRY, son of William and Jane Hardy, aged 35

years. The friends of the family are respectfully invited to attend the funeral, from his parents' residence, No. 424 Belgrade street, on Sunday afternoon at 4 o'clock. To proceed to Palmer-street Ground.

FOR SALE. MAPLE LAWN. Beautiful Country Seat at Holmesburg.

ESTATE OF GEORGE W. BENNERS, Deceased. Containing 8 acres; large frontage. Part could be cut into building lots. Good improvements, convenient to station, schools, churches, and stores, For sale on easy terms. Apply to

EDWIN H. FITLER,

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	RODGERS & WOSTENHOLM'S POCKEY KNIVES, Pearl and Stag handles, and beautiful finish; Rodgers', and Wade & Butcher's Razors, and the celebrated Le-
	conline Razor: Ladies' Scissors, in cases,
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	WARBURTON'S IMPROVED VENTI WARBURTON'S IMPROVED VENTI lated and easy-fitting Dress Hats (patented), in a the improved fashious of the season. OHESNUT Streets mart door to the Past Office
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