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TERMS OF ADVERTISING.

## Select Poetry.

[From the Elevator.] EARTHLY LOVE.

> BY SAMUEL K. JENNINGS. A diamond fell from the crystal sky

And nestled on a rose, And many a hue of gorgeous dye Did its liquid light disclose.

But the summer morning's fervent sum Now envied me that light, And long e'er half his race was run It faded from my sight.

And back to heaven the brilliant gem Had fled in one short hour, And for the loss of its diadem All withered was that flower.

So love once lit upon my heart, And painted future days With colors brighter far than art, With its golden, rainbow rays.

But fate, e'er envious of our joy, That comes so pure from heaven, Took back that gem, without alloy, And left my heart all riven.

## A Select Story.

### THE LAWYER'S STORY.

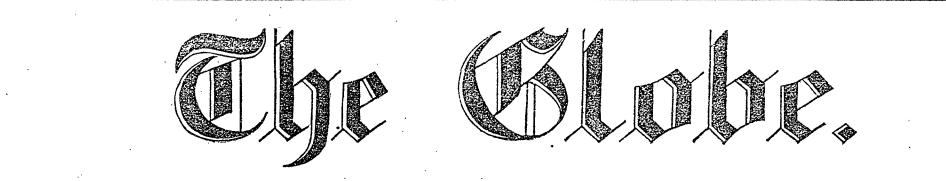
A TALE OF THE MURRELL TIMES.

"Your story of Mr. Roberts," said Millward, "brings to my mind a strange transac-tion that I witnessed upon the same river.---It was not very long after the crusade against professional gamblers had been prosecuted so vigorous in all the lower towns, and the scamps no longer carried so high a hand as they had done. It was not over safe to attract the attention of officers or passengers by plucking their pigeons too incautiously, except, perhaps, upon such boats as were owned by gamblers, of which indeed there were more than one. "I was descending the river in the old

upon the floor, and, as I was very sure, chan-ged them for another pack, probably kept under his handkerchief which was in his lap. Thunderer, one of the finest boats that I have ever seen. She met with a shocking fate the next year, being destroyed by fire, and of her passengers, numbering nearly three hundred, but few escaped.

"My room-mate was a very bright young fellow, a New Yorker, out upon a collecting tour for his employers, and, as a game of eu-chre, that I played with him for amusement, convinced me, a very skillful and honorable and gentlemanly player. "He was returning to Now Orleans with a

considerable sum of money that he had collected for the house he was attached to in New York, and I thought it proper to give him a word of warning about playing for money at all, especially with strangers on as I thought at the time, by mistake, but the of a steamboat.



WILLIAM LEWIS,

VOL. XIV.

upon the river boats.

the guards of the boat.

asked he.

words.

ed I.

Among the spectators was a tall, portly

gentleman, of a very dignified and command-

ing appearance, who, after intently watch-

ing the game for some time, gave me a quiet

hint that he had something to communicate

to me, in private, and then walked out upon

"Is that young man, a friend of yours?"

I told him all I knew of him, in a few

"Are you armed ?" asked he.

A case of pistols in my state-room, answer-

at the table in a few minutes. I wish to speak to the captain and clerk."

For half an hour longer, this game went

My dignified friend gave me a look, and then

gambler could not remove or conceal the first

pack, without being seen, if it were indeed

This manœuvre had not escaped the notice

of my acute friend, who chose to let it pass

me. The most determined man, however,

As he took up his cards, I saw them-he

cannot always resist temptation.

beneath the handkerchief, as I supposed.

### HUNTINGDON, PA., MAY 4, 1859.

---PERSEVERE.---

pretended to examine the money in the pool, much higher ante, and the betting proportionally increased. Many of the passengers but did not reply.

were assembled around the table, watching the game with interest, and evidently to the "Quit handling them shinplasters, hoss, it's no ways likely to trouble your pockets; great annoyance of the sporting gentlemen, who made as many remarks and hinted quite and just call me, or I'll rake down the pile," growled out Legs, in an excessively insolent manner. as broadly as they dared about intrusion; but,

"One moment, sir," interrupted my new friend. "Here, sir," throwing a pocket book to the New Yorker, "call him if you as I remarked before, their day of rule was over, and they dared not, upon any ordinary occasion, exhibit the insolence, which, backed by their ever ready weapons, had made them wish.' feared, dreaded, and too often submitted to,

Up jumped the three gamblers, pistols and over goings, and there was one "dodge" in hand; but before either could grasp the money, they were seized behind by three of his so original that it is worth a mention. It was this: stalwart fellows, and then the swearing commenced.

to put up for the night, he was pretty sure "This game shall be played out, noise or to make his way to the best bed in the house. no noise. Open my pocket book, sir, and From this bed he would take a bag full of use the money as you please. Mate gag those fellows if they swear another oath," said the portly gentleman, in the tone of one from this bed he would take a bag full of feathers, fetching in a bag from the cart for that purpose, and contrive to smuggle out the same and get it stowed in his "kit" before any one was stirring. This proceeding, giv-ing him several pounds of good geese feathborn to command.

New York opened the book, found the requisite amount, placed it on the table, and ers every day, did not a little towards swelthen called. ling the profits of his business, and we are

"Well, sir," said he, "it's a bad business that he is engaged in ; yet he seems to be a "Call! do you? Do you think outsiders fine, honest fellow, plays fairly, and, I think the best game of poker I have ever seen; but can come around, looking at our hands, inpractices in which he indulged. terfering with my game, and lending you money? No, sir-ce, hoss," yelled out the he is playing with three of the greatest scoungambler. drels unhung. THEY do not know ME, I

"Will you divide the money, then ?" asked think I do THEM, and it will be a black day the gentleman. to the rascals when I find them ashore in my

"Not a bit of it. It's mine, and I'll have every red cent of it but your five thousand," roplied Legs. "Say, strangers, (addressing the spectators,) can't you see this is a put State. They will play him some cantrip yet, would be rather small business to take away mark my words; there is nothing that they are not up to; and even if his purse escape feathers from a case containing so few-in short, that his only sensible mode of procetheir clutches to-night, and there is no other dure was to take the entire bed. He accorup thing-and these two gamblers here are way of fingering his money, they will rob him if allowed to remain on board the boat; trying to rob a gentleman? Are you going to stand it ?" but that I will see to. Have you enough in-

terest in the young man to remain by the ta-ble with me as long as they continue to play?" I replied that I had. "Turn over their hands," said the gentleman, paying no attention to the other's words.

The cards were faced; New York had four accs; Legs had two jacks, king, queen and ten. "Get them, then," said he, "and meet me

" Pretty hand, that last, to bet eight thousand on," remarked the gentleman. "Bloody robbery," yelled out the gambler,

'but I'll have justice when I get to Oron as usual; but, at last, one of the gamblers whose turn it was to deal, dropped the cards leans.

"You shall, sir, and before too; and when you make your complaint, tell Mr. Baldwin that you were robbed by the Governor of this State, sir; and if I had you ashore, you should have an opportunity of complaining that you expected to be murdered also, on placed himself in such a position that the short notice-for, as I live, if I ever do catch you there, you will be handed over to the Safety Committee before you can turn up a Jack, smart as you are at it. We have been looking for you three gentlemen for the past year, and if you had been found anywhere on the left bank of the river, we should have for the moment, not intending to bet on any hand, however good it might be, that he should hold this deal, as he afterwards told had you rotting in prison, with your friend Murrell, long ere this, or, more probably, dangling from a blackjack, with your cronies, Cotton and Saunders."

"Captain C----," continued he, addressing the commander of the boat, who had just made his appearance on the scene, " is

Going the Entire Porker. Old Levi Allen used to go tin peddling in

#### his younger days, at which business he accumulated quite a fortune, before he was WASHINGTON, April 26, 1859. seven-and-twenty. The neighbors of the borough where he finally settled, as the proprietor of a pretty farm, would often insinuate that Allen had not been any too honest in gathering together his riches, and such was

the fact. A fellow sinner has since revealed The first instruction asked for by the Uni-ted States is in these words: If the jury besome of the old man's youthful short comings lieve, from the evidence in this whole cause, that the prisoner on the day named in the indictment, and in the county of Washing-Wherever our dealer in tin ware chanced ton aforesaid, killed the said Philip Barton Key, by discharging at, against, and into the body of him, the said Philip Barton Key, a pistol or pistols loaded with guebowder and ball, thereby giving him a mortal wound or wounds, and that such killing was the wilful and intentional act of the prisoner, and was induced by the belief that the said deceased had seduced his (the prisoner's) wife; and on some day or days, or for any period, defi-nite or indefinite, prior to the day of such assured that it was only one of many similar killing, had adulterous intercourse with the On one occasion Allen sleptin a bed which was very scanty—a diminutive bed, a bed of few feathers, but all it contained were "live geese," and unusually good at that. The speculative tin ware merchant thought it would be rather small business to take the said wife, and that the prisoner was not provoked to such killing by any assault or offer of violence then used and there made by the decease upon or against him, then such wil-ful and intentional killing, if found by the jury, upon all the facts and circumstances given in the evidence, is murder. But such cilling cannot be found to have been wilful and intentional in the sense of this instruction, if it shall have been proven to the satdingly rose before the sun, and commenced isfaction of the jury upon the whole evidence shoving it out of the rear window, with the aforesaid, that the prisoner was in fact insane intention to go down on account of "that'ere colic," and stow it away before any one was "up." But as ill luck would have it, the host had arisen, and was out under the window

at the time of such killing. The instruction embodies the law of this case on the particular branch of it to which it relates, and is granted, with some explanatory remarks as to insanity, with a reference to which the prayer closes. A great English Judge has said on the

trial of Oxford, who shot at the Queen of England, 9 Carrington and Paine's Reports, p. 533, "That if the prisoner was laboring under 'some controlling disease," which was "In truth the acting power within him which he could not resist, then he will not be responsible."

"Doing ?" he rejoined, with a look full of And again: "The question is, whether he was laboring under that species of insanity wrath, as he thrust his head out and took a survey of the field, "I guess some of these infernal bed bugs will soon find out what I which satisfies you that he was quite unaware of the nature, character, and consequence of the act he was committing; in With this, he "let" the bed out of the winother words, whether he was under the indow. and went down to the wood pile, from fluence of a deceased mind, and was really whence he took a club, and gave the bed such unconscious at the time he was committing a beating therewith, as would have been fatal act, that it was a crime." "A man is not to any sort of "creeping thing" ensconsced to be excused from responsibility, if he has therein. He then took it back to his room, and looked so "darned honest" at breakfast, capacity and reason sufficient to enable him to distinguish between right and wrong, as that the host didn't charge him but half price to the particular act he is doing-a knowl-A Pen Picture, Faithful and Acceptable stands to others, and in which others stand

sumable in this case if, on any rational theory consistent with all the evidence, the homicide was either justifiable, excusable, or an act of manslaughter." The answer to the first prayer will be taken in connection with this response to prayer No. 2. If, upon any course of reasoning, consistent with all the evi-dence, "and the law, as laid down by you to the court," and the rules by which it is as-certained, what is the legal provocation, what is the justification or excuse, you should come to the conclusion that there was such justification or excuse, or that the homicide was manslaughter, then the presumption of malice, which every killing of a human being involves is met. You will recollect that manslaughter is the killing of a man without malice.

The third prayer on the part of the defence is, "If, on the whole evidence presented by the prosecution, there is any rational hypothesis consistent with the conclusion that the homicide was justifiable or excusable, the dc-fendant cannot be convicted." The answer given to prayer number two, is an answer to bat.

The fourth prayer is: "If the jury believe that Mr. Sickles, when the homicide occurred, intended to kill Mr. Key, he cannot be con-victed of manslaughter." This instruction the court declines to give. Manslaughter may exist, and most frequently does exist, where the slayer intended to destroy life but under circumstances which reduce the offence.

The fifth prayer is in these words: "It is for the jury to determine, under all the circumstances of the case, whether the act charged upon Mr. Sickles is murder or justifiable homicide." Neither can this instruction be granted. To the jury belongs the decision of matters of fact; to the court, the decision of matters of law, which it is the duty of the jury to receive from the court, and, from the evidence and the law applied to the facts, it is the province and legal right of the jury to return a general verdict of guilty or not guilty of murder or manslaughter.

The sixth instruction for the defence : "If the jury find that Mr. Sickles killed Mr. Key while the latter was in criminal intercourse with the wife of the former, Mr. Sickles cannot be convicted of either murder or manslaughter." If this prayer refers to actual (existing at the moment) adulterous intercourse with the wife of the prisoner, the slaying of the deceased would be manslaughter. And by existing adultery, I do not mean that the prisoner stood by and witnessed the fact of adultery progressing, for it is easy to sup-pose the actual fact to be established simultaneously with the killing by other evidence, in perfect consistence with the law; if, for instance, the husband saw the adulterer leave the bed of the wife, or shot him while trying to escape from his chamber. If, however, a day, or a half a day intervened between the conviction of the husband of the guilt of his wife and deceased, and after the lapse of such time, be take the life of the deceased, the law considers that it was done deliberately, and declares that it is murder. Vide Jarboe's

The seventh and eighth instructions can be answered together. They are as follows : "If, from the whole evidence, the jury be-lieve that Mr. Sickles committed the act, at the time of doing so, was under the influence of a diseased mind, and was really unconscious that he was committing a crime, he is

not in law guilty of murder. "If the jury believe that, from any predisposing cause, the prisoner's mind was impaired, and at the time of killing Mr. Key, he became, or was mentally incapable of governing himself in reference to Mr. Key, as the debauchee of his wife, and at the time of his committing said act was, by reason of to the particular act he is doing—a knowl-edge and consciousness that the act he is doing is wrong and criminal, and will sub-ject him to punishment. In order to be re-sponsible, he must have sufficient power of memory to recollect the relation in which he stands to others, and in which others stand to say what was the state of the prisoner's mind as to the capacity to decide upon the criminality of the particular act in question -the homicide-at the moment it occurred." To this prayer the court responds thus : "It is for the jury to say what was the state of Mr. Sickles' mind as to the capacity to decide upon the criminality of the homicide, receiving the law as given to them in relation to the degree of insanity, whether it will or will not excuse, they, the jury, finding the fact of the existence or non-existence of such degree of insanity." The rest of this prayer is, "and what was the condition of the partties respectively as to being armed or not at the same moment. These are open questions for the jury, as are any other questions that may arise upon the consideration of the evidence, the whole of which is to be taken in view by the jury." So much of the instructions as I have now read I grant without qualification. The tenth prayer reads thus: "The law does not require that the insanity which absolves from crime should exist or any definite period, but only that it exist at the moment when the act occurred with which the accused stands charged." The instruction granted. The time when the insanity is to operate is the moment when the crime charged upon the party was committed, if committed at all. The eleventh and last instruction asked reads this way : "If the jury have any doubt as to the case, either in reference to the homcide for the question of sanity, Mr. Sickles should be acquitted," This instruction as I mentioned in reference to prayer No. 4 of the United States, will be answered in conjunc-tion with it. It reads in this way: "That every person is presumed to be of sound mind until the contrary is proved, and the burden of rebutting this presumption rests on the prisoner." It does not appear to be questioned that if a doubt is entertained by the jury the prisoner is to have the benefit of it. As to the sanity or insanity of the prisoner at the moment of committing the act charged, it is agreed by the United States that every man being presumed to be sano, this presumption must be overcome by evidence satisfactory to the jury that he was insane when the act was done. This is not the first time this inquiry has engaged my attention. The point was made and decided at the June term, 1858, in the case of the United States vs. Devlins, when the court gave the following opinion, which I read from my notes of the trial: "This prayer is based on the idea that tho ury must be satisfied beyond all reasonable doubt, of the insanity of the party for whom. that defence is set up, precisely as the United States are bound to prove the guilt of a defendant to warrant a conviction. I am well aware, and it has appeared on this argument, that it has been held by a court of high rank and reputation, that there must be a preponderance of evidence in favor of the defence of insanity to overcome the presumption of the law that every killing is murder. And that the same court has said that if their is an equilibrium, including, I suppose, the prefence is : "The existence of malice is not pre- | sumption mentioned, of evidence, the pre-

# TRIAL OF DANIEL E. SICKLES.

### Verdict Not Guilty.

Editor and Proprietor.

NO. 45.

JUDGE CRAWFORD'S CHARGE TO THE JURY. Gentlemen of the Jury. The court is asked to give to the Jury certain instructions, whether on the part of the United States or on the part of the defence.

"He, however, laughed at my caution, said that this was not his first Southern trip that

that this was not his first Southern trip that when last winter he went up the river, he in turn; the oldest hand had to put up a fall in with a combler who seemed to have cards.

"He added, that as to these tricks, he had not the dexterity required to play them off, nor would he do so if he had, but yet was able to detect them in a moment, and that, playing a straight forward, open game himself, with plenty of money and unflinching nerve, he had always the advantage of gamblers-so much of their attention being taken up by stocking the cards, and when their plans were defeated, being always annoyed and thrown off from their play.

"He farther said, that against the gamblers he entertained a particular spite, as his brother, some years since, had been nearly ruined by them, when on a business trip similar to his own; and that, although he never sought a game of poker, he also but seldom declined it.

"I still urged upon him the great danger to which he exposed himself, but he laughed at my advice, and finally called my attention to three persons then in the cabin, who, he said, he was morally certain, came on board for no other purpose than to bleed him; and he added, they shall have the chance.

"Of course, there was nothing more to be said by me, and before night he had gently slipped into the sporting gentlemen's net-as they supposed—and was playing a quiet game with moderate stakes.

I watched the game very closely. It was evident that, although apparently playing each for himself, it was a joint business, after all, among the chavaliers d'industrie; and after the game had lasted for a couple of hours or so, when the betting ran at all high, there was but one hand opposed to my room-mate in any one deal, and that one proved the strongest of the three.

For some time after the commencement of the play, the gamblers evidently intended that their pigeon should win; but they need not have taken the trouble, for win he did and would. As he said, he had nerve enough for anything; plenty of money, knew when to press his play, and when, from the run of cards against him, to keep in shore.

Presently one of the gamblers proposed to go to the bar and procure a new pack of cards.

"Do you suppose that I am going to run any game on you, sir ?" demanded the gambler, in the ancient pistal style.

"No, was the quiet reply ; I know you are not."

After this there were no more attempts at careless playing. The three did their best, but continued to lose.

Supper time drew near, and the game was necessarily discontinued for a time. The three went forward, but I kept my eye upon them, and observed the party assembled on the hurricane deck, at the stern of the boat, evident-

no, he would not hear a word of quitting, them or frightening them off.

puzzled me. atter betting They had been playing for an ante of

taken a fancy to him, and who appeared to have a "blind" of fifty dollars, and it was my friend's first say. He "saw" the blind know all the principal tricks and marks of that is, he laid down one hundred dollars, and then bet two hundred " better"-a capital play, and one very likely to be mistaken by his opponents for a "bluff." The next hand "passed," and then drew his cardthe dealer "saw" the bet, and also bet two hundred dollars "better."

Now, it was the oldest hand's turn, he had passed the first "say" by "going blind." He did not "make his blind good," but threw up his hand, and the contest was between the New Yorker and the gambler .--At this juncture, you will perceive, there were on the table seven hundred and ten dollars, and it was the New Yorker's turn .--He appeared in deep thought for a moment, examined his hand, studied it, took a pocket book, and not finding what he wanted, unbuttoned his vest, and, after some time. pulled out a money belt, and took from it

several bills. "I will cover your bet, and bet you a thous-and and forty-five more," said he at last, cool as a cucumber.

"And what is the forty-five for ?" asked

Legs. "If you "see" my bet, it will make even money," answered New York.

seemed very much excited, and his companions particularly figety; he drew a roll of bills from his pocket, then asked his right hand man for the tobacco; it was handed to him under the table, and then he made his bet.

"I believe you're bluffing me, hoss, and have a good mind to call you," said he, "but I won't. Here, I'll "see" your bet, and go five hundred more."

The game was becoming very exciting, and at this moment I saw my dignified new acquaintance give a slight nod to the clerk of the boat, and the latter walked out upon the guards.

New York was counting his money. "See your five hundred and go another thousand," said he, laying down three bills of the United States Bank.

Legs examined the money, looked very critically at the pile of bills the New Yorker had by his side, which were seemingly of small amount, took a critical survey of the money belt, consulted his companion's eyes, and then said with a hateful sneer :---

"Well, here's your thousand, and that makes six thousand on the table. Nice little sum, most enough to open a snug, quiet, little bank at New Orleans; but here is five thousand better."

'Hold on, hold on, stranger !" cried New York, "you over-size my pile; must have a

show for my money, you know." "The d-1 you must," retorted Legs-" If you back down, say so, and then, if you are flat-footed, I'll lend you a stake to start on.---ly engaged in animated conversation. Of this I informed my friend, and advised him to break off the game where he was; but no. he would not have a merel of the same where he was is but

The New Yorker turned very pale, raised

hem or frightening them off. After supper they went at it again with a ask whether they deemed this fair play, then

there any island about here that it would pay to colonize?"

"Just exactly the very place," returned the Captaia. "We're right above Dead Man's Island—going into the chute now, sir." "No inhabitants, I believe," demanded

the governor. "None sir, but rattlesnakes, moccasions and mosquetoes. Shall I land them there sir?'

"Yes, with a week's supply of bread, not one drop of liquor. Take their weapons away, and any tools of their trade that they may have about them; and if they have any letters or papers on their persons, let the clerk seal them up and deliver them to Mr. Baldwin with my compliments. Adieu, gentlemen," continued he addressing the gamblers, as the mate and his men were taking them off, gagged and bound; "you will find your baggage and traps at the Recorder's Office, when you arrive at New Orleans."

"And now, sir, (to the New Yorker,) you may return my loan; and I might advise, I think you had better present the large sum you have just won to the orphan asylum, when you arrive; and also, if you will excuse friendly advice, let cards alone for the future, at least among strangers and steamboat travellers."

"I feel truly grateful to you, sir," replied my young friend. "The money shall be disposed of as you suggested, and I have done with games of chance for life."

And now, Uncle Billy and Mr. Sam Slick, I should like to ask, if for a quiet little adventure, this is not a match for any of your card-playing experience ?

How Coffee CAME TO BE USED .- At the time Columbus discovered America, coffee had never been known or used. It only grew in Arabia and Upper Ethiopia. The liscovery of its use as a drink, is ascribed to the Superior of a monastery in Arabia, who, desirous of preventing the monks from sleeping at their nocturnal services, made them drink the infusion of coffee, upon the report of some shepards, who observed that their flocks were more lively after browsing on the fruit of that plant. Its reputation rapidly spread through the adjacent coun-tries, and in about two hundred years it reached Paris. A single plant, brought in 1641, became the parent stock of all coffee plantations in the West Indies. The extent of consumption can now hardly be realized. The United States alone, annually consume at the cost of its landing, from fourteen to fifteen millions of dollars. You may know the Arabia or Mocha, the best coffee, by its small bean and dark color. The Java and East India, the next quality, is a larger bean and of yellow color. The West India Rio has a blue, greenish, gray tint.

"nor The ugliest trades," said Jerrold, have their moments of pleasure. Now if I were a grave digger, or even a hangman, there are some people I could work for with a great deal of enjoyment."

· You cannot manufacture a conscience out of expediency.

A fine coat may cover a fool, but nevor conceal one.

From one of a series of "Rustic" sketches in the Erie (Pa.) Observer, we glean the following:

to All.

gathering some light chips and fuel for the

morning fire, and when he saw the bed ''loom-

ing up" in such an unnatural position, and

just ready to fall to the ground, he cried out

"Halloa there, stranger! what are you do-

ing ?" The astonished "operator" saw that he was caught in the act, but his ready wit helped

am about—havn't slept a wink all night!"

for his lodgings, and took it all in "tin."

to the pedlar:

him out.

The Poet Gray once said, "I have discov-ered a thing very little known, which is, that in one's whole life one can never have more than a single mother."

I said to a young artist once, in allusion to the kiss that Benj. West, when a boy, received from his mother, for his picture of the baby, "Sir, your mother ought to kiss you." "I have no mother !" said he, and the emotion that filled his voice revealed the true man. No mother! Badly off is he whose mother cares not for him—still worse off is ne, who cares not for his mother.

Can a mother forget? Not a morning, noon or night but she looks into the corner of the kitchen where you read Robinson Crusoe, and thinks of you as yet a boy. Mothers rarely become conscious that their chil-

dren are grown out of their childhood. They think of them, advise them, write to them, as if not full fourteen years of age. They cannot forget the child. Three times a day she thinks who are absent from the table, and hopes that next year, at farthest, she may have "just her own family there"—and if you are there, look out for the fat limb of a ried chicken, and that coffee, which none but everybody's own mother can make. Did Hannah forget Samuel? A short sentence full of household history, and running over with genuine mother love, is tellingly beauti-ful. "Moreover, his mother made him a little coat, and brought it to him from year to year, when she came up with her husband to

the yearly sacrifice." A mother mourning at her first born's grave, or closing the dying eye of child after child, displays a grief whose very sacredness is sublime. But bitterer, heavier than the death stroke, is the desperation of a son who rushes over a mother's crushed heart, into vices, which he would hide even from the

abandoned and the vile. Napoleon once asked a lady what France needed for the education of her youth, and the short, profound reply was "MOTHERS!"

ANECDOTE OF FRANKLIN .--- When quite a youth he went to London, entered a printing office, and inquired if he could get employment as a printer.

"Where are you from ?" enquired the foreman.

"America," was the reply. "Ah," said the foreman, "seeking work

as a printer! Well, do you understand the art of printing? Can you set type?" Franklin stepped to one of the cases, and in a very brief space set up the following passage from the first chapter of the Gospel of St. John. "Nathaniel saith unto him, can any good thing come out of Nazareth? Philip saith unto him, come and see."

It was done so quickly, so accurately, and contained a delicate reproof so appropriate and powerful, that it at once gave him standing and character with all in the office.

Pooh ! pooh !" said a wife to her expiring husband, as he strove to utter a few parting words, "don't stop to talk, but go on with your dying."

The pleasure of doing good is the only one that never wears out.

to him; that the act he is doing is contrary to the plain dictates of justice and right, injurious to others, and a violation of the dic-tates of duty." "On the contrary, although he may be laboring under a partial insanity, if he still understands the nature and character of his act, and its consequences; if he has a knowledge that it is wrong and criminal, and a mental power sufficient to apply that knowledge to his own case, and to know that if he does the act he will do wrong and receive punishment, such partial insanity is not sufficient to exempt him from responsibility for criminal acts." 7 Metcalfe's Reports, p. 501 to 503.

The second and third instructions asked for by the United States will be answered together. They are in these words :

"If the jury believe from the evidence that the deceased was killed by the prisoner by a leaden bullet, discharged from a pistol, such killing implies malice in the law, and is murde**r**.

"That the burden of rebutting the presumption of malice, by showing circumstances of alleviation, excuse, or justification, rests on the prisoner, and it is incumbent on him to make out such circumstances to the satisfaction of the jury, unless they arise out of the evidence produced against him."

Both these instructions are granted. The fourth instruction asked for by the

United States is in these words: "That every person is presumed to be of sound mind until the contrary is proved, and the burden of rebutting this presumption rests on the prisoner." This prayer of the United States is answered by prayer eleven of the

defence. The fifth instruction asked by the United States is in these words: "If the jury believe, from the evidence, that the deceased, previous to the day of his death, had adulterous intercourse with the wife of the prisoner; and further, that the deceased on the day of his death, shortly before the prisoner left the house, made a signal, inviting to a further act or acts of adultery, which said signals, or a portion of them, were seen by the prisoner, and that, influenced by such provocation, the prisoner took the life of the deceased, such provocation does not justify the act, or reduce such killing from murder to manslaughter."

Such, the court thinks, is the law, and grants the instruction.

Now we come to those asked on the part of the defence, the first of which is in these words: "There is no presumption of malice in this case, if any proof of 'alleviation, excuse or justification' arises out of the evidence for the prosecution."

There is, gentlemen, a legal presumption of malice in every deliberate killing, and the burden of repelling it is on the slayer, unless evidence of alleviation, mitigation, excuse, or justification arises out of the evidence adduced against him. The alleviation, mitigation, excuse, or justification must be such

as the law prescribes, and within the limits already laid down in the instructions given The second instruction asked for by the de-