HOME AFFAIRS.

Census of Clearfield County.

B. D. Hall, Esq., Deputy U. S. Marshal, has furnished us with the aggregate population in each borough and township in the county for 1860, which will be found below; together with the census of 1850:

	1850	1860
Beccaria,	687	1,065
Bell,	489	660
Boggs,	464	560
Bloom new tp.,*		294
Bradford,	792	960
Brady,	1,083	1,637
Burnside,	1,046	961
Chest,	397	902
Clearfield borough,	503	757
Curwensville borough,†	new	455
Covington,	448	647
Decatur,	445	669
Ferguson,	337	511
Fox,	50	154
Girard,	286	491
Goshen,	160	303
Graham‡ new township,		463
Gulich, new tp.,§		509
Huston,	230	422
Jordan,	612	581
Karthaus,	313	440
Knox, new tp.,		4,21
Lawrence,	1,173	1,392
Lumber City, borough new,‖		192
Morris,	639	853
New Washington, borough new,¶		144
Penn,	528	578
Pike,	1,249	969
Union,	262	296
Woodward,	390	359
	12,586	18,800
Total increase in 10 years,		6,214

* Formed out of Brady, Union, Penn, and Pike.
† Erected out of Pike.
‡ Formed out of Bradford and Morris.
§ Formed out of Beccaria and Woodward.
‖ Erected out of Penn.
¶ Erected out of Burnside.

The aggregate increase is within a fraction of 50 per cent, for the last ten years. The largest per cent of increase occurs in Fox, Beccaria, Chest and Huston, and the least in Burnside and Union.

In 1840, the total population of the county was 7,834; in 1841 Elk county was formed, which took from our county Gibson, a portion of Fox, and Jay townships, with a population of 8,32 leaving the population of this county in 1841, 7,002.

Number of Farms in the County.	1574
Number of Dwelling.	3256
No. of Deaths the last year.	139
Number of Establishments of productive industry, producing to an amount of $500 yearly, and upwards.	120
Number of Paupers in the County.	4
Cost of supporting them one year, $565	

The Marshall, Mr. Hall, desires us to say to the citizens of the county generally, that he extends to them his since thanks for the uniform kindness and hospitality which was extended to him during the progress of his labors.

FIRE.—At about nine o'clock on Sunday morning the 28th ult., the house of Mr. Lanson Root, at Puseyville, about four miles below Glen Hope, was burned to the ground. It was a new house, but recently finished. His family had been living in it but a short time, Mr. Root being absent, his little boy, it is said, took a bunch of matches into the cellar and set a heap of shavings on fire. Thence the fire spread so rapidly that their friends could succeed in saving scarcely anything from the flames.

☞Thanksgiving day is approaching, and *nary* a *Turkey* yet, although the printer may be forgotten in these times of political revolution; we hope the day set apart by the Governor will be properly observed by our citizens generally. "The prayers of the righteous availeth much."

IT IS ESTIMATED that the Union men in Boston have won at last $100,000 upon the election of Appleton to Congress.—The betting on Burlingame was large, five to one being risked in numerous instances. The Democrats in this instance defeated a great Demagogue and won a large "pile" too.

THE LATE FRESHET from the rain of the 3d and 4th instants, has done much damage in some parts of the county. Lumbermen on Blane's Run, and Messrs. Grooms on Clearfield Creek, have been heavy losers. Mr. John Robson, of Glen Hope, is said to have lost about 700,000 feet of logs Much damage has been done to small bridges in various places.

☞Gov. Packer has issued his proclamation setting forth that James Pollock and the whole Republican Electoral ticket is elected, and that they are to meet at Harrisburg on the first Wednesday of December next, agreeably to the act of the General Assembly of this Commonwealth, and the Constitution and laws of the United States in such cases made and provided.

DO YOU WANT a good life like likeness of yourselves and babies? Then go to Charlie Hole's Car on second street, opposite the Republican office, and get it taken at once. He is going to leave town soon. Hold on! don't all go at once.

☞REED, WEAVER & Co., are just now receiving another supply of New Goods, which they will sell very low for cash, or in exchange for all kind of Lumber. To "Get the Best," buy from them.

The first Snow we have seen this season, paid us a visit last night.

Mr. Charles F. Brown, alias Artemas Ward, publishes a brief valadictory card in the Cleveland Plaindealer. It is said that Artemus has formed an engagement with Vanity Fair.

Court Proceedings.

The adjourned Court, ordered at the last regular term, met on Monday morning, as stated in our last. In the Common Pleas the following cases were disposed of:

Lewis L. Bloom vs. Patrick Dolin. Summons case upon promises. Verdict for defendant.

John J. Weaver vs. Adam Knarr. Appeal. Verdict for defendant.

Jonathan Waln vs. Richard Danvers, sr. Appeal. Verdict for Plaintiff for $24 98.

COURT OF OYER AND TERMINER.

Commonwealth vs. John Cathcart. Indictment "murder." True bill. Verdict, Guilty of murder in the first degree. Motion for new trial, and in arrest of judgment. This case was called on Wednesday, and was argued by W. A. Wallace and H. B. Swope, Esqrs., counsel for the prisoner, and on the part of the Commonwealth by J. B. McEnally and R. J. Wallace, Esqrs. On Thursday morning Judge Linn rendered the following

OPINION OF THE COURT.

We have been moved in arrest of judgment, and asked to award a new trial to the prisoner in this case, for several reasons, which have been filed of record, and have been pressed upon us, by the counsel for the prisoner, not only with great zeal and ability, but also under the fullest and deepest impression of the responsibility attending their official position; and we have endeavored to give to them that serious and careful consideration which the solemn importance of this case demands. In doing so, we have tried to keep in view that the issue is one of life and death to this prisoner, and consequently we have given him the full benefit of all the doubts and presumptions which should enter into the consideration of the questions presented to us.

The reasons offered, why a new trial should be granted, are as follows:

1. Because there is not sufficient evidence to warrant the conviction of murder in the first degree.

In our view of the case, the main question upon which its final determination rested, was whether the act was done designedly, and not by accident; and if intentionally, then whether it was done "willfully, deliberately, and with premeditation," such as accords with the provisions of the Act of 1794. And we are now asked to say, in deciding the motion for a new trial, that there was no evidence in the case that would warrant the finding of such a verdict as was rendered by the jury. In deciding this question, we are not to invade the province of the jury, who are by law the judges of the facts—a wise provision of the law which constitutes one of the great safeguards of the accused; and we would therefore not be justified in granting a new trial merely because, from a view of the evidence, the minds of the jury might have been led to a different conclusion as to his guilt, or the degree thereof. Where jurors undertake to render a verdict which is manifestly contrary to the evidence, or where there is no evidence to warrant the finding, the duty of the Court to set aside the verdict, and render a new one, is quite apparent; but where there is no evidence bearing upon the question, the Court will not, and should not, disturb the verdict merely because it may not be such as they had expected would be rendered, nor because it would have decided the question of fact differently. Even in view of the solemn consequences resulting from this verdict, we cannot say that there was not evidence in the case from which the jury might find the existence of the requisites to murder in the first degree. The killing was not denied, not that the deceased came to her death by the hands of the prisoner, and the question of intention, as well as of the degree of guilt, was fairly and fully submitted to the jury for their finding; they have passed upon the question and have rendered their verdict; and the question which is now presented to us is, not whether we would have found a different verdict, but whether the verdict rendered by the jury is a legitimate result of the determination of the questions of fact submitted to them. We will not undertake to analyze the evidence in the case, nor mention nor enumerate the facts and circumstances from which the jury might infer an intentional killing, and the presence of malice, premeditation, &c. It is sufficient for us to say, that whilst we might have been satisfied with a verdict finding a lower degree of homicide, the jury, who have passed upon the facts, after a full argument, and a charge as favorable to the prisoner as he could reasonably ask or expect, have found otherwise, and we cannot see how we can interfere with this verdict, without a palpable violation of duty.

2. Because the Court erred in admitting the testimony of Mrs. Ray in rebuttal of the prisoner's case, and in admitting the declarations of John Cathcart, made in jail.

This was not urged in the argument, and we see no reason for changing our views as to the competency of the evidence; besides, the defendant has asked us to seal a bill of exceptions, of which he may have the full benefit in a higher Court, if we have erred in this behalf.

3. The jurors were not properly sworn.

In passing upon this alleged reason for a new trial, we have been requested by the prisoner's counsel to state the manner in which the jurors were sworn, so that if an error has been committed, the prisoner may not be deprived of the benefit of it. To this request we cheerfully assent. None of the jurors were sworn until the whole twelve were empannelled. The oath was then administered to them, not separately, but as many as swore by the book were asked to arise, and they were sworn thus: "You and each of you, swears," &c., using the form of oath, and so on as to those who were qualified in a different form. The defendant's counsel now except to this mode of swearing a jury, and insist that each jury should have been sworn seperately. We are aware that ordinarily this is done, but the Court were induced in this case to defer swearing the jury until the panel was full, that they might be obliged, on account of the rumors which might prevail throughout the country, to dismiss the jury and continue the case. We cannot see any reason why the mode adopted is unlawful. The jurors were by this mode severally placed under the obligations of the oath, put as effectually to all intents and purposes, as though it had been administered to each one in succession. We cannot see how the case of the prisoner can be prejudiced by this practice. Besides, we are of opinion that the objection being matter of form should have been made at the time the jury was sworn, and that it is no reason for granting a new trial. It is said by counsel that the prisoner may remain silent, take his chances of an acquittal, and after conviction urge this objection. There are, however, irregularities which the prisoner must object to at the time, or they will be considered as waived, and it seems to us that this is one of that character.

4. During the progress of the trial, and after the evidence and argument had closed, the tip-staves in charge of the jury, both of whom were from the region where the transaction occurred, and one of whom was a witness on the part of the Commonwealth, mixed and conversed with the jurors.

We cannot discover from the evidence any misconduct on the part of the tip-staves or jurors, such as would warrant the granting of a new trial nor is there in our opinion anything in the evidence to support the next reason assigned, viz:

5. While the cause was progressing, during the intervels between the sessions of the Court, the jurors were accessible to outside influences, and persons actually entered their room.

6. While the jurors were deliberating upon their verdict, one of the tip-staves was present in the room.

The testimony of Mr. Paulhamus fully explains how this occurred, and we fail to see in the transaction anything that calls for the granting of a new trial. He merely entered the outside door, ascended the stairway, looked into the upper room occupied by the jury, and asked for the buffalo robes which were needed by the owner of the building, and who requested the tip-stave to procure them for him. No injury could possibly occur to the prisoner from this, nor do we find rule of law under which a verdict rendered under such circumstances would be set aside.

7. Because of errors in the Court, and improper influences on the jury.

Upon this general reason it is unnecessary to make any comment; and hence we will pass to the consideration of the eighth and last reason assigned, as follows:

8. Because the defendant is convicted of a higher crime of murder than he can be guilty of under the testimony, and has, since the trial, discovered evidence to prove that his mind was incapable of premeditation by reason of intoxication.

This proposition has been pressed upon us with great zeal and earnestness, and calls for a close and careful examination. The first branch of it has been answered by our remarks upon the first reason assigned, and the latter clause asserts, as a reason assigned for a new trial, the discovery of material evidence since the rendition of the verdict. Mr. Wharton, in his admirable treatise on American Criminal Law, at page 1030, says:

"A party who seeks for a new trial on the ground of newly-discovered evidence is chargable with laches, if previous to the trial he knew that the witness, whose testimony he seeks to introduce as newly-discovered, must probably, from his continuation and employment at the time of the transaction, the subject of controversy, be conversant with the facts in relation to the transaction, and especially where, previous to the trial, the party knew, as the witness himself testifies to, what the witness could prove, although at the time of the trial, and while preparing therefor, the party had forgotten the facts."

Now apply this rule to the case in hand. The prisoner, by his counsel, alleges that he can now prove by several witnesses that he was intoxicated at the time the act was consummated. Giving to the prisoner the full benefit of this exception, we may not shut our eyes to the fact that from the testimony of these witnesses, the prisoner must have known at the trial, and while he was preparing for trial, that those witnesses were cognizant of the facts which he desires to prove by them. They were present with him, saw him drink and fill his bottle, and the prisoner drank twice at the house of Mr. Shoff, and several times with John Gregory,. Now, when we consider that this all occurred on the day on which Mrs. Cathcart met her death, and but a few weeks before the trial, and apply to it the rule of law we have just quoted, can this testimony, with any degree of propriety, be called "after-discovered testimony?" No effort was made to procure the attendance of these witnesses, and the persons who were sworn as witnesses upon the trial, and who were present and saw the prisoner and conversed with him, or heard him converse with others, immediately or soon after the act was done, were not interrogated as to his condition at the time—whether intoxicated or sober. Thomas Cathcart testified that he was there when the gun went off; Nancy Cathcart swears that she was there a few minutes after; and other witnesses, who came in during the evening, would most probably have been able to state the condition of the prisoner; but the question was not asked of any of them, so far as we remember, except Dr. Fetzer, who says that, not having known the prisoner previously, he could not say whether he was intoxicated or not. But the counsel of the prisoner assert that, although the testimony might or should have been known to the prisoner at the trial, yet, through ignorance or forgetfulness, he failed to communicate it to them. This, as will be seen by the rule already quoted, is no ground for asking a new trial. We are clearly of opinion that the prisoner has not brought his case within the rules in regard to after-discovered evidence; on the contrary, we are constrained to say that in the rules of law are observed, this cannot upon any principle be called newly-discovered evidence.

Again: we are asked to consider, in deciding this motion, that a great deal of public prejudice and much excitement prevailed at the time of the trial, and that the prisoner has consequently been denied the benefits of a fair and impartial trial. We are not made aware of such a state of feeling, other than by the assertions of counsel, if we except the rumors that are afloat as to the feeling in the neighborhood. The jurors, upon being called, were, at the request of the prisoner's counsel, put upon their *voir dire*, and very few of them were found to have formed or expressed any opinion in reference to the guilt or innocence of the prisoner. But admitting the fact to be so, we cannot see that it affords any reason for granting a new trial. If such a state of feeling did exist, and the Court had been properly informed of the fact, they would, if the request had been made, had suspended the trial until a change of venue could be had, or some other steps taken to avoid the difficulty. But the prisoner cannot take his chance of a trial under such circumstances, and then for that reason ask the Court to set aside the verdict. This view of the case is fully sustained by the opinion of Justice Rogers, in Com. vs. Flanagan, 7 W. & S., 419.

We have thus expressed our views in relation to the various causes assigned for a new trial. It is with the deepest regret that we feel compelled to differ with the views of the learned counsel for the prisoner, and gladly would we have found some way of escape from the conclusions to which we have been driven by an impartial sense of duty. To deal with the life of a fellow-being involves a tremendous weight of responsibility, but it is a duty which we have sworn to perform, and, whilst we admit that our sympathies for the unfortunate criminal have stood up to oppose our progress in the way of duty, we have been compelled, by the stern mandate of our official obligation, to thrust them aside, and fearlessly and impartially to meet this awful responsibility.

Entertaining these views, we are compelled to overrule the motion for a new trial and in arrest of judgment in this case; and judgment is therefore ordered to be entered on the indictment.

BY THE COURT.

To which opinion and judgment of the Court the prisoner excepts, and asks a bill to be sealed; which is done. SAMUEL LINN. [L.S.]

THE PRISONER SENTENCED TO BE HUNG.

Judge LINN. John Cathcart, have you anything further to say why sentence of death should not be pronounced?

The PRISONER. Yes; I am not guilty of such a crime as I am charged with, before God.

Judge LINN. On an occasion so solemn as this, in view of the melancholy result of the case, we cannot conceal our deep emotion in approaching the last duty which the Court have power to perform. The circumstances in which you are placed demand our deepest sympathies, as well with you as with the little ones who have already been deprived of the affectionate care of a kind mother, and who, by the issue of this trial, are to lose the protection which it was your duty to afford them. Whatever your wishes may be in reference to their welfare, we will try to carry out so far as lies in our power. You have been charged with the crime of murder. At the last regular term of this Court a true bill was found against you by the Grand Jury. You were arraigned, and pleaded not guilty. A jury of your country were called, and twelve of your fellow-citizens were chosen by you to try whether you were guilty of the charge. You were allowed twenty peremptory challenges; and, although the Commonwealth's counsel demanded their right to challenge four jurors peremptorily, the Court doubted the right, and the benefit of that doubt was given to you. You were confronted by the witnesses of the Commonwealth, and you had the process of the law to summon witnesses in your defence. You were defended by learned and able counsel, who have conducted your defence with a degree of zeal and ability, and with a manifestation of interest, which does credit as well to the head as the heart. In all questions of evidence and questions of law, you received from the Court the full benefit of all our doubts. The Court, in their charge to the jury, endeavored to present your case fairly, and in such way as to bring to the notice of the jury all the requisites of the crime alleged against you, and the circumstances out of which doubts might possibly arise. The jury were duly cautioned as to entertaining any feeling or prejudice against you, and thus they were solemnly charged to determine the question of your guilt or innocence. They find you guilty of murder in the first degree. A motion was made for a new trial and in arrest of judgment, which, for reasons which you have just heard, the Court have felt obliged to overrule You have had, in our opinion, a full and a fair trial, which has resulted in your conviction. In passing sentence upon you, we are bound to assume the finding of the jury as true; and we therefore charge you to consider well the nature and consequences of your crime. You have been found guilty of the wilful and deliberate murder of a fellow-creature; nay, more, the partner of your life and the mother of your little children, of her whom you had but a few years previously sworn to protect and love until death should seperate you. So far as we can learn from the evidence, she was a gentle, faithful, loving wife; had cared well for you and for her offspring; her last wishes, and the last expressions of desire before she closed her eyes in death, and fell a victim to the mortal blow that your hand had given her, were for your temporal and eternal welfare. Like a true woman, her heart-strings until they were sundered in death continued to vibrate to the gentle touch of maternal love. But she has gone to that country from whence no traveller returns, and we hope is enjoying the blessedness of the redeemed. As your time in this world may be short, we would admonish you kindly, to apply for final pardon and forgiveness whereit has been promised to the guiltiest of sinners, and lose no time in preparing to stand before the Great Judge of the quick and the dead. Nothing is left for us but to impose upon you the penalty inflicted upon you by the inflexible and stern rules of law. But in the Divine Dispensation a way of escape has been provided, and a ransom has been paid for all who will accept pardon on the terms of the Gospel. We are to take the verdict of the jury as establishing your guilt with absolute certainty, and, however we may wish that we were quit of this painful duty, we must proceed to pronounce the sentence of the law; which is—

"That you, John Cathcart, be taken hence to the place from whence you came, within the jail of the county of Clearfield, and from thence to the place of execution, within the walls or yard of said jail, and that you be there hanged by the neck until you are dead; and may God have mercy upon your soul. BY THE COURT.

When the sentence of death was pronounced the prisoner was much affected, crying and sobbing most of the time. He is over six feet in height, stout built, sandy hair, and light complexion—aged 25 years.

We understand that the prisoner's counsel are determined to take his case to the Supreme Court, which will cause a delay of some sixty days, before the case will be finally settled. They seem sanguine of getting a new trial granted.—If a new trial is granted, there is no telling when it will be finally brought to a close.

Philadelphia Markets.

PHILADELPHIA, Nov. 19, 1860.

FLOUR—to-day is dull and unsettled; no demand for export; the trade are buying in small lots at $5,25@$5,37 for superfine; $5,50 to 5,75 for extras; extra fancy family $6 to $6 75 The day has been unusually quiet Rye Flour and Corn Meal are without demand; the prices the same; $4,25 for Rye Flour. Corn Meal $3,50, without any sales for export, confined to the City trade.

WHEAT—the demand has fallen off; $1,28 @1,34 for fair and prime red, $1,40@1,48 for fair to prime white; no sales for export to-day.

CORN is dull; sales last evening 3000 bushels at 69@70c. To-day these prices are not obtainable, the shippers are out of the market.

RYE—nothing doing; Pennsylvania 76c.; Deleware 72@73c.

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY. No. 228, November term, 1859.

WM. H. BLAIR, use of, vs. JOSEPH J. LINGLE

By virtue of a writ of Vendifioni Exponas issued out of the Court of Common Pleas of Centre county, upon the above judgment, to me directed, there will be exposed to public sale by public outcry, at the Court House in BELLEFONTE, in the said county of Centre, on MONDAY, the 26th day of NOVEMBER next, all the interest of the said defendant, Joseph J. Lingle—being the undivided fourth part in all that certain messuage, tenement and tract of land situate on the waters of Trout run and Muchanon creek, in the township of Rush, in the county of Centre, and the township of Decatur, in the county of Clearfield, containing seventeen hundred and five acres and allowance, being held in common with A. G. Curtin, D. I. Pruner and John M. Hale, all which said premises are described in a mortgage given by the said Joseph J. Lingle to Wm H. Blair, dated 8th September, 1857, and recorded in the office for the recording of deeds, &c., in Mortgage Book E, page 34, &c., all which will be sold as the property of Joseph J. Lingle, in accordance with the provisions of the Act of Assembly of 13th June, 1840, in reference to executions against lands in certain counties.

THOMAS McCOY, Sheriff.

Sheriff's Office, Bellefonte, Oct 30, 1860. n7

NOTICE.—The partnership heretofore existing between the subscribers, trading under the firm of Cummings & Mahaffey, is this day dissolved by mutual consent. The Books of the above firm are in the hands of Robert Mahaffey for settlement.

JOHN M. CUMMINGS,
ROBERT MAHAFFEY.

New Washington, Nov. 5, 1860.

☞The Books of the firm of Cummings & Mahaffey have been placed in the hands of William Feath, Esq., of New Washington, for settlement. All persons having accounts in said books are earnestly requested to call at once and settle the same. A failure to comply with this request will incur costs.

nov14-4t* ROBERT MAHAFFEY.

AUDITOR'S NOTICE.—In the Orphans Court of Clearfield county, in the matter of the estate of JOHN S. CURRY, deceased.

Notice is hereby given, that the undersigned, an Auditor appointed by the Orphans' Court to distribute the proceeds of the sale of the estate of the above decedent, among the lawful claimants thereof, will hold an audit to make said distribution, at the office of Larrimer & Test, in the borough of Clearfield, on FRIDAY, the 8th day of DECEMBER next, at 10 o'clock, a. m., when and where all persons interested may attend if they see proper.

nov14-4t JAS. H. LAPRIMER, Auditor.

ADMINISTRAROR'S NOTICE.—Letters of Administration having been this day granted to the undersigned on the estate of E. B. KING, late of Lawrence township, Clearfield county, deceased, all persons indebted to said estate are requested to make immediate payment, and those having claims against the same will present them duly authenticated for settlement. AARON C. TATE, Adm'r.

November 7, 1860. nov14-6t

Executor's Notice.

Letters testamentary having been this day granted to the undersigned on the estate of Abraham Pearce sr., late of Bradford township Clearfield county Pa. All persons knowing themselves indebted to said estate are requested to make immediate payment, and those having claims against it are requested to present them duly authenticated to the undersigned

FRANCIS PEARCE. } Ex'rs.
JACOB PEARCE. }

Oct. 17th, 1860, 6t. pd.