upon his effort. The quiet conversational style of much of his address must have been agreeable to the ears it not to the under-standings of the jury. The only point Mr. Burleigh used all his lung power to empha-size was where he characterized Mr. Erwin's theories as undiluted anarchy. His speech occupied three hours and a half almost. At

its close the court adjourned for lunch.

Judge Kennedy began to read his charge
at 2:35. He had written it out in its entirety, except the quotations from law books, which amounted to considerable. Honor read slowly and distinctly, only once laying particular emphasis upon his words, and that was when he warned the jury to be careful about letting the legal bird of prev, a reasonable doubt, get away with their judgment; then he raised his voice and thumped the arm of his chair. Both Sides Pleased With the Charge.

The charge impressed both sides very favorably. The layman could not but admire its judicial impartiality and the clear statement of the case at issue it embodied. Mr. Erwin, the impetuous Demosthenes of St. Paul, felt impelled to inform THE DIS-PATCH reporter that he considered Judge Kennedy's charge one of the fairest he had ever heard, full and learned, absolutely impartial and unopinionated. It should have been mentioned that Mr. Erwin at the close of Mr. Burleigh's speech objected to

several statements in it not in accordance with the evidence, and the Court directed

the jury to disregard counsel's statements where they did not agree with the facts. This also pleased Mr. Erwin. When Judge Kennedy had concluded his charge the jury retired, at 3:25, but the court continued in session till 4 o'clock. All the course! retired to Mr. Burleigh's room for a conference about the rest of the Homestead cases. Poor little Mrs. Critch-low, who had burst into tears when her husband was led back to jail, sat alone with empty chairs all around her in the very center of the courtroom. With her face hidden behind her handkerchief, the de-fendant's devoted wife remained a picture of loneliness and grief for half an hour, during which time not a soul spoke to her, much less essayed to comfort her. When the court adjourned she went away, and she was not present when the glad tidings of her husband's acquittal came. The verdict at least has given one little woman, with four young children to care for, a heart to

GLORIOUS OLD TOM TALKS.

enjoy Thanksgiving Day.

Mr. Marshall Scarifies the Commonwealth's Witnesses-Sarcasm for the Carnegie Firm-A Roast for Capitalists-A Strong Plea for the Defendant.

The Hon. Thomas M. Marshall began his address with the argument that the jury were judges of the law as well as the facts, which he supported by a citation from Chief Justice Sharswood's ruling to that effect. He said he expected the jury to listen to the law of riot, as laid down by the Court, but protested against the Commonwealth's theory of constructive murder, and contended that there must be mental intention to make a man a murderer. Then Mr. Marshall described the hiring of the Pinkertons and their journey to Homestead, characterizing them as aliens and foreigners, who, under the cover of night, skulking like robbers, invaded the State of Pennsylvania. He contended that the Pinkertons were



unlawfully at Homestead, usurping the duties of local courts, police officers and civil authorities.

Upon the Pinkertons he was specially severe, lumping them as unreliable and dis honest by profession; "a detective's life is a lie, his conversation is a fraud," he said. Stewart, the clerk in the Carnegie employ whose positive identification of Critchlow was the mainstay of the prosecution's case, he compared to Blind Sam's automaton soldiers in Pittsburg's old Museum, to which Rody Patterson was wont to compare the policemen who were ready to swear to anything or anybody at the most trifling provocation. Reese dealt in pictures, not facts, Mr. Marshall said, in his swearing to the identity of a man of whom he got only a glimpse. On their side they had a dozen witnesses who knew Critchlow well whom he at various other places at the time. saw him at various other places at the time he was alleged to have been shooting at the

Mr. Marshall paid his respects to the Carnegic Company's interest in the case in these words: "The District Attorney will tell you that he doesn't represent Carnegle, that he is not in communication with Cluny Castle; that he has had no dealings with Mr. Lovejoy. But why did Brother Robb say: 'Our clients do not dictate how this case shall be run?' Who does Mr. Robb mean? The Commonwealth is the only client I recognize on the other side."

Mr. Robb—I didn't say that or anything

Mr. Marshall-I do not accuse you of falsehood, Brother Robb; you are merely forgetful. The truth will slip out. Why this array of learning and beauty behind the District Attorney, Breck, Patterson, with no hair where it ought to grow, and Robb? You couldn't make me believe that the Carnegie Company hadn't anything to do with this case.

Names Out of Keeping. "Then this man Lovejoy's name on the in-formation, what does that show? It's not the right name, but I wouldn't suggest for worlds that it should be changed to Love-Blood, or have the Love stricken altogether out of it. Several names connected with the prosecution seem to be wrong-hitched. I never see Henry Clay Frick's name but I

Mr. Marshall next turned to the clothing worn by the defendant on July 6, and asked whether it could be called dark in color as the Commonwealth's witnesses described it. He contended that nothing was easier than to make a mistake in identity. Where was the proof of the common purpose to commit murder among the Homestead men on July 6? If there was a reasonable doubt the de-fendant must have the benefit of it. It was not perhaps a ques-tion between capital and labor. There was not one capitalist in Allegheny county who had begun life with a fortune. It was said to be a great sin to import foreign iron or steel, but it was all right to import Slavs, Poles and Hungarians. Critchlow was to be made a victim of this system. Gold-

smith rightly said: Ill fares the land to hastening ills a prey here wealth accumulates and men decay! Mr. Marshall shook up Jay Gould as a representative evil product of the times, and maintained that the man who produces oidn't get the share of the country's wealth he ought to get. In conclusion he asked the jury to review the case calmly and honestly

and stand by their right to render a de-MR. BURLEIGH'S SPEECH.

The District Attorney Makes a Very Clear Analysis of the Evidence-He Roasts the St. Paul Lawyer-A Review of the Riot

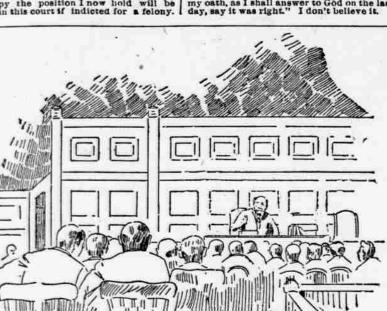
That Caused the Trial. District Attorney Burleigh followed Thomas M. Marshall. He spoke for three hours and a half and delivered over 15,000

words. It was the effort of his hife, and he was congratulated by the bench and members of the bar. The District Attorney said:

words. It was the effort of his life, and he was congratulated by the bench and members of the bar. The District Atterney said:

Those who always prate the most and inveigh the loudest against the use of art and prejudice in stread of the law and the vidence. I want to say, at the very threshold of my argument here, that in my judgment, in the whole of the several hours that were taken up by the defense in the argument of this case, 39 per cent of that time was taken up by the defense in the argument of this case, 39 per cent of that time was taken up by the defense in the argument of the several hours that were taken up by the defense in the argument of this case, 39 per cent of that time was taken up by the defense in the argument of the judy, on the Pinkertons, it was awful. Talk about the disgraceful or interest and the was taken up by the defense in the argument of this case, strenuously keeping away from the evidence, strenuously keeping away from the evidence, strenuously keeping away from the evidence, strenuously keeping away from the issues involved and asserting that by so doing they were simply here to help and aid you in coming to a correct conclusion. In the light of their argument I do not think it apparent that they have done so.

Now, in the first place, I am sorry that the last speaker has compelled me to state to this jury that I am in the pay of no man. Every man indicted in this court so long as I occupy the position I now hold will be tried in this court if indicted for a felony. resistance to their landing was the only



JUDGE KENNEDY CHARGING THE JURY.

They will all be prosecuted alike; they will all be prosecuted by the Commonwealth, and I will say to them, as to this man to-day, if the law and the evidence show that they if the law and the evidence show that they are not guilty I will ask the jury to let them go soot tree, but if the law of this Commonwealth and the evidence in the case shows that they be guilty, whether the man be Sylvester Critchlow or Henry Clay Frick, I will ask the jury to bring in a verdict of guilty under the indictment they are sworn to try.

A Very Ridiculous Claim.

But yet, while their whole defense is an alibi, 99 per cent of the kind of their argument is consumed in trying to convince this jury of something that is so absolutely ridiculous that it almost makes me blush to refer to it, viz.: That a revolution like unto that of Lexington and Bunker Hill was about of Lexington and Bunker Hill was about breaking out in our midst, as if anybody would believe such stuff as that. Suppose I was indicted in Philadelphia for a crime that I was allered to have committed in Philadelphia yesterday, do you suppose I would go there and derend myself by saying or showing that the man who committed the crime had a right to commit it? I would do what Sylvester Critchlow professes to do. I would set up an allbi and prove by every man in this courtroom that upon yesterday I was in the county of Allegheny. They know their alibi is weak and won't stand.

Why they say it is a misfortune to the country that we didn't go outside of this homicide case and try the riot case, and ascertain the cause and effect of that strike. What has that to do with the case—according to them this man wasn't there. He didn't do the killing, he wasn't on the ground, and in the name of God why does he complain because the Commonwealth didn't put more witnesses on the stand and prove various other things. He tells you in the next preath that this defendant ought to be acquitted because there is not a single solitary piece of evidence that Mr. Frick was interested in or owned that mill yard, Is the opposite of that proposition true? Do I understand my friend on the other side to argue to this jury that if there was evidence that Mr. Frick was interested or owned that millyard that then this man is guilty of murder?

It is to be determined by you, if their breaking out in our midst, as if anybody

murder?

It is to be determined by you, if their theory be right, whether within this peaceable county of ours an Allegheny county juty is going to say that citizens within its borders, with guns, muskets, dynamite and burning oil and every invention that could be invented by a mur ierous mind, can be brought to hear against 300 human beings upon our rivers, even to the extent of extermination, and yet be guilty of no crime.

A Reast Intended to Erwin.

A Roast Intended for Erwin. Are you prepared to say that to the world? You have been told in language that shocked every hearer within the walls of this room that men within this county had a right to shoot them upon the boat, to shoot them in

that men within this county had a right to shoot them upon the boat, to shoot them in the mart, to shoot them at their hearthstones and after their death to climb over the boundaries itself, and to shoot them upon the burning bosom of the Prince of Hell. Are you going to indorse that? That is the theory of the defense. You have been told if those men had not surrendered at 5 o'clock upon that day, that people of this county had a right to shoot and shoot, even down until yesterday if they hadn't surrendered, and had a right to kill every one of them; that it was right under the law. Are you going to add your approbation to that? It is inhuman language, it is brutal language, language contrary to Divine law, boutrary to human law, contrary to the laws of the savages and barbarians, language that I would not even attribute to the Prince of Darkness himself, because I believe it would make him blush to say it, and I don't believe he would indorse it. And yet the time has come in Allegheny county when an officer of the court can stand before the public and the jury and say to them, under the oath that he took to prosecute the case, that that is right under the law of Pennsylvania. Horrible! Awful! A hiteous doctrine! A doctrine that I do not believe any 12 men in or out of Christendom would give their assent and their approbation. It is worse than the crime for which Critchlow stands indicted. It is more ghastly and more awful than any murder ever committed in Allegheny county. The promulgation of a doctrine like that is net law, it is anarchy pure and simple, it is the utterance of a communist.

If Critchlow encouraged the formation of the river of the origin of it and then left.

law, it is anarchy pure and simple, it is the utterance of a communist. If Critchlow encouraged the formation of that riot or the origin of it, and then left and didn't go back again, he is just as guilty under the law as if he had stayed there all the day. And why? A man cannot start a mighty engine of destruction in motion, or cause such a terrible riot as that was: a man cannot be the means of congregating on the ground 5,000 people with dynamite and oil, and cannon and shotguns, and pistols and rifles, and leave them there to complete the job without being guilty of everything that takes place a ter he was first on the scene, no matter whether he remained there or not. And to avoid any mistake about it, I don't care whether Critchlow was home at 3 o'clock, whether he was asleep at 4 o'clock o'clock, whether he was asieep at 4 o'clock or not: if he was there that morning at any time after this murderous attack started un-der the law he is just as guilty as if he re-mained there all day.

A Description of the Riot.

Mr. Burleigh then went into an elaborate account of the events of July 6 at Homestend. He claimed the Pinkertons were carefully brought to Homestead to guard property; that Sheriff Gray's presence sanctioned the undertaking and that the

Mr. Burleigh then proceeded to go over from the place where the detense admits the Commonwealth's witnesses rightly placed him between 8:40 and 9:20 a. M. Mr. Burleigh went on:

Now, then, I want to call your attention to another thing. They told you that there was a man by the name of Harrison Critch low, and that he was mistaken for this one

Here Mr. Cox interrupted the speaker to say that Harrison Critchlow was lying sick

Mr. Burleigh continued:

If this man had been lying sick with his leg cut off they could have gotten Ridley or somebody else to have gone upon the stand and swear to it. I will venture to say that there is no more comparison between Sylvester Critchlow at the bar and Harrison Critchlow, if there is such a man, than there is between a cat's tail and the tail of a comet. Why, they would have been overjoyed to have brought him; he would have been their principal witness. Now, it they concede that Stewart knew Sylvester and it was Sylvester that he recognized that morning with a gun, how is it possible that they can say that he sindr't know Sylvester in the afternoon and that therefore it was Harrison he recognized?

He tells you that right alongside of Sylvester Critchlow, kneeling at that time and shooting, was a man named Hall and a man named Flaherty, and a man named Flannigan. Why are not these men produced on the witness stand if Stewart lied?

Reese comes in, of course, with every man who testifies for the Commonwealth, for a Mr. Burleigh continued:

gan. Why are not these men produced on the witness stand if Stewart Hed?

Reese comes in, of course, with every man who testifies for the Commonwealth, for a share of the remarks made by counsel for defense, who say that he is unworthy of belief, that he parts his hair in the middle and fool things like that. I never heard anything disreputable about Mr. Reese; I don't see anything in his appearance to indicate that he is a man not to be believed or that he is not reliable; I was rather lavorably impressed with him he wasn't connected with the Carnegie Steel Company, he simply went up there to draw pictures for the New York papers of what he saw, and the very fact that he has gone from here to New York is an indication that he is something better than the ordinary artist and has been advanced by going to that city. He tells you that he was up in the cupola; that he was there in the prosecution of his business; that some man with a red necktie on called his attention to a man in an exposed position and said"There's Critchlow, the dare-devil," and that from the fact that he was in an exposed position and that this man referred to him as a dare-devil his attention was specifically directed toward the man who was kneeling down and that man is the defendant Critchlow here to-day. That is his testimony, It is not shaken.

Witnesses Who Told the Truth.

man Ramsey told you that Sylvester Critchlow had run out of ammunition, that he had
no ammunition and went home about 5
o'clock that day. I haven't any
doubt that on account of being
up all that night he was tired from loss of
sieep and that when he went home at that
time he went to bed. At 4 o'clock he was
in bed as his wife stated.
Now one thing more. Who is the man or
all men in this county who could tell where
Sylvester Critchlow was that day and what
he was doing? Sylvester Critchlow. Does
he tell you where he was that day and what
he was doing? No. What does he tell you?
There has been a little dispute about it and
I have his testimony right here. It is presumed, gentlemen of the jury, that when
counsel put a witness on the stand, they
will bring out of that witness every fact
that is in favor of his side of the case.

Mr. Burleigh read Critchlow's testimony

Mr. Burleigh read Critchlow's testimony

the evidence supporting the defense's claim of an alibi. He showed that Ridley, Eicher, McAllister and Trautman testified that Critchlow was at a saloon 13 minutes away

A Question for the Defense.

low, and that he was mistaken for this one at the bar. Where is Harrison Critchlow? Where is he? Why isn't he produced? That he is a cousin of that man, said to look like that man, although it is admitted that he is somewhat shorter, as I understand it, a great deal shorter, and not like him in height when he is standing upon his feet. Where is Harrison Critchlow? They say this man Sylvester Critchlow is on trial for his life today, and that it is a case of great importance to him. In the name of God, if that is true, why don't they bring his own cousin here and let us see what he looks like, and let him testify whether he was the man pointed out or not? out or not?

Witnesses Who Told the Truth.

Then, gentlemen of the jury, comes Baird and Mrs. Coyle and Brayshaw and Moore and Ramsey. I am free to say that I think those witnesses told the truth; I think as old man Ramsey told you that Sylvester Critch-

and then said:

If he wasn't there that day he ought to go on the stand and say so. If he didn't fire a gun that day he ought to say so. If he wasn't a part of this combination he ought to say so. Jow, gentlemen of the jury, you have seven witnesses who teatily to seeing him, five of whom testify that this man was on the ground; that he fired the shot; that he was behind the barricade firing in range of where conners was shot. You have on the other side his time absolutely unaccounted for by any witness at all at 7.30 o'clock that morning; although Jury said he was on the ground from 9.30 that morning until 12.30, yet not a single witness testifies to where he was from 10.30 till 12.30 except Rothrand. What did he have a gun for? He didn't take it home that day just for fun; he had it for a purpose and that purpose was to shoot. He said to Mr. Ramsey "he

was out of ammunition;" he didn't even contradict Mr. Ramsey.

Walting for the Judge's Charge. Now, gentlemen, this case is over so far as counsel for the defense are concerned; you will hear the charge of his honor; he will charge you that if this man was on the ground at any time that day before the killing of Mr. Connors he is responsible for the death of Connors he will charge you that ing of Mr. Connors he is responsible for the death of Conners; he will charge you that this alibi ought to be closely scrutinized, and when they put four witnesses on the stand who tell you that which is not true it is pretty hard to believe that all the other witnesses in the alibi are testifying in the direct line of truth. I think the fact that this man was put on the stand by his counsel and that they didn't dare to examine him as to his connection with the riot on that day, and the fact that they picked out these certain hours in reference to which they examined him, is sufficient for you to assume that he was there the other times or else they would not have selected these particular times.

else they would not have selected they would not have a reasonable doubt as to his intent to kill, then he would be guilty of murder of the second degree. I fail to see how there is any manslaughter in this case; that always occurs in a sudden heat of passion and there was nothing sudden about this. It was three hours before the attack

was resumed.

I ask you, gentlemen, sincerely and earnestly, in the interest of law and order to be careful and guarded in regard to your verdict in this case. You ought to take the evidence as it is given from the witness box and simply find a true and correct verdict, a verdict that will do justice to the Commonwealth, and will redound to your credit, not particularly as a punishment for any crime committed in the past, but more particularly in the interest of law and order in the future, and to prevent a repetition of occurrences of this kind.

AN IMPARTIAL CHARGE.

Judge Kennedy Reviews the Law and the Facts at Length - The Jury Is Sole Judge of the Creditability of Witnesses. Judge Kennedy began his charge with the customary definition of the various degrees of murder and of manslaughter. Then he continued:

he continued:

In case of riot or riotous assemblage of persons for the execution of some private object, all participants therein are principals, and if killing occurs in pursuance of a common design, all are gullty o' murder. And if accompanied by such circumstances as show intention to take life, either of the deceased or anyone else present, or pircumstances from which such intention can be reasonably and satisfactorily inferred, then it is murder of the first degree.

Next Judge Kennedy affirmed all the points submitted for the defense. Having given the legal definition of a riot, he pro-

given the legal definition of a riot, he pro-

given the legal definition of a riot, he proceeded:

As to riotous homicide, gentlemen, I read to you from an authority, a portion of which has already been read, and it seems to contain all that is necessary to say to you as to what constitutes riotous homicide:

"393. Individuals who, though not specifically parties to the killing, are present and consenting to the assemblage by whom it is perpetrated, are principals when killing is in pursuance of common design. When divers persons, says Hawkins, "essolve generally to resist all opposers in the commission of a breach of the peace, and to execute it in such a manner as naturally tends to raise tumults and affinys, and in so doing happen to kill a man, they are guilty of murder, for they must at their peril abide the event of their action who unlawfully engage in such bold disturbances of the public peace in opposition to, and defiance, of the justice of the nation."

And if there is evidence establishing the fact sufficiently that the rioters had combined to engage in the riotous proceeding with an understanding or agreement to overcome all opposers to the extent of taking life if necessary to accomplish their purpose and killing occurs then they will each and all be held to have formed the intent to take life and they each and sil will be guilty of murder of the first degree.

No Discussion of the Facts.

No Discussion of the Facts.

Now I do not propose, gentlemen, to distestimony. That has been thoroughly done by the counsel upon both sides, and all that would seem to be necessary for me to do is to briefly refer to the claim or theory of the Commonwealth and that of the defense,

The Commonwealth claims, as I understand it briefly, that on the 6th day of

Commonwealth and that of the defense.

The Commonwealth claims, as I understand it briefly, that on the 6th day of July last a couple of barges towed by the steamer Little Bill, leaded with some 300 men thereon, having embarked at Bellevue, down the Obio river a few miles below Pittsburg, and having on board supplies for these men, passed up the Monongahela river bound for the town of Homestead, and baving with them a deputy Sheriff of this county of Allegheny, Colonel Gray, the men being intended as guards for the protection of the property or works of Carnegie, Phipps & Co., located a short distance above the town. In their voyage up the river, and before they reached their destination, these barges were assailed with shots from the above, on that side of the river on which Homestead is located, many shots striking the barres and the boar by which they were towed. No injury to life, however, was done until the landing in front of the mills and the Carnegie Steel Works, above mentioned, was reached.

In attempting to land there they were met by the riotous assemblage of men, women and children, who resisted the attempt at landing. The principals of this riot, or riotous assemblage, were armed with rifies, shotguns, revolvers, and with those weapons, and using and making threatening speeches and turbulent gestures, and calling the men upon the barges by vile names, and using opprobious epithets, they assailed the men upon the barges, resisting their attempts to land, and when the gang plank was run out one of the rioters threw himself upon it, and with his revolver commenced firing upon those on the plank or boats who were attempting to land. Up to this time, as claimed by the Commonwealth, no responding shots came from the barges, but shortly thereatter, upon order coming from Captain W. Cooper, who was on the barnes and claiming to be in authority, a volley was fired from the barges and shortly thereatter unother, the first volley, according to some of the winnesses for the Commonwealth.

The crowd the river

· The Claims of the Commonwealth.

Several of those on the barges were wounded by the shots from the rioters and two were killed or died from the wounds thus received, one of whom was the deceased, T. J. Connors, who received a gun-shot wound in the right arm, causing his death later in the day, and with his murder the defendant is charged in this indictment. The Commonwealth claims to have shown by the evidence that the defendant Critchthe defendant is charged in this indictment. The Commonwealth claims to have shown by the evidence that the defendant Critchlow was one of the rioters, that he was seen early in the morning in the mill yard and a little later on the township road approaching the gate or entrance to the mill, and later in the day was seen upon the barricades with three others, gun in hand pointed through an opening in the fire bricks placed between the beams with which the barricades were constructed, aiming his gun directly at the barges on the river below whereon were these men, and firing the gun thus aimed once as I recollect the testimony. The Commonwealth thus claiming to have shown the participation of the defendant in the riot in which the deceased was killed, claim that the defendant was guilty of murder. And that if the specific intent to take life is shown, and they claim it is shown by the use of the deadly weapon, a gun, and the facts and circumstances attending the riot and the killing, the claim is that it would be murder in the first degree.

Now, the facts and circumstances I need not reier to in detail, as they have been fully related to you and commented upon by counsel for the prosecution.

The defense does not seem to seriously deny the existence of this riot, or riotous assemblage, nor the fact claimed by the Commonwealth that the barges were attacked and shot at before they reached the landing in front of the Carnegie works, as they ascended the river, but he claims to have shown on the attempt to land, when the gang plank was thrown out, the first shot was fired from the barges, or by someone on the plank who had gone from the barges, and that the firing from the men on the shore was done after the first shot was fired from the boat or barges. One of the witnesses for the defense, however, stated that prior to the shot being fired from the barges there were stones or missiles of some kind t rown at the barges or boats, and that threats were made against the men therein and against their landing, and much

mony also the first shot was fired from the barges.

The Contention of the Defense, The defense further claims that the prisoner was not a rioter; that he was not a member of the riotous assemblage and in no manner participated therein, and intro duced testimony to show his whereabouts during the entire day of these lamentable occurrences, and claimed to have shown occurrences, and claimed to have shown satisfactorily that he did not do the shooting or otherwise participate in the riots as claimed by the Commonwealth, the main defense being what you have heard called an alibi, that is that the defendant at the time alleged was in a different place from that in which the crime was committed, and therefore could not have committed it. Of that defense I will have something to say hereafter.

that in which the crime was committed it. Of that defense I will have something to say hereafter.

There are, as I have said to you in brief, the claims of the Commonwealth and defense. You will recollect the evidence offered respectively in support of these claims and theories and it will be for you to say then which is correct. If the defendant participated in the riot at the beginning, or when the purpose was formed to resist the landing of the men from the barges by physical force and violence, and the killing occurs subsequently in the accomplishment of this purpose, he is guilty with the others, although he may not have actually been present and parcicipated at the time of the killing.

"The Carnegie Company had the undoubted right to protect its property, and for this purpose it could lawfully employ as many men as they saw proper and arm them if necessary. So long as the men employed by the company acting as watchmen to guard and protect this property acted only in that capacity and for that purpose it mattered not to the rioters or to the public who they were or from whence they came. It was an act of unlawful violence to prevent their landing upon the property. That unlawful violence amounts to at least riot on the part of all concerned in it, and if life was taken in pursuance of a common purpose to resist the landing o: the men by violence the offense was murder."

This is the language of the Chief Justice of the Supreme Court of this State in his recent charge to the grand jury upon this subject. Where shall we look for a higher authority? As is properly stated by him it matters not who these men were nor whence they came, whether Plukerton detectives from Chicago or elsewhere, as long as their purpose was lawful. And if their landing was resisted by physical; force and violence, attended with threatening specches and turbulent gestures, it amounted to a riot, and if killing occurred in pursuance of a common design to accomplish their unlawful purpose the participants are guilty or murder.

You mus

participants are guilty of murder.
You must not be guided by the advice that

You must not be guided by the advice that the people on the shore had the right to resist the landing of the men from the barges and to shoot them down if necessary to accomplish their purpose; this is not law, gentlemen. It is wholly subversive of private rights and it is inconsistent with good order, good government and good eitzenship, and it is in violation of every principle of justice and numanity.

The Law From the Supreme Court. You are told that you are not the judges of the law as well as of the fact. This gentleman is true, in a certain sense, and the best ex planation of that is to be had in the later utterances of the Supreme Court on that subject, which I will read for your instruc-

The opinion was to the effect that the Court should furnish the law and the jury should apply it to the evidence.

The opinion was to the effect that the Court should apply it to the evidence.

Judge Kennedy continued: I have given you the law of this case as I understand it to be laid down by the Supreme Gourt of our own State, and I apprehend the jury will take it from the Court as the best evidence of the law, In other words they take the instructions which seem to have been conveyed in the opinion which I have just read. Now, as to the present case, if the jury are satisfied that there was a riot in existence there on that day, and that the defendant with others actively participated in it with the purpose and intent to prevent by violence and physical force the men on the barges from landing and entering the works or mills of the Carnegie Company on this day, July 6, 1892, and if you believe that T. J. Connors was killed by the act of violence of the rioters, and that there was a common purpose or design among the rioters to resist and oppose the landing of these men to the extent of taking life, if necessary, to accomplish their purpose, then the defendant and all members of the riotous assemblage participating in the acts of violence, although not specifically the parties to the killing, are guilty of murder of the first degree. Because there is the specific intent to take life. It is not necessary that the intention should be to take the life of this deceased Connors, it is sufficient if the intention be to take any life in the accomplishment of their unlawful purpose. The essential element, namely, the intent to take life, the first degree is there, and this intent may be inferred from all the facts and circumstances in the case. If, however, the jury are not satisfied beyond a reasonable doubt that the intention to take life existed in the minds of the rioters, in the accomplishment of their unlawful purpose, but are still satisfied that the killing, and the jury should believe that the riot was inaugurated and existed for the purpose of unlawfully by violence of the rioters, of whom the defendant Critchlow was on

A Possibility of Manslaughter,

degree.

A Possibility of Manslaughter.

The malice in law is implied by the filegal and riotous attack, and even if the krilling was done in the heat of the combat, by reason of the lilegal attempt by force to prevent the landing of the men from the barges and drive them from their employment, under such circumstances the law will not allow the defendant and his fellow rioters to protect themselves under the principle which ordinarily reduces the crime from murder to manslaughter.

If, however, the jury, while satisfied that the killing was done by the rioters, of whom the defendant was one in the prosecution of their unlawful purpose, still are convinced that there was no malice on the part of the rioters; that the killing was done in the heat of the combat and under great provocation, the crime may be manslaughter and such may be your verdict; that is, suilty of voluntary manslaughter. But if the jury believe the theory of the deiense, as heretofore stated, that he did not participate in the riot or in the manner as claimed then your verdict should be not guilty. As to this defense of alibi, about which I promised to say something, my instructions as to that line of defense are better expressed in an authority, a part of which was read to-day in your hearing, but which I desire to read entire and say to you that these words contain my instructions upon that defense, namely, alibi. This is a decense which, when satisfactorily laid out, necessarily overturns the strongest circumstantial evidence, and it is sometimes the only available defense to an innocent man. But in every case where the defense of alibi is resorted to, it should be very closely scrutinized, for the reasons so forcibly expressed by an eminent judge: "It is a decense often attempted by contrivance, subornation or perjury. The proof, therefore, offered to sustain it is to be subjected to a rigid scrutiny, because, without attempting to confess or rebut the evidence of facts sustained in the charge, it attempts to prove affirmatively another fa the truth lies.

The Judges of the Witnesses. Now, gentlemen, you will carefully con-sider all the facts and circumstances of the case. You will weigh all of the testimony: you are the sole judges of the credibility of the witnesses whom you have seen upon the stand and observe their manner. And in case of contradictory statements from witnesses you will decide which statements are true and which witnesses are truthful. In deciding upon any material part of the case it is the duty of the jury to give the prisoner the benefit of any reasonable doubt arising out of the evidence which prevents them from coming to a satisfactory conclusion. But it must be a reasonable doubt fairly arising out of the evidence, not simply fancied or conjured up; as has been said, a jury must not raise a fanciful doubt, or ingenious doubt, to escape the consequences of an unpleasant verdict. In making up your verdict you will consider only the facts and circumstances of the case as developed by the testimony, without regard to what your personal views may be in relation to the matter, or whether you approve of the law of the case or not. It is your duty to enforce the law and suppress lawlessness, and your verdict trust depend upon the legal evidence uninfluenced by any fear, favor, affection, personal inclination, wishes or sympathies, all of which must be laid aside by you. Nor are you to be deterred or frigutened from doing your duty by the consequences are not yours, they follow the crime. You do not pronounce the sentence; that belongs to the Court. You only find a true and honest verdict. The law has made murder a crime, and you are sworn to obey and enforce the law. The duty you have to perform is a most important and solemn one. A human life has been taken, and it is your duty to determine are true and which witnesses are truthful. In deciding upon any material part of the

what participation, if any, the defendant had in its taking, and what his guilt.

You will take the case gentlemen and render such verdict as will satisfy your own conscience under your oaths, doing justice to the Commonwealth as well as to the prisoner at the bar.

JUBILANT MILL MEN.

The Idle and Employed Workmen at Homestead Wait Expectantly for the Verdict of the Jury in the Trial of Syl-

vester Critchlow. The all-absorbing topic of discussion yes terday at Homestead, both among the idle and employed mill workers, was the trial of Sylvester Critchlow. There seemed to be a general feeling of fear that he would not be acquitted, and to-night the men are jubilant over the verdick. As soon as the report came that the jury was out the men congregated about the various points of communication with the city and anxiously waited to hear their fellow workman's fate.

A cheer loud and exultant went up when the verdict was learned, but no demonstra-tion followed. Many of the men thought i too good to be true, and they congregated about the Pittsburg, Virginia and Charleston depot and waited for the arrival ton depot and wasted for the arrival of the evening train, thinking Critch-low would be on board if the report was correct. Nearly 1,000 people were at the station, and when the news was confirmed that Critchlow had been acquitted they began a search for him, and were greatly disappointed when they learned that he was still in fail. Soon after the crowd dispersed and went quietly to their homes.

At the works only a few applications At the works only a few applications were made yesterday, and a few vacancies, caused by non-unionists leaving, were filled by the old men. Many of the strikers who were blacklisted or received no encouragement from Superintendent Schwab are seeking employment elsewhere, and nearly every outgoing train takes some of them away, outgoing train taxes some of them away.

It is an every day occurrence to see household goods, the property of non-union men, arriving in the borough, which indicates that many of them are here to stay. The mill both day and night presents an old-time busy appearance for the stay of them. ance and is running full, a fact no doubt due to the return of many of the experi-

Many of the idle men are commencing to Many of the fole men are commencing to criticise the action of the Amalgamated As-sociation, and say that the officers should have called the strike off long ago, then more men could have secured positions. During the day 200 delegates to the Ameri-can Bottlers' Association visited the works.

Trusses, Etc.

Manufacturers of trusses, shoulder braces, artificial limbs, etc. Periect fitting and a superior quality our aim. J. W. Thompson, of 23 years' experience, has charge of the fitting department. Always open Saturday evening.

ARTIFICIAL LIMB MFO. Co., 909 Penn, near Ninth, Pittsburg.

Klebers' Planos in the Lead. Buyers Prefer to Deal at Klebers'.

Fifteen planes and organs sold already Steinways, Conovers, Operas) for Christ-nas gifts at Riebers'. Save money and buy tt Klebers', 506 Wood street. Don't forget 506 Wood street. REAL ESTATE SAVINGS BANK, LIM. 401 Smithfield Street, Cor. Fourth Avenue

Capital, \$100,000. Surplus, \$81,000.
Deposits of \$1 and upward received and necessallowed at 4 per cent. Klebers' Planos in the Lead.

Fifteen pianos and organs sold already. (Steinways, Conovers, Operas) for Christ-mus gifts at Klebers'. Save money and buy at Klebers', 506 Wood street. Don't forget 506 Wood street.

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\$50,000 Worth of Diamonds. If you buy your diamonds from me you will find the largest selection and best quality to be had for the money. Sold loose or mounted. Cash or credit. Sam. F. Sipe, wholesale and retail, Dispatch building.

DR. JOHN COOPER, JR. Ear, nose, throatend chest diseases. Office Westinghouse build-ing, Pittsburg, Pa. Hours 11 a. w. to 4 r. m

WALL PAPER.

Choice patterns at 20c, 25c and 35c. Cheaper papers from 5c, 8c, 10c, 15c. Varnished papers for kitchens and bath-

Tile Hearths from 25c up. See them.

J. KERWIN MILLER & CO.,

No. 543 Smithfield Street.

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SEASONABLE UNDERWEAR. AT LOW PRICES.

FOR WOMEN.

White Merino vests and Pants at 40c a garment. Camel Hair Vests and Pants at 50c each. White Persian Fleece Vests and Pants at \$1 each. Ribbed Underwear in White and Natural at 75c

LADIES'

LOW PRICES.

White and Natural at 750 and \$1 a garment.

Extra sizes and quality for stout women, \$1.50.

Black Underwear, very cheap and perfectly fast \$1. \$1.25.

Black Equestrian Tights, the perfection of comfort. the perfection of comfort, 50c, \$1.25 and up. Ribbed Balbriggan V'st's,

Ribbed Baibriggan V'st's, long sleeves, \$1.

Low and High Neck, Sleeveless, 75c.

Swiss Ribbed Vests, low neck, sleeveless, \$1 grade reduced to 50c.

Hi-h Neck and Ribbed Arm Medium Weight V'sts reduced from \$1.25 to 75c. FOR CHILDREN.

White Mermo Vests and

An immense variety in Heavy Cotton, Cashmere and Merino Underwear and Hosiery for children, Misses and large boys from low to fine grades at reduced prices. CHILDREN. MEN'S UNDERWEAR.

UNDERWEAR

UNDERWEAR.

Heavy Random Mixed
Shirts and Drawers, 30c.
White Merino Shirts,
French neck and ribbed
skirt, 50c.
Ribbed Merino Vests
(special), 50c.
Scarlet Wool Shirts and
Drawers, worth \$1 25, reduced to \$1 each.
Extra Natural Wool and
Camel Hair Shirts and
Drawers now \$1 each.
Extra grade Camel Hair
Underwear, unshirinkable,
very soft, warm and
shapely, special price, \$1
each.

sapely, special price, steach.

See our Chest Shield Underwear in white, Scotch and scarlet wool. The shirt opens in back and is double both front and back. The drawers are double from waist to seat, thus entire suit giving absolute protection against cold. Price, \$2 00 each garment.

BIBER & EASTON 505 AND 507 MARKET SE no20

WEDDING INVITATIONS, CALLING CARDS, FINE STATIONERY.

W. V. DERMITT & CO., Engravers, Printers, Stationers, Law Blank Publishers, 740 Grant street and#9 Sixth avenne.

NEW ADVERTISEMENTS

Pitts burg, Pa. The Leading Dry Goods House. Thursday, Nov. 24, 1892.

JOS. HORNE & CO.'S PENN AVE. STORES.

Store Glosed TO-DAY

Thanksgiving Day.

Atl Ready For the

Holidays. **GRAND OPENING** TO-MORROW MORNING.

HOLIDAY NOVELTIES.

The most extensive display ever attempt ed by us in this department. A greater di-versity of lines and larger varieties in all the various lines than can be seen in one any other collection in these cities.

To-morrow you have a first view, but a full view of those beautiful Christmas

Make at once your selections for Christmas gitts. Don't put off coming until the great crowds of the last weeks of the season. BEGINNING TO-MORROW CENTER OF

FANGY GOODS. Quadruple Plate Silver Goods: Puff Boxes,

Hair Brushes, Mirrors Whisk Brooms, Cologne Bottles, Powder Bottles, Penknives,

Soap Boxes, Pincushions, Lavatory Sets, Manicure Sets, lukstands, Infant Sets, Bon Bon Dishes, Trays, Book Marks,

Solid Sterling Silver Goods. Hair Ornaments

Lace Pins, Hat Pins, Hair Pins, Chatelaines, Glove Buttoners, Boot Buttoners. Manieure Sets, Butter Plates, Bon Bon Travs. Hair Brushes,

Military Brushes,

Soap Boxes,

Mirror Powder Boxes, Scissors, Book Marks, Card Trays, Salt Sets, Pin Trays, Vinaigrettes, Cloth Brushes Whisk Brooms Velvet Brushes, Match Boxes. Stamp Boxes, Baby Sets, Key Rings,

Hair Combs.

Penknives,

Fan Chains, Key Chains, Neck Chains, Necklaces. Braceleta. Both the plated and solid silver goods come in bright or satia finish, repousse and

Fancy Leather Novelties, Plain or

Metal Mounted. (Solid or Plated Silver.)

Cigar Cases, Writing Tablets, Music Rolls, Purses, Spectacle Cases, Handkerchief Boxes, Glove Boxes, Chatelaine Bags, Shopping Bags,
Collar and Cuff Boxes,
In Seal, Calf, Russian Leather, Morocco,
English Grain, Alligator, Crocodile, Lizard
and other lancy leathers.

Novelty Art Goods.

Satin, Celluloid, Chamois and Kid, handpainted and finished in highest style of art. Handkerchief Boxes, Glove Boxes, Photograph Cases, Jewel Cases, Writing Cases, Penwipers, Wall Pockets, Catchalls, Courtplaster Cases, Pincushions, Laundry List, Button Boxes, Whisk Holders,

Photograph Easels, Hairpin Boxes, Sachet Boxes, Magazine Covers, Needle Cases, Etching Books, Toilet Sets, And an endless variety of useful and ornamental articles, every one suitable as a

gift to somebody. The other great departments will be told STORE OPEN TO-MORROW.

JOS. HORNE & CO.,

609-621 PENN AVE.

BODY **BRUSSELS** CARPET

WORTH \$1.35 TO \$1.50.

SPECIAL SALE

CONTINUED ONE WEEK MORE 6,000 yards Lowell, Bigelow and Hartford makes Body Brussels, with borders to match, at \$1 a yard. These are full rolls and sell at \$1.35 to \$1.50 a yard, but the patterns in this special lot will not be reproduced

next season. 4,000 yards of a better grade at \$1.15-choice patterns.

10,000 yards Tapestry Brussels at 40c, 45c, 50c and 60c-all one-third below regular prices.

EDWARD GROETZINGER, 627 AND 629 PENN AVE.

