The Pittsburgh Gazette.

SATURDAY, DECEMBER 2, 1865.

TRAVELERS' GUIDE.

Arrival and Departure of Trains.

Pennsylvania Central Railroad.

Departs.	Arrives.	Departs.	Arrives.
Day Express.....2:20 a m		Mail.....1:50 a m	
Altoona Accm'n 9:10 a m		Fast Line.....2:45 a m	
Pittsburg Mail 9:50 a m		24 Wall Accom..6:25 a m	
Mail.....11:40 a m		1st Penn Accom.7:35 a m	
Phila. Express..2:55 p m		22 Wall Accom..8:50 a m	
Johnstown Ac'n 4:15 p m		Johnstn Ac'n..10:35 a m	
East Line.....10:00 p m		Pitts & Erie Mail.12:30 p m	
1st Wall Accom. 6:30 a m		Baltimore Exp's 1:20 p m	
22 " " 10:45 a m		2d Wall Accom..1:20 p m	
24 " " 2:05 p m		Phila. Express..2:05 p m	
1st Penn Acco'n 8:00 p m		1st Penn Acco'n 6:25 p m	
24 " " 10:40 p m		Altoona Accom.	
		Kittanning Accom.	

The 4 o'clock train leaves Wall's Station every Monday at 9:25 a. m., returning, leaves Pittsburgh at 12:30 p. m.

Pittsburgh, Columbus and Cincinnati.

Departs.	Arrives.	Departs.	Arrives.
Fast Line.....2:50 a m		Fast Line.....8:20 a m	
Mail.....6:30 a m		Mail.....8:15 p m	
Express.....2:30 p m		Express.....12:55 p m	
Steubenville Accommodation.4:00 p m		Steubenville Accommodation.10:10 a m	

Pittsburgh, Fort Wayne and Chicago.

Departs.	Arrives.	Departs.	Arrives.
Express.....2:50 a m		Express.....5:10 a m	
Express.....2:45 p m		Express.....8:10 p m	
Express.....9:30 p m		Express.....6:20 p m	
Mail.....7:00 a m		Mail.....9:00 p m	
N. Castle & Erie 6:40 a m		N. Castle & Erie 8:30 p m	

New Brighton Accommodation leaves Allegheny depot at 6 a. m., 11:50 a. m., 4:30 p. m. and 6:30 p. m.; Rochester, 2:25 p. m.; New Castle, 8:50 p. m.; Rochester 10:30 p. m.; Wellsville, 8:50 p. m.

Pittsburgh, Cleveland and Wheeling.

Departs.	Arrives.	Departs.	Arrives.
Express.....2:30 a m		Express.....2:10 a m	
Express.....2:45 p m		Express.....2:45 p m	
Express.....6:10 p m		Mail.....8:00 p m	
Steubenville Accommodation leaves Allegheny at 3:00 p m.			

Pittsburgh and Connellsville.

Departs.	Arrives.	Departs.	Arrives.
Mail.....7:55 a m		Mail.....5:00 p m	
Express.....9:00 p m		Express.....12:30 a m	
1st Rich'ds'k..7:00 a m		1st McKeesport 8:40 a m	
2d " " 4:15 p m		2d " " 5:05 p m	
1st Braddock's..7:00 a m		1st Braddock's 8:40 a m	
2d " " 4:10 p m		2d " " 5:45 p m	

Allegheny Valley Railroad.

Departs.	Arrives.	Departs.	Arrives.
Mail.....9:45 a m		Express.....11:00 a m	
Express.....6:10 p m		Mail.....6:10 p m	
Accommodation.4:00 p m		Accommodation 9:00 a m	

EXCELSIOR OMNIBUS AND LIVERY STABLE,

440 Penn Street.

JAMES DAHN & SON, Proprietors.

OMNIBUSES AND CARRIAGES furnished for all trains. Also, Carriages for funerals, Weddings and Parties, at short notice and reasonable rates. STABLE OPEN DAY AND NIGHT.

CITY AND SUBURBAN.

THE VERSAILLES TOWNSHIP HOMICIDE.

Trial of Richard Snaiden et al. for the Murder of Cornelius Bresstlin.

COURT OF OYER AND TERMINER.—Before Judges Sterrett, Stowe and Brown.

FRIDAY, Dec. 1.—Court met at the usual hour, when the arguments of counsel were resumed.

W. C. Moreland, Esq., continued his address. The evidence that the defendants went to the house of John Early for an unlawful purpose he considered conclusive. In all the disturbance that occurred, they were the aggressors, and if the jury believed this one of them inflicted the fatal wound, the other present aiding and abetting, the jury must convict. It would not do to say that because the Commonwealth could not say who the particular man is or was that wielded the knife in Bristolin's breast, that therefore the defendants could not be convicted. Such was not the law, and if it were, a premium would be given upon rowdyism. It had been said by counsel that there was no motive for killing Bristolin, he being the person present who administered most to the enjoyment of these very defendants. Instead of being an argument for, it is directly against them, showing, as it did, the utter recklessness of the defendants. A defamation upon their part that they would have liked, in the language of Snaiden, "they would neither spare man nor woman."

In conclusion Mr. Moreland said: "You must look, gentlemen, at the whole case, scanning closely the conduct of each and all the prisoners—you will look at them bonded together, armed with deadly weapons, using threatening language, leading to riot, anxious all evening for a quarrel, and from these conclude whether or not they, or either of them, acted wilfully and maliciously in the commission of this horrible crime, and say whether these men, like pirates roving the high seas, are not "enemies to mankind." Fortunately, gentlemen, you are to be the umpires, before your searching scrutiny all the facts must pass in review; and, unmoved by passion or prejudice, you shall say whether the defendants are guilty or not guilty of the crime. And may the Source and Author of all wisdom strengthen and illuminate your understanding that out of the multitudinous and conflicting facts of this cause, you may elicit unto "the truth, the whole truth, and nothing but the truth."

Mr. Swartzwelder, Esq., next addressed the jury, commencing at half past nine o'clock. He said if there was wisdom in our little of counsel, the jury would be able to consider this case most wisely. There being different counsel, representing different interests, there is difficulty in management. Outside of the case there were some curious rehearsals. But a few months ago the defendants would have been commenced for the qualities for which they are now condemned and on trial for exercising. The rabble which they had formed while in the army, as soldiers, familiarized them with the use of weapons, which is now the subject of reprobation. The very night the jury was now exercising under the law, had been preserved by the qualities exercised by the defendants in the late war. It is a curious comment upon humanity and human nature, that an act perpetrated at one time, the killing of a stranger, without his ever having done the slayer a wrong is commendable, and the killing of a man, who was slain just at another time, is worthy of hanging. These acts must were one national, for murder, one as the social slayer of Bristolin, and the others as principals in the second degree, for as being present and taking part in the slaying, in pursuance of a preengagement. The Commonwealth must not only show who killed Bristolin, but that one of the six defendants struck it. Prior to entering the question of fire concert, Mr. Bailey said was the man killed by some one of the defendants? Was there any direct evidence that either one of them slew him? Assuming it to have been proven that one of them struck the fatal blow, it must be proven that it was given in pursuance of fire concert, which would be "notorious homicide." The learned counsel then drew the distinction between "notorious homicide" and "aiders and abettors," viz: that in the former all were guilty of the crime, without distinction as to who struck the fatal blow, and in the latter that it becomes a question of *intent*, to be gathered by the jury from all the facts and circumstances surrounding the case; that in the one case it becomes a conclusion of law, and in the other a question of fact.

Mr. Swartzwelder proceeded to give his theory of the case. He very rarely found it necessary to or admire into every particle of the testimony adduced in order to arrive at a just conclusion. The *intent* constituted the crime. One particular fact or circumstance should not be looked into, but all taken together. He gave an illustration, with a fair idea of the appearance and scope of a landscape could not be obtained by looking at every rock and bush, but you must get upon an eminence and take a general view. So in this case. From a general view of all the testimony offered, the jury should determine. The impression made upon counsel's mind about the case was this: Early had a festivity, dancing at his house: it was known in the neighborhood; girls, young men, music were there. He was going to say wine, also, but there was no wine, which answered the same purpose. There was fun and jollity. Four, five, or six young men, one invited by one of the invited guests, heard of the dance and agreed they would go down to it, and enjoy themselves.—Not having been invited, thought, from conversation as to the probability of their being refused admittance. It was determined that they would go, at all events, and if old Early objected, they would force their way in. The design was to enjoy themselves, and in case Early interfered to prevent that they would dispose of him by putting him out of the house. It was not such a design, as in "notorious homicide," to kill and destroy. They go down to Early's, take a drink or two on the road, and coming to the house, enter it, no objection being made. Early made none, seemed rather pleased, what he intended as a gratuity (the ale) he turned to profit, by selling it to the newly arrived customers. Surely, no man would say that the sole purpose of defendants was to produce an affray, and in that affray to kill.

A disturbance between Gilkey and Ryan occurred, and he (Mr. S.) did not speak of it as having anything to do with the charge in the indictment, although the evidence had been admitted by the court, perhaps for the purpose of showing the possession of weapons, or as bearing upon what followed. That difficulty had ended, the person with whom it originated had left the house, and had no connection with the subsequent affray an hour or an hour and a half afterward. The dance went on, defendants drank of the ale. They were friends and acquaintances, and formed, as it were, one party, those present prior to their coming forming another. Two hours and a half, or more, elapse, and a difficulty takes place between McGowan and Ryan, the former receiving a blow which sent him reeling into another room.

There he tells Gallagher what had occurred, and there the thing would have ended, had not Gallagher immediately taken up the quarrel as the champion of his friend. Approaching Ryan he said "the man that struck McGowan might as well strike me," or words to that effect. Here was a challenge, thirty was a rush of the ground, Fulton makes his appearance with a club, and a general affray, melee, mutual combat, is mattered not who struck the first blow, mutual combat between the friends of Gallagher and the friends of Ryan.

The Commonwealth relied upon circumstantial evidence for the fact that one of the defendants inflicted the fatal blow. Admitting this, it could not be inferred that he perpetrated the offence charged in the indictment. The blow might have been inflicted in mutual combat, in self-defense, it might have been justifiable. Because Snaiden cut Munday, it could not be legally presumed that he also cut Bristlin. To his (Mr. S.'s) mind, there was no natural connection between the circumstances, and no legal presumption in law. It was shown that two or three of the defendants were in possession of instruments that would cut; but there might have been others present with like weapons, and they might have killed Bristlin. From the threats, possession of knives, cutting of Munday, and the flourishing of a knife by Snaiden, the jury were asked to conclude that either Snaiden, Dias, Herrington or Ryan, inflicted the blow which caused death. Mr. S. thought that, in law, the jury had no such right. There was a free fight, brought about by Gallagher, and encouraged through the activity of Patton and Munday. The Commonwealth, he thought, would not contend for murder in the first degree.

Mr. Swartzwelder concluded his very able argument, by warning the jury to scrutinize with great care the summing up of the District Attorney. He said: No man knows better than I the powerfully persuasive faculty of the learned gentleman; how he can, from position, controls prejudice, excites fancy, or moves pity. How he stirs them by showing gaping wounds and bloody garments. How he brings to his aid scholastic embellishment, forcid eloquence, poesy and poetry. How, with a striking attitude, that would do honor to an accomplished actor, he speaks of "horrid murder"—"diabolical crime." Beware of the word "blood!"—no matter how dramatically it may be uttered. For, I tell you, gentlemen, no magicals him in the utterance of these indramatic expressions. He will blind your eyes, and steel your hearts, and yet please your fancy. This legal Syren, in his powerful invective, will strike his last period with "behold the gaping wounds the envious Caesa made."

Thos. Howard, Esq., of counsel for defense, followed in a speech occupying over an hour, and summed up the evidence in a most careful and elaborate manner, commenting with severity upon the statements of some of the witnesses for the Commonwealth, accusing them of bias, and one or two of them testifying differently on a former occasion. We have not space for an outline of his speech.

John M. Kirkpatrick, Esq., ex-District Attorney, began his address at two o'clock. He said this was the seventh homicide case in which he had been concerned as prosecuting officer, during this term, and in none had he taken a greater interest. The learned gentleman reviewed the main features of the case, and asserted the killing of Bristline as most outrageous—an unprovoked murder of an innocent, harmless man, by armed ruffians. He had not concluded his remarks at the recess of Court.

AFTERNOON SESSION.

Renewing his argument at half past one o'clock, Mr. Kirkpatrick proceeded to review the evidence at length, and with much force and power. He said the threats of the defendants naturally divided themselves into two classes. *First*, The threats at Coulterville, at Ludwig's store, and on the way down; and *Second*, the threats made at the house of Early before, and at the time of, and after the killing. The threats in the former could be gathered the intention or motive which induced them to go, and from the latter, the intent of their coming to Early's. The former was comprised in the testimony of Patrick Whalling and Harrison Mognet, by one of whom (Whalling) it was proven that they said "they were going down, and if old Early would object to their going in, they would kick him out," and that another of the party said "I've got that will do it!" and by the other, of whom (Mognet) that on the way down they said "they said difficulty and meant mischief, by one of them saying "I am prepared," on being advised to go "prepared," and before the door they asking the witness "if a fuss was made up, if he (Mognet,) would fight for the Irish," that so resolved, they went there armed with deadly weapons, and as death ensued in an affray of their own getting up, they are guilty of murder—Ryan—they were all in contemplation of law, guilty of whatever happened, and so liable to be punished.

That their evil designs were further evidenced by what they did, when they got there. They took possession of everything, controlled the music, absorbed the attentions of the girls, who danced with them, as Miss Anna Early testified, "keeping down a fuss." That they, through Ryan, one of their crowd, got up difficulties—the Gilkey difficulty early in the evening, and the difficulty later in the evening, which terminated in the terrible death of Bristlin. The learned gentleman quoted at length from the testimony of the numerous witnesses for the Commonwealth, showing the savage threats, and equally savage conduct of some of the defendants, Snaiden, Dias, Herrington and Ryan, claiming that under the testimony they were all guilty, the degree of guilt to be determined by the jury, as they should find from all the evidence.

If they found they had the specific intention to take life, then I. was murder in the first degree. If not to take life, but to do great bodily harm, it was murder in the second degree, and if no loss of blood, or upon sudden quarrel, upon adequate provocation, then it was manslaughter. As the Jackson and Smith, as it had told the jury at the outset, they ought to be acquitted, as beyond the gross imprudence of being in very bad company, he could discover nothing against them. He alluded forcibly to the character of the defense, and admadverted with great severity at the effort to prove character, and especially as to Snaiden, who, with one breath, by the mouth of renowned witnesses, was sought to be made a saint, whilst with the next breath it was sought to find him as unmitigated a rogue as ever escaped a halter. That he could not describe him better than in a few lines, which he would recite for the benefit of Mr. Swartzwelder, who charged him with being poetically inclined, but which he would assure Mr. B. was the only poetical sprinkling his argument should have. Two lines ran thus:

When the devil got sick,
The devil a saint was he.
But when the devil got well,
The devil a saint was he.

(Great laughter.) The eloquent gentleman proceeded to thoroughly analyze the testimony, characterizing the conduct of all the defendants as ruffianly and without a shadow of excuse, and the killing of the poor innocent fiddler as an unprovoked, wanton and atrocious murder. Mr. Kirkpatrick spoke until half past five before three o'clock, occupying considerably over two hours, and concluded his closing and now telling argument as follows: "Gentlemen of the jury, my task is now done. To the best of my ability I have endeavored to do my whole duty, as well to the prisoners at the Bar, as the Commonwealth, whose good interests I represent. Let justice be tempered with mercy, for such is the properly humane instruction of the law, but be not seduced, I beg of you, into any morbid or misdirected sympathy for these defendants, or either of them, beyond the strict requirements of conscience, the evidence, and the law. You have sworn to protect the interests of the Commonwealth as well as the prisoners at the bar. The people of these great cities, of this great country, and who dot the hill and valleys of this great state, are looking to you to-day for the proper protection, and it be done, I pray you, for the times are unpropitious for mistaken mercy. Crime is redolent in the very air we breathe, and ghastly murder is grinning and gibbetting in every cross road and upon every street corner. Death by violence is rioting here as everywhere, riding upon the pistol ball of the assassin or dripping from the glittering knife blade of the red handed slayer. Gentlemen of the jury should these things be? With you and upon your verdict today, in large part, rests the determination of the question. Gentlemen the case is in your hands, my duties are ended."

CHARGE OF THE COURT.

Judge Stowe delivered the charge of the Court, as follows:

Gentlemen of the Jury:—Richard Snaiden, Murray Dias, Norman Herrington, William Ryan, Stewart Smith and James Jackson are under the indictment, the law allows you to convict (if the evidence warrants it) any of them second degree, or voluntary manslaughter, as the case may be. The question you are to decide upon is, whether they, any of them, are guilty or not guilty of any of these three offences.

The evidence is, that on the evening of the 15th day of October last, there was a party, or gathering of persons, some by invitation and some not, at the house of John Early, on the Connellsville Railroad, in this county; that while the persons there were engaged in dancing, the defendants came to the house, and having entered it, took part in the dancing; that a difficulty, or fight, occurred somewhere about half past eleven o'clock, in which some, if not all, of the defendants were engaged, and that some one cut Cornelius Bristlin with a knife in the breast, from the effects of which he died in a very few minutes.

(His Honor then defined the different degrees of homicide, and what constituted murder of the first and murder of the second degree.)

It is not denied, that Cornelius Bristlin, was killed on the night in question, at the house of John Early in this county. Dr. Wood says, that he examined the body of deceased and found a wound in the left breast. Externally it was about one inch long, completely dividing the second rib near its union with the breast bone. The wound was downward, outward and backward, toward the left side. It extended into the lung two and a half or three inches. The wound was necessarily fatal, causing death by internal hemorrhage. The wound was larger in the lung tissue than the external appearance would indicate, as if the knife was worked after it was in. The wound did not penetrate any other organ.

It is for you to say, whether deceased came to his death from this wound, and if so, whether it was made by a knife or some such instrument, used by Richard Snaiden or some other of the defendants.

If not, then you need go no further, but should acquit all the defendants. But if you should so find, then you must inquire into the circumstances under which the wound was given.

In this view of the case, you must come to a conclusion as to whether or not some or all of the defendants had entered into a mutual arrangement or understanding to commit a breach of the peace, or to get up a fight, and carry everything before them by violence, against all opposition, in the execution of their unlawful designs, and if so, whether they acted in accordance with such understanding or arrangement, and in so doing the deceased was killed by one of the party. All who were parties to such understanding or arrangement and were present at the killing, aiding and abetting in the common design, are principals, and should be convicted of murder, either of the first or second degree—depending upon the fact of whether there was, or was not a specific and deliberate intention to kill at the time the blow was given. If there was such an intent to kill by the party who gave the blow, he would be guilty of murder of the first degree, and so would also all such others (if any) as aided and abetted in the cutting, intending to take life. But although you may find, that the one using the knife intended to kill, if the evidence does not satisfy you that some one or more of the others did participate in such specific intent, in the first degree, the other or others would not be guilty of murder in the second degree.

You must not forget, gentlemen, that these instructions, as to joint criminality, are all based upon the assumption that you shall find that there was such an arrangement, or design, or combination, as have already mentioned, between two or more of the defendants, and in consummation by the parties to it, in the work of out of which Bresstlin was killed, and that then it only applied to the parties to the combination or arrangement. If, however, you should not find that such a state of things existed, then each defendant is responsible only for what he himself actually did in reference to that which occasioned the death, and no more. And you will then come to consider what occurred in reference to that transaction, and inquire how far each may be personally connected with it. Here, it will be important for you to find who did the killing, for if there was no pre-concert, nor participation at the time, by some of the others on trial, he alone would be liable for the act. But if others participated, or took part, aiding and abetting in the affray in which Bristlin was cut, as already stated, they will be guilty of murder of the first degree, murder of the second degree, or manslaughter, according to the facts as you find them to be, each being separately responsible for his own action.

Upon the question of who cut the deceased you have no positive testimony, and it is strenuously urged by defendants' attorneys' that you should acquit upon this ground. Gentlemen, you should look carefully at all the evidence in the cause before you adopt the view of the counsel, that there is not sufficient evidence to enable you to say, beyond reasonable doubt, who struck the fatal blow. The Doctor who on the internal injuries says "the wound was larger in would indicate, as if the knife was worked after it was in." In this connection you should look at what was proved to have been said by one of the defendants, when leaving the railroad after the party had left the house.

The witness, Felix McKenna, says, "I saw Snaiden on the road, and he said he had cut three or four, and had doubled his knife in one."

Does this evidence throw any light upon the question; and if so, does it, or does it not, in connection with the other evidence in the cause, lead you to a safe conclusion? This is the question made for you. As already stated, the evidence is not positive, but what is termed, in law, circumstantial.

But because it is so, it does not follow that it may not lead you, acting as jurors, to a safe and satisfactory conclusion. Circumstances will be sufficient cannot be master of gentlemen of the jury. The legal test is the sufficiency of the evidence to satisfy the understanding and conscience of the jury.

This brings us to a consideration of the allegations by defendants that the killing took place in a sudden affray, and upon heat of blood created by it.

An assault in general, made with violence or circumstances of indignity upon a man's person, if it be resented immediately by the death of the aggressor, and it appears that the parties acted in the heat of blood upon that provocation, will reduce the crime to manslaughter, and this without regard to the weapon used or the blow. But to reduce the offence to manslaughter, it is necessary that a quarrel should take place, and blows be interchanged between parties, in some measure equal in respects of strength and condition for fighting. Where one is the aggressor, or unmanly, the provocation will not excuse or justify.

So the plea of provocation will not avail in any case where it appears that the provocation was sought for and indulged by the act of a party, who has taken up a pretence for revenging his malice. It will be for you, gentlemen, to apply the law to evidence.

Upon all matters of fact you are the sole judges. Whatever opinion we may entertain we may express any weight with you. We come to give your conclusions upon the testimony. But at the same time we feel it but proper to say that so far as Judge Jackson and we concerned, we have at least grave doubts as to the propriety of their conviction of any offence under this indictment. However, their cases are referred to you, to be passed upon by you under the law and the evidence, precisely as are the cases of the other defendants.

The evidence as to the character of such of the defendants as have adduced it is to be taken into consideration with all other facts, and if with them it produces a fair and reasonable doubt in your minds of the guilt of such, it will be your duty to acquit. Good character does not constitute, nor even extenuate a crime, when sufficiently established by proper and legal evidence, and often very strong evidence, for the jury, in their deliberations upon the testimony in the case.

A few words upon this testimony in reference to certain alleged declarations of confession after the arrest of Norman Herrington. This evidence can have no effect upon any of the other defendants, whatever may be the weight you give it or consider it to have in the case of Herrington. And we caution you to put it entirely out of view, also, as against Ryan, if, when you come to pass upon their cases.

In answer to the first point submitted by Mr. Marshall, counsel for defendant—"that in order to justify a conviction, the Commonwealth must prove that the deceased came to his death by the hand of one of the defendants, and the Commonwealth must show whose hand inflicted the fatal blow, unless the evidence clearly establishes that the act of killing was done in the reasonable intendment of a common design by the party, with this qualification and explanation

It is not necessary that you should be satisfied that the common design was to kill. If the common purpose or design was to go to Early's house, and, in the event of any difficulty, to assist those who might oppose, even to a breach of the peace, and an affray did occur, in the progress of carrying out the arrangement or design, a natural result of it, and, that in its progress, Bristlin was killed by some one of the defendants, the one who inflicted the wound, as well as all those who were parties to the common design, or actually aided him in the affray, are guilty of some grade of homicide.

If you believe the evidence, that the party who inflicted the fatal wound intended to take life, the offence is murder of the first degree, as already stated in our general charge. This intent you may find from the use of a deadly weapon, such as a bowie knife. But if you entertain any doubt that an intent to kill existed, and that the blow was intended merely to do great bodily harm and not to kill, then the offence is only murder of the second degree. In regard to those who took part in the perpetration of the killing, or aided him in the affray, if they knew that his intent was to kill, and aided him, their offence is the same as his, murder of the first degree; but if they were not aware of such intent, and did not themselves intend to kill, their offence would be murder of the second degree.

These principles only apply to what we call riotous homicide; or, in case two or more of the defendants are found to have entered into such a common designs or purpose as we have already stated to you.

If you do not so find, then, as stated in our general charge, each defendant is responsible only for what he did himself, in reference to that which occasioned the death, either as principal in the first degree, by striking the blow, or as principal in the second degree, by being present, aiding and abetting at the commission of the act.

(—The other points submitted, as published in the *Gazette* yesterday, were affirmed by the Court, with the above qualification, and those contained in the general charge.)

Gentlemen, the cases are with you. We have nothing to say upon the evidence further than we have already said. It will be for you to try it, reconcile it and to determine from it the guilt or innocence of the several defendants.

If you shall find any of the defendants *guilty* of felonious homicide, you must apply the law as we have laid down to you, in reference to the offence of which there may be your verdict, whether it be murder, or manslaughter, and if murder, then whether it be murder of the first degree, or murder of the second degree. If you believe any of the defendants guilty of any of these offences, it is your duty to say so by your verdict. If, however, you have a rational, legal doubt with reference to the guilt of any or all of the defendants, such are entitled under the law, to the benefits of it, and should give your verdict of acquittal.

—The jury retired at half past three o'clock, and had not returned a verdict at five o'clock, when the court adjourned.

Cotillion Party.—A select cotillion party will be given on Thanksgiving eve, at Duquesne Hall. The affair is in excellent hands, and those who hold tickets will doubtless enjoy a pleasant evening.

The Condemned Prisoners.

There are now, in our county prison, four persons under sentence of death for murder—Mrs. Grinder, Marchall, Freeke and Keenan. Mrs. Grinder is in good health and shows much anxiety than a person in her condition might reasonably be expected to exhibit. She has an excellent appetite, and is furnished daily, by order of the Prison Board, with a substantial dinner from the table of the Warden, consisting of meats, vegetables, coffee, etc. She receives a loaf of bread every morning, and makes her breakfast and supper of the usual jail fare—bread and water. She still protests her innocence, but does not appear to have any hope of pardon. She is anxious to ascertain the length of time which will probably elapse before her death warrant is signed. In other words she appears desirous of knowing how long she will have yet to live. She has several times expressed a desire to have a private interview with her husband, who is also in prison; but the rules forbid it, and she cannot be gratified in this respect.

Marchall is as good natured and social as any one in the prison—talks freely with everybody, and, although he expresses no hope of escaping the impending doom, seems disposed to make the best of "the little time of life remains." He still adheres to his original statement in regard to the murder, and talks of his burglaries with freedom. He states that twenty robberies, and all were successful, last. He is in robust health, being a man of powerful muscular development, and is the image, and exhibits as little concern in regard to his fate as though he had many years yet to live. He is altogether a remarkable character, and his frank ness and good nature have made him many friends.

Freeke is still sour, restless and excitable. He persists in his innocence, and expresses the belief that he will yet be released. He has served with Marchall, a few days ago, to have his photograph taken, but when the artist came he refused to sit for his picture, alleging that he would have to work for a living when he got out, and he did not want to have the people become familiar with his face by having his likeness paraded as that of a murderer, in the shop windows. He had promised his minister to have one picture taken, to be sent to Germany, in order to show them there that he was not the Freeke of whom those letters spoke, but he was afraid if they got one copy they would make more. When he goes out of jail, an innocent man, then he will send his picture home! He is evidently afraid to send his likeness home, and labors hard to disguise the fact. Nobody doubts his guilt, and it is not believed that he has any hope of escaping, notwithstanding his assertions. He is of an inflexible, stubborn disposition, and will probably protest his innocence to the last.

The remaining prisoner, under sentence of death, is Thos. Keenan, convicted for the murder of Young Obey, a conductor on the Citizens' Passenger Railway, in 1862. Keenan was committed to jail on the 5th of July, 1863, and has consequently been in prison three years and a half. He has been under sentence of death for about three years, and his death warrant has not yet been signed, and, if reports be true, is not likely to be signed. Some months since he had strong hopes of pardon, but lately these hopes have been dissipated. His wife, who has clung to him with a devotion which does her credit, has besought the Governor in his behalf, but has thus far been unable to obtain a pardon. It is said, however, that she has received assurances which lead her to believe that the death-warrant will not be issued, by the present Executive, for the execution of her husband. Keenan has conducted himself very reduced propriety during his imprisonment, and has the confidence of the officers. It is not unlikely that, as in the case of Lutz, the death-warrant will not be signed, and a pardon will follow sooner or later.

The Register's List for November.

The following is the list of Wills probated, and letters granted, by W. J. Richardson, Esq., County Register:

WILLS ADMITTED TO PROBATE DURING THE MONTH OF NOVEMBER, 1865.

Decedent.	*Executor.*	*Value of Estate.*
Mary J. Hamilton	Samuel Hamilton	$ 1,200 00
Daniel Meunirk	Samuel Chadwick; Jacob Rose	17,000 00
Gott'b Rennebaum	Frederick Evart	10,000 00
James Marrow	Alex. Marrow	1,000 00
Elizabeth Barger	Robt. McCartney	9,000 00
Leonard Sarver	Henry Gross	2,500 00
James Russell	Archibald Russell	1,500 00
Nicholas Wagner	Agnes Russell	800 00
Elizabeth Keno	Geo. Fleming	1,200 00
Cornelius Murphy	Margaret Murphy	1,600 00
Patrick Quigley	S. G. W. Bolinger	24,000 00
Josephine Cooper	Wm. D. Cooper	1,000 00

Letters of administration granted during the month of November, 1865:

Ann Dumm	John B Goff	25 00
Joseph Sutton	Jesse Weddell	1,000 00
Wm. Graham	Eliza ath Graham	1,050 00
Sarah Ann Morrow	Fleming Morrow	300 00
James Reed	Mary Reed	200 00
John Kirkpatrick	George W. Coffin	8,000 00
Edmund H. Gibbons	William Barker	60,000 00
Samuel Clark	Eliza Clark and David Clark	10,000 00
Charles Cowan	Ellen Cowan	500 00
Jonas B. Thomas	James P. Barr	300 00
Thomas Kier	James H. Moffat	1,200 00
James Russell	Agnes Russell	500 00
Wm. Jamison	Jane Jamison	300 00
Joseph Alter	David Alter	400 00
Jacob Bowman	Ellen Robinson	325 00
Margaret Coyne	John Coyne	300 00
Seth Riggs	David Riggs	800 00
James Hamilton	Maria Richards	1,000 00
Andrew Kaye	John Morgan	500 00
Christian Leinroth	Frederick Leinroth	600 00
William K. Pierce	Daniel Pierce	3,000 00

Furs, Cloaks, &c.

As winter with its hyper-borean blasts sweep around our dwellings, and cause us instinctively to throw on more coal, and draw nearer the fire, the natural topic of conversation between the heads of the family is in regard to proper apparel to keep not only themselves, but those who look to them for support, warm and comfortable when circumstances require them to be exposed to the weather. Mammas expatiate upon the warm furs, and beautiful appearance of certain goods, they are so fashionable, everybody wears them. Papa puts in a gentle reminder of a note to meet in bank, of the tightness of the money market, and the necessity for economy. Mamma replies that she had been to Lippincott's, intro ductions, and in looking around by the hand of one of the defendants, and the Commonwealth must show whose hand inflicted the fatal blow, unless the evidence clearly establishes that the act of killing was done in the reasonable intendment of a common design by the party, with this qualification and explanation

It is not necessary that you should be satisfied that the common design was to kill. If the common purpose or design was to go to Early's house, and, in the event of any difficulty, to assist those who might oppose, even to a breach of the peace, and an affray did occur, in the progress of carrying out the arrangement or design, a natural result of it, and, that in its progress, Bristlin was killed by some one of the defendants, the one who inflicted the wound, as well as all those who were parties to the common design, or actually aided him in the affray, are guilty of some grade of homicide.

If you believe the evidence, that the party who inflicted the fatal wound intended to take life, the offence is murder of the first degree, as already stated in our general charge. This intent you may find from the use of a deadly weapon, such as a bowie knife. But if you entertain any doubt that an intent to kill existed, and that the blow was intended merely to do great bodily harm and not to kill, then the offence is only murder of the second degree. In regard to those who took part in the perpetration of the killing, or aided him in the affray, if they knew that his intent was to kill, and aided him, their offence is the same as his, murder of the first degree; but if they were not aware of such intent, and did not themselves intend to kill, their offence would be murder of the second degree.

These principles only apply to what we call riotous homicide; or, in case two or more of the defendants are found to have entered into such a common designs or purpose as we have already stated to you.

If you do not so find, then, as stated in our general charge, each defendant is responsible only for what he did himself, in reference to that which occasioned the death, either as principal in the first degree, by striking the blow, or as principal in the second degree, by being present, aiding and abetting at the commission of the act.

(—The other points submitted, as published in the *Gazette* yesterday, were affirmed by the Court, with the above qualification, and those contained in the general charge.)

Gentlemen, the cases are with you. We have nothing to say upon the evidence further than we have already said. It will be for you to try it, reconcile it and to determine from it the guilt or innocence of the several defendants.

If you shall find any of the defendants *guilty* of felonious homicide, you must apply the law as we have laid down to you, in reference to the offence of which there may be your verdict, whether it be murder, or manslaughter, and if murder, then whether it be murder of the first degree, or murder of the second degree. If you believe any of the defendants guilty of any of these offences, it is your duty to say so by your verdict. If, however, you have a rational, legal doubt with reference to the guilt of any or all of the defendants, such are entitled under the law, to the benefits of it, and should give your verdict of acquittal.

—The jury retired at half past three o'clock, and had not returned a verdict at five o'clock, when the court adjourned.

Collision Party.—A select cotillion party will be given on Thanksgiving eve, at Duquesne Hall. The affair is in excellent hands, and those who hold tickets will doubtless enjoy a pleasant evening.

Amusements.

THEATER.—The Streets of New York was performed last night, at the theatre, and we are sure that every person present must have been pleased, not only with the performance of the stock company, but with the manner in which it was put on the stage. Some of the scenes were absolutely thrilling, and the local hits fell upon appreciative ears.

The same piece will again be presented tonight, and we doubt not, to a full house. Signorette Jovetta and Prof. G. W. Smith appear for the second time in their beautiful dances.

OPERA HOUSE.—If Mr. Florence ever grumbles at the treatment he has received in Pittsburgh, he ought to be made the "Head Centre" of Mrs. Florence and himself, the Opera House has been crowded, and last night crowds of ladies were forced to go away, because they came too late to get seats. To-night is most positively appears on Monday night. The plays for the evening are the Pirate's Wedding, and Dot, or the Cricket on the Hearth.

ANTHONY WAKN.—The eccentric showman gave his last lecture last night, having filled Masonic Hall to its utmost capacity both nights of his stay. His description of life among the Mormons is very laughable, and he always gives you time to recover your laugh before he begins again. The time during his lecture is mostly consumed with descriptions of his paintings, which are really beautiful specimens of art. They are painted from photographs taken upon the spot, and may therefore be relied upon as correct. The view of great Salt Lake and the Temple of the Mormons is magnificent.

Stealing in Market.

A man by the name of William M'Donald, went to the Mayor's office yesterday in company with another man by the name of Harmin Lawson, and complained that he had been robbed of a diamond by an Irishman. Officer Strain and Mossmer went with him—his companion declining to go, on the ground that he wished to leave town on the cars—and arriving at the market, M'Donald pointed out an Englishman by the name of Owen Dillon, who was charged with having taken from his four pair of socks. Dillon, and a woman who was a stall in the market, went with the officers to the Mayor's office, when quite a different story was told. The woman and Dillon both testified that M'Donald and Lawson were the hanging around the market house, and while one would engage the attention of a stall keeper, the other would take and secret about his person such articles as he could lay his hand upon. M'Donald was searched, and three pairs of socks, which the woman identified as her property, were found on him. The officers then started in pursuit of Lawson, whom they found at the depot, and arrested him with some difficulty. He was taken before the Mayor, and found bail for his appearance this morning at nine o'clock. M'Donald was still in the lock house at a late hour last night. It is claimed by their friends that they were both drunk, and were only having a lark, but the parties have been carried on to such an extent lately that the Mayor thinks it is about time to put a stop to them.

Miss Kate Reignolds.

On Monday evening Manager Henderson will introduce to his patrons a new star in the person of Miss Kate Reignolds, who will appear as Donna Violante, in Mrs. Centlivres' comedy entitled "The Wonder," and as Cleopatra in the comedietta of "Antony and Cleopatra." This lady has achieved most remarkable triumphs in the Eastern cities, and, if the critics are good authority, she now stands in the very front of her profession, rendering with wonderful success the most difficult personations, and with a wide range of comedy. The New York *Tribune* thus speaks of her:

"We look upon this lady's performances with surprise. No other artist within our recollection has exhibited so thorough an appreciation of the best and truest requirements of the Drama. She manifests in an almost unprecedented degree, those qualities of mind, feeling, dignity and conscientiousness which are indispensable to satisfy the present accessities of the stage. The Cleopatra of Count St. Louis, is fit to be remembered with that of Miss Jean—and to those who are acquainted with the Cleopatra of Shill of that most charming of French soubrettes, is the highest expression of admiration can be conveyed."

Bianch De Bar.

Next week, we shall have at the Opera House a season of legitimate polite comedy. Miss Bianch De Bar, a niece of the celebrated actor and manager Ben De Bar, and a lineal descendant of the Booths and Keans, opens the season by appearing as Kate Hardcastle, in Oliver Goldsmith's fine comedy of "She Stoops to Conquer." Miss De Bar is spoken of as one of the handsomest women on the stage. Wherever she has appeared she has created the most favorable impression. She is said to be as well at home as a vocalist as an actress, and brings to the stage a very superior education. In her particular role, she is said to make their own rates. This is the