VOLUME XXIII.—NO. 191.

PHILADELPHIA, SATURDAY, NOVEMBER 20, 1869.

bitfra

PRICE THREE CENTS.

TARTH-CLOSETS, COMMODES AND CIBCUS & Co., Siles-room with A. H. FRAN-CIBCUS & Co., 518 Market street. - 0014 tha. & 284 Market street. - 000 Chestnut street. - 000 Chestnut street. - 000 Chestnut street. - 000 Market Market Stationer and Engraver. 1032 Ohestnut street. - 1032 Ohestnut street. - 1032 Ohestnut street.

THORNE-BECKWITH.—In New York, November 5th, by Rev. John Murray Forbes, D.D., Winthrop Horne and Frances Adolaide Beckwith, daughter of N. Beckwith.

VANDEVERE-BUBICAM.—On the 17th inst., by the cork, to Kate T., daughter of Charles Bubicam, of this ity.

LLEN:-On Thursday morning, 18th inst., John B. Alien, Jr., aged 29 years.
he relatives and friends are invited to attend the fual, from the residence of his mother-in-law, Mrs. J.
Goff. 1700 Summer street, on Monday, 22d inst, at 2
lock P. M. GON. 1700 Summer Street. on monday, 220 that, and clock P.M.
UAVENDER.—On Third-day morning, the 16th inst. Brower Mine, S. C., John H. Cavender, in the 89th Mis rolatives and friends are invited to attend his fueral, from the residence of Thomas C. Parrish, 44 North wentieth street, on First-day afternoon, the 21st inst., COTTMAN.—On Friday morning, 19th inst., William of thman. timan.

the relatives and friends of the family are invited to end his funeral, from his late residence, Jenkintown, nigomery county, Pa., on Tuesday morning, the 23d t, at 10 o'clock. To proceed to Hartsville Presbyten Church. Carriages will be at Jenkintown Station, neet the friends of the family on the arrival of the 8.46 in from Philadelphia. meet the friends of the family on the arrival of the comming and from Philadelphia.

DURAE.—On the 18th inst., at Greenbank, Butling.

DURAE.—On the 18th inst., at Greenbank, Butling.

N. J., suddenly, of disease of the heart, Sophronia ..., wife of Knoch Durar.

Funoral to leave Burlington, N. J., by cars, on Tuesity morning, the 23d inst., at 10 o'clock. The friends ill meet at the office of Wm. H. Moore, 505 Arch street.

1155 o'clock. To proceed to Woodlands Cemetery. ...

GEANGER.—On the 19th inst., Laura V., wife of John ...

Granger, in the 24th year of her sage.

The relatives and friends of the family are respectfully syited to attend the funeral, from her late residence, 933 inton street, on Tuesday morning, the 23d inst., at 18 clock. To proceed to Laurel-Hill. [Baltimore papers lesse COPY.] se copy i OPK INS.—Suddenly, on November 1st, at Tartna-y, Ireland. Rev. David Hopkins, Pastor of the Pres-rian Church of New Rochelle, N. Y., in the 20th

terian Unurch of New Bochelle, N. Y., in the 30th ar of his age.

dAKON.—On Friday evening, the 19th inst., Ruth mawife of Edward Mason, in the 30th year of her age, the relatives and friends are respectfully invited to end her inneral, from the residence of her mother.

S. T.A. Stroud, No. 112 North Seventeenth street, on eadny, the 25d inst, at 12 o'clock.

RCULLAGH.—At Germantown, on the 16th lust, by W., wife of Robert P. McCullagh.

The fineral will take place this (Saturday) afternoon, quarrier past three o'clock, punctually.

HEDAKER.—On the 18th inst., Henry G. Shedaker, the 50th year of his age.

Its male friends also Franklin Lodge K. of P., No. are respectfully invited to attend his funeral from residence of h s brother, Benjamin II. Shedaker, No. North Eighth street, below Girard avenue, to more visuaday) afternoon, at 2 e'clock. MOURNING DRY GOODS.

BESSON & 50N have just received cases black all wool Poplins, 62%, 75, 87%c., \$1. &c.
Ottoman Poplins, \$1. 25, \$2. &c.
Poplin Blarritz, all qualities cases black double-warp alpaces, 50, 22% and 75c.
Gros grain Silks, \$1.87%; \$2, \$2.25. 82 10. &c. 2 crases black Thibet Long Shawls, full and extra I case black in the measures, all qualities. WHOLESALE AND RETAIL MOURNING DRY GOODS HOUSE, no 16-615 WIS Chestaut street.

WATER PROOFS FOR SUITS. BLACK AND WHITE REPELLANTS. GOLD AND BLACK REPELLANTS. BROWN AND WHITE REPELLANTS. EYBE & LANDRLL, Fourth and Arch.

RELIGIOUS NOTICES. SERMON TO YOUNG MEN, ociation.

V. JOHN CHAMBERS will preach a sermon espe-ly to young men, to-morrow (Sabbath evening) ap-oclock, at his church, corner of Broad and Sanson ST. JAMES' CHURCH.—THE closing services will be held in the old Church on Sunday, at 10% A. M. and 4 P. M.

The Offertory at the Holy Communion will be devoted to the new Church. Sermon in the morning by the Bector, the Bev. Dr. Biorton, appropriate to the eccasion.

CHURCH OF THE MEDIATOR—
Nineteenth and Lombard attacks. Nineteenth and Lombard streets.—The Anniversary of the Parish Missionary Societies To-morrow Evening, at 7% o'clock. Addresses by Bev. Dr. Howe, Rev. Dr. Newton, Rev. J. A. Harris, and Rev. W. A. Newbold. The Annual Reports will be read, and a collection made for Missions.

MAN'S MASTERS.—UNDER THE AND BLASTERG.—UNDER THE Supplices of I. O. of Good Templars, Rev. Wm. B. Culliss will preach the second sermon of a series to more row (Sunday), at 7 by P. M., in the Church Bielou street (below Coates), above Twelfile. Morning service at 10% o'clock. A cordial invitation to all. THE BISHOP'S FREE CHURCH, north side Spring Garden, below Broad.—Sun-day evening, Rev. J. W. Benham will preach on the "Symbolicat Import of the Glory-Filled Temple." The fourth of the series on the Temple, its Attars, Pricate and Sacrifices. Service, 10:30 A. M., and 739 P. M. (18" CENTRAL CONGREGATIONAL CENTRAL CONCREGATIONAL
Church, Eighteenth and Green streets.—The
Pastor, Rev. Edward Hawes, will preach to morrow at
10% A. M. and 7% P. M. Subject for the evening—The
Tendency to Lapse into Old Habits. The public cordially invited.

SIXTH PRESBYTERIAN CHURCH, Foruce, below Fixth street. Rev. C. A. Briggs, frenton, N. J., will preach at 19½ o'clock A. M., Jerus, the Light of the World," and at 7½ o'clock M., on "Jesus, the Headstone of the Corner." It UNITARIAN CHURCH, GERMANtown.—Thanksgiving discourse to morrow morning. Subject—"The Past and Present Condition of Women." Lecture in the evening. Subject—"Francis of Assisi, the Christian Ascetic.", ALEXANDER PRESBYTERIAN Church. Nineteenth and Green streets.—Rev. Dr. Nathaniel West, of Danville Theological Seminary, is expected to preach in this church on next Sabbath, at 10% o'clock, A. M., and at 7% o'clock P. M. 1t THE FIRST PRESBYTERIAN FIRST REFORMED CHURCH, Corner of Seventh and Spring Garden streets.— Bev. Thomas X. Orr, Pastor, will (D. V.) preach to-morrow at 10% A. M. and 7% P. M. ARCH STREET M. E. CHURCH. Hishop Ames to morrow, at 10% A. M. Collection Church Extension. Rev. V. A. Cooper, of Provi ce Conference, at 7% P. M. Strangers invited. It

THIRD REFORMED CHURCH, THIRD REPORMED OFFICIAL, Tenth street, below Arch.—Rov. C. Wadsworth, Services at 10% o'clock, morning, and 7%, eve-NEW UNITARIAN CHURCH. N. E. corner of Broad and Spring Garden stree fall of Spring Garden Institute Rev. Wm. H. Thorr astor. Service at 10% A. M. no6,8,5t REV. E. E. ADAMS, D. D., WILL preach in the Western Presbyterian Church, Seventeenth and Filbert streets, Sabbath, at 10½ A. M. and 3½ P. M.

CHILDREN'S CHURCH. — THE next Sermon to the Young on "Nature's Wonat the Church of the Epiphany, to-morrow after-CLINTON STREET CHURCH, Tenth street, below Spruce. Rev. Dr. M ill preach to morrow (Sunday) morning at 10%, lev. Dr. Reed in the evening at 7% o'clock. TRINITY M. E. CHURCH, EIGHTH

above Race.—Rev. Dr. Nadal at 10% A. M., and Rev. L. S. Tweed, of New York, at 7% P.M. Strangers invited. Church, Broad street, above Chestnut.—Rev. Timlow of Amily, N. Y., will preach to morrow at instant, at 10% A. M. and 3% P. M. CALVARY PRESBYTERIAN
Church, Locust street, above Fifteenth.—Rev. Dr.
imphrey, Pastor. Services at 10% A. M. and 7% P. SECOND REFORMED CHURUH, Seventh street, above Brown. Bev. James G. Shinn will preach on Suadey at 10% A. M. and Rev. Alexander Scottat 7% P. M.

SPECIAL NOTICES.

MAGIC LANTERN FOR SALE, at half cost, complete in every particular, boxed, hibitions, a person could make a living, being suf-for three distinct lectures. 116 Scriptural, 17 tent for three distinct lectures. 116 Scriptural, 17 triotic, 19 Fancy, 50 Fish and Animal Scenes. Alse, Thief-Proof IRON OHEST, Iron-lined TRUNK, elve-foot TABLE, six DRAWERS, SCALES for lighing gold or silver, in glass case. W HARPER, South Fourth street, Philadelphia. no20 2t rps. NORTH PENNSYLVANIA RAIL-ROAD AND GREEN LANE STATION. The Minors having resumed work we are again re-civing a full supply of HARLEIGH GOAL, which we The Miners having resumed work we are again reiving a full supply of HABLEIGH COAL, which we re selling without advance in price.

BINES & SHEAFF,

209-lacps Office 15 South Seventh street, Phila.

SPECIAL NOTICES.

A CAPITAL INVESTMENT

GOOD SECURITY

AGAINST MISFITS

May now bemade in

WINTER SUITS Of Melton, Silk Mixture and Cheviots.

WINTER SUITS

Of Plaid Stripe and Diagonal Cassimere. WINTER SUITS

With Double Breasted Walking Jacket. WINTER SUITS

For Evening Dress, ready for Immediate Use.

JOHN WANAMAKER'S.

Chestnut Street Clothing Establishment.

818 and 820 CHESTNUT STREET.

Гу JOHN В. GOUGH AT THE ACADEMY OF MUSIC.

MONDAY EVENING, December 6. Subject-"Circumstances." MONDAY EVENING. December 13. Subject- Habit.

HENRY WARD BEECHER. Subject not yet announced. TUESDAY EVENING, February 1.

HOBACE GREELEY. . "The Woman Question."

TUESDAY EVENING, February 22. These lectures will be delivered in the Academy of Muric on the days named, for the benefit of the Young Mien's Christian Association of Philadelphia.
Tickets for the course of four lectures will be sold at Duffield Ashmesd's book store, No. 724 Chestnut st. on Tuesday, Nov. 30; Single Tickets, on Wednesday, Dec. I. Beserved Seats, Course Tickets, 82 60 Single Tickets, 75 cents. Family Circle, 50 cents.

I LECTURE

HON. WILLIAM D. HELLEY, CONCERT HALL, (Chestnet, above Twelfth),
TUESDAY EVENING, Nov. 23d, 1859,
Commencing at Eight o'clock.
Subject—"The Pacific Coast."
Tickets, 59 cents. Reserved Beats, 75 cents.

Streets.

Middle blocks reserved for young men and their friends. MEDICAL STUDENTS and STRANGERS THE STAR COURSE OF LECTURES. THE STAR COURSE OF LECTURES,
Hos. S. S. COX. November 29.
Hon. CHARLES SUMNER, December 1.
Rev. ROBT. COLLYER, December 3.
MARK TWAIN, December 7.
DE CORDOVA, December 9.
WENDELL PHILLIPS, December 16.
fickets at GOULD'S, 223 CHESTNUT Street. nol tfrp5 OF LECTURES

SWARTHMORE COLLEGE A Magnificent Drawing on Stone,

By THOMAS MOBAN, Of this new and beautiful COLLEGIATE INSTITU-TION of the Society of Friends. Size of the Picture, 14 inches by 6 inches. Price, 81 00. URIAH HUNTS SONS, nol5-m w s 3trp§ 62 North Fourth Street.

NOTICE.—APPLICATION WILL NOTICE—APPLICATION WILL
be made by the undersigned to the Department of Highways, No. 104 South Wifth street, on MONDAY, 29th inst., at 12 oclock M., for a contract for pavIng Cherry street from Twenty-third street to the River
Schuylkill, in the Tenth Ward. All persons interested
may attend at the time and place if they think proper;
the following named persons having signed a contract
for said paving, viz.: H.W. Gray, Dr. L.S. Filbert,
Wm. G. Boulton, Townsand & Hubbard,
DANIEL MCNICHOL,
no20 3trp§

Contractor.

no20 3trp§

NOTICE.—APPLICATION WILL

be made by the undersigned to the Department
of Highways, No. 104 South Fifth street, on MONDAY,
the 29th inst., at 12 o'clock, M., for a contract for paving
Thirty-fourth street, from Markot street to Chestnut,
in the Twenty-seventh Ward. All persons interested in
said paving may attend, at the time and place, if they
think proper, as the following-named persons have
signed a contract for said paving, viz. Martin Books,
John Lynch, J. W. Vanhouten. Thomas Clegg, Henry
8. Cabriel.

DANIEL MCNICHOL,
no20 3t rp

PERSONS HAVING CONTRACTOR.

PERSONS HAVING CLAIMS

Against

the

REPUBLICAN INVINCIBLES,
of Philadelphia,
are requested to present them, for settlement, to

EZRA LUKENS,

Treasurer Republican Invincibles,

Treasury Building (second story), Library street,
above Fourth.

nbove Fourth.

ALUMNI GIRARD COLLEGE.—
The ceremony of unveiling the statue erected to the nemory of graduates killed in the war will take place on WEDNESDAY, November 24, 1269, at 236 P. M. The Board of Directors cordially invite all graduates to be present. Badges to be worn.

A. S. PRITCHARD,
11*

Socretary Alumni.

HALL YOUNG MEN'S CHRISTIAN ASSOCIATION, 1210 CHESTNUT STREET.
The monthly meeting of the Association will be held next MONDAY EVENING, at 80 clock.
Essay by Rev. S. H. DAY.
Subject: "Modern Rationalism."
Question for Discussion: "Is there anything in Modern Rationalism that a Christian can adopt?"
Recitationally Professor RUFUS ADAMS.
Vocal and Instrumental music.
The public are invited.

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ABOLITION OF CAPITAL PUNISHMENT!
Hon. MARVIN H. BOVEE, of Wisconsin,
HARMONIAL HALL. Eleventh and Wood,
Nov. 22d, 23d and 24th, at 73; P. M.
Each Lecture 25 cents, or 50 for Course.
PENNSYLVANIA PEACE SOCIETY. Third AnniPENNSYLVANIA PEACE SOCIETY.

versary. Same Hall, 23d and 24th inst. Senator BOVEE LUCRETIA MOTT, C. C. BURLEIGH, and othe speakers. Free. no20 3trp*

speakers. Free.

LECTURE BY JAMES B. NICHolson, Esq., at Concert Hall. on FRIDAY, Nov.

26th. Subject—His recent Overland Trip to San Francisco. Tickets, 50 cents. Reserved seats can be procured at Trumpler's, No. 926 Chestnut street, without
extra charge. HOM GOPATHIC HOSPITAL FAIR

IS NOW OPEN AT
HORTICULTURAL HALL.

Articles in every department of Fashion, whether for
use or ornament, will be found in great variety upon the
tables, at simply remunerative prices.

The Restaurant is fully organized for supplying substantials as well as delicacies.

Music every evening, under Carl Sentz's direction.
It is hoped the public will appreciate the efforts made
to furnish an agreeable entertainment through which to
obtain the means for the great object in view: i. e.: the
erection of an Hospital open to all classes.

Fair will be open on Thanksgiving afternoon and
evening. PHILADELPHIA ORTHOPÆDIO

PHILADELPHIA ORTHOPÆDIU
HOSPITAL, No. 18 South Ninth street.—For treatment of Club Foot, Spinal and all other Bodily Deformities.
Clinic every TUESDAY and FRIDAY, from 11 to 1.
Services gratuitous to the poor.
ATENDING SUEGEONS:
Dr. THOS. G. MORTON.
Residence, 1421 Chestnut street.
Dr. H. E. GODDMAN,
1437 Chestnut street.

HOWARD HOSPITAL, NOS. 1518
and 1520 Lombard street, Dispensary Department,
—Medical treatment and modicine furnished gratuitously to the poor.

SPECIAL NOTICES.

CAUTION-ALL PERSONS ARE hereby cautioned against negotiating for the following Notes and Certificates, the same having been stolen from the undersigned: A note for \$500, drawn by J. Isaacs, in favor of H. W. Tener, and by him endorsed, dated Nov. 7th, three months; a thirty-day note, drawn by B. D. Winter, for \$100; a thirty-day note, drawn by B. D. Winter, for \$100; a thirty-day note, drawn by George D. Glenn, for \$100; all drawn in favor of John Welsh, but not endorsed. Certificates Nov. 11, 22, 23 and 25, for four shares each of Americus Club Stock, and No. 34, for two shares of the same.

1t. 338 South Fifth streef.

1t 338 South Fifth street.

NOTICE.—PARTIES HOLDING
Lehigh Valley Railroad Company receipts for fall
paid stock—from Nos. 1 to 1.241, inclusive—oan receive
certificates of stock in exchange therefor, by applying at
the office of the Company, No. 338 Walnut street,
noil-strp CHAS.C. LONGSTRETH, Treasurer, TURKISH, RUSSIAN, AND PERFUMED BATHS.

WILLS OPHTHALMIC HOSPITAL

RAUE ABOVE EIGHTRENTH STREET.

Open daily at 11 A. M. for treatment of diseases of the eye. DR. R. J. LEVIS, N. W. cor. Thirteenth and Arch. DR. B. J.LEVIS, N. W. COF. Thirteenin and Alon.

Plairing Managhes,

EDWARD HOPPER, No. 523 Walnut street.

J. BINSWANGER, No. 1333 Arch street.

GEORGEW. VAUGHAN, No. 200 Bichmond street,

OC9-s w tf rps

NOTICE.—PARTIES HOLDING
Lehigh Valley Railroad Company receipts for
full paid stock—from Nos. 1 to 633, inclusive—can receive certificates of stock in exchange therefor, by applying at the office of the Company. 303 Walnut street.
nolo-ftrp CHAS.C. LONGSTEETH, Treasurer.

STEREOPTICON AND MAGIC
Lantern Exhibitions given to Sunday Schools,
Schools, Colleges, and for private entertainments. W.
MITCHELL MCALLISTER, 728 Chestnut street, second
no2 2mrp) DIVIDEND NOTICES.

GIRARD FIRE INSURANCE COMPANY - OFFICE, N. E. CORNER SEVENTH
AND CHESTNUT STREITS.
DIVIDEND No. 23.
PHILADELPHIA, Nov. 2, 1569.
A dividend of Five Dollars per share has been declared by the Directors of this Company, and made payable to the stockholders, clear of all taxes, on and after this date.

ALFRED S. GILLETT,
no2-tu,th,5.6t§
Treasurer.

THE COURTS.

The Brooks Assassins

Motion for a New Trial Refused

SENTENCE OF THE PRISONERS

Six Years, Eleven Months and Twentythree Days and \$1,000 Fine.

QUARTER SESSIONS-Judge Ludlow.-This Quarter Sessions—Judge Ludlow.—This morning, Hugh Marrow and James Dougherty were brought up from prison to hear the result of the motion for a new trial. Every precaution was taken by the authorities to prevent a rescue. Profiting by the experience gained in Haggerty's case, the two prisoners were first searched in prison, and were then placed in the van in company with a number of policemen. When they reached the court they were received at the entrance by another guard of policemen, while the court-room guard of policemen, while the court-room itself was filled with the blue coats, who occupied positions in various parts of the room, to be prepared for any outbreak or attempt at rescue. At first it was not generally known that the prisoners would be in court, and at ten o'clock the number of spectators in the room was not he number of spectators in the room was not large. The fact soon became known, how-ever, and before Judge Ludlow commenced reading his opinion every seat in the apartment was occupied and the greatest interest was manifested in the proceedings. Dougherty and Marrow, as they sat in the dock, appeared the least concerned of all those pres-

ent, and from the beginning to the close manifested not the slightest feeling.

JUDGE LUDLOWS'S OPINION. ifested not the slightest feeling.

JUDGE LUDLOWS'S OPINION.

Judge Ludlow read the following opinion:
The prisoners having been convicted of an assault and battery with intent to kill and nurder, move the Court for a rule for a new trial. Fourteen reasons have been filed in support of this motion, and as several of them involve important principles, they will first be considered.

Eirst—It is said the Judge, who tried the cause erred in allowing the Commonwealth to set aside jurors with out assigning cause therefor:

It is contended that the State has no such power in a case not capital. The consideration of the question involved in this reason has obliged us to examine the law relating to it very thoroughly, and aided as we have each y the elaborate and very learned arguments of the counsel on both sides in the case, we have arrived at the conclusion now to be stated.

It cannot be doubted that at the common law the king might have challenged peremptorily, without showing cause, any number of jurors, and for this reason the Staute 33. Edw. 1, St. 4, was esacted, which declared that "if they that sue for the King will challenge any of those jurors, they shall assign for their challenge a cause certain." Rob. Dig. p. 23.

Since the passage of this statute, and to the present day, it has be the practice in England, to permit the Crown to "stand aside" jurors, until the panol has been exhausted or in other words, cause need not be shown, until all the jurors have been called. 2 Hale Pe. Cr. 71, 2 Hawk, Pe. Cr. Ch. 43 \(\text{ 10}, \text{ Rob. Dig. p. 23}.\)

Since the passage of this statute, and to the present day, it has be the practice in England, to permit the Crown to "stand aside" jurors, until the panol has been exhausted or in other words, cause need not be shown, until all the jurors have been called. 2 Hale Pe. Cr. 71, 2 Hawk, Pe. Cr. Ch. 43 \(\text{ 10}, \text{ Rob. Dig. p. 529}.\) through, and unless there can not be a full jury without the person so challenged; and then, and not scooner, the king is counsel must show the cause, otherwise the juror shall be sworn."

The English statute being in force in Pennsylvania, the law remained unchanged until the passage of the act of 29th March, 1813. 6 Sm. Laws, p. 63; wherein it was declared that the Commonwealth, "except in cases of felony," might challenge no greater number than the defendant or defendants; and, as by the act of April 4, 1809, in all criminal cases, "wherein peremptory challenges have not heretofore been permitted by law, the defendant or defendants shall be allowed to challenge four jurors peremptority;" the act of 1813 gave the Commonwealth four peremptory challenges in misdemeanors. In Judge Sharewood's edition of Blackstone, I find a note by Christian that the practice is the same both in trials for misdemeanors and for capital offences, for which principle he cites 3 Harg. St. Tr. 519.

An examination of this case proves that it fully supports the doctrine named in the note, for in the trial of Lord Gray and others, for a misdemeanor, in 1822, the Lord Ch. Justice said: "If they challenge any person to the king, they must show cause in due time, for I take the course to be that the king can not challenge without cause, but her snot bound to show cause presently; it is otherwise in the case of another person."

Doubtless when the act of 1813 was passed, the legislators overlooked the fact that under the Statute 33 Edw. 1, the commonwealth had no peremptory challenges. The act, therefore, was to that extent unnecessary.

In 1834 another act of Assembly was passed, and, it is to be remarked that this act is identical with the law of 1813, and both are but repetitions of the English statute. Ch. J. Gibson in Commonwealth had no peremptory challenges. The act, therefore, was to that extent unnecessary.

In 1834 another act of Assembly was passed, and, it is to be remarked that this act is identical with the law of felony the

until 1838, when in Commonwealth vs. Jolliffe, Watts, 586, the Supreme Court expressed an opinion upon the subject.
By the act of April 23, 1229, arson was no longer a capital offence. Sec. 10, Sm. Laws, 435. Jolliffe was indicted for arson, and the Attorney General claimed the right to "setsaide" a juror, without presently assigning any cause, and this right was affirmed by the Court.
It has been argued that inasmuch as the crime of arson had been a capital offence, and the right to challenge twenty jurors had not been taken away by the Act of Assembly, which changed the punishment to imprisonment, in place of death, that, therefore, the Court in Commonwealth vs. Jolliffe decided as it did.
Boubtless, this reason may have had weight with the court, but in view of the English practice, it can hardly be contended that this circumstance alone settled the controversy. As the case stands, it is a plain decision that, at any rate in Felonies, the Commonwealth can claim this indulgence, and nothing less than a reversal of that decision by the Court which pronounced it will shake its authority.

Indeed, in Wayren vs. Commonwealth, 1 Wr., 45, the Supreme Court, sithough the act of 1869 gave to the Commonwealth four peremptory challenges, refused to disturb the practice, saying that it "descended to us, like many other customs from the country whence most of our laws and customs were derived, as is proved by Gibson, C. J., in Trolliffe vs. Commonwealth, 7 Watts. Thus, in this case, a capital one, notwithstanding the act of 1869, the Court affirmed the decision in a case no.

A concernedeisy or several moments then took placethe counsel for the prisoners remaining mute, when I directed the jury to be sworn.

The clerk of the Court then said: "Those who swear
will rise and take the book."

The oath was administered to six or seven of the jurors, when the clerk said: "Those who affirm will rise."

At this point, my recollection, supported by that of
the District Attorney, and several persons standing in
the Court, differs from that of the counsel for the prisoners. I believe the juror subsequently challenged was
upon his feet when Mr. Mann challenged him.

Affidavits of two jurors have been presented to us,
but we can take no notice of them for the reasons assigned by my brother, Allison, in the very able opinion
delivered in Commonwealth, vs. Thompson, 4 Pa. Rep.
217, and the fact must remain established as reported by
me to my colleagues. I regret the difference of opinion,
and am, very glad to say that in the opision of two of
the judges upon two other points, this decision does not
rest entirely upon the facts as above stated upon this
point. The practice in regard to challenges varies in different

States of the Union.

In some of the States a juror is challenged as he comes to the book, and this is believed to be the English practice; in others he may be challenged after he is sworn, in some for cause arising after the oath has been administered. With us in this county the practice has been as follows: In some of the States a juror is challenged as he comes to the book, and this is believed to be the English practice; in others he may be challenged after he is sworn, in some for cause arising after the oath has been administered. With us in this county the practice has been as follows:

In capital cases, where the jurors are sworn separaticly, challenges may be made at any time before the book has been tendered to the juror, or the formula of affirmation has been commenced. In cases not capital, our uniform practice has been to swear or affirm the properties of the properties. Admitting the principal so the swen jurors, the challenge was too late.

Two of us are of opinion that after the swearing of the seven jurors, the challenge was too late, and two of us are also of the opinion that under the circumstances the right, by reason of a mere caprice, and was fairly waived.

Upon these three grounds therefore, the ruling at the trial is sustained.

Speaking for myself I have no hesitation in saying that after the deliberate and protracted delays which occurred at the trial, with the repeated invitations to counsel to exercise their right, the case became clearly within the rule stated in Conn.cowealth we life adden, Il Harris, If. Wherein the Court and in the counsel for the prisoners desired to secure the seven jurors who were first sworn, and thus by adopting an unusual practice, deprive the Commonwealth we life and in the counsel for the prisoners desired to secure the seven jurors who were first sworn, and thus by adopting an unusual practice, deprive the Commonwealth of her right to challenge was properly disregarded because it was waived, and of this opinion are two of the judges. Again, as under our practice, in each of the prisoners and their case in the f

sustaining the verdict, substantial justice is done, and that the verdict is such a one as ought to have been rendered in view of all the facts proved upon the trial of the case."

The fourth, fifth, and sixth reasons, as they relate to the admission of the testimony of Mayor Fox, will be considered together. Neil McLaughlin, a most important witness for the Commonwealth, was called to the stand; in a few moments; it became evident that he was not a reliable witness, for instead of testifying for the Commonwealth, he proceeded to make a statement which not only did not implicate the prisoners in the attempted assassination of Mr. Brooks, but told most strongly against the prosecution. At first he denied having identified the prisoners or either of them at may time as the men who were at the store or in the carriage; then he said he was "skeered" when he made the former statement; he then prevericated, then he qualified his former statement; and did it in a way must damaging to the prosecution.

Under these circumstances the Commonwealth called Mayor Fox and offered to prove that on previous occasions the witness had made, under outh, statements clearly identifying the prisoners as the two men who had hirod the carriage, and who, a few moments affer 12 o'clock, got into it and were driven over the streets to a certain point, when they laft the carriage, together with other detailed statements made by McLaughlin to the Brooks was shot, and of the subsequent escape of the parties from the city, their places of sojourn in New York, and final arrost.

After some consideration, and an examination of authorities, I determined to admit the testimony but at the time of doing so I said to the jury that the evidence about to be admitted was not to be considered as testimony proving the facts specified in the statement made to the Mayor, but was admitted simply to show that the Commonwealth was not bound by anything McLaughlin had said, and to that extent his credulity would, of course, be shaken. It is said that an error

Ca., p. 88, the Judge at also prime admitted the evidence, and his course was sanctioned by the twelve judges on appeal.

The manifest impropriety of the rule, it is supposed, led to the passage of the \$22, Common Law Procedure Act, wherein it is declared, that "a party producing a witness shall not be allowed to impeach his credit by general evidence of bad charactor, but he may, in case the witness shall, in the opinion of the Judge, prove 'adverse,' that is, 'hostile,' ak contradictinguished from being merely unfavorable, contradict him by other evidence, or by leave of the Judge prove that he has made another statement inconsistent with his present testiment,' but his attention must first be called to the circumstances under which he made the supposed statement, so as to designate time and place, and he must also be asked if he made it. 2 Taylor on Ev. 1212, 4th Ed. 63, § 1282. Stearns vs. Bk., 3 P. F. Smith, 493.

In the United States the authorities produced on the argument by counsel prove that at least there are as many decisions one way as the other, while Groenleaf, in his work upon evidence, vol. 1, § 444, declares the weight of authority to be in favor of the admission of the evidence.

In this condition of things I determined to adhere to of authority to be in favor of the admission of the evidence.

In this condition of things I determined to adhere to the weight of authority in my own State, especially as reason and the due administration of justice sustained and sanctioned the principles acted upon by the courts. In Stearns vs. Merchants Bank, 8 P. F. Smith, 490, our Supreme Court examined the subject, and in the learned opinions of Judges Read and Thompson, we have a clear exposition of the law and review of the authorities. By a careful examination of the decisions cited in these two opinions, it will, we think, clearly appear that the weight of authority is in favor, in Pennsylvania, of the admission of this evidence; and even in the cases in which with us different opinions are apparently announced, it will be discovered that they do not conflict with the point decided in this case.

But it may be contended that Stearns vs. Merchants Bank is itself an authority against the very opinion now stated by the Court. This musy be true, if the syllabus of the case is alone to be depended upon; but as this is not the case, will briefly state what was, in fact, decided.

In this case, the defendants first took out a com-

capital, and a felony in which the policy of the practice; should be a seen and a directly decided.

We have nothing to do with the policy of the practice; should be a seen as the prosecular officers by the presenting officers of permit the junces to "stand and see "requested by the District Attorpey," and the proseculing officers by pure and the proseculing officers by pure and the proseculing officers by proseculing officers by not as to make the proseculing officers by proseculing officers by the proseculing officers by proseculing officers by proseculing officers by the proseculing officers by the proseculing officers by proseculing officers by proseculing officers by the proseculing officers

The last important reason assigned for the motion for a rule for a new trial is that the verdict was received on Sunday.

It is an undoubted fact that in very early times the entire year was by Christians considered one continued term for the trial of causes, and the purpose was to disinguish christian magistrates from heathens, and a these last were extremely anxious to celebrate days and seasons, the christian went to the other extreme, and held courts upon all days alike, even upon Sunday. Lord Mansfield, in Swann vs Broome, 3 Burr 1595, gives another reason why the ancient Christians always kept their courts open on all days alike. It was because by keeping the courts always open, Christian suitors were not obliged to resort to heathen courts.

A canon was adopted in 617 providing: Quod nullus episcopus rel infra positus die dominico causas judicare prasumat. This was followed by other canons, fortified, says Lord Mansfield, by Thedosious, in an imperial Constitution, decreed by the Emperors Carolus and Ludovicta, adopted by the Saxon Kings, and finally confirmed by William the Conqueror and Henry the Second, and thus became part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the common law of England, and as such a part of the commo

mith, p. 439-40.

In Eaton's case we took the verdict upon Sunday.

Having thus disposed of the important reasons assigned or a rule for a new trial, we can readily dispose of the emainder.

Having thus disposed of the important reasons assigned for a rule for a new trial, we can readily dispose of the remainder.

We see no error in the admission of the evidence specified in the eighth and ninth reasons; the Court did not suspend the trisl to procure the attendance of Mayor Fox, though the District Attorney requested us so to do, but went on with the examination of the witness upon the stand. The judge specially called the attention of the jury to the testimony specified by counsel; and although an efficer was directed by the Cent to inquire whether the jury had agreed, yet they care into Court of their own motion. As they took their seats I said, "I sent an officer of the Court to inquire whether the jury had agreed, yet they care into Court of their own motion. As they took their seats I said, "I sent an officer of the Court to inquire whether you were likely to agreed or not, but did not intend to hurry you. I desire that all the jurors shall have the fullest and most ample time to weigh the evidence and consider this verdict, and if any juror thinks that he han not had such time, I desire that he should speak, and time shall be accorded him." After a reasonable delay whereupon the jury intimated that they had agreed.

With the law, as stated by the court, no lawyer can; as the counsel in this case have not, centend; and with the verdict of the jury. I am constrained to say, no fault can be found. A careful and anxious examination of the evidence has satisfied the court of the guilt of these prisoners; it would be most pleasant to discover, for the sake of these young men, that the jury had been mistaken; that they, the prisoners at least, had not been guilty of a most serious crime. Our duty, however, requires us to declare that the verdict is a most just and righteousone; and that beyond a reasonable doubt the prisoners are in deed and in fact guilty in manner and form as they stand indicted.

As this motion was heard by myself alone, I thought it but just to the prisoners to shumle every reas

At the close of the reading of the opinion, District Attorney Gibbons rose and said: May it please your Honor, Hugh Marrow and James Dougherty having been convicted upon this bill of indictment of assault and battery upon James Brooks, with felonious intent to take his life, and the motion for a new trial having been overruled, I now move that the judgment of the Court be passed, in accordance with the laws of the Commonwealth.

ance with the laws of the Commonwealth.

The prisoners were then directed to stand up.
Judge Ludlow said;
You ought to be very thankful that you do not now stand in this tribunal to hear the dreadful judgment of the law which would consign each of you to the grave.

A merciful Providence permits your intended victim yet to live, although he carries in his body the ball discharged from the pistol on the oth of September last.

Although not convicted of murder of the first degree, yet you, and each of you, committed the offence of assault and battery with intent to kill and murder, a crime of the most serious nature, and one which, under circumstances such as surround you, ought to be punished with imprisonment for life. It has been my lot to pass judgment upon felons of every grade, but never before have supposed hired assassins stood before me in this Court.

It is well that this crime is of rare occurrence, for it ought to be distinctly understood now and here, that the law can and will overtake and punish any man who dares to perpetrate such an offence. You may have supposed that an escape was possible, or that money could open your prison doors and shield you from punishment. But you will now learn, and let others be warned by your fate, that in no way can justice here be thus perverted or destroyed. Had you placed a great ocean between this city and your abode, God's lightning would have flashed through three thousand miles of water, and you would have stood trembling fugitives before the magistrate. While, the events of this trial have proved that there are officers of justice, and witnesses, whose sense of duty rises superior to their love of gain, and who would have scorned to them.

One other lesson this trial teaches; it is this—that an The prisoners were then directed to stand up.

touch the price of your liberty had it been offered to them.
One other lesson this trial teaches; it is this—that an assassin cannot live in Pennsylvania outside of the Penison tirry.

I feel for you sincere pity. It seems almost impossible to believe that men as young as you are could committen to be in the pratition of the price of the pri

Each of the defendants were then sentenced to pay a fine of \$1,000, and to undergo an imprisonment in the Eastern Penitentiary of six years, eleven months and twenty-three

lays. [This is in accordance with the act which requires the discharges from the penitentiary to be fixed for certain seasons of the year.] The prisoners, under heavy guard, were then placed in the van, which had been examined in every part, in order that there might be no break-down or other detention. After the van had been closed, Sergeant Gilchrist and four men took places upon it. Then there were sixteen policemen, under Lieut, Pritchand, in the ambulance of the Good Will Fire Company. Chief Mulholland accompanied the party. The ambulance fol-lowed immediately in the rear of the van, and

the route taken to the Penitentiary was up. Chestnut to Seventh, thence to Market, thence to Ninth. thence to Ridge avenue, thence to Coates, and thence to the gate. When the prisoners had been delivered into the custody of the Warden, and their descriptions had been taken down, both remarked, "these fellows have gone back on us." Bags were them placed over their heads, and they were taken placed over their heads, and they were taken to the cells which they are to occupy.

AMUSEMENTS.

WOLFSOHN'S BEETHOVEN MATINEE. -Mr. Carl Wolfsohn's first concert in the Foyer of the Academy of Music yesterday afternoon, may be considered in every sense a success. The best wish that we can offer to him and to his audiences, is, that the succeeding oner to min and to me autences, is, that me succeeding matinees may be as good. The programme was filled, chiefly, with selections from Beethoven—for this was the "Beethoven Matinee;" but an Adasio from Mozart, played with exquisite taste and feeling by Mr. Budolph Hannig man the richoscalls and so are from State 11. played with exquisite taste and recling by Mr. Rudolph Honnig upon the violencello, and an air from Stradelle, sung by Sig. E. Barili, were added, and formed a very pleasing variety. The Beethoven selections were chosen in the best taste. The concert began with the trio in C minor for plane (Wolfsohn), violin (Kopta), and violent decided Hanniel. The programmen was in the bleet decided Hanniel. cello (Hennig). The performance was in the highest doperhaps with more enthusiasm than the other three, but this was due rather to its peculiarly graceful and beau-tiful character than to any superiority in the performance. Mr. Wolfsohn played two of Beethoven's sonatas (E flat major, and Appaesionata) with delightful sympathy and intelligence. To his study of this master Mr. Wolfsohn has brought reverent admiration, keen intelligence and indomitable energy, and he has succeeded in interpreting Beethoven's works in a manner which must be as satisfactory to himself as it is gratifying to his hearers. The remaining piece upon the programme was Beethoven's delicious Romanza in F major, which Mr. Kopta gave upon the violin in manner worthy of a more pretentious artist. The enter-tainment was one of the most pleasing of the kind ever given in this city; and we regret sincerely that it was not enjoyed by a larger number of persons. Those who are fond of really good music cannot gratify their tastes in a more satisfactory manner than by attending these concerts. The next, the "Schubert matinee," will be given on the 17th of December next. We hope to see

large audience present,
EDWIN FORREST'S "RICHELIEU." -Mr. Edwin Forrest appeared at the Walnut last night as "Richelieu" -- a character in which he has no rival, unless it be Edwin Booth. Next to his "Loar" we are inclined to place Mr. Forrest's personation of the Cardinal Duke as the most powerful and impressive of any attempted by him. It is characterized by less vio-lence and rudeness than many of his more claborate repgesentations; and although it is disfigured here and there by tricks which are simply offensive, these are not as frequent as they sometimes are in Mr. Forrest's performances. There is less art and more nature than common in Bichelieu. It is a rare thing for Mr. Forrest to lose his individuality in any character, but he does so in this one, almost completely. Save where his personality is recalled hy some purely intellectual; Forrest gives the character gran-deur, sublimity and unimal force. He is the lion cardinal, inspired with a sense of lordly power; Booth is the fox, cunning, wise, and desperately prudent. Forrest draws his sketch in bold, magnificent outline; Booth's and shadows are filled in with a dainty brush. As a reader Mr. Forrest is infinitely superior. Few men can throw into the cold body of the text as luminous a spirit as he can. In his "Richelien" we discover new meabing in the language; and where, sometimes. the text is tame, his elecution lifts it from t place and elevates it almost to beauty. It is in such a character as this one that we realize in some adequate de tree Mr. Forrest's power, and understand the secret.
of his enduring success. In "Virginlus" [and "Othollo". our enthusiasm lags; but in "Rich still, in " Lear." we feel the full extent of his power, and still, in "Lear." we feel the fall extent of his power, and perceive how truly great an actor he is. On Monday evening he will appear as "Jack Cade." To-night, at the Walnut, Octoroon will be given.

AT THE CHESTNUT.

ATTHE CHESTNUT.

Miss Keene has produced at the Chestnut a drama entitled The Workingmen of New York; or, The Curse of Strong Drink. This play is realistic and intensely sensational; but it is one of the best of its class, and if there is any special excellence in sensation as an attraction, we do not know why this piece should not crowd is crammed full of exciting incidents, which follow each other in quick succession. The text is unusually good, and some of the characters are drawn with admirable force and skill. The moral of the play recommends it to every man who realizes the full extent of the evil of which it is the exponent, and added force is given to the lesson by the very admirable manner in which the parts are played by Miss Keene's company. Miss Keene, Mr. Sheridan, Mr. Mordaunt, and others, make the drama even more interesting than it was at the time of its last presentation in this city. It is placed upon the stage very nicely, the scene in the machine shop being particulary good. The drama will be repeated this evening, and we recommend it heartly to those who like genuine

sensation.

THE GERMAN OPERA. The loss of some music prevented the promised performance of La Juive, at the Academy of music, last night. The Masic Flute was substituted, somewhat to a way to be a substituted of the audience. We think however. the diseatisfaction of the audience. We think, however, that Mr. Grau is really entitled to sympathy, for the excuse offered by him was a genuine one, and the accident: offered really an insuperable obstacle to the presentation of the opera. The substitute, however, was a good one, and its performance was in some degree satisfactory. The lameness of the orchestra and the inefficiency of the chorus detracted in a large measure from the pleasure of the entertainment, but Madame Frederici sang delightfully; Madame Rotter was very pleasant, and Mr. Himmer, despite his failing voice, gave the music of his part with admirable skill. This evening Faust will be presented with Frederici in her greatest part "Marguerite." Mr. Grau announces that the season will be extended beyond the limit at first announced, and that La Juive will be given upon one of the supplemen-

-At the American, a fine variety entertainment will be given this evening.
—Signor Blitz, with the assistance of his son, Theodore, will give a repetition of his wonderful and amusing performances of magic.

—Duprez & Benedict's Minstrels continue to perform

to large and appreciative audiences, at the Seventh-Street Opera House. A splendid programme is offered nightly. -Carneross & Dixey's Minstrels, at the Eleventh Street Opera House, announce an excellent bill for this. evening's entertainment. -Lost at Sea, with all its beautiful scenery, fine cast

SPECIE.

and other appointments, will be repeated at the Arch this

Resumption of Specie Payments. The Washington correspondent of the Her-

ild says: Some of the Western Congressmen who in favor of resuming specie payments. Gen. Garfield, of Ohio, who is chairman of the Committee on Banking and Currency, says if the present Congress had any spunk they would say, "Well, we are in power for at least a year and a half. During that time we will provide for returning energie payments and thus vide for resuming specie payments, and thus put the business of the country on a stable basis. We may not be sent back-probably we will not-but we will immolate ourselves for the country's good." Gartield seems to have been studying the subject, and to be familiar with it in all its aspects. It is probable that he will make some movement at an early day in the House to open discussion on the subject of resumption.

The Petroleum Trade—Its Mode of Conduct.

London, Nov. 19, 1869.—A meeting of the petroleum importers of Bremen, Hamburg, Antwerp and other cities was held at Bremen yesterday. Resolutions were passed recommending the adoption by American shippers of the custom of branding casks with weight and tare and the allowance of two pounds for absorption of the liquid by the woodwork. The resolutions were ordered to be sent to New York. Boston and Philadelphia. The Petroleum Trade-Its Mode of Con-

—Why are equal angles like omnibus pas-sengers on a wet day? Because they coincide.

New York, Boston and Philadelphia.