THE CITY POST.

WEDNESDAY MORNING.....DECEMBER 8.

CAUTION.—Our subscribers in the lower part of the city are cautioned against a *certain person*, or persons, who represent themselves as carriers of the Post, and are procuring advertisements and business notices for a New Year's Card. None are entitled to advertisements but Mr. M'Elvaine, our carrier in that part of the city.

TRIAL FOR MURDER.

IN THE COURT OF OYER AND TERMINER—Before the Hon. Wm. B. M'Clure, President Judge; and William Boggs and Gabriel Adams, Esqs., Associates.

Yesterday morning was set apart for the trial of David Jewell, accused of the murder of Samuel Mitchell on the Monongahela wharf, on the 5th of July last. Messrs. Darragh, Shaler, Stanton, and Umbstaetter appeared for the defence, and District Attorney Flanegin and Mr. Brice for the Commonwealth.

The prisoner was brought into Court, and when the indictment was read, he entered the plea of "not guilty."—Jewell is a young man, apparently of twenty-two or three years of age, very heavy built, and of rather a prepossessing appearance. His equanimity does not appear to be in the least disturbed by the doubtful situation in which he is placed.

The Court Room, during the entire day was crowded with spectators. Jewell has resided for a number of years in this city, and is very well known to our citizens.

In the empannelling of a jury, quite a lengthened discussion grew out of the proper manner to put the question to a juror, as to whether his conscientious scruples would forbid him giving a verdict of guilty in a capital case. The Judge decided that the proper manner to put the question was that in which it was set forth in 17th Sergeant & Rawle, and as so decided by the Supreme Court of the State.

After ten jurors had been sworn in, it was found that the panel had been exhausted. The Sheriff was then sent for by his honor, the President Judge, and directed to summon other jurors from among the bystanders. After fourteen peremptory challenges on the part of the defence, and six for cause, also by the defence, and five challenges for cause by the Commonwealth, the following jury was empannelled:—

District Attorney Flanegin made the opening address to the Jury. It was distinguished by the learned gentleman's usual tact and brevity.

1. Clement B. Warren,
2. George F. Hice,
3. James Rath,
4. Henry H. Ferguson,
5. Yost Rueh,
6. Jacob Abers,
7. William Tucker,
8. Hugh Sprowl,
9. James Hawly,
10. George More,
11. Thomas A. Rowley,
12. James Murdock.

Dr. Dilworth sworn.—Practice in the city as a physician; was present at a post mortem examination, on the 5th of July. Was called by Coroner Arthurs; found a small punctured wound on the left side, behind and below the heart; found the wound passed upwards and backwards, perforating the lower lobe of the left lung, wounding in that direction the coats of the heart, the superior vessels coming from, and going to the heart, and causing a very great effusion of blood, and in that way causing death. The wound passed upwards and backwards towards the spine; the depth of the wound was about five inches; the wound was very near the heart; such a wound would necessarily produce death; the remains of Mitchell, when I was called to see him, were lying on Water street, but owing to the great crowd, they were removed to the Mayor's office; it was about 7 o'clock in the morning of the 5th of July, when I was called to see Mitchell. The body was lying, when I first saw it, about half way between Wood and Market streets, on the pavement. The length of the wound was nearly three quarters of an inch; that wound was evidently made with a sharp instrument; the instrument passed through between the eighth and ninth ribs; the wound was evidently made with a common dirk knife. I examined the person thoroughly, and there were no other marks of violence—no bruises or abrasions of the skin, and I believe that wound was the cause of Mitchell's death.

Cross-examined.—The wound was made by some instrument bearing the shape of a dirk knife.

Elizabeth Hutchison sworn.—Resides on Wood street; near corner of Water; have lived there, over Cooley & Laird's store, for a number of years; lit fronts on Wood street. On the evening of the fifth of July, was looking out of the window; heard two men talking, and one said to the other, "Don't, Jim, don't, I am sick, and have been well these three or four days." This drew my attention, and I looked and saw two men, one dressed in black, very much intoxicated; the one dressed in black was sparring and catching at the other; I then sat down, and heard one of them say, "let me go," and the other said, "let me go first;" I looked out of the window then, and saw that the two had hold of each other. Mr. Greenwood was between them, and he said, what was the use of quarreling; they separated for a time; and the man who was dressed in black, pushed back, or lit to strike the other; the other man caught him by the nose, and prevented him. The man in black said, "where is my hat?" The man who was sitting on the fire-plug, picked it up, and gave it to him; Mitchell went and picked his own hat up, and then leaned up against the awning-post, after he had put his hat on. Cochran then came up to him, and commenced talking and laying it off with his hands. Mitchell left that awning-post and went to another one; he left that one, and leaned on the corner of Wood into Water, and he was going to Market street; he came back in a moment. I forgot to state before, that the man in black had torn Mitchell's shirt, and he went up to Mrs. Greenwood, and asked her for a pin, which she gave him. This was before he left the awning post. After he came back, he went to the awning-post, and seemed up against it again. Cochran came up to him again, and Mitchell stepped off the curb and went up street; Cochran followed him, and went up with him.

Did not see any thing more of the men until a little afterwards, when I saw the man in black, and three others; they stopped at Wick & McCandless's corner, and looked as if they were looking for some person; they crossed over and came to the person who was sitting on the fire-plug, and this person got up and looked towards the river and all around, and pointed down towards Market street; they all started in a very smart walk; I came out of the door and seen them turn; when I got to the corner I said, "there goes four drunken Irishmen, they will catch that boatman and beat him badly;" when I got to the corner I seen there was a squabbling among them, I said, "there; they have got the man, and they will beat him to death;" about a quarter of an hour afterwards, I seen the four men coming back; I was standing on the corner and stepped over to my door, they came up—one next to me, was the man in black, the other had a black coat on; the three came up abreast, and there was one man, who was a step behind; the man in black had his hand tied up; his clothes, and those of the man in his blue coat, were very bloody; I told the man in black, who had his wrist tied up, that that was good for him, the scoundrel; he said, "it is no thing;" I said to him, "you drunken loafer, if it had not been for you, we would have had no difficulty here at all to-day;" it was near Market street where they were strolling. I turned and talked to Mrs. Greenwood, when the people came up and said there was a man killed; I went up and saw him, but cannot say it was the same person who was standing at the corner; do not think it was more than an hour and a half from the time that the difficulty occurred at the corner, until word came back that the man was killed; could not state that the man that was killed was dressed like the one that was at the corner, when I saw him; his clothes were much torn.

Cross-Examined.—Never saw Cochran nor Mitchell until that day; the man that was in black, I was told, was Cochran from the time that Cochran and Mitchell separated, until the four came back, was about three quarters of an hour.

Joseph Hustand, sworn.—Am engineer on the S. B. Julia Dean; on the 5th of July last, was on the Julia Dean, sitting in the cabin; first I heard the cry on the boiler deck of the boat, that there was fight, "there goes a man running;" then I went out on the boiler deck saw a crowd of five or six men; noticed a good-sized man, dressed in black, he had hold of another; noticed a man in a blue frock-coat, took it to be a checquered coat; saw that man run up and make a stroke at the undermost lick; the man in the black coat caught hold of him, and pulled him back; he turned round, and I saw that he had his hand out, that it was bleeding; the man in black had his hand out, and the man dressed in blue, started together, went up to the wharf, and saw the man lying in the pavement with a gash in his left side; was not acquainted with any of the parties; the man in the blue coat had up his hand that was cut; I think there were four persons, the man that fell made the fifth; when I first seen them, the man that was killed appeared to have been near the house, and the others out on the curb; I think this was from five o'clock on the 5th of July; the man in black appeared to have hold of the man who was killed, and struck him an underhand blow; thought the man in the blue coat was about my age.

There was no cross examination of this witness.

Terrence Loughrey, sworn.—Reside in this city. On the 5th of July, was hauling a load from the steamboat Zachary Taylor; had unlicensed at her and was coming up the wharf towards Wood street; I drove up towards Leopold Sahl's and saw Mitchell standing at a lamp post near Lewis Hutchinson's warehouse, by himself; I got up on the street with my horse and cart, and saw the prisoner, Cochran, Gaw, and another man; I did not know; Cochran was forcing; he came up and struck at the deceased; he did not fall, his hat fell off and he right it in his two hands; Mitchell stepped out on the street and Cochran followed; he struck at him again, and I believe he hit Mitchell to the ground, or he would hurt him; he run towards Market street, and they followed him, two on the street and two on the pavement; Jewell, Cochran and Gaw the only ones I know; I drove after them; Mitchell came on the pavement when then they got to Spang's warehouse; Cochran and Jewell hauled him to the house, where Cochran struck him and Jewell kicked him; Mr. Gaw struck him with Gaw pulled Jewell off of Mitchell; they started then and walked down Wood street; after they went away; I went to see Mitchell; he was lying on his back; this was a minute to after I saw them fighting; Cochran had a dirk-knife; I think it was dark brown; Gaw had the same kind; Jewell had a sky blue coat on; I was opposite the parties on the street when I was at Leopold Sahl's, Mitchell was standing by the curb.

Cross-examined.—Never knew parties before their examination at the Mayor's office. Do not know the relation of Mitchell; do not remember what he was doing; he was dressed in dark clothes

Examination resumed.—The first I saw of these men, after the occurrence, was at the Mayor's office, that night; Jewell looked the man.

Cross-examination resumed.—Was standing on my cart, and had a good opportunity of seeing, better than a man on with on a steamboat.

Abraham Brown sworn.—Run on the river; was standing at the time of the fuss, three doors from Wood street; after Mitchell went off the pavement, on the street, the man that he said to be Cochran, struck at him. Mitchell then run by two or three steps, and was followed by Cochran; Mitchell then started and ran until he got some place in the neighborhood of Spang's warehouse, when he was overhauled by four men; two went up the levee, and two went up the pavement; after they had caught him, I heard one of them called murder. I started and walked up the pavement; before I got up to them, I saw two or three men come from the crowd; I saw the man they said was Cochran come out of the crowd, next to the warehouse; he was holding his fingers, which were bleeding; I looked over the people in the man, and saw that he was dying. Cochran struck at Mitchell, opposite Leopold Sahl's.

By a Juror.—Was standing off about twenty feet from the parties when I first saw the affair; did see no blood on Cochran's hand the first time he hit Mitchell.

Abraham Greenwood sworn.—On the 5th of July, about o'clock, my wife called me up the steps; she said there was two men fighting; when I got up saw two men fighting; Cochran had hold of Mitchell over the shoulder; they had hold of each others hair when I told them to stop fight; Cochran said, I will leave go if you will leave go; Mitchell said the same, and then they each let go; Cochran and Mitchell each asked for their hat and cane; I pointed them out; I told one of them to go up Water street and the other up Wood street, and with that they separated and did not see either of them that day, except on the evening at the Mayor's office; about an hour or an hour and a half after I separated them, heard of a man being killed; Mitchell, the person I saw at the Mayor's Office, was the one person that was fighting with Cochran.

There was no cross-examination of this witness.

Samuel Orosier sworn.—Was doing business below Ferry, last in July last; on the evening of the fifth I had been up to the city somewhere; walked up the pavement on Wood street, and stood there at the lamp post; I noticed no four or five men in some difficulty on water street