The Press.

VOL. I.—NO. 143. PHILADELPHIA, MONDAY, JANUARY 18, 1858. TWO CENTS.

THE PRESS,

PUBLISHED DAILY, (SUNDAYS EXCEPTED,)

BY JOHN W. FORNEY

OFFICE, NO. 417 CHESTNUT STREET.

DAILY PRESS:

TWELVE CENTS PER WEEK, payable to the carriers. Mailed to Subscribers out of the City at SIX DOLLARS PER ANNUM; FOUR DOLLARS FOR EIGHT MONTHS; THREE DOLLARS FOR SIX MONTHS, invariably in advance for the time ordered.

THE WEEKLY PRESS,

Mailed to Subscribers out of the City at THREE DOLLARS PER ANNUM, in advance.

WEEKLY PRESS:

THE WEEKLY PRESS will be sent to Subscribers by mail, (per annum, in advance,) at..... $2 00
Three Copies,..... " 5 00
Five Copies,..... " 8 00
Ten Copies,..... " (to one address)..... 20 00
Twenty Copies,..... " (to address of each) 1 20
Twenty-Copies, or over,..... " (to address of each subscriber), each..... 1 20

For a Club of Twenty-one or over, we will send an extra copy to the person up of the Club.

P.M.'s Postmasters are requested to act as Agents for THE WEEKLY PRESS.

Hats.

WARBURTON'S INIMITABLE COVERINGS FOR THE HEAD

Embrace all the points necessary to GENTEEL EFFECT, and all the details and nicer elegancies which impart FINISH, COMFORT, AND DURABILITY. Gentlemen are invited to call and examine.

0425-3m 430 CHESTNUT Street.

Watches, Jewelry, &c.

BAILEY & CO., CHESTNUT STREET, Manufacturers of

SILVER STERLING SILVER WARE,

Under their inspection, on the premises exclusively. Citizens and Strangers are invited to visit our manufactory.

WATCHES.

Constantly on hand a splendid stock of Superior Watches, of all the celebrated makers.

DIAMONDS.

Necklaces, Bracelets, Brooches, Ear Rings, Finger Rings, and all other articles in the Diamond line. Drawings of NEW DESIGNS will be made free of charge for those wishing work made to order.

RICH GOLD JEWELRY.

A beautiful assortment of all the new styles of Fine Jewelry, such as Mosaic, Stone and Shell Cameos, Pearl, Coral, Carbuncle, Marguerite, Lava, &c., &c.

SHEFFIELD CARTORS, BASKETS, WAITERS, &c.

Also, Bronze and Marble CLOCKS, of newest styles, and of superior quality. 4m4-tw4w

J. E. CALDWELL & CO.,

482 CHESTNUT Street,

Have received, per steamers, new styles

Jewelry, Chatelaine, Vest Chains,

Splendid Pearl, Hair Pins,

Fruit Stands, Sugar Baskets,

Jet Beads and Flower Vases,

Coral, Jet and Mosaic Sets.

Sole agents in Philadelphia for the sale of Charles Frodsham's LONDON TIME-KEEPERS. de10

SILVER WARE.

WILLIAM WILSON & SON,

MANUFACTURERS OF SILVER WARE,

(ESTABLISHED 1813,)

S. W. corner RED and SANSOM STREETS.

A large assortment of SILVER WARE, of every description, constantly on hand, or made to order to match any pattern desired.

Importers of Sheffield and Birmingham Imported Ware. m30-4t&w1y

J. S. JARDEN & BRO.,

MANUFACTURERS AND DEALERS IN SILVER-PLATED WARE,

No. 304 Chestnut Street, above Third, (up stairs,) Philadelphia.

Constantly on hand and for sale to the Trade, TEA SETS, COMMUNION SERVICE SETS, URNS, PITCHERS, GOBLETS, CUPS, WAITERS, BASKETS, CASTORS, KNIVES, SPOONS, FORKS, LADLES, &c., &c.

Gilding and plating on all kinds of metal. m2-1y

Money.

AMERICAN GOLD,

NEW YORK, BALTIMORE, AND BOSTON EXCHANGES,

Bought and sold by

E. W. TINGLEY & CO.,

jaf-dtFeb2 37 South THIRD Street.

AMERICAN GOLD AND NEW YORK EXCHANGE WANTED AT HIGHEST CURRENT RATES, BY CRONISE & CO., SPECIE BROKERS, m24-dtf. 40 SOUTH THIRD ST.

F. S. WHELEN & CO., No. 309 WALNUT street, above Third

Government, State, Railroad, and Bank Stocks and Loans bought and sold on commission in Philadelphia, New York, or Boston. Particular attention given to the safe investment of money, and the negotiation of securities. ja15-rp w1min

$10,000 $1,500, AND $1,000 TO INVEST IN MORTGAGE. Apply to A. B. CARVER & CO., ja15-3t* S. W. corner NINTH and FILBERT Sts.

Stationery.

BLANK BOOKS AND STATIONERY.

DAVID M. HOGAN, Blank Book Manufacturer, Stationer and Printer, No. 100 WALNUT Street, is prepared at all times to furnish, either from the shelves or make to order, Books of every description, suitable for Banks, Public Offices, Merchants, and others, of the best quality, ruled to any pattern, and bound in the most substantial manner.

Orders for JOB PRINTING of every description, Engraving and Lithographing executed with neatness and despatch. 1dm

A general assortment of English, French and American Stationery.

Concerning Mr. Hogan's contribution to the Franklin Institute, the Committee say—"This display of blank books for banking and mercantile use is the best in the Exhibition. The selection of the material is good, the workmanship most excellent, and their finish and appearance neat and appropriate." m020-1f

Publications.

THE PHILADELPHIA PULPIT, Nos. 1 and 2, are published, containing Sermons by the Rev. Dr. Stork, Brantley, Brainerd, and Franklin Moore. No. 3 will be issued on SATURDAY, January 23, and further numbers on the FIRST and THIRD Saturday in each month. Price 6 cts. SOLD BY SEXTONS OF VARIOUS CHURCHES; Presbyterian and Moravian Book Stores; T. B. Peterson, 306 Chestnut street, &c. ja16-2t*

PHYSICIANS' POCKET DAY-BOOK FOR 1858.—Just published and for sale by

SUTTON & O. J. PRICE & CO.,

No. 33 South SIXTH Street, above Chestnut.

The Day-Book contains an Almanac, Tables of comparative Medical Doses, Poisons and their Antidotes, British and French Medical Measures, Atomic Weights and Combining Proportions, Articles of Diet, Comparative Thermometric Scales, Baths—Simple and Medicinal, Tables of Doses of all the principal Preparations of the Pharmacopia, Visiting List and Index, Blanks for Monetary Engagements, Bank Account, Nurses' Addresses, Bills and Accounts Asked for, Vaccination and Obstetric Engagements, English, French, and American Medical Periodicals, &c., &c.

Being prepared with the co-operation of several eminent members of the Profession, the Publishers trust that this little Manual will fill a want hitherto unsupplied, and with a view to its future improvement, will be happy to receive any suggestions respecting emendations, additions, &c.

The above are prepared for 25 and 50 patients, and bound in various styles. ja1

MCELROY'S CITY DIRECTORY.—1858. Containing an alphabetical arrangement of the names of Merchants, Manufacturers, Mechanics, and citizens, with their places of business and dwellings, giving the new numbers, as far as possible. There is also appended a Business Directory, including the most prominent persons in business, arranged under their appropriate headings, an extended Directory of Camden, New Jersey, together with a large amount of useful miscellaneous information, interesting to the public generally. Just published, and for sale at 432 CHESTNUT, and by E. G. & J. BIDDLE, 608 MINOR street. ja16-2t*

Sewing Machines.

SEWING MACHINES.—"THE IMPROVED EMPIRE FAMILY SEWING MACHINE" is the only low-priced DOUBLE-THREADED MACHINE in market.

J. W. TAGGART & CO., Agents, Corner of EIGHTH and ARCH Streets.

County and State Rights for sale.

Machines supplied. ja14-2t*

EARLE'S GALLERIES OF PAINTINGS AND LOOKING GLASS WAREHOUSE. ALL THE NEW FRENCH, ENGLISH AND GERMAN ENGRAVINGS, PORTRAIT, PICTURE, AND MINIATURE FRAMES, IN EVERY VARIETY OF STYLE AND PRICE. MANTEL, PIER, AND WALL LOOKING GLASSES. CONSOLE, BRACKETS, CORNICES, PIER TABLES, MADE TO ORDER. EARLE'S GALLERIES, 816 CHESTNUT STREET, ja5-y PHILADELPHIA.

MINCED MEAT.—The Subscriber has commenced manufacturing his No Pies Ultra MINCED MEAT, which he offers to his customers in LARGE or SMALL QUANTITIES. Orders through BLOOD'S DISPATCH will be punctually attended to; JOSHUA WRIGHT, n13 2m d SPRING GARDEN and FRANKLIN sts.

CHINA AND GLASS.

DINNERWARE,

TEA AND TOILET SETS,

WHITE, GOLD BAND, AND DECORATED FRENCH AND BOHEMIAN GLASSWARE,

FANCY ARTICLES, &c.

WILL BE SOLD, AT THE LOWEST PRICES, AT HARKNEN & WITTE'S, MASONIC HALL, 715 CHESTNUT ST.

N. B.—Goods loaned to parties at reasonable terms. ja6-y

1858.—DIARIES FOR THE DESK and POCKET, of every size, variety, and description of Binding, for sale, wholesale and retail, by the Publishers, MOSS, BROTHERS & CO., No. 16 South FOURTH Street, ja4-mwa-3w corner of Merchant street.

STORAGE on SECOND and THIRD FLOORS can be had at 112 North Water street. Apply to MARTIN & MACALISTER. m23

RUSSIA AND AMERICAN TARRED CORDAGE—a superior article, manufactured and for sale by WRAVEN, FITLER & CO., No. 22 N. Water st., & 23 N. Wharves.

COTTON.—100 bales Gulf Cotton, in store and for sale by MARTIN & MACALISTER, 112 North Water Street.

The Press.

MONDAY, JANUARY 18, 1858.

LIFE-TAKING.

There is no reading more pleasant, scarcely any, than Biography. We formed the opinion many years ago, and it has been strongly confirmed by a perusal of ELDER'S Life of Dr. KANE. We have found it full of information, not merely personal, but embracing many subjects. There evidently has been a great deal of labor in the collection and collation of facts, and we can well believe Dr. ELDER when he says: "The toil which does not appear in these pages, I think, amounts to ten times more than the reader will discover—unless he has some time written a biography out of the raw material." Numerous small points—like the finishing touches of a great portrait-painter—are combined, with the main facts of KANE's life, to show us the Man himself. They let us into his character, and allow us to judge why and wherefore he did such and such things. The book is literally "a deathless part of one who died too soon."

It is a biography which makes the reader love as well as admire its subject. We see very little of Dr. ELDER in it—but his frank and genial nature could not be repressed, and that throws sunshine over the whole production.

One great qualification he possesses—affectionate regard for the memory of the illustrious Dead, whose earthly course he undertook to trace and illustrate. A man who does not cherish this regard for the subject of a biography, ought not write it. Better err on the side of admiration than of coldness. A biography, though it should not be an apology, should unquestionably not be an attack. Nothing but good of the dead ("de mortuis nisi nil bonum") is a safer and a pleasanter rule than any which would elevate the biographer into a stern RHADAMANTHUS, weighing evidence, balancing evil against good, coldly deciding by how many half-breadths a man had deviated into wrong-doing. Of all men in the world, may we be defended from an ill-natured or a cold-hearted biographer. Dr. ELDER is neither, and the result is a genial, liberal, and gentle biography.

The very best biographies in our language have been written by persons well-affected towards the parties whose actions and character they proposed to record and estimate. The Monarch of Biographies is BOSWELL's Life of Dr. JOHNSON, a clever book written by a pedantic, conceited, self-opinionated, and self-worshipping man, rather loose in morals, and only distinguished by his flunkeyism of JOHNSON. For over one-and-twenty years, JAMES BOSWELL had placed himself prostrate at the feet of SAMUEL JOHNSON,—as emphatically and surrenderingly as Man Friday did to Robinson Crusoe, on the desert island. JOHNSON snubbed him, laughed at him, scolded him, but was conquered by the pertinacity of his affectionate submission, and knowing that BOSWELL was expressly taking notes for the purpose of writing his life, afforded him every facility, by answering all his questions, and by communicating dates and private information, which gave accuracy to the Life. The end was the best biography in the language.

A long pause before any other man appeared as biographer. JOHN GIBSON LOCKHART wrote an eloquent and generally accurate life of ROBERT BURNS, for *Constable's Miscellany*. Much about the same time, MOORE's *Life of SHERIDAN was published*—a feeble performance, the language disfigured with conceits, (some one counted 9,000 similes in the book,) and the whole story *wrongly rendered*, not to save the character of SHERIDAN, but, if possible, to gild over the personal and political meanness of the Whig party. A less honest biography has rarely been published.

MOORE'S Life of BYRON was an improvement. He had a vast quantity of exclusive information opened to him, and he used it discreetly. But, the reader may see, as he reads the book, that, in the author's opinion, BYRON was neither so good, moral, decorous, or gifted as THOMAS MOORE. What is called damning with faint praise has rarely been carried to such an extent. The loose life which BYRON led at Venice is detailed in full, and the noble poet's own bravado letters are published in full—as if to say, by contrast, "See what a bad fellow he was, after all his poetry, while I, who write his life, live quietly with my wife, BESSIE, at *Stoperton Cottage*, Wiltshire, patronized by Lord LANSDOWNE—a real Marquis, while this BYRON was no better than a Baron—and, though I did write LITTLE'S Poems, much to the detriment of youthful morals, I am *paterfamilias* now, and, as they would say in my native Dublin, nobody can say that black's the white of my eye." Yes, MOORE could think this, and say this, for a living dog can take any liberty with a dead lion.

Very different, in spirit and execution, were two small volumes, produced much about the same time. One was the Life of SCHILLER, written by Thomas CARLYLE, ere he had run into the affectation of Germanizing his mother-tongue, manufacturing compound words of no value, and omitting to give a glossary of them. This is an earnest, eloquent memoir, written with great enthusiasm, and *showing, all through*, a strong admiration for the writings of SCHILLER. The other small biography was a Life of CHADDE, the poet, written by his son, a thoughtful, candid, impartial, and affectionate book; indeed, one of the best short biographies in the language—not quite equal to the Life of GERALD GRIFFIN, the Irish novelist and poet, written by his brother, literally a labor of love. It will soon be republished in this country—wholly rewritten by its author—as the concluding volume of the edition of GRIFFIN's works, issued by Messrs. SADLIER, of New York.

A biography which comes next to BOSWELL's JOHNSON is the Life of Sir WALTER SCOTT, by J. G. LOCKHART, his son-in-law. Take these books by BOSWELL and LOCKHART together, and you have the literary history of England for over a century.

We have some first-class biographies in this country. JARED SPARKS and WASHINGTON IRVING have separately written the Life of WASHINGTON, and both are worthy of approbation. WIRT's Life of PATRICK HENRY is a first-rate work, and adequate memoirs of other great publicists might be named. The first volume of Dr. RANDALL's Life of JEFFERSON (lately noticed by us) affords promise of a complete work of great value. Simultaneously has appeared PARTON's Life of AARON BURR—a remarkable work, which clears away many of the shadows which rested on the character of BURR. And now we can place Dr. ELDER's Life of KANE upon the list of books which no reading man should be without. A critic said, "Never buy a book which you want to read only once." We have already read the Life of KANE twice—once impatiently, in fragments, and then carefully and satisfyingly—so we are qualified to pronounce it worthy of being purchased.

The New Bedford (Mass.) *Mercury* remarks that the very unusual cold of the two past winters at the north has led apparently to the migration southward of some of those birds which formerly remained with us through the trying season of frost and snow. If this proves to be really the fact, it shows an extraordinary instinct on the part of the beautiful feathered denizens of the field and forest. The disappearance of the quail has been already mentioned. To this favorite bird may be added, as having migrated the meadow lark, usually seen here, and the robin, which have not been observed this winter, in spite of its unusual mildness.

The St. Louis Republican is responsible for the following story: A young lady, twenty-five years of age, of elegant accomplishments and fascinating qualities of many kinds, arrived in this city a few weeks ago, from Chillicothe, Ohio, on a visit. She had for some time been in the habit of taking small quantities of arsenic, for the purpose of beautifying her complexion, and on Friday last she took an overdose, fell sick, and day before yesterday she died.

G. J. Buckingham, Esq., has been elected by the board of trustees, Principal of Harford County (Md.) Academy.

The Tragedy at the St. Lawrence Hotel.

Trial of Thomas Washington Smith for the *Murder of* Richard Carter.

SATURDAY'S PROCEEDINGS.

[Reported for The Press.]

OYER AND TERMINER—Judges Allison and Ludlow.—The court-room was crowded to excess on Saturday to hear the arguments in this celebrated trial. Mr. Mann, whose speech we give in *extenso*, occupied the court from the opening to the adjournment at one o'clock. His argument, it will be perceived, was an elaborate and clear exposition of the law—impressive, eloquent, and even solemn, in some parts, and was listened to with marked attention by the court, the jury, and the spectators. On the reassembling of the court in the afternoon, Mr. Thayer addressed the court in a speech which, from being so full of quotation from medical works on insanity, and legal quotation, was not as interesting as his opening. It was, however, a powerful argument in support of the insanity of the prisoner.

May it please your Honors, Gentlemen of the Jury: It has become my duty new to state to you the law, and to review the facts of this case; and in discharging this duty I shall present to you the law as I firmly believe it to be, and shall be held to be by the facts only as they have been proved upon this trial. You have been summoned by the law, and occupy your positions here in obedience to its requirements. It gives protection to every home; it affords security to every fireside; it is our guide and guard, "our pillar of cloud by day and our pillar of fire by night;" and when your sympathies are appealed to, to lead you from your path of duty, I simply ask you to turn your eyes to it and assert its power and enforce its authority. It is the embodiment of the wisdom of ages, and one of its sages has said, "That it lies within one of all the learned and the wise were gathered together into one, that one could not make a law such as the law of England is. For it hath been for ages fined and refined by grave and learned men, until it hath become the perfection of human reason. And yet, there are those who seek to be wiser than the law, and desire by the maintenance of visionary speculations and finely spun theories to pervert its principles and destroy its efficiency." And I feel it my duty to warn you, when you come to decide this case, to discard such theories, and to uphold the law as it is declared and enforced by the judicial tribunals of the country.

I shall not depart from the law of the land to discuss insanity in any other form than that wherein it is recognized in the law. To do so would be to follow illusions, to chase spectres, whilst the substance of that which we seek is to be found only in the law of the land. Nor in the discussion of the facts of this case shall I state them otherwise than as they have been proved; nor shall I go out of my way to assail the living, or to abuse the memory of the dead. In this I hope my example will be followed.

It is not for me, occupying the public position I do, to so prostitute it as to become a party to wound the feelings of others. As far as I can, consistent with my duty, I intend to "deal gently with my brother man—still gentler sister woman."

On the 4th day of November last there were three persons who have become prominent, painfully prominent, in the occurrence which have led to the case which you are now investigating.

It has been well said by the gentleman who preceded me in this office, and with whom I had the pleasure of being associated in public prosecutions for six years, that "death makes *fearful revelations*." It often reveals purity, shame, and crime, where we believed existed virtue, peace, and happiness.

Let me take up the first of these prominent persons—the one whose death we are inquiring into—and ascertain what the facts are in reference to him, as many have been proved in this case. I ask you to divest your minds of all that has been said of him in the opening speech of the prisoner's counsel, and to judge of him only as you know him by the evidence.

Richard Carter was a man about 48 years of age, a resident of Tamaqua *in this State*, who had by energy, industry, and integrity acquired considerable prominence. He was reputed to be a man of wealth, and was the president of a bank located at Tamaqua. He came to this city in November of last year, and stopped at the Madison House. He was there informed by Miss McCauley that she intended to be married to the prisoner; at which he smiled, evidently considering it a joke. In December 13th, of same year, he *was in Philadelphia again, and was seen by the* prisoner and Miss Smith, and after her marriage he was once or twice in company with the prisoner, his wife and sister.

November 4th, 1857, he was in Philadelphia—met his nephew in the street—walked with him to the St. Lawrence Hotel—sat down and conversed with him, and then rose up and shot him. Richard Carter fell upon the floor, and died; and this is all the testimony that has been received in evidence with regard to him.

If I were to attempt to repeat what has been said about him, or to anticipate what may be said of him, concerning matters not in evidence, it would be foreign to the case and unjust to him. But there is one point which I do desire to express my opinion upon. It is just and right that I should do so. It is that Richard Carter never got up this marriage. It was no work of his; and, if we are in a fair state to judge from the testimony before us, we must conclude that he entirely disapproved of it. In fact, he does not appear to have known that it was seriously contemplated, until the visit made to him by Miss Smith, formally announcing to him that it had been determined upon; and a letter of his has been alluded to, written to Miss McCauley, urging her to decline it, saying to her: "How could you think of such a thing in the situation in which you are?" and telling her that if she determined to marry, "to destroy that letter, and all others from him."

Do not let it be said, then, that he brought about this marriage, or enjoied this prisoner into it. Whatever his faults or frailties may have been, this stain exists not upon his name. It is a satisfaction to me to state this, and I do so in justice to him and to truth, to those who knew him and loved him, and who still cherish his memory. It is not for me to expatiate upon his warmth of heart, or upon the generosity of his nature, or upon those qualities which so endeared him to his friends, and warmed into devotion the affection of his kindred, and made it imperishable.

Let us now pass to the consideration of the next prominent character in this tragedy—*Elizabeth G. McCauley, the wife of the prisoner.* The evidence in regard to her is: That she was married to the prisoner on the 16th of December, 1856; that in April, 1857, she gave birth to a female child, which died living, and that subsequently she was the father of it; that after the birth of the child she was taken to Bristol, and subsequently wrote two letters to her husband, which have been read in evidence. This is all the evidence concerning her that I regard to be material in this case. I will not stop to criticise her conduct—she is not upon trial—it is not for me to say how much or how little blame is to be attached to her; I am not her accuser—she has not had any opportunity to be present to make her defence, and I forbear to utter any words of condemnation.

There is one more prominent figure in the panorama that is passing before us—the prisoner at the bar. His history as detailed by himself (you will remember) is before you. He appears to have been a man of kind, affectionate, generous and generous impulses, honest and confiding. Devoted, fly attached to his wife, he had confided to her the whole wealth of his affections, and when that confidence was betrayed he was an altered man. He found that he had been deceived by one he loved the most, *and he now suspected all.* From being gentle and joyous, he became wild and full of grief, and his manners seemed to have undergone a change; he believed he was disgraced and that he had made his blunder a laughing stock to all his friends and to the community, to be consulted by his friends, some of whom, to use the language of his sister, advised him to take a *leaden*, others a *legal revenge*. He carried arms, and said he believed that if he ever met Richard Carter he would shoot him. On the 4th of November last he sought the man he called his foe; conversed with him calmly for full fifteen minutes, and then put a pistol to his heart and hurried him into eternity. This is truly a terrible—is it an unnatural story?

Richard Carter has passed away; he is in his grave—there let him rest. There is nothing to be gained by any one in this trial in seeking to disturb his repose. It is a great and an ever-powering feeling in all manly natures to let the dead rest; and I am sure that you have no sympathies with those who whisper slanders among sepulchres and tear the earth from a new-made grave before the grass has grown above it.

Let me call your attention now particularly to the specific offence that the law charges against this prisoner. He is accused with wilfully, maliciously, and with premeditation, taking the life of Richard Carter. All the circumstances—and I will not go over the evidence—show this act to have been done under such circumstances as render it, if a crime at all, a cruel and wicked murder, and of the first degree. There is no escaping this conclusion. In all the testimony—and there is no occasion now for me to revert to it—you can clearly discover the motives that prompted to the crime—the means by which it was committed. It is clearly proven, indisputably proven, that Richard Carter came to his death without notice or warning, and that the act was cowardly as it was cruel. The law denounces it in its strongest terms. The prisoner is called upon to excuse or justify it, or receive the penalties due to such a crime. And what is his excuse?

To all this the prisoner, by his counsel, has answered by the plea of insanity, and, in introducing it, has warned us that no man should make light of this plea because of its abuses. This, on the part of the prisoner's counsel, is a concession that it has been abused, and that great crimes have been glossed over by this plea, and the sophistry used to render it available.

Let me now, at the outset, also say, make not light of this plea, but examine it well, weigh with care and caution the evidence adduced to support it; listen with attention to the law of the law as it will be laid down by the court in regard to it, and then decide it, fairly, honestly, and mercifully.

It would be a burning disgrace to the administration of the law to convict a man of murder who from disease is rendered incapable of committing crime; and it would be equally disgraceful, as well as dangerous to the public peace, to the lives and safety of the citizens, if a criminal escape by means of this plea, if it be unsupported by the evidence and unsustained by the law. Let it be known that *a man whose dearest affections have* been trifled with, whose heart has been lacerated by injuries the very recital of which can make other hearts bleed—I say let it be known that such a one can seek the individual he believes to be his enemy, and take his life, and *merely go through* the forms of a trial in order to be acquitted in defiance of all law—then all the securities which the law affords to protect the sacredness of human life are taken away; Heaven's high ordinances, the nation's laws we have been taught to revere, are broken down; and the pistol and the bowie knife are to be the dread arbiters to decide who shall live and die among us.

I therefore do entreat you most fairly to approve and to decide this, the only issue between the Commonwealth and the prisoner, and to remember that while the counsel for the *prisoner* are here solely to ward over his interests, you and I are to keep watch, and watch over the welfare of thousands. With these responsibilities before us, let us enter upon our task, and with these responsibilities before your minds, let me conjure you to close it.

It is not my province to define insanity; I leave that to others. It is no easy task, and it is not necessary to the case to perform it.

It is my duty, however, to state to you the law as to what extent insanity must exist in order to render a party irresponsible for crime.

To the law upon this subject I entreat your most serious attention, for, as there is little or no dispute about the facts of this case, as you apply the law of the land to those facts, so you will decide it.

I know of no better way to make you fully comprehend the law, as it now exists, than by tracing it *down from the earliest* decisions upon the subject to the present time. You will remember that I am only discussing the question of responsibility for crime. This is reduced to a narrow compass. There are other, and many other, questions connected with insanity that are more boundless than the dominion of the mind. But that of responsibility for crime is fixed, is strictly defined. An excellent writer upon the subject has said, "It is a boundary to stop a delusion—on one side of which Cæsar is the servant of the State, on the other a traitor and a rebel." Lord Coke made of insane persons four classes, whom he thus described:

First. An idiot, who, from his nativity, by a perpetual infirmity, *is non compos*.

Second. He that, by sickness, grief, or other accident, loseth his memory and understanding.

Third. A lunatic that sometimes hath his understanding and sometimes not.

Fourth. He that, by his own vicious act, for a time deprveth himself of his memory and understanding, as he that is drunken.

To these enumerations of the forms of mental unsoundness there have been many objections made, as there are more cases excluded by than included in them.

The next *judicial doctrine was that made by Sir* Matthew Hale, who divided insanity into total and partial—total insanity being alone permitted to confer irresponsibility for crime. This total insanity he declared to be "a defect in the understanding, unequivocal and plain, not the mere infirmity of passion, or of little frantic humor, or unaccountable mode of action, but an absolute dispossession of the free and natural agency of the human mind. The doctrine that irresponsibility could *only be permitted to a person labouring* under total deprivation of memory and understanding was, however, refuted for the first time in Hadfield's case, in 1800. He was tried for treason for shooting at King George III, in Drury Lane Theatre. The case is fully reported in 27 Howell's State Trials, 1281. The defence was insanity. He had been a soldier, and received many wounds in battle, and was dismissed from the army on account of insanity or partial derangement brought on by these wounds. I will read the statement of this case, contained in Dean's Medical Jurisprudence, p. 604. He was occasionally subject to annual insanity, from the beginning of spring to the end of dog days. When affected by the disorder, he imagined himself to hold intercourse with God, sometimes calling himself God, or Jesus Christ, and other blasphemous expressions, constantly personal, in the occurrence which have led to the case which you are now investigating.

It has been well said by the gentleman who preceded me in this office, and with whom I had the pleasure of being associated in public prosecutions for six years, that "death makes *fearful revelations*." It often reveals purity, shame, and crime, where we believed existed virtue, peace, and happiness.

Let me take up the first of these prominent persons—the one whose death we are inquiring into—and ascertain what the facts are in reference to him, as many have been proved in this case. I ask you to divest your minds of all that has been said of him in the opening speech of the prisoner's counsel, and to judge of him only as you know him by the evidence.

Richard Carter was a man about 48 years of age, a resident of Tamaqua *in this State*, who had by energy, industry, and integrity acquired considerable prominence. He was reputed to be a man of wealth, and was the president of a bank located at Tamaqua. He came to this city in November of last year, and stopped at the Madison House. He was there informed by Miss McCauley that she intended to be married to the prisoner; at which he smiled, evidently considering it a joke. In December 13th, of same year, he *was in Philadelphia again, and was seen by the* prisoner and Miss Smith, and after her marriage he was once or twice in company with the prisoner, his wife and sister.

November 4th, 1857, he was in Philadelphia—met his nephew in the street—walked with him to the St. Lawrence Hotel—sat down and conversed with him, and then rose up and shot him. Richard Carter fell upon the floor, and died; and this is all the testimony that has been received in evidence with regard to him.

If I were to attempt to repeat what has been said about him, or to anticipate what may be said of him, concerning matters not in evidence, it would be foreign to the case and unjust to him. But there is one point which I do desire to express my opinion upon. It is just and right that I should do so. It is that Richard Carter never got up this marriage. It was no work of his; and, if we are in a fair state to judge from the testimony before us, we must conclude that he entirely disapproved of it. In fact, he does not appear to have known that it was seriously contemplated, until the visit made to him by Miss Smith, formally announcing to him that it had been determined upon; and a letter of his has been alluded to, written to Miss McCauley, urging her to decline it, saying to her: "How could you think of such a thing in the situation in which you are?" and telling her that if she determined to marry, "to destroy that letter, and all others from him."

Do not let it be said, then, that he brought about this marriage, or enjoied this prisoner into it. Whatever his faults or frailties may have been, this stain exists not upon his name. It is a satisfaction to me to state this, and I do so in justice to him and to truth, to those who knew him and loved him, and who still cherish his memory. It is not for me to expatiate upon his warmth of heart, or upon the generosity of his nature, or upon those qualities which so endeared him to his friends, and warmed into devotion the affection of his kindred, and made it imperishable.

Let us now pass to the consideration of the next prominent character in this tragedy—*Elizabeth G. McCauley, the wife of the prisoner.* The evidence in regard to her is: That she was married to the prisoner on the 16th of December, 1856; that in April, 1857, she gave birth to a female child, which died living, and that subsequently she was the father of it; that after the birth of the child she was taken to Bristol, and subsequently wrote two letters to her husband, which have been read in evidence. This is all the evidence concerning her that I regard to be material in this case. I will not stop to criticise her conduct—she is not upon trial—it is not for me to say how much or how little blame is to be attached to her; I am not her accuser—she has not had any opportunity to be present to make her defence, and I forbear to utter any words of condemnation.

There is one more prominent figure in the panorama that is passing before us—the prisoner at the bar. His history as detailed by himself (you will remember) is before you. He appears to have been a man of kind, affectionate, generous and generous impulses, honest and confiding. Devoted, fly attached to his wife, he had confided to her the whole wealth of his affections, and when that confidence was betrayed he was an altered man. He found that he had been deceived by one he loved the most, *and he now suspected all.* From being gentle and joyous, he became wild and full of grief, and his manners seemed to have undergone a change; he believed he was disgraced and that he had made his blunder a laughing stock to all his friends and to the community, to be consulted by his friends, some of whom, to use the language of his sister, advised him to take a *leaden*, others a *legal revenge*. He carried arms, and said he believed that if he ever met Richard Carter he would shoot him. On the 4th of November last he sought the man he called his foe; conversed with him calmly for full fifteen minutes, and then put a pistol to his heart and hurried him into eternity. This is truly a terrible—is it an unnatural story?

Richard Carter has passed away; he is in his grave—there let him rest. There is nothing to be gained by any one in this trial in seeking to disturb his repose. It is a great and an ever-powering feeling in all manly natures to let the dead rest; and I am sure that you have no sympathies with those who whisper slanders among sepulchres and tear the earth from a new-made grave before the grass has grown above it.

Let me call your attention now particularly to the specific offence that the law charges against this prisoner. He is accused with wilfully, maliciously, and with premeditation, taking the life of Richard Carter. All the circumstances—and I will not go over the evidence—show this act to have been done under such circumstances as render it, if a crime at all, a cruel and wicked murder, and of the first degree. There is no escaping this conclusion. In all the testimony—and there is no occasion now for me to revert to it—you can clearly discover the motives that prompted to the crime—the means by which it was committed. It is clearly proven, indisputably proven, that Richard Carter came to his death without notice or warning, and that the act was cowardly as it was cruel. The law denounces it in its strongest terms. The prisoner is called upon to excuse or justify it, or receive the penalties due to such a crime. And what is his excuse?

To all this the prisoner, by his counsel, has answered by the plea of insanity, and, in introducing it, has warned us that no man should make light of this plea because of its abuses. This, on the part of the prisoner's counsel, is a concession that it has been abused, and that great crimes have been glossed over by this plea, and the sophistry used to render it available.

Let me now, at the outset, also say, make not light of this plea, but examine it well, weigh with care and caution the evidence adduced to support it; listen with attention to the law of the law as it will be laid down by the court in regard to it, and then decide it, fairly, honestly, and mercifully.

It would be a burning disgrace to the administration of the law to convict a man of murder who from disease is rendered incapable of committing crime; and it would be equally disgraceful, as well as dangerous to the public peace, to the lives and safety of the citizens, if a criminal escape by means of this plea, if it be unsupported by the evidence and unsustained by the law. Let it be known that *a man whose dearest affections have* been trifled with, whose heart has been lacerated by injuries the very recital of which can make other hearts bleed—I say let it be known that such a one can seek the individual he believes to be his enemy, and take his life, and *merely go through* the forms of a trial in order to be acquitted in defiance of all law—then all the securities which the law affords to protect the sacredness of human life are taken away; Heaven's high ordinances, the nation's laws we have been taught to revere, are broken down; and the pistol and the bowie knife are to be the dread arbiters to decide who shall live and die among us.

I therefore do entreat you most fairly to approve and to decide this, the only issue between the Commonwealth and the prisoner, and to remember that while the counsel for the *prisoner* are here solely to ward over his interests, you and I are to keep watch, and watch over the welfare of thousands. With these responsibilities before us, let us enter upon our task, and with these responsibilities before your minds, let me conjure you to close it.

It is not my province to define insanity; I leave that to others. It is no easy task, and it is not necessary to the case to perform it.

It is my duty, however, to state to you the law as to what extent insanity must exist in order to render a party irresponsible for crime.

To the law upon this subject I entreat your most serious attention, for, as there is little or no dispute about the facts of this case, as you apply the law of the land to those facts, so you will decide it.

I know of no better way to make you fully comprehend the law, as it now exists, than by tracing it *down from the earliest* decisions upon the subject to the present time. You will remember that I am only discussing the question of responsibility for crime. This is reduced to a narrow compass. There are other, and many other, questions connected with insanity that are more boundless than the dominion of the mind. But that of responsibility for crime is fixed, is strictly defined. An excellent writer upon the subject has said, "It is a boundary to stop a delusion—on one side of which Cæsar is the servant of the State, on the other a traitor and a rebel." Lord Coke made of insane persons four classes, whom he thus described:

First. An idiot, who, from his nativity, by a perpetual infirmity, *is non compos*.

Second. He that, by sickness, grief, or other accident, loseth his memory and understanding.

Third. A lunatic that sometimes hath his understanding and sometimes not.

Fourth. He that, by his own vicious act, for a time deprveth himself of his memory and understanding, as he that is drunken.

To these enumerations of the forms of mental unsoundness there have been many objections made, as there are more cases excluded by than included in them.

The next *judicial doctrine was that made by Sir* Matthew Hale, who divided insanity into total and partial—total insanity being alone permitted to confer irresponsibility for crime. This total insanity he declared to be "a defect in the understanding, unequivocal and plain, not the mere infirmity of passion, or of little frantic humor, or unaccountable mode of action, but an absolute dispossession of the free and natural agency of the human mind. The doctrine that irresponsibility could *only be permitted to a person labouring* under total deprivation of memory and understanding was, however, refuted for the first time in Hadfield's case, in 1800. He was tried for treason for shooting at King George III, in Drury Lane Theatre. The case is fully reported in 27 Howell's State Trials, 1281. The defence was insanity. He had been a soldier, and received many wounds in battle, and was dismissed from the army on account of insanity or partial derangement brought on by these wounds. I will read the statement of this case, contained in Dean's Medical Jurisprudence, p. 604. He was occasionally subject to annual insanity, from the beginning of spring to the end of dog days. When affected by the disorder, he imagined himself to hold intercourse with God, sometimes calling himself God, or Jesus Christ, and other blasphemous expressions, constantly personal, in the occurrence which have led to the case which you are now investigating.

It has been well said by the gentleman who preceded me in this office, and with whom I had the pleasure of being associated in public prosecutions for six years, that "death makes *fearful revelations*." It often reveals purity, shame, and crime, where we believed existed virtue, peace, and happiness.

Let me take up the first of these prominent persons—the one whose death we are inquiring into—and ascertain what the facts are in reference to him, as many have been proved in this case. I ask you to divest your minds of all that has been said of him in the opening speech of the prisoner's counsel, and to judge of him only as you know him by the evidence.

Richard Carter was a man about 48 years of age, a resident of Tamaqua *in this State*, who had by energy, industry, and integrity acquired considerable prominence. He was reputed to be a man of wealth, and was the president of a bank located at Tamaqua. He came to this city in November of last year, and stopped at the Madison House. He was there informed by Miss McCauley that she intended to be married to the prisoner; at which he smiled, evidently considering it a joke. In December 13th, of same year, he *was in Philadelphia again, and was seen by the* prisoner and Miss Smith, and after her marriage he was once or twice in company with the prisoner, his wife and sister.

November 4th, 1857, he was in Philadelphia—met his nephew in the street—walked with him to the St. Lawrence Hotel—sat down and conversed with him, and then rose up and shot him. Richard Carter fell upon the floor, and died; and this is all the testimony that has been received in evidence with regard to him.

If I were to attempt to repeat what has been said about him, or to anticipate what may be said of