CRIME MATTERS.

TRIAL OF COCHRAN FOR MURDER.

SATURDAY, Dec. 11th.

At the appointed hour the Court of Oyer and Termiuer assembled. Judge McClure, and Associates Boggs and Adams on the Bench.

W. W. Irwin, Esq., addressed the jury on behalf of Cochran, occupying about two hours and a half. He was followed by Col. Black, on the same side, who enchained the attention of the vast audience by perhaps one of the most eloquent speeches ever delivered by that gentleman. At the conclusion of his speech, the Court took a recess until half past two o'clock

AFTERNOON SESSION.

In the afternoon, Francis D. Flanegin, Esq., the District Attorney, arose and made the final speech for the Commonwealth. He gave an outline of the prominent features of this case. He decided the rendering of the law by the learned Counsel for the defence, that James Cochran must be acquitted by the terms of the indictment, or be found guilty of murder in the first degree. If there were not evidence sufficient to convict Cochran of murder in the first degree, then he could be convicted of murder in the second degree, or of manslaughter. If there was mutual understanding between the parties after they left Wilkins Hall, then Cochran would be guilty of murder in the first degree. The learned gentleman contended that the excellent character of the prisoner would not disprove his presence in the fray. If that party went in search of Mitchell with the intention of committing an unlawful battery upon him, and death ensued by the act of one man, the two were participants in the murder. But unless there was intention among them to take away life, they were not all guilty of murder in the first degree. Mr. Flanegin then referred to a large number of legal authorities to support the points taken by him.

At the conclusion of Mr. Flanegin's speech, Judge M'Clure charged the jury as follows:

GENTLEMEN OF THE JURY—James A. Cochran, the prisoner at the bar, is charged as aiding and abetting in the murder of Samuel Mitchell; is charged with the murder of Samuel Mitchell, who came to his death by violence. It is established that deceased fell by a weapon used by another, and not used by the prisoner, the prisoner being present at the time.

You will please bear in mind all the facts, and apply the law to them, as laid down by the Court.

I will here premise that in a doubtful case, character is of importance to the accused, and in a really doubtful case, the reasonable doubts of the jury, if such there be, weigh in favor of the accused.

In this case, twenty-two witnesses, themselves men of character, all have testified with sincerity, and come with visible emotion, to the unexceptionable character of the prisoner at the bar previous to July 5th, 1852, the date of the death of Mitchell

A principal in the first degree is the actor, or actual perpetrator of the fact.

Principals in the second degree are those who are present, aiding and abetting, at the commission of the fact.

To constitute principals in the second degree, there must be, in the first place, a participation in the act committed, and in the second place, presence, either actual or constructive, at the time of its commission.

I will treat this cause as if the prisoner had been sober at the time, but if you believe that the prisoner from intoxication was incapable of framing a design, or intention, or of harboring malice, drunkenness is no palliation. If you believe from the testimony that he was incapable of forming a design, that he was not responsible for his own acts, much less was he then responsible for the acts of another, and your verdict under this aspect of the case would be, not guilty.

Had Cochran sufficient cooling time after his first encounter with Mitchell, if one he had, and did he intend to kill by his own hand, or by the hand of a third person. If he knew that Jewell would kill, and aided and abetted in killing, and had sufficient cooling time, on that state of facts, he would be guilty of murder in the first degree, and not of manslaughter. If you believe the original intent was to kill, that Cochran was present aiding and abetting in the killing, or that the killing was with his knowledge and approbation, you will then consider whether there was sufficient cooling time between the first encounter between deceased and prisoner, and whether the second attack was made in pursuance of the first. And here you will consider whether he was in pursuance of deceased at all, who had pulled his nose, or of some one else, whether real or imaginary, who had accused him of picking his pocket; for the only reason assigned by him for his distress and tears, was that he had been accused by some man, he did not say whom, of picking his pocket, which may have been an excuse fabricated to conceal his vexation at what occurred between Mitchell and himself, or it may not.

If there was then, on such a supposition, sufficient cooling time, and the killing was intended by Cochran, or done in pursuance of an agreement to kill Mitchell, between Cochran and the rest, or if he aided and abetted Jewell in the perpetration of the act, then he would be guilty of murder in the first degree. If on that supposition, there was not sufficient cooling time, then, manslaughter, provided Jewell was a deadly instrument, snatched up by Cochran in heat of blood, known to be so, and used by Cochran as such, and on no other supposition.

But if there was sufficient cooling time, then was the prisoner present aiding and abetting in the murder?

If he knew that Jewell had a deadly weapon, and intended to use it, Cochran having cooling time, or if he countenanced him in using it, he was a principal in the 2d degree, and was guilty of murder in the first degree.

But if he was ignorant of the fact that Jewell intended to kill, if killing him was not contemplated by Cochran in making the attack, more especially, if when the weapon was drawn he tried to prevent its use, then he was not guilty of murder in the first degree.

If they find—considering the disparity in strength between one and four—intended to beat Mitchell to death, and had *beaten* him to death, they would each and every one have been guilty of murder in the first degree. The law would have presumed an intention to do what they did do, in the manner they did it. The law would presume malice. It would be malice implied, like in the case of the use of a deadly weapon, which neutralises strength, and takes another at a disadvantage.

Observe, I say if death had ensued from *beating*; but as death did not ensue from *beating*, the law cannot presume, the jury cannot presume, whereon to convict.

You cannot *presume* from the fact, that *one* killed, with a deadly weapon, that they all intended to kill; you must have evidence of the fact.

Have you any *evidence*, aside from disparity in strength, of intent of the four to kill? If you have not, it would be unsafe to say that that circumstance alone is a sufficient proof of a design to take life. You cannot infer a design in all, from the use of a deadly weapon by one; you must have some proof that they knew it would be used, or saw it used, and aided and abetted in the use of it.

Is there any evidence of this, or is there any proof of its opposite? And in this connexion, you will consider the conduct of Cochran during the affray. Was he trying to kill, or was he trying to prevent the killing? If he was trying to prevent the killing, and had no previous understanding with Jewell that the life of the deceased was to be taken, or witnessed, then he was not guilty of murder in the first degree, nor of manslaughter.

Murder in the first degree is when there is a premeditated intention to take life. Murder in the second degree is when the felonious homicide is committed without such intent.

A familiar example of murder in the second degree, is when a man on the top of a house throws a piece of timber in a city, to a crowded street, and kills somebody. This is a homicide from carelessness, and he is responsible for the consequences of his own act. This is murder in the second degree.

Also—when there is an intention to do bodily harm, for here there was no intention to kill.

If men are engaged in the execution of an unlawful act they are responsible for the consequences. But one may do an act which none else contemplated. The rest may not be guilty of his individual act, nor liable to the penalty annexed to it; but the others are not blameless of all offence, but may be guilty of a minor offence, a lower grade of crime. One may be guilty of murder in the first degree, one of murder in the second degree, and others of manslaughter, provided these grades be established by the evidence.

The jury retired about a quarter past five o'clock.

HALF PAST SIX O'CLOCK.—Court met pursuant to adjournment, Judge McClure and Associates Boggs and Adams on the Bench.

The jury came into the Court room and announced to his Honor, that they were in doubt about the latter part of his charge.

Judge McClure then read the portion of his charge referred to. The crime of lower grade mentioned there was murder in the second degree.

The foreman then requested the Judge to read the portion concerning an assault and battery, which his Honor did.

The jury then retired.

SEVEN O'CLOCK.—The jury returned into Court and informed his Honor that they had agreed upon a verdict of "acquittal" Cochran was discharged by proclamation.

LECTURES OF HORACE MANN.—This distinguished lecturer, it will be seen by an advertisement in our columns, will commence a series of three lectures before the Young Men's Library Association, on Thursday evening next. His first lecture will be to Young Men; the other two to Young Women. Mr. Mann is so well known by reputation, to our readers, that nothing more is needed from us than to announce the time fixed for his Lectures.

CONCERT.—We would direct the attention of our readers to the Concert to be given to-morrow evening, at Lafayette Hall, by M'lle MINA, and LOUISA TOURNY. This will be one of the most charming musical treats of the season. For the first time we will have the opportunity of admiring the combination of a glorious contralto, with a clear and silvery soprano voice, practised and drilled in a manner to produce the most perfect duette, probably ever listened to in this country.

The programme will be very choice. Among others, we notice the beautiful Cavatina, from "Linda di Chamounix," and that best of English songs. "Where are the friends of my youth?" also, the charming English duette, "Gently, gently sighs the breeze" These last two are found on almost every piano in the city; and it would be a matter of great profit, as well as pleasure to our young ladies to attend, and hear their favorites sung to *perfection*. It is an admitted fact, that the half dollar spent in listening to a good piece of singing, is as profitable as spending five dollars for tuition.

PRIMARY ELECTIONS.—We give below the list of Delegates elected in the various wards, on Saturday, to the Whig Convention for nominating a candidate for Mayor:

First Ward—For Riddle—John Gracy, James Bunton, Joseph Ross, Edward Darlington, Jas. L. Brindle.

Second Ward—For Riddle—John M'D Creesan, Jas. I. Kuhn, G. H. Hildebrand, Thomas Steele, Montgomery Fedder.

Third Ward—For Riddle—Thomas M. Marshall, Thomas Scott, for Sawyer. Ferdinand F. Voltz, William Splane, Charles Lewis.

Fourth Ward—For Riddle—Lieut. M'Catchen, James Verner, Henry Haye, John Curtis, jr., John D. Bailey.

Fifth Ward—Joseph Kaye. J. Cost Blair, Charles Ferguson, M. Breidenthal, Wm. G. McCartney—for Riddle.

Sixth Ward—Thomas A. Rowley, John Scott, James Mercer, Thomas M. Little, Samuel Shane —for Sawyer.

SEVENTH WARD—Christian Orr, John Gordon, James Rell, William Nawland, Henry Nelson—for Sawyer.

EIGHTH WARD—Henry Stimple, Joseph Nixon, Wm Woods, Jeremiah Gumbert, Wm Jones—for Riddle.

NINTH WARD—Philip Drum, William Locke, Thomas Rorsewell, James Little, Thomas Lacy —for Sawyer.

THEATRE.—To night, Ingomar, and the fine melo-drama of The Venetian, compose the bill of entertainment. Mrs. Farren appears in both pieces.

A meeting of Delegates from the several Boards of School Directors of the city of Pittsburgh and Pitt Township, will be held at the Third Ward Public School House this day at 6 o'clock, P. M., for the purpose of adopting some plan and raising means to continue the School for colored children.

Grocers and Liquor Dealers should attend the large sale of Groceries, Liquors, Cigars, Fixtures, &c., at the store of Thos. J. Duncan, No. 291 Liberty street, this morning at 10 o'clock, by P. M Davis, Auctioneer.

Bayne's Panorama of a Voyage to Europe, will soon leave here. We trust no one will neglect to pay this exhibition a visit, and we assure all who do so that they will be pleased with their intellectual treat. Every one should see it before its departure.

BLOWN DOWN.—The Blacksmith Shop, on Eighth street, was blown down by the heavy wind which prevailed on last Tuesday night. The walls, in falling, struck a buggy, and completely demolished it.

The AMERICAN SUNDAY SCHOOL UNION, in Philadelphia, have sold their fine property in Chesnut street, above Sixth, and have purchased another in Chesnut, between Eleventh and Twelfth, south side. They will immediately proceed to build an extensive establishment on the new premises, in which the printing and binding will be executed.

In a house on McDonough street Portsmouth, (N. H) last week smoke was discovered proceeding from the family bible lying on a table near a window. On examination it was found that the edge of the bible was in the exact focal distance from a glass globe containing gold fish, and that the sun himself was playing the incendiary.

BY TELEGRAPH.

FURTHER NEWS BY THE NIAGARA.

NEW YORK, Dec 11.

A ship arrived from Port Philip with one hundred and fifty thousand ounces of gold and nearly £1,000,000

A committee of Turkish bond holders in London have resolved that the Turkish government is bound for the recent loan, and proposed to take steps to enforce the payment of the claims through the action of Parliament

FRANCE.—On the vote for the Empire the public and private accounts agree that without a show of enthusiasm, the returns will give a larger majority than any previous appeal. Returns from 83 departments, including the army and navy are yeas 7,200,000, nays 250,000. About one-seventh of the voters of Paris abstained from voting. An official proclamation of the Empire is expected on the 2d December.

It is reported that Napoleon will address one manifesto to France and another to Europe, both essentially pacific. He has already sent a message to the Legislature stating that the Government will undergo no change only in name.

The King of Sweden in convalescent.

Vienna correspondents state that Mr. Websters' death will restore the relations with the United States, and that Mr Hulsemann will return to Washington City

A treaty guaranteeing the independence of Greece under a prince of the Greek faith, has been signed in London by the Ministers of England, France, Prussia and Batavia.

GRAIN MARKETS.—Throughout British grain has been active with an upward tendency. The imports have been light.

Richardson & Bros quote Phila, Baltimore and Ohio flour, 29s 9d@ 29; yellow corn 32 Beef dull, awaiting new arrivals. The first parcel from Baltimore arrived per Arctic; held at 90 71 Pork there is nothing doing American, Irish and French are higher Bacon wanted. Tallow has advanced 1s.

Several parcels of Irish butter have been taken for Boston and New York.

Mr. Bright in his remarks on Mr. Villiers' motion said, that when Gen. Pierce comes into power, England might look forward to reciprocity in trade.

In the House of Lords, on the 25th, Earl Malmesbury stated, in reference to the Fisheries, that Mr. Webster's letter arose neither from the government placing a new construction upon the order regulating the fisheries, nor from the use of improper language in the negotiation, but probably from circumstances occurring to the American government at the time of the Presidential election He asserted the House of the most friendly relations between the two governments, and that with the exception of that one letter, every thing tended to the most satisfactory conclusion.

The shipping interest is making strong opposition to granting a charter to the Liverpool and London Transatlantic Steamship Company.

NEW YORK Dec 11

The New York Evening Post says that Gerrit Smith intends in the next Congress to bring in a bill for the purchase of Cuba.

The frigate Saranac sailed from Para on the 19th November, for Maranham

DESTRUCTIVE FIRE.

BALTIMORE, Dec 11.

The extensive wholesale grocery warehouse of David Hays and James George, on the corner of Commerce street and Exchange Place, were totally destroyed by fire this morning. There was a large stock in the building. It is estimated at $60,000, of which $25,000 is covered by insurance in the Baltimore Firemen's Insurance Office The mail fell on an adjoining building, occupied by Richard H. Marbrett, as a printing office, crushing in the roof, and severely injuring Mr Marbrett and five men, each of whom had a leg broken, and the latter his skull fractured, so as probably to cause his death Three others were also seriously injured. The fire is supposed to be the work of an incendiary.

SYRACUSE, N Y. Dec 11.

Herman B. Irwin, a colored man, was arrested [illegible] with the Jerry rescue case.

BALTIMORE, Dec. 11.

Mr Boothe, tragedian, was buried this afternoon.

BALTIMORE, Dec 11.

The barque Morgan Dix arrived last night, with Buenos Ayres dates to the 6th of October. Urquiza had disbanded his forces and disclaimed all hostile intentions towards Buenos Ayres. He says he will defend his provinces from any attack. In a circular to foreign consuls, he notifies them to treat with him in all matters relative to foreign affairs, and announces his intention as dictator to install a Sovereign Congress.

TELEGRAPHIC MARKETS.

PHILADELPHIA, Dec 11.

Breadstuffs, firmer and transactions small. Flour $4@5,12 for mixed brands. In meal and corn meal nothing done. Wheat; good red $1,11. Corn firm; yellow 66, afloat. Cotton dull.

NEW YORK, Dec. 11.

Cotton had had a declining tendency for the week: for the last three days it has declined from ¼ to ⅛ Cloverseed; sales 150 bbls at $10@10,25, Tallow, sales 10,000 lbs at 10½@10¾. Sugar, sales 80 hhds N O, at 5; sales 300 bbls molasses, New Orleans, 29 to 29½. Stocks; Southern Michigan, 104; exchange on London 109 @109¼ Flour; sales 8500 bbls State 4,85 @5,12; Ohio $5,12@5,37; Southern $5,37@ 6,50, better. Rye Flour—Sales 100 bbls at $4,87; Grain—Sales 17,000 western Wheat at 120@121, active, better. Sales 600 bu Rye at 82c. Sales 20 000 bu Corn at 66@ 69½, and plenty

CINCINNATI, Dec 11.—Flour dull at $5,75@ 5,80 Hogs firm; sales 5000 at $6,20@6,60 Provisions firmer, but sales to day were unimportant. Whisky buoyant at 19; the demand exceeds the supply Cheese dull at 9, and receipts large. Butter plenty and dull at 17@20. Good Apples command $1,75@2; ordinary $1, 10@1,40 per bbl Sugar drooping; moderate demand at 4¾@5. Molasses 27@28 Pork Barrels have declined to $1,50. Whisky bbls steady at $1,40, and Flour bbls 50@56. Clean ed Cloverseed firm at $5,75@6. Flaxseed 9.

COMMERCIAL.

PITTSBURGH MARKET.

OFFICE OF THE MORNING GAZETTE, Monday Morning, Dec. 13 1852

It is well known to all day in particular, which showed business operations, and we have nothing in particular to report. But news from every continent arrive, the without notable transactions.

FLOUR.—Sales 500 bbls. at $4,66 to $4,12, 50 do at $4,06; 40 do at $4, 75 do at $4,00 to $4,10—the latter figure for the last Commercial.

GRAIN—Sales of 100 sacks corn from first hands, to go out at 45, 75 do. from store at 50 Sales 75 bus oats, from store at 27 Wheat commands 75 to 80

GROCERIES.—Wemble sales of 30 bbls molasses, new, at 30. Sugar and coffee remain firm at former quotations.

HAY.—The transactions were confined to dressed hogs, of which 27 sold at 6, and 26 at 6 to 6¼.

CHEESE.—Sales 30 boxes, W. R., factory, at 9.

SALT.—Sales from store, at retail, at $1,10 per sack in small lots at $1,25

PROVISIONS.—Sales of pork limited at $9 to $10 per bbl. The falling rate has been higher. Sales, 200 bbls. in lots, from store, at $1,25, which holders generally ask

CLOVERSEED.—Sales 64 bus, at $5,50, and a sale put before reported of 35 bus at same rate Holders are firm and demand $5 75

SHEEP PELTS.—None offering. Would command $1 each readily.

MONETARY AND COMMERCIAL

The leading house of Page & Bacon, St. Louis, advertise, that on and after the first of January, they will receive currently on deposits at one quarter per cent of account. Another advertisement is heading in the city, that they will receive exchange at par. These movements have induced other bankers to be floating in the Gold-pipe, and the same rate has been adopted by a portion of all banks.

The receipts from passengers on the Lake shore Railroad, since its opening, have been $10,000 per month. The whole distance is 965 miles and the entire cost about $2,500,000. The contemplated road to the Ohio River, Rutherford's show that the line has arrived the question of a reduction of fares should be considered

GOLD DOLLARS.—Beautiful gold coins, which are extensively circulated in the Eastern cities. Look out for them yellow boys

RAILWAY TO INDIANAPOLIS.—The completion of the tracks of the roads connecting on the Indiana line above Greenville, has been delayed by the bad weather, but six miles of track remain to be laid, three or each company, between the terminus of the Ohio and Mississippi, and the first of January, and be run by daylight.—Cin. Gaz.

The following table shows the receipts of a few of the leading articles at Buffalo for the week ending the 7th inst, and for the corresponding period in 1852.

	1853	1852
Flour	31,000	22,661
Pork	837	4,610
Beef	2,168	2,400
Hogs	2,168	4,379
Wheat	69,738	8,163
Corn	6,000	626,432
Oats	19,925	30,000
Barley	2,000	26,722
Butter	2,000	50,000
Cheese	2,000	50,000
Lard	124,000	100,000
Tobacco	1,500	1,000
Whiskey	1,000	1,000

The receipts for the week ending on the 6th inst. were 1,000 bbls less than the corresponding week of 1852, and for the last three weeks 3,000 bbls less than the corresponding period of that year. The decrease in Lake receipts is attributed to the lateness of the season.

The Fireman's Tribune.—Published on Saturday, at the Monongahela Bridge, a spirited new boat, designed to run as a regular daily packet between this place and Brownsville. She is owned by the plain, fast-going Capt. Stephen Parnell, and will commence running in a few days, under the command of Capt. Perkins. She is 100 feet in length, with 22½ feet beam and 5 feet hold. Her cabin is handsomely fitted up, and she has a fine set of machinery. She has two handsome 17 inch cylinders, with 6 feet stroke, and a "Shaler." The wheel is 22½ feet in diameter, with 8 feet buckets. The cabins are cut up in handsome style, and the place is altogether very inviting. Altogether, she is a nice-looking craft and will be offered by as fine a set of men as ever turn out now-a-days. She makes an experimental trip on Wednesday.

FOR WARREN.—The fine and swift passenger steamer Journal is the packet for to-day.

After the arrival of the Wisconsin, yesterday morning, she was taken to the dock and her cargo of 1,000 bbls of flour, wheat in good season, and several of the passengers of small sums of money.—Cin. Gaz.

IMPORTS BY RIVER.

47 bbls. by Jos Mellvaine—25 bbls rubbs, Fahnestock & Co. 100 green hides, to the owners; 9 bundles, 200 dry hides, 30 bags wool, 1 bale do, 1 bale rags, 1 bale feathers, 1 box leather, 1 box do, 2 bbls tallow, Dravo & Co; 50 do tallow, Dravo & Co; 50 do tallow, Dravo & Co; 50 do tallow, Dravo & Co; 1 bale do, Dravo & Co; 1 bale do, Dravo & Co; 1 bale do