Pittsburgh Gazette.

PITTSBURGH:

WEDNESDAY MORNING, NOV. 10, 1858.

OFFICIAL PAPER OF THE CITY.

City and News Items.

BRAN TEMPERATURE.—Observations taken at Shaw's Optician Store, No. 58 Fifth st., Nov. 9th.

		IN SUN.	IN SHADE.
9 o clock, A. M.	cloudy		43
12 "	M.	00	45
6 "	P. M.		39

Barometer.....29 2-10

THE COURTS.

COURT OF OYER & TERMINER.—Before Judges McClure, Parke and Adams.

On Tuesday morning the case of David S. Evans, indicted for murdering his wife in Allegheny, on the morning of Tuesday, the eleventh day of May, 1858. The prisoner was defended by Messrs. Marshall and Pollock, and the Commonwealth was represented by F. H. Collier, Esq., District Attorney, and his Assistant, J. H. Miller, Esq. The following persons were sworn on the jury:

James McKee, blacksmith, 1st Ward, Pittsb'g.
Alex. McClure, farmer, Mifflin tp.
Wm. McKee, Jr., " "
Christian Hershey, Jr., Penn tp.
Bernard Beisel, bus proprietor, East Birm'hm.
Henry Haley, tobacconist, 3d Ward, Pittsb'g.
Andrew Weible, farmer, Shaler tp.
John Heron, " "
Fred'k Fry, laborer, Lower St. Clair.
Sam'l Andrews, laborer, 5th Ward, Pittsb'g.
Joseph Crawford, farmer, East Deer tp.
Chas. E. Johnson, " Penn tp.

In making up this jury the following persons of the panel were—

Challenged Peremptorily: J. Brady, Moses Borland, W. M. Arthurs, John McNeely, M. B. Hartzell, John McGowan, Sr., William Brown, B. P. Agnew, James Ewing, John Lytle, Henry Burns, David Anderson, Thomas Hall, Samuel Cluley, James Bonney, Thomas Dickson.

For Cause: John M'C. Ludwick, Simpson Horner, John Hexley.

Set Aside: William Beatty, Joseph Dorrington, James Gildes, John Andrews.

The jury having been empaneled, Evans was placed in the box and the clerk read the bill of indictment, in the usual obsolete style, full of verbose repetitions, the substance of which was that Evans did kill his wife on the eleventh day of May, "with a certain razor of the value of 10 cents;" and then this statement is repeated *seven* times to bring in all the facts in the case, as they have been published from time to time.

Evans has changed a good deal in appearance since he was arrested. The atmosphere of the jail has bleached him a good deal. Evans is a dark complexioned man, about five feet eight inches in height. His hair is black and curly, his features regular, and the expression of his countenance mild and pleasant. He is, in fact, an amiable, good looking man, and gives no indication in his appearance that he could be guilty of such a crime as he stands charged with.

Mr. Collier, in opening, stated the facts in the case as they have been again and again published, and which it is needless here to repeat in full. The main points as they transpired at the time are, that Mrs. Louisa Evans was found on the kitchen floor of her own house, with her throat cut, her neck broken, and her clothes on fire. Her infant child, since dead, was lying beside its dead mother, its clothes also on fire.

The first witness called by the Commonwealth was—

Archibald McBride. He having been sworn, the plot of the house in which the murder was committed was placed in his hands; he had made the draft; the house is 16 feet on the street and 30 feet deep; sill of front basement window about 1½ feet above the level of the pavement; up stairs the rooms were pointed out and the stairs down which one would descend to the rooms below, in the rear the basement is five feet below the yard—[Mr. McBride explained the plot of the house to the Court and jury.]

Adam Hoge, sworn: Lived across Simpson street, from D. S. Evans at the time of the murder; remembers the morning; got up quarter-past five; was to go to market; was at front window opposite Evans' house; was brushing my shoes at the window; saw Evans on the pavement making motions with his hands and clapping them together; he cried out, but could not hear what he said; I raised the window; he started into his house and shoved the door shut behind him in within three or four inches; smoke was coming out of Evans' house through the crack of the door, and when I got to the door Evans was out on the pavement again; I started across the street, supposing the house was on fire, when I got over I saw the fire close by the door; Mr. Evans was also there walking around; asked him for a bucket; saw the cupboard door standing open where I saw an old crock, which I took and got water; [witness showed on the plot where the stove and cupboard were] got the water and put out the fire; Mrs. Evans was lying on the floor with her feet under the stove door; saw a child about 18 inches from her on the floor towards the wall of the front door [towards the street;] there was a blaze from Mrs. Evans' clothes about 18 inches high; lower part of her clothes from her feet up were burning; can't tell what kind of clothes she had on; think it was when I saw her about at her knees; my wife's brother, Henry Longcroft, then came with a bucket and we put out the fire; there was no fire in the stove; when I saw the woman lying there I didn't know her; was not acquainted with Evans' wife; she lay so you could not see her face; saw blood about her head and neck, but did not see her neck; when I got in Mr. Evans said his wife had got up at 4 o'clock, and complained of neuralgia; said somebody had murdered his wife; he heard somebody coming up stairs, and that's all I mind he said; while I was putting out the fire Evans was in the room; some lady who came in picked up the child; think it was Mrs Sloan.

Cross-examined—Am a cabinet maker; house fronted Sampson street; Evans occupied the front basement and two rooms in the second story; Mrs. White occupied the third floor and an old man named Smith occupied the back basement and the finished garret; did not examine the stove to see if there was fire in it; noticed the stove grate that there was no fire, but did not examine particularly; the stove doors were open; think Mrs. McIntire was the first lady who came to the house after I was there; when my brother-in-law came in I can't say whether the fire was out or not; staid there a little over five minutes; when I got back to my room from Evans it was 53 o'clock.

Coroner Alexander, sworn—Was coroner and held an inquest on the body of Mrs. Evans on the eleventh May; she was dead, her throat badly cut, and her head about half taken off; looked like a tree which a scarfer had cut half way in; she was lying with her face half way down, (lying partly on her face); she was lying with her feet towards the stove and her legs crossed; [here the little daughter of Evans, some 10 years old was taken out of court weeping violently;] held the inquest at about eleven; there was much clotted blood about the body; Dr. Baldwin made a post mortem examination; the child had been removed; saw the child after its death on the 14th, three days after the murder.

Dr. Baldwin, sworn—I made the post mortem examination; was called on by the coroner to make the examination; found Mrs. E. in the basement story lying on her right side with her feet towards the stove; found the face and a part of the breast smeared with blood; could find no wound on the upper part of the face; turned her over and found an extensive contusion in the orbit of the right eye; extravasation extended around; there was an incision about an inch long over the eye; might have been done by a fall; the eye must have received the blow with a dull instrument or the fist; examined the throat; cut from ear to ear; cervical vertebræ cut around, and the back bone hacked as if there was an attempt to cut it off and falling in this the bone appeared to have been broken backwards; it struck me as if there had been an attempt to cut the head off; found no other wounds on the body; couldn't tell whether the clother were cotton or woolen; called the attention of the Mayor to the fact that the vertebræ were separated and he put his finger in it. [Mr. Collier here showed the razor found on the floor, and the Doctor thought the wound might have been made with that.] Think the blow struck in the eye must have been a very violent one.

Nothing new was elicited by the cross-examination.

Conrad Langcroft, sworn—Remember the morning of May 11; first thing, I came across the street, half-past 5 in the morning, to Evans' house; door was wide open and I saw Mrs. Evans dead on the floor; Evans' oldest daughter was on the pavement, crying; stood in the room, where the corpse was, about two minutes, when Mr. Evans came in from the back basement, wringing his hands; he passed around his wife's head, but said nothing; some woman, whom I do not know, said to him, "Mr. Evans, I am very sorry for the accident that happened in your house this morning;" he said nothing; am the father-in-law of the witness, Mr. Hoge; do not know whether there had been a fire in the stove; didn't see any, but didn't look very particularly. Cross-examination elicited nothing.

Mrs. Caroline White, sworn—Reside in Allegheny city; lived in a part of the house with Mr. Evans at the time of this murder. [Showed the rooms she occupied, third floor from the basement floor.] Front basement Evans occupied; also front and back rooms, up stairs; Anthony Smith the back basement; Mrs. White the front room, third story; back room, third story; unoccupied; Smith occupied the garret; Anthony Smith owned the house; was at home the evening before the killing of Mrs. Evans; Mrs. E. visited that night about 9 o'clock; saw her going into her room to go to bed, but don't know whether she went to bed; she was not in her night-clothes; Evans came down in the morning early, because I heard him go to [This we published at the time, and the substance of it was, that his house was robbed as he believed by some one on the morning in question, and his wife killed by the robber.]

David Dill, sworn—Was at the house on the 11th of May; saw the body of Mrs. Evans; her husband was there; I asked him "In the name of God, what's the matter?" he only replied, "my poor wife," and went away; Smith showed me the razor; I told him to take care of it; Mrs. Evans was bleeding very freely; I thought the throat was cut; lifted up the body, and found it to be so; [high Riddle told me of the affair; I went up, returned after my mother, and went back.

John Mills sworn—I am a member of Mayor Stuckrath's police, went up to Sampson street about seven o'clock. Asked Evans if he knew who committed the murder and robbery, [Witness here testified as to what Evans had told him, the substance of which is contained in his "voluntary statement."] He took me to the bureau and opening it, showed me where the money had been. I saw the blue coat at Evans' house.

Cross-examined—Evans said the money was in gold. I took him to the Mayor's office. I examined him; found no blood upon him. Looked at his hands particularly.

Samuel Teets, sworn—Am one of Mayor Stuckrath's officers; went to Sampson street after the murder with Mayor Stuckrath, examined the stove; found no trace of fire; Smith showed me the spot where he found the razor, and gave me the cloth which it had been wiped with. I examined Mr. Evans, could find no marks of blood on his hands or clothing; a part of the sleeve of Evans' undershirt was torn off.

Cross-examined—Evans said on his examination before the Mayor that the razor belonged to him; said he had left it in the cupboard, on the bureau or on the mantle.

Officer Wills, recalled.—While examining Evans saw that his under shirt was torn.

Court adjourned at 6 o'clock, until 9 this morning.

U. S. CIRCUIT COURT—Before Judges Grier and Irwin.—Tuesday.—The case of Jacob E. Curtis, a citizen of Virginia, vs. The Commissioners of Butler County, came up, and occupied the whole day, but as the case has been laid aside for the present, without a decision on the merits, it is unnecessary to give a report of the facts. It is an action to enforce the payment of 21 coupons of $30 each, and 28 of $15 each, attached to bonds issued to the Northwestern Railroad Company, and transferred to the plaintiff, which the Commissioners refuse to pay, for reason of alleged illegality of their issue. Messrs. Shiras, Bigham and Hepburn for plaintiffs; Purviance, Breden and Graham contra. A jury was empaneled, after which Mr. Hepburn read the declaration of plaintiff as to the multitudinous facts upon which the action is brought. $20,000 worth of stock was subscribed to this Company, and plaintiff purchased 21 bonds of $1000 and 28 for $500, with coupons attached for 6 months' interest.

The plaintiff then offered in evidence all the authorities under which the subscriptions were made; and John Miller, one of the Butler county Commissioners, was called, who testified that he had signed the bonds, and that Thomas Robinson, the clerk, had full authority in the matter. The plaintiff here rested for the present, and Gen. Purviance opened for the defence, in a lucid and elaborate speech on the merits of the case and the principles involved in corporate subscriptions to railroad companies. A long list of pleas in defence were then submitted, denying the points upon which they relied, one of which was that notice was given of an injunction to restrain the Company from transferring the bonds, which injunction was granted. After the presentation of several points for the ruling of the Court, and the examination of W. C. Campbell and Andrew Beggs, Commissioners of Butler county, as to facts, a certified copy of an injunction to restrain the issue of the bonds, was admitted, and the Court, upon the question as to whether the injunction issued previous to the injunction, decided the plaintiff must prove this. Counsel acknowledged themselves unable to do so, at present, and the Court ordered the continuance of the case, at cost of plaintiffs.

SUPREME COURT.—Present all the Judges. Lenhart vs. Easter; Fayette. Non. pros.

Sayers' exrs. vs. Kent; Greene. Argued by Sayers for plaintiff in error, and by Black contra.

Glenn vs. Davis; Greene. Argued by Dunlevy for pl'ff. in error, and by Black contra.

Roberts et. al. vs. Baltzell; Greene. Argued by Black for plaintiff in error, by Sayers contra and by Downey for plaintiff in error.

"Hawkins' Appeal; Greene. Argued by Watson for appellant, by Furman contra, and by Downey for appellant.

Bell's exrs. vs. Bell, and Bell vs. Bell's exrs; Greene. Argued by Black for plaintiff in error in first case, and by defendant in error in second case, and by Furman contra, and by Downey in reply.

Previous to going into joint session with the Common Council the President presented a report from the City Controller, covering two lengthy papers, on the city finances, which we prepared for publication this morning but which the pressure on our columns crowded out. The substance of them was that the total amount of city tax, business tax and water rents collected up to Nov. 8, 1858, is.....$119,856 30
Collected to date.....60,978 32

Total outstanding.....$ 58,877 98

The total amount of same taxes collected to same date in 1857 was..$ 61,761 21
Balance in favor of 1857.....782 89

The principal falling off in collection appears in water rents, owing to a change in collecting, giving to 1st of December instead of 1st of September, before the additional 6 per cent is collected for non-payment.

The amount of annual appropriations made under ordinances of Feb. 12, 1858...$282,460 63
Amount drawn.....193,475 15

Balance undrawn.....88,985 78

The report and papers were accepted.

Bill of J. W. McCarthy for posting bills, $8,63, was ordered to be paid.

The Finance Committee reported in relation to the petition of R. A. Cunningham, City Assessor, for increase of salary, that they have no power to increase the same, but deeming the pay too small will recommend increase in 1859. Report accepted and Council adjourned.

LITERARY.—A meeting of the representatives of the several Literary Societies of these cities, was held yesterday, in the *Gazette* counting-room, to discuss the propriety of taking part in the procession on the 25th inst. Thirteen Societies were represented, all of which expressed, through their delegates, the intention of participating. A committee of three was appointed to prepare and submit to an adjourned meeting on this evening, at 7 o'clock, a proposition for the government of the Societies on that occasion.

Very respectfully,
THOS. J. BIGHAM.

The Select and Common Council then went into joint session for the purpose of taking action in reference to the approaching celebration.

In joint session, Mr. McCandless, of the Sixth Ward, submitted the following:

Resolved, That the Councils of the City of Pittsburgh accept the invitation to take part in the approaching Centennial Celebration, and will meet in this hall on Thursday the 25th inst., at 9 o'clock, A. M., for the purpose of forming in procession. Adopted.

Mr. McCandless moved that Councils go in procession in carriages. Adopted.

The joint session having adjourned, Mr. Reed offered the following:

Resolved, That the sum of Four Hundred dollars be taken from appropriation No. 10, and placed to appropriation No. 7, to be divided equally between the two districts. Read three times and passed.

From the same:

Resolved, That the sum of two hundred dollars be taken from appropriation No. 10, and placed to appropriation No. 7, to be divided equally between the two districts. Read three times and passed. Adjourned.

IN SELECT COUNCIL.—Present: Messrs. Bennett, Berger, Brown, Herdman, Kammerer, Kim, Kincaid, Little, Moorhead, Phillips, Ward and Prest. McAuley.

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