Pittsburgh Gazette.

VOLUME LXXXIV. PITTSBURGH, THURSDAY, APRIL 29, 1869. NUMBER 104.

FIRST EDITION.

TWELVE O'CLOCK M.

THE CAPITAL.

Navy and Army Changes—Resumption of Recruiting—The Work of Retrenchment in the Departments—The President and Secretaries Enjoying Relaxation from Business.

[By Telegraph to the Pittsburgh Gazette.]

WASHINGTON, April 28, 1869.

ARMY AND NAVY.

The resignation of Rear-Admiral Joe. Smith, as Chief of the Bureau of Yards and Docks, is accepted, to take effect on the 1st of May next, and he will then assume the duties of President of the permanent Court now in session in the Navy Department.

Capt. Daniel Ammen, by direction of the President, has been appointed Chief of the Bureau of Docks and Yards, to take effect on the 1st of May.

Gen. Sherman has issued an order for the resumption of recruiting, to be conducted under the direction of regimental commanders; the general service to be conducted at New York, Cincinnati, St. Louis and San Francisco; the depots for collection and instruction of recruits being Governor's Island, New York Harbor, Newport Barracks, Kentucky, Fort Leavenworth, Kansas, and Benicia, California; General Superintendents to report direct to the Adjutant General of the army, and receive all orders from him. The following details are made, the officers named to relieve the officers now in charge of the superintendencies and depots: Brevet Brigadier General J. V. D. Reeve, at New York city; Brevet Brigadier General T. H. Neil, at the Depot on Governor's Island, New York Harbor; Brevet Brigadier General J. B. Kiddoo, for assignment; Brevet Brigadier General Sidney Burbank, at Cincinnati; Brevet Brigadier General H. W. Wessels, in charge of Depot at Newport Barracks, Kentucky; Brevet Brigadier General T. Trodenburg, for assignment; Brevet Major General W. Hoffman, at St. Louis; Brevet Brigadier General W. H. Sidell, in charge of Depot at Fort Leavenworth, Kansas; Brevet Lieutenat Colonel T. M. Anderson, for assignment; Brevet Major General Abner Doubleday, at San Francisco; Brevet Colonel M. Malony, at the Depot at Benica, California. Carlisle Barracks, Pennsylvania, and Fort Leavenworth, Kansas, are named as Depots for the collection and instruction of cavalry and light artillery recruits.

RETRENCHING.

The work of reducing the force in the bureaus of the Treasury Department is progressing. About five hundred clerks will be dismissed, but it is announced no appointments can be made at present to fill the vacancies, it being the desire of the Secretary to have the force reduced as low as possible, in order to properly conduct the business of the Department with the least possible expense. The work of diminishing the force in the Postoffice Department continues. Twenty clerks were removed to-day.

COMMITTEE ON FOREIGN AFFAIRS.

The statement that the House Committee of Foreign Affairs has made arrangements to visit St. Domingo, and other islands of the gulf, is pronounced by the Chairman without any foundation whatever. The Committee has been in session seventeen days, taking testimony relative to the affairs of the American legation at Paraguay, and will meet in the Autumn for the purpose of taking the testimony of members of Brazilian legation, officers of the Atlantic Squadron and others who have been summoned, which it is supposed can be done in ten days.

FORFEITURE OF PRE-EMPTION.

The Secretary of the Interior has decided an actual change of residence, or abandonment of land entered under the Homestead act for more than six months at any one time, works a forfeiture thereof to the government.

GO ON A CRUISE.

President Grant, accompanied by Secretary Borie and others, contemplate a short cruise down the Potomac river to-morrow, in the United States Steamer Tallapoosa, now at the Washington Navy Yard.

REVENUE APPOINTMENTS.

Since the 4th of March, one hundred and nineteen Assessors and one hundred and twenty-two Collectors of Internal Revenue have been appointed.

CUBA.

[By Telegraph to the Pittsburgh Gazette.]

KEY WEST, April 28.—The government has received notice that an expedition has sailed for Cuba under the escort of a steamer, and war vessels have been dispatched to intercept it. On receipt of later information, the Admiral sailed early Sunday morning on a tug boat.

There is an exciting rumor in circulation that a conflict has taken place between a monitor and Spanish men of war, and one of the latter sunk and another captured.

The insurgents have reappeared in the vicinity of Sagua La Grande and again destroyed the railroad.

Advices from Nuevitas to the 26th are received. General Lesca left there last week on his return to Puerto Principe. On Friday he had reached San Antonio, without firing a shot. Generals Latona and Lesca, with the Catalonia volunteers and mobilized colored troops, marched from Nuevitas on the 23d of February to Puerto Principe. Four thousand men are actively engaged in making temporary repairs on the railroad betwesen Nuevitas and Puerto Principe, in order that provisions may be transported to the latter point before the rainy season sets in. It is reported the insurgents are dissatisfied with Gen. Quesada, because he is always organizing and never fighting.

The insurgents still hold Napoleon Arango prisoner. They have also arrested an American, named Robert Stevens, for condemning the detention of Arango.

A government tug boat has brought into Nuevitas as prize a schooner with a crew of five men on board, but no cargo.

Dates from Santiago to 22d state the American brig Germania was wrecked off Inagua. The cargo, consisting of munitions of war, was nearly all lost.

NEWS BY CABLE.

GREAT BRITAIN.

[By Telegraph to the Pittsburgh Gazette.]

CORK, April 28.—A dinner was given here last night in honor of Warren and Costello, the released Fenians, on the occasion of their departure for America. The Mayor was present and made an inflammatory speech, warmly eulogizing the guests of the evening. He was followed in a similar strain by others. The building in which the banquet took place was surrounded by a large crowd of friends and sympathizers, who during the evening formed a procession and paraded the streets with bands and torches. The proceedings were marked by much enthusiasm and excitement, and some disorder.

SPAIN.

MADRID, April 28.—In the Cortes yesterday one of the Republican members made a speech, in which he advocated atheistical principles, and alluded to Christian religion in terms of disrespect. He was interrupted by Rivero, President of the Cortes, who declared the Deputy could not be permitted to continue his remarks. The Republicans, indignant at the decision of the President, withdrew from the chamber. They subsequently returned to their seats and proposed a vote of censure against the President. A stormy debate followed and terminated in the withdrawal of the resolution. An amendment to the Constitution, in favor of maintaining the present unity of the Catholic religion and worship in Spain, was rejected.

GERMANY.

BERLIN, April 28.—At the sitting of the Prussian Diet to-day, Count Bismarck, in reply to an inquiry, said the convention made with the United States for the protection of emigrants on shipboard had so far failed of any practical results, owing to obstacles in the way of establishing an international tribunal for the adjudication of cases of complaint arising under the treaty.

SOUTH AMERICA.

LISBON, April 28.—The mail steamer from Rio Janeiro has arrived. The allied forces in Paraguay were making preparations for a final attack upon President Lopez, and expected to be ready to attack the interior before the end of April.

CHICAGO.

Convention of Boards of Trade—Reduction of Tolls on Grain.

[By Telegraph to the Pittsburgh Gazette.]

CHICAGO, April 28.—A Commercial Convention composed of delegates from the Boards of Trade of Milwaukee, Oswego, Chicago, Buffalo, Detroit and Toledo, and the New York Grain Exchange, met here yesterday morning, the President of the Chicago Board of Trade presiding. Hon. Mr. Bennett, of Buffalo, spoke in reference to the granting of National aid to the Erie canal, and removing it from State politics. The question of the possibility of procuring a reduction of the canal tolls on grain was discussed, and the appointment of a Committee to go to Albany was strongly urged. Several New York members declared that no heavy reduction could be secured, so long as the great New York roads were so powerful. Others claimed that rates must be reduced, not only on the canal, but at Buffalo, Chicago and Milwaukee on the Northwestern road, and that it would take very close figuring to cut the rates down so as to compare favorably with those by the new route via New Orleans. The necessity of lower rates was admitted, but there was no decision as to how to lower them.

At the night session resolutions were passed for the appointment of Commissioners to visit Albany and the Managers of the Northwestern Road at New York, and another to consult with the elevator and insurance men, to see what could be done to lower their rates.

A resolution was also passed recommending that the Boards of Trade represented consider the most feasible means of securing water communication from the lakes to the ocean for vessels of the largest size, and to report the same at the next meeting of the National Board of Trade.

SUNDAY SCHOOLS.

National Convention at Newark, N. J.

[By Telegraph to the Pittsburgh Gazette.]

NEWARK, N. J., April 28.—The Third session of the National Sunday School Convention met in the First Baptist Church this morning. A large number of delegates from Sunday School organizations throughout the Union were present. The Convention was called to order by Edward Eggleston, of Chicago, and Amos Shikie, of Kentucky was made temporary chairman, and Rev. H. Clay Trumbull, of Connecticut, Secretary. An address of welcome was delivered by Gen. Runyon, of Newark. Committees were appointed, and the Convention finally organized with Mr. George H. Stuart, of Philadelphia as permanent President, and a Vice President from each State. Rev. H. C. Trumbull, J. H. Vincent, of New York, and B. F. Jacobs, of Chicago, Secretaries.

On motion of E. D. Jones, of St. Louis, the greetings of the Convention were extended to the Convention of Sunday School workers in London.

The afternoon proceedings opened with singing by children from the Home for Little Wanderers at Philadelphia.

A delegation from the British Provinces was introduced by the Chairman in a speech of welcome, to which Rev. F. H. Marling and Alex. Sutherland, of Toronto, responded.

Rev. Mr. Henry, of the Irish Baptist Union, stated the progress of evangelization there.

The afternoon was occupied in hearing reports from Societies.

Evening Session—The church was crowded. The subject of the relation of Sunday school work to home instruction was discussed with animation by Rev. C. Trumbull, of Connecticut, H. T. Miller, of Cincinnati, A. Sutherland, of Canada, and C. M. Martin, of Chicago.

A resolution was adopted to hold open air meetings to-morrow.

To-morrow morning Rev. Henry Ward Beecher will speak on the mission work of Sunday Schools, and in the afternoon the Convention will divide into six sections to discuss special subjects.

SECOND EDITION.

FOUR O'CLOCK A. M.

NEWSPAPER EXPOSE.

The Philadelphia Post Denounces It as an Infamous Lie—Statement by J. Russell Young.

[By Telegraph to the Pittsburgh Gazette.]

PHILADELPHIA, April 28.—In a two column editorial, under the caption of "The *Post* and its Enemies," the editor, John D. Stockton, this morning denounces the whole expose published in the New York *Sun*, as an infamous lie, and a deliberate conspiracy to injure the *Post*, and J. R. Young. If Young had not already sued the *Sun* for libel, he (Stockton,) would. The history of the *Post* from the beginning is given. Charles McClintock, former manager, was elevated to that position by Mr. Young, whose confidence he afterwards betrayed. He borrowed money from the *Post*, and then by dexterity left with debts unpaid. The *Post*, after offering extraordinary sums for admittance into the Associated Press monopoly, and repeatedly denied the privilege, resolved to have news. Amos J. Cummings, then night editor of the *Tribune*, was employed to furnish the Associated Press news. This was unknown to Mr. Young, who, on discovering it, discontinued the arrangement. Cummings was afterwards dismissed from the *Tribune* by Mr Young, and subsequently became night editor of the *Sun*, in which capacity he offered to furnish the *Post* with Associate Press news. The offer was declined, and hence his revenge. The *Post* had borrowed money, but gave collateral. Some has been repaid. Never used a dollar as subsidy or a gift. No bargains were ever made with Senator Cameron, Galusha A. Grow, Mr. Brewster or any one else. The *Post* is independent of these gentlemen, or Mr. Young. They were creditors but not masters. He (Stockton) is alone responsible for every opinion put forth. The article says: "J. R. Sypher, another of the conspirators, was educated by Simon Cameron, whom he now repays by abuse and ingratitude. Charles A. Dana was told that the scandal would be worth twenty thousand dollars to the *Sun*. He accordingly sold his reputation as a gentleman and a journalist." The article closes with the express determination to pursue an independent and fearless course.

LETTER FROM MR. YOUNG.

The *Evening Post* publishes the following letter from Mr. J. Russell Young:

To the Editor of the Evening Post: I thank you for the spirit of your comments on the recent publications in the *Sun*. If the latter alternative proves true, the whole press will receive from this case a shock to its influence, a stain upon its character, the effects of which may counterbalance many years of the upright and honorable labor of others in the service of the public. It will certainly now be more necessary than ever for all members of the press, who wish to save it from disgrace, to join, not in merely denouncing the imposter now exposed, but in keeping the rest of the profession entirely above all kindred suspicions. I am content to accept the judgment on what I have written. I take the fullest responsibility, and do not write this in any way to escape from it. Mr. Stockton says: "With an arrangement made with an editor of the *Tribune*, (whose name is given,) for news, Mr. Young had nothing to do. He may have suspected it; he was never informed of it by me. It was by Mr. Young's direct influence that this matter was stopped." I remember writing many of those letters. I do not remember writing others. I have not seen them. The person to whom they were written had been my school-mate and friend. The friendship was broken by his misconduct in a business interest in which he had been placed by my influence. When he left it I was menaced by this publication. I was told a small sum of money could suppress it. My reply was that I had written many things which I did not care to see printed. My bank book, to my wife, my diary, my correspondence generally, could not be made public without annoyance. I had written nothing which could make me lose the respect of any one who knows me. Of course I am sensible of the error of ever having had this correspondent. For that mistake I cannot make sufficient explanation. For twenty five years I had looked upon him as a friend, when I should have known that he was merely a dog. I gave him confidence, personal association, generous bounty and charity, when to him charity was precious. I should merely have tossed him the crumbs and bones from my table. That was my blunder. There are men who hold in our social economy the same relation which vermin hold in nature. I regret the same distinction has finally crept into the press. When any scoundrel has private letters to sell, he may find a market in a New York newspaper. He will not only have them printed, but so dexterously arranged, and clipped, and illuminated, and commented on, that matters which were not in his mind, and circumstances which never existed, will be made to appear as his life, and speech, and thought. The simplest transaction in business will be spoken of as crimes, and courtesies, amenities of life, will be held as glossing conspiracy and intrigue. If there are phrases which have no meaning, a meaning can be invented, and with an editor ingenious and fertile with his pen, there is no limit to this invention. I do believe in suits for libel, as a general thing, but I have given the editor of this print an opportunity to explain and defend this transaction with private correspondence before a jury of his countrymen. Having done this, I have only to say there is nothing in these letters which I cannot explain, whenever an explanation is proper. It is not proper here and now. This publication is part of a resolute, determined effort to drive me from the *Tribune* and the press of this city. It is only the culmination of a conspiracy which has long been engendered. I am satisfied it has taken this shape. It has brought to me unexpected and precious evidences of friendship, and from no men more warmly, I am proud to say, than the generous and noble gentlemen with whom I am associated in business. I am respectfully, your obedient servant,

JNO. RUSSELL YOUNG.

The *Express* publishes a special dispatch from Philadelphia, saying Attorney General Brewster publishes a card denying that he was ever fleeced by Young or the *Morning Post*.

The Philadelphia *Post*, to-day, in a lengthy article, signed J. D. Stockton, Editor, says: Certain sums of money were forwarded from gentlemen who took an interest in the *Post*, some of which has been repaid, while for all notes were given and endorsed, and legal interest paid; but not one dollar has ever been received by that paper as a subsidy or gift. No bargain was ever made with Cameron, or Grow, or Brewster, or any other man; that neither Cameron, nor his son, ever attempted to dictate the policy of the paper, or asked him (Stockton) to advocate a measure or oppose one.

NEW YORK CITY.

Defaulting Clerk Arrested — Pigeon Shooting Match Off—The Elevator Defalcation—Railroad Arrangements—Legislative Hotel Bill.

[By Telegraph to the Pittsburgh Gazette.]

NEW YORK, April 28, 1869.

Wm. Livingston, formerly delivery clerk at the retail store of A. T. Stewart & Co., who last August absconded, a defaulter for $4,500, was arrested on Tuesday and arraigned to-day at the Jefferson Market Police Court. Livingston implicates Peter S. Curtis, a bookkeeper, as an accomplice, and offers to turn State's evidence to save himself. Both were committed for examination.

The great pigeon shooting match, which was to have taken place at Dubois track, on Eighth avenue and One Hundred and Forty-Ninth street, this afternoon, for two thousand dollars, between John Taylor, of Jersey City, and John Tucker, of Providence, R. I., was prevented by Henry Bergh, the President of the Society for the prevention of cruelty to animals.

Messrs. Jno. A. Pool & Co., reported in the dispatches as losing considerable money by the defalcation of Peck, the elevator man, state that they did not lose a dollar thereby.

Among the items of the Supply Bill now before the Legislature is a bill for the entertainment at the Metropolitan Hotel of the Committee on Privileges and Elections of the Assembly, amounting to $4,639.32. About half the sum was charged for the use of two parlors from January 29th to April 6th, about forty dollars a day. The balance was chiefly for brandy, whisky and cigars, carriages, and theatre and opera tickets.

S. S. LeHommedieu, President, D. McLaren, Superintendent, and Stanley Matthews, Solicitor of the Cincinnati, Hamilton and Dayton Railroad Company, have been in the city for several days past and to day concluded and signed a contract with the Erie Company for a resumption of business on a satisfactory basis. The Erie Company secures the exclusive use of the broad gauge track of the Cincinnati, Hamilton and Dayton Company for a fixed annual sum for its fixed business, the latter Company running all trains, for an additional compensation. The contract is for ten years. A contract has also been concluded and signed here to-day between the Cincinnati, Hamilton and Dayton Railroad Company and the Cincinnati, Sandusky and Cleveland Company for a mutual exchange of business on satisfactory terms.

RICHMOND, VA.

Conservative State Convention—No Nominations Made.

[By Telegraph to the Pittsburgh Gazette.]

RICHMOND, April 28.—The Conservative State Convention met to-day. Two hundred delegates, representing fifty counties, were present. R. T. Daniel was chosen President. The Conservative candidates nominated in 1867 have all sent in their resignations. It is understood no nominations will be made and the Conservative party will cast its vote in the election for Walker, the Conservative Republican candidate.

After recess a majority report, signed by nine of the Committee on Business, was read, of which the following is an abstract:

First. Accepting the resignation of the Conservative candidates and complimenting them for the zeal they displayed in the cause. Second. Urging the Conservative voters to consolidate to defeat the obnoxious provisions of the Constitution and to elect proper persons to the State Legislature. While expressing hostility to the objectionable features of the Constitution, this Convention still declines to make any recommendation to voters regarding their suffrage on the Constitution expurgated of such objectionable features, feeling that the voters will act for the best interest of the State.

The report is signed by Baldwin, Edmonds, Ould, Fayette McMullin, Cameron, Morley, and others. Mr. Ould made a speech in its favor, explaining that it was a compromise of different opinions, and left the conservative voters free to vote for or against negro suffrage, against the Constitution as a whole, or for it as expurgated. It was a course of action to get at the necessities and circumstances of the times.

A minority report, signed by three of the Committee, was read. It advocated the control of the State by the white race, affirms the principles announced by the last Conservative Convention, asserts that this Convention has no right to abandon the same, and ought to follow the leadership of the candidates then nominated. It expresses a doubt, even if an expurgated Constitution was adopted, and a Conservative Republican elected, whether Congress would not still impose additional terms on the people of this State. The law which requires Virginia to adopt the Fifteenth Amendment before coming into the Union is affirmed to be unconstitutional. They prefer the military rule of white men to irresponsible government by negroes, and call on the white people of the State to vote down the Constitution.

Mr. Good supported the minority report in a speech chiefly directed against the abominations of the Constitution.

A motion to lay both reports on the table was defeated and the Convention adjourned until to-morrow.

At the morning session a resolution was adopted to admit only representatives of the Conservative press of the State.

THE BUTLER HOMICIDE.

Tuesday Morning.

Court opened at 8½ o'clock.

Mrs. McCandless took her seat. Miss Mary's seat blocked the passage between her mother and the jury so that witnesses could not pass back and forth to the stand, and the young lady is not in it this morning.

EVIDENCE FOR DEFENCE.

Mr. Thompson offered a diagram of Mr. Graham's house. It was submitted to the jury. He went over and called attention to each article in the carpet-sack.

Squire Shannon produced and identified the wadding taken from prisoner's gun on Monday morning after the murder.

Capt. Ziegler, sworn—Is shown a fragment of paper; says it is printed in nonpareil; is a printer; professes to be acquainted with type. The paper given in by Squire S. is in bourgeois. [Every scrap of paper found in prisoner's sack is examined by witness and all found to be in different types from the wad found by Conrad Double.] Witness examined the wadding taken from the gun by Squire Shannon and thinks it is from a New York paper. [Examined the bloody wad.] It appears to be a scrap of the *Pittsburgh Dispatch*; he finds none of the other scraps printed with the same kind of type.

Cross-examined—Finds a difference in the type between that on the wad and that used in the *Dispatch* of February 2, 1861: the parallel lines are the same, and the three I's; but this is no rule, for these things are generally the same in all offices; the scrap is lean faced, and the paper fat faced; when the form is made up and goes to press, every copy of that issue is in the same type.

Samuel Hughes, sworn.—Is a printer; has been for ten years; is foreman in the office of the *American Citizen*, and has been for seven years; understands type. [Examines the bloody wad.] It is nonpareil type; there is a lean and fat faced nonpareil; the wad is lean faced. [Examines all the other scraps.] Gives the same account of scraps which has already been given by Capt. Zeigler. [Examines the wad taken out of the gun by Squire Shannon.] It is nonparell and bourgoise. [Compares this with the largest scrap found in prisoner's sack.] Thinks the type the same in both. The paper is the same; the style of printing is New York style; the manner of setting the advertisements as well as advertisements indicate that these are scraps of the New York *Tribune*.

Cross-examination elicits nothing.

Frank Eastman, sworn—Is Clerk of the Court of Butler county; has been since September, 1868; has had charge of the papers in this case; has still charge of them; the finding of the inquest came into his possession before the bill of indictment. [Identified a paper as the return of the inquest, put into his custody by the prosecuting attorney.] Is asked to state the number of depositions it contained, and names of witnesses. Commonwealth objects. Proposition submitted in writing.

Court ruled that the paper must be identified by the Squire who took the depositions.

Squire Shannon re-called—Was one of the magistrates who held the inquest.

Commonwealth object, and Squire Shannon retired.

Samuel Riddle called—Was one of the Justices. Wrote down the depositions. [Enumerates them.] Cannot recollect whether he wrote Wm. English's; knows his own hand-writing. [Is shown the paper.] Recognizes Wm. English's deposition; thinks he wrote Wm. English's name for him. This is the mark; expects he made his mark. Witness returned this paper to the Clerk of the Court. He recognized Dan. Graham's deposition.

Interrogated by the Court—Was a Justice of the Peace; had been sent for to assist Squire Shannon; did the writing and administered the oaths. The heading of this paper he did not write; all other portions of the paper are in his writing, except the signatures. Was a Justice of the Peace in that township. Returned all these depositions as parts of the finding of the inquest. Was no Coroner in the county at that time that witness knew of. Squire Shannon is a Justice of the Peace. Lives two and a half miles from Mr. McCandless'.

Cross-examined—'Squire Shannon examined the witnesses and this witness administered the oaths to them all. The oath administered to Wm. English was the same as administered to other witnesses. Was sworn to tell the truth between the Commonwealth and Taylor Hackenberry. The inquest had closed its findings, signed and issued a warrant, before Wm. English was summoned. His examination was no part of the proceedings of the inquest. Can not remember if Wm. English was cross-examined. Witness wrote down all that the witnesses said; made them stop and waited on them; stopped and waited until he understood them, and got it right; his recollection is bad and will not say now that he wrote down one-half of *all* they said; does not think he could remember all they said, not even after refreshing his memory by looking over the written testimony.

Direct resumed—Wrote down the depositions as given in by the witnesses, and believes he took them correctly; read them over to witnesses before they signed them; thinks witnesses understood what he read to them; took down what they said correctly; felt it his duty to be particular; waited on witnesses until they felt that they had said what was right. The depositions were free and voluntary; no one made suggestions to witnesses; as far as it concerned the thing itself he wrote down all that they said.

Cross-examined—Thinks William English said nothing in his examination which did not relate to the matter in hand. Thinks he wrote down everything the witnesses said, after they were sworn. His memory has failed in the last few years, and he gets puzzled. It always has been his belief that he wrote down all the testimony. He recollects the letter.

In direct—Recollects what Mary McCandless said about the letter on the inquest.

Commonwealth will not permit witness to repeat what she did say.

Interrogated by Court—He and Squire Shannon examined these witnesses to see if they should commit the prisoner for trial. It was in their official capacity. Witness issued the warrant; thinks it was not signed by Squire Shannon. Wm. English was sworn in the ordinary form.

Mr. Thompson read his proposition to offer the deposition of Wm. English in evidence, on the ground that he is out of the jurisdiction of the Court, and cannot be found.

Here followed an argument as to whether Wm. English's testimony was taken upon the inquest. The proposition was changed, and the deposition stated to have been taken before the examining magistrates.

Commonwealt hobjects, on the ground of illegality of the whole proceeding, and because Wm. English is living and should have been produced.

Court suggests that prisoner's counsel prove that Wm. English is beyond its jurisdiction.

James English, sworn—Is acquainted with Wm. English, who is his brother's son; William is between thirteen and fourteen years old, or perhaps a little more. Was living with his father, John English, last fall, in this county. John English and his family left this State; removed from the State last November; went intending to to remain away permanently; went first to Douglass county, Kanses; removed from there to Newton county, Missouri; was there at the last accounts. None of the family have been in Pennsylvania since. Wm. did not go with the family.—went before them; started in the night; the father and other children left ten days after, his mother went with him. They are all together now. John intended moving about the 25th or 26th of October, but waited until after the November term of Court. He intended appearing before Court. He postponed his removal, to allow himself time to attend Court here; they had been subpœnaed to attend this trial. William and his mother started in the night, because they had heard there was a process in the Sheriff's hands to detain them. They started at night to avoid the process in the Sheriff's hands. This was the only reason they left before the rest of the family.

Cross-examined—It is some time since witness has had a letter from his brother. It is six weeks. William has not been particularly mentioned. Thinks, from this, that he is with his parents. Calculates William is with them, because he has not been especially mentioned. If he (William) was not at home his father would mention it. One of the girls wrote after they had got to Kansas that mother and William had joined them.

D. Graham, re-called—Is the grandfather of William English. Does not know where he is. When last heard from he was in Kansas. Believes it was in Douglass county. Understood the family left there and went to Newton county, Missouri. Had a letter from his daughter, William's mother, who said they had arrived in Missouri. [Witness gives the names of the family.] Has no knowledge of any of the family being back in Pennsylvania since they left. Last time he saw William English he was in his father's house in this county.

Plaintiff's counsel offers the process, return of sheriff, the affidavit of defendant, and order of the Court by which they had sought to detain these witnesses, and renews the proposal to offer Wm. English's deposition as evidence.

C. McCandless opened the argument. Claimed that as there was no Coroner in the county, the Justices were *ex-officio* Coroner, and represented the Commonwealth. He read authorities to prove that depositions taken before him are competent evidence. He recalled the motion, before the opening of the case, for its continuance on the ground of the absence of this Wm. English and his mother, in the hope of being able to procure their attendance.

Court cautioned counsel not to say anything about the contents of the deposition sought to be introduced.

Mr. McJunkin replied and argued that this deposition was not taken before the Coroner, or any one who legally represented the Coroner; that the duties of the Justices, as Coroner, had ceased before this examination. He called the deposition "a paper without form, without legality, without regularity." The Commonwealth had no hand in getting it up, &c., &c. He argued that the admission of such loose papers would be abundantly productive of most fearful results.

Mr. Thompson followed, and admitted that this was out of the usual course, but insisted that fearful results might be prevented by the reception of the testimony. He urged the equity of its reception, and appealed to the discretion of the Court to strain the rules of law, if necessary, in favor of truth, justice and mercy. He offered the testimony as that taken before the magistrate in a preliminary examination, to determine whether the prisoner should be committed for trial, and argued that, as examining magistrates, Squires Riddle and Shannon represented the Commonwealth. He read from Russel on Crime, 2d Vol. Page 88, showing that the Commonwealth could bring such testimony, and claimed that justice demands that the prisoner should have equal liberty, that he should have as much facility in proving his innocence as his accusers have for proving his guilt.

Mr. Thompson's argument was particularly able and conclusive, when backed by the authorities he read. He argued that when the equity is so evident, the Court should give the prisoner the benefit of all legal doubts, as well as doubts of fact. He dwelt upon the efforts the defense had made to detain these witnesses, and the evidence of their escape, and called upon the Court to wipe out *now* a relic of barbarism which gives to the Commonwealth more freedom in introducing testimony than that allowed to the prisoner. He reminded the Court of the time when a person charged with a murder was not allowed counsel and was pronounced guilty until he proved himself innocent.

AFTERNOON SESSION.

Court opened at two o'clock. Mrs. McCandless not in her seat. Prisoner looks hopeful, and smiles at remarks of counsel.

Mr. McJunkin began his argument against the reception of Wm. English's deposition. Two minutes after Mrs. McCandless came forward and took her seat. Mr. McJunkin argued that Squire Riddle was acting on his own private account, and not as a magistrate. He cited authorities and took the Court back to the old British law, and the dark ages. He argued that it would be an absurdity to admit this deposition, and that the Court "*will not*, and *dare* not, admit it."

Mr. Thompson followed, closely contesting the point and reading further authority. He argued that such testimony could be admitted in civil cases, where a dollar or the price of a horse or ox was at stake, and ought to be where a man's life is involved.

Judge McGuffin addressed counsel at

(Continued on Eighth Page.)