house several times. When father would go into the storo and buy anything, he would not want to charge him for it; he gave father clothes, and a great many thinge. I was to get \$12 per month, and board and sleep at home; afterwards, hesitation is adopting this conclusion is that when I went to the store, Alexander Marbourg, his partner, said I could not board at home ; Jordan then said I should board at Alexander's, sleep in the store, and get \$8 per month.

with an account in their store. [This] witness was on the stand about one hour, and underwent a close examination.]

S. M. Cornell, sworn : Am a brotherin-law of prisoner; was acquainted with Marbourg; met him at house of prisoner on one occasion.

appeared to be very sociable together; the prisoner was in the store often.

Cross examined : My employer was naturally very sociable.

William Orr was next sworn, but nothing important elicited from his testimony.

Mary Delaney, sworn : The counsel for defense proposed to prove by this witness | the homicide, in justification of it; and that and others that the wife of prisoner and is, and should be, equally available to him, deceased had been discovered in the very whether what he so believed was true or not. act of adultery at the house of Moore, that they were disturbed in a criminal connection on a hill above Johnstown, them ; while if reported to him under cirand that they had committed adultery in | cumstances, which led him to believe such hotels in sundry neighboring towns. The prosecution objected to this as being irrelevant to the case, on the plea that this was not a trial for seduction or adultery. him-that operated upon his mind. The defence insisted that the admission of the evidence was necessary to a proper understanding of the state of mind under which prisoner labored when he committed the murder. The prosecution held that to prove insanity was the province of The admission of the offer would add to this no witness, unless he be a surgeon, or one case, for the ostensible purpose of explaining who has given the subject his undivided a fact unavoidably, but properly, proved as a attention. Considerable discussion was elicited, and lengthy arguments were made by Messrs. Johnston and Scott on the part of defense, and by Kopelin and Foster for prosecution. The Court adjourned at 6 o'clock, withholding its opinion on the question until morning.

## FOURTH DAY-FRIDAY.

Court met at 9 o'clock, when his Honor proceeded to lay down his opinion touch-

accusing the deceased of having seduced his wife in his absence-that she had confessed all. The expression in its connection, is not at all ambiguous or equivocal, and the prisoner has the benefit of it.

The only reason that has occasioned any a different practice seems to have prevailed in some other cases. In that of Sickles, Judge Crawford, though under a different state of facts, admitted evidence of adultery, principally, however, on the ground which we have just noticed-that it seemed proper to C:oes examined. Father is charged explain the evidence of the principal factand which, in our view, is entirely unsatisfactory, at least in its application here. In the case of Regina vs Fisher, 8 Carrington & Payne, 345, evidence of a similar fact seems to have been heard; but in that and other cases entitled to respect, it is believed the facts were proven by the government, or no objection raised, or the question not presented in the aspect it is now. After much seri-John Keller, sworn : Have been a clerk ous reflection upon the point, we are clear in Marbourg's store for about a year; and decided in our convictions that the first knew the prisouer ; he and my employer | part of the offer-to prove antecedent crimin-

al acts-should not be received. We are the more confirmed in our conviction of duty by several reflections which crowd upon us as this point is presented. No injustice is done to the prisoner, as he has the full benefit of any inference to which the law entitles him, since it cannot admit of a reasonable doubt that he acted under a belief of the truth of what he asserted at the time of The conduct of his wife and the deceased could not have excited him to acts either of malice or frenzy if he had not known of might be the effect, though the reports were false. It is not what they did, but his knowledge and belief of it-not their criminal conduct, but what was communicated to

And it is the effect which these facts had. or may have had upon his mind, which is the point of inquiry. While this ruling, therefore, does no imaginable injustice to the prisoner, it is due to the Commonwealth which also has rights, and to other parties. part of the res gestae, a half a dozen of trials for adultery, and one for a conspiracy to murder, with all the evidence to sustain and defend, rebut and sur-rebut, without any other effect than to divert attention from the true issue, save to minister to a morbid public appetite for scandal, and to run what was heralded in the papers at first as a great tragedy, in the judicial investigation of it into a farce. If the prisoner had prosecuted the deceased for these alleged crimes, and

brought him into court to answer them, instead of striking down with his own hand, ing the question which had been raised the offered evidence would be pertinent, and the previous evening. The admission of | would be fully heard ; but it must occur to evidence permitting the defense to estab- any one that it would be scarcely just to the memory of the deceased, infamous as he may have been, to try him incidentally and unnecdecided that any communication made to essarily upon a half dozen or more charges. the prisoner respecting the alleged crimi- after his lips have been sealed in death, and when he is not here to defend or explain. The admission of the evidence to explain the principal fact, would, moreover, unnecessatily open a wider field of proof, answer and reply, and might affect injuriously still others not on trial. It might, and probably would, involve the question, if a previous criminal intimacy were established, whether it was a seduction, and who was the seduced or the seducer-an investigation which could, in our judgement, serve no better purpose than to minister to a depraved appetite for scandal. We are thus sustained, finally, by the reflection that, if we err in this ruling, the prisoner can have our ruling reviewed, and our error corrected on a bill of exceptions. The first part of the offer, as to the extent that it proposes to prove specific antecedeut criminal acts, is overruled ; but we admit the conclusion of it, and will allow the prisoner to prove any communication made to him respecting the alleged criminal conduct of his wife and the deceased, about or within any reasonable time before the homicide .-This, as tending to show the state of mind under which he acted. We do not agree with the counsel of the Commonwealth in all their views of the kind of evidence by which a state of mind that would render him wholly irresponsible, may be established .--But the evidence is only pertinent as tending to show that. And we repeat here that it was what was communicated-what he had heard, that only-that could have been bearing upon his mind. Proof of that, and and of that only, could show the jury what was present to him and influencing him to excitement and action-and that he has right to prove. The following is the rule, in extenso, made by the counsel for the defence, We attach it for the benefit of our legal readers, as a matter of reference : Defendant's counsel, the prosecution havng proven the declarations of defendant at the time of the occurrence, ("that Marbourg had seduced his wife when he was in the army-that he had ruined him and his family -that his wife had made a clean breast of it and told him everything") propose to prove that in the latter part of October, 1862, while he was in the army, the said Jordan Marbourg committed adultery with his wife, in his Moore's) own house and in his own bedthat Marbourg offered to bribe the witness to silence-that an adulterous intercourse between them was kept up from that time till about ten days before Marbourg's deaththat criminal conduct and adultery was committed at the house of Adam Pharr, in Johnstown ; at Greensburg ; at the Mansion House, Farmers' Inn, and Red Lion Hotel, in Pittsburg; at the Hotel of Mr. Hinchman in Mt. Pleasant; at the house of Isaac Crawford in Ebensburg, and elsewhere-that criminal intercourse was prevented by discovery on a hill near Johnstown-that poison was given by Marbourg to be administered to Moore shortly before his death-that the first suspicion of these facts reached Moore on Friday one week before the killing-that during that week he ate and slept but little, if any, and left his house in a state of frenzy when his wife made a full confession to him on the morning of the killing. Defendant's counsel propose to prove by the witness that Marbourg requested him to

opinion that it would endanger the prispresent condition.

poison to the prisoner, and afterwards Marbourg he had better keep out of the handed a package of medicine to another prisoner's way. lady, to be given to Mrs. Moore, for her the fire, remarking that it was poison .-produced.

wrong about his character. Never heard home we saw Marbourg on the road; that then parted. him use vulgar or profane language. persons who never swore.

bore testimony to prisoner's good character.

er by this witness ; prosecution objected, Delaney.

not remember much about her.

Friday preceding the murder.

tor. I am a daughter of the prisoner's sister. This was the first time I spoke to that she said she was then on her way to uncle of the reports ; he said he would Strayer's to get some tea, as she was not as to the previous good character of the ask aunt about it. As far as I know, he well; that she wanted me to go with her; did not eat or sleep. He sat with the that I told her to come back to town, that | Easly and opposing counsel Kopelin and family at meals, but did not eat much. Court adjourned.

the same time going towards her; that we | 6 o'clock I went to work. Cross examined : I do not know if I went back, and that I crossed over the beckoned her to go back, but that she did | my attention.

with the prisoner's family for some time distance of him; that she then turned me on Thursday evening, and asked me before the death of Marbourg; on the back; that I went across to where she for a horse; he appeared in great Friday preceding his death, I told uncle was, and walked beside her for some time, trouble ; stated that while he was in the of the talk about aunt ;she was not pres- but that she did not notice me ; that at service of the country, his family had been ent when I told him. Uncle called aunt length she looked up and said, "Mr. War- ruined and his peace of mind destroyed, out on the porch, and talked to her about den, is that you ?" that I replied, "Yes, and he wanted to search out the facts of it. He was very much excited from that Mrs. Moore, is that you ?" that she then the case-whether his wife and Marbourg time until Marbourg's death, and neither asked me if I had seen her son, saying had slept together; if he ascertained it to ate nor slept. The morning of the hom- he had started out that morning, and if be a fact, the stigma should follow Maricide, uncle was in aunt's room about an not back by the time church was out, his bourg wherever he should go. He inhour or so before breakfast; after that he father would cowhide him, and that she quired if it was so that I had seen Marpaced the room and garden several times. was hunting him ; that I told her it looked bourg and his wife in an oyster saloon ; He didn't eat much at breakfast. After bad to see her with that man-Marbourg ; I replied that it was so. He told me breakfast I took a bowl of coffee to aunt's that she said, "You don't think I would Mrs. Marbourg had sent for him and told room ; he came up and looked at her, and have anything to do with that old copper- him that while he had but one child, she then started off. She was sick from the bead and secessionist, do you ?" that she had ten children, and to try and bear the also said she had not spoken to him for disgrace, as she was trying to do. He

thunderstorm drove them back.

very much excited at the time.

Capt. J. K. Hite, recalled : On the

Tuesday previous to the murder, the

prisoner came to my house and asked me

to go with him to Yoder's. In walking

out, he talked of separating from his wife;

I said I did not like to advise him, but I

believed a separation was all his mind

could bear. At Yoder's, the young man

told us his story, confirming that of War-

with Lim and go into the army, giving

money to John to keep Mrs. Moore, for

she was still the mother of his son. He

then gave me some general advice upon

the evils of my course, and the necessity

to be prepared for death at all times.

knew John, his brother, for a long time;

he became insane many years ago; he

was 12 or 15 years older than the prison-

er. I knew Philip, another brother ; he

was in the Mexican war, and although a

wild reckless fellow, I considered him in

sound mind. As far as Jane is concerned,

Cross examined : John was about 24

when he became insane; it is alleged it

I do not consider her sane.

to which vicinity she had gone for medi- When he got to the stable, Marbourg said of the jury that they must render a veroner's life to bring him into Court in his cins. He said on Saturday that if it was he would be d-d if he was ever so anx- dict in accordance with the evidence. true about Marbourg, he could settle the ious to see a man in his life before as he without fear, favor, or affection, irregard. 5 P. M.: Court re assembled, when matter in a few minutes. On Monday he was to see me; I said he could see me less of public sentiment. It is the funda. defense proposed to prove that Marbourg said that if the report were true, he would anytime. We went into the stable, and mental principle of all governments that had at one time asked a lady to administer shoot him in one or two minutes. I told sat on the manger. At Marbourg's re- criminals must not be permitted to go Mr. Warden, sworn : The prisoner occurence, but I told him I did, very well ; mindful of the fact, the first elements husband; that the lady had done this, spoke to me in Kernville on the Monday he asked, "Might we not have gone into toward the overthrow of any government but that Mrs. M. threw the package in preceding the homicide, and said he Pfarr's?" I said 1 did not know; he are introduced. The law is the criterion by understood that I knew something about then said if Cohick and I would settle which the guilt and punishment of Atter some discussion, it was considered Marbourg and his wife; he wanted me to this thing, we should not lose anything by trespasser of the law are to be estab. unnecessary to allow this evidence to be tell him what it was. I told him that it; he wouldn't for \$500 his family should lished; the prisoner could not be justified another person and myself were out walk- find it out; I said I wouldn't take back by God or man in taking unto himself the Mr. John Geis, Sworn : Knew Moore ing on a Sunday in July, 1863, on the any assertion I had made for either him province of judge and jury, and slaving about 16 years; never heard anything hill above Johnstown; that on our way or Moore, or for any other person, we his victim. Gen. Foster spoke one hour

in use vulgar or profane language. Cross examined : I have known other ersons who never swore. At 10.15, the argument for the defence ings-around Yoder's orchard; that he A number of witnesses were called who seemed to be pretending to pick black- did not notice me until I caught hold of and touching word-picture of the felicity berries; that I remarked to the man who him; but he then turned and said, "Is reigning in the cottage of the prisoner was with me, "there can't be women here this you, John ?" He was looking very until his return from the army, when Jacob Fend, sworn : [It was proposed that Marbourg is after ?" that he said he weak. I slept with him that night, and reports of a polluted bed and a dishonored to prove hereditary insanity in the prison- thought not; that we went on about a he was very restless. The night before wife began to reach his unwilling ears, dozen yards, when we saw a woman com- the occurrence he did not sleep at all; I and, crazed and heart-broken, he commiton the ground that this would not affect ing up the road; that when she saw us could not sleep on account of the way he ted the deed for which he is now on trial the prisoner's case ; but after some discus- she stopped, and after a short time turned acted ; he was up and down all the time, He then ably reviewed the evidence for sion Court overruled the objection.] Am around and went back to Yoder's house; and pacing the room ; about daylight he the defence, and, after various scriptural acquainted with the two sisters and moth- that she talked to Yoder, and from the went out, and I looked out of the window quotations bearing upon cases of adultery er of the prisoner ; knew Jane for about fact of her pointing with her finger, that and saw him pacing the garden in his and the punishment which usually attend. eight years; she was married about six I supposed she was inquiring the way; shirt sleeves; several times during the ed them, he closed his remarks at 4.30. years before I left Stoystown, and had that he pointed across the fields, and that night I asked him what was wrong, and after a speech of four hours length. some children ; she was married to Daniel she started in that direction, Marbourg at he said we were ruined forever. About

William Orr, re-called : Saw on the day could judge she was crazy. I had forgot- field myself; that Marbourg then got on previous to the killing Moore at the South ten her until I was called up here, and do the fence, and seeing me come that way, House; his distracted appearance attracted

Miss Mary Delaney, sworn : Was living not stop until she had got within speaking A. J. Hawes, sworn : Moore came to Cross examined: She had had no doc- fourteen years, because he had got mad at also said Mrs. Marbourg was a lady, and

The attending physician gave it as his cf an interview she had had on Amisch hill, book me up in anything I had said .- case, but strove to impress upon the minde quest, I told him what I had stated to unwhipt of justice. The public safely Moore : he said he did not remember the requires this, and when we become un. and a half.

Daniel M'Laughlin, Esq., continued the argument for the defence in a speech occupying over two hours in the delivery. He reviewed the evidence fully.

Court adjourned at 7 o'clock P. M. EIGHTH DAY-WEDNESDAY.

Court met at the usual hour, and the argument for the defence resumed by Billings G. Childs, Esq. He spoke in an eloquent strain for the space of half an hour.

Hon. Jno. Scott, of Huntingdon, took up the closing argument for the defence, at 9.25. He said to the jury that if the prisoner were a man who was hardened in iniquity, he might apologise for occupying their time, after the lengthy arguments of the counsel who preceded him but it had been proven that, from infancy up, his walk and conversation had always been influenced by the most conscientious and upright motives. In introducing the authorities upon which the laws in regard to the punishment attaching to causes of this kind are based, he referred to the days of Charles II, the king of England, o

lish adultery was overruled, but the Court nal conduct of his wife and deceased, about or within any reasonable time before the homiciae, as tending to show the state of mind under which he acted, was evidence, and should be received. Following is his Honor's decision, in extenso :

Per Curiam-TAYLOR P. J. : The offer is to prove an act of adultery between the deceased and the prisoner's wife in Oct. 1862, and other acts of adultery at various times and places afterwards, down till within ten days before the homicide ; and, also, that the deceased attempted, at some time not stated, to poison the prisoner; and that "the first suspicion of these facts reached Moore [the prisoner,] the Friday one week before the killing ; that during that week he ate or slept but little if any, and left his home in a state of frenzy on his wife making a full confession to him on the morning of the killing."

The criminal acts here offered to be proved, separated from the conclusion of the offer, would be plainly inadmissible. No one would think of justifying a crime committed yesterday by the proof of another crime committed a year, or month, or week ago. The law of off set has no place on the criminal calender. Every crime has its own penalty, and every criminal is amenable to the law for his own criminal acts, and has a right to a trial according to the forms of law. No individual has the right to take the law into his own hands and inflict its penalties, much less to inflict such penalties as his passions may dictate. No one will claim that the act of adultery with a wife will justify the husband in killing the adulterer. If the husband found him in theact, and instantly killed him, there is, in the view of the law, such provocation as will reduce the killing to manslaughter ; but, if the husband act upon information received afterwards from anybody else, the killing is murder ; and proof of the adultery would not weigh feather, either to justify or extenuate. This being the unquestionable and unquestioned law, the offer to prove the criminal acts specified, without more, would be clearly inadmissable, and it would be the duty of the Court to reject it. The rules of evidence in criminal, as well as civil cases exclude evidence which has no legitimate bearing upon any question involved in the issue, and when the only effect of admitting it would be to mislead the jury.

But, it is argued that the door has been opened for the admission of this otherwise clearly irrelevant evidence, to explain the principal fact proven by the Commonwealth. In proving the principal fact-the homicide -it is true several of the witnesses of the Commonwealth, nearly all of them, indeed, did prove the prisoner's declaration at the time, that the deceased had seduced his wife when he was in the army fighting for his country. But it is not to be overlooked here, that if the prisoner had done the act without saying anything, or assigning any reason for it, and now here upon his trial, offered to prove that the deceased had committed adultery with his wife when he was in the army, and that he had learned the fact after he returned, the evidence could not be received either to justify or extenuate; and if offered for that purpose, we would be bound to reject. His counsel here would not think of proving his own declaration to that effect. But the Commonwealth proved it for him, and he is

## FIFTH DAY-SATURDAY.

Court assembled at 9 o'clock, and case resumed.

Mrs. Robert Pickworth, sworn : Moore came to mother's house on the 5th of February, to find out about the reports concerning his wife; he asked me if I had told his niece that Marbourg and his wife were seen coming out of an alley together ; I said I had. He said he would trace the story up, and if it was not correct, he would thrash the authors, though they were as high as the Allegheny his wife had only kept her mouth shut, transpiring about him; was wild and en-Mountains. I sent for Eve Koontz at the time, as it was from her I had heard the report. I told him he would find out all from Mr. Kimmell.

Eve Koontz, sworn : I went to Beam's house that Friday that Moore was there, and we had high words about the reports ; he was very angry. I got angry, too, when he said if I was a man he would slap my face; that the report was disgracing his family. I didn't give him any satisfaction at all.

Mrs. Beam, sworn : Moore was at my house on the Friday before the homicide, to inquire about reports concerning his wite and Jordan Marbourg. He was in a dreadful rage; his appearance and conduct was not like his former self.

John Beam, sworn : Was in my house at the time Moore was there. Eve Koontz denied telling my daughter the report .--My daughter and Eve then had it for a while, when Eve said she never would tell anything about it. Moore wanted the author of the report ; Eve said that she'd die before she'd tell. He then said that if she were a man he would whip her, and he wouldn't stop much and do it anyhow. He and I left the house, and he said that he would hunt up on whom the blame rested, and he would whip them until they would not know themselves. He said that Marbourg was a gentleman, and that he had a respectable family. Moore was considered a leading member in the Disciples' Church.

Levi B. Cohick, sworn : On the Saturday previous to the homicide, the prisoner called on me and asked me if I had ever seen anything wrong between Marbourg and his wife ; replied I had not, but that he should see Mr. Kimmell about it.

Mary Delaney, recalled : I am a member of the Disciples' church at Johnstown ; Mr. and Mrs. Moore were also members. The former attended regularly. He was homicide, but staid at home.

The entire evidence on the part of the The closing argument, for the prosecu-tion, was delivered by A. Kopelin, Esq. testimony refering to witness. ber of the Disciples' church in Johnstown ; entitled to the benefit of that evidence; and write to his father, the defendant, stating prosecution was then read and very fully T. R. Kimmell, recalled : On the Sun-Moore held the position of Elder in the we doubt not he will have the benefit of all that he desired him to remain in the armyreviewed. The General occupied nearly church; he was very punctual in atten- day previous to the homicide, Cohick the weight to which it is tairly entitled. It a short time before his return from the nine cannot admit of a resonable doubt that he months' service-and that he did so write in dance, and appeared to be very zealous in came to my house and said there was a six hours in the delivery of his argument. pursuance thereof. He returned the 29th of man down street who wanted to see me : Court adjourned at 8 o'clock. acted, at the time, under the belief that what the cause of religion. May, 1863. be stated, as the reason of his conduct, was we started out, when Cohick said that I SEVENTH DAY-TUESDAY. Levi B. Cohick, recalled : Saw Moore Objected to. Objection sustained, and the true. It does not at all follow, however, that should go down to his stable, that Maron the Monday previous to the murder; counsel for the prisoner excepts, and a bill he may supplement what the Commonwealth was under the necessity of proving as a part of exceptions is signed and sealed. GEORGE TAYLOR. of his conduct by proving himself, in addition, what would otherwise be inadmissable. The Commonwealth never thus forfeits her right

her for returning some butter to his store ; he felt sorry for her. A number of witnesses were examined

prisoper, among them associate Judge she must not go with Marbourg that day; Potts. They all united in placing his that she said when he motioned to her he | character above reproach previous to the did not speak, but only was giving her to murder. understand that she could get nice black-

Cyrus Reilly, sworn : Knew John berries over there; that she begged me Moore, brother of the prisoner; he was for God's sake not to tell her husband of insane.

what had occurred, as it would cause a A number of witnesses were examined separation between them, and between the | touching the subject of insanity among the family of Marbourg; that she said she connections of the prisoner, who testified would do anything for me if I wouldn't that a portion of said connections are or tell; that the next morning she went to | had been insane.

Seigh's, and told Mrs. Seigh that she was Dr. Bunn, sworn : Was called to see going to prosecute her (Mrs. S.'s) hus- the prisoner on Thursday last-subseband and myself for running after her in quent to his sudden illness in the Court the woods; that I told prisoner that if House. He, was unaware of anything and had not gone and told women about tirely furious, acting like a man who had it, the thing would not have leaked out. mania a potu. He was laboring under Cross examined : On the Sunday fol- a nervous prostration brought about by lowing, the parties started out again ; Mrs. | constant nervous excitement: Breuniman was along, and the sons of Sheriff Buck, sworn : When the pris-

Moore and Marbourg on horseback. A oner was taken to jail, Thursday evening, he became crazy, crying that somebody

was going to kill him. I took Dr. Bunn Mr. Seigh, sworn : This testimony was to see him. Sometimes he would call out corroborative of Warden's, with this addithat I was his best friend. Hc called for tion-witness saw the wife of prisoner in his son and although he was there, he did town the night that police officer Kimmell saw her; she went into a grocery near not recognize him. He tore open his shirt, and pointing to his bosom, said, Geis' store about 7 o'clock that evening. "look at the blood." Before going to Told prisoner that Warden and myself had intended dropping him a note to put sleep, he cried out "by God there is a lot him on his guard ; told him I would be of devils down there !" He has eaten qualified to all this. He said it was a but little since he came to jail until last horrible thing, if true ; he appeared to be evening.

Defence alosed at 4.20.

REBUTTING TESTIMONY.

Alex. Marbourg, sworn : Was in partnership with deceased ; Mrs. Moore offered her son to me to take into the store : I took him on trial, on condition that if I liked him I was to give him \$100 per | She forgot that the damning record of her year. The boy did not answer my pur- husband's crime would not attach to her, pose very well. Boots and shoes, and or her children, but it would follow the material for clothes are charged to the prisoner in waking thoughts and sleeping den. Prisoner said he would take his son boy on book. John asked me once to go dreams, that the knowledge of a wife's and take dinner with him ; but did not go. Cross examined : I have not assisted the prosecution with my own means. At 4.45 the Commonwealth closed and Court adjourned until Monday at 2 o'clock.

SIXTH DAY-MONDAY.

Pursuant to adjournment, Court convened at 2 o'clock, when Gep. James Potts proceeded to address the jury on behalf of the Commonwealth. He commenced by detailing to the jurors the solemn duty they were called upon to perform-to determine the guilt or innocence of a fellow man charged with the awful crime of murder. After these preliminary observations, he gave a lengthy

was on account of a girl. not at church the Sunday preceding the definition of the crime of murder, citing David Yoder, sworn : This statement a number of authorities on the subject was corroborative of that part in Warden's hours in the delivering. Valentine Louther, sworn : Am a mem-

whom it had been remarked "He never said a foolish thing, nor did a wise one." In the days of this dissolute monarch, there might have been seen in the dark alleys around Drury Lane theatre, a prostitute, who sold her charms of person in like manner as she sold her oranges. She was taken from the alley and placed upon the boards of the theatre, when a nobleman, attracted by her beauty, bought her for a price, and sold her to the King, who lived with her in open adultery, until it became notorious that Nell Gwynue, the adulteress, the mistress of a King, made the ministers, the courts, and the judges who formed the laws which bear upon this very case, and which, be it said, have never yet met with a response from any jury box. In speaking of the crime of adulcery, he said that the man who attacked the chastity of our wives sought to blight our very homes. The convict upon the gallows, 'mid all the record of his crimes, looks back upon one green spot in his memory, and that one spot is home. it any wonder that when that home is invaded, reason totters upon her throne -that the picture of an unfaithful wife, and a treacherous friend, coming ful upon the mind, works madness in the brain, and a deed is committed which in cocler moments would not have transpired. The undisturbed and tranquil stream of the prisoner's life was rudely turned from its course, and reason tottered on her throne when he became convinced of his wife's faithlessness. If there was ever a scene which might arrest the poet's eye or painter's pencil, it was when the wronged wife of Marbourg and the injured prisoner came face to face. Her wailing cry was that he might bear his cross, for she had the greater burden-she had nine children whilst he had but one infidelity could never depart from him. Step by step the evidence was reviewed; thrilling picture of blighted hopes and a mournful tale of a seared and broken heart were narrated, until every person present was held spell-bound by his matchless oratery. He said to the jury in conclusion that it recked but little how their verdict was given, for if they acquitted the prisonet, he would go forth a broken, useless thing, with hope and peace dead within him; still he knew they would send him forth to the world with at least one satisfaction -that of knowing himself a man whose motives had been vindicated.

This argument was spoken of as being fully equal to that of Brady in the cele-brated Sickles tragedy. It occupied three

He opened by reciting in an impressive manner the Lord's Prayer. With that cool deliberation for which he is so just celebrated, he then proceeded to combat Court assembled at 8.30. The argu- the arguments of the counsel for defensehe came to me to talk about the reports bourg wanted to see me; he said he was ment on the part of the Commonwealth He divided his argument into two points, which were out; he said he thought his offered a dollar for finding me; that Mar- was resumed by Gen. Henry D. Foster, to wit, the justification of the killing, and Owing to a sudden indisposition of the prisoner, who was taken with a severe sick for some time, and it was impossible in a meeting of Greensburg. After the extended re-to behad the next morning between Moore marks of his able colleague the evening mitted the murder—the pleas set up by defence. The same may be said of the pris- nervous attack, at this juncture Court was for such a thing to occur as was imputed and him, in regard to these reports; I previous, he did not consider it necessary the counsel for the defense. With regard oner's proven declarations, when he was compelled to adjourn until 5 o'clock .- to her. He said he had heard something told Cohick that neither of them could to enter into an elaborate review of the to the first point, he insisted there could