then sent for doctor; in a few minutes, shots; couldn't see what at. Dr. Lowman came; Holmes was then lying down; the doctor said it was all up | Holmes had done to him, with him; the citizens came after me to get me to arrest Gore; sent for my revolver, and called on a number of men to ped my revolver at the hindmost one, but | but I only shot him in the leg." it didn't go off; prisoner turned around hitting some women behind them; they der I'd shoot him; he said, "Come and tentiary." take me;" said I, "Throw down your revolver;" he said he had none; he then got up and came and met me; took him charge to some other man.

Cross examined: Have the oaths of office of the policemen in my possession; it is not customary to file them in Burgess' and saw a man lying in the walk, his head office; Oster and Holmes lived in Cone- resting on some person's knee; knew the maugh boro.; Holmes worked with me; man by sight, but didn't know his name; Oster had been a non-resident of county afterwards was told it was Ed. Holmes; for some time; don't know how long he he appeared to be in the agonies of death; had been back when I appointed him on police; never saw warrant after I gave it to Holmes; he made no special oath when he made complaint against Robinson; in the pursuit of Gore, there was a good saw a penetrating wound in the epigasdeal of shooting; the citizens were ex- tric region; was satisfied the man was dycited; searched for Gore's pistol, but ing, and from the region of the wound, my couldn't find it; he turned and offered to diagnosis was that the ball had penetrated shoot on the railroad, near the head of the stomach; I said to the bystanders that

Edward Bedell called and sworn : Live in Wilmore, this county; was in Johnstown on the day of the shooting, in front recovered from the nervous shock; had recognized only prisoner; he came up skin; then directed the bystanders to reout of cellar; had pistol in his hand; move him to his home; to keep him quiet prisoner said something about shooting somebody; said he would shoot somebody, calling him a son-of-a-b-h.

William Dysart, called: Was on the street in front of Fend's saloon the day of the murder; met Captain Bedell, and while talking with him and Orr, Oster and Holmes came along; the latter said something about some one denying something Orr said "go down and take him;" Holmes went down, and there was a good deal of confusion in the cellar, when I heard a pistol shot; then Holmes came | man, with well developed muscle, a good running up the steps past me; he ran into Fend's back yard; soon after prisoner and another man came up; prisoner turned toward Orr, and said, "old Orr, if you attempt to arrest me, I'll shoot you, you d-d son-of-a-b-h;" then he started to go, but turned around and held a pistol towards Orr; afterwards started off; in about fifteen minutes Orr started after them; I followed crowd up to where they caught him; saw him afterwards at lock-up; some person told him that the wound he took a chill, and had some Holmes was dead; he said "it served him | slight fever afterward; saw him just as right-that the people had been abusing him ever since he came from the army, and Holmes they would say he had done

Cross-examined : Know where Hud son's lot is; think it is about two squares from Shoemaker's; didn't say anything about lynching him at Mansion House corner; heard others say something to that effect; don't know who told prisoner Holmes was dead.

William Palmer called and sworn: Saw Gore the day Holmes was shot, before the shooting; he and Robinson came into my house; both had sticks; Gore said he wanted to settle about that trunk; he said "sit down;" told him I couldn't, and that we couldn't settle it; turned around toward the man who was with him and asked him who he was; he said, "I am Gore's friend, and I came here to see him through;" told them they had better go away; they went away, going to Bantley's hardware store; shortly after the policemen went down Clinton street; in a short time they came around the corner, and I saw prisoner and another person, who seemed to be hurrying him along; when hear reply; the other urged Gore along; prisoner ballooed at me, "where is the police now ?-by G-d all the police in town can't arrest me-I'll attend to you, you d-d old -- you;" I then walked towards Fend's and heard of the shooting; had made information against Gore for larceny before Esq. M'Kee the day before; that was what he wanted to settle about.

when opposite to me; two days before seess had formed in fiver where the ball to be raving; he talked a good deal-very that he had been drinking.

dying; don't let my wife know it;" I up the new road and fired about a dozen | the intestine canal, and found some in-

Court adjourned till 2 o'clock, p. m.

Afternoon .- Court met. Joseph Alwine called and sworn: Had assist me; started, and learned that Gore | conversation with Gore; he came to me was in Alwine's; while crossing the new by my house, and said he had shot Edward road leading to the Island, saw Gore and Holmes; I said, "I hope not;" he said, of the wound received. another man come out of the lot back of "yes, I did;" I said "you didn't kill him;" the Arcade building; ran towards them; he said "I think I shot him in the leg-

Cross-examined: He was somewhat and told me to go to h-1; I then fired one drunk; knew prisoner from a boy; don't gentleman who questioned him.) It was door, kicked at some clothing and fell shot at him; they started to run, and I know if it takes much to make him drunk; fired at the one next me; we ran them the night before this happened, Gore and thought he would recover; but it was al- with legs of pants about 3 feet from paveto the head of the basin, where they made | party came to my house and laid on the

then started up a street or alley in Cone- at the jail with Jim Williams the time of venereal disease. Not a doubt of the ball maugh boro, towards the hill, and we lost the Republican County Convention, in passing through the liver; I believe the tion, witness said that a sober man kicksight of them; after hunting some time, the summer; Mrs. Myers let us go up abscess was caused by the wound, though ing hard at a coat would fall; shouldn't learned they were in Hudson's house; stairs; Gore asked, "How is Holmes?" abcesses may be formed from other causes; think prisoner was sober, but don't think went there, and Mrs. Hudson said they I said, "Holmes is going to die, I think;" a wound of the liver is a very fatal wound, were not in the house and had not been told Gore I had been to see him before | more so than one through the lungs-I | in same condition; one of them took hold there; asked permission to search the leaving Johnstown; prisoner appeared to can't recollect a case in which a wound of him and helped him up; might have house; just then, cast my eye around and be very sorry, and then said, "It will only through the liver failed to produce death; been more drunk with rage than liquor. saw Gore lying under some shrubbery in | be murder in the second degree—it will | there was no evidence of any other disfront yard; told him if he didn't surren. only be five or eleven years in the peni- ease to produce death; he might have

> he was pulseless, with a cold perspiration breaking out over him; remarked he was exceedingly pale, like the pallor which nervous shocks or hemorrhages produce;

he was dying, ordered him some stimulants, and left; returned in about ten or fifteen minutes, and he had rallied and in a recumbent posture ; gave him a small portion of brandy and water; I came back from Conemango in about two hours, and called to see him, at about two o'clock; he was vomiting when I went into the room; he expectorated blood from his stomach, two small clots; the bystanders told me it was the second time he had vomited and thrown up blood; after he turned over on the settee on his back, his pulse increased and had more volume; he had the appearance of a stout, healthy deal of flesh, and short stature; directed him to take small quantities of fluid into his stomach, a couple of spoonsful of ice water at a time; my diagnosis was that the ball penetrated the stomach, and my object was to prevent fluid passing out of stomach at the opening, and to keep stomach empty and quiet; attended him on from that date till the night of the 22d September, which was the last time I saw him alive; the third day after receiving he was going out of the chill; he seemed to be a good deal depressed again; comsometimes; asked him if he had ever had fever and ague; he said he had, about a year before that; I then thought that either the spleen had been injured and pus was forming some place, or that he had fever and ague; couldn't tell which; he

was in a weak condition; put him on a tonic treatment; our specific in a fever is a tonic treatment; previous to that, gave him very light, digestive food for nourishment; some days he would rally and have an appetite, but he couldn't relish his food on till about the fifteenth day; he commenced to sink rapidly about the fifteenth day; meantime I had been keeping his bowels open ; diarrhea sat in about that time, and he passed a good deal of dark, disorganized blood; continued to stimulate him by giving him tonics, and tried to control the condition of his bowels; the night of the 22d September, he died; don't know what hour; inside of nine and a half hours after he died, from the report to me of the hour of his death,

I made an examination of the body, or they came opposite to me, Gore asked autopsy; the external wound at that time this person, "Didn't I hit him ?" didn't | was healed up; the ball had entered an inch to the left of the center line, in the seventh rib, left side; opened the body; found cientrix of the wound on inside, healed up, closed; examined the abdominal cavity and obtained a large quantity of coagulated blood, in a disorganized and

Cross-examined: Gore seemed to be men, near the pelvis; all the cells, &c., him.; he looked haggard and I would under influence of liquor; after the shoots | were filled up; then examined the liver; | scarcely have known him any place else, ing, he fell down, while attempting to found the projectile had passed through he was so altered in appearance; he kick something, but he walked well enough | the left lobe of fiver, and that a large ab- eaught me by the collar, and appeared

John K. Asheom called and sworn: On perhaps ten or twelve ounces of pus, fluid | conversation at all; seemed to be impress- practising physician in Johnstown; comthe day Holmes was shot, saw prisoner on ounces-about three-fourths of a pint : exthe Island at John Sivert's; was talking amined stomach, and found the omentum to another person; prisoner asked us to flowed over, in a gangrenous condition; tion I thought he had either been drinktake a drink; he was drunk then; he the omentum is a kind of web or mem- ing or wasn't in his proper mind. said he had shot Ed. Holmes; I said brane covering the bowels, attached to the "oh, no;" he said "yes," and held up his stomach and lying on the anterior surface revolver and said, "This is the barrel I of the intestines; the stomach had not shot him with;" he then said, "I'll shoot been penetrated, but I believe the ball any other son-of-a-b-h that goes to arrest touched it near the curvature of the storn- quainted with the prisoner since he was amination of the whole body, all the cavime;" then he took Hauffman around the ach; examined the spleen, and found the quite a boy; saw him the day of the shoot- ties, brain, thorax, abdomen, and spinal neck and walked over to Alwine's; he hall had entered the edge of it; the spleen ing, before the occurrence; he appeared cord; cicatrixes may be found without couldn't have been there more than a lies under the curvature of the stomach; to be under the influence of liquor then; external injury; have seen several instanminute till the crowd came up Clinton st. the ball had decended a little, went ob- I think about 9} o'clock in the morning; ces of cicatrix on the liver; abscesses He began by reciting the definition of towards the Island; somebody said, "John, liquely, or it would not have struck in I had seen him before that under the in- form on the liver without external vio- murder, which, on the authority of Black- monwealth of Pennsylvania and John

was; saw him sitting up; he said, "I am they're after you;" the crowd then came that region; made some examination of fluence of liquor, and think it affects his lence; it is supposed by best medical au- stone, is "the unlawful killing of an flammation; made no further examination Cross-examined: Gore didn't state what of body; did not find the projectile; did not think myself safe in handling body longer; the spleen had been inflamed very much, and was very much softened; visited Holmes every day once or twice, with the exception of one day, when I did not

Cross-examination: (We do not prethe man with him was nearest me; snap- I was going to shoot him in the breast, as it would fill columns; suffice it that the his pants pocket; he was shouting, hala stand; did not fire on them for fear of benches, chairs and on the floor, all night. ful of pus forming all the time; I put him pavement; there was nothing on the David Lucas called and sworn: Called upon quinine; I found no evidence of died from a hundred other causes if these Cross-examined : Knew both prisoner causes existed ; though the ball touched and Holmes; they were intimate friends. | the stomach, it did not penetrate it; I sup-Dr. Lowman called: Am a practising pose stomach was contracted, as it was near by the arm to the gate, and gave him in physician in Johnstown; on the 30th of dinner time, and likely contained nothing August, about 12 o'clock, m., was called but water and gas; I allowed him to set up from dinner to go to Fend's, to see a man but not to go about the room; don't know who was shot; went to Fend's back yard, that a day or two before he died he was walking round through the room.

> Docter Sheridan, called: (We give a synopsis of this testimony, as it merely corroborated the last.) I was present when Doctor Lowman made the examination of the body, but paid little attention to it; only the prominent points I noticed, and can agree with Dr. Lowman. In my judgment the death resulted from the

Cross-examination: I was satisfied from

before Holmes; see him standing against the bar-(pointing him out.)

Commonwealth rests at 5 o'clock. Court adjourned till 7 o'clock.

Night .- Court met per adjournment, and defense opened.

TESTIMONY FOR PRISONER.

George Lucas, called: Was acquainted with prisoner and deceased; they had asdifficulty; didn't see prisoner the day of the shooting, nor day before; can't say whether he was drinking previous to day

Amos B. Davis called: Am constable of Conemaugh boro.; Holmes and Oster lived in Conemaugh boro.

Zepheniah Carney, called: Was at Shoemaker's the day before the murder; Holmes came there and told Gore he asked him if he had the warraut; Oster abscess. said he had none; they then left; this was in the afternoon; Shoemaker keeps a and if they knew what was between him plained of no particular pain; he had hotel; think Holmes laid his hand on chills every day, and through the evening prisoner's shoulder; Holmes got a "blackjack" or "billy" from me two or three nights before that; he had it at this time in his possession; was well acquainted with both men; they always seemed three businesses of preaching, practising friendly; often saw them drinking together; know that Gore and party were on a spree a couple of nights before the shooting; they were pretty noisy; never

saw Gore falling from effects of liquor. Cross-examined: Am a good deal about Shoemaker's; didn't see Sheriff Linton come there; couldn't tell the exact time Holmes came there to arrest Gore; Gore went up to the grove the afternoon Holmes and Oster were there; think it was after Gore came back they attempted to arrest of the American Medical College, Cinhim; didn't see him afterwards that night | cinnati, Ohio. at Shoemaker's; think it was before b o'clock when Holmes and Oster were

Miss Maggie Shoemaker, called : Dan't know anything about the transaction be tween Holmes and Gore at my father's

John Lander, called: Am acquainted with the prisoner; remember the day and occasion of the accident to Mr. Holmes; saw the prisoner morning of the day beepigastric region, about opposite the sev- fore the shooting; he was pretty well inenth rib; think the ball would strike the | toxicated; don't think Gore can stand much liquor; it effects his mind and makes him boisterous and foolish.

W. K. Piper, called: Am acquainted with Gore since he was a boy; was in Johnstown the day of the shooting, and putrid condition; the larger portion of the saw Gore afterwards at the "lock-up," clots were at the lower part of the abdo- standing at the door; he called me up to had penetrated; the abscess contained broken; didn't follow up any theme of

> natural for any man after he has shot of a person who died from a gun shot another man to look haggard.

head more than his legs; he seemed pretty wild that morning.

this was.

Emery West, called: Saw John Gore day of the shooting, after it occurred; do business on Clinton street, second door from Main street; first saw prisoner see him; believe that death was the result! coming off the pavement near Fend's; he had a pistol in right hand, and was looking back; before he came on to the pavetend to give the cross-examination in full, ment by Plitt's store, he put the pistol in Doctor could not be made to contradict looing and very noisy; he passed by me himself by all the ingenuity of the learned and walked up to the side of the store a remarkable case to me; I sometimes | down on the pavement; the clothing hung most "hoping against hope;" I was fear- ment, and the coat about 2 feet from the pavement to trip him.

Cross-examined: In answer to a queshe was very drunk; those with him were

Dr. Hartwell called and sworn: Am a physician and surgeon; began the practice of medicine in 1842; have been at it ever since; have been eight years in the ministry since that; a year ago last winter, spent three months in Philadelphia, mostly in dissecting, and acquiring a more modern surgical knowledge; by the aid of a microscope only can we determine deposits in abdominal regions to be blood; it cannot be done by the naked eye; there are some forms of disease that so weaken the vessels that extravasated blood may be thrown out; we have that condition in fever and scurvy, often causing bleeding at the gums, intestines, &c.; if I found a cicatrix anywhere, should expect that external violence had been used; in those cases which I have seen from hospitals, &c., while making post mortem examinations, have found frequent cicatrixes, upwhat I saw that there were causes enough on the lungs especially-an apparent reto produce death; I should have been at covery from some injury formerly received; a loss to know how the liver could have tuberculosis of the lungs, when healed, been perforated had I not known of the will produce cicatrixes; we have abseesses shooting. (Much other matter we omit in the liver; find them frequently in as merely corroborative of Dr. Lowman.) hospital and in private practice; appar-I have been practising about 16 years; ently in some cases without external vioof Fend's; saw several persons there, but some pulse at the wrist, and color in the Dr. Lowman, I think about 20 years or lence; have never seen a case in which William Orr, recalled: Don't know case; after the healing of that abscess, what business Oster was in when I ap- there would undoubtedly have been left pointed him; he was sworn in a few days ton the liver a cicatrix; nearly all pathologists say that particles of pus may be taken up in the circulation of the blood, and deposited in the lungs, liver, &c.; if I would find death caused by a ball in the abdomen, stomach or chest, would hardly go to the head to examine if there were no indications demanding examination of brain; (the doctor here exhibited an anatomical plate illustrating the relative sociated together up to the time of the position of liver, spleen, &c.;) if a ball were shot in a direct line, don't think it would pass through both the liver and the spleen; a ball, if shot diagonally, might enter the body and pass through liver and spleen, but same ball wouldn't probably hit both; if the spleen was very large, it might possibly hit both; stomach wounds are not necessarily fatal; if a patient would pass blood it would indicate that the stomach had been touched; a wanted him; Gore said, " Have you got | penetrating wound of that character would a warrant?" Holmes turned to Oster and | not be likely to close up so as to form an

Cross-examined: Commenced to practice medicine at Woodstock, in New Hampshire; preached and practised medicine at the same time; worked at mechanical business before I commenced the study of medicine; carried on carriage making since I commenced; combined the medicine and carriage-making; was Justice of the Peace for about fifteen years; was all four, preacher, doctor, carriagemaker and Justice of the Peace, at one and the same time; nearly all New England physicians are Justices of the Peace. Question by Mr. Rhey-"Are they all

carriage-makers?" Answer-All are not. Witness continued: Am a graduate of Castleton Medical College, Vermont, and

Question by Mr. Rhey-"Did you carry on all four of your occupations in the same

Answer-I had separate shops. Witness continued: Came to Johnstown a year ago last summer; when I was at Philadelphia the three months, attended the Philadelphia College of Medicine and Surgery; saw Holmes very soon after he was shot, at Fend's; was there when Dr. Lowman came first; saw him again at his own house; his wife and some men were in the room; this was the Sunday following the day upon which he was shot; think I did not then say his case was hopeless; am not sure.

Question by Mr. Rhey-"Did you not, on the Sunday you refer to, offer to bet your borse against five dollars, that he would not recover ?"

Objected to by prisoner's counsel, and question not pressed. Court adjourned at nine o'clock.

THIRD DAY-FRIDAY. Court met at 9 o'clock, a. m.

Dr. Andrew Yeagley, recalled : Am a ed with the idea he had been very much | menced practising in 1854; would detect | ner to take life when he fired the pistol, their wronged; from his conduct and conversa- blood by aid of a microscope, if not a late deposit; a chemical test would be the better plan; if I were called upon to Cross-examined: I couldn't tell if it is make a post-mortem examination of body wound two or three weeks after being in-Dr. Andrew Yeagley, called: Am ac- flieted, would feel bound to make an ex-

thors that these abscesses are caused by sonable creature in being, with make taint or pus being taken into the circula- aforethought, either express or implied Cross-examined: About 9 or 10 o'clock | tion and deposited there; fever and ague | He labored earnestly to convince the in produce enlargement and congestion of that the evidence before them was and the liver; also congestion of the abdomi- sufficient to convince the mind of so nal viscera; blood might be found in ab- unprejudiced man that the prisoner at a dominal cavity from a condition of the bar was guilty of the dreadful crim system when the blood has a disposition imbruing his hands, with express m to leave its natural vessels and come to aforethought, in the blood of a tellow a surfaces and leak out; in dysentery a per- If they were fully convinced that this son may discharge blood from the bowels; the fact-if they were convinced of there are diseases where a person may youd a reasonable doubt-it was vomit blood; don't think it possible for a sworn duty to find the prisoner at the man shot directly in front, so that the ball guilty of murder in the first degree would enter the body an inch to the left | gardless of all after consequences: of the center line, for the ball to pene- after carefully digesting all the en trate both the left lobe of the liver and | in the case, there still lingered i the spleen, unless there was an abnormal minds a reasonable doubt as to his roll condition of the parts; think it would be they should lean to the side of merci hard for a ball to penetrate both left lobe give the prisoner the benefit of that de of liver and spleen if shot diagonally if He continued in a speech of one hor the organs were in a normal condition; a duration. man's liver could not be enlarged without affecting his health, though his spleen might be; Holmes had been sick occasionally since last winter; he came to me after he came home from Washington to get quinine; said he had fever and ague, and from his appearance, I concluded he had; this was about ten days or two weeks | 'Tis sin, he said, which causes every po before the shooting; last winter he had an eruption upon him-a species of skin disease-a good deal diffused over the surface; it was a species of erysipelas, but not of a malignant form; treated him at one time for syphilis; syphilis would disease the blood and injure the constitu- that he should stand here to-day plead

Cross-examined : Have made or helped | the bar; and he was forced to exclusion to make about twenty-five or thirty post "Lord, that mercy I to others show, mortem examinations; you could not tell mercy show to me!" The gentlen deposits found in the abdomen to be blood | continued amid breathless silence on by the naked eye, even if they were co- part of the listeners in the densely ere agulated; if I would find a man shot ed Court-room to make a most ele through the liver, I would want to trace appeal on behalf of the prisoner, and the ball till I would discover it; if a ball | sed by arguing to the Jury that if penetrated liver and formed an abscess, had a single doubt as to whether the du it might or might not cause death; if I of Edward Holmes was caused by theh found a pistol ball had perforated liver, let shot from the pistol in the hands and an abscess had formed, the rest the prisoner, their verdict should be of the organs remaining sound, I would guilty. He spoke two and a half he say that the ball was the cause of the abseess, and that the abscess might cause death; saw a case reported in the Cincinnati Medical Journal, in which a ball per- on behalf of prisoner. (Mr. Rhey forating liver and forming abscess did not called the attention of the gentlems cause death; it would be an extreme case | numerous authorities he proposed to for a man to recover if wounded in liver; ring to in the course of his argumes it was from ten to fifteen days before he the jury.) Mr. J. commenced by was shot that I gave Holmes medicine for | ing to the peculiarly solemn circums fever and ague; don't suppose this dis- ces attending a trial of this kind-a tri ease could have killed him in that length on the determination of which depen of time; it is not often that people die of the life or death of a human beingthat disease alone. The balance of cross- life or death of a young man in the blood examination was not material.

Jacob M. Swank, re-called: It was a conical ball I sold Gore when he bought

REBUTTING TESTIMONY.

Adam Biershank, recalled : Gore might have been drinking some, but was pretty sober the morning of the shooting. Cross-examined: He drauk two small

glasses of ale only. William Orr, re-called: When Gore | the interests of his client. He spoke came up out of cellar, couldn't say he bours and twenty minutes. was drunk; he might have been drink-

William Dysart, re-called: The color of Gore's face would indicate that he had been drinking, but he didn't act like a drunk man.

Henry Ream, called; Was in Fend's cellar the day Holmes was shot; Gore looked calm and collected, and spoke ra-

Dr. Lowman, recalled: An attack of fever and ague of thirty or thirty-five days' duration would not cause an abscess

in the liver to produce death. Question by the Court .- Would any of the conditions which you judge to have been the cause of the death of Holmes have been brought on by fever and ague in that time?

Answer .- They would not. Witness continued: An attack of syphilis one year before would not have caused the abscess in Holmes; syphilis in its secondary stage has not the appearance of erysipelas; when it is primary, it does not contaminate the blood, for it is a local

The evidence in the case closed at 10:40 o'clock.

POINTS SUBMITTED ON BEHALF OF THE The counsel for the prisoner submitted

the following points, and requested the Court to instruct the jury-First: If the Jury have any reasonable doubt that the death of Edward Holmes was

caused by the wound inflicted by the pistol in the hands of the prisoner, their verdict should be Not Guilty. Second: If the Jury have any reasonable doubt as to whether the firing of the pistol by John Gore was the result of a premeditated design, or whether it was caused by the

immediate act of Edward Holmes, the prisoner is entitled to the benefit of that doubt, and can be convicted only of Manslaughter. Third: The deceased, Edward Holmes, not being an officer known to the law, no authority being shown for his appointment, resisting an arrest by him, especially as no warrant was produced by him, was no offence;and a warrant issued by the Burgess of Johnstown, without the usual information upon oath, was irregular and void; in executing it, the said Holmes was a tresspasser; and where resistance to a warrant so issued was made, resulting in death, the prisoner cannot be convicted of any higher offence than Man-

slaughter. Fourth: If the Jury have a reasonable doubt as to the actual intention of the prisoverdict cannot be for a higher offense than

Murder in the second degree, Fifth: If the Jury believe that John Gore. the prisoner, was, by reason of intoxication, or from any other cause, incapable of forming a premeditated design, or if the Jury have any reasonable doubt whether or not their seats in the box. Amidst the such was the case, then their verdict cannot impressive silence, the Clerk pronound be higher than Murder in the second degree. | the usual question-

SPEECHES OF THE COUNSEL. District Attorney Barnes addressed the

After which, Court adjourned. Afternoon .- Court met at 21 o'clock Mr. Kopelin addressed the jury forth prisoner. He commenced by an eloque and impressive reference to the frailty a weakness of humanity-our liability accidents, and the uncertainty of our liv

that racks the physical or moral man ; which causes every sob of the widow orphan; sin that has sent crime and rioting in their unbridled courses three out the land ; - and when he reflected prone we all are to err, he was ams in behalf of the unfortunate prisoner

When Court adjourned. Night. - Court met at 6.40 o'clock. Mr. Johnston rose to address the of life, with many bright hopes for the future before him. We have not spage follow the gentleman through oith

eloquence of his opening, the thanks ness of the argument which follows the touching pathos of his perorati conclusion. He devoted considera to arguing the points submitted Court on behalf of the prisoner, and every suggestion which learning or rience could devise, urged upon the

When Court adjourned.

SATURDAY - FOURTH DAY.

Court met at nine o'clock, a. m. John S. Rhey, Esq., closed the case! the Commonwealth. He spoke of form and solemnity with which the Ju was empanneled, and the importance the matter submitted for their consider tion and deliberation. He said it was the most important duty of their lives to pu in judgment on this case, and that if were compelled to convict, no doub would be the most painful. He bad reviewed the arguments of the course upon the other side, and the evidence the case. He handled with peculiar is ness, that part of his duties that compe him to plead against the life of a fell being, and while he referred in terms severe and cutting irony to some of the testimony, he yet made no appeal to it passions of the Jury, nor said aught endeavor to swerve them from the one viction that the facts in evidence might force them to make. His use of language and calm, unexcited manner of delive and method of argument, added to reputation he has so long enjoyed ability and legal learning. He closed his remarks, after speaking for one hour a twenty minutes, by asking the Jury give to the prisoner the benefit of a

possible doubt that was reasonable, while might remain upon their minds. CHARGE TO THE JURY.

His Honor Judge Taylor comme his charge to the Jury at 10.20, conclude ing at 11.40. It was a most able at profound effort, reflecting great aredit the impartiality and legal knowledge its author. We have been promised copy for publication, and will lay document entire before our readers us week. We merely append his House reply to points submitted by prisont counsel at the conclusion of the testiment

First point-Affirmed. Second point-Refuse to answer the post Third point-Refuse to answer this point in the affirmative as put, but qualify so

in body of charge. Fourth point-Affirm this point. Fifth point-Answer this point as requi

THE JURY RETIRE.

At the conclusion of his Honor's charge the Jury retired to their private room in deliberation. They were absent for and hour and fifteen minutes, when they " turned to Court with their verdict-

At precisely one o'clock the Jury to

"Gentlemen of the Jury, have agreed upon your verdict ?" Answer-"We have."

"In the issue joined between the Col