A TRAGEDY IN HIGH LIFE.

The Trial of Old Deacon Andrews for the Murder of Cornelius Holmes, in Kingston, Mass.—An Interesting Chapter in the History of American Crime.

PLYMOUTH, Mass., Dec. 2, 1868.

The public will remember with curious interest the strange story of the murder of Cornelius Holmes, a prominent and eccentric citizen of Kingston, some time in May last. The murder itself was a bold and shocking piece of villainy, and the subsequent developments were such as to give the whole affair an interest and mystery second to no other crime ever committed in America. Mr. Holmes, the unfortunate victim, was a wealthy man, but of weak intellect, and he had for some reason or other formed a friendly feeling with a Samuel M. Andrews, also a prominent citizen and a deacon in the Orthodox Church. The two were very intimate and together much of the time, and the attachment became so fraternal that when Mr. Holmes drew up his will, some time previous to his death, he bequeathed to Mr. Andrews about one-half of his property. It was on the morning of the 27th of May that the body of Mr. Holmes was found, shockingly mangled, near the cemetery in Kingston, and about forty rods from the main street of the village. That the murderer had accomplished the deed by the use of stones, and perhaps a hatchet, was a fact not to be denied, for the skull was beaten to atoms and the brains protruded in a manner at once revolting to behold. The discovery of the body and the story that there had been a murder occasioned the wildest excitement among the citizens of the quiet country town, and the problem of who the perpetrator of the foul deed might be was quickly but unsatisfactorily considered by all. The arrest within a few days of Deacon Andrews and the strange confession which he made, alleging that Mr. Holmes attempted to commit an indecent assault upon him, and that he killed him in self-defence, are also still fresh in the public mind. The general excellence of the reputation of the accused, his high standing in the social and religious community, and the peculiar friendly relations existing between the accused and the murdered man, all combined to render the case one of unusual interest and give to it a mystery which the public will anxiously await to see explained.

There was a large crowd of visitors present when the case was called up this morning, and every one was anxiously seeking for a view of the religious prisoner. At about noon Chief Justice Chapman and associate Justices Foster, Colt and Wells took their seats upon the bench, and the preliminaries of the great trial were commenced. A large number of the jurors were challenged by the prisoner, but finally the requisite number were obtained, and then the clerk of the court read the indictment, to which the prisoner promptly and loudly responded "Not Guilty."

Mr. Edward L. Pierce, the District Attorney, then opened the case on behalf of the commonwealth. At an early hour on the morning of the 27th of May, he said, Cornelius Holmes, a well known citizen, was found about forty-one rods from the village of Kingston, lying prostrate, with his skull fractured, his brain protruding, and weltering in his blood, of which a pool was lying near. There did not appear to have been a struggle between him and an assailant of equal strength. He appeared to have been beaten down by a pursuing fiend after some helpless resistance. He did not appear to have been killed by any one acting in self-defence; for in that case his head would not have been so mangled by repeated blows after all resistance must have ceased. He might in that case have been left disabled, but it is not likely that he would have been left for dead. It seemed to be a case of murder of peculiar atrocity, in which the murderer meant to make it sure that his victim should never live to tell the tale. Cornelius Holmes was a bachelor, fifty-three years of age, of secluded habits, living in Kingston. The prisoner was his main companion, and Holmes was accustomed to make presents to him. On the evening of the 26th Holmes received a note from the prisoner asking him to go down to see him, as he should be at work in his garden that night. Holmes left his house about half-past seven. He was seen to enter the cemetery. He was not seen alive again after. About eight o'clock a man named Delano saw the prisoner in his garden. Half an hour after Mr. Delano and his wife, who lived near, heard a noise as of groans. The next morning Holmes was missed. Inquiry was made for him, and a neighbor named Sproule told Andrews, who was at the mill, that Holmes was missing. Afterward Andrews went into his own house, saying he was faint, and he lay down. Before the disappearance of Holmes was generally known his body was discovered in the lane by Mr. Andrew Bates. He gave the alarm and a large number of persons gathered on the spot. The pockets were examined and $742, a note of Andrews for $150 and some other trifles were found in them. The contents of the pockets were given to the brother of the deceased and Dr. Bigelow examined the body. Suspicion was directed against Andrews and he was arrested. It was believed by many that he was innocent of the charge. His previous life had been apparently innocent. He had been an overseer of a factory and an officer and counsellor and assistant of the church. He was the last person who was known to have spoken to Holmes. Soon after his arrest evidence accumulated against him. He did not appear to have heard the groans, though he alleged he was working in his garden near the spot. Blood was found on some clothing of his, which was discovered in a stream. The learned counsel then detailed other circumstances, with which the public are already familiar. It turned out that eleven months before the deceased was killed he had made a will bequeathing one-half of his property to the prisoner. About the same time that Mr. Bates discovered the body Andrews deposited this will with the solicitor. The prisoner took an active part in the making of the will. All these matters indicated an unseemly haste on the part of the prisoner to put the will in course of judicial procedure. He did not wait until the dead was buried. About half-past nine that evening he went to the room of Mr. Wormall, the teacher of the High School. Mr. Wormall discovered that he had been taking ether and advised him to go home. The next morning at the mill Mr. Sproule talked to the accused about Holmes being missing. He went home, and Mr. Bates afterwards told him that Holmes' body was found. Mr. Pierce then reviewed the leading facts of the testimony. The next morning the accused took whiskey and he believed ether too; the next day he bought flowers for the funeral of Mr. Holmes; on Friday morning he was arrested and the following morning was lodged in jail. His conversation involved some contradictions and a desire to ward off suspicion from himself. He suggested that Holmes had fallen down in a fit—that he had been robbed—and showed a disposition to establish an alibi in regard to himself. The counsel then read the legal definitions which distinguished murder from manslaughter and addressed himself to the legal points therein as they bear upon the present case. The prisoner refused to go up voluntarily to see the body, although requested to do so. The counsel then commented on the necessity of society protecting itself against the crime of murder. Its punishment was not dictated by revenge or passion or mere desire for punishment, but by the necessities of human nature for the protection of the innocent against evil-doers. He concluded by enlarging on the importance of the question to be determined by the jury, and asserted that if they were satisfied that the prisoner did not kill the deceased in self-defence, then they must find him guilty of the crime of murder.

When the District Attorney had concluded Mr. Davis, the junior counsel for the prisoner, suggested that the witnesses be separated and confined in rooms outside of the court room during the trial, and the suggestion was favorably considered by the Court and the witnesses separated accordingly. This having been done Mr. Bradford, a surveyor, exhibited a plan of the scene of the murder, which will be used for reference as the trial proceeds.

THE TESTIMONY.

Caleb Bates was then called as the first witness, and he testified substantially as follows:—Reside in Kingston; am a farmer and stock raiser; on the morning of May 27 I left my house at twenty minutes past seven; went down an avenue to the cemetery near my house in company with my man; were on a team; as we reached the cemetery my horse stopped suddenly and refused to go further, and my man stooped over and inquired, "Are you asleep?" I looked behind a clump of trees and saw the body of a man lying there; it was lying on the right side, the head on the bank and partially imbedded in the ground, and the face discolored with blood partially dried; I jumped out and at first thought the body to be that of a negro; examined it, and discovered that the body was that of my friend and neighbor, Mr. Cornelius Holmes; the body was in a crouching position, one of the legs being straightened out, while the other was bent under the body—(position described)—saw two large stones near the head, one of which was stained with blood, while on the other was a small portion of the brains of Mr. Holmes; there were many smaller stones close by upon which there was blood also; I immediately started away for assistance; met Mr. Andrews near my barn and informed him excitedly that Cornelius Holmes had been murdered on my avenue, near the cemetery; he received the information unmoved, and said, "He has been missing, I expected it;" upon going back to where I found the body I discovered a pool of blood; looked further and saw a second pool of blood, smaller in quantity than the first; there were numerous small holes in the ground close by, from which a stone had apparently been taken; these were scattered around in the immediate neighborhood of the body, and marks upon the ground plainly indicated where they had skipped along; back of the head was crushed in and the brain protruded and lay upon the bank; cannot tell how many stones were stained with blood; there may have been twenty or twenty-five or more; took up two of the stones, one of which had a greasy appearance as if it came in contact with the brains of the murdered man, while the other was stained with blood; the first weighs seven pounds and a half and I have it here (stone exhibited); saw Mr. Andrews again that day, but did not talk to him; it was at the Coroner's inquest; heard his replies to questions asked by the Coroner; heard him say that Mr. Holmes probably had a fit; that he had had one at his (Andrews') house and another at the Baptist church.

Cross-examined by Mr. Davis—There had been a pile of stones near where the body was found; a portion of them had remained there since the road was built; I had added about twenty to the pile the day before; there was a large pool of blood near the head of the corpse; there were heel marks just below the second pool of blood, about two feet from the body; observed that Mr. Holmes' vest was pulled up at the bottom a little, making the entrance to the pantaloons pocket visible; if there had been anything sticking out of the pocket I would have seen it; there is not much travel through my premises, but foot passengers use my path as an avenue to the store and depot; knew Mr. Holmes, but had held no conversation with him for fifteen years or more; didn't know why it was he didn't speak to me; he was rather whimsical; I gave him no cause for being unsocial; he liked those younger than himself and associated but very little with ladies to my knowledge; he loved children and frequently had several little boys playing about his barn while he was at work; know that he was very intimate with Andrews.

The story of Mr. Bates was supported in the main by John Ahern, one of his laborers, and David Delano and Mrs. Rebecca Holmes testified to seeing Andrews and Andrews together in the garden on the evening of the murder, and also to hearing strange noises and cries soon after from the direction of where the body was found. Miss Carrie T. Ripley and Mrs. Sophia H. Jones related how they saw Holmes the morning the murder was discovered; that he appeared faint and agitated and Mrs. Jones gave him some ammonia to keep him from swooning. He said that Holmes had made his will in his favor, and when asked to go and view the scene of the murder he declined to do so, and added that Holmes ought not to have carried so much money with him, and that he ought not to have talked so much about having money.

Miss Nancy R. Seaver testified that on the Friday after the homicide she had an interview with the prisoner; he desired her to think over what was said in the yard after the meeting when they came out, as she might be called on to testify at the examination the next Wednesday; she said she could not believe he committed the murder unless he confessed it; he said he never should do that if they strung him up; his wife said she would not believe it if he did confess it. The rest of her testimony related to stories that had been told about Holmes. He once remarked to her that it would be of no advantage to him to kill Cornelius and that God never intended him to be a murderer—that he was made in his image. In her cross-examination Miss Seaver said that on Friday Andrews spoke of the will and desired her to say nothing about it, as it might go against him at the examination. Nothing further of importance was elicited.

Dr. Henry M. Jones, physician, of Kingston, corroborated the evidence given by his wife relative to a conversation at his office with Andrews on the day after the tragedy, when Andrews asked him not to say anything about the will. He also testified to the condition of the body as one of the coroner's jury. The head was badly broken and very bloody; there were no bruises or marks of violence on the trunk; there were two rough, jagged wounds upon the head, looking as if they might have been made with some blunt instrument; on the crown of the head the scalp was much torn and the bone denuded for three or four inches; the brain was exposed, and protruded out of the wound at the top of the head; removed three small pieces of bone from half an inch to an inch and a half in diameter, and replaced them before sewing up the wound; the funeral was on the next Friday. The body was disinterred afterwards and taken to the Town House; Dr. Bigelow made a post-mortem examination and carrried away the skull; saw Andrews at the inquest, who made a statement to the effect that Holmes had been very kind to him and had made him many presents; on the same day saw Andrews at his house; asked witness if he would like to see the will; replied that he did not care to; on the Thursday after Andrews came to his office and said he felt bad and asked for something to take, and I gave him whiskey; some time before the decease of Holmes Andrews told me that he expected to be a rich man some time, as Cornelius Holmes had made his will leaving him half his property; Andrews visited my house frequently.

Cross-examined—Have administered ether to Andrews possibly two or three times for neuralgic pains in the head; had also given him morphine powders occasionally; the pain in his head might have been caused by biliousness; once or twice he vomited; have had some conversation with my wife about this trial and about her testimony; don't recollect that Andrews was urged to tell about the will, or that we crossed our fingers and promised not to tell about it; will not swear that we did not; never told Andrews I would say nothing about some silverware of Holmes that was at his house; Andrews was a man of nervo-bilious temperament; his reputation as a peaceable and kind-hearted man was good.

Francis Sproule, of Kingston, deposed that he lived near Andrews' house; on the morning of the 27th May he told Andrews at the factory that Holmes was missing and people were much alarmed; he seemed surprised, and said he had sent him a note the night before, asking him to come and see him in his garden; witness asked him if they had not better look him up? he said, "O, certainly;" they had a conversation with Mr. Thomas Newcome, to whom Andrews said it was strange what had become of Holmes; he said that he carried considerable money about him carelessly, that he had been a kind friend to him, although he did not much like the orthodox people.

Cross-examined—Was walking in my garden the night before the murder; it was foggy and dark; heard two people talking in Andrews' garden; could not hear what was said; a man was sitting there; did not hear any noise that night after he went into his house.

Dr. Henry J. Bigelow was called—Examined the wounds of the deceased; beneath the detached wounds over the ears the skull was fractured; in the great wound at the left, back and top of the head there were a dozen pieces; there was a wound on the left shoulder behind; the skull was cracked from cheek bone to cheek bone, right across the top of the skull. (He exhibited the skull in court, the pieces all wired in the places. One piece is wanting, and the District Attorney supplied it, and it fits in its place.) The wounds were all made by some blunt, hard instrument. The principal part of the wounds were made by a person standing over and above the deceased; judge this from the direction of the scalp wounds and the number and pieces of skull. A man might receive some of the lesser wounds given and yet live. The doctor cited the well known case of the man who had a tamping iron driven through his skull and walked fifteen minutes afterward. There must have been a number of distinct blows given.

The interest in the trial increases as it progresses, and there are various speculations as to the verdict of the jury. That Andrews killed Mr. Holmes is made manifest by his own confession, but from his conduct subsequent to the murder it does not appear reasonable that he did it in self-defence, as he claims to have done. His confession was made against the advice of his counsel, and it is but justice to them, although a reflection on Andrews' guilt, to say that it is generally regarded as wholly false. The views given by the District Attorney in his opening argument are the same as entertained by all the citizens here, and their wish is for a conviction and the execution of the law, notwithstanding the former reputation and standing of the deacon among them. The prisoner does not manifest any emotion in court, but watches the proceedings closely and frequently converses with his counsel.

THE ULSTER COUNTY HORROR.

Additional Measures Adopted for the Murderer's Capture—Feeling Among the Old County Residents.

KINGSTON, Dec. 2, 1868.

The excitement has not abated in this section regarding the atrocious murder of Mrs. Smith, nor will it be likely to until the capture of the assassin and his arraignment for trial. Additional measures have been adopted by District Attorney Westbrook to insure his arrest, and fortunately he has it within his power. A daguerreotype, or rather "tin-type," has come into his possession of Smith and his wife, that was taken just before their marriage, in the full flush of their courtship. There have been copies made of his face, which are very accurately done, and these will be despatched at once to every portion of the West, where it is at all probable he will attempt to secrete himself. The face of Smith, if one can form any opinion of a man's character in this manner, would lead one to think that he was mild, good-natured and inoffensive, with perhaps no remarkable Christian traits, yet possessing no fiendish or savage characteristics. That face was a living deceit.

The residents within the circuit of miles surrounding the place where Mrs. Smith was assassinated are still talking of the crime almost incessantly, and they will serve up in the most horrible manner to every inquirer the details of her death, and the bloody feast will generally end in a cool and unimpassioned declaration that it is one of the desires of their lives to see that the monster does not escape punishment.

There are some little variations in this rule, however, among the number being the members of the family of Jacob H. Westbrook, living near the scene of the murder, and to whose house the body was carried immediately after its discovery on the roadside. It is not a pretentious dwelling, by any means, but there is completeness about it unlike some country residences begun to be built half a century ago and ended (not finished) yesterday, standing here and there like a raw company of militia training. There are books, papers and home comforts within it, and through the windows there is a prospect combining extensive fields, hillsides and mountain tops, the latter drear and bleak-looking, 'tis true, but presenting a variety of scenery that even at this season is the reverse of monotonous. It is a quiet and cosey home with a quiet and cosey family; and though the picture of the frightful horror is still before their eyes the stranger is treated with a generous welcome and made to feel that he is within hospitable walls. Mr. Westbrook, more familiarly known and universally called by the inelegant "Ponicook Jake," sits in the middle of his family and tells in a serious, unvarnished manner the alarm which the tragedy has occasioned—of the shiftless, miserable, dissolute life Smith led—and, without much of the horrible, also hopes for his speedy apprehension; but he wants him to have a fair and impartial trial. He also advises, and this in a peculiar manner, that too many of the murderer's style of men are roaming carelessly about Ulster county, and as a consequence the honest people are more vigilant than ever, having eyes and ears open even through the long, weary hours of night, that they may guard their castle and property and be in readiness to protect their lives. Mr. Westbrook is not alone in this alarm, but he represents many of the older inhabitants, living as he does along the highway, who seem fearful that the records of crime in their county may again be marked with another such frightful tragedy.

Up to a late hour this evening District Attorney Westbrook had not heard anything further from the pursuers of Smith, but still he has great confidence that with their known keenness and the measures to be adopted news of his arrest will soon be received.

The Murderer Smith Seen in Clyde, Ohio—Confirmation of the Children's Safety.

WATERTOWN, N. Y., Dec. 2, 1868.

A gentleman now in town says he saw a man by the name of Smith at the Junction Hotel, in Clyde, Ohio, on the 20th of November. He had two girls and a boy with him at the time, but disappeared after being at the hotel a short time, leaving the children there. The children were questioned as to where they lived, and from the answers given it is thought that this man is the Ulster county murderer.

THE SING SING CONVICT MURDER.

Trial of Thomas Burns, Alias "Brickley," and George Whittington for the Murder of Charles M. Jefferds—Opening of the Trial at White Plains Yesterday.

The trial of Thomas Burns, alias "Brickley," and George Whittington, who stand charged with the murder of Charles M. Jefferds, a convict in Sing Sing Prison, condemned to death for the murder of his stepfather, Walton, and John W. Mathews, about ten years ago, but afterwards respited by the Governor, commenced yesterday in the Court of Oyer and Terminer at White Plains before Judge Gilbert and Judge Cochran, two Justices of the County Court. The peculiar circumstances of the case and the exceeding barbarity of the murder, together with the fact that Jefferds was one of the vilest characters that ever disturbed the peace of the community, lent great interest to the trial. The court was crowded by people from the surrounding country, and considerable excitement prevailed in the town and neighborhood. The impression prevailed that the prisoner, Burns, was guilty, and it was therefore difficult to find a jury without bias against the accused.

The history of the case is briefly as follows:—On the 14th of last May Charles M. Jefferds, a convict in Sing Sing Penitentiary, was found at a quarter to twelve o'clock in the day, while all the prisoners were at dinner, lying in an upper story of a barn situated within the prison walls. He was sitting on a bale of hay, with a novel ("Guy Mannering") in his hand. It was found that he had received three blows on the head from behind, evidently with some sharp instrument, either of which would have caused death. He was discovered by a man named Rhodes, also a convict, who on entering the barn saw blood trickling down through the rafters of the barn to the floor. He also heard groans and a movement overhead, which induced him to go up stairs and caused the discovery of the body of the murdered man. Being greatly excited he did not stop to examine the body to see who it was, but ran immediately to Mr. Forrest, the Warden, and notified him of what he saw. Measures were at once taken to ascertain the extent of the injuries Jefferds had sustained, and it was found, as above stated, that they were of a fatal character. He remained unconscious for two hours after being discovered in the barn and then expired. For some some time after the tragedy there was no evidence brought forward tending to implicate any one; but a rumor soon spread that Thomas Burns, the prisoner, and Whittington, another prisoner, who is also indicted as an accessory, were probably the persons who perpetrated the bloody deed. This rumor arose at that time from remarks that were made that Burns had had a difficulty with Jefferds and threatened his life. It was further remarked that he had been seen in the barn on the previous day in a similar position to that the perpetrator of the deed must have assumed at the time of the murder. On the Coroner's inquest a convict testified to having seen Burns go into the barn shortly before the occurrence and seeing him standing in the immediate proximity of where Jefferds was found, with an uplifted axe, cutting, as the witness supposed, a bale of hay. Another witness testified to having overheard a conversation between Burns and Whittington, in which the latter said, "Why did you hit him so hard?" and Burns replied, "I intended to kill the son of a ——." It was also given in testimony at the inquest that Burns was seen crouching behind Jefferds on the day prior to the murder, in the hay loft, and about the same place where the murder was committed. The above is a summary of the facts in the case as far as they were developed at the Coroner's inquest. How far the testimony of the witnesses which is given below establishes these facts will be seen by a perusal of the report.

The principal prisoner, Thomas Burns, was, on motion of his counsel, brought in first and arraigned for trial. He is a young man, about eighteen years of age, fair complexion, gray eyes, small and restless, square jaws, without beard. He is over five feet eight inches in height, strongly built and very broad in the shoulders. The worst feature in his face is his mouth, which is large, with a very hard and cruel expression.

District Attorney Bates prosecuted, and Messrs. John D. Townsend and George Gallagher appeared on behalf of the prisoners. Owing to the reason already mentioned there was considerable difficulty in obtaining a jury of citizens who were without bias in the matter. Quite a number of gentlemen were told to stand aside because they had imbibed a strong feeling of dislike to the prisoner at the bar from his personal appearance. The following are the jury empanelled to try the case:—Morris C. Smith, Louis Rye, Edward Kirk, Wm. Hart Purdy, Christopher Rost, Isaac C. Sheldon, Alsop Green, Nathaniel Collard, Denis Daly, Oran Reynolds, Chas. C. Wilkare and F. Avery.

The District Attorney on opening the case on the part of the prosecution made the following remarks:—This prisoner is charged with the murder of Charles M. Jefferds, a convict in the State Prison at Sing Sing. The prisoner himself is also a convict now. They were both convicts at the time of the murder. Nearly all the witnesses who will be called are convicts, who by a special act of the Legislature are allowed to testify in such cases. On the 14th day of May last Jefferds was in a barn on the ground of the Prison, having charge of the stable. About noon, when the convicts were being called to dinner, a convict who had been sent to the barn found the body of a man whom he supposed had committed suicide or been wounded by some other person, and immediately communicated the fact to Mr. Forrest, the Warden of the Prison, who at once went to the barn and found the body of Chas. M. Jefferds reclining on some bundles of hay, with his head split open and he in a dying condition, although not dead, for he lived until about three o'clock in the afternoon. The bundles of hay, three in number, were so arranged as to sit on one of them and allow of his back to recline against another. The position in which he was found and the finding of a book by his side indicated that he had been reading. There were several severe cuts upon his head, showing that the wound had been inflicted with some sharp weapon. Upon examination of the premises this axe (one exhibited in court), was found in the barn, at the foot of the stairs leading to the hay loft where Jefferds was. It was placed between the siding and the casing of the building and where it did not belong. We expect to show you that the axe was one used for chopping wood in the adjoining building, and that it had been prepared for the deed, as if it had been newly ground very sharp for the purpose of committing this offence. Jefferds was killed by some person, as is shown by the nature of the wounds upon him, and for various reasons it is believed that this person committed the act. We will show you that this man named Burns or Brickley was seen in the barn at that time of the day for a short time and then came out. The man Whittington, indicted with this prisoner, was also in the barn; at least he was met going from the barn towards the well about the time or just before this convict entered the barn. We shall show a motive for the murder. Burns or Brickley was hostile to this man Jefferds. A few days before the murder he had a quarrel with him. He raised an axe at Jefferds. Jefferds also raised an axe, and said, "If that's it come on." Burns then said, "I will be square with you before this day week." We will show you that on another occasion Jefferds passed by a point where Burns was and the latter remarked to another convict, "There goes a mean son of a ——. I will be the death of him before long." On another occasion, while this man and his associate, Whittington, were together, a conversation between them was overheard a day after the murder of Jefferds. A convict hearing them talking of Jefferds drew near them so that he could hear and see them without being seen himself. Whittington said, "Brick, what made you strike so hard?" when he (Burns) replied, "Why, I went in to kill the son of a ——."

David F. Forrest, warden of Sing Sing Prison, was called and sworn—He testified that on the 14th of May he was notified that there was a man, wounded or dead, lying in the hay loft, and that he immediately went there; Jefferds was half lying against a bale of hay, his head reclining to the right, his cap on the ground and a book in his left hand. (A copy of "Guy Mannering" and a cap was here produced and shown to the witness, who recognized them.) Found some hair (produced) on the book and some on the ground; he was bleeding profusely and was unconscious; there were three wounds in the head; witness then described the situation of the barn very minutely; the stable was underneath the barn, on one side of which was a stairs leading up; don't know what business Jefferds had in the barn; he would have been there very likely by the orders of Mr. Lighthall; the barn has two doors, one on the gable end of the building and the other on the side of the yard; there are two windows, one in the upper and one in the lower story; I knew the prisoner as a convict; he was called Burns in the prison and Brick and Brickley out of it.

Examined by Mr. Townsend—The entrance is in the jobbing shop yard; the other door is in what is called the road; there is no window in the back part of the barn except that over the door and in the gable end; the woodshed is adjoining the barn and near the road; men work in the quarry yard near by; men pass through the jobbing shop going to dinner. Witness was examined by counsel at great length as to the precise situation of the barn loft, and a map of the prison was shown to the jury and to the witness. Examination continued—I found Jefferds three or four feet from the window; there were some bales of hay thrown in loosely; the place was not clear near the stairway; the bales were about two feet high; a person could see him from the stairway; the hay did not obstruct it; the book was open in his hands when I went up as if he had been reading; his cap lay, I think, in his lap; the hair was on the hay and some on his lap and on the book.

James H. Lighthall, keeper of the prison, was the next witness for the prosecution. Previous to the examination of this witness counsel for the prisoner stated that the Coroner wanted to go, and that if the District Attorney would consent he would be satisfied to let him go. Counsel desired to have the minutes of the Coroner's inquest produced, but it appeared that they were not to be found, the District Attorney stating that he never saw them and would not permit a copy of the proceedings of the inquest to be put in evidence. The Court sustained the prosecuting officer and the Coroner was ordered to remain.

Mr. Lighthall testified that he was an officer of the Sing Sing Prison and was on duty in the jobbing shop in the prison on the 14th of May last; he had Brickley, alias Burns, in his charge on that day; he was under the Woodshed, Whittington with him; the woodshed adjoins the barn on the east end; they were sawing out boards for kindling wood; Jefferds was in the barn that day, cleaning the barn; he was there before that; the man in charge of the barn was George Rhodes; I gave Jefferds permission on the Monday previous to assist Rhodes; on that day he had not permission to go to the mess; I saw Jefferds in the barn about eight o'clock, cleaning up the lower part of the barn; he was sitting on a bale of hay opposite the window in front of the yard, reading a book.

Counsel for the prisoner here handed in written evidence, formerly given by witness which was read to the jury. It was descriptive of the situation of the windows and doors of the barn. The window swings round like a door; in the morning when I saw him going there it was open; he was three or four feet from the window on a bale of hay reading; this was about ten o'clock; he was not in the habit of going there to read; I never saw him there before; I saw Burns with the gang that day; I counted them, as I generally do, and found all correct; Freeman, Moore and Jefferds did not go to dinner that day; Moore was working at the agent's, at least so I heard; Freeman was in the soap boiling department; there is some distance between it and the barn; I went to dinner and knew nothing of the occurrance until I saw Jefferds—I did not know it was him then—borne past to the chapel.

Examined by Mr. Townsend—I remember having made an examination of the premises in the summer time with you. (A description of the locality of the barn, taken at the time and signed by him, was then read by witness.) There is a stairway running up to the window, which left two feet standing room at the top; there was a tree forty-three feet from the guard house; it is customary for the guards to stand on the piazza in fair weather; there are twenty-four lights in the barn window over the door; the door is directly under the window and is made of board; the soap house is 105 feet from the door; there were two men working in the soap house on that day; in the yard back and forth there were several men coming and going throughout the day; they came there for wood from all parts of the prison for kindling wood; Jefferds was at work at eight and ten o'clock, when I visited him; I don't know if he was reading in the barn the day previous; it was ten minutes before twelve that day when the dinner bell was rung; it was on the first Friday in May that Jefferds was brought to White Plains; Reddy Stevenson was in my gang at the time he made his escape on the 9th day of June; Reddy was a sandy complexioned, freckled man, five feet eight inches high, and had lost an eye; I had to answer for William Moore on that day; Reddy was not in the gang at dinner time; he worked in the stable, south of the jobbing shop, and generally came to the second mess; I saw him in the yard several times in the morning; he came out of the barn at ten o'clock; when the bell rings the convicts wash up in the jobbing shop and then come into the gang; couldn't say if Burns washed that day; I saw him about the same time that the rest fell in for dinner; nothing in his appearance or manner at this time attracted my attention; Burns and Whittington went to the soap shop after dinner; the convicts are all closely shaved, have the same caps and are dressed alike; they are not allowed to wear exceedingly long hair, but there is no rule as to the length; Burns was usually attentive to his duty; I had confidence in him, that is, as much as I had in any convict.

To the Court—His duty was in the woodshed that day; Reddy was not in the stable when the man was found dead, but in the red stable; I did not see Brickley and Whittington together that day; in the line of view between the guard house window and the window over the barn door there was a tree; you could see the window, but not distinctly; never examined to see if I could observe a person on the hay through the leaves of the trees; Rhodes had this axe here produced in the barn; it belonged to it.

Cross-examined—If there were no leaves on the tree I could see very distinctly if any one was in the window; I don't know if John Devine, the barber, was in the woodyard that day; I could see any one going in the window from the guard house window notwithstanding the tree, but could not tell a convict from any one else; the tree has since been taken down, a quarry having been commenced where it stood.

John R. Rhodes, a convict, testified that he was over two years for this time in Sing Sing; he knew Brickley (Burns) and Jefferds, but could not recollect the name of Whittington; he had charge of the cows in the barn on the day Jefferds was killed; I saw Jefferds there at twelve o'clock; he was away from the barn part of the day; when he came back he went to the barn and saw blood at the door; was growling myself, thinking that somebody was bleeding the horses; heard groaning and went up to the loft and found Jefferds (witness here gave an exceedingly graphic and animated account of the condition and surroundings of Jefferds; but counsel for the prisoner interposed to prevent him from telling what other convicts saw and heard); witness was very deaf, and there was some difficulty in taking his evidence; when he went up to the loft he met the dog Topsy belonging to the prison; I did not see any quarrel between Dick (Brickley) and Jefferds; the hatchet which was found lay next the south door; I went straight to look at the axe after seeing Jefferds brought to the hospital (about five minutes), and it was in the same place; the axe was quite dry; the appearance of the ground did not show that there was a struggle in the killing of Jefferds; there was no other axe in the barn; I don't know if Jefferds and Burns were together that morning; I remember a man named Eddy; he ran away; he used to come to the barn very often; things used to be stolen out of the barn.

Cross-examined by the District Attorney—I left the axe where it was until I came back from the hospital, when, thinking that as the cap found on the floor had a cut in it, the man was killed by my axe, I went to see it at once; I was only five or six minutes away.

Alexander Wilson, a convict, being sworn, testified as follows—Was a cook in the guard house on the 14th of May; I knew Brickley, called Burns; I recognize him; I saw Jefferds on the 14th of May about half-past eleven o'clock in the window of the hay loft; he was lying on a bale of hay, reading a book; I was in the upper guard house window; I saw Whittington and Brickley about twenty minutes before twelve o'clock; Brickley was at the barn door, partly inside; came out again and went to the dead house; he was at work in the wood house that day; I saw Whittington go to the barn before Burns and did not see him come out; I noticed Whittington and Burns going to the barn because of rumors; there was a difficulty between them; Burns told Jefferds that if he did not let his kettle alone he would fix him; I was at work at the gardens most of the time; the tree at the barn was a small peach tree, small and crooked; it did not obstruct the view from the guard house; I was sitting on the window sill of the guard house; I did not see Moore while I was looking; when I saw Burns go to the door of the barn I had a view of him all the time, and as for Whittington I could not tell whether he came out or not; it was fifteen minutes before the yard bell rung that I saw Burns at the barn door; I heard Moore say that Jefferds' mother had offered $1,000 and a pardon to the person who would testify so as to convict the man who killed her son.

Mr. Townsend, counsel for the prisoner, here put in an objection to the convict William Moore, who was called by the prosecution on the ground that he was a convict convicted of grand larceny. He based his objection on article 5, section 4, of the constitution of New York and of the constitution of the United States. Counsel read the several sections bearing on the case, but the Court overruled the objection on the ground that the Legislature had altered the law of evidence and that the evidence offered by counsel had no relevancy to the case. Mr. Townsend then put in as objection that the witness Moore had no religious belief, and cited cases in support of his position. This man had disavowed the existence of God and was therefore ineligible as a witness. The Court overruled the objection on the ground that the constitution of the United States forbids the rejection of witnesses on account of religious opinions or belief.

William Moore was then put on the stand and sworn—I knew Jefferds and Brickley; I saw Jefferds in the hay loft on the 14th of May; I was standing at the guard house; between half-past ten and eleven o'clock I saw Brickley and Whittington standing in the barn door, Whittington at the corner of the woodshed; Brickley had something on his arm like a coat, as if he wished to conceal it; Wilson, the colored convict, drew my attention to it; he said, "Now you'll see some fun, those fellows are going into the barn;" I told Wilson "That's nothing;" I went earlier to my dinner that day than usual; after I crossed the railroad arch going toward the mess house I saw some lady visitors standing on the hillock and I saw somebody in the hay loft; as I cast my eyes toward the hay loft I saw some person making a blow as if with an axe; I walked into the yard and stopped on the stone step, came back again and went to the stable by Mr. Benson's orders; I saw Brickley come to the window of the barn and shut it; I went over to the stable and saw Brickley walking quickly past the gate toward the well; the gang had fallen in for dinner and Brickley was the last man to join the company; I saw a glittering weapon in the hands of the man at the window; he made a stroke; a week before this I was in the job shop and Jefferds and Brickley were quarrelling; Brickley said, "If you don't go away it will be worse for you;" they threatened one another with axes, and Brickley said to Jefferds, "Damn you, I'll be square with you before a week;" the man I saw in the hay loft making the blow with a short handled weapon was Brickley; he shut the window a moment after; I went to tell the hostler and after coming back I saw Brickley going to the well.

Witness on being cross-examined by counsel for the prisoner could not swear whether the weapon he saw in the hands of Brickley at the window was an axe or a club. Counsel compared the evidence of the witness in direct examination with that given at the moment, and pointed out several contradictions. Witness stated that he told Packer, one of the convicts, that he could put his hand on the man who committed the murder. This was a week after the occurrence. He did hear convicts say that Mrs. Jefferds had offered a sum of money to any one testifying against the accused.

Dr. William P. Woodcock, Jr., was then called. He testified that he was called in May last to make a post-mortem examination on Charles Jefferds, in Sing Sing Prison, and gave a detailed description of the wounds on the body of the murdered man. There were five wounds on the head, a deep cut over the eyebrow, two inches long, being the principal. The cap, which was produced in court in the early part of the proceedings, was shown by the witness in explanation of the nature of the wounds. The wounds were fatal to life, and all could have been inflicted with the axe, which was also produced. The hair found could have been severed from the head of the victim with the same weapon. There were unmistakable evidences of blood upon the axe when it was shown to the witness after the murder. At the request of the Coroner he had examined it with a microscope.

Cross-examined by Mr. Townsend—There was a dispute between the witness and Dr. Payne at the witness' as to the nature of the weapon with which the blows were inflicted; it was only a question, however, as to whether the edge of the weapon was used; by a powerful microscope it is easy to distinguish between human blood and that of cattle; the microscope was a very powerful one. Counsel asked if it was not difficult to distinguish between the blood of chickens and human blood, and was answered in the affirmative; but witness stated that there would be no difficulty when a powerful instrument was used in examining it; witness had made a number of microscopic tests of human and animal blood; witness did not say that the spot on the blade of the axe was human blood; he was a practising physician for nineteen years.

The court then adjourned until this morning at nine o'clock.

THE VOTE OF THE ELECTORAL COLLEGES.

New York.

ALBANY, Dec. 2, 1868.

The Electoral College met this morning and cast thirty-three votes for Horatio Seymour for President and Francis P. Blair, Jr., for Vice President. Messengers were appointed to take the votes to Washington and to the Judge of the Northern district of New York. Governor Seymour being in the city after the College adjourned the members marched in a body and made an informal visit to him at his rooms.

Maine.

AUGUSTA, Dec. 2, 1868.

The Electoral College assembled this morning at the State House and cast the seven votes of the State for Grant and Colfax. General George L. Beal, of Norway, a member of the College, was elected messenger to bear the vote to Washington.

New Hampshire.

CONCORD, Dec. 2, 1868.

The electoral vote of New Hampshire was to-day given to Grant and Colfax. Charles Gillis, of Hillsboro, was chosen messenger.

Vermont.

MONTPELIER, Dec. 2, 1868.

The Vermont Electoral College to-day voted for Grant and Colfax and chose General Grandey, of Vergennes, messenger.

Massachusetts.

BOSTON, Dec. 2, 1868.

The Electoral College of Massachusetts reassembled to-day and cast the vote of the State for Grant and Colfax. John G. B. Adams, of Lynn, was chosen messenger to Washington.

Rhode Island.

PROVIDENCE, Dec. 2, 1868.

The Rhode Island Presidential electors met at Bristol this afternoon. George H. Norman was chosen President and James T. Edward secretary of the Electoral College. The four votes of Rhode Island were cast for Grant and Colfax. Edward G. Barrows was elected messenger.

Connecticut.

HARTFORD, Dec. 2, 1868.

The Electoral College of this State met in the Governor's room in the State House at noon and organized by electing ex-Governor Hawley chairman and J. P. Marsh clerk. They cast the six votes of the State for Grant and Colfax, and appointed Colonel Joseph Selden, of Norwich, messenger to take the vote to Washington.

New Jersey.

TRENTON, Dec. 2, 1868.

The New Jersey Electoral College met at the State House in this city to-day and appointed Peter D. Vroom President. The seven electoral votes of the State were cast for Horatio Seymour for President and Francis P. Blair, Jr., for Vice President. The usual certificates were signed, and Joseph F. Randolph, Jr., was appointed messenger to carry the returns to Washington.

Pennsylvania.

HARRISBURG, Dec. 2, 1868