DAILY DISPATCH.

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THE DAILY DISPATCH.

BY J. A. COWARDIN.

The DAILY DISPATCH is served to subscribers at SIX AND A QUARTER CENTS PER WEEK, payable to the Carrier weekly. Price for mailing, $4 a year in advance.

The WEEKLY DISPATCH is issued every Friday and mailed to subscribers at $1 per annum.

SPECIAL NOTICES.

LYON'S KATHAIRON.—For preserving, restoring, and beautifying the Hair, is the most delightlightful and wonderful article the world ever produced. Its astonishing success is without a precedent in the history of the Materia Medica. Dark and luxuriant curls, soft and glossy hair, with scores of admirers, (mark this ladies,) is the universal effect of the Kathairon. Bald and Grey Heads were perfectly astonished. "The Kathairon has fully restored my hair after a baldness of 12 years. A. J. Courtright, 78 Bond street, N. Y." The Kathairon is a certain cure for Nervous Headache, and all Cutaneous Diseases. Sold by all dealers, everywhere. Try it. Price only 25 cents, in large bottles.

D. S. BARNES, Proprietor,
ap 21—1m 161 Broadway, N. Y.

WORMS! WORMS! WORMS! WORMS.—A great many learned treatises have been written, explaining the origin of, and classifying the worms generated in the human system. Scarcely any topic of medical science has elicited more acute observation and profound research; and yet physicians are very much divided in opinion on the subject. It must be admitted, however, that, after all, a mode of expelling them and purifying the body from their presence is of more value than the wisest disquisitions as to their origin.

Such an expelling agent has at last been found.—Dr. M'LANE'S VERMIFUGE proves to be the much sought after specific—its efficacy being universally acknowledged by the entire medical faculty:—As further proof, read the following from a lady one of our own citizens:

NEW YORK, October 15, 1852.

This is to certify that I was troubled with worms for more than a year. I was advised to use M'Lane's Celebrated VERMIFUGE. I took one bottle, which brought away about fifty worms; I commenced improving at once, and am now perfectly well. The public can learn my name, and farther particulars, by applying to Mrs. Hardie, No. 3 Manhattan place, or to E. L. Theall, Druggist, corner of Rutger and Monroe sts.

P. S. The above valuable remedy, also Dr. M'LANE'S CELEBRATED LIVER PILLS, can now be had at all respectable Drug Stores in the United States and Canada.

☞ Purchasers will be careful to ask for and take none but DR. M'LANE'S VERMIFUGE and LIVER PILLS, all others, in comparison, are worthless.

For sale by
PURCELL, LADD & CO., Drugists,
ap 24—d&c1w Richmond, Va.

JOY FOR THE INVALID.—We cut the following from the "Philadelphia Saturday Gazette," and recommend our readers to peruse it carefully, and those suffering should not delay purchasing:

"DR. HOOFLAND'S GERMAN BITTERS.—This celebrated medicine, prepared by Dr. C. M. JACKSON, at the imposing German Medicine Store, No. 120 Arch street, is exciting unprecedented public attention, and the proprietor, who is a scientific physician, is selling immense quantities of it. The virtues of this remedy are so fully set forth in the extended notice of it, to be seen in our advertising columns, that there is hardly any room left for us to speak of it. This much we may add—Of the long train of physical ills to which humanity is heir, there is none more distressing than the general derangement of the digestive apparatus, which never fails to accompany a disordered state of the liver. Headache, piles, languor, fretfulness, a bilious tongue, a morbid breath, loss of appetite—in short, an indescribable wretchedness of existence, are its insufferable and life-wasting attendants. These diseases, which have baffled the skill of the ablest Doctors, have been radically cured by Hoofland's German Bitters." ap 20—d&c2w

DR. EDWARD C. DREW, offers his professional services to the public. May be found at all hours at the Richmond Hospital, Broad street, Church Hill. ap 22—d1m*

TO THE VOTERS OF DISTRICT NO. 1, IN THE COUNTY OF CHESTERFIELD.—I hereby announce myself as a candidate for the office of CONSTABLE in said district. As I am well known to you, I need not state my qualifications for the duties of the office, further than to say, that for about nine years I was the Deputy Sheriff, acting in this District, and of necessity, must be acquainted with the regular course of business.

Having heard that it was reported that I had withdrawn from the canvass, I have to say, that the report is without foundation, and I hope to see my friends at the polls early on the 4th Thursday in May.

Respectfully,
ap 12—1awt25M* WM. L. CHEATHAM.

BRAND CUTTING.—Brands of all sizes and designs for marking Flour, Tobacco Boxes, Bags, Machinery, Linen, &c., made to order.

M. G. WHITMAN,*
At Langley's Tin and Gas Fitting Establishment, 13th street, between Main and Cary.
mh 9—d3m

CITY GAUGER'S OFFICE, } No. 40 Cary street, opposite Gas Works. }

As will be seen from the above, I have taken an OFFICE opposite the Gas Works. Any orders left at my office will be promptly attended to either by myself or Mr. Fox.
ap 24 1m* SAMPSON JONES.

TO THE PUBLIC.—The number of irremediable evils caused by the use of "Hair Tonics," paraded before the public in the newspapers, suggests to the manufacturer of the celebrated "FLETCHER'S HAIR TONIC" the propriety of cautioning the public against all articles of the sort, unless properly tested. His own practical experience with the hair, satisfies him of the great utility of the "FLETCHER HAIR TONIC," and the very great danger of using any other without being fully aware of its chemical properties. It is melancholy indeed to see the most beautiful of nature's ornaments dried, shrivelled, and wasted away by the improper use of articles called Hair Tonic.

The genuine FLETCHER'S HAIR TONIC is sold by Bennett & Beers, A. Duval, John H. Blair, Thomas & Taylor, Broad st., and under the American Hotel, wholesale and retail, by the manufacturer.

JOHN JOHNSON.
No charges for a trial. ap 5

DR. BRAINERD can be consulted at the Exchange Hotel, Richmond, until 1st May. He is awaiting the report of the Committee on Correspondence in this city.

DR. BRAINERD has restored persons to perfect sight, in cases of partial and total blindness, of from 11 weeks to 53 years standing, by from 10 seconds to 5 minutes' application, by a scientific method, of his own discovery, without cutting, pain or wash.

Dr. B. has also cured cases of inflammation of various and aggravated grades; pain from, and intolerance of light; far-sightedness, or loss of sight from age, and near-sightedness—all of which have remained permanent to the present moment.

Advice or treatment given to the poor gratis.
ap 4—dt1stMay

FREDERICKSBURG CORPORATION NOTES wanted by C. B. LUCK, at a discount of 25 cents on the dollar.
mh 27—ts C. B. LUCK.

"DISCRETION IS THE BETTER PART OF VALOR."—Therefore be discreet and don't be humbugged and deceived by moonshine advertisements. Be wise and call on Mr. F. E. MOULSON and have your pictures taken, as he insures and warrants entire satisfaction or no sale to all who may give him their kind patronage.

I have on hand, at present, a very handsome assortment of Fancy Cases, Medalions, Breast-Pins and Finger-Rings, all of the finest quality, which cannot help pleasing the tastes of all my tasty friends and customers.

Pictures from $1 to $75.

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fe 18 Hall of Science, 110 Main st

GENERAL AGENCY, FOR THE SALE AND PURCHASE OF LANDS.—FRANK G. RUFFIN, *Secretary of the Virginia State Agricultural Society*, and N. AUGUST offer their services to the public as GENERAL AGENTS for the sale and purchase of LANDS in *Virginia* and the *Southern* and *Western States*.

Office—at the office of the *Virginia State Agricultarat Society, No. 115 Main street.*

N. AUGUST, NOTARY PUBLIC AND ACCOUNTANT.
Office—as above. fe 8—ts

T. J. CARSON & CO., NOS. 41 AND 43 LIGHT STREET, BALTIMORE, AND NO. 36 WATER STREET, NEW YORK.—A good assortment of Bacon, Pork and Lard always on hand, and for sale at lowest market prices. je 18—1y

ABEL U. MAYO, ATTORNEY AT LAW AND NOTARY PUBLIC.—Office on Franklin street, under the Metropolitan Hall, Richmond, Va. no 1

AMERICAN HOTEL,
RICHMOND, VIRGINIA,
J. MILDEBERGER SMITH, PROPRIETOR,
se 15—1y *Formerly at Jones's Hotel, Philadelphia*

SIGHT DRAFTS ON NEW ORLEANS—In sums to suit purchasers, for sale at all times by J. B. MACMURDO, at Exchange Bank.
dec 26—d6m

HOSIERY.—We call the attention of Retailers to our stock of HOSIERY, consisting of—

Ladies White, Black, Slate Moravim and Mixed Hose, of every quality.
Misses' and Children's do. do.
Men's Brown, Mixed and Fancy Half-Hose.
Children's Fancy Hose and Half-Hose.
Men's White Cotton Half-Hose, with Merino feet.
We have also a large assortment Girl's and Ladies' Silk, Thread and Cotton Gloves.
All of which we offer low.

GINTER & ALVEY,
Importers of Hosiery, &c., No. 16 Pearl street.
ap27

GOOD BLACK TEAS.—Persons in want of black TEAS, would do well to examine our stock, which, for variety, superiority of flavor, and economy in cost, cannot be rivalled in the city
ap 27 HULST & KING.

THE DAILY DISPATCH.

☞ The circulation of the DAILY DISPATCH exceeds considerably that of all the Daily papers of Richmond combined

RICHMOND, VA:

FRIDAY MORNING APRIL 28, 1854.

LARGE FIRE IN NEW YORK.

DREADFUL LOSS OF LIFE AND PROPERTY.

The burning of Jennings' Clothing establishment 231 Broadway, New York, was briefly announced in our paper yesterday; and but for the derangement of the telegraph wires by the storm, we should have been able to give the attending circumstances of the conflagration, involving a loss of life and limb more disastrous than any we have had to record for a long period.

In their endeavors to prevent the flames from spreading to the buildings adjoining, a number of firemen entered the cellar of building No. 231, and while there, a partition-wall gave way, carrying with it a portion of the first-story flooring, on which was a heavy safe, and burying with it several men beneath the ruins. A wild cry of horror arose from those outside, as they saw the dreadful fate of their comrades, and instantly every effort was made to rescue them from the ruins. By 10 o'clock, some ten or twelve persons were taken from the cellar, few of whom were dead, and several so badly injured as to be removed to the hospital. Some of the firemen were hurt while endeavoring to rescue their comrades from an awful fate.

The following is a list of the injured persons, compiled from the N. Y. Herald of Wednesday:

Matthew Killigan, Engine Co. No. 21—slightly burned.

Hugh Hart, Engine 21—slight contusions.

Edward Gallespie, Engine 21—badly burned; several of his ribs broken.

Patrick Pheney, Engine 21—very seriously injured; was not expected to live till morning.

Patrick Waters, Engine 21—thigh broken.

Wm. Norand, Engine 21—very seriously burned; recovery doubtful.

John Newman, Engine 21—slightly burned.

Daniel McKay, Engine 21—severely injured; not expected to live.

Charles Kratz, Hook and Ladder No. 11—serious hurt, but not fatally.

Robert Brewster, Engine No. 6—slightly hurt.

Patrick Gorman, Engine No. 15—slightly burned about the face.

Hugh Gallagher, Hose Co. No. 25—the safe fell upon his arm, breaking it in one or two places.—His situation for a while was most perilous. The safe lay above him, and was so delicately poised, that it was feared it would fall over and crush Gallagher as he lay fastened by his arm. A purchase, after much difficulty, was rigged, the safe raised, and the man safely released.

J. A. Keyser, of Hose Co. No. 8—dead when taken from the ruins.

Charles Daily, Engine No. 20—slightly injured about the face and hands.

James McNulty, of Engine No. 20—was still alive when taken from the ruins, but died in a few minutes at the engine house, where he was taken by his friends.

John Atkinson, of Hose Co. No. 49—one leg broken his life was saved by his fire cap. A large beam fell directly across his head, but his stiff cap resisted the pressure, and when released he was carried to his home.

—— Donnelly, Engine No. 42—in the ruins at 1 o'clock last night, but alive, and conversed with those about him. He said he was not much hurt.

Peter Curran, Engine No. 40—not badly hurt.—Was taken home.

Timothy Shanley, Engine No. 15—slightly hurt.—Was taken home.

The N. Y. Times has the following additional names of persons very badly injured: Jas. Clark, Charles Parks, John Lewis, —— Fleming, Michael Hunt, —— Ryan, (dead,) William McNeary, James Fox, Timothy Shandley. Several others were slightly hurt. A man was taken from the ruins, dead, but was not recognised. The Times says:

Just as we are going to press, at 2 1-2 A. M., a strong body of firemen are busily at work in removing the ruins. A son of Coroner O'Donnell, aged 21 and attached to No. 42 Engine, has been spoken to in the ruins. He is buried under the rubbish at a depth of 15 feet. He says that SIX MEN are lying near him *dead!* He is as comfortable as the circumstances would admit, but there is fire near him, and the rescuing party are obliged to turn a stream of water towards him from time to time.

LOSS OF PROPERTY.—The loss of property was very great, since the fire consumed not only the building No. 231, but damaged several adjoining.—A summary of losses, together with such other particulars as may be obtained, we shall give under the head of latest news.

SHOCKING AFFAIR ON BOARD THE STEAMER YANKEE BLADE.

One of the most remarkable instances of jealousy, murder and attempted suicide that we ever read of occurred on board the steamer Yankee Blade, on her recent trip from New York to Panama. Edward H. Avery, a young man of respectable parentage, a native of Springfield, Massachusetts, became acquainted with Susanna Russell, a young and good looking female, in a house of ill-fame at Worcester. Becoming much attached to her, he proposed taking her to California, and for that purpose they proceeded to New York, where they lived together as man and wife until he engaged passage for her on board the Yankee Blade, he agreeing to work his own passage. He represented her as his sister: and the captain, in order to protect her from insult in the steerage, gave her a berth in a state-room with another woman in the 2nd cabin. Here, removed from her lover, Miss Russell took advantage of her position, and began to flirt with some of the young men on board; which, when the knowledge thereof reached the ears of Avery, rendered him exceedingly jealous, and his mind became so excited that he was led to the commission of a most horrible deed, which is thus described by a correspondent of the Panama Star:

On the 13th February, at about 8 o'clock in the evening, the passengers were alarmed by shrieks from a female voice, which proved to be Susanna Russell, who ran about the after deck crying, "my brother has killed me," and falling upon the deck in five minutes she was a corpse. She had been but a few minutes previous to that, sitting in the cabin engaged in a lively conversation with one of the passengers, when Avery called her on deck. On approaching her, he drew from a belt at his side a large ten inch bowie knife, with which he stabbed her in the right breast, severing the ephemeral artery, the knife passing through her back. Immediately after committing this dreadful deed, he snapped a pistol twice at his breast, but finding it would not go off, he drew a razor from his pocket, with which he cut a deep and severe gash in his throat, then rushing forward to where she had fallen, and where the passengers and others began to collect, he cried, "stand back gentlemen, I did it;" and then falling beside the dead body, he bent over it and kissed the marble cheeks, saying:—"I loved that girl; but you, cabin passengers, did this." This was the most heart-rendering scene the writer ever witnessed. There laid the poor mangled body of the unfortunate girl; over her bent her equally unfortunate though guilty lover, uttering the most lamentable expressions of his fervent attachment to her, while the blood came streaming from his throat. Every one expected to see him momentarily expire; he did not die, however, as the surgeon succeeded in sewing up his wound, and he is now nearly recovered. He had a preliminary examination before the American Consul at Rio Janeiro, who ordered him on to San Francisco for trial.—Since the sad occurrence he has become quite penitent, and awaits his trial with considerable fortitude. The poor fellow has a mother living in Norwich county, upon whom this blow will fall very heavily, when she learns the particulars of the sad affair.

A CONVERT FROM ROMANISM.—The Religious Herald informs us that the Rev. Dr. P. W. Mosblech, a Roman Catholic priest, who has held important positions in the papal church, has recently joined the church at Bethany, Va., under the pastoral care of Elder Alexander Campbell.

TRIAL FOR MURDER.

The Commonwealth vs. Charles B. Christian, for the Murder of Thomas Blackburn.

In the Circuit Superior Court of Rockbridge County.

JUDGE LUCAS P. THOMPSON, Presiding.

[CONCLUDED.]

NINTH DAY.

SATURDAY, April 22d.

Robert L. Doyle, at 9 1-2 o'clock this morning, continued the argument on behalf of the prisoner. He appealed in a most feeling manner to the Jury, warning them to exclude from their minds all preconceived notions of the guilt of the prisoner, and to confine their consideration to the legal evidence in the case, and to remember that he was but a youth, and a stranger here, without friends. That rumors had gone abroad condemning the prisoner before the facts of the case had been heard and before he had had a trial. And here revenge had purchased with base lucre the services of an advocate to pursue the prisoner to his death. Gold had been given to purchase the blood of the prisoner, and the funds of the friends of the deceased, and the V. M. I. had been appropriated here to purchase this young man's blood. Mr. M. showed from his declarations that he should not have been here, and if he had known the motives of those who employed him, he never would have been here. There had been no attempt made to impeach the charcter of B., and he had been imposed upon under this pretext, to come into this case. Those who employed him were actuated by no other motive than a fell spirit of revenge. Mr. M. had, like a politician, several times explained his position here. He, although faithful and able, always looked on his own side of a cause, and pursued it to the utmost extent, without seeing anything on the opposite side. I would not be employed to assist to prosecute a prisoner for the wealth of Golconda's mines. The court could appoint counsel to prosecute or to assist the prosecution, but the court would not employ a man to prosecute who had in his pocket a fee from the avenger of blood, or from the next of kin to him who was slain. The courts repudiate the doctrine of private vengeance. This doctrine of private vengeance is also repudiated by the divine law—it is there said that "*Vengeance is mine.*" Under the Mosaic dispensation there were cities of refuge where the murderer remained until he could have a fair trial.

If B.'s parents have, as I learn they have, the proper christian spirit, they would not wish the prisoner offered up as a sacrifice to the remains of their departed son. Mr. M., thus hired by the friends of the deceased, could not help but be biased in favor of those who employed him, and he could not occupy that impartial position that the law intended a prosecutor should occupy. He has several times, during his argument, reminded the Jury that if they have a doubt in relation to the guilt of the prisoner, they should acquit him. Mr. M. insisted that all the statements of B. in relation to this controversy were true, and that all of those of C. were false. He insisted that C. must be treated as a man of bad character until he shows to the contrary, and that it is a crime in C., upon a few days' acquaintance, to talk of being in love with Miss A., and that it was a crying sin even to wish to walk with her to church, and that it was indelicate to ask her reasons when she broke her engagement to go with him to church.—These positions of course cannot be sustained. His note to her was respectful, and stated that if she had acted from her own whim the matter should end here. Mr. D. here read the note and commented upon it at large, and interpreted it as meaning no hostile purpose, but as merely stating to Miss A. that he could disabuse her mind and "*the world*" of any idea that his character was not good. The slanderer is the worst of all enemies, and "his venom outvenoms all the worms of the Nile;" and in some cases there is no other remedy against him but a Bowie-knife or pistol; and although the avenger's course is not to be altogether justified by the laws, yet public opinion justifies it, and the juries of the country never inflict punishment on the offender.

Property of all kinds is protected by the laws, but there is character of greater value than all property, which is left without any legal protection that can be made available. And if any one come into a Court of Justice to demand damages for his lost character, he is hooted at, and every one tells him that he should have killed the slanderer, and afterwards those same persons are found among the crowd demanding that the murderer should be condemned to death, or an infamous punishing, for doing that which they themselves would have done. B. had injured C.'s character by his communication to Miss A., when he might have easily known that C. was a man of good character, and that his associations were those of a gentleman. Having thus injured C., B. comes up with two other large stout Cadets, to tell C. "*in a courteous manner,*" that he was his "*calumniator.*" Taking C. along into a narrow passage of the hotel, while the two other Cadets stood on the outside, and there when C. was not expecting any such thing, and when he was without any friend at hand, makes his insulting communication to him. C. told him that he would "*see him again,*"—C. was a man of mild and gentle disposition and slow to take offence. B. then boasted that he had triumphed over C., and even sent word to Miss A., that he "had taken some notice of the matter.

Mr. D. then commented at large upon the evidence, and the circumstances proved showing the killing, and the mitigating circumstances under which it was done. He read the law showing the degrees of murder, and also the rights of "self-defence," and also the rules on circumstantial evidence, showing that the Commonwealth must prove that the prisoner is criminally guilty to a moral certainty, and actually exclude every other hypothesis except the guilt of the prisoner, and that the defence were not bound to clear up any of the inconsistencies of the Commonwealth's evidence.

I have given but a very slight sketch of Mr. Doyle's very able and argumentative speech taking up 5 1-2 hours. He went into a full review of the evidence which has been published in the papers, and which it is unnecessary to detail. Mr. Doyle handled it ably, and drew out every circumstance that was favorable to the prisoner.

TENTH DAY.

MONDAY, April 24th, 1854.

The Bench was crowded this morning at an early hour with ladies who had assembled to hear the argument of Charles L. Mosby, Esq., of Lynchburg. It was, however, soon made known to the crowd assembled, that Mr. Mosby was confined to his bed by sickness, and that his physician said it would be impossible and dangerous for him to attempt to address the jury.

Hon. A. H. H. Stuart announced to the Court the condition of Mr. Mosby, and that Judge Brockenbrough would conclude the argument on behalf of the prisoner.

Judge Thompson expressed his regret that the counsel that the prisoner had so much relied on for his defence, should be unable to argue his cause, and that it was unfortunate that Mr. Mosby could not address the jury in his behalf; that he had seen him that morning, and he was unable from his prostration by sickness to discharge his weighty duty to the prisoner.

Judge Thompson remarked that under these circumstances there was nothing improper or illegal in Judge Brokenbrough's taking his place in the argument, and that he thought it entirely proper for him to do so.

Judge Brockenbrough then addressed the Jury, beginning with a most feeling and affecting statement of his embarrassment in thus appearing before them, and the immense responsibility devolving on him. He quoted a most beautiful and appropriate passage from 'Paradise Lost,' where the Poet calls on the Divine Power of Heaven to assist him, and empower him to discharge this most weighty duty, in a manner consistent with its weighty responsibility.

He then referred to Mr. Michie's position in this cause, and that he had been employed by the friends of the deceased and the V. M. I., to interpose his great intellect to sustain the cause of the Commonwealth. The funds appropriated by the Legislature of the State to purposes of education, had been improperly contributed to add additional malignity and venom to this cause. This conduct in perverting these funds was worthy of all denunciation. It had been done for the alleged purpose of protecting the memory of B. But who was here to plant a nettle on the grave of that young man? All were willing to extend to him the most irreproachable character. It has also been said that this fund should be thus misdirected for the purpose of sustaining the character and position of the V. M. I. Col. Smith has, through a grave mistake or desire to pander to public prejudice, thus appropriated these funds to seek the blood of the prisoner. This is a singular act of patriotism, to be thus appropriating these funds to a private prosecutor, who has with great ability discharged his duty and earned his fee. I reflect not on Mr. Michie, as I know him to be incapable of doing anything which he believed to be wrong, for any pecuniary consideration. I believe that as noble a heart beats in his bosom as in any man's. He has, however, thrown out of the cause every circumstance and consideration that could weigh in behalf of the prisoner, and urged his conviction by every argument and every circumstance that could drive the minds of the jury to a conviction of the prisoner of murder in the first degree. Mr. M. had his clients behind him urging him on, and a party to give a satanic laugh at his jests and jokes, and at the positions assumed by the defence, and who thus attempts, by that viper's breath of popular prejudice, which has pervaded this community, and even entered this sanctuary of justice, to give weight to the prosecution, and to the conviction of the prisoner. This is the course that has been pursued by the special and private prosecution of Col. Smith. The Commonwealth's Attorney has not gone thus far, but fairly considered the circumstances and evidence in this cause.

Judge B. then went into a detailed statement and consideration of the evidence of the case.

C. and B. had come here as high-minded respectable young men, and upon a perfect equality, and had been received in the community as gentlemen. C. becomes acquainted with Miss A., a beautiful and accomplished young lady, and engages her company to go with him to church, and sometime afterwards she had even thought proper to remind him of his engagement. When his heart was warmed and enlisted for the young lady by her smiles, elicited by his respectful attentions, and when he was animated with the purpose of even addressing her and seeking her hand, he receives the chilling note that "Miss A. declines to go with Mr. C. to church according to engagement." Mr. C. knowing that there was some cause for this treatment, and naturally supposing that some one had been slandering him, wrote her a note, asking in the most respectful and flattering manner for the name of his "calumniator," and if it should not be given, that his note should be returned. No answer was returned to this note, nor was it returned itself. Some two weeks afterwards, Mr. C. went to Mr. Moore's to see Miss A., and she refused to see him.—He bore it all, believing that he had a secret enemy who was thus secretly injuring him. His note is then made the subject of merriment between Miss A. and the unfortunate B. Mrs. Moore innocently asked Miss A. to show the note, not for a moment thinking that any difficulty would arise from it. It is insisted here that the spirit of honor, as dictated by the code of honor, required B. to notice this letter, as the person who had advised Miss A. not to accompany Mr. C. to church. But this code of honor is denied as applying to Mr. C., and from the argument he is not to have the benefit of it. Mr. B. had violated the fundamental principle of this code, which was to wantonly injure or insult no one. B. had acted through a mistaken sense of duty and honor. If B. had gone to C. and told him in a proper spirit and courteous manner, the actual state of the case, and that he knew nothing of him personally, and had given him his author, the matter would have been amicably settled, and Mr. Humes by stating how he got his information of Mr. C.'s character in this community, would also have been honorably acquitted. B. disregarded this duty to C., and seeks Cadet Humes and Horner, two of the stoutest and most athletic of the corps. He goes with them in a hostile manner, ("with a hostile purpose," as Horner says in his testimony,) thinking and intending that C. should cower before B. They call for him at the hotel. C. and B. were profound strangers to each other; yet B., without even seeking an introduction to C., calls him out, and takes him into the passage, and says to him, "I am the man who advised Miss A. not to accompany you to church," and "I did it because your character is such that I did not think it prudent for her to go with you." B.'s purpose obviously was to put the alternative before Mr. C. to cower before him or fight. B. came in a menacing manner to C., having his hand in his breast as though he was grasping a weapon. It was well calculated to take C. by surprise, and to confuse him so that he would not know how to act at the time.

But the statements of C. in relation to this matter, after having been introduced by the Commonwealth, are sought to be excluded from the consideration of the jury, or they are asked to disbelieve every part of it that is favorable to the prisoner. C.'s statement, both before and after the awful tragedy, are entirely consistent throughout, and agree precisely with the circumstances proved.

In relation to the circumstances in regard to the interview, the two Prosecuting Attorneys differ totally, and both of them read the rules on circumstantial evidence showing that if there is a doubt in the minds of the jury, they must acquit. This is of itself enough to throw a doubt over the whole matter, and to justify the jury in acquitting the prisoner,—C was then insulted and wronged throughout, and then B., through a false sense of honor, comes to intimidate him and make him cower before him,—B. turns away, having insulted the boy that had never injured him, and tells Humes and Horner that "*it was just as he expected. He has not courage to strike a child.*" He then sends word to Miss A. that he had gone to see C. and had told him that *he* was the "*calumniator.*"—B. did all of this through a false sense of justice, C was thus warranted in his conclusion, that a combination was formed against him, and were bragging that they had put him down and were resolved to keep him down.

C. went to the church, the only place that he could meet with B. and there seeing B. pass, and his lip curl with contempt and reproach upon him, asked him out, and required him to give him an explanation for his conduct towards him. C. should not have gone to church at night for the purpose of having an interview with B. It was an improper time and place, and was the cause of the great public indignation at the time which caused all to style the act which followed from it a "black assassination." If C. had held his interview with B. in broad day light and at a proper place he would have been justified by that very community which has condemned him. It would have been at least considered a case of excusable homicide. It was the combination that C. properly considered as formed against him, that induced him to arm himself as he did before he went to hold his interview with B. He then took up arms against his oppressors. Every one will admit that C. must, under these circumstances, do something. Three persons had come together to the interview at the passage of the Hotel to intimidate him, and cause him to cower before them. It is insisted by the prosecution that C. should here challenged B. rather than go into the matter as he did. It is strange that because C. did not do what they think he should have done (send a challenge which itself was a felony), under the circumstances must be convicted of murder. All C.'s companions insisted and advised him that he should do something. He was then bound to do something. The very persons who now condemn him as a murderer, would have scoffed at him and treated him as a blighted and blasted thing, if he had patiently borne his insults. I then demand his acquittal in the name of that law whose home is in the bosom of his God, and whose voice is the universal harmony of nature. He then was bound to do something, he demanded an apology, and B. refused it, and when told of his conduct, attacked the victem of all his abuse.

Judge B. then referred to the good character sustained by the prisoner, by his respectable neighbors, who had come here to testify to his excellent character and innocent amiable life. If B. had been that high-souled chivalrous man that is claimed for him here, and been actuated by that spirit at the time, he was bound to have made an explanation to C. of his course, and declared to him that his intentions were not to injure him, and that he would try to release him from the imputations which he was forced to bear. B. refused all this, and was determined to rivet this degraded character upon him, from the circumstances proved in this cause.

Judge B. then went into an argument in relation to the position of the parties when the fatal wound was inflicted, and in relation to the testimony proving three pools of blood; and to the theories set up by the Commonwealth's counsel in relation to the same.

Judge B. then referred to the fact that he had not heard the evidence with the intention of an argument of the cause, yet his great interest in the matter caused him to remember every material circumstance. His love and regard for the unfortunate boy now upon trial for his life, (Mr. C. had been a member of the Judge's law class,) had caused him to remember it, and to use every exertion to save his life. He referred to B. having C. down upon the ground choking him to death, and that in the agonies of loosing his own life, had inflicted the unfortunate wound that resulted in the death of B. It had been even pretended here by the private prosecutor, that these marks had been made upon C. as a ground for defence. Judge B. declared that he would not occupy the position here of thus enforcing a conviction of the prisoner, by such arguments, for all the wealth of the world, and that no consideration could induce him to take upon himself a responsibility so weighty to his soul.

The Court adjourned for two hours for dinner.

I hear it suggested on the streets, that it is rumored that it was a stratagem between Mr. Mosby and myself for him to pretend to be sick, and to enlist the sympathies of the jury by that means in the prisoner's behalf, and then I would take his place here. This is but the malignity of slander, and I appear here through necessity alone, and to attempt to supply the place of that gentleman; and I did not know that I would be under the necessity of arguing this cause until an hour before I came here. I had a suggestion on last evening, that Mr. M. would likely be unable to proceed, and that gentleman's physician assured me this morning that Mr. Mosby would be unable to be here, and that it would be even dangerous for him to come.

Judge B. then argued upon the circumstances that led to the tragical affair He pointed out the course of the parties after they left the vestibule of the church. That C., after getting off the street, demanded from B. an explanation. B. refused to give it; and thus refusing to do the last act of justice to the prisoner, would make no reparation for the injury he had done. C then told him that "he had acted ungentlemanly." B told him "not to repeat it." C. said, "you know that it is true." B. seized him and threw him down, and was choking him to death, when C. drew the knife and made the fatal stab

Judge B. again here referred to Col. Smith's "taking the responsibility" of diverting the funds of the V. M. I. to the prosecution of this "*boy*"—that it was a monstrous error in Col. Smith to divert those funds to seek the blood of this injured and unfortunate young man, and insisted with great vehemence that it would meet the condemnation of all well-thinking men. They wanted nothing less than the blood of C., or they never would have been so eager in diverting those funds to a prosecution

Judge B. then went into the argument of the law of "self defence" and referred to some authorities to sustain h's position.

Justifiable "self-defence" is when a party is in great danger or apprehension of great immediate personal harm, and if it is necessary to his own protection, to advance and kill his adversary, he may do so. He referred to the case of Selfridge, tried in Boston some years since for killing Austin. [This case was referred to by several of the Counsel as expounding accurately the laws of "self-defence."] If the law is correctly stated by the Judge in the trial of Selfridge, then the jury must acquit the prisoner in this case. Nearly all the physicians testify that they believe that B. had C. down and was over him, when the fatal wound was given, and the Commonwealth, finding that the testimony would not do, by their outside agents, drum up a number of witnesses to prove the second pool of blood. I have no doubt but that they believed what they say, but they belong to a class of persons who, when they hear any thing strange, say "yes, I knew before," or "I expected that it would turn out so." They make out this third pool of different sizes and locate it at different places. He then commented at large on the relative weight of positive and negative evidence, and feelingly alluded to an Irish jest of Mr. Michie on the subject of positive and negative proof which had produced a great laugh, and, as Judge B. said, it caused the blood to run cold in his veins—that such mirth should be excited at such a jest on the most material part of the evidence in a criminal case of the importance of this; that it was a matter that should be treated with great seriousness.

Judge B. then went into a careful examination of the evidence and circumstances in relation to the conflict, and the third pool of blood—and insisted that if C. had not killed B., that B. would have killed C.

He then urged the jury to acquit the prisoner and send him hence admonished to go and commit no wrong hereafter—restore the boy to his weeping mother and heart broken sisters, and you will, as I sincerely believe, discharge your duty to the Commonwealth, and to all others, as he has suffered greatly already.

Judge B. concluded his most able and effecting argument of 5½ hours by a powerful appeal to the jury in behalf of the prisoner, urging them to show the greatest mercy to the errors of the youthful offender—and if possible, to acquit him.

The argument will close to morrow by the concluding speech by Capt. D. S. Moore on behalf of the Commonwealth.

ELEVENTH DAY.

TUESDAY, April 25, 1854.

One of the jurors was so unwell this morning as to require a couch in the jury box to lie on, while listening to the argument.

Capt. D. E. Moore, Commonwealth's Attorney, began the closing argument for the prosecution.—After some comments on the duty of the jury to exclude from their minds, as was urged by the prisoner's counsel, all prejudices or opinions formed from rumors in the cause before they were sworn, he urged them, if they should think from the evidence that the prisoner is guilty, to execute the law which they were sworn to administer. The law had been framed by the experience of ages, and all experience showed that its execution was necessary to the safety of society, and it had been modified to suit the different ages upon whom it was to operate. It is relied on here by the defence, than an unwarrantable prejudice had been raised against the prisoner, and those operated on by it had employed Mr. Michie to assist the prosecution from a spirit of revenge. It was right that additional counsel should be employed to assist the prosecution, when a number of counsel were employed on the other side, and some of them the ablest lawyers in the State.

It has been customary in such cases and under such circumstances to employ additional counsel to assist the prosecution, and the ablest lawyers have acted both in this country and in England in assisting prosecutions. Mr. M. had been the regular prosecutor in this court for a number of years, and was a gentleman who would never carry the prosecution farther than he believed it was proper for him to go. He had been employed, and had consented to act under peculiar circumstances. Col. Smith had acted in the matter from a sense of duty, and in order that he might discharge his duty to the young man who had been placed here under his charge and protection. But none of these matters have anything to do with the decision of this case. They were mere efforts to have the whole matter fully investigated.

Capt. Moore argued that the law was distinctly laid down, and nothing was left to the arbitrary decision of a jury. This is necessary to define the rights of persons, and to have a uniform rule for its application in every section of the country, and it is better to have the punishment certain, even if it was less, than to have heavy penalties with uncertainty about their being inflicted. The jury were not at liberty to modify these rules, because they may think that the punishment is too severe. They must execute the law as they find it; and although their verdict may be written in tears, and it may be painful for them in the discharge of that duty, yet they are bound to execute the law as they find it.

Capt. Moore then defined the law in relation to this cause, and pointed out that it must be murder in the first or second degree, or manslaughter, and if the jury considered that the prisoner was guilty of either of these, they must find their verdict accordingly. Because the counsel for the prisoner plant their cause on its being murder in the first degree, or justifiable manslaughter, cannot influence your decision in finding that it was murder in the second degree. If the intention of killing is conceived before the act is committed, or before the quarrel began, it is murder of the first degree. If conceived at the time, it is murder in the second degree. It is true that C. had been grievously insulted yet this gives him no right to seek revenge for the redress of his wrongs. This does not change this case from being murder of the first degree. The laws of the country require an appeal to the constituted tribunals of the country for a redress of his wrongs, and he has no right to take the matter into his own hands. If acting under such a grievance of such a nature, he seeks his adversary and kills him, it is murder of the first degree. If he commits murder under such circumstances, it is not for you to pardon him for the offence. The pardoning power and the attribute of mercy belong to the Executive alone, and he may exercise it and pardon the prisoner, but you have no power over it.

Although the circumstances were suspicious on the part of B. at the interview in the passage, and indicated that B. wished to intimidate C., and may have been armed, yet C. had time to reflect and consult his friends. He then went and purchased a revolver, and the circumstances lead to the conviction that he bought it for the conflicts. He got possession of Mr. Winn's bowie knife, and armed himself for the conflict. I did not say, as was alleged by the counsel on the other side, nor did Mr. Michie say that C. should have challenged B. We only said that it would have been better for C. to have done so. C., thus armed and hearing the church bell ring, said to his companions, "*I must go,*" and thus he went to the church to look for B. Can there be a doubt then that the plan was all laid, and C. had determined to take B. out for the conflict? It appears that C. was excited when he asked B. out. They go out into a dark cross-street. C.'s declaration made afterwards in relation to the conflict, were made under circumstances that would induce him to state them favorably to himself. Did he think that an explanation made by B. to him alone there in the dark, would retrieve his reputation in the community, and would be a satisfaction for his wrongs?

He should have required the explanation to be made in the presence of others if that was his purpose, that he might be set right in the community. If C. brought on the conflict, and then killed B., even though B. had him down at the time, yet he is guilty of murder. He read here some authorities sustaining this position, and said that he concurred with Mr. Michie in his position on this point.

If C. calculated on acting on the alternative that B. might offer—if B. made an explanation then all would be well—if he refused to give the explanation—then C. intended to use his weapons, and thus kill him, C. cannot now rely on the plea of "self defence," and is guilty of murder of the first degree. He thus carried out what he had formerly declared he would do.

When B. refused to apologise C. then insulted him expecting B. to strike him, he would then seek his revenge—B. did not strike him at once "but told him not to repeat it." C. according to his own statement, did repeat it, and then B. took hold of him, and C. used the weapons he had prepared for the purpose.

Capt. Moore stated that he differed with Judge Brockenbrough and also with Mr. Michie in relation to the correctness of the law on Selfridge's case. Judge B. thought the law was correctly stated in that case.

If C did any thing that brought on the conflict, he is responsible for its issue, and if he then killed his adversary, he is guilty of murder. C. was not in danger of losing his life, or of even great bodily harm, as he alleges, when he inflicted the fatal wound. Few persons are killed by choking in a fight, and it appears from the testimony that C. was down but a short time, and was able to rise immediately, and run briskly away.

Capt. Moore then went into an examination in relation to the proof of the third pool of blood, and that the parties must have been on their feet when the fatal blow was given. The Commonwealth had set up no theory, nor were they bound to set up any, reconciling the proof in relation to this third pool of blood. The defence must, after the killing is proved, set up and sustain an hypothesis of innocence. The existence of this third pool had been proved by some five respectable witnesses, and about the same number has stated that they had examined the ground of the combat, and could find no blood at that point

The latter seemed to have examined a single line where they supposed the parties to have been, and they seem to have thought that parties fight according to the rules of mathematics, and have accordingly examined only one line, where they supposed the parties were scuffling. The only rational solution is that this third pool had run from B. before the parties fell when seen by Mr. Massie, and that the wound must have been given at the beginning of the fight. After the conflict, C. sprang upon the pavement, and stood there to look back and see that B. was lying prostrate on the ground, and dying from his wounds. C. then must have known, before he went to the hotel, that B. was a dying man. He then threw away the knife immediately and ran.

Capt. Moore then exhorted the jury to withdraw their minds from every other consideration except the evidence and the law, as they may appear to the minds of the jury. If the prisoner is guilty, the jury must discharge their duty by finding him guilty, and leave the exercise of mercy to the Executive, who has power to "temper the wind to the shorn lamb."

I do not think that C. intended to flee when he returned to the Hotel, and any benefit that he is entitled to on that account, you are at liberty to give him. He seems to have relied alone on the ground of "self defence," about which he seems to have been egregiously mistaken, or which he has been unable to show. As the jury are bound to do full justice to the prisoner, they are bound to do their duty to the Commonwealth. If such cases are to go unpunished, the safety and peace of society is endangered, and their recurrence will be frequent.

There seems to be no difference among the counsel as to the degree of evidence necessary to a conviction. If there is a reasonable doubt in your minds as to the guilt of the prisoner, you should acquit him.—If, on the other hand, the evidence is so strong as to remove all such doubt, and make a certainty on which you would act in a matter of vital importance to yourselves, then you are bound to convict. Mr. Michie and myself differ *toto cœlo* in relation to the weight to be given to the provocation. You must weigh the circumstances and form your own conclusions in the matter.

Two parties had been formed in this community on this judicial investigation for purposes that were entirely wrong, and for the purpose of influencing the decision of this case. "De mortuis dicit nihil, nisi bonum." Mr. B. was wrong in making his communication to Miss A. about C. I have no idea that Mr. C. did anything wrong here, except that he was guilty of some frivolities. I would consider it my duty to defend the character of the deceased, but to go no farther than the facts warranted. I think that Mr. B. did wrong in coming to see Mr. C. at the passage in the hotel, and thus taking notice of the letter in that way without asking Miss A.'s consent. B. had then acted wrong up to this point, and I coincide with Judge Brockenbrough, that C. should do something for his character under these circumstances. But C. did the worst thing that he could have done.

You can give whatever weight you think proper to these opinions of mine. If you think that the prisoner is guilty you must then find him guilty. We have no other way but to act on human testimony in such matters. If you exercise your judgments in fully considering the matter, and then come to the conclusion of guilt. Your consciences have no more to do with the matter than those of other persons, the matter is now with you.

The Jury then retired, to consult on their verdict After remaining in their room about half an hour, they returned into Court with the declaration that they could not agree. Judge Thompson then read to them some instructions that he had prepared, defining the law clearly on the destinations and characteristics of the different degrees of murder and manslaughter. The jury again retired; and after remaining in their room about an hour, and having sent word to the Judge that they could not agree, were brought again into Court, and all of them declaring that there was no likelihood of their agreeing, they were discharged. The Judge then suggested that the prisoner had better be removed to another county for his next trial, as it would be impossible to get a jury here, without bringing them from an adjoining county; and that owing to the excitement, another trial should not be had in this county. Several counties were suggested, and it was at length agreed that the prisoner should be sent to Bedford, to be tried there at the next Circuit Court. The Judge declined to furnish a copy of the instructions, which he gave to the jury, for publication, as there had been no verdict, and the cause had to be again tried.

The Court then adjourned—this cause having taken up the entire term.

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