CHICAGO DAILY PRESS AND TRIBUNE.

VOLUME XII. CHICAGO, FRIDAY MORNING, JANUARY 28, 1859. NUMBER 179.

PRESS AND TRIBUNE.

FRIDAY MORNING, JANUARY 28, 1859

COMMERCE OF CHICAGO.

The full and elaborate review of the Commerce of Chicago and of its Public and Private Improvements for the year 1858, published in this journal on the 1st inst., has been issued in pamphlet form, and may be had at the PRESS AND TRIBUNE Counting Room, No. 43 Clark street, up stairs. Parties who failed to get copies of the paper to send to their friends abroad, can now have their orders filled.

BURNS FESTIVAL.

Extra Copies on Hand!

We have a few more left, of the PRESS AND TRIBUNE, containing a full and accurate report of the Burns Festival, held in this city on the 25th inst. Price FIVE CENTS each, in wrappers.

News from the Lecompton Charter.

Our readers will find some important news affecting the progress and transmigrations of the Dyer Charter, on the second page of this paper.

War in Iowa---All about a County seat.

On Monday the 17th inst., as we learn from the Marietta (Iowa) *Express*, a company of men from the neighboring town of Marshall (both in Marshall County,) entered the place and carried off three prominent citizens of Marietta who had recently officiated as judges of an election to decide the question of a county seat for the said county. Arrived at Marshall, one of the prisoners, Judge Smith, was informed that there was great danger of his being lynched unless he re canvassed the returns and declared Marshall the winning town. After some further intimidation Judge S. made out the required certificate declaring Marshall the county seat. On the foll wing morning a train of wagons loaded with armed men followed by about forty persons on foot with muskets on their shoulders, entered Marietta with the intention of carrying off the county records, &c., but they were met at the court house by the citizens of Marietta and repulsed without bloodshed. The next day the court house was guarded by about four hundred armed men, but no further attempt was made to take the records.

From New York.

NEW YORK, Jan. 27.—The steam tug C. Durant, lying at Red Hook Point, was burned this morning. Partially insured.

A fire last night at Staten Island destroyed a barn adjoining the Seamen's Retreat, belonging to Mr. Vanderbilt. It was undoubtedly set on fire, but situated some distance from the Quarantine grounds.

A Lyncher Tried.

IOWA CITY, Jan. 25.—Samuel Shalladay, one of the parties indicted for the murder of Boyd Williams, some months ago, who has been on trial here during the past week, has been pronounced guilty of murder in the second degree. The case will probably be taken up to the Supreme Court on a bill of exceptions.

THE CITY.

METEOROLOGICAL RECORD kept by J. H. Reed & Co., Apothecaries and Chemists, 144 and 146 Lake street:

Wednesday, Jan. 27.			Wednesday, Jan. 27.		
BAROMETER.			THERMOMETER.		
7 A. M.	12 M.	6 P. M.	7 A. M.	12 M.	6 P. M.
29.0	29.3	29.21	30	38	37

☞ There is a letter in the Post Office at Bloomington, Ill., for James Hyde, of this city, which he can obtain by sending a stamp to the Postmaster of Bloomington.

☞ All parties having bills against the Committee of the Burns Festival, or the St. Andrew's Society, are requested to send them to-day (Friday) to John Stewart, b ox 1729, Post Office.

☞ Andrews, 95 South Clark street, has just received a large and beautiful assortment of Valentines which country dealers will do well to examine. He also has all late papers and magazines, and a large stock of novels.

☞ We understand that a concert for the benefit of Crawford, the Scotch vocalist, who sang in the Burns Festival Concert with so much acceptance to the audience, will be given in a short time, due notice of which will be given.

☞ "IN THE NAME OF THE PROPHET, FIGS."—Figs, the genuine article, direct from the dominions of the Prophet, are advertised this morning by J. H. Reed & Co. They are capital, as we can testify—just the thing for the sick, and not by any means "dead" for a well man "to take."

HANNIBAL AND ST. JOSEPH RAILWAY.—We call attention to the advertisement of the Hannibal and St. Joseph Railway in another column. For passengers for Kansas and the new gold fields at and around Pike's Peak, this will prove a rapid and most desirable route. A more extended notice of it will be found in another column.

☞ The repetition of the Burns' Festival Concert on Wednesday evening was a complete success. The attendance was large, and the various persons who took part in the performance, acquitted themselves in a most creditable manner. No concert ever given in this city attracted more just and enthusiastic admiration.

☞ The man who said he had "rather be *Wright* than be President" undoubtedly had John Wright, our capital caterer and prince of good feeders, in his eye. John Wright's restaurant, opposite the Court House, on Clark street, is at all meal hours haunted by hungry seekers after *places* at his table, and no one goes away empty. Mark that.

☞ The lady's name who was thrown from a buggy by a runaway horse, on Wednesday, an account of which was published yesterday, was Mrs. Marx, wife of Mr. Marx, of the firm of Felthensal & Marx, grocers on Milwaukee avenue, who owned the horse. There was a child in the buggy with Mrs. Marx, who, as well as the lady, escaped any serious injury.

A BRUTE.—A warrant was issued yesterday by Justice Akin for the arrest of James Sertz, a Bohemian, who is charged by his daughter, Mary Sertz, a girl of about 17 years, with violently beating her, and also with the unnatural crime of trying to corrupt her in a most criminal manner. The brute will probably be arrested to-day, and brought before the Police Court for examination.

WIFE BEATINGS—Patrick McCarroll and John Healey were brought to the Armory yesterday, for beating and maltreating their wives. Patrick struck his wife a severe blow on the head with a club, making a frightful wound, which rendered her senseless for some time. He was fined $20. Healey was found guilty of kicking and beating his wife in a promiscuous manner, when she is in close proximity to maternity. Judge Akin fined him $10 and sent him to the Bridewell for 30 days

POLICE.—The cases yesterday before the Police Court were as follows:

Mary Ann Conley, drunk and disorderly, $3; Ellen Dailey, do, $10; H. K. Goodwin, do, $3; Richard Dwyer, do, $5; Mary Vose, do, $10; James O'Harran, do, $15; Robert Montgomery, do, $3; Patrick Brady, do, and vagabond, $30.

Patrick Brady, accused of stealing lumber from a Railroad, was discharged.

Mary Ann Measmore, larceny and vagancy, $10.

Patrick McCarroll, arrested for beating his wife, was fined $20; and John Healey, for the same offence, was fined $20, and sent to the Bridewell for 30 days.

WAGGERIES OF THE WICKED.—The wicked ones who inhabit the city prison, under the Court House, make themselves merry, and provoke the mirth of the gaping crowd of lounge rs outside, by posting on the windows of their apartments notices like the following:

"APARTMENTS TO LET:
See the Sheriff."

"BOARDERS WANTED;"

and others of like purport.

These notices, like all advertising, bring large numbers of customers, who, although the rules of the house are rather arbitrary as to what they shall eat, what they shall drink, and the hours for retiring, are compelled, sometimes much against their will, to accept the accommodations, and be content.

PERSONAL.—Mr. and Mrs. Mozart left this city on Wednesday last for New York, where they intend hereafter to permanently reside.

"THE BARREL MYSTERY."

Trial of Henry Jumpertz, for the Alleged Murder of Sophie Werner, at Chicago, March 6th, 1858.

OPENING BY THE COUNSEL.

THE TESTIMONY.

In the Circuit Court of Cook County, Judge Manierre Presiding.

SECOND DAY—MORNING SESSION.

The Court opened yesterday at 9 A. M., with a marked increase in the attendance of spectators, who promptly filled every available seat and place they were allowed to occupy. The new arrangement of this Court room largely increase its accommodations, at the same time with greater stillness, which latter, however, must be set down equally to the praise of the officers of the Court.

The prisoner was brought in, attended by officer Fenbrock, and the jury were in their places at nine o'clock.

During a portion of the forenoon, Hon. John M. Wilson, of the Court of Common Pleas, sat beside Judge Manierre, while the bar was very fully thronged by a large attendance of the profession.

OPENING FOR THE PEOPLE

District Attorney Huren, after referring to the heavy responsibilities of all murder trials, which were much increased, when over the act of alleged homicide hung a mystery so great and so dense as to baffle all investigation.

In this case it would be necessary to go back to the time anterior to the alleged homicide. Evidence would show that two years ago the prisoner became acquainted with deceased. That an intimacy sprung up between them, and they afterwards lived together in fornication and adultery. An unpleasant notoriety was caused. The woman was about to become a mother, and at the prisoner's suggestion they went to Milwaukee in June, 1857. He there found work as a barber, they living together, at first claiming to be brother and sister, but as her confinement approached, laying aside all concealment and passing as man and wife. They so continued for some months.

In the fall of 1857 the prisoner returned to Chicago, and found employment with Frazer & Rigolla, under the Sherman House. He went back to Milwaukee, made arrangements for deceased by hiring a house and giving her provisions, &c., for seven months time, and then returned to work here as above, being still in their employ up to the time of his arrest. At first he boarded on Lasalle street, near Madison, but in end from Feb. 19th, 1858, he hired and occupied the room No. 20 in Poinctey's Building, on South Water street, near Clark street bridge, overlooking the river, contemporaneously with which he wrote to deceased to dispose of her effects at Milwaukee and come to Chicago—to come *veiled*, to speak to no one, and that he would meet her at the depot.

The evidence will show that on these instructions deceased came to Chicago, her landlord refunding $20 in abatement of rent paid to July 1st, 1858. The prisoner met her. The drayman who took her bandage to the room on the 5d of March will testify that he paid the freight charges at this room, "No. 5d," the last time she was seen alive by other person than Jumpertz.

The next evidence introduced is to come from New York city, where, on the 21 of April, a barrel is found at a railroad depot, directed to "W. J. Jennings, No. 120 Lasalle, Chicago." No such person and no such number has been found, the barrel is returned, and remains uncalled for at the depot. An examinant on is held, and suspicion excited. It is found to contain a dismembered human body—that of a woman. Coroner Hill, of New York, who will be put upon the stand, will testify as to the inquest which followed. Detectives follow up the course of that barrel; their traces end here in Chicago, and by officers Bethune and Bradley is successfully followed that the prisoner was arrested. In his possession were found a clock, a saw, a hatchet, a chisel, with marks as of a bloody hand upon the handle. Prisoner is identified by the man who received the barrel at the M. C. Railroad depot here.

The remains are returned to this city, and here examined before a Coroner's Jury. Singularly enough, though two months had elapsed since death, the face and features of the remains were readily recognizable, and fully identified by her acquaintances who will be put upon the stand.

Further, the clothing of deceased, in two large trunks, has been found at Lowell, Mass., directed to Jumpertz, handwriting to a Mrs. Eberly, who exhibits to the City Marshal a letter in prisoner's handwriting, signed by him within sixteen days after the alleged homicide, asking the receipt of Mrs. Eberly in a delicate affair with a girl named Caroline.

The circumstances of prisoner we shall show to be narrow, from his pawning his gloves. Physicians will tell you, that from the body, brought to this city, it will be impossible to show the cause of death by poison.

The statement of defendant will be given in evidence. He alleges that deceased hung herself, leaving a note to him, saying she could not live any longer. He says this letter blew out of the window, and was lost. He states she hung herself on a common coat-hook screwed into the headstyle of the door. This door and nook will be produced, and we shall show it to be impossible that the hanging could have thus taken place, and the story is a fabrication throughout. The counsel referred at length to other circumstances, sustaining, as he claimed, those preceding, giving construction to prisoners' conduct and expressions relative to deceased.

They would produce a letter, purporting to have been written by Sophie Werner, and the jury should judge from the evidence whether it was genuine; they should show that Sophie Werner had a quantity of money which he appropriated towards paying for a lot; that before he was arrested, various persons inquired of him what had become of her; that he replied to one "that he had settled up with her and she would never trouble him again." To another that he had had trouble with one woman, and he should be careful how he had trouble with another.

They would show that the deceased came to this city from Milwaukee expecting to go with him to St. Louis to open a shop; that she manufactured a number of towels and brought them with her, and they were found in her trunks.

Mr. Haven then proceeded to read the indictment, which is in three counts. The first sets forth the killing "in some means and manner unknown." The second names a *rope* as the instrument. The third is identical with the preceding, save that *poisoning* is alleged.

The indictment, the prosecutor stated, is a copy of that in the Parkman-Webster case, names only changed. In that celebrated case, to objections raised against the indictment from the lack of definiteness, the opinion of Judge Shaw (Bemis' Report, p. 474,) established the rule that where the cause of death is uncertain, the indictment is made to cover in advance what may finally appear in evidence.

OPENING FOR THE DEFENCE.

Mr. McComas, opening for the defence, gave a sketch of the life of defendant, who was born at Bonne, Prussia. He is 29 years of age. For some time in his native land, he was employed about a medical college, to prepare subjects for dissection, whence and where he learned familiarity with the human frame and its dissection. He came to this country in 1854. Was a resident of New Bedford, Mass., and later at Lowell, where he became enamored of a young woman he still cherished affection for. The relations of prisoner and deceased were fully discussed. It would be shown in evidence that deceased was of a desponding turn of mind. That she had twice before her intimacy with Jumpertz attempted her own life. He never became acquainted with her until after she had left her husband.

The motive of killing was denied. It would be shown that she was about to leave him to go to Rochester. He would be free without any act of the kind. As to the method of disposing of the body, it was horrible, it was revolting, but after the codeadment of the body of the suicide had been decided upon, the way was one that would strike any mind as the best and surest; to enclose the poor remains and dispatch them to a blind address at a distance. The cutting and dismembering only followed when it was discovered the body would not go into the barrel without so doing. It had been already disemboweled, and once commenced, the work must be gone through with. The jury must consider all as successive steps necessarily forced upon the defendant when the first mad policy of concealment was decided upon.

THE TESTIMONY.

Mrs. Minnie Kuche sworn (Francis De Phul sworn as interpreter)—Live at Milwaukee; knew Jumpertz from June, 1857, to March, 1858, the time he was in Milwaukee; he was a barber; knew Sophie Werner; they lived in house next to me in Johnson street; can't tell how long; never was in the house; saw them at times; supposed Jumpertz was her brother; never heard it from him; he never spoke to me at all; after they left Johnson street they lived in Market street; they occupied the cellar and main floor; upper room was occupied by one Rabe; was at their house in Market street a number of times; know nothing particular about the confinement of the woman; she told me of it once; the child was born on a Sunday morning; don't know what month; can't say within three or four weeks for certain; don't think it was over a month; have seen Sophie Werner write several times; saw her write the last letter she sent away, a few days before she left for Chicago; can't say just how long before she came; I was at the house should in some measure know the letter if I saw it again, but not certainly; it was on *blue* paper; it was a common letter sheet, of the usual size; (a letter produced single half-sheet on *white* paper,) can't say as to the writing; she wrote smaller and closer; she wrote a better hand; it was blue paper on a full sheet; on the letter I saw two pages and a half were written; (on that shown her two pages) the paper was about this size—full letter sheet—there was another half to it. Sophie came to bid me good-bye as she left Milwaukee; bought two stoves and a bed-stead of her for $11 for the three pieces; this was the same day she left; cannot say how much money she had; she had a good deal; I have estimated it at $60 or $70; think it was the 3d of March when she left; at 3 P. M.; she took with her a mattress, a barrel of bedding she had sent before; she brought a clock, clothes basket and looking glass with her; she had two boxes, chest, and trunk; they were traveling boxes; know nothing else she brought.

[Statements of deceased to witness at the time of starting objected to by defence, but held admissible.]

Question by Mr. Miller—State what, if anything, Sophia Werner said to you at the time of leaving Milwaukee for Chicago.

A. She said she wanted to go now; Jumpertz had written to her to come, and that she was to sell everything; and if no other way, at auction; if she couldn't get more than $8 or $10 for it, sell it, and bring nothing with her; she was to go in the night train, closely veiled herself, and speak to no one on the train; that Jumpertz had written her that he did not desire her to remain long in Chicago with him, but intended to go to St. Louis and for the present had hired but one room; she said she would risk it again once more to go to him, but if he did not treat her any better would not remain long with him; that he had written her not to bring her clothes, that he would buy everything necessary; did not ask her what money she had; she did not show it to me; she had considerable; put it in the right side of her bosom; she said something about the money.

[The question as to this conversation was objected to and sustained.]

Think she started on Wednesday; have never seen her since.

Cross examined by Mr. McComas—*Question*—(letter shown.) Do you believe this to be the handwriting of Sophie Werner?

A. Cannot say with certainty, from appearance; she wrote much finer and closer together.

Q. Do you believe the letter to be the writing of Sophie Werner?

A. I cannot insist upon it.

Q. Do you believe it is?

A. I do not.

Q. Have you seen the letter before, and how often?

A. I don't know if this is the letter Beck had at Milwaukee.

Adjourned to 2 P. M.

AFTERNOON SESSION.

The direct examination of Mrs. Kache having closed, Mr. Van Arman, for the defence, moved to exclude that part of the evidence which related to what deceased said of the prisoner. The decision of the court was suspended for a time.

Cross Examination of Mrs. Kache by Mr. McComas.—Recognize Sheriff Gray; he came with your; the letter was shown to me; have read but a few words of it, not much; it was given in my hands for a few minutes; did not look over it carefully; read only here and there a word of it; they asked me if it was her handwriting; I said I could not insist upon it; cannot understand English; the letter showed to me by sheriff Gray and Mr. McComas I did not say was the handwriting of Sophie Werner; I then said the inner was hers; as to the handwriting could not say; it was written a good deal larger than Sophie wrote; did not give my opinion that that was her handwriting; understood that they asked it if it was her handwriting; said I could not say; was asked if I believed it was; could not with certainty acknowledge that as her handwriting

Q. Did you tell the interpreter in any way it was *not* her handwriting? *A.* I told him the contents might be hers, did not believe the handwriting was; have not seen the letter the gentleman showed me before or since, am sure of that. *Q.* Who have you talked with since you left the Court House this morning? *A.* Officer Beck and Sheriff Gray had me in charge. *Q.* Who have you talked with? *A.* Officer Beck. *Q.* My question; Mrs. Kehr have not seen Mrs. Herzberg since the talk about the letter; Mr. Kessler with a policeman came for me to come here. (Officer Kauffman of Chicago.) Never saw prisoner and deceased other than once together in their house; it was on Sunday; they were taking supper; did not read the letter Sophie sent to Jumpertz; did not see a word of it; never read a word of letters from Jumpertz to her; She told me once there was a German going back to the old country and she had given him four little gold dollars to take to her sister; the letter she got after that money was sent, and Sophie said she had sent $10 to Jumpertz; he was to send it to Germany to get some jewelry of Sophie's that her sister had; the letter from Jumpertz about going to St. Louis was before the sending of the gold dollars; the gold dollars went to her sister at home; don't know where she got them; knew she sent them, because I saw her writing with them lying on the table; it might have been in February; cannot tell how long before; she told me she wanted to send $5 but could only send $4; that her mother had died and her younger sister was with her older sister; as to the jewelry, she said she was sick in Germany and had to pawn the jewelry; don't know if she said to whom; she said she was good that her mother was dead, so that she did not know that she (Sophie) was not living with her husband, but with Jumpertz; she said if she wrote to her sister that she was not living with Jumpertz any more, that her sister and her husband would come here and she would live with them; Sophie told me nothing about her troubles with her husband; she seemed to wish to gain the good esteem of her sister; she never spoke of the others; never heard of her making up a quantity of towels; which I saw her sew she generally was sewing for other people.

Direct resumed by Mr. Miller.—(Witness here identified some articles of clothing &c., as belonging to deceased.) The $10 was sent about a month before she left Milwaukee; she had said if she had money she would send it to the old country and she did so; she wanted him to get the jewelry, which was in pawn.

(District Attorney Haven stated that it was desirable that the examination of this witness should be finished at this time, as she was hourly expecting her confinement. Mr. McComas, for defence, replied that he could enter into no agreement as to the departure of this witness from the city. He had taken pains to converse with her, as stated in her testimony, and she told him and gave him different statements from those now given on the stand. He thought she might be *mistaken*: certainly there was a conflict, there might be a fraud, though he could conceive no reason for the same.

The Court suggested that the doubtful part of the examination be gone through with again.

Cross Examination Resumed—The contents of the letter I saw were Sophie Werner's; I thought so because she had spoken in that strain to me. *Q.* How often have you seen this letter. *A.* Twice, once at my house and once at Mr. Beck's. *Q.* Never again? *A.* No. *Q.* How often have you seen the letter shown to you at Milwaukee by Sheriff Gray and McComas? *A.* Once; never saw it again.

To Mr. Haven—Did say to them (Gray and McComas) that the *inner part* was Sophie's, but not certain as to the hand writing; did not know; the contents belonged to her letter; the letter was double; this letter (the white letter,) is only half a sheet.

[Witness again described the letter sent by Sophie as a full sheet of blue paper, a portion of one side blank.]

To Mr. Haven—Sheriff Gray and Mr. McComas were in the room about an hour. There was in the letter something about her sister, about which I so concluded that the contents were here.

Mrs. Eliza Rabe sworn—Reside in Milwaukee; know Jumpertz and Sophie Werner when they first moved into the house on Market street; it was the summer of 1857 in August; I was living in the upper room of the same house with them; at first Sophie said Jumpertz was her brother; after Jumpertz had gone she said the child she gave birth to was his; was present when the child was born; a midwife was there; Jumpertz was at work in the shop that day.

[Question as to the child objected to by the defence. Mr. Haven stated that he proposed to show the child was born dead through the wilful treatment of prisoner, to show the relation of the parties]

Mr. Van Arman urged that it was irrelevant and illegal to attempt to show in the course of a trial for one murder, another murder of a child unborn.

Mr. Melroy thought evidence on the point might come in at some stage of the case, if not before, certainly to rebut testimony as to character.

Mr. Haven urged its admissibility as directly showing the relations of the parties.

The Court held that any testimony showing the relation of the parties was competent. Witness might state anything within her knowledge as to the treatment of deceased by prisoner at the time of the birth of the child, or the general manner of their life.

Mr. Van Arman urged that under one indictment for one crime, evidence going to show another amounting to a felony was not admissible.

To Mr. Miller—Did not see Jumpertz that day; the child was born in the morning. *Q.* How long did the child live? *A.* It was still-born.

Answer objected to by defence, and exception taken.

Q. What was the appearance of the child at birth?

Objected to by defence, and sustained.

Q. When did Sophie leave Milwaukee? *A.* On the 3d of March; prisoner had left before Christmas preceding—cannot tell the date.

Q. Immediately previous to her coming to Chicago, did you converse with her about coming? *A.* Did not talk much about it. About a month before she came, we talked some about it. Knew of her receiving letters from Jumpertz. It was shortly after he had left.

Q. State the contents of the letter.

Objected to, and objection sustained. Withdraw for the present.

A. Saw no other letters.

Q. From her own statement do you know why Sophie left Milwaukee? [Objected to by defence—overruled—exception taken.] *A.* Because Jumpertz wrote that she should come; she gave me no other reason; I knew their things pretty well; they were sold when she came. *Q.* Do you know why? [Objected to—overruled.] *A.* The defendant told me he wrote her to sell the things.

Mr. Van Arman moved to strike out the answer as consuming of what Sophie said, which could not establish the contents of the letter.

The Court in overruling the motion held that any conversation between them relative to their leaving Milwaukee for Chicago would be admissible.

A. She said that Jumpertz had promised to marry her; she told me he told her to sell the stuff, just after she got the letter; it might have been three or four days before she left that she came up stairs and said she had got a letter to sell everything and to come to Chicago; she was to come on the 1st or 2d March, but it took to the 3d of March to sell the things.

Mr. Van Arman moved to strike out the answer, as the proving of the contents of a letter or written document could not be accomplished in this way.

The Court held that no fixed rule could govern this class of cases. He was disposed to admit everything that could throw light on the reason and causes of the deceased leaving Milwaukee, as a part of the *res gesta*.

Excepted to by defence.

Q. What else was said? *A.* She did not speak to me any more but to others; she left on the afternoon of the 3d or 4th of March; saw her when she went; saw her at the house for the last time; never saw Sophie write; she wrote a very fine cramped hand. (The letter on white paper shown.) The handwriting I cannot recognize certainly; from the *contents*, she may have written it; the handwriting is coarser; her writing was more unequal and less distinct; Sophie carried some chests, a rocking chair, some quilts on top of the chests, when she left Milwaukee. (Witness identified the trunk, dresses, &c.) This green dress she had on when she came to Chicago; was present when she packed the trunks, the day before she left.

Q. Did she say anything at that time why she came? Objected to and overruled. *A.* No. I was there but a short time; had a little one only a short time down stairs. Direct examination here closed.

Mr. Van Arman moved to strike out all the testimony of the witness as far as it appertained to conversations with Sophie Werner relative to the contents of the letter. Written documents furnish the best evidence of their contents. Every reason why she came to Chicago from her own statements was admissible, but evidence relative to contents of letter was of a different nature.

The Court held where an act is proved in evidence any declaration accompanying the act may be proved in evidence. It is not the question whether the statement is true or false. The sole question is, is the conversation admissible as part of the *res gesta*. Motion to exclude overruled.

Cross examined by Mr. McComas—Cannot say if the parties lived peaceably or otherwise; could hear up stairs pretty near all that was going on down stairs; could have heard any difficulties; can't say who bought the things; can't tell who first got the goods into Sophie; she brought a good deal from Chicago; Jumpertz bought fuel, &c; they did not buy any household furniture, to my knowledge; he paid her rent for half a year before he left; she had necessaries in the house, fuel, provisions, &c., for a long time; can't say if he left her any money; she did not say; she was washing, and said he wrote to her to ask her to send to him all the money she had, as he wanted to pay for a lot he bought in Chicago; before she left they celebrated her birthday; he gave her a $10 gold piece, the one she afterwards sent to him.

Q. Was she low-tempered and desponding? [Objected to by prosecution in form, not in substance, as calling for conclusions instead of acts. Held by Court to be admissible; the prosecution might afterwards call out acts, to see if the opinion of witness was well founded.] *A.* She was generally pretty gay—sometimes was desponding; up stairs, and then would come down and be gay again; she would say, "Oh, if you knew how unhappy I am!" but never would tell any reason; she would often say she had sorrow at her heart; I would ask what; she would not tell; she dare not tell; never saw the writing of Sophie Werner before she came; remember that the sheriff and Mr. McComas were at my house; a letter was given me to read; Paul, who keeps a beer saloon, was interpreter; don't know his other name; was asked if the letter was the writing of Sophie; answered as I have here; I asked to be permitted to read it; said that as to the contents it might be hers, as to the writing I, could not tell; could not understand the interpreter when he spoke in English; did say the letter might be Sophie's, said it was the same she often told me; I was absent-minded on the day my child was sick; don't fully remember all I said; I did not feel certain that it was Sophie's letter; I only spoke of the contents; don't recollect I thought it was not her handwriting; there was no further question asked me; I heard the interpreter interpret what I said, but could not fully understand; Sophie often spoke of Werner; sometimes said he was the author of all her sorrows; that she could kill herself for him; she never said anything about going to Rochester; don't know anything about her making towels before she left Milwaukee; might not have known it if she had, as she did not come up stairs much no; I go down much; the last part of the time; the letter shown me was much her model of expression; *Q.* Do you know a young man referred to in the letter as Charley? *A.* Not by that name. *Q.* About any young man going to Europe? *A.* Yes, she told me he was going and she sent money to her sister by him; only said her sister was in want of it and she sent it. *Q.* Did she say anything about any jewels? *A.* Can't say. *Q.* Did you know of a young man coming to her room after she left? *A.* She told me about it; that he came drunk, he did not say he mistaken; it was not long before she left; could not say how long, a fortnight perhaps; don't know certain.

Direct Resumed by Mr. Miller.—She read the whole of the letter to me. (The whole letter was read to the witness.) I think that is as the letter I saw; she never spoke to me about going to Rochester, only that she had written to her sister and that this young man had been there; the sentences in the letter about Charlie and about the sister are like Sophie's; I can read the letter easily; it does not all seem like Sophie; my husband was present; cannot say who bought the furniture; it was sold to many of the neighbors; cannot tell for how much.

Cross-examination resumed.—To Mr. McComas—Cannot say that is the same letter shown me by Sheriff Gray; don't remember the paragraph about Rochester; it might have escaped me; do not really know for certain if it is the same handwriting; I think this is written better than the last one I saw in Sheriff Gray's hands; I should say *this* was written by Sophie's handwriting than that; don't know for certain.

Frederick William Rabe Sworn—Live at Milwaukee, Ninth Ward; am a printer in "*Seebote*" job office; knew Jumpertz and Sophia when they moved to our house, in 1857 in the fall; the house is on Market street; they called themselves brother and sister; afterwards I ascertained it was not so, he was her lover; never saw her write; took two letters to the Post Office from her to Jumpertz "*Am Chicago.*" "How was the word Henry spelt? Objected to and sustained. Could not tell her handwriting; never saw any other writing; she gave me the two letters. *Q.* State if you know what these letters contained. Objected to and sustained. (Mr. Haven explained it was something contained in the letter; evidence admitted.) *A.* One of them contained $10; I got it registered at the office. *Q.* Did anything call your attention to the direction on these letters? Objected to and sustained.

Mr. Haven wished to establish a point as to the destruction of these letters, and by permission of the Court called for this specific purpose the following witness, introduced to establish the fact of the loss.

Jacob Rehm—Am City Marshal; arrested prisoner; he told me then he had received letters from Sophie Werner; that he wrote to her and she answered; he told me he burnt her letters after she died

To Mr. McComas.—The statement was made in my office; he said he burnt all her letters except this one, [the letter often previously referred to in the evidence.]

Rabe, resumed—*Q.* How was the word "Henry" in the letter spelled? [Objected to. Overruled. *A.* Henry; that was the same one; I can't tell any more; noticed it because I spelt it when I read it at the Postoffice where I registered it; Sophie left Milwaukee on the 3d or 4th of March, 1858, a year ago; She bade me good by; said she was going to Chicago; she had a dray with trunks, &c., on it.

Cross Examined by Mr. McComas.—The letter spelled "Henry" was the first of the two. It was put up in Brussy; there was but little between the two; in German Henry is spelt Heinrich, in Dutch Henri: that letter [the letter shown] is in German; the parties lived peaceably; he paid for the rent and provisions for some months in advance.

Adjourned to 9 A. M. to-day.

LOCAL MATTERS.

PUNCH CIGARS—TO THE SMOKERS OF CHICAGO. In introducing the Punch Cigars to the smokers of Chicago, we need only refer to the enviable reputation which they have won for themselves in the city of New York during the short interval since their first importation. The fame of Punch Cigars spread like wild fire, and so rapid and unexpected was their leap into popularity that the importers were obliged to limit their sales to that city alone until the receipt of further shipments.

Our determination to start with the best brand in the market, and to supply a deficiency always notorious in this city, has stimulated us to every exertion to secure the first sale of the Punch Cigars.

For the present we shall sell only the

PUNCH CIGARS—PUNCH CIGARS.

PUNCH CIGARS.

Buck & Rayner's new Prescription Drug store, No. 93 Clark street, opposite the Court House.

☞ Hostetter's celebrated Stomach Bitters have by merit of their tonic and other medicinal virtues acquired a celebrity and popularity heretofore unknown. This fact has induced unprincipled parties here and elsewhere to counterfeit and imitate this preparation, and palm it off to the unsuspecting or unprincipled dealers, who will retail it upon the reputation of the genuine article, thus not only endangering health and life by the use of this vile mixture thus sold, but are robbing the pocket also. The most prominent operator in this nefarious business thus far brought to our notice, is a fellow by the name of Cobb, who prepares the mixture and refills Hostetter's empty bottles which are re-labelled with a counterfeit and spurious label and the cork covered with tin-foil, thus they are sold. C. H. Beckwith, No. 101 Water-st., we find a large dealer in this counterfeit article, which could not be sold at any price were it not for the genuine Hostetter's Bitters. We caution the public to dodge these imposters and see our advertising columns for the names of respectable merchants and druggists for the genuine article. The genuine Hostetter Stomach Bitters have been impressed in the glass of the bottle, also in the cap covering the cork, and the labels bear the autograph of "Hostetter & Smith, Pittsburgh, Pa. ja26 1w*

A GLORIOUS ACHIEVEMENT BY GAYETTY!—Nothing can exceed the success achieved by J. C. Gayetty's Medicated Paper for the Water Closet. Piles will soon be a disease no longer known except in name. This pure medicated paper is unequalled as a preventive, and unapproachable as a cure. The proprietors wish it to be spoken of according to its merits only. It is very cheap—1000 sheets for $1; 500 sheets for 50 cents. Sold by all druggists, and at the discoverer's depot, 41 Ann street, New York. "J. C. Gayetty" is watermarked in each sheet, and his autograph is on each package. Sent by express from 41 Ann street, New York, upon receipt of price. The trade are invited to correspond on to terms. For sale by J. H. Reed & Co., wholesale and retail druggists, 144 & 146 Lake street, Chicago. ja22 2w-c63

☞ Wheeler & Wilson's Sewing Machines. North-Western Office 167 and 169 Lake street. GEO. L. CHITTENDEN, Agent.

☞ See advertisement of Boudoir, Sewing Machines. 122 Lake street. ja4-1y-b606

☞ See advertisement of Quaker City $20 Sewing Machine. L. CONSTAL & CO., oc26-1y 133 Lake street.

☞ See advertisement of Dr. Sanfords' Liver Invigorator in another column.

BY TELEGRAPH.

TO THE PRESS AND TRIBUNE.

XXXVth CONGRESS---SECOND SESSION.

WASHINGTON, Jan. 27—SENATE.—An act was passed providing for the payment of the expenses of the investigating committees of the House of Representatives.

The Secretary of Navy was directed to furnish all information in regard to Lieut. Cravin's survey for the Atrato ship canal.

Various matters pertaining to the Post Office were referred; among others a resolution offered by Mr. Hale, requiring the acceleration of the mail between the cities of New York and Washington.

Mr. Fitch, from the Committee on Printing, reported in favor of printing 5,000 copies of the majority and minority reports respecting the acquisition of Cuba.

Mr. Hale opposed it as a useless expense, but it was carried.

Mr. King introduced a resolution respecting the tariff, which was laid over until to-morrow.

Mr. Rice introduced a resolution directing the Secretary of War to lay before the Senate the report of Col. Wright of a campaign against the Indians in Oregon. Adopted.

The Pacific Railroad bill was then taken up.

As amended in several particulars, one of these amendments, by Mr. Douglas, provided that all desert lands within 40 miles of the middle station of the road should be open to pre-emption at 10 cents per acre.

Another, by Mr. Doolittle, added a section intended to prevent speculators from keeping back the lands from settlement.

Another, by Mr. Doolittle, made it the duty of the Secretary of the Interior to advertise for proposals for Northern and Southern routes, and report to Congress at its next session. These were severally adopted.

HOUSE.—The House proceeded to the consideration of the Consular and Diplomatic bill and resulted to concur in the amendment of the Committee of the Whole which proposed to curtail the number of Foreign Ministers, and send them only to Great Britain, France, Russia, Spain, Brazil, Mexico, China, Peru, Turkey and Nicaragua.—Yeas 43; nays 145.

The House also rejected Mr. Crawford's amendment proposing to reduce the sum to enable the President to carry into effect the act of March, 1819, for the suppression of the slave trade and other subsequent acts from $75,000 to $45,000. The object being to withhold the amount necessary to comply with the contract with the Colonization Society for the education and support of the recaptured Africans of the Echo.

The question was then taken for striking out the entire clause containing this appropriation. Negatived, 103 to 95.

The bill was then rejected, 88 against 99.

Mr. Branch, of N. C., moved a reconsideration.

Mr. Letcher, of Va., urged the passage of the appropriation bills necessary to keep the Government together, and to avoid an extra session.

Mr. Nichols, of Ohio, said it seems to be the sense of the Republicans that if they were allowed to vote in certain amendments, such as striking out the clause in Persia, the bill could be saved.

Mr. Letcher said he seek opportunity could be given. He had understood the Speaker to say that the propositions in connection with the bill were presented and the only shape they could be voted on. If there was more conciliation, there would be less difficulty.

Mr. Giddings said his vote depended on whether a bill was to be reported to appropriating thirty million for the purchase of Cuba. He would stop the Administration where it is.

Mr. Letcher replied that such a bill had emanated from the Committee on Foreign Affairs.

Mr. Giddings said he would take no steps in that direction.

The Speaker reminded him of the irrevalency of the Cuban question at this time.

Mr. Hughes, of Ind., said if the Speaker had noticed his objection to the question of Mr. Giddings, this matter would not have come before the House.

The Speaker said he did not hear the gentleman.

Mr. Hughes replied that he could not help that.

The Speaker.—I hope the gentleman did not intend to be rude to the Chair.

Mr. Hughes.—No. But if I had I should have only been paying off an old debt.

Speaker.—If the gentleman has any personal quarrel with the Chair, the House is no place to settle it.

Mr. Hughes—I know that, and say the same to the Speaker.

This colloquy occasioned considerable sensation.

Suggestions were made by Messrs. Hopkins, Howard, Ritchie, and the Speaker, with the view of relieving the House from difficulty, and reopening the bill for amendment.

After further debate the vote by which the bill was rejected was reconsidered.

A motion to strike out the Austrian mission was disagreed to by 71 against 120.

Motions to strike out the missions to Switzerland, Rome and Buenos Ayres were severally negatived.

The mission to Persia was stricken out.

The House again voted on the bill and again rejected it by 91 against 94.

Mr. Washburne of Illinois moved to reconsider the vote, and to lay that motion on the table, pending which, Mr. Hughes wished to say that he regretted having made the remark to-day which seemed discourteous to the Chair, and took pleasure in making this statement.

The Speaker responded to Mr. Hughes expressing himself exceedingly gratified at the disclaimer.

[Here the line failed.]

The Financial Struggle at Washington.

NEW YORK, Jan. 27.—The *Times'* correspondent last evening telegraphed: "The bill to Post Routes reported to-day, provides for a weekly mail from New York via Panama to San Francisco and Astoria, one half of which service may be transferred to the Nicaragua Route when that is opened, but without increase of expense. Also a weekly service from New Orleans, via Tehuantepec, to Acapulco. The New York line must provide for taking these mails from Acapulco. The pay to the New York line is fixed at $600,000 per annum; that of the New Orleans