

REPORT OF THE TRIAL
OF
RICHARD JOHNSON,
FOR THE
MURDER
OF
MRS. URSULA NEWMAN:

HELD IN THE
COURT OF OYER AND TERMINER,

ON THE 10th OF MARCH, 1829,

BEFORE

*Judges Edwards and Irving, and Aldermen Stevens, Coe,
and Brown, (of the 8th Ward.)*

REPORTED BY E. V. SPARHAWK.

NEW-YORK:

**PUBLISHED AND SOLD, WHOLESALE AND RETAIL,
AT NO. 20 WILLIAM-STREET.**

1829.

11640-Land 87

TRIAL.

THE PEOPLE
vs.
RICHARD JOHNSON. } **MURDER.**

Counsel for the Prosecution, H. MAXWELL, Dist. Attorney.

*Counsel for the Prisoner, Messrs. PRICE, WHEELER, and
N. B. BLUNT.*

THE indictment set forth, that on the 20th of November, 1828, the prisoner, of his malice aforethought, and being instigated by the devil, did discharge from a pistol eight leaden bullets, in and upon the right breast of Ursula Newman, otherwise Ursula Lattle, inflicting a wound three inches in width and six inches in depth, of which wound the said Ursula languished, and languishing did live; and that on the 23d of November, the said Ursula languished, and languishing did *die*. The plea of not guilty had been made the day previous.

The prisoner was brought into court at an early hour. His appearance bore marks of good health, and he did not seem cast down by the awful situation in which he was placed.

Johnson is nearly six feet in height, rather stoutly made, and stoops considerably. His features are not remarkable, certainly not pleasing. The breadth of the lower part of the face is disproportioned to that of the forehead, his mouth large, and its expression such as Lavater would have appropriated to a face in which he wished to display the grosser passions. His eyes are small, somewhat contracted, and his brows knit over them, during the whole trial with a perpetual frown, which might partly have originated in the constant meditation upon the barbarous deed for which he was indicted. His hair is brown, and his eyes light. As he appeared during the trial his face was truly repulsive.— While the witnesses for the prosecution were under examination he leaned his head upon the box, and did not look up. When the defence commenced he seemed less affected, and, although displaying considerable interest in the proceedings, seemed little moved or daunted.

In the selection of a Jury the right of the prisoner to challenge peremptorily twenty jurors was fully exerted, and two or three persons excused from serving on the ground of having formed an opinion as to the guilt of the prisoner. After considerable time the following Jury was sworn :

John M. Greene,
Frederick Weed,
David Board,
Alfred Carhart,
Martin Peck,
Silas Bedel,
Isaac L. Tompkins,
Timothy Haviland,
John Buckout,
John Noll,
Joseph Conover,
Christopher Living.

The District Attorney opened for the People. He observed that he had very little to say in opening this case,

and should only state to the jury the bare facts, which would be detailed by the witnesses. It would be shown that the prisoner took the life of the deceased in the manner set forth in the indictment; but whether this killing was perpetrated with malice prepense, would be left to their own inference. It appeared that the prisoner had been intimate with Mrs. Newman for several years; that he lived with her in Philadelphia; and that when she removed in May last to this city he accompanied her, and resided with her until the time of the fatal deed, when she was deprived of life by the prisoner. Previous to this time, there had been altercations, dissensions, and strife between them on different subjects, the causes of which would be fully developed. The District Attorney should forbear to go into them at present, as he was unwilling to inflict an additional wound to those which the feelings of the witnesses, two of whom were children of the deceased, had already suffered. It was necessary to state, that on the day on which the pistol was discharged, the prisoner had manifested a bad temper towards Mrs. Newman. On that day, at about the dinner hour, the prisoner entered the parlour, and Mrs. Newman discovering in his manner something hostile, retreated from him into the back parlour, fearing violence from him, and having a child in her arms. He followed her into the room, where, after some conversation, he fired a pistol and inflicted a wound upon her person. He afterwards went out; and while Mrs. Newman was reclining on a chair, suffering under the effects of his violence, but still sensible, he returned, and again discharged the pistol at her, saying, "d——n you, if the first did not kill you, this shall!" On the 23d of November, Mrs Newman died of these wounds. If such are the facts, as I, said the District Attorney, believe them to be, it is necessary for the prisoner to place before you some state of things by which the responsibility of this shocking act may be removed from him. I am unwilling to dwell upon the case, but shall now proceed to place the testimony before you as clearly as possible from the condition of the witnesses, and to submit the facts to your deliberations.

John Colvill, Esq. (coroner for the city and county,) sworn. He held an inquest on the body of Ursula New-

man at No. 25 William-street. There were two medical men present, Dr. King and Dr. Scudder.

Dr. Stephen R. Harris sworn. Shortly after the pistols had been fired he was called on to see Mrs. Newman. It was then a little past 2 o'clock P. M. She was reclining on a sofa, supported by her daughter. She was much exhausted, and witness ordered her some brandy and water. There seemed to be three distinct wounds around the nipple of the right breast. Her arm was also much lacerated. On an after examination, it was found that an opening had been made into the cavity of the chest. The balls had separated, and on opening the cavity of the chest, two balls were found lying against the ribs. A fissure was discovered in the diaphragm, and there seemed to be two distinct fissures in the liver. One ball had lodged in the upper part of the right side of the kidneys. The eleventh rib had been separated, and four balls had penetrated the muscles of the back directly along the spine. The balls were what are commonly called buck shot—nine were found in all. In examining the wounded arm it was evident that several balls had passed in, at, or near, the elbow, and gone out at the wrist. Should judge that there was about the same number of shots in the second, as in the first charge.

Cross-examined by Wheeler. The wound in the breast was the fatal one, and caused the death of the deceased, and believes that was discharged first.

Benjamin T. Barker sworn. On the 20th of November last witness was at No. 44 Exchange-street, on business, and had come out and was passing along William street, when he heard the report of a pistol. As he got opposite No. 25, a couple of lads came out of the house with their hands covered with blood, and cried out, "Do come in—a man has shot mother!" Witness went in and saw the daughters of the deceased. They said that Mr. Johnson had shot Mrs. Newman in the back parlour. Mrs. N. was sitting on a sofa, supported by her daughter, who was kissing her mother and lamenting over her. Had hardly expressed his surprise at what he saw, when a man rushed in and said, "Damn you—if the first shot did not kill you, this shall," (or *will*.) He then fired a pistol at

the deceased. Witness was struck on the arm; thinks it was by a piece of the pistol which burst. The man who fired the pistol was the prisoner at the bar. Mrs. N.'s back was towards the door. Her left arm was towards Johnson when he fired. The shot seemed to have wounded her arm or elbow. Did not see Johnson again in the bustle until he was in the hands of Harrison. When witness first entered the room the woman was bleeding, and her eyelids were nearly closed.

Cross-examined by Wheeler. There were other persons in the room. Could not say whether Johnson looked wild or not, as he had not time to observe how he looked. Did not observe Johnson's countenance until he was in the street. Did not hear prisoner complain of the wound in his hand. His wound seemed to be in the wrist.

By Ald. Stevens. Observed his countenance when in the street. He seemed to be wild and furious. Heard him complain of nothing but of being tied. Thinks he said he was willing to go to prison without being bound.

Jose J. Villarino sworn. Was at the corner of Exchange Place and William-street. A man came past and said a woman had been murdered; went to No. 25, and found a lady sitting in the back parlour on a sofa. Witness was attempting to search for the wounds, when a man came in and said some words which he did not fully understand, presented the pistol between the young lady and himself, and discharged it at the deceased. Did not know what became of the man immediately afterwards, was much alarmed; went away for a few moments, and on returning, found the man, (the prisoner,) under arrest.

Cross examined by Wheeler. Does not know the number of people in the room. Saw the boy in the street, who said a man had killed his mother. Johnson seemed very wild when he came in. Never saw him before. When witness saw him afterwards, his countenance looked like that of a man who had committed a crime. Did not observe a staring such as is common with insane persons.

Wheeler. How do you mean when you say he looked like a man who had committed a crime?

Witness. He looked wild and frightened.

District Attorney. Did he appear like a man in a violent passion?

Witness. Yes.

Wheeler. Do you say he appeared in a passion, and not crazy?

Witness. I cannot tell, I have seen a great many men in a passion; but I never saw a crazy man.

William H. Harrison sworn. Knows the prisoner at the bar, and saw him on the 20th of November, was at Mr. Regnard's on the corner, and saw people running. On asking what was the matter, was told that a woman had been shot. Was trying to get in when another pistol was fired. The people ran out of the house and scattered like a flock of sheep. Witness went in, and saw the woman lying on the sofa. Johnson was walking up and down the room. Witness said, "my God! where is the man that has done this?" Johnson braced himself up, walked up to him like a lion, and said, "I am the man who did it." Witness asked "what he did it for?" He replied, that it was because she did not do what was right. Witness looked round and saw nobody but those who were assisting the woman, and asked if there was no authority to take him up? Johnson said, "he disregarded all authority." The young woman also said that he was the man who fired the pistol. Witness then sought assistance, and saw a gentleman, who came to him. Witness then collared Johnson. As they were leaving the room, Johnson turned round, and looking at Mrs. Newman, said, "good bye." He was then carried to the Police.

William Lawson sworn. Brought the prisoner up from William-street on a cart to the police office. Endeavoured on the way to engage him in conversation, and questioned him as to his motive for what he had done. Prisoner would not answer at first; but when about opposite St. Paul's Church, prisoner said, looking seriously at the witness, "I had good reason for what I have done, and I will show the public that I have, and it will soon be printed. I shall make no more disclosures." Witness knows nothing of the murder from being present. Witness assisted them to arrest Johnson, and tied him upon the cart, not so as to hurt him. His hand was wounded, and a gentleman bound it up with a handkerchief.

Cross-examined by Wheeler. It was probably *ten* minutes after the pistol was fired, before the remark was made by the prisoner, as mentioned above. In answer to the question, how he came to wound himself, he said that he did not know, if it was not that the pistol burst, as he had no other weapons. He made no complaint of the wound until he arrived at the police office. Witness remarked that prisoner's hostility against the deceased must have been very inveterate to induce him to fire at her the second time. He replied, that he meant the second shot for himself, but some meddling person either pulled or pushed his elbow, and what mischief it had done he did not know.

Rachel Newman sworn. Had known the prisoner for five or six years. Was first acquainted with him in Philadelphia. Her mother moved to this city in May last. The prisoner accompanied her. His business was that of a printer. He kept his office in the garret of her mother's house. Knew of the disagreement between the prisoner and her mother.

They had a dispute previous to his going to Rochester. These disputes were not of frequent occurrence; the witness was present on this occasion. The dispute was concerning his business. Believes he was leaving his affairs in an unsettled state, and her mother insisted that he should not go, unless he made the arrangements which she wished. There was an angry expression made use of by the prisoner—he threatened to expose the deceased. She replied she defied his insinuations. The conversation was continued, but witness did not hear the rest. The prisoner left town that evening.

He returned to the city the day previous to the firing of the pistol. The family dined on the 20th at about two o'clock. He came into the dining room with a child in his arms, which he had brought from Rochester. He locked the door after him. Her mother was carving; but she left the table, and met him in the middle of the room. He went towards the front room; and deceased struggled with him for the child. She took the child from him, and attempted to go out by the door which Johnson had locked. She then opened the back window, and got out into the piazza. Johnson at this time stood at the door leading to the

front room. Witness begged of him to come into the front room and tell her what his conduct meant, and what was the meaning of all she saw. He made no reply. Witness told him to be calm. He said, "I am calm," and then ran from her, and passed out of the window through which her mother had left the room. Witness then requested a boarder (Mr. Marsham) to go with her into the back parlour, and follow Johnson. She found her mother sitting on a low chair, and Johnson by the window with a pistol in his hand. Witness went up to him, and asked him for the pistol, telling him that he was playing tragedy. He said he was not. She asked him what he was doing with the pistol, then adding—"you think you are performing the Stranger." He would not give her the pistol, and when she *cried*, to get it from him, he pushed her away. He said it was "for her sake, and that of her sister, that he did that thing." Her mother rose, and asked, "what is it to the girls? what have they to do with it?" Further conversation passed, the words of which she has forgotten. She thinks her mother asked Johnson what he wished her to do? to which he replied, that he wished her to acknowledge him as her husband, and the child as theirs. Witness made another attempt to get the pistol, but he held it above her reach. He then drew it down, took aim at her mother, and fired. Does not recollect that Johnson said any thing after he fired; but immediately left the room. Witness is the person who was supporting her mother on the sofa, as stated by the other witnesses.

Cross-examined by Price. Her mother kept the New-England Coffee-House in Philadelphia. Johnson came to her mother's house about five or six years since. Believes he lived after that time entirely at her mother's house as a boarder.

Price. Are you now convinced that he really formed part of the family until the removal to New-York?

Witness. I am not. I do not understand the question.

Price. Was he not called the husband of your mother?

Witness. No.

Price. Did he not call himself the father of you and your brothers? No.

Johnson had been about three years at Philadelphia when her mother left that place to go to the western part of the state of New-York. Does not know how long she was absent, but believes about three months. Had never heard Johnson express a desire to be acknowledged as her husband, or that the child should be acknowledged until the day of the firing. They lived together on the best terms in Philadelphia. When he returned home in November, he brought a child about three years of age, which was the one alluded to. Her mother never did acknowledge it, to the hour of her death. She has no knowledge of her mother having said that when certain embarrassments were over, or a certain note taken up, she would acknowledge the child. Never heard her admit that it was hers, either before or after the wound. Did not hear him lay any plan by which the note should be taken up if she would acknowledge the child. When he first displayed the pistol, witness thought it was to frighten her mother into the acknowledgment of the child. Heard no conversation as to the effects on the child if she refused his request, or that it would be disgraced, or any thing of the kind. Heard nothing of a letter received by Johnson from the westward relative to the child.

The District Attorney here rested.

Mr. N. B. Blunt opened the case on the part of the prisoner as follows :

May it please the Court—

Gentlemen of the Jury,

As has been stated to you by the counsel for the prosecution, the duty imposed upon you is of an arduous and responsible nature.

You are about to pass in judgment on the very existence of a fellow-being. You are compelled, so far as the frailty of your natures will permit, to dive into the recesses of the heart, and to penetrate the hidden intent of the mind. The acts of the prisoner speak for themselves, but of the secret thoughts what man shall judge? And yet so critical is the law, that the very *intent* must be proclaimed before the sword of Justice can descend on the offender. The intent,

therefore, constitutes the essence of the offence; and on the *intent*—for of the deed itself there can be no doubt—must we have our defence. [Mr. B. here cited several authorities in explanation of the law in relation to this case.]

It is, gentlemen, a merciful provision of the criminal law, that the mind itself must consent to the crime. Deprive man of this faculty, and his accountability is at an end.

In the language of the law, “insanity itself is calamity enough, without inflicting the pain of conviction.” Philosophers have in vain endeavoured to fathom the depths of the mind, and the deep researches of ancient and modern sages have but added to the mystery of its structure.

Lord Erskine, in his defence of James Hadfield, indicted for shooting the king, says, “so wonderfully, yet so fearfully are we formed, so infinitely subtle in the spiritual part of our being, so difficult is it to trace with accuracy the effect of diseased intellect upon human action, that I may appeal to all who hear me, whether there are any cases more difficult, or which indeed so often confound the learning of the Judges themselves, as when insanity, or the effects and consequences of insanity, become the subject of legal consideration and judgment.” Justice, in her eternal rules of punishment, never separates the mental movement from the consequence: to the will alone is the crime referred.

In the present case, gentlemen, the principal, and indeed only question for you to decide, will be, Was the act committed by the prisoner, while in the possession of his sound memory and discretion?

On this subject the law is clear and explicit. “If the Jury believe, from all the circumstances of the case, that the prisoner is insane, they ought to acquit.”

The counsel here entered into an explanation of the causes of insanity, which he reduced to three heads:

1. Physical or corporeal causes—such as too great determination of blood to the head, as in fevers, intoxication, &c.
2. Too great or too long continued mental exertion.
3. *Strong passions*, such as pride, anger, grief, love, &c.

To this third cause was referred that of the prisoner; and the counsel cited several authorities, showing the symptoms and nature of this species of insanity, which he denominat-

ed *maniacal phrenzy*. He referred also to the character of the prisoner, which would be shown to be that of a mild and peaceable man. I do not, said Mr. B., wish to speak harshly of the deceased. "Speak no ill of the dead," is a sentiment alike of justice and humanity. But there is also a duty towards the living; and painful as is the task, it must and I trust will be performed, fearlessly and impartially. To her own evil and guilty passions, does the deceased owe her fate. Step by step, had she led on her victim, until at length, finding himself encompassed by her toils, bound by chains that no human power could resist, Reason forsook the helm, and the uncontrolled passions swept on the betrayer and the betrayed into one common abyss of ruin.

The counsel here stated the circumstances of the rise and progress of the intimacy between the prisoner and the deceased.

The prisoner is a native of the State of Virginia. At an early age he was left an orphan on the world.

Having regularly served his apprenticeship to the profession he had chosen, which was that of a printer, he left his home with the intention of locating himself in some one of the northern cities. In the month of March, 1823, he arrived at Philadelphia, and put up at the New-England Hotel, kept by Mrs. Newman. A wedding had just taken place in the family, and the prisoner was invited to the parties which ensued. It was his fortune at these parties constantly to become the partner of the deceased.

As intimacy ensued, over which we will for the present draw the veil.

In the summer of 1827, Mrs. Newman left Philadelphia, with the intention, as she stated, of visiting her sister in the western part of this state; far different were her real intentions.

She there gave birth to the helpless pledge of a guilty love. She returned in about three months, and matters continued in their usual train.

In the course of the last spring, Mrs. Newman announced her intention of removing to New-York. This intention was opposed by the prisoner, who was, however, finally prevailed on to consent.

In the month of May last, they accordingly removed to this city, and occupied the house No. 25 William-street. During their residence in Philadelphia, the prisoner had obtained for himself the inestimable advantages of a good character, and he soon found friends and employment in this city.

But the demon of discord was constantly undermining his domestic peace. Exposed to the designs of an artful woman, constantly harassed by her persecutions and unmerited reproaches, is it a wonder that reason fled? Yet did he still cherish the hope that she, for whom, (however undeserving,) he had sacrificed all, would in some moment of returning kindness restore him to his proper station, and heal his wounded feelings. After several ineffectual efforts to accomplish this honorable purpose, he determined seek his child, trusting that the feelings of the mother would prevail. He was again mistaken. As if void of those natural feelings which the very beasts of the forest acknowledge, she refused to confess her offspring. It was then the final blow was given to his agonized feelings. The already tottering pillars of reason were rudely torn away—he became a phrenzied maniac.

Mr. B. then appealed to the impartiality and justice of the jury for a verdict in this case consistent with the impartial discharge of their duty.

John Airey sworn. Had known the prisoner at Philadelphia, where they boarded in the same house, and always considered him, mild, good tempered and benevolent.

James L. Docherty sworn. Is a resident of Philadelphia. Had been intimate with the family of Mrs. Newman for many years, and was well acquainted with the prisoner. With his general character there was no reason to find fault, and his disposition was good. Witness knew nothing against the moral character of Johnson from his own observation, or of the connexion that subsisted between him and Mrs. Newman. But he had observed that in money matters and the management of affairs their interests seemed to be one.

By *Blunt*. Did they live as man and wife?

Witness. It was generally believed that they did.

Previous to Mrs. Newman's moving to this city, witness had a conversation with prisoner as to his connexion with her, and advised him not to go with her if he did not intend to marry her. Johnson replied that she had a large family, and two young daughters whose characters he did not wish to injure, and on account of whom he felt bound in honour to marry Mrs. Newman, which he intended to do when settled in New-York. Johnson packed up Mrs. Newman's goods when they removed, as the master of a family would have done.

When Mrs. Newman went to Rochester about three years since, witness had several conversations with Johnson. He took Johnson out one evening, and stated what he supposed the situation of Mrs. Newman was. Johnson admitted the correctness of the supposition, and spoke of his connexion with Mrs. Newman, and spoke of his anxiety about the affair.

Blunt. What affair? we must be *plain* here.

Witness. I suppose we may also be *modest*.

Johnson was anxious about her absence; but at last said that the child had been placed in safe hands. He also stated that Mrs. Newman was inclined to conceal from him where the child was. Witness has been twice in this city since Mrs. Newman moved here. Mrs. Newman always behaved to Johnson as a wife towards her husband. She was of a very jealous temper, and witness thinks all their bickerings grew out of that cause. When witness was in town in September last, an instance of her jealous disposition occurred. Witness and Johnson were going to the Park theatre together, but had not gone far before one of Mrs. Newman's boys called Johnson back, saying that his mother wanted him. Johnson returned to the house, but soon rejoined the witness, and they went on. Johnson asked witness why he thought she called him back, and added that she accused him of intending to go to a house of ill fame. They went to the theatre, and in a cross street not far from it, a woman came up and jostled Johnson, and then went down the street. This was Mrs. Newman, and the prisoner said that it was her constant practice to dog him when he went out.

Cross-examined by the District Attorney. Had received

two letters from Johnson since his imprisonment. Had one of them with him now.

The District Attorney was proceeding to read the letter, when Mr. Price interposed.

Mr. Maxwell said that the counsel had set up the plea of insanity, and he wished to have the evidence upon that point which this letter would afford.

Mr. Price said it was not pretended to show that the prisoner *is* insane *now*; but that he *was* insane when he committed the act of which he is charged. In the case of *Hatfield*, often alluded to, he was as sane at the time of the trial as any man in the court. Such was also the case with the prisoner.

Mr. Wheeler said, that if it was read, the handwriting must be proved as in ordinary cases.

The witness, being questioned, testified that he believed the letter to have been written by the prisoner.

The Court decided that the reading of the letter was admissible.

John Wood sworn. The prisoner had purchased goods of the house to which he belonged. Knew nothing of his general character. He never displayed signs of insanity in the presence of witness.

Joseph Flower sworn. Has known the prisoner about six years. Considered his character good. Witness boarded at Mrs. Newman's, when in Philadelphia. She staid at the house of witness when she first came in May. She said Johnson was to come on and take charge of the house for her; afterwards he had his printing-office in the garret of Mrs. Newman's house. Witness endorsed for him to the amount of three hundred dollars. Knew nothing of his going out of town until after he had gone. Received a notice in relation to a note endorsed by him, and went down to speak with Johnson about it. Mrs. Newman informed him that he was gone up the river. By common report the character of Johnson was good. Witness was sick about the time that Johnson went to Rochester. Had called previous to that very frequently, and at the last interviews with Johnson, witness noticed a great change in his conduct and manner. Had noticed this change for several weeks. When he called he was obliged to send to him several times

before he would come down. His looks were dejected and melancholy. He could not get him to converse upon his business. Mrs. N. said that Johnson's conduct was very strange. Witness said he hoped he would get along. She said she did not know. He seemed down-hearted, and frequently put his hand to his head. Witness remarked this change to his family.

Cross examined by the District Attorney. It was more than four weeks previous to his going to Rochester that he observed this alteration in his conduct. He did not answer the question of witness on business, but would leave the room abruptly.

A. H. Hayes sworn. Was in the employment of Johnson during the fall. His disposition seemed to be good, and he was generally very much of a gentleman. Witness boarded in the family. Johnson left the city for Rochester in November. Witness remained during his absence. On the day on which the prisoner went to Rochester, witness was present in the office when an altercation took place between Johnson and Mrs. Newman. It began by some complaint of Mrs. N. that the business of the office was not properly managed. He retorted on her, and the language on both sides was pretty severe. A scuffle or squabble ensued between them. Could not say who began it; but thought she did, or it might be simultaneous. She then went below, and about an hour after she sent up for witness. He went down, and Mrs. N. told him not to pay any regard to Johnson, but go on with the business; for he was *crazy*. Her daughter Rachael was standing by, and said that Johnson had frequently such "*spats*." Johnson left that evening for Rochester. Has reason to believe that he started for Rochester with only two dollars. On Saturday previous Johnson had paid no money to witness, and on Sunday he had borrowed two dollars of witness. On his return Johnson appeared changed. His countenance was way-worn and haggard. He was paler, and his eyes had a different aspect. It was generally remarked among the boarders. Witness did not see him at the table but once, and cannot say that he ate any thing during the two days after his return. Witness went out with him on the 20th. They went first to the

Broadway House, and inquired for Mr. Mallory—went back to Murray-street, and found that Mr. M. had moved. At the Broadway House they took a glass of brandy and water, for which Johnson paid. He also looked in the Directory to find Mr. Mallory. They were not successful, and returned. Witness left Johnson at the Park. He said he was going home. During the walk he behaved very strangely—stopped several times, and asked whether they had best go or not. He related to witness, by starts, the facts relative to a *marriage* by written contract entered into privately between him and Mrs. Newman. He often broke off, and seemed bewildered. It was a wet, rainy day, and very cold. Johnson's appearance and conduct were such as to indicate insanity.

Cross-examined by the District Attorney. Johnson had considerable business. He did all the out door business himself. The words used by Johnson in the scuffle alluded to, were severe. He called her a "hag," and said she would murder him and ruin others, and that he was her victim. Johnson was on that day very unsettled. He was in and out of the office twenty or thirty times, and showed great signs of uneasiness, running backward and forward from the street to the office. He had been printing for the Committee who had their office in the Arcade. On the day of his return from Rochester, he called witness and Mrs. Newman into the back parlour, and made a settlement with witness for the receipts and disbursements of the office during his absence. His appearance was wild and strange. Did not know whether he slept in the house that night. Did not inquire. He was not at breakfast that day, and witness did not see him until 12 o'clock, when he walked with him as already detailed. In Johnson's absence his office had been taken for the payment of the rent, and witness had assisted to remove it by the orders of Mrs. Newman. Johnson complained that the office had been turned topsy turvy, and things thrown away. Witness was sitting at dinner when the prisoner came home, after the walk. Mrs. Newman, Rachel, Mary Ann, the two masters Newman, and a Mr. Paine, were at table. The pistol had been lying about the house, and it was considered out of order. There was powder in the room of Mr. Marsham, who had complained

that some one had taken his powder. The flint had been put in by some of the people in the house. On the 20th witness attempted to go into the room in which he and Mrs. Newman were, and Johnson presented the pistol, and *said he would shoot him* if he attempted to come in.

Mr. Dougherty called. Had no doubt that the prisoner had a great affection for the deceased.

Mr. Maxwell here read the letter of Johnson to Mr. Dougherty as follows:

New York City Prison, Feb. 23rd, 1829.

Mr. James L. Dougherty, Dear Sir, I hope you have not forsaken me, because that I am in prison, and have very few friends in this city and if you turn a deaf ear to me I fear I have none else where true I have no claims on you for your friendship, yet I thought that you would be most likely to listen to my *cries*, I did not ask you for the loan of money, I only said that I might have to do so I only wished to find out whether you would be kind enough to answer my letter, and send me my *certificate*, which I am badly in want of, but it seems that you have paid no attention to it, therefore I am compelled to make a second trial My dear Sir, I hope you will not, keep that from me when it is in your power, *without the least trouble, or detriment to you, or your family* to forward it on to me, to the care of Mr. Joseph Flower, No. 455, Broadway. James I cannot account for this coldness for I am sure I have ever treated you well, and would have been happy in obliging you in any shape that could be in my power, if you would think for one moment on my situation I think you would not be quite so backward in merely writing me a letter. Consider that I am here locked up in a prison, where there is no chance for me to do any thing myself, but am a dependent creature for every thing and since I have been in this horrid place I have suffered every thing but death. It is useless for me to tell you that I have been deprived of every thing that I had in the world through that worst of woman, my office sold to pay the rent of that house and even my clothes destroyed or hid away by Mrs. Langshore, and says my friends got them.

I hope you will not fail to answer this as soon as you get it—I will try you once more—I want you to send word, or go yourself, to Samuel H. Perkins in sixth street, near Chesnut st. *if you please*, and tell him that my *trial* will come on the second Monday in March, instead of the third; I hope then to see you, and all of my acquaintances that you can get to come with you. I think that I have nerely recovered the little sence that I once had. You need

not doubt, but that I shall be acquitted, for it is either *death* or *liberty*.

I am Fraternally Yours,

[Signed,] RICHARD JOHNSON.

My respects to Thomas & Ells,
Mr. James L. Dougherty,
No. 39 South Front street,
Philadelphia.

J. Wood called again. The last transaction with Johnson was on the 8th September, during that month he had seen him, and he appeared sane.

Rachel Newman called. Up to the 20th of November, had never seen any thing to indicate alienation of mind, in the conduct of Johnson. Had seen him angry, but nothing further. Doctor Scudder attended her mother after the wound. Witness thinks she never quitted the room after her mother was shot. Did not hear any one of the family say they supposed Johnson insane. Does not remember to have heard her mother say to Mr. Hayes that Johnson was crazy. Had heard her mother tell Johnson previous to his going to Rochester that he owed her three hundred dollars. If he paid it, she said he might go and welcome. Thinks that Johnson slept in the house the night previous to the murder.

Mary Ann Newman sworn. Is the second daughter of the deceased. Never saw any thing in the conduct of the prisoner that indicated his being a crazy man. Never heard any one say that he looked or acted like a crazy man.

Dr. Scudder sworn. Was called to see Mrs. Newman on the day of the shooting. Witness remained there constantly until the death of Mrs. Newman. Thinks she retained her senses until her last moments. She called her children together about an hour before her death, and arranged her worldly affairs, and also sent for a clergyman. Witness heard her often discourse on various subjects, and when speaking of Johnson, she said, "God forgive him and me!" After she had been laid on the cot, and the wounds in her arms had been dressed, she made several remarks; among others that "she was a wicked sinner, and hoped that God would forgive him, for he had punished her crimes." She said Johnson could not have been in his right mind. Had heard the young ladies say that he had appeared to be deranged since he returned from Rochester.

By Judge Edwards. Thinks the eldest daughter said Johnson was crazy, or not in his right senses.

By Price. She carried it back to the time when he was talking of going after the child.

By Judge Edwards. She said that Johnson was a good man, and that she had been a bad woman.

By Price. Understood the family to say that the pistol had been lying about the house, and formerly belonged to a juggler.

John F. Watson. Boarded in the house of Mrs. Newman. Did not notice a change in Johnson's appearance until his return from Rochester. He did not look like the same person. The last time witness saw him before the outrage, he was getting out upon the roof to get into his office, which had been locked in his absence.

Cross examined by Maxwell. Went up stairs for the express purpose of seeing the prisoner, and conversed with him. He said he had been up the river. He complained that he could not go out of town without his office being torn to pieces, and reports spread that he had run away. Did not notice that he appeared insane at first, but after the murder it recurred to his mind.

Dr. Scudder called. Mrs. Newman admitted in her last moments that the child brought to town by Johnson was hers.

Rachel Langshore sworn. Is the mother of the deceased. Resided with her until about seven weeks before she was shot. Saw Johnson daily during that time. Never saw or heard any thing in him which indicated a want of a sound mind. Thought he possessed his senses perfectly.

The testimony on the part of the people here closed.

Mr. Price said that he understood the prisoner had been examined at length in the police office, and he submitted, whether in a capital case, that examination should not be read, that it might be presented among other testimonies for the people, in order that all the evidence should be before the jury.

Mr. Maxwell did not consider that he was obliged to read the examination. He had already stated to the counsel on the other side, that if they chose to read it, it was at their service.

The counsel for the defence here closed.

Mr. Wheeler summed up at great length, grounding his defence upon the evidences of an unsound mind that had accompanied the conduct of the prisoner. The length of his remarks preclude their insertion in this report.

Mr. Price followed. I cannot, said he, in addressing the jury, conceal my deep apprehension, that the prisoner has to encounter the horror as well as the suspicion of those who have listened to his trial. *Horror*, because he has been charged with a crime which makes human nature shudder; and *suspicion*, because he defends himself on a plea which should always excite suspicion. No such feelings, however, should exist in the jury box. You are bound to consider the prisoner guiltless until he is shown to be guilty, and also to doubt the defence set up until it is established. Here is a young man, almost a stranger among us, who had the misfortune to have formed a connexion some years since with the deceased. According to the testimony of her daughter, a very intelligent female, they were happy until they arrived in this city. That connexion gave birth to an offspring, and according to the best of testimony, that of her daughter, he cherished for her and her child a deep rooted tenderness. This affection for the child was not reciprocal. She, in contradistinction from the universal fondness of mothers, felt no yearnings towards her child. She concealed it in a remote part of the state, and banished it from the caresses of its natural protectors.

At this period he, it appears, was not satisfied that the child should undergo this exile. He insists that it be brought home and acknowledged. Irritated by continual objections to this plan, he leaves the city abruptly, and returns with the child—the offspring of the guilt, if you will, of both. Let us look at the situation of the prisoner at that period. He was young and robust, in the possession of health and strength, with a trade which would more than supply his wants. Instead of casting off the woman who had been disgraced by her connexion with him, he loved her and her child, whom he had lately learned to love. He desired to claim them as his wife and child; and this frustration of his affectionate design, this opposition to his warmest wish, appears to have overturned his reason. His object, you will

say, whatever were his acts, was good and honourable. It was to retrace his steps and return to respectability. In this design he is obstructed at every step. It is proved by the girl that he was opposed by continual altercations—that something harassed him—that something rankled in his heart. But when he returned, you have it in evidence, not only intrinsic but extrinsic, that he was a deranged man. When I speak of evidence, the jury is not to understand that I mean any particular testimony—but the whole taken together—the weight of testimony—the respectability of the evidence—that preponderance of the whole which may form the opinion of a jury.

It is not improbable, said Mr. Price, that the District Attorney and myself shall differ by and by, upon this question. He may argue that the insanity must have existed previously—that it must be regularly borne out by circumstances. But I shall show you, and I think the Court, that it is not to be inferred by circumstances. Philosophers and writers have differed on this important point, and the varieties of mental malady are so numerous that they cannot be controlled by any specific rule. It is true that insanity may be feigned. But he who had the cunning to feign during the commission of an atrocity, would also be sufficiently so to carry it out after the perpetration. The prisoner at the bar is not now an insane man, nor has he been for three weeks. He was not, previous to the act; and if the District Attorney attempts to show by his cross-examinations and the exhibition of the letter of the prisoner, that he has been sane since the death of Mrs. Newman, we shall not oppose it. If he shows that he was previously capable to manage his business, so be it: we have not controverted that. But he must bring it down to the very point of time when the act was committed; and I think I shall show you that it is an unavoidable conclusion, that at that time he was insane. Listen to the story I am about to relate to you.

A man possessing bodily strength, without provocation, in mid day, charges a pistol, presents it to the breast of the woman he loves, and has loved for years, and shoots her to the heart; nay, more—he sees her weltering in her blood; leaves the room, charges the

pistol anew, and before a number of witnesses fires at her again! Is not this unprecedented conduct stamped on the face of it with *insanity*? Do you not shudder at the idea of such blood-thirstiness? The weapon was levelled at the object of his affections, and the ball penetrated a heart entwined with his own. It stopped the springs of life in her whom he had that very day urged to become his wife, and to acknowledge their mutual offspring. The very deed itself speaks of madness, and declares that the prisoner must have been bereaved of his senses for the time.

[The counsel here cited some authorities in relation to the various species of lunacy.]

Now, gentlemen, it has already been stated to you, that a felony must be proved to be done with malice aforethought. And what malice aforethought can be imputed to a human being who has no *thought*; whose senses are alienated or suspended; and who has no present knowledge of the distinction between right and wrong? How can meditation of evil be attributed to a man who has no intellect, good or evil, to direct his actions? And what crime can be imputed to him who is bereft of that quality which only can constitute crime—reason? It appears by the testimony, that when he returned from Rochester, he was deranged. If that is established, it is sufficient. If we cannot trace the progress of the insanity, still we are not to decide against it. The opinion which a jury shall extract from the whole testimony is that which is to decide the question. And, gentlemen, a jury in all cases are forced to make up a particular definition of madness for each particular case. Why, when Hadfield was put to the bar for shooting at the king, with lord Erskine to defend him, he was as sane as any man. Still it was proved that he was insane at the time of the shooting. [Mr. P. here read a passage from the speech of lord Erskine, in which he illustrated the peculiarities of insanity by relating a case of a gentleman who was perfectly sane to appearance in every respect but in supposing that he was the *Christ*.] This shows that individuals may be insane in a certain point only. In this case, said Mr. P., you find a man insane on a particular subject, and sane in all other respects. But

that one absorbing and overwhelming feeling was slowly poisoning the sources of thought, and working its way by degrees, until it ended in an ungovernable frenzy. You are not to question his object. If you can find that he is acting in a way which indicates the absence of mind, you can go no further. You must acquit if such be your conviction. We admit the killing, but we must look to the testimony.

Mr. Price here entered into an investigation of the testimony of the several witnesses, from which he deduced the conclusion that the prisoner was insane when he fired the pistol. Having noticed all the important points of evidence, he observed: Now, Gentlemen, you are to decide by the testimony, and I ask you to consider the manner of Mr. Hayes. It is true it is that of a man employed in his profession as a printer: but he seems intelligent, candid, and disinterested. He was with Johnson on the day of the offence; he had been in the habit of observing the prisoner, was in his employment, and boarded in the house. What interest can he have in speaking other than the truth? We cannot suppose him base minded enough to come here and give evidence that should acquit the murderer of a woman. He must be sincere in the opinion expressed as to the insanity of the prisoner. And he is borne out by Doctor Scudder, the intelligent physician who attended the deceased. She told him that Johnson must be crazy. The family said the same, at a time when they did not probably anticipate the death of their mother. They are, perhaps, excusable in coming here with a different statement; for much is to be allowed for the feelings under which they must suffer. Still it was the deliberate judgment of the family at the time that he was deranged. I therefore think that sufficient has been shown to raise a strong doubt in your minds as to the state of mind in which the act was perpetrated. And gentlemen, if you believe with me—if you strongly doubt with me—if a shadow of uncertainty rests upon your minds—it is rightful property of the prisoner, and you must award it in his favour. I invite you to caution in the discharge of this most solemn duty. I pray of

you to act unbiassed by prejudices, with a full regard to your own rights and those of the prisoner, and to the blended dictates of justice and mercy.

The sentence which you are to pronounce is but a short word—but remember that it embraces both here and hereafter. And I beg of you, as you value your duty to the community, to act with caution; and if you shall believe that the mind was absent when the hand committed the alleged offence, to spare, as you are in duty bound to do, a brother's life.

Mr. H. Maxwell, District Attorney, addressed the jury, as follows :

During the examination of the witnesses in this case, I have anxiously watched for the disclosure of something which might warrant a jury in acquitting human nature of a crime so shocking as that of which the prisoner is charged. From the moment I heard of this tragedy, my heart entertained a secret desire that this man might be able to show that he was acting under the influence of madness. But I am forced to say, gentlemen, that as far as my humble judgment goes, there is not a shadow of defence on the ground of insanity. This defence is easily made. But for its establishment, you must be satisfied that reason was dethroned—that the individual was acting like a brute and not like a man, and that he could not distinguish between right and wrong. But, I shall show you, that from the beginning to the end, this man has been instigated by evil motives under the direction of reason. We have been asked by the eloquent counsel who last addressed you, whether the very act did not show insanity. He says it was done in open day, in the presence of witnesses, and that no man in his senses would have committed such an act. Why, Gentlemen, if this is to constitute a reason for declaring a man insane, the more atrocious the crime the easier will be the defence!

Do we not hear, in our own country, of acts of atrocity equal in every respect to this? Do we not hear of horrid murders committed in open day? And because a man is under the influence of a deadly and indomitable passion—because the devil has taken strong hold upon his heart and

mind, and made the whole man the fit instrument of the most revolting atrocities—are we to argue that he is insane!—I believe that it is known to many of you that the life of one of our citizens was taken on a former occasion in the public street; and it is within my recollection that even an officer of justice was sacrificed at the mouth of the pistol in the vicinity of this hall, and the culprit suffered for the offence. And are you to be told that the enormity of a crime, in itself, affords proof of insanity?

You will remember, gentlemen, that you are not to be led away by any feelings of humanity for the prisoner; and that of all crimes this is that most dangerous to society. And it is written in the book of God, “Whoso sheddeth man’s blood, by man shall his blood be shed.” We are to regard this law as the mandate of God himself; and we cannot guiltlessly neglect it. Believing that I address a jury who are sensible of their duties, I shall proceed to examine the testimony, particular by that portion which relates to the defence which has been offered; more especially because the usual point, the question of the killing, has been admitted. Then as to the *malice*. If you find that this man was insane when he fired the pistol which caused the death of Mrs. Newman, then you must acquit him. It is fully proved that he did discharge a pistol against the body of the deceased, with a design to take her life. Mr. M. here read several authorities, among which was the decision of Chief Justice Mansfield in the case of Bellingham for the murder of Mr. Pereival; and others, by which it was laid down that the person said to be insane, must be ignorant of right and wrong, not capable of comprehending the crime of murder; that he must be incapable of distinguishing good from evil, or comprehending that murder was a crime against the laws of God or the country; that if he was capable of knowing that he was about to commit wrong, he would be responsible, &c.

And now, said Mr. Maxwell, let me ask you how this case stands in relation to the principles laid down? What was the state of the prisoner’s mind previous to the offence? It has not been pretended by those witnesses who have known the prisoner longest, and who were aware of his habits, his

temper, and his feelings, that he was afflicted by any bodily infirmity, or any mental misery, from which you could suppose that he had fallen into a despondent state. On the contrary, he is represented as a business man, healthy, and capable of carrying on a prosperous business.

The testimony of the family—the two daughters, and the mother of the deceased, had been heard, and they had known him long. They say that he never displayed any marks of insanity or a distemperature of mind. Nor had they ever heard it imputed to him. Now, gentlemen, if it was necessary to dwell on this part of the subject, why was evidence introduced to impeach the testimony of these females? Have they any object in taking away the life of the prisoner? Will it bring back from the grave their murdered mother? Will it alleviate their sorrows, or wipe away the tear of misery? Will it in any way conduce to the comfort of these destitute orphans? And, although the testimony of Doctor Scudder is doubtless correct, yet how common is it to say that a man is crazy who commits any outrageous act, although no mental aberration is implied by the declaration? Therefore, gentlemen, you have no testimony that the prisoner was insane. But upon those witnesses on whom the counsel for the prisoner depend to prove insanity, (Mr. Hayes and Mr. Flowers,) I depend to show that he was *not* insane, and to show that from beginning to end he could distinguish right from wrong. Mr. Flowers says that he did not seem disposed to converse upon business, and that he seemed cast down. What is the inference from this? He did not wish to converse on business with a man to whom he was indebted, and who, were he to have disclosed his affairs, would have withdrawn his assistance. Mr. F. does not state one act which as a man in his right reason he might not have done. Besides, the time at which Mr. F. saw the prisoner, was that at which it is proved he had the dispute and scuffle with Mrs. Newman, and just previous to his going to Rochester. It cannot be wondered that a person connected with a woman under such circumstances, should not wish to meet a person who called on business. The testimony of Hayes is equally unsatisfactory to

establish insanity. The conduct related by this witness was such as agitation on any subject might produce. It is shown that at that time he was printing for a party who had their office at the Arcade, and that J. went up to that office on business. The fact of the two dollars borrowed of Hayes was any thing but an indication of want of mental reflection. If he had thought enough to pay attention to the money necessary for a journey, he could not be insane. And when he returned from Rochester, was his conduct that of a man out of his senses? It appears that he settled an account with Mr. Hayes, and that he went out with him on the very day of the murder, for the purpose of finding Mr. Mallory, with whom he had business. And if he was insane on his arrival, would not his mental estrangement have attracted the attention of the passengers on board of the steam-boat in which he arrived? They could have testified to the fact had he discovered any signs of insanity on the passage down. But they are not here to testify. His settlement with Hayes was a perfect proof of the correctness of his reflections. He went away in want of money, and had probably expended all he had on his journey. It was then very natural that his first object, after his return, was to supply this want. It appears that this settlement was one in which Johnson received a balance, and was conducted in a business like manner, and although Mr. Hayes says that Johnson at this interview displayed signs of mental alienation, still he (Hayes) did not feel sufficient alarm at those appearances to inquire whether he slept at home or abroad. He therefore was so little impressed by the indications of derangement, that he did not think it necessary to watch his movements. Up to the time at which Mr. Hayes left Johnson at the Park, there is not one of his actions which bears the stamp of insanity. Do you not in every circumstance perceive the operation of a mind capable of thinking, and of distinguishing between right and wrong? So far, therefore, as the testimony of Hayes and Flowers goes, I say it is clear that the prisoner laboured under no alienation of mind.

The case of Hadfield had been alluded to, but it was not similar to this. That case had been illustrated by Lord Erskine by an allusion to the individual who imagined him-

self to be Christ. But in this case there was no *imagination*. He wished Mrs. Newman to do what she would not do. In resentment for her refusal he committed an act the penalty of which cannot be avoided by a defence like this. Now it is also made to appear that he intended to have taken his own life as well as that of Mrs. Newman. He declared to Mr. Lawson, that if some meddling person had not pulled his arm, he should have killed himself. And this fact seems to be looked upon as an additional proof of insanity. I argue the contrary. A man who had made up his mind to take his own life and that of another, would not care if all the world witnessed it.

Let us refer one moment to the conversation between him and the daughter (Rachel). She reached to take the pistol, observing that he was playing tragedy. He replies that he is not, and resists her attempts. She tells him to be calm. He says he *is* calm. She reaches again to take the fatal weapon. He raises it above her reach, then deliberately lowers it, and discharges its contents into the body of the deceased. And there is another powerful fact. The pistol had, until his return from Rochester, been out of order. It was put in order by him, and loaded doubtless for the occasion. His declarations to Harrison were made boldly and calmly, not like the ravings of a madman. He disregarded all authority, and said coolly and deliberately, "I have done the deed." And again he says to Lawson, "I had reason for what I have done!" Was this the language of a deranged man, or of one whose evil passions had led him to the performance of an atrocious act, and whose firmness was sufficient to bear him through and enable him to defy the consequences?

I have thus briefly gone through the examination of this case. I believe it is one in which an example ought to be made. I shall commit this case to you under the charge of the court, with a firm conviction that the jury will do justice by rendering a verdict of guilty.

His Honour Judge Edwards, in charging the jury, observed that the law relative to the crime of murder was well settled. It has been stated by the counsel who first

addressed you for the prisoner, that murder was the act of killing committed by a reasonable being, with malice aforethought. It is not necessary for me to trouble you with arguments to show that if the prisoner was of sound mind, he was guilty of the murder. The whole defence has been placed on the ground that the prisoner was not sane. The law on the subject is this. If it is made out to your satisfaction that the prisoner did the act which would have been murder if he was in a sound state of mind, then the whole burthen of evidence lies upon the prisoner to show that he was deprived of reason at the time the act was committed.

It is incumbent on the prisoner to show that at the time of doing the deed he was incapable of distinguishing between right and wrong. I do not apprehend that the law means that if he have some glimmerings of sense, he is responsible for the act. He must have a clear sense of what he does; of its nature and consequences. It is laid down that if a person of melancholy disposition, possesses the sense of an ordinary child of 14 years of age, he is responsible for acts done by him. It is not generally the case that a child under fourteen years of age can be convicted of a felony, although there in a case related in which a child of nine years of age was convicted for murder. But it was shown that he had a perfect sense of right and wrong. As to derangement, it is clearly defined. If a person has, by the indulgence of violent passions, clouded his sense of right and wrong, it is not sufficient to show him to be incapable of committing crime. I have already said that at the time when he committed the act he must have been deranged, to show his incapacity of being guilty. Proof of his insanity anterior to that time would not be sufficient; although the fact of anterior or subsequent derangement is inadmissible in evidence, so far as to conduct the minds of the jury to the state of the prisoner's mind at the time of the act.

Judge Edwards then proceeded to examine and recapitulate the testimony. He remarked that the evidence given by Flowers did not show any overt act by which the insanity of the prisoner was indicated. It depended on appearances alone. Both Flowers and Hayes declare

that his appearance was that of a deranged man. But it was for the jury to say whether the difference of appearance noticed by these witnesses, arose from insanity, or from the difficulties existing between him and Mrs. Newman. There were several facts in evidence relative to causes of vexation in the affairs of the prisoner, which were noticed by the Judge. It was true that there might be some testimony in the act itself, that the prisoner could not be in the possession of his reason.

This act is one of so hardy a nature, so shocking to the senses, that it seems to carry conviction to the mind that the perpetrator must have been insane. But it is true that we are continually hearing of most atrocious murders, which almost liken human beings to wild beasts. There seems to be no end to human crime, and it is constantly proved that these acts are committed in a sound state of mind. It would certainly have been more satisfactory had there been more testimony from the family. The statement made by Harrison, that he said "good bye" to the deceased when leaving the room, was worthy of notice. But the effect of the expression depended much on the manner in which it was said. It certainly indicated a surprising state of mind. This and other circumstances, such as his appearance and general conduct, must, as far as they went, be given in favour of the prisoner. It was stated by Lawson, that he said he had reasons for what he had done, which indicated firmness of mind. But supposing him to have been deranged when the deed was done, it is worthy of notice that he had been wounded severely, and its effect to correct the derangement is entitled to consideration. It is also stated that his meals were irregular; and it is said that in all cases of trouble, loss of appetite is consequent upon the disease.

The case resolves itself into a question of fact, which the jury would decide. Although they would refer to the opinion of the Court, yet the burthen and responsibility rested with them. The case was one of great importance. If the prisoner was deranged, he is not liable to be punished, but should rather be commiserated. If on the other hand, he had gratified his brutal revenge by taking the life of a fellow-being, then ought the law to be satisfied. We have, said Judge Edwards, a difficult task to perform. We are not here as the ministers of vengeance, but as the laws are framed to protect the citizen from the depredations of the lawless, it is our duty so to punish the guilty, as to protect the innocent from the effects of crime.

The Jury retired at 11 o'clock, P. M. and at half-past 12 came into Court, and pronounced a verdict of **GUILTY.**