

THE YORK POINT MURDER.

CIRCUIT COURT, MAY 30.—Before His Honor Judge Wilcox.—This morning at 10 o'clock **Wendell O'Neill** was taken to the Dock charged on the presentment of the Grand Jury, with the wilful murder of Patrick Cotter. The Court was crowded to capacity throughout and considerable anxiety was manifested as the unfortunate prisoner and hear the result of the trial. Pretty general astonishment seemed to be expressed at the mild and almost unaltered appearance of the accused, and public opinion seemed to bear out fully our remark on his arraignment, that he seemed the last person in the world likely to stain his hands with the blood of a fellow creature. More the ordinary sympathy was expressed for the miserable being, who stood charged with the heinous crime, and the evidence throughout was listened to by the audience with the most patient attention.

His Honor having taken his seat and the Jury being sworn, Mr. Peers who was with Mr. Wetmore for the prosecution, opened the case in concise terms. He drew the attention of the Jury to the strict legal definition of the crime of Murder, and read several authorities confirmatory of his statements. He then called the witnesses on whose testimony the Coroner's Jury returned a verdict of Wilful Murder against the prisoner, a summary of whose evidence we gave in our report of the inquest and which it is unnecessary here to repeat. His cross-examination by the prisoner's counsel did not merit special notice. His testimony but elicited the facts, that the deceased and the prisoner had been on the most friendly terms since his (prisoner's) residence of some nine months in this country, and that on the evening of the murder they had all been drinking together more than once, that a quarrel arose in connection with the shop between prisoner and deceased, in which the latter called prisoner some names, and that there was a scuffle and the deceased and his brother put O'Neill out of the shop with some violence.

Mr. Campbell who was with Mr. Thomson then addressed the Jury for the prisoner, and it was the duty of the Coroner, the Jury and the Counsel to believe that the unfortunate youth, who was scarcely twenty years of age, innocent, until he was proved beyond a doubt, guilty of the crime they had to try, was not simply whether the prisoner was guilty of taking the life of the deceased, but whether he took that life in such a way as to be legally guilty of the high crime of murder. The killing might be done in several ways; it might be in such a way as to be Murder, it might be in such a way as to be Manslaughter, it might be in such a way as to be the crime of Homicide by reason of Murder, however, the killing must be proved to have been premeditated. Now in this case the testimony of the prosecution did not prove this essential to the crime of which the prisoner was charged. The only witness for the prosecution had ventured to swear that the prisoner at the bar had deliberately premeditated the awful crime of murder. On the contrary, it was satisfactorily shown, that the prisoner could not have had no motive for such a deed. He and the unfortunate deceased had been constantly together, they spent their evenings together, they had been drinking together, but very occasionally, and at a short time previous to the fatal occurrence they were on the best of terms. They had been drinking together; Here gentlemen of the Court (said the learned Counsel) is the secret of this unfortunate affair. Here was the maddening cause of this sudden affray between the two friends—Drink, the cause of nearly all the crime in this country. They were drinking together, the sky-king as it is called by the poet, witness who could swear he was sober throughout the whole unfortunate affair; from skylarking they came to scuffling and on to the killing, the melancholy end of the life of the deceased happened. The poor prisoner had no recollection whatever of the affair. Drink and excitement had bereft him of his reason. He could not be in his own mind.

The prosecution had called for their

most important testimony the evidence of the brother and sister of the deceased. It must be clear to the minds of all who heard these two witnesses that their sympathies were strongly against the prisoner, and that they were well pleased to see He by no means complained of. It was perfectly natural, and he made all due allowance for it. But he (the learned counsel) was unable to call witnesses whose impartiality was not to be impeached and who would distinctly swear that they saw the deceased follow the prisoner out into the street and there knock him down and strap him till the bystanders called out to play off with the prisoner. He was unable to make allowances for human nature, in weighing the testimony of deceased's brother and sister; and to give the prisoner the benefit of the doubt, in the event of any doubt that might arise in their minds of his guilt of the crime charged to him, of wilful and premeditated murder.

Mr. Campbell then quoted the case of **Edwards**, in which the learned counsel laid it down that if the instrument, which caused death, was on the spot at the time, and was not sought for, that might be evidence in favor of the prisoner, in the case of crime. **Premeditation** was the gist of the crime of murder; the killing if not wicked, malicious and premeditated, would be manslaughter only. After reading another case of similar import the learned Counsel called—

Edward Lenigman (examined by Mr. Campbell,) knew the nature of an oath. Had known deceased some time. Prisoner is a stranger to him.—Resides with and is connected with the prisoner and deceased's brother. Remembers this occurrence. It was on Wednesday night. Was in deceased's shop before the stabbing, between 11 and nine o'clock and after. Know deceased's brother. Witness the witness stand to-day. Saw him in the shop, and Patrick Murphy and the rest of them. Witness heard a disturbance in deceased's shop, and went to a shop, where he saw the shop shutters. Did so, and saw deceased and prisoner in the next shop (deceased's), and deceased turning prisoner out into the street. Deceased said O'Neill wanted to see the prisoner, and he went to the step of the door and O'Neill struck at him.—Deceased kicked at O'Neill, cannot say if he struck at him. Deceased went back to the shop, closing the door and went to the street, and saw deceased and prisoner went back to his home. He next saw deceased and his brother holding prisoner, who was resisting, and trying to put him out. They were in a room, and deceased went in again.—While deceased was on the step, prisoner made another blow at him, and deceased made a kick at prisoner. When he next saw them, they were off the step, and he saw the prisoner and deceased. They jostled towards his master's door and prisoner fell. Deceased had hold of prisoner with one hand and was striking him with the other.—The prisoner was on the step, and prisoner was charged with the house. Deceased had hold of him.—Prisoner's head was against the house with his face pressed down. Witness was alongside of them.—Prisoner had his coat on, deceased's coat was off and he wore a leather apron. Witness could not be mistaken in the two men. Witness sang out "fair play." A crowd was gathering then. Deceased's nephew lifted him off prisoner. Prisoner then fell and deceased and tried to get up.—Deceased still had hold of him. Could not say if O'Neill got on his feet. They were in the act of getting up together. Deceased's coat was off and he could not be heard as that Cotter was dead. This testimony was not shaken by the cross-examination.

John Cotter is nephew of deceased; had the prisoner's name said and lifted Cotter off prisoner, and he walked into the house. Heard some one cry fair play. Saw O'Neill strike Cotter, as he thought, with his fist. Cotter fell immediately back. Witness saw his head and some one said he was dead. Heard Cotter call O'Neill "a blackguard scamp." Then saw the scuffle to get O'Neill out. Did not see anything between this and his dragging Cotter off the prisoner.

John Leary and **Daniel Loman** corroborated the main part of this statement. Mr. Thomson, in an effective address, implored the Jury to dismiss from their minds all prejudice, to look upon the prisoner as a human being, and to place upon He who he was just entering, without the strongest and most damning evidence of guilt. Mr. Wetmore having replied with careful and merciful impartiality, His Honor summed up.

The Judge having summed up the evidence clearly and distinctly, told the Jury that the whole case turned on the prisoner's last opportunity to get into the house. Did he go there intending if the assault on him by the deceased were repeated, to take revenge? Did he go to provoke such assault? If he did go there with that intent, and with the determination to use a deadly weapon, then he was guilty of the crime of murder, if, on the contrary, he went back merely to bandy words, and on being turned out, in the heat of the contest, he pushed the deceased, then it would be manslaughter only.

The Jury having retired, returned into Court after nearly three hours deliberation, with a verdict of guilty, and a commutation to mercy, on account of the prisoner's youth.

His Honor then passed sentence, naming the 16th of July for the day of execution.

RAILWAY TO INDIA.—A work just issued by Mr. W. P. Andrew, the chairman of the Indian Railway, and the effect of the project, illustrating the probable effect of that enterprise in developing the resources of the Punjab, also furnishes details of the project, which seem now nearly ripe for execution. The project is to connect the Punjab and the Euphrates by railway, and thus establish a route, via the Persian Gulf, to all parts of India, which, it is estimated, will in the first instance shorten the communication by about one-third, and ultimately effect a further great reduction. The desirableness of the undertaking has been recognized from the date of the surveys, and the project is now a fact. There is little doubt that with the assistance of the Turkish Government it may speedily be accomplished. The length of the line, which would run from the port of Seleucia, in the Persian Gulf, to the Castle of the Euphrates, where the river becomes navigable for seven hundred and fifteen miles down to Bussorah, at the head of the Persian Gulf, is only about eighty miles, but the distance to be regarded as such, the remainder being also of a favourable character. From the head of the Persian Gulf it is nearly a straight course by steamer to the terminus of the Sincle railway, at the port of Kurrachee, and communication being thus established with the India, the connexion with all the most important points of our Indian possessions will be increased to a degree calculated to equal another railway, and leading to the credit to that originally proposed by the organization of the existing transit as compared with that by the Cape. A glance at the map will show the route by Trieste, thence by railway via Aleppo to the Euphrates, and thence by river and ocean steamers to Kurrachee, exhibits a directness which, looking at the distance traversed, is almost unexampled, and the absence of natural obstacles is also considered, a conviction that on account of its political no less than its financial and commercial advantages, it is regarded as one of the most prominent among the several objects to which the conclusion of peace enables attention to be turned.

Paris as it is to be.—The Emperor Napoleon is said to have under consideration the project of sending the city of Paris from its present limits to its fortifications. It seems that what he has hitherto done is nothing to what he proposes to do. He is often to be seen pencil and note book in hand, and accompanied by his aide-camp, the Duke of Genoa, General Rogee, busily at work in some of the filthiest and most unfrequented suburbs of the city.

HUMORISTS.—There were several characters about college, not of it, which every student of that time will remember not unpleasantly, as having afforded some amusement. Such a character was a famous underwriter by the name of Sam M—x. Nothing in the way of conversation could more harass him than an attempt by Sam to talk gravely of what his reasoning powers were greatly above those of animals. And his command of language correspondent; for though thought is not limited by speech in animals except the conveyance which is not apt to be made copious than ideas. But the dullest wit is sharpened by exercise. Hence, as every one was fond of quizzing Sam for the sake of his replies, which were sure to be such as no one would anticipate, he became remarkably quick at retorts. I give a single instance out of many.—As he was trudging across the yard, always in a hurry, a student called to him from his window, "Sam! what became of the other half of your brains?"—"Y—your father never had 'em, or he would'n't 'a' sent you here," was his instant reply. He always spoke from impulse, stammering out his thought on the instant with quickness of a flash, seeming incapable of retaining it long enough in his mind to utter it deliberately.—*Character in College.*

ON COOKING.—The best possible food is more frequently rendered unwholesome by unskillful or untidy preparations for the table than by any previous adulteration. There is no science or art which so closely concerns our temporal well-being or so contributes to good health, good spirits, and good temper, as the culinary science. Savages will devour meat raw; where civilized nations not only cook their food, but the intellectual advancement of a people is found to be in a ratio, equivalent to the sense and delicacy with which they practise their culinary operations. To spoil good food by dirty, or careless, or ignorant cooking, is well as means identical with glutting rather the reverse.—*Home Thoughts.*

A gipsy woman promised to show two young ladies their husband's faces in a pail of water. They looked and exclaimed, "why, we only see our own faces as well as the faces of those whose faces will be your husbands when you are married."

Amongst the gifts which have been sent to the Empress Eugenie was a pigeon, which was taken in its cage by a *voleigreur*, on the occasion of the assault upon the Tuileries by means of incendiary bombs. The authenticity of these autographs of the bird having been ascertained, the present has been accepted, and the donor rewarded.

ONE OF THE MISERIES OF HUMAN LIFE.—Being a compositor on a newspaper, one day I met an old man, the man who you love with a man old enough to be your father—he is rich and you are poor.

THE DECIMAL SYSTEM.—Sweden has adopted the decimal system, the denominations of the old coins being at the same time retained.

The largest water-wheel in the world is at Troy, N. Y. Its power is equal to one thousand horses. It drives machinery which works up annually 20,000 tons of iron into horse-shoes, spikes, nails, &c.