THE OTERO MURDER CASE.

TRIAL OF JOSE GONZALES.

Close of the Case for the Prosecution.

Dramatic Exhibition of the Blood-Stained Clothes.

Opening of the Defence--Eloquent Address of Wm. C. De Witt, Esq.

KINGS COUNTY OYER AND TERMINER.

Before Judge Gilbert and Justices Hunt and Voorhies.

The third day of the trial of GONZALES for the murder of OTERO, found an increased crowd in attendance, a perfect multitude of men thronging the halls, corridors and front street. The Clerk of the Court, Mr. JERRY STEVENS, exerted himself, as did the several officers of the court to afford accommodations for the great number of newspaper men who pressed upon them for room and facilities in the discharge of their duty.

Judge GILBERT seems it well to sit an hour earlier than do his brother Judges, and had he been able to screw up the bar and jury to an equal zeal with his own, he would have continued the session of the day until 8 or 9 o'clock in the evening, unbroken by rest or recess for even a moment.

The developments of the day were most interesting, closing the case of the prosecution and including the opening of Mr. DE WITT, of the prisoner's counsel. Capt. WADDY, who arrested GONZALES, and has had him in charge, created a decided sensation by the exhibition of the fearfully cut and stained clothing of the murdered man—clothing which was literally stiff with the blood of the victim, and exhibited in many places by the knife or dagger of the assassin.

The court opened promptly at 10 o'clock.

EVIDENCE OF EDWARD FAUDI.

I lived on the 22d of November last at the Hotel de Cuba, in Bleecker-street, New-York; I know Frank Viela; he lived there at the time; I knew Pellicier, who resided there; I know Gonzales by sight, and first saw him at Room No. 17, at the Hotel de Cuba, on Monday; it was the room occupied by Pellicier and Viela; I saw him again on Tuesday, and again on Wednesday, Nov. 22, between seven and eight in the morning; I think it was on Tuesday I saw him; I saw him the night I saw a man with Pellicier, dressed in black, called Otero.

Direct examined—They said two lawyers came to see Pellicier; Gonzales said, "What did you tell them;" Pellicier said, "All that you know, tell them what I say and nothing more;" Pellicier said that that night we were all half tight.

Mr. DE WITT objected that this was violating the privacy of defence. Overruled and exception.

Witness continued—Gonzales said, "We'll see about it, don't talk so much:" Pellicier said, "They don't understand two languages here;" Gonzales sent Pellicier a note; this is the note.

Cross-examination—I have lived three months at the Hotel de Cuba; I slept there; now for a month and a-half I learned how to play billiards with the proprietor; I didn't room with Viela or Pellicier; they had No. 17 and they were changed; Viela let me sleep there that night; I think I had been drinking some whisky; it was 6 o'clock; Gonzales was not there; I saw him between six and seven at the door that evening; a tall gentleman dressed all in black, with a hat and cane, a big black moustache; I saw Viela when we came from the steamer; it was when we came from Morris' office; it was between one and two in the corner of Broadway and Fourth-street; I went to the Hotel de Cuba; I went up stairs; I stood there a few moments, and then went to Viela's room; it was a little after six; they must have gone away; there was a large room company, and didn't want me there; I went to the kitchen and staid a few minutes; I then went to the door and saw no one; I saw Gonzales and Viela and Pellicier came down; it was after this I saw Gonzales and Otero at the door; it was half or three-quarters of an hour after; I think it was a little after seven or an and half past nine that night in the room; I was lying down; I had no clock or watch; I heard the clock belt strike nine; I was in the office; I don't know whether the clock was I heard strike; I was in the kitchen part of the time; I was at the door when I heard the clock strike; Viela came in to bed; I heard hours; I stayed five minutes, and then went out; I was half asleep when he came back; I am confined at the jail as a witness; I was put in on No. 3; *Gibraltar, I speak* Spanish and so did they; I don't know why I was put in cell No. 4; Judge Morris was confined in cell 3, and said I was to try and find out something as they were denying everything; I had been put in the debtor's room; they didn't know the crime; I was there six or seven days; it was the 2d of December they talked; it was in the evening; Pellicier spoke first; I was in there then one or more days; I don't know exactly; I first heard them; Pellicier said two lawyers came to see him; he said what did you tell 'em; he replied, all that you know; he said take care what you say, say what I told you and we go all right; that's all I heard; I don't know were half tight; Gonzales said we'll see about that, don't tell so much; Pellicier said oh, they don't understand us; I could hear every word distinctly; they said some things I didn't care to hear; they talked about grub and cigars, and they used to send to each other on the 14th of December; I received a note from Pellicier; the first time I saw him he had on a light coat, dark pantaloons and a soft hat; that was Monday, Tuesday and Wednesday; it was on the morning of Monday in Viela's room with Pellicier; I saw they had company and I left; they were not talking when Gonzales had a moustache, but no beard; on Wednesday it was the same.

To Juror Chitts—When they gave me the key they said nothing; it was Pellicier and Viela gave them the key; I lived formerly in Fourteenth-street at a private boarding-house; Mrs. Gleason keeps it; before that at Barcelona I was barkeeper and so on; at the Hotel de Cuba they rent rooms by the week, but not by the day or part of the day that I know of; I don't know the reputation of the house; I don't know whether I am paid for my time in jail; of course I understand the witnesses are paid for being there; I don't recollect that Judge Morris told me so; I have not been promised anything by the officers in jail; I know the Spanish Consul; I talked with him on the 23d; he did not promise me anything, nor any Spaniard; I had known Pellicier about six months; I knew Viela since he landed in the United States when Barnum's Museum was not on fire.

Re-direct—I took notes at the time of the conversation between Gonzales and Pellicier.

Objected to, and objection deferred until memorandums shall be produced.

EVIDENCE OF AURELIO AURANGO.

I lived in New-York from the 13th of November; I came from Havana on the *Liberty*; I knew Otero on the same vessel, also Gonzales.

Cross-examination—I did not know them in Havana; they were passengers; they spoke often together; were together and dined together; they were friendly; there was a Spanish boy sixteen years old; they were much together as Spaniards; they could not speak English; there were some fifteen or twenty passengers, and only four Spaniards.

EVIDENCE OF FRANCIS VIELA—(By an Interpreter, Emilo C. Garcia.)

On the 23d of November last I lived at the Hotel de Cuba; I know Pellicier; he resided at that time at the Hotel de Cuba; they roomed together, and had done so ten days; Pellicier at this time had a pair of gloves; they are bad-colored gloves (objected to and exception noted;) I know where he got them; I bought them; these are the ones; I know Gonzales; have seen him often; I saw him first at the Barcelona; we took breakfast together; it was on Sunday; it was the Sunday previous to the murder, the 19th of November; I don't understand English; I know some words; Pellicier was alone at the breakfast with me; after breakfast I saw Gonzales at the hotel, in the place where they put the hats, near the office; we three were there and a young man, a servant; a conversation took place between Gonzales and Pellicier, but I don't know what they said; I saw Gonzales after that in Broadway on Monday, I think; I saw him again at the Cuba Hotel on Monday morning, at seven o'clock; I saw him after that the same night, at half-past seven in the evening; he was with a gentleman; I never saw him before; I can't describe him; it was dark; I saw Gonzales when he left the hotel with the man; Pellicier was in the room; this was the 22d; I didn't see Pellicier when he left; I had a razor at the hotel; this is the one; nothing became of it; I missed it the next day; it was kept in the trunk or table, I don't know which; that night I slept at the Cuba Hotel, in the room of Pellicier and myself; Edward Faugh slept there, and no one else; I don't know where Pellicier slept that night.

Cross-examination—I have lived here about six months; I have lived in a Cuban family, then in Toronto's Hotel, and am now two months in prison; I was in the Hotel de Cuba on November 12 to 23; I had known Pellicier from the day he came to the hotel; it was three months before the murder; I saw Gonzales at the Barcelona; I saw him next morning after breakfast with Pellicier; then again on Monday, again on the 20th, (Wednesday,) the day after the murder; I don't know the name of the man I saw in company with Gonzales on Wednesday, about half-past seven o'clock in the evening; Pellicier was in his room; I was looking for the key; I saw Gonzales and the other man were at the Hotel Cuba on the stairs, and I was in the room getting the key; I staid down stairs until the man left my stairs and came down; it took him ten minutes; I then stood at the door again; I went off then with Pellicier on the street; we went to Broadway at 8 together; Gonzales, Pellicier and the other man walked together; I was ahead of them; I did not talk with them as we walked; they went to Broadway, I went alone; I don't know what they did; I lost them; I then got into a Bleecker-street car and rode down; I did not see the conductor until yesterday; I don't know who was the conductor; I rode only a little and did not pay my fare; I left the car one block from Broadway in Bleecker-street; I can't remember who was conductor; the car was filled and I was paying; I went on the platform of the car only; my beard I have not always worn as it is now; when I came I had a moustache; never a full beard; *I did not talk with the conductor; I saw no one there* that I know; I had no object in getting on the car and rode only about one block; I only rode across Broadway; I then went to the St. Nicholas Hotel; I staid about an hour or more playing billiards, and then went to put a letter in the Post-office in Lafayette-square, near the French Roman Catholic Church; I then went home to the Hotel de Cuba; it was about one hour and a quarter or nine and one-half o'clock; *I stayed about* ten minutes and went out to take a walk on Broadway, down the street and then up; I was alone; I came back about ten o'clock; I went down Broadway once and then back; I was gone one-half or three-quarters of an hour; I met no person that I knew; I was book-keeper of a hotel—Mr. Samson; I looked at the billiard-players, but did not play, nor know any one there; Samson's hotel is on the Bowery, opposite a shop; I parted with him at Grand Jones-street, near the corner.

Redirect—I have worn my beard as now some three months.

To a Juror—I got on to the car in Bleecker-street because Pellicier told me to, and I didn't see him there, and being alone I got off.

Recross—Pellicier didn't say anything as to where we were going; this was in Bleecker-street; Pellicier told me just before we got to Broadway; I was just as we left the Hotel de Cuba that he told me; Gonzales and the other man were near us; Pellicier said take a car; I didn't know the car, and I know where we were going; this point was only ten or eleven yards from the Hotel de Cuba; when Pellicier told me to take the car I walked from the door, and then it was about that distance again when we took the car; the car was passing and we ran for it; this was all together; I got on the platform; he did not stop, I jumped on as it was passing; I got on to the hind platform; I looked to see that the others got on; I saw Pellicier and Gonzales; I could not miss it—it was too full; I said I can get it, and did; I didn't see them meet the others—it was too crowded; I had the intention, but didn't; I got off before from the door, and then it was about that distance again when we took the car; the car was passing and we ran for it; this was all together; I got off from the door; did not stop, I jumped on as it was passing; I got on to the hind platform; I looked to see that the others got on; I saw Pellicier and Gonzales; I could not miss it—it was too full; I said I can get it, and did; I didn't see them meet the others—it was too crowded; I had the intention, but didn't; I got off before from the door; and I know where we were going; this point was only ten or eleven yards from the Hotel de Cuba; when Pellicier told me to take the car I walked from the door, and then it was about that distance again when we took the car; the car was passing and we ran for it; this was all together; I got on to the car; I didn't see Pellicier; Edward Gaye Pellicier the key, and he went up to the room; I didn't know the room; I thought I had the key, but didn't go into the room, because we hadn't the key; I don't know that Pellicier took the razors; I first saw them in the room; I never saw Pellicier; I left them either on my table or in my trunk; Pellicier was my room-mate; he had slept with me the night before; I saw him in the room when I returned first from the hotel, then Pellicier; Gonzales and Otero were outside on the stoop; when we were upstairs Pellicier and Gonzales were talking; I heard him said was: "Take the car;" I did not know that the others were coming when I left the hotel; I only intended to go; I didn't know; I heard Pellicier say "Good night" to Gonzales; it was just when he said "Take a car;" I didn't notice whether they replied; I only paid attention to the car.

To Juror—I did not examine the car to see if they were there; I knew Pellicier could not get on, and had no occasion to look.

Re-cross-examination—After I got on to 8 rode across Broadway—one block.

EVIDENCE OF DANIEL AYRES.

I am a physician; I went to the station-house with Dr. Carmochin; I examined a pair of gloves in connection with the body of Pellicier; these are the gloves (objection—exception noted;) there was a perfect correspondence between the hands of the person examined and the cuts in the gloves; I made a diagram at the time and have it here.

EVIDENCE OF SARAH EVANS.

I live at No. 77 Myrtle-avenue, corner of Cantonstreet; I recollect the night of the 22d of November; there came to my house three men that night and staid an hour and a quarter and left about 9 o'clock; they talked together; I didn't understand them; they sat on the right side of the front room, at the north-west avenue; one was a very large man—a fine looking man; I didn't notice the others; I didn't notice his whiskers or hair; I didn't notice their dress; I didn't notice the hats; I didn't notice their faces; they drank three times; I waited on them; two of them didn't look at me; the one with the two eyes looked me down; that corner is the darkest place in the room; they left together; I went out a little while and then came back; I wasn't there when he went or came back; one spoke English and asked how much was to pay; he ordered the whisky, too; I didn't see which way they went; I saw Phillips there that night; I didn't notice how they were dressed; I asked them to take a drink; I don't see Otero after he was killed; I was there when they came in; all came in together; I don't know the difference between the Spanish and French languages.

EVIDENCE OF CAROLINE BRUMME.

I reside at No. 217 Centre-street; recollect Pellicier and Gonzales being there on the night of the 22d of November; saw them again the next morning, about 10 o'clock; Gonzales, when he came, had a moustache; when I saw him again he had a beard; he had also changed his coat and cap; there were no other Spaniards at the house at that time; they brought no luggage when they came; Gonzales had a large valise; he showed me on Saturday, and said that that was the kind of money they had in the Spanish country; he opened his valise from time to time.

A recess was then taken for half an hour. At the afternoon session the prosecution continued.

EVIDENCE OF C. D. SMITH, M. P.

I was at the City Park when the gloves were found; I tried to put them on Pellicier; he made a great deal of resistance; I could not get them on; I found that he wouldn't have them on; I was there when the knife and back of the razor were found; Roundsman Wilmer found the knife; I was there when Wonderly was in the Park, and when he searched the body; I was not present when the hat was found.

EVIDENCE OF PATRICK CORR, M. P.

I am a policeman, and was in the Park on the night of 22d November; discovered the dead body of a man, a razor and a glove the next morning; this is the razor; it laid close by the dead body; the blade was at that time; we found that the next morning; I had been in the vicinity of the Park that night, but heard no noise; I was present when Wonderly searched the body; the glove had blood on it, and the fingers were cut; the glove was found; I think it was very dark that night; no lamps were lighted; it was a left hand glove; witness pointed out the place on the diagram; the glove was found; this is the glove I found, I think; I found the blade at night, the handle next morning.

EVIDENCE OF GEO. HOLMES, M. P.

I am a policeman and was in the Park on this night; I found a glove there, the right hand glove; this is it, and this is the place on the diagram where I found it.

EVIDENCE OF T. C. WILMOT, M. P.

I was in the City Park on the morning of the 23d about six and a-half o'clock; I found a dagger; this is it. (Witness indicated on the map the place where he found the dagger.)

EVIDENCE OF JAS. W. ASHTON, M. P.

I was at No. 217 Centre-street when Gonzales was arrested; I am Sergeant of the Forty-ninth Precinct; examined his room and found his clothing; they were hung up; these are the clothes I found—pants, shirt and pants—this shirt looks like the one; the pants I don't recollect; these look like them; I put no marks on them; they were taken to the Station-house; Officers Rainbill and Carr were there at the time; we took the clothes and prisoner in a carriage to the Station-house; Gonzales had on a new suit of dark clothes, dark cap with spotted band; he was dressed in a new; there was a lady there, the keeper of the saloon's wife; there was a trunk in the room, and his.

To the Court—A man who slept in the same room said they were his clothes (Gonzales'.) (Objected to and excluded.)

Cross-examination—Except what I heard I have no knowledge that they were his clothes; there was a parcel of clothes in addition; a pair of drawers; noticed a mark of blood on them—and these are the ones. (Objected to and excluded.)

To Juror Childs—Gonzales said they were his clothes. (Objected to and ruled out. Mr. Childs has a pleasant way of asking questions, and the answers are generally ruled out.

EVIDENCE OF C. B. WONDERLY, M. P.

I was in City Park on the night of the 22d of November last; the body was found there (witness pointed it out on the diagram) near the centre; I examined it and found $200 in gold and $16 55 in greenbacks, stamps and pennies, knife and pocket-book; there were $5 pieces, a $3 and two $1; it was rolled up like pennies; his right pocket was pulled out; the knife was in the watch pocket; there was a hotel receipt and some cards of no importance; I went to New-York that night to the Barcelona Hotel; I examined Gonzales' trunk; I examined a room there; I examined two rooms; I found nothing at all in his room; it was locked; it was between 12 and 1 at night; I was at the jail when his coat was examined; I have seen his card before, he was cut out of his right sleeve-lining; this is my signature on it.

Cross-examination—His knife was in his watch pocket, it was a small pen-knife; I gave everything up at the Station-house.

Mr. McCue—Where is the money and where these other things?

Mr. Morris—The money is in the bank; the others are in the Coroner's hands.

EVIDENCE OF CAPT. G. A. WADDY, M. P.

I am captain or the Forty-fourth Precinct; I was in the City Park on the night the gloves were found; it was between two hours; I found a hat, a razor, razor-case, blade of a razor and dagger sheath; (witness looked at the articles shown;) these are the articles I found; the hat had three cuts in them, as now; (a lot of clothing was shown him;) I found these clothes—coat, shirt, vest, pants and drawers at the boarding house in Centre-street, and have been in my possession until Monday morning; (a second lot shown him, a coat, shirt, vest and pants;) these were on the dead body; I examined through the evidence—the clothes being cut all over, stiff with blood, and most offensive in smell—the witness in displaying them to the reporters said that it was possible one of their fearful condition, in the way of dramatic effect, and then left them under the noses of the aforesaid;) I searched; I to ascertain to escape; I found in his pocket, in gold, $36 in paper and some small change, ten pennies; we stripped him, and found under the collar of his coat, in the lining, two drafts; they were in the coat; he has one; the hole is still in the coat; (pointed it out to the jury;) these are the drafts found in his collar; I marked them both.

The witness then read the drafts as given in the TIMES of yesterday.

Evidence Resumed—I was at the jail on Christmas when Edward and Gonzales were there; his coat and pants were changed; he put on those himself; I understand what he says when he says "Yes;" ("that's extraordinary," Mr. McCue.) He says he got them in Havana; I asked him if they were his clothes; he said "Si," and then put them on at my request; I undone them and showed them to him; he said "Si," and nodded his head; I told him to put them on, and monticned to him and he at once did so; I told Edward to ask him where he got them; he said Havana; he also asked how much he gave for them; he had no beard on his face when I arrested him; the clothes had stains on them when I looked at them; I can't point out those on the bottom of the pants; they have been rubbed off; there are stains on the pocket; the spots that were on the coat and vest were rubbed off; I was in the Park when the surveyor took the measurement for the diagram; this is correct; I have examined it before; I was present when Gonzales saw the body of Otero.

Q.—What did he do, if anything?

Mr. McCue—We object. This is wholly irrelevant; something like the rule applied to witches in the olden time. (Exception noted.)

A.—The body was in an ice-box; the prisoner was brought; the ice was removed; the lamp of ice on the face was removed, and the prisoner looked down and started.

Cross-examination—I do not know that the shirt is not that of Gonzales; I don't understand Spanish; he showed no reluctance when I asked him to put on the pants; the shirt was not there; I stripped him in my office; Sergts. Ashton and Smith were there; Smith was there when we showed him the body, so was the Coroner; I put him in a carriage to the dead-house; I had taken him to the photographers; the Spanish Consul suggested that it would be well to show him the dead body; the Coroner and the Sergeant were there; I think I had seen him; he had been down before; the dead-house is fourteen feet square, a light room; it was about the middle of the day; the light comes in from the ceiling; the face was disfigured; the head had been cut off short; the pants now are as they were when I took them from him; some of the blood spots were rubbed off; the clothes have been in my hands since I got them; they have been handled some.

To the Court—The temperature was warm; the next day it was wet and damp.

The interpreter, *Emilo Garcia*, was sworn, and said he had translated the writing of Gonzales to Pellicier in the cell, as follows:

"That man who is in No. 4 is a spy, who writes what we speak together. Then put yourself in care or attention as to what you say."

I saw razors in the room; this is one of them.

Mr. McCue objected to the introduction of the razors as evidence, as they were proven to belong to Vila. The Court overruled him. (Exception noted).

I saw Pellicier jacknife [objected to and the question; it is leading in its nature. (Overruled and exception noted.)

A.—He did; he put on a light gray coat; he put on black pantaloons; these are the garments.

Q.—Did he say where he bought them? (Objected to, and exception noted.)

A.—Yes, Sir, in Havana; he said he paid for the pants $4, and for the coat forty rials; he did not remember well because it was long ago; he said nothing about handkerchiefs, and I cannot understand a little long for him; I have heard a conversation in jail between Gonzales and Pellicier.

To Mr. McCue—I was in the jail; one in No. 12 and the other in No. 6; I was in No. 4; they talked in Spanish; I heard with my ears; [laughter;] I saw neither of them; I mean I hear with ears on the ball.

ADDRESS OF MR. W. C. DE WITT.

Mr. DE WITT then addressed the Court as follows:

MAY IT PLEASE THE COURT, GENTLEMEN OF THE JURY: The law is full of Charity. An unfriended stranger, sojourning among a people with whose customs and languages he is unacquainted, and suddenly arraigned at the bar of justice, charged with the most terrible of crimes, is not left to struggle, solitary and alone, with his misfortune. The Supreme Court—the highest equity tribunal of the State—is bound to select, from among the members of its bar, some counsel for his defence. And those counsel selected are in turn bound by the highest obligations of their profession to advise him wisely, and to defend him with all the energy they possess. It is thus my associate and myself have come into this case. I confess I find myself engaged in a most unequal contest. Upon the other side is every circumstance, every fact, every inference which a prosecution could require—the plaudits of the press, the energy and ability of the District Attorney; the wealth of the community, and the unrelenting and relentless assistance of the police. Upon this side is a foreigner, without a dollar and without a friend, who cannot understand the language spoken by the witness, and who is not able to summon a single thing to his assistance. It was to have been hoped that the odds would have ended here—that the struggle would have gone fairly to his trial. But I need not withhold from you the fact that, in addition to all these auxiliaries of the prosecution, there has arisen in this community a public sentiment which I have felt prevailing into every nook and crevice of this trial against conviction. And why is this so? The prisoner is like unto all the race. He is a rabbit on the run, nor a pigeon on the wing, nor a bullock in the slaughter-house. But he is a man, clothed with all the attributes of humanity, and poor for the purposes of this trial, freighted with an immortal soul, and entitled to all the amenities of civilization. And we were the first to raise the voice of mercy, which would marry him to the gallows regardless of the agency of the civil law, arises from the basest and most malignant instincts of the human breast. But, gentlemen, you will not be governed by any such things. You have been selected by reason of your freedom from prejudice, your fairness or impartiality, and you have been sworn to discharge your duties fairly and truly according to the law and the evidence. Aside from your own honor the responsibility and solemnity of your position, the law would alone be sufficient to make you loyal to your trust. You are here passing upon no question of property, interesting to contest, involving only money, and touching none of the ordinary litigations known to the civil law. Here you mark out destiny—here you determine the value of life or destroy it. You assume a power which some of the wisest philosophers have declared beyond the proper province of human authority. How came you by it in great power, and in what way are you to discharge this tremendous responsibility? Are you to be void of all offence? These are questions of the utmost importance to you, gentlemen of the jury, and they are questions which I shall not be able to answer. On your individual capacity you have no right to pass upon this case. Simply as twelve men voluntarily associated together, you have no right in a jury-hall, or even in this room, you would possess no power to decide the questions here involved, or to designate what should be the verdict. It was only as all your power as jurors comes from and is defined by the law of the land. If, therefore, through passion or prejudice, or zeal, or even inattention, you break through any of the rules or the limitations or the injunctions of the law as it may be fairly given to you by counsel or charged to you by the Court, you will have exceeded your authority, and this man's blood is upon your own hands. If, however, you bring your unbiassed reason alone to the adjudication, and decide the case fairly on principles of the law: if you direct your course by the lights which the wisdom of the jurists have set up to guide footsteps, and which now burn again in your homes conscious, whatever may be your verdict, that you, at least, are absolved from all responsibility, and have discharged your duty honorably to yourselves and justly to the State. And now, to call your attention, therefore, to some well settled and fundamental principles of the law, which must guide you in this case. You have been sworn in a jury-hall, or even in this room, you would possess no power to decide the questions here involved, or to designate what should be the verdict. It was only as all your power as jurors comes from and is defined by the law of the land. If, therefore, through passion or prejudice, or zeal, or even inattention, you break through any of the rules or the limitations or the injunctions of the law as it may be fairly given to you by counsel or charged to you by the Court, you will have exceeded your authority, and this man's blood is upon your own hands. If, however, you bring your unbiassed reason alone to the adjudication, and decide the case fairly on principles of the law: if you direct your course by the lights which the wisdom of the jurists have set up to guide footsteps, and which now burn again in your homes conscious, whatever may be your verdict, that you, at least, are absolved from all responsibility, and have discharged your duty honorably to