Miller Guilty of Murder in the Second Degree.

So Says the Jury of Twelve Men Who Tried David Miller for the Killing of his Son-in-Law, Robert Roach-Miller Made no Other Defense than His Drunken Condition and that Was Poorly Established The Jury Out 2 Hours and 45

Minutes - The Trial in Detail.

The trial of David Miller for the shoot- the case since coming to Bellefonte. Chaling of his son-in-law, Robert A. Roach, began before Judge John G. Love, in the Court of Oyer and Terminer here Tuesday morning. For the Commonwealth District Attorney N. B. Spangler was assisted by J. C. Meyer, Esq., while the counsel for the accused were Col. Wilbur F. Reeder and E. R. Chambers, Esq.

Recurring to the crime of which the prisoner stands accused, it was committed on the 21st of July last. The general story at the time was that Miller had been drinking a little and started in to beat his wife. Their daughter, Mrs. Robert Roach, was present and, her remonstrance with her father being in vain, she ran for her husband, they living but a few rods distant, Roach went to Miller's house and compelled him to desist, whereupon Miller turned on Roach and wanted to fight him, finally ordering him out of the house and declaring he would shoot him. Roach, it was alleged, dared him to do so, when Miller ran into the house secured his Winchester rifle and started out. When Roach saw this he beat a retreat, hiding in the nearby woods. Miller, lay in wait, and as soon as Roach put in his appearance the former shot, the ball entering the back, inflicting a wound from which Roach died

the following night.

Miller was arrested and brought to Bellefonte and put in jail. The August grand jury found a true bill against him, but owing to the Beckwith trial at that time the case was continued until the present

When court convened on Tuesday morn ing it was generally whispered around that Miller would enter a plea of guilty to one of the minor degrees and the counsel on both sides consumed a half hour in consultation on the matter. Though not publicly announced it is generally understood that the Commonwealth would have been satisfied if Miller would have plead guilty to murder in the second degree, but the prisoner, by advice of his counsel, would agree to pleading guilty only to manslaughter. As no satisfactory adjustment could be arranged the court called the case for trial at just 9:30 o'clock and the drawing for the jury was begun.

DRAWING THE JURY.

George Houck was the first juror called. Had heard and read of the case, but formed no opinion that would interfere with the rendering of a verdict according to the evidence. Not opposed to capital punishment. Challeuged by the defense.

Daniel Spittler called. Had heard of

the shooting and formed an opinion that could not be shaken. Excused by the

H. W. Morris called. Had read of the shooting, but formed no opinion, and could render a verdict according to the evidence. Not opposed to capital punish-Challenged by the defense.

lled. Have read of the case, but formed no opinion. Could render a verdict according to the evidence. Not opposed to capital punishment. Challenged by the defense.

Budd Thompson called. Have heard of

the case, but formed no opinion that would interfere with the rendering of a verdict. Have discussed the case with one or two

people. Accepted and sworn.
William C. Martin called. Read of the case at the time of the shooting, but formed no opinion and have no scruples against capital punishment. Accepted and sworn Luther Wert called. Have heard of the case but formed no opinion and not opposed to capital punishment. Challenged

by defense. Howard Goss called. Read of the shoot ing when it occurred but have formed no opinion. Not opposed to capital punish-

ment. Accepted and sworn. William Robinson called. Have heard of the case but formed no opinion. Could render a verdict according to the evidence. Challenged by Commonwealth.

Nathaniel Bierly called. Have read of the case but formed no fixed opinion. Challenged by Commonwealth.

James Weaver called. Had not heard of the case nor discussed it with anyone. Challenged by defense.

Nathan Dale called. Had not read of

the case and could render a verdict according to the evidence. Not opposed to capital punishment. Accepted and sworn. A. C. Williams called. Read of the case

but had formed no opinion. Not opposed to capital punishment. Accepted Isaiah Woodle called. Know of the case

but have formed no opinion. Challenged by Commonwealth. J. H. Meyer called. Never read or heard

(Juror was very hard of hearing.) Challenged by defense.

J. F. Heckman called. Have read of the case but formed no opinion and could render a verdict according to the evidence.

Challenged by defense. James Ross Jr., called. Have formed no opinion in the case and could render a verdict according to evidence. Accepted

and sworn. Joseph Garbrick called. Read of the case, but have no fixed opinion and could render a just verdict according to evidence.

Challenged by defense. C. S. Bartges called. Have read of the case, but formed no opinion. Challenged by

David K. Keller called. Read of the case but have no fixed opinion. Not opposed to capital punishment. Challenged by the defense. John P. Eves called. Have formed no

opinion as to guilt or innocence of prisoner. Not opposed to capital punishment. Challenged by Common wealth. M. J. Henderson called. Read of the case

but formed no opinion. Not opposed to capital punishment. Challenged by Com-William Kellerman called. Read of the case, but have no fixed opinion. Not op-

posed to capital punishment. Challenged by Commonwealth. Jacob Glossner called. Have formed no

opinion in the case. Not opposed to capital punishment. Challenged by Common-

'you're a d-d-liar."

lenged by defense.
Samuel Everhart called. Have heard of the case, but formed no opinion. Accepted and sworn.

J. B. Rishel called. Heard of the case, but formed no opinion. Not opposed to capital punishment. Challenged by defense.

no opinion in the case. Accepted and J. B. Mayes called. Do not know pris

oner and have formed no opinion. Challenged by Common wealth. D. W. Clark called. (Juror very hard of hearing and excused by the court.) Fred Kemerer called. Do not know prisoner and have formed no opinion in the case. Have no conscientious scruples shooting occurred; my father and mother had been away over Sunday; I don't know when they came home, as I did not see against capital punishment. Challenged by Commonwealth.

Emanuel Musser called. Have formed

Jonathan E. Miller called. Have read of the case but formed no opinion. Challenged by Commonwealth. Augustus Witherite called. Have formed no opinion in the case and not op-

posed to capital punishment. Accepted and sworn.

arriving at a verdict according to the evidence. Excused by the Court.

J. H. Weaver cailed. Have not read and said that Miller had his gun and was dence. Excused by the Court. nor heard of the case, and not opposed to going to shoot Bob. Bob said he didn't capital punishment. Challenged by the

W. C. Smeltzer called. Have formed no opinion in this case and not opposed to capital punishment. Accepted and sworn.
J. P. Sebring called. Have formed no opinion and not opposed to capital punishment. Challenged by Commonwealth.

Joseph Grossman called. Have formed no opinion in the case. Challenged by the

Jacob Heverly called. Challenged by the prisoner.

Adam Ertle called. Could render a verdict according to the evidence. Challenged by the Commonwealth.
Charles Mensch called. Have read of

the case and expressed an opinion, but it Robert Kreamer called. Have formed

no opinion. Challenged by defense.
Samuel Shoop called. Have formed no opinion and could render a verdict according to the evidence. Challenged by the Common wealth. Samuel Spangler called. Have formed

no opinion and could render a verdict according to evidence. Challenged by the Common wealth. Samuel Sykes called. Have formed no opinion. (Juror hard of hearing and ex-

used by the court.) Michael Heaton called. Have neither formed nor expressed an opinion. Challenged by Commonwealth.

prisoner and have formed no opinion. Chal-H. V. Hile called. an opinion but it would not interfere with and that she cried for help; after the tussle the rendering of a verdict according to the in the yard I heard Miller say he would Challenged by defense.

Alfred Witherite called. Have formed no opinion and not opposed to capital punishment. Challenged by the Common-

Edward Williams called. Have formed no opinion in the case. Challenged by de-

The regular panel being exhausted the court instructed the sheriff to call some talismen, and the following were called. V. J. Bauer, Bellefonte. Have not him he said if the old man came too close formed nor expressed any opinion in the he would shoot back; from the time I saw ment. Accepted and sworn.

E. M. Boone, of Haines township called. Read of the case but formed no opinion. Challenged by the defense.

J. W. Musser, of Millheim, called. Have formed no opinion in the case and not opposed to capital punishment. Challenged by the defense. George Garbrick, of Bellefoute, called. Don't know the prisoner. Could render a

verdict according to the evidence. Accepted and sworn. This completed the drawing, and the jury as finally made up is as follows:

Budd Thompson, farmer, Huston Twp. William C. Martin, "Spring Twp. Howard Goss, farmer, Ferguson" Nathan Dale, agent, Spring Twp. A C. Williams, farmer, Taylor James Ross Jr., farmer, Harris " Samuel Everhart, farmer, College Twp. Emanuel Musser, gentleman, Haines " Augustus Witherite, farmer, Huston ' C. Smeltzer, teacher, Spring Twp. V. J. Bauer, retired, Bellefonte. George Garbrick, gentleman, Bellefonte.

The jury being drawn and by request of the District Attorney, court adjourned at 11:25 until 1:30 p. m.

TUESDAY AFTERNOON.

Court called at 1:30 and the jury marched into their seats in the jury box from the Brockerhoff house, where they were quartered during the trial, in charge f tip-staves Thomas McCafferty and Simeon Haupt, who were sworn in as constables to keep watch over and look after their comfort during the trial. prisoner was brought in by Sheriff Cyrus Brungart. Notwithstanding the gravity of his case Miller's bearing was more that of a man who felt very sure of getting off with a comparatively light verdict. He looked ale and hearty after his four month's incarceration and at all times took a keen interest in all that was being done for or against him, frequently volunteering sug-

gestions to his counsel. It was just 1:40 o'clock when District Attorney N. B. Spangler opened the case on the part of the Commonwealth in a brief address to the jury, in which he outlined what they expected to prove in connection with the causes and commission of the crime. Mr. Spangler spoke just 8 minutes, when the offering of evidence on the part of the Commonwealth was begun.

WITNESSES TAKE THE STAND. The first witness called was Wilbur Roach. Live in Osceola; know David Miller; Robwealth.

H. N. Krebs called. Read of the case, and to a certain extent have formed an Flora Miller, daughter of David Miller; make a fool out of me, either." When but could render a verdict ac- Roach has six children, three living; Rob- Miller refused to give her the gun witness

in the back; saw him lying in the road shortly after he was shot; I talked to Rob-then ran out and saw Roach lying in the ert a few moments, also talked to Miller; asked him what he had been doing and he said "I shot Bob, and d-n you if you say much I'll shoot you, too." When I went to where Robert was lying there was quite a crowd there and some were praying. Mr. Coffee arrested Miller and brought him up to where Robert was lying. Miller asked Bob how he was feeling and Bob said 'Dave I didn't deserve this of you." Miller said

Cross-examination by Col. Reeder. It was about 6:30 o'clock in the evening when I went up there and saw Robert lying in When Miller threatened to shoot me, too, if went in there, he was in his own yard, about 30 feet from the road. There were several persons in the yard at the time (Witness said that when he saw Miller he said to him, "What have you been doing, you old reprobate,") I heard in Osceola that my son had been shot, and I went up as soon as possible; I can't tell who all were there; when Miller called Robert a liar as he was lying in the road, I called him an old scoundrel, but I positively did not threaten to shoot him.

Flora Roach called. Live in Edendale: my husband was Robert Roach, he died July 22nd; we were married 13 years; my husband's death was the result of a gunshot wound; was in my own kitchen when the either of them until in the evening; I went to father's house and saw father and my husband in the hall upstairs; Robert was holding Miller down by the neck; I didn't see mother upstairs at all; I asked Robert what he was doing and he said he wasn't hurting the old man; I told him to come home, and he said he would. When they came down stairs father said "Bob, you took George F. Musser called. Have formed advantage of an old man, take it now, and an opinion that would prejudice me in with that made for him; I saw Bob hit him twice in the face, then I made him quit care, he could shoot, too, and went upstairs and got his revolver. He then went out, but I didn't hear any of the shots fired. Father was at my house and I told him not were several others in the house with me; this was after 6 o'clock-after supper. The

I never heard father threaten to shoot Bob. examination. Cross-examination by Chambers. I was not at home all day Monday; father came home at 6 o'clock Monday morning; when I saw Bob holding father down upstairs, and told him to come down, father followed us downstairs; I don't know who struck first blow out in the yard, only saw Miller hit would not conflict with rendering a verdict according to the evidence. Challenged by the Commonwealth.

Bob twice in the face. When Bob went upstairs in our house for his revolver, I tried to hold the door shut, but he pushed it open. He did not go out until we coaxed him to go to the woods so he wouldn't get shot: I saw no evidence of intoxication in

> my father. Re-direct. It was after father said he was going to shoot him that Bob got his revolver, he was not in the habit of carrying it.

Alice Miller called. Live at Edendale: David Miller is my nucle by marriage; Mrs. Miller was away and came home Monday evening; Mr. Miller came home Monday morning very drunk. It was near 6 o'clock when Mrs. Miller came home; the first I heard was a racket upstairs and when I went up I saw Roach have Miller down; I Thomas Boal called. Do not know did not go for Roach; I did not see Miller prisoner and have formed no opinion. Chal-May have expressed anyone that Miller had hold of his wife, shoot Roach and I went and told him; Roach was then at his own home; I did not see any of the shots fired, only heard them; it could not have been over a few

seconds between the two shots. Cross-examination by Reeder. It was about 10 o'clock when Miller came home staggering. In the evening Miller appeared to me to be very much intoxicated. saw Bob hit Miller twice out in the yard. When I told Bob Miller was going to shoot case, and not opposed to capital punish- Bob have Miller down upstairs until the firing of the second shot it could not have been over ten minutes.

Mrs. Minnie Miller called. Live at Osceola; David is my father-in-law; was at Miller's when the shooting occurred; Mrs. Miller came home on the 5 o'clock train; Miller came home later and I saw him his her as she was going upstairs; Miller followed his wife upstairs and I heard her call for help, that her husband was trying to kill her; I called Roach and urged him saw Miller strike Bob upstairs but did not see any of the fight in the yard: when I saw Miller coming with his gun I told Roach and it was then he went for his revolver; Roach was running from the house to the woods when the first shot was fired. After the first shot Miller went back to his house then later he went down to the road: it must have been near a half hour after the first shot was fired till the second

Cross-examination by Reeder. My husband's name is Frank Miller. I did not see Miller hit his wife, but heard her call for help that her husband was knocking her head off and kicking her stomach off. (Under a scathing cross-examination of almost a half-hour counsel sought to break down the witnesses testimony in chief, but without avail.)

Cora Gardner called. Am a niece of David Miller and made my home there. I was there when Miller came home July 21, but as soon as the Millers went upstairs I left the house and went up to Maud Dixon's. I saw no fighting nor did I hear the shooting; saw Roach lying in the road after he was shot. I did hear Mrs. Miller call for Roach just once.

Cross-examination by Chambers. Miller was very drunk in the morning, but don't until after the shooting occurred. know how he was in the evening

Mand Dixon called. Live at Edendale. not far from Roach's home; saw Miller in the evening of July 21st; heard both shots fired; after the first shot I ran over; on the way I saw Robert hiding in the underbrush went on over and asked him for his gun. Witness then stated the conversation which ensued between herself and Miller, but it was of such a pronouncedly profane character that we desist from printing it. Summed up it was a most emphatic declara-tion on the part of Miller to kill Roach. The witness was somewhat fiery and inclin-

Cross-examination by Chambers. Witness was pretty well riled up by this time, and Chambers told her that he didn't want her cording to the evidence. Have discussed ert died July 22nd, from a gunshot wound stated that she went home again and was

then ran out and saw Roach lying in the road; heard him cry out he was shot and then ran down.

On re-direct Mrs. Dixon said that she saw Mrs. Miller hid in Roach's garret where she had gone to escape her husband.

J. H. Wetzel called, who testified that e went to Edendale and made a draft of the Miller and Roach properties. Draft was exhibited and explained to the jury, then offered in evidence. The draft showed that it was 383 feet from where Miller stood when he fired the shot to where Roach fell by the road-side.

Thomas Maher called. Live at Osceola. Saw David Miller on July 21st in the evening; he was standing at a stump by the road-side with his gun in his hand; I asked him what was wrong and he declared that he "would kill him." I asked him who, and he told me Bob Roach, that he would kill him if it was six week's after. I was standing there when Roach came out in the road and saw Miller deliberately pull up the gun to his face and shoot: Roach fall and went up to him; Roach was walking away from Miller when the latter As soon as I saw how had Roach was hurt I went for a doctor and to tell his relatives.

On cross-examination by Col. Reeder witness adhered particularly close to his testimony in chief.

Maize Hefferan called. Live neighbor o the Millers. I heard both shots fired. I met Miller on the road. He asked me how Roach was and I told him he was dy-ing. Miller said, "Let him die."

Nothing new on cross-examination. J. J. Coffee called. Live at Osceola. I took Miller in custody and brought him to Bellefonte. When I took him into custody I took him up the road to where Roach was lying. Roach told Miller he shouldn't have shot him and Miller said he oughtn't have kicked him in the ribs. Roach said he didn't, when Miller called him a liar.

Nothing new on cross-examination. Willie Roach, 9-year-old son of Robert Roach, was called but not permitted to

testify. James Dixon called. Live at Edendale. Saw Miller coming home about 6 o'clock in the evening of July 21st. I heard two to shoot Bob, but go home, and he said he would; don't know if he went or not; there the school-house. It was probably fifteen minutes between the shots. After the second shot I went up the road and saw Roach next time I saw my husband was when he as lying by the roadside; also saw Miller, but did not talk to him. Nothing new on cross-

Patrick Rooney called. In July lived near Robert Roach's house. I heard the second shot fired; was in the house; I was down the road and saw Miller with a gun, and he said he would kill Roach if it was 6 weeks after. I saw Roach after he was

shot. Nothing new on cross-examination. · Valentine Stonebraker called. This witness was Mr. Rooney's partner and lived with him. Witness had been out for water Jo when the first shot was fired; heard the scrap and went down with Rooney. Heard Miller say he would kill Roach if it was 6 weeks afterwards. Heard the second shot and saw Roach fall; was the first person to get to him after he fell.

Testimony not shaken on cross-examination by Col. Reeder.

Jerry Dixon called. This witness simply corroborated the testimony of Rooney, and Stonebraker. Dr. F. B. Reed called. Live at Osceola;

knew Robert Roach; was called to see him on the evening of July 21st. The ball struck the hip-bone, passing through the body. Roach lived about eight hours. The wound caused death. On cross-examination Dr. Reed stated that when he passed the house Miller was just coming out with his gun. At 5:14 court adjourned till 8:30 Wednesday morning.

WEDNESDAY MORNING. Court called at 8:30 o'clock and the

hearing of evidence on the part of the Commonwealth was resumed.

Michael Hefferin called. Live at Edendale, know the prisoner; saw him July 21st, after the shooting; Miller told me that he had said he would shoot and he did shoot; he said he was a man of nerve, when he said a thing he would do it.

At 8:50 the map of the locality where the shooting took place was offered in evidence and the counsel announced, the Commouwealth rests.

DEFENSE OPENS.

It was just 8:55 when E. R. Chambers, counsel for the prisoner, began his speech to the jury in the opening of the defense. Though making no attempt at denying the commission of the crime Mr. Chambers cited as the line of defense drunkenness on the part of the prisoner and that the shooting was the result of the quarrel and was done so quickly as to allow of no time for sober to go upstairs and separate the Millers; I meditation and better judgment. At the conclusion of Mr. Chambers' address of ten minutes the hearing of testimony in behalf

Alice Gardner was the first witness called (This was the same girl who on Tuesday testified for the Commonwealth under the name of Alice Miller.) I never saw Miller strike his wife that evening; Miller was very drunk; he acted very funny and looked as if he was crazy; this was only a few seconds before the shooting occurred. (The witness then told the story of the shooting the testimony not varying from that given by her Tuesday.)
On cross-examination the witness stated

that she knew Miller was drunk, but could give no good reason for knowing so.

John Miller called. Was at Edendale school-house July 21st, between 5 and 6 o'clock. After the shooting I went up the road to where Roach was lying by the road side; Robert Roach and I were in Osceola in the afternoon; Robert had two drinks of gin, I drank pop. Father was there at the time and was drunk: It was between 3 and 4 o'clock; I next saw him after the shooting, when he looked very drunk.

Cross-examination. It was between 1 and 2 o'clock when we started to Osceola; after I left the hotel I did not see father

Daisy Gardner called. Live in Edendale; was at Robert Roach's on July 21st; I saw Miller about 10 o'clock sitting on the porch of his house; he looked as if he was drunk; I saw Miller again about 6 o'clock in the evening going from the road to the house; I was near him; he came staggering up the walk; I know he was drunk because he acted like it; I saw both Roach and Miller out in the yard; Miller told Bob he had taken advantage of an old man upstairs to do it now; they got to fighting then; Mrs. Roach got her husband away and sent him home; then Miller kicked Bob's coat all around. When Miller got his gun I ran up on the hill; I saw Bob with his revolver and asked him what he was going to do with it. He said nothing unless the old man cornered him up too close. When Bob came out of the v When | heard Miller say "Look out Bob this is the time you're going to get it."

Garfield Gardner called. Was down at the school house in the evening; after the shooting I went up the road and saw Roach lying by the road-side. Saw Miller in his own yard when I went up the road he was drunk.

more of importance was brought out.

On cross-examination the witness refused to tell who his father was. Witness stated that when he saw Miller about 6 o'clock, before the shooting he was drunk, but not very drank.

Mrs. David Miller called. Am wife of David Miller; was at home when the shooting occurred; I got home first; Dave was terribly drunk when he came home; was not in Roach's attic but in his hall upstairs; I was not in hiding.

Cross-examination by Spangler. I was not in hiding and I never told you I was; we did have a little trouble; don't remember whether I called for Robert Roach or not; went to Roach's house because was afraid; I know my husband was drunk because the hair was standing straight up on his head; don't remember where I was when the first shot was fired.

Grace Miller called. Live at Edendale; daughter of David Miller; was at home on July 21st; saw Roach there, but didn't see him do anything then; saw Roach out on the hill with his revolver and heard him say "if Dave comes near me I'll shoot him if I kill him dead; saw father come home,

and he was very drunk.

Cross-examination. Did not see any of the fuss as I left the house when father

Nathan Morriell called. Know Miller; on July 21st last was in Osceola and visited several hotels; saw Miller at Kewkels hotel; he was drinking; saw him drink three glasses of whiskey; it was about 1 or 2 o'clock; Miller was under the influence of iquor, but can't say he was drunk; saw him going home between 5 and 6 o'clock in the evening; I was at the school house and heard both shots fired; they did not

seem very long apart. Nothing new on cross-examination. Mrs. William Russ called. Live in Oseola; keep a restaurant; identifies Miller as having been in her restaurant between 5 and 5:30 o'clock July 21st; could smell

liquor but could not notice that Miller was drunk. No cross-examination. Miss Eunice Hutton called. Live at pass our house between 5 and 6 o'clock July 21st, on his way home from Osceola; Miller walked straight enough, but I thought he had been drinking a little from the way he talked to me. No cross-exam-

George Lane called. Live at Tyrone; was in Osceola July 2ist; saw Miller there at the Lane house; he was drinking some; it was about 4 o'clock; he had several drinks. Nothing new on cross-examina-

John W. Collins called. Live at Sandy Ridge; am a Justice of the Peace; saw Mil ler at my office after the shooting; he appeared intoxicated and laboring under a great strain. Nothing new on cross-examination.

J. J. Coffee called. I took Miller to the 'Squire's office; while he was in my charge he took no whiskey. Nothing on cross-

examination. At 10:40 defense rests.

COMMONWEALTH'S REBUTTAL. In rebuttal the Commonwealth called as first witness Loyd Shoff. Live at Osceola; am bar-tender at the Lane house; Miller was there on July 21st; he got two whiskeys and one beer; aside from him talking a good deal I did not notice that he was intoxicated. Nothing on cross-examination.

D. W. Schnarr called. Live in Osceola; saw Miller on July 21st, a little after 5 o'clock; Miller was not drunk and didn't even appear to have been drinking. Nothing on cross-examination.

John Emerick called. Live in Osceola; saw Miller on July 21st in the morning; the terrible accident. It is believed the exsaw him also in the evening; he wasn't at all drunk; did not stagger and talked very sensibly to me. Nothing new on crossexamination.

Grimshaw Taylor called. Live in Osceola; saw Miller on July 21st on his way home in the evening. I noticed nothing wrong with him in any way.

J. J. Coffee re-called. When I took Miller into custody his actions were not those of a drunken man.

At 11 o'clock the Commonwealth announced that they were through, the defense had no sur-rebuttal and the court declared the evidence closed. Two hours were allotted to each side for argument.

THE CASE ARGUED.

It was just seven minutes past eleven o'clock when District Attorney Spangier opened the argument for the Commonwealth. Mr. Spangler in less than an hour's talk confined himself entirely to a re-view and summing up of the evidence, which he did in a calm, unimpassioned but impressive manner. Mr. Spangler closed at 11:45 o'clock and court adjourned until 1:30 p. m.

WEDNESDAY AFTERNOON.

Court called at 1:30 o'clock and immediately after the clearing up of some rou-tine court business E. R. Chambers, Esq., began his argument to the jury in behalf of the accused. Mr. Chambers started out in quite a poetical strain but soon got down to the level of the evidence in the case. He spoke fifty minutes and made an earnest plea for a verdict of one of the minor degrees. At the conclusion of Mr. Chambers' address Col. Wilbur F. Reeder at once began the closing argument for the defense. Col. Reeder re-viewed the evidence in the case very closely and concluded with an eloquent petition to the jury to render a verdict commensurate with all the testimony presented. Col. Reeder spoke but fifty-five minutes.

It was just 3:15 o'clock when J. C. Meyer, Esq., began the closing argument for the Commonwealth and the last in the case. Mr. Meyer spoke very earnestly, at times brilliantly, for a period of forty-five minutes. He dwelt specially on the fact that the case had all the ele ments of murder in the first degree, declaring that the very lapse of time from the firing of the first to the second shot was sufficient to show that the act was premeditated; that the man's own declaration that he "would kill Roach if it was six week's afterward," showed undoubted intent. In closing Mr. Meyer asked for a verdict of first degree, as the only rendering justified

by the crime.

At 3:55 Judge Love began the delivery of his charge. The court occupied thirty minutes in delivering his charge, which was very fair and impartial throughout. It was just 4:30 o'clock when the Judge finished and the jury was sent out to deliberate.

THE VERDICT.

It was just 7:30 o'clock, or two hours and forty-five minutes after the jury went out. On cross-examination witness stated that when the court house bell was rung to an- with her he was fined \$10 and costs.

she did not hear the first shot. Nothing nounce the finding of the verdict and in just five minutes the court room was crowded to the doors. The prisoner was brought in by Sheriff Brungart and his demeanor was as apparently calm and un-moved as it had been during the trial. Court was opened by Simeon Haupt and at 7:28 the jury filed into the hox. The verdict was hauded, sealed, to Prothonotary Gardner who passed it to the court for in-spection, after which the clerk read it as follows:

"Gentlemen of the jury, hearken to your verdict as the court has it recorded. You say you find the prisoner guilty of murder in the second degree, and so you all say,"

and the jury responded "Aye." Miller never moved so much as a muscle when the verdict was announced. Court immediately adjourned.

When the jury went out it stood on the first ballot nine for a second degree verdict and three for first degree. Considerable dissatisfaction was expressed by the people from Edendale and that section over the verdict, they declaring that Miller should have been given the full penalty of the

Attorney E. R. Chambers said Thursday morning that they would not enter a mo-tion for a new trial, being satisfied with the result. Such being the case Miller will be sentenced some time next week.

Emperor Will Attend.

Krupp's Funeral to be Held at Father's Humble Home—Disposition of Vast Estate.

BERLIN, Nov. 24,-The funeral of Herr Krupp will take place from the little old house were his father lived poorly while striving to cast the first steel gun, Emperor

William will attend. The will of the deceased gunmaker, according to a semi-authoritative statement. provides that the works shall not be turned into a joint stock company under 25 years. Meantime the revenues of the whole property will go to the widow, and after her death to the eldest daughter. The value of the estate, estimated by bankers who were connected with Herr Krupp, is \$75,000,000. This does not include securities owned by the deceased outside of his manufacturing plant, which may possibly amount to as much more.

The suicide theory has not yet quieted. The Cologne Gazette says; Whether he died of shock due to excitement and em-Edendale; am a school teacher; saw Miller bitterment over the attacks made upon him or whether, adjudging himself guilty, he took his own life, are questions which, however answered by the accusation itself,

must halt at his death." It appears that after Herr Krupp regained consciousness on Saturday he insisted on discussing with his solicitor, Herr Korn, the prosecutions of the newspapers for publishing accusations against him, and that thereupon the second stroke followed.

Fireman Becomes Hero. Blown 300 Feet by Exploding Engine, He Warns Other Trains From Disaster.

JOHNSTOWN, Pa., Nov. 24-At Mineral Point, near here, this morning a pushing engine exploded, killing two instantly, fa tally injuring one and seriously hurting

THE DEAD. Scott Seese, flagman, of Altoona. Daniel Pringle, engineer, Conemangh.

THE INJURED. Miller, fireman, Conemaugh. Samuel Davis, conductor, Altoona. Harvey Miller's escape was marvelous. He was on the exploding engine and was thrown 300 feet and landed in some berry bushes in a sort of swamp. He hurried back to the scene of the wreck and flagged two trains which were coming up the track. As he had no lanturn he had to jump on each train and talk to the engineer, so that his feats in trying to prevent worse damage were not the least notable part of

engine. ADDITIONAL LOCALS

plosion was due to low water in Pringles

-U. of P. defeated Cornell at foot-hall vesterday by the score of 12 to 11.

-Dr. Yutzy, professor of theology at Susquehanna University, preached in the Lutheran church at Rebersburg, last Sunday evening.

-State closed a very successful football season at Steelton yesterday by being defeated by the all-star team of that place by the score of 6 to 5. -The Bellefonte Academy and State

College town foot-ball teams played each

other to stand-still on the glass-works mea-

dow here yesterday afternoon. The score was 0 to 0. --- The two Philipsburg boys convicted of sand-bagging and robbing were yesterday sentenced to nine months in the county jail. Rice has to pay \$25 fine in addition.

Kulp escaped without a fine. HELD ON A SERIOUS CHARGE.-Luther Kline, who resides on the north end of Allegheny street, was under \$500 bail to answer for an attempted assault upon Myrtle Reeder, a nineteen-year-old Milesburg girl. Last Sunday afternoon Kline, who is a married man and about 40 years old, hired a horse at Brooks' livery and drove to Milesburg, ostensibly to employ a servant for his wife, whom he represented to be ill at her home at Lemont. Upon promise of wages of \$2.75 he secured the Reeder girl and brought her to this place, where they had lunch. After dark they continued on the road toward Lemont and when on Rishel's hill Kline undertook to assault the girl. She repelled him and jumped out of the buggy. Then he tried to coax her back, but upon her refusal he threw her clothes out and left her to wander about in the dark. She finally reached the home of Reuben Kaup, at Hume's mill, and stayed there

for the night. Saturday morning she came to Bellefonte and made information against Kline. He had returned to the livery about 3 o'clock Saturday morning and was easily located. In default of bail he went to jail.

Kline had just finished a term in the penitentiary for a similar offense.

Yesterday he plead guilty in open court and as the girl said he had used no violence