The Huntingdon Journal.

FRIDAY, - - - APRIL 23, 1880

READING MATTER ON EVERY PAGE

W. L. FOULK,
Agent of the Pennsylvania, Ohio and West Virginia Press Association,
Is the only person in Pittsburgh authorized to receive advertisements for the JOURNAL. He has our best rates.

LOCAL AND PERSONAL

Brief Mention—Home-made and Stolen.

Base ball soon.

The little onions are sprouting.

The martins have come to stay.

Overcoats are still comfortable.

The bare footed boy is numerous.

The 6th of May is Ascension Day.

New moon and beautiful evenings.

Slim attendance at Court this week.

Huntingdon is lively in the evening.

The carpet-shaking season is at hand.

Cherry and peach trees are blooming.

The Clearfield county strike has ended.

The cemetery was well visited Sunday.

The trees are putting on their dress of green.

Don't discard your flannel. It is too soon.

It is time now to go for the trailing arbutus.

Court last week adjourned on Saturday morning.

The Huntingdon Cornet Band will soon be "tooting."

Read Wm. Reed's new advertisement in today's issue.

Communion services at the M. E. church next Sunday.

A heavy hoar frost fell in this bailiwick on Saturday night.

Several of our laboring men are reaping a golden harvest.

The thoroughfares of this town are in a very dirty condition.

The night sessions of Court, last week, were largely attended.

Work was begun on the penitentiary ground, Monday morning.

Now is the time for the "no fruit croaker" to step to the fore.

The mountains will soon be covered with their foliage of green.

The farmers hereaways are about finishing up the sowing of oats.

Mrs. Mary Parsons, aged 96 years, recently died in Shirley township.

The crows are looking around for the first freshly planted corn field.

Some of the Clearfield strikers are at work at the Robertsdale mines.

The Presbyterian supper of last week was a success. They cleared $65.

Repairs to the burnt district in Hollidaysburg have been commenced.

A terrific wind storm visited us Friday evening, but doing no damage.

The Herman Bros. have a nobby store, and a fashionable lot of new goods.

The "lower end" of the county was well represented at Court last week.

Rev. W. H. Dill will preach in the First M. E. church next Sunday evening.

The boys cast anxious glances at the river. Wishing for the bathing season, you know.

The coal trade, as far as the retail portion of it is concerned, is drooping in this bailiwick.

Old Boreas has not cried enough, but holds high carnivals about every other day or night.

The walls and ceiling of the new store room next to the post office have been whitecoated.

Prisoners found guilty of crime, by the Court, last week, were sentenced on Monday.

A sort of stone walk has been laid on Washington street, leading from the engine house alley.

A wooden awning is being erected in front of General Lane's cash grocery on Washington street.

In this bailiwick it is no longer a question of bread and butter, but bread and oleomargarine.

The Altoona *Sun* says five hundred houses will be erected in that city during the coming summer.

"Corner statuary" is emerging from its winter quarters and can be seen in its accustomed places.

Carpenters are putting the finishing touches on the frame building nearly opposite the JOURNAL office.

Blackguards with their bacchanalian songs, kept respectable people awake, Thursday night, on our up town streets.

Painters were engaged the fore part of the week in painting Mr. John Williamson's property on Washington street.

A thunder gust, accompanied by heavy thunder and vivid lightning, passed over this locality on Monday evening.

There is no use of talking about it for Wilday Black has the neatest jewelry establishment in Central Pennsylvania.

Fires were numerous last week, and we congratulate ourselves that we have none to report for this immediate vicinity.

If a few more wooden awnings are put up along our pavements, we will be entitled to the sobriquet of the "Shed town."

The water has been drawn from the Hollidaysburg reservoir, and it is now a vast field of mud. All the fish were destroyed.

A family in this town, who can scarcely live in the "hand to mouth" style, manage to keep three big dogs about their premises.

There will be service in St. John's church next Sunday. In the morning at half-past ten, and in the afternoon at half-past three.

Take a glance at the new advertisements on our second page of to-day's issue. They will tell you where to buy cheap and good goods.

The wind of Friday evening last made cowards out of those who have not, as yet, got over the effects of the storm a few Sundays ago.

To make room for the report of the Cromwell Homicide case tried last week, we were compelled to omit much matter prepared for this issue.

In Portage township, Cambria county, on Saturday, a ten year old daughter of Sylvester Curn was burned to death by her clothes taking fire.

Two coal cars of the H. & B. T. R. R., were wrecked at the foot of Fifth street, Wednesday evening. The wreck was caused by the splitting of a rail.

Some of the witnesses attending Court last week, while in the witness box, gave indications that they have a vein of broad humor in their make up.

Samuel L. Isenberg, agent at Birmingham, has been appointed Freight Agent at Shoenberger station, one and one-tenth miles east of Birmingham.

Mr. John I. Noble, one of the most prominent Masons and Odd Fellows in this section of country, died at his residence at Waterside, Bedford county, last Friday.

Mountain fires are raging along the line of the H. & B. T. R. R., near Saxton, and passengers traveling at night say they are very interesting spectacles to look at.

The fences that got the "bulge" put on them during the wind storm on Sunday two weeks ago, were attended to last week, some of which were replaced with new ones.

Messrs. H. H. Mateer and son, formerly of Brady township, having purchased the Hagie property in Black Log Valley, will erect a steam saw mill within the next few weeks.

James C. Brumbaugh, the defaulting railway postal clerk, was convicted of robbing the United States mails, in Pittsburgh, on Wednesday. He has not been sentenced yet.

The familiar turnout of our friend, Mr. Jno. R. Cunningham, is again to be seen daily upon our streets, that gentleman having returned from Media, where he was spending the winter.

The Grand Inquest for this county last week, after a careful and thorough examinations of the public buildings, recommended the building of a new Court house as soon as possible.

One day last week some lawless scoundrel killed a turkey hen belonging to Jack M'Cahan, and threw her dead carcass alongside of the road leading through the "bottom" on his farm.

Boys who are in the habit of ringing the door bells of their neighbors' houses "just for the fun of the thing," should know that they are liable to be arrested and punished for their conduct.

The Johnstown *Tribune* rakes the business men of that city who permit dead rats to lie on the streets in front of their business places, after the dogs are done with them. And we have several of the same sort.

Clearfield *Journal*: "Rev McMurray fished in vain for trout, in Spring Creek, near Bellefonte, last week." And we'll bet a "nickel" the trout in that stream knew the Doctor was around with his "fly" and hid themselves.

Thirty thousand dollars were subscribed in one evening last week for to build glass works in Parker city, and operations will be begun at once, as the balance of the money is "dead sure." Where, oh where are our glass works?

The sporting gentlemen of Altoona have organized a Sportmen's Association. They are not banded together as "pot hunters," but pledge themselves to observe all the game laws, and assist in prosecuting offenders against them.

Revs. C. H. Scott, of Bell's Mills, and G. G. Craft, of this place, Baptist ministers, exchanged pulpits on Sunday last, the former preaching here morning and evening, whilst the latter attended to the spiritual wants of the Bell Millers.

We were in error in stating in our last issue that the steeple on the Lutheran church had been rendered unsafe by the hard blow of a couple of weeks ago. The pastor, Rev. Hay, assures us that it is perfectly safe, all of which we are glad to know.

Our brother quill, Tyhurst, since Wednesday morning has exhibited a countenance wreathed in smiles, and all because he is the happy "parient" of a boy baby, the first male representative of his household. The little printer is getting along nicely.

Congressman Fisher and family returned from Washington city, where they had been sojourning for the past month, the latter part of last week. Mr. Fisher did not tarry long with us this time, as he returned to his post in the House, on Monday evening.

The hills that surround Huntingdon contain an inexhaustible supply of iron ore, and Huntingdon wants a few furnaces to work it up, and several business men with large capital who are not afraid to put their money into enterprises like these. That is all.

The turret of the Lutheran church, blown down a few Sundays ago, has been placed in position again. To make it secure from further damage, it is connected to the base of the steeple by iron rods, and it will take a heavier wind storm to displace it than the last one.

For the week ending April 17, 13,233 tons of coal were shipped over the line of the H. & B. T. R. R., an increase over the same time last year of 6,477 tons. Since January 1st, 1880, 132,153 tons were hauled, while for the same time last year 92,539 tons, an increase in the traffic of 39,614 tons.

On Tuesday a week two men named Morris, hired each a horse and buggy from Lew Port, liveryman of our town. Lew not hearing from them up to Saturday night, took steps to apprehend them, but Sunday morning brought word that the horses and buggies had been left at Petersburg. A number of bills remain unpaid in this bailiwick.

Geo. D. Cox and Mayberry Cox convicted of aggravated assault and battery upon Emanuel Downing, were sentenced by the Court on Monday. Each are to pay $50 fine, jointly the costs of prosecution, and Geo. Cox to undergo an imprisonment in the county jail for one year, and Mayberry Cox to imprisonment in county jail for six months.

The Methodist Episcopal church at Tipton, burnt last May, has been rebuilt, and on Sunday next will be dedicated to the worship of God, Rev. J. S. Beyer, of the Virginia conference, preaching the dedicatory sermon.—Rev. Geo. Guyer, the pastor, most cordially invites ministers and members of adjacent M. E. churches and other denominations to be present.

The Court granted licenses to all applicants, except to G. T. Simonton, Huntingdon; Silas Hess, Coalmont; Wm. McGowan, Shade Gap, and John H. Davidson, of Mt. Union, on Monday evening. Henry Chamberlain, Alexandria, and Martin Grube, Huntingdon, withdrew their applications. The total number granted were thirteen, of which number Huntingdon gets the lion's share—five.

The Presbytery of Huntingdon met at Bellefonte on the 13th inst., when 45 ministers and 35 elders answered to their names. Among the business transacted by the Presbytery was the election of six Commissioners to the General Assembly which meets at Madison, Wis., on the 20th of next month, and J. R. Simpson, of this place, was elected one of them. The next sitting of the Presbytery will be at Birmingham, this county.

We had a friendly call from our old friend, Geo. W. Cornelius, esq., of Shirley township, on Friday last, who was in our town for the purpose of taking one of the fast trains for Philadelphia, whither he went for the purpose of buying goods. We had expected to have the 'Squire a citizen of our town this year, but owing to his inability to satisfactorily dispose of his property he has given up the idea of removing to this place for the present.

Our fellow-townsman, John A. Paul, esq., has lately invented an improvement in Fruit Jar Tops for which he has been granted a patent by the United States. We have seen the model of Mr. Paul's invention and think it the best arrangement for sealing jars that has been invented We will give a further and fuller description of the invention at another time, but just now we cannot refrain from congratulating Mr. Paul on his good fortune.

In last week's JOURNAL we published a detailed account of the almost fatal poisoning of the family of Mr. Jacob Seitz, of Brownsville, Ind., by the eating of poke root in mistake for horse radish. The *News* of this week, in noticing the matter, has mixed it badly. It says that Miss Mary A. Grim, formerly of our town, "is related to the family." Yes, slightly; only the wife of Mr. Seitz. She informed us that she was sick on the morning that the family partook of the supposed horse radish, and as she ate no breakfast that morning escaped the danger.

The re-organization of the Huntingdon Silver Cornet Band was perfected on Saturday night, and in a little while our citizens will again hear the familiar strains of that once prominent musical association. George A. Port, esq., has taken a deep interest in the matter, and has displayed great liberality in giving them a room in his brick building, corner of Fifth and Washington streets, rent free. The members of the band fully appreciate Mr. Port's kindness and liberality. The members will call upon our citizens for a little financial aid to enable them to have several of the instruments repaired, and we hope those who can do so will give the "boys" a lift.

C. R. McCarthy, esq., of Saltville, who has for some months been running the flouring mill at that point, made a narrow escape not long since. The runner, or upper burr, had been balanced by putting six or seven pieces of iron of the aggregate weight of more than fifty pounds around the top. These had not been properly secured but merely covered with plaster, as mill stones are usually covered, and yet the burr had been running in this dangerous condition for years until a few days ago, when there was a loud explosion like a blast in a stone quarry, and these pieces of iron went tearing about the mill in a miscellaneous manner, demolishing the hoop around the pair of burrs and damaging other things. The Squire had just gone down into the basement when the explosion occurred and thus escaped a chance of being crippled or killed by the flying pieces of iron.—*Mt. Union Times.*

THE Oakland *Republican* has the following to say of Dr. Fundenberg, the Oculist and Aurist of Cumberland, Md.:

Dr. W. F. Fundenberg, the Oculist and Aurist from Cumberland, Md., who is spending a portion of each week with us, is meeting with great success in his specialties of the eye, ear, nose and throat. On Wednesday last he operated upon the left eye of Mr. Andrew Brady, of Altamont, whose eye has been crooked or crossed since birth. On Thursday the doctor removed several tumors from the throat of a son of John W. Lee. Both of these operations were entirely successful.

"CROOKED HAERTEL"—Accept a thousand thanks for that Golden Remedy. I suffered for many years with rheumatic pains in my limbs, my legs were drawn together, and people called me "crooked Haertel." I used ST. JACOBS OIL, and was cured, and now feel so well that I think I could dance as in my young days.

JOHN HAERTEL, *Fremont, Ill.*

FOR Beauty, Style, Neat Fitting, Quality and Price, the Clothing displayed by Montgomery, for Men, Youths, Boys and Children, is not surpassed by any. A full line of the latest styles of Hats and Furnishing Goods. Please examine his goods and learn prices before purchasing. [apr23-4t

Reported by R. MCDIVITT, esq.]

THE CROMWELL TP. HOMICIDE.

TRIAL OF WILLIAM THOMPSON FOR THE MURDER OF JACOB ISENBERG, IN FEBRUARY LAST—VERDICT, MANSLAUGHTER.

The case of the Commonwealth against William Thompson for the murder of Jacob Isenberg, was reached on Thursday morning last, and at twenty minutes past nine o'clock the prisoner was arraigned and through his counsel, Hon. R. M. Speer, pleaded "Not Guilty" to the indictment. The counsel for the Commonwealth was assisted in the prosecution by W. H. Woods, Esq.

Out of forty six jurors called into the box, sixteen were challenged for cause, two by the Commonwealth, fourteen by the defendant, and one was excused, and at precisely half past ten o'clock the following jury was sworn to try the case:

D. Scott Ale, of Warriorsmark township.
Isaac Russell, of Lincoln township.
George W. Cahill, of Clay township.
John K. Reddy, of Carbon township.
Henry Neff, of West township.
Andrew Shearer, of Tell township.
Benjamin Neff, of Porter township.
John B. Nearhoof, of Warriorsmark township.
A. P. Wilson, of Henderson township.
Samuel Morrison, of Barree township.
Henry Davis, Sr., of West township.
Henry Wilson, of Oneida township.

The prisoner was twenty-one years of age on the 22d of March last, and presented a very boyish appearance, with a beardless face, closely cropped hair and countenance indicative of anything else than a murderer. He appeared to be restless and nervous when brought into Court, and was visibly affected during the opening of the case by the District Attorney. He was accompanied by his two brothers, both witnesses in the case, and his parents, who reside in Love's Valley, in Shirley township. The parties are all of English birth and appear to be simple-hearted, honest people, belonging to that large class of our foreign population who, by delving beneath the bowels of the earth and developing its hidden treasures, earn their daily bread by their daily toil.

The particulars of this unfortunate affair as developed by the evidence, are about as follows: On the day of the killing, Feb. 19th, 1880, the parties were engaged in working in what is known as the "Douglass Ore Bank," belonging to the Rockhill iron Company, in Hill Valley, in Cromwell township. That mine was entered by a gangway leading into a number of rooms—some of them unoccupied—where the miners worked by the light of their oil lamps. Jacob Isenberg, the deceased, and Jacob Gabert were engaged in bringing the cars in and out of the mine to convey the ore to the dumps on the track at the mouth of the mine. The first room on entering the mine was occupied by two miners, named Jackson Kelley and Wm. H. Peterson. The next room was occupied by Thomas Marsden and the prisoner, and at the end of the gangway was another room occupied by James Bath and his son, a small boy, making eight in all, so that the eye witnesses to the transaction were necessarily few. About 11 o'clock on that day two brothers of the defendant, who had been working in the coal mines near Lloydsville, visited him, and were conducted by Gabert into the mine where he was working, where they remained for a short time, sharing with him and his partner their dinner. While there, Isenberg, the deceased, came in and engaged in some conversation with one of the brothers, in the course of which he asked him what wages were at Lloydsville, the answer being that they could make a living but that he, the deceased, could make "an independent starvation." A short time after the brothers went away Isenberg, who seems to have taken offence at the remark, came in where Marsden and the defendant were engaged in making a blast, and engaged in some conversation with the latter, remarking to him that he did not like the answer given him by the brother; that he had asked a civil question and expected a civil answer, to which the defendant answered in substance, that he should talk to them about it, and that if he had given it, it might have been a worse answer Isenberg became incensed at the answer, used some very offensive language and threatened to whip him. The evidence of what followed is somewhat contradictory, but it seems that a fight ensued in the dark, their lights having been extinguished in the scuffle, but which resulted in the prisoner striking the deceased with a miner's shovel on the side of the head, inflicting wounds which caused his death about 10 o'clock of the same evening. The evidence as elicited from the witnesses put on the stand is substantially as follows:

FOR THE COMMONWEALTH.

The first witness called by the Commonwealth was Jacob Gabert who, being sworn, testified as follows:

Was working in the Douglas ore bank on the 19th of February last with Jacob Isenberg, taking ore out of the mines and bringing it out to the washer. Knew defendant, who was working with Thos. Marsden taking out ore. His two brothers came in the forenoon of that day. Isenberg had some conversation with them. He asked John what wages they got at Lloydsville, and he told him "a man could make a living, but you could make an independent starvation." I understood him to use the word "you" to Isenberg. They loaded the car and we took it out and took in another when they were eating dinner. I asked Bath if he would load before dinner and he said he would not. This was Bath's car. Thompson's brothers were there till we came in after dinner, when they went away. We took several cars out before they had any conversation that I heard then. I took a car into Bath. His son was loading and I just got there when Bath came in, and we heard some loud talk back, but could not understand what was said, and I started back, and when I got where I could see they were in holds, tussling. I had a light. They had none. They were right up on the platform where they shovel the ore off into the car. Thompson was on top and Isenberg had him round the neck under the right arm. They were then on the platform.—Marsden was coming down. He had a light when he started down but I think it went out and then he came down to where I was. Marsden put his light against the side of the gangway. They tussled there, both trying to get up, and Isenberg got Thompson turned over and got on top of him, and both raised partly up, and Isenberg struck twice at him. I could not say whether he hit him. His back was right toward me. After Isenberg struck Thompson he jumped up and ran down towards the heading He ran past me knocking a bucket from the wall with his shoulders. The first I saw of Thompson then, he was close on him with a shovel. I did not see him take the shovel up. He struck in front of Isenberg but I could not say whether he hit him, and then he struck again and hit him on the left side of the head. He did not strike while Isenberg was running, as I saw. He caught up to him handy to the timbers. When Isenberg jumped off the platform he called out Jimmy! Jimmy! to Bath, twice. He ran over the platform towards Bath, and Thompson was running after him when I saw him first nearly up to him. I next saw Marsden some place handy to where they were. Isenberg appeared to be trying to get behind Marsden. I don't know where he was hit the first time. The second time he was hit on the left side of the head. Isenberg jerked over and got behind Marsden. I understood him to hollow "Oh, my!" When Thompson came toward him with the shovel he said "don't you!" He appeared to strike pretty hard. It was an over shoulder stroke. (Shovel shown.) It was a shovel like that one. I am not sure whether square across the end or round like that one. Some are square and some are round. I was about five feet from them when this stroke was given with the shovel. Peterson and Jackson Kelly were behind me on the other side. They came over from the "breast." Peterson took the shovel from him and told him not to strike him any more. Thompson then ran back, jumped on the platform and picked up a pick. Isenberg said any man that would strike with a shovel was no man at all, adding an oath to it. Thompson said "d—n on, drop up or I'd shove the pick through you!" and picked up the pick. I think, in his right hand. He took it some where near the middle of the handle. Isenberg said to Marsden, "Tommy, you are no man at all for letting any man strike me with the shovel" I told Isenberg to come away and he got his hat after a while and went back with me to Bath's heading. Isenberg had gloves on, with buckskin gauntlets and his coat on, but not buttoned. The mine where the blow was given is eight or ten feet high in the clear just in front of the first timbers. Thompson said "you must remember I am a minor and will make you pay for this."

Cross-Examined: I understood him to mean that he was under 21 years of age. I had worked with Isenberg since January. The mine opens south and the "breasts" are on the west side.—There was no one in the first room at that time. Several rooms unoccupied between Kelly and Marsden's. Isenberg and I were outside the mine when Thompson's brothers came, and they went in with me when I went in with the car. Isenberg was not along. He staid outside. I showed them where their brother was at work. That was about 11 o'clock. I am not sure whether John eat dinner with them or not. Thompson was boarding at Isenberg's father's something over 100 yards away. Isenberg lived between one-fourth and one-half a mile away. Bath was furthest from the opening, Marsden and Isenberg next, and Peterson and Kelly nearest the opening. Eight men there that day. Neither Isenberg nor I had anything to do on the platform. Isenberg brought his dinner along and ate in the engine house where they washed ore, and when it was time to work we went up together. I think we pushed a car in. I generally took the cars in to Bath. Bath came up when we were at the end of the gangway. His boy was there, and after the father came up we heard the talking in Marsden's room, 110 feet away. It was dark and the gangway is not straight. I could not understand a word that was said. I had a light in my hand, and after I heard the noise I went back towards the mouth of the mine. They were in a tussle when we came there. Isenberg was a little larger man than Thompson. I did not say to Marsden "let them alone." I said "let them be a bit." I did not think when I said it. I did not want them to be let alone until Isenberg would whip him. I don't just know what I meant by that. I did not care more for one than the other. Isenberg was down on his hands and knees when Thompson was on him. Both appeared angry. He was striking at his head as near as I could tell. Isenberg did not take Thompson by the throat that I saw. I never heard an unkind word between them before that day. I don't know whether Marsden wanted to part them or not.—Both were using rough language. I did not hear Thompson say anything about his side being hurt. I know nothing about the beginning of the quarrel, or who struck the first blow, or whether Isenberg had knocked him down before I got there. Marsden was the only man, as far as I know, that was present when the fight began. [At this point the Court adjourned till 2 P. M., when the cross examination of the witness was resumed.] I had a light when I came to where Bath's boy was at work I don't remember of Marsden asking me how I got there without a light. I did not see Thompson's lamp till after the fight was over; don't remember whether on the platform or on the gangway; don't remember of Marsden saying "now, Jake, you have done enough;" don't remember of Thompson saying "Jake, if you had not jumped up here and struck me twice, I would not have done anything to you;" don't remember what he did say. They were both talking and jawing each other. Isenberg went home in about an hour afterwards. I have not been feeling unkind towards Thompson.

C. B. Finley, sworn—Am a civil and mining engineer. Witness presented and identified a map of the mine made from actual survey indicating the position of the parties at the time, which was admitted in evidence.

Wm. H. Peterson, sworn—Was working in the mine at time of trouble, Kelly and I. Kelly halloed to me that there was a fight in the other breast. They were down when I got there, Thompson on Isenberg tussling. Isenberg got up off his back. I had a light They had none. When Isenberg got up he kind of struck at him; don't know whether he hit him or not. Isenberg ran towards the heading, and hallooed "Jimmy! Jimmy!" to Bath. Thompson followed last with the shovel. I did not take notice where the shovel lay when he got it. It was a miner's shovel I did not look at it at the time. Isenberg ran to where Gabert was standing between the breast and the heading near the timbers. I could not say for sure whether Gabert had a light. When I first saw Marsden he was in the gangway. I don't know where he was when they were engaged on the platform. I did not see him going into the gangway. He must have been there. I do not remember whether he had a light. I would have seen him coming down if he had not been down when I got there. Thompson then followed with the shovel. I could not just say how he was holding it. I think in both hands. When I saw the first blow struck I think Isenberg was pretty near the timbers. I was too far away to see whether he hit him or not, but anyhow they turned both together to come back. I don't know what distance between me and Marsden. They stopped and Isenberg grabbed Thompson by the throat and choked him. I think Isenberg had stopped when Thompson struck him. Isenberg was struck the first blow, if at all, on the back. I thought from the way Isenberg was running that he struck him in the back with the shovel, if he hit him at all. Isenberg took Thompson by the throat with both hands and Thompson held the shovel in both hands. Thompson did not say anything till Isenberg left him go. Isenberg did not say anything either at the time. He went to run behind Marsden when Thompson turned with the shovel and said, "I'll show you who you are choking!" Isenberg let him go with one hand. He had not hold of the shovel with one hand that I saw. Tommy was standing just the other side of where he had been chosed, I think, within reaching distance. Thompson said he would show him who he chocked, with other language to it, (d—n you). Thompson then struck him with the shovel again twice on the left side of his head. I don't know how far I was away then; as far as to that railing perhaps. I had a light, Kelly had a light, and I don't know who had the other light, I think Gabert had a light. I don't know whether there was a lamp on the side of the gangway facing the Marsden slope. I was on the left side of the gangway as you go in When he struck the last two blows Isenberg was in behind Tommy. He hallooed "Oh, my!" at one of the strokes. Isenberg had no weapon He had his coat on and gloves with buckskin gauntlets. Isenberg was not striking back at that time. The strokes were delivered on the left side of his head with the back part of the shovel It was an over shoulder stroke. Eight feet or more from railroad to roof. I then went up to Thompson and caught hold of shovel and told him not to strike him any more. He held on to it a minute and then let go and jumped on the platform and grabbed a miner's pick that was laying there, and told Jake that if there was any more of it he would put the pick into him; think he added an oath to it. Isenberg came out then and said a man that used a weapon like that was a coward Isenberg had nothing in his hand during the trouble. When Thompson picked up the pick Marsden put out his hand and told him to hold on. I did not see him doing anything before that. He had no light on his cap. Saw no light hanging on the wall beside him.

Cross-examined—When the fight commenced I went first and Kelly followed with a light. Don't know whether Gabert had a light all the time. I did not see the commencement of the fight. Isenberg turned Thompson in the struggle and then struck at him once; don't know whether he hit him or not; nothing to prevent him. Thompson ran across the platform. I did not notice where the shovel was laying. He did not go out of the way to hunt it. It was lying there with the pick. Isenberg did not turn around till after the stroke and then seized Thompson by the throat and choked him; don't know whether with both hands or not. Isenberg was a little heavier man than Thompson. He ran behind Marsden when he let Thompson loose. This was when he struck the first stoke and choked Bill. Isenberg said he was a d—d hog to use such a weapon. Thompson made no effort to strike with the pick. They were quarelling all the time I was there among themselves. Hard lumps of ore on the platform and solid rock at bottom of slopes. A man falling there would get a hard fall. The last two blows were struck while within a yard's distance. I heard Thompson say he was a minor and would make him pay for it; did not hear him complain of his side. Did not know he was so exhausted that he could not load the next car.

Jackson Kelly, sworn—Witness was Peterson's partner and working with him in the slope when the fight began, and corroborated his statement as to what they saw after coming to where they were fighting, the choking of Thompson, the strokes with the shovel, Isenberg running behind Marsden, and describing the stroke as a right handed and an over shouldered one, delivered with all his might. He also corroborated Peterson as to the taking of the shovel from him and his picking up the pick. Did not see Isenberg seize Thompson by the throat; saw him make a grab for him or the shovel; did not hear Thompson say he was choking him; did not hear Thompson complain of his side.

James Bath, affirmed—Was outside of heading at the time Isenberg and Gabert took car into drift, and my son was working alone. When I came in hearing the first words I heard were Isenberg's remark that when he asked a civil question he expected a decent answer, and Thompson saying, "it was not me that gave you the answer and you must talk to them. If it had of been me you would have got a great deal worse one," with an oath to it, and I then passed in out of hearing. Gabert was there at the end of the car when I went in, and started back towards where Marsden and Thompson were working, and then we heard the loud talking and scuffling. My son said "Pap, they are fighting there, let us go back." I said mind your business, I have nothing to do with the fight, and before the car was filled Gabert and Isenberg came back into the drift, blood running out of Isenberg's left ear, I think, and down his cheek or temple. Went down to Marsden's slope after filling the car; not more than five minutes Don't remember the first words said there but the general talk was about the fight. Remember of Thompson saying he was a boy under age, and had a right to defend himself with anything he he could get hold of. I said to him, "if you are a boy as you claim, and under age, you should not be so saucy to men, and give them such saucy answers." He was very angry and said he would hit any man with anything he could get hold of, and the way he acted I was afraid he would hit me and I said, "you mind and don't come in contact with me or I'll kick your guts out." Just then Eade, the mining boss, came in and I had no further conversation with him.

Cross examined—It was not more than five minutes from the time I reached my slope till Gabert came back when the fight was over. When I passed into the heading and heard the conversation between Thompson and Isenberg, Thompson was up in the slope and Isenberg down in the gangway and no car there. Isenberg had no business there so far as I know. Thompson was up where his work was. Gabert was not with him. Isenberg had stopped where Thompson was working. I cannot tell exactly where Thompson was standing when I went into the slope. I have seen where they kept the "little giant powder" Don't think Thompson was standing there then. He might have been half way between where they were making the blast and where they were preparing the powder Isenberg was standing about opposite the platform, in front of the large opening there. I came in and passed out towards the other end, without saying a word. Marsden was away up in his slope where the blast was. Think I was past Isenberg when Thompson made that reply.

Harry Eade, mine boss, affirmed—First saw Thompson after the struggle up at his breast in the slope, and Isenberg in the engine house, near the washer. The blood was running out of his left ear, and blood coming in here from his brow. I came into heading No. 2 where they were working. Thompson 15 or 18 feet from Tommy; can't tell what Tommy was doing. Bath was present and I think Peterson. I said "Bill, you can't work any more here. You can take up your tools and leave," when I heard how things had been, and he said "very well." Isenberg had told me about the difficulty. Marsden spoke in his behalf and I said nothing more to Thompson.

Cross-examined—Marsden told me how it originated: That Isenberg came along there, and if he had passed by and said nothing, nothing would have happened.

Johnny Bath, sworn—Was working with father at end of heading; was there when Isenberg came back, blood running out of his ear; said he was going down to wash himself, and went out of mine with Gabert; was down at Isenberg's that evening afterward and saw Thompson passing; asked me to help him carry his bundle; then asked how Jake was; told him not expected to live; he said, "My God, I can't help it," and laughed and walked on.

Cross-examined—Don't know what he meant. Did not say it was not his fault; did not complain of being unwell or say his side was hurting him.

Matthew Sechrist, affirmed—Eade called me up to take Isenberg's place, and I met Thompson coming down. Said "this is a pretty thing you are doing up there," and he said he could lick any son of a b—h that was there.

Wm. H. Peterson, recalled—I did not say, Jake, you are a coward to begin with the boy, you should have said it to his brothers. I said he was a coward or something was wrong, for the way he had Billy he could have kicked the face off him. I would tell Marsden anything to get him off; was not on oath then; don't remember what I told him. I knew there would be a suit.

Mrs. Mary E. Isenberg, affirmed—Am the widow of Jacob Isenberg. He left home in the morning about 7, well; next saw him after 2 P. M., same day, Feb. 19th. Badly hurt. Blood on his face and head and running out of his ear, and the cuts on his head; helped him to lounge and commenced bathing his head. He was so weak he could not help himself. Asked him what was the matter and he tried to smile and said he had been badly hurt. After that he did not speak only when I spoke to him. Did not notice his children. Had three children, the oldest past four years, the youngest past seven months. Don't think he was perfectly conscious half an hour after coming home. Did not notice his father when he came. We sent for two physicians, McNite, of Shirleysburg, and Browning, of Orbisonia. McNite got there between five and six, and Browning after eight. He died about ten that night. He remained unconscious till death.

Cross-examined—Two cuts on his head on right side and top; left ear bruised and blood running from it. He was twenty-nine last October; don't exactly know his weight.

James Colgate, sworn—Thompson was at my place in Cromwell township, on that evening between five and six o'clock. He said "I suppose you got the dispatch?" and I made him no answer, and he says "you know what I mean." I said "I got a dispatch that you had killed Jake Isenberg," and I got on my horse and started.

Cross examined—He used the word "dispatch." I know nothing about the man. I had just come from Isenberg's and knew he would not live. I had gone for Dr. McNite.

Taylor Steel, sworn—Made the information and went with Constable Withington to make arrest; got there 2 o'clock at night; asked for William; found him in bed. He said "how is Isenberg?" Says I, "he is well." He asked going over if Isenberg would be in town next morning. Withington answered, "it makes no difference." He says "if I had got another lick at him he would not have wanted any more." Withington said, "Billy, you better be careful how you are talking."

Cross-examined—Am no relation of Isenberg or any of the family. When I said he was well I meant he was dead. Thompson lived in Love's Valley three miles from Shirleysburg, and Withington rode alongside.

Dr W. P. McNite, sworn—Was physician in charge at time of his death. Made examination of his person. Two slight cuts on right side of head one-half inch long, looked as if cut by some sharp point, not by knife; not down to skull; skin ruffled up on left side and blood oozing out of left ear. Made post mortem examination next day with Dr. Browning; found clot of blood between skull and brain, rupture of small artery and fracture about an inch long, extending downward, forward and inward; fracture all on left side; no depression of bone on outside; nothing outside to indicate fracture inside; about eight ounces of clotted blood pressing on the brain. (Section of skull exhibited.) Skull much thinner than usual. A blow delivered at the upper side of the head with a blunt instrument like a shovel, would not be likely to produce an external fracture immediately under where the blow was received. The injury would be more likely at the base. If directly on the side the skull would be fractured at the side. The immediate cause of death was the pressure of this blood on the brain, and that was caused by the fracture of the skull and rupture of the blood vessel. The continued consciousness is explained by the escape of blood through the fracture of the internal ear, and at the outer ear. The clot would not form as soon as if there had been no blood. Had there been no discharge he would have been unconscious from the time of the injury. The fracture was about four inches, and the shorter one about two. The brain weighed forty-four ounces. He died ten minutes past ten.

Cross-examined—The clotting of blood on the brain was caused principally by the ruptured artery. That could not have been caused by an injury at the other side. If a man would fall with the top of his head on a flat surface the fracture might likely be at the base of the skull. The location of the injury is no indication of the external violence. I do not think from the state of the fracture that it would be caused by a fall on the head upon a rock. It would take a hard knock or a high fall to produce the fracture. A hard fall might have done it. It might not take much violence to rupture an artery. The injury to the artery might have been caused by a fall, but not that of the skull. Whatever caused the injury to the skull, the violence must have been applied to some other part of the head. He died from compression of this clotted blood on the brain, and that was produced by the rupture of an artery which might have been produced by slight violence. The cuts on the scalp might have been produced simply by striking against some sharp point.

Re-direct—I would suppose the blow was given from above, downwards and sidewise, from the character of the fracture. The legitimate consequence of that blow would be a rupture of the artery. Death would be the natural result of a fracture of that size. Nothing to indicate any mechanical remedy. His tongue was paralyzed, indicating great derangement of the nervous system. The general system of voluntary nerves lies at the base of the skull. There were no other injuries to the head that would have caused death

J. H. Lightner, esq., affirmed—Am the Justice that took the information in this case. Thompson laughed when I remarked, after returning from the inquest, that it looked like a butcher shop.—He said in a laughing way that it was Isenberg who was the cause of it. I had not mentioned to him that Isenberg was dead.

Cross-examined—He told me that Isenberg knocked him down twice.

Court adjourned until 7 P. M.

EVENING SESSION.

Dr. W. T. Browning, affirmed—Witness was one of the attending physicians, and arrived there about 9 o'clock. The section of skull was shown and identified, and in regard to the nature of the injuries and the cause of death, the witness substantially corroborated the testimony of Dr. McNite, the other attending physician.

Commonwealth rests.

MR. SPEER OPENS FOR DEFENDANT.

Thomas Thompson, sworn—Witness is father of the prisoner; 62 years old. Born in England, and came to this county in 1865, and contradicted the evidence of the deputy in regard to refusing to let them in when they came to make the arrest.

B. F. Africa, affirmed—Draft made by witness, shown and identified, witness having been employed to make a survey of the breast of the mine.

John Thompson, affirmed—Am a brother of the prisoner, and was working last February in Lloydsville, Cambria county. Brother Peter and I came to the mine from home, on the forenoon of the 19th of February, bringing a vest for William Saw Isenberg and Gabert at mouth of mine; had only a passing acquaintance with Isenberg. Gabert conducted us into where William and Marsden were working. Isenberg came in and asked where I was working, and I told him; asked how much I was getting; told him was doing pretty well before the strike; asked me whether I thought he could make anything there; told him he could get an independent starvation, anyhow, laughing; did not mean any offence He appeared to get angry at what I said, and answered that he could take out as much ore as the next man; told him I did not doubt his word and he started on. They had commenced eating dinner; don't recollect what Marsden said. Saw Isenberg when we went out and bid him good day.

Cross examined—Had been in Isenberg's store when he lived in Shirleysburg; never bought anything there to my recollection; was not at his house during a disturbance between him and my brother. I gave him a civil answer, but suppose he was offended. Our only purpose there was to see William and take him a vest. We had a half pint of brandy, that I got to cure my cold. I took two little sups and Peter one, and then I treated Marsden out of the same bottle. Brother and I are not in the habit of drinking.

Peter Thompson, sworn—Witness is the other brother of the prisoner, who was visiting him at the time, and corroborated the testimony of the last witness.

Thomas B. Marsden, sworn—Witness was the man who was working in the same room with the prisoner, when his two brothers came into the mine, and corroborated the last witness as to the time of their coming in, the bringing of the vest, and eating dinner; afterwards we went into the chamber to put a hole in, and while there Isenberg came in to fetch out the car that Gabert had taken in [Witness relates the conversation between Isenberg and the prisoner] Isenberg said, "I did not like that answer." Says I, "I don't think he thought anything; he was laughing all the time." He says, "when I ask a civil question I want a civil answer," and William said, "perhaps if you had asked me, you might have got a rougher answer than that," and they got into rough conversation and William said, "why not say it to my brothers, and they would have answered you?" and then they had some rough discourse and I said, "I don't want to have any bother," and went to the scaffold to make the shot. Jake says, "I don't like that answer you gave me, and if you will come down here, I'll kick the s—t out of you, you damnation, lousy bugger." When I got to the centre prop, I heard the scuffle on the platform, and I turned round and saw Isenberg on the platform, and sa