THE MONTROSE DEMOCRAT.

E. B. HAWLEY, Proprietor. MONTROSE, PA., WEDNESDAY JAN. 18, 1871. VOLUME XXVIII, NUMBER 3.

Business Cards.

LAW OFFICE.

FITCH & WATSON, Attorneys at Law, at the old office of Bentley & Fitch, Montrose, Pa.
A. P. FITCH. [Jan. 11, '71.[W. W. WATSON.

CHARLES N. STODDARD,

Dealer in Boots and Shoes, Hats and Caps, Leather and Findings, Main Street, 1st door below Boyd's Store. Work made to order, and repairing done neatly. Montrose, Jan. 1, 1870.

LITTLES & BLAKESLEE,

Attorneys and Counsellors at Law. Office the one heretofore occupied by B.B. & G.F. Little, on Main street, Montrose, Pa. [April 20.
B. B. LITTLE. GEO. F. LITTLE. B. L. BLAKESLEE.

E. McKENNE. C. C. FAUROT. W. H. McCAIN.
McKENZIE, FAUROT & CO.

Dealers in Dry Goods, Clothing, Ladies and Misses fine Shoes. Also, agents for the great American Tea and Coffee Company. [Montrose, Pa , ap. 1, '70.

LEWIS KNOLL,

SHAVING AND HAIR DRESSING.

Shop in the new Postoffice building, where he will be found ready to attend all who may want anything in his line. Montrose, Pa. Oct. 13, 1869.

P. REYNOLDS,

AUCTIONEER—Sells Dry Goods, and Merchandize—also attends at Vendues. All orders left at my house will receive prompt attention. [Oct. 1, 1869—tf

O. M. HAWLEY,

DEALER in DRY GOODS, GROCERIES, CROCKERY, Hardware, Hats, Caps, Boots, Shoes, Ready Made Clothing, Paints, Oils, etc., New Milford, Pa. [Sept. 8, '69.

DR. S. W. DAYTON,

PHYSICIAN & SURGEON, tenders his services to the citizens of Great Bend and vicinity. Office at his residence, opposite Barnum House, G't. Bend village. Sept. 1st, 1869.—tf

LAW OFFICE.

CHAMBERLIN & McCOLLUM, Attorneys and Counsellors at Law. Office in the Brick Block over the Bank. [Montrose Aug. 4, 1869.
A. CHAMBERLIN. J. B. McCOLLUM.

A. & D. R. LATHROP,

DEALERS in Dry Goods, Groceries, Crockery and glassware, table and pocket cutlery, Paints, oils, dye stuffs, Hats, boots and shoes, sole leather, Perfumery &c. Brick Block, adjoining the Bank, Montrose. [August 11, 1869—tf
A. LATHROP. D. R. LATHROP

A. O. WARREN,

ATTORNEY A. LAW, Bounty, Back Pay, Pension and Exem on Claims attended to. Office 8 oor below Boyd's Store, Montrose, Pa. [Au. 1, '69

H. C. SUTTON,

Auctioneer, and Insurance Agent,

aug 6tf Friendsville, Pa.

C. S. GILBERT,

U. S. Auctioneer.

augt 6tf Great Bend, Pa.

AMI ELY,

U. S. Auctioneer.

Aug. 1, 1869. Address, Brooklyn, Pa.

JOHN GROVES,

FASHIONABLE TAILOR, Montrose, Pa Shop over Chandler's Store. Attorders filled in first-rate style Cutting done on short notice, and warranted to fit.

W. W. SMITH,

CABINET AND CHAIR MANUFACTURERS—Foot of Main street, Montrose, Pa. jang. 1 1869.

H. BURRITT,

DEALER in Staple and Fancy Dry Goods, Crockery, Hardware, Iron, Stoves, Drugs, Oils, and Paints, Boots and Shoes, Hats & Caps, Furs, Buffalo Robes, Groceries, Provisions, etc., New Milford, Pa

DR. E. P. HINES,

Has permanently located at Friendsville for the purpose of practicing medicine and surgery in all its branches. He may be found at the Jackson House. Office hours from 8 a. m., to 8 p. m.
Friendsville, Pa., Aug. 1, 1869

STROUD & BROWN,

FIRE AND LIFE INSURANCE AGENTS. All business attended to promptly, on fair terms. Office first door north of "Montrose Hotel," west side of Public Avenue, Montrose, Pa. [Aug. 1, 1869.
BILLINGS STROUD. CHARLES L. BROWN

WM. D. LUSK,

ATTORNEY AT LAW, Montrose, Pa. Office opposite the Tarbell House, near the Court House.
Aug. 1, 1869.—tf

DR. W. W. SMITH,

DENTIST. Rooms over Boyd & Corwin's Hardware Store. Office hours from 9 a. m. to 4 p. m
Montrose, Aug. 1, 1869.—tf

ABEL TURRELL,

DEALER in Drugs, Patent Medicines, Chemicals, Liquors, Paints, Oils, Dye Stuffs, Varnishes, Window Glass, Groceries, Glass Ware, Wall and Window Paper, Stone-ware, Lamps, Kerosene, Machinery Oils, Trusses, Guns, Ammunition, Knives, Spectacles Brushes, Fancy Goods, Jewelry, Perfumery, &c.—being one of the most numerous, extensive, and valuable collections of Goods in Susquehanna Co.—Established in 1848. [Montrose, Pa.

D. W. SEARLE,

ATTORNEY AT LAW, office over the Store of A. Lathrop, in the Brick Block, Montrose, Pa. [aul'69

DR. W. L. RICHARDSON,

PHYSICIAN & SURGEON, tenders his professional services to the citizens of Montrose and vicinity.—Office at his residence, on the corner east of Sayre & Bros. Foundry. [Aug. 1, 1869.

DR. E. L. GARDNER,

PHYSICIAN and SURGEON, Montrose, Pa. Gives especial attention to diseases of the Heart and Lungs and all Surgical diseases. Office over W. B. Smith's. Boards at Searle's Hotel. [Aug. 1, 1869.

BURNS & NICHOLS,

DEALERS in Drugs, Medicines, Chemicals, Dye-stuffs, Paints, Oils, Varnish, Liquors, Spices, Fancy articles, Patent Medicines, Perfumery and Toilet Articles. Prescriptions carefully compounded.—Public Avenue, above Searle's Hotel, Montrose, Pa
A. B. BURNS, AMOS NICHOLS.
Aug. 1, 1869.

DR. E. L. HANDRICK,

PHYSICIAN & SURGEON, respectfully tenders his professional services to the citizen of Friendsville and vicinity. Office in the office of Dr. Lee's Boards at J. Hosford's. Aug. 1, 1869.

PROF. MORRIS,

The Hayti Barber, returns his thanks for the kind patronage that has enabled him to get the best rest—ha! ha! I saw it time to tell the whole story, but come and see for yourselves at the Old Stand. No loud laughing allowed in the shop. [April 13, 1870.

HUNT BROTHERS,

SCRANTON, PA.

Wholesale & Retail Dealers in

HARDWARE, IRON, STEEL,

NAILS, SPIKES, SHOVELS,

BUILDER'S HARDWARE,

NINE RAIL, COUNTERSUNK & T RAIL SPIKES. RAILROAD & MINING SUPPLIES.
CARRIAGE SPRINGS, AXLES, SKEINS AND BOXES, BOLTS, NUTS and WASHERS.
PLATED BANDS, MALLEABLE IRONS, HUBS, SPOKES.
FELLOES, SEAT SPINDLES, BOWS, &c.
ANVILS, VICES, STOCKS and DIES, BELLOWS HAMMERS, SLEDGES, FILES, &c. &c.
CIRCULAR AND MILL SAWS, BELTING, PACKING
TACKLE BLOCKS, PLASTER PARIS CEMENT, HAIR & GRINDSTONES.
FRENCH WINDOW GLASS, LEATHER & FINDINGS
FAIRBANK'S SCALES.

Scranton, March 30, 1869. 1y

Binghamton Murder.

RULLOFF.

Trial and Conviction of the Prisoner.

The following report we copy from the Binghamton *Republican* of January 5th, 1871.

The prisoner was brought into court some time before the arrival of his counsel, and took his seat at the table alone. District-Attorney and Mr. Seymour, came in and took their seats in the bar. At 9. 15, Mr. Becker came in the bar, accompanied by ex-Gongressman Charles L. Beals, of Hudson, who had come to assist in the defence, by request of Mr. Beach, the counsel first engaged. Mr. Newell D. Whitney, Esq., is also associated with the defence.

When the prisoner came into court he appeared perfectly calm, but his face wore the very ugly and stubborn expression that it did during the investigation before the Coroner. As the drawing of jurors commenced, the Clerk told him to stand up, according to the usual form, and stated to him the jurors would be drawn to pass upon his life, and it was his privilege to offer objections to them.

After that he appeared to be a good deal agitated, and during the examination of jurors consulted frequently with his counsel and especially with Mr. Beal, who sat next to him.

At eleven o'clock, Judge Boardman, came into the room and took his seat on the bench beside the presiding justice. When Rulloff recognized the able counsel who had successfully defended him on a previous trial for murder, a familiar smile lit up his countenance.

The following jurors were accepted during the morning session of Court:

Hiram Mosher, city of Binghamton.
Emory Truesdell, town of Binghamton.
John C. Ronk, city of Binghamton.
George Conor, Lisle.
Henry King, Barker.

Mr. Becker examined the jurors very closely as to what newspapers they read, and whether they read any of the editorial comments on the evidence. On two occasions he was interrupted by the Judge Hogeboom, who told him that in this age and in this community, he would scarcely be able to find a man of intelligence who did not read the newspapers, and was not informed about common occasions. Mr. Becker did, however, find a few who did not read a county paper unless it was borrowed, and he actually found two who did not read one at all. Those men were all excused from serving on the jury, either by the judge, or by Mr. Becker. From that it would appear that ignorance is not to be considered the best qualification for jurors to serve on cases where intelligent men should be selected.

This afternoon, the following were accepted as jurors, making ten in all:

Sabin Hayes, Triangle.
Eben Hawkins, Windsor.
John B. Perry, Sanford.
Edgar O. Smith, Windsor.
Franklin Plunkett, Windsor.

Janury 6th.—The following two additional jurors were added to the number of yesterday, making the panel complete. viz:

Isaac Heath, of Coleville.
John W. Travis, of Tenton.

District-Attorney Peter W. Hopkins then open the case for the people.

When the District-Attorney had finished his opening, Court adjourned for the day.

FRIDAY.—Rulloff conducted the examination of witnesses for the defense, and endeavored to break down the testimony of young Burrows, the surviving companion of the murdered Mirick. In this he was very unsuccessful, for Burrows, as will be seen from his testimony, again proved equal to the task of self defence.

TESTIMONY OF GILBERT S. BURROWS.

Gilbert S. Burrows testified as follows: I am from Stephensville, Pa.; am 18 years old; now reside in Binghamton; am in Halbert Brothers' employ; was in their employ in August last: Halberts are dry goods merchants, on Court street, north side; the store is six rods from Chenango river, on the east of the river; the store is six rods from Water street; Water street is east of the store; during the month of August there was an extension being erected directly in rear of the store, running north 100 feet; before you get to the extension, the store is 85 feet deep and 35 feet wide; the basement walls run even with the basement of the store, and main walls were up five feet; a livery stable stands directly north of the extension; I was clerk in the store in August; Agard, King, Bliss, Mirick, Pratt and witness, employed as clerks in August; Mirick and witness usually lodged in the store; lodged there the night of the 16th of August; (a diagram of the store was shown the witness, and he pronounced it correct); entering the store from Court street, there were counters on each side; in front of the back stairs is the office; we use gas for light in the office; on the night of the 16th of August one gas burner was lit above the office; immediately west of this there was a counter; also a box with dry goods; the box was a foot and a half high, the dry goods made a pile three feet higher; the pile was about three feet high; the bed stood in the northwest corner of the store; I slept on the west side of the bed; Mirick slept on the east side; at the north end of the store the wall had been taken out for the extension and nothing but lath and plaster remained; the basement door was bolted with iron bolts; we retired about 10 o'clock; we were disturbed about 2 1-2 Wednesday morning; the first I saw was three men standing at the foot of the bed; Mirick took his pistol and we both walked out of the bed together; two of them ran down stairs; Mirick went across the store and took some stool heads and threw them down stairs at the retreating burglars; the one that remained struck me on the head, and I was insensible for a moment; I recovered and threw him down, and took his chisel away from him; Mirick came across to my assistance with a stool top; the two who had gone down stairs returned, when the one we had, called for help; and Mirick left to meet them; I also left the man and went to the head of the stairs; one man came up and Mirick clinched him; the other stopped on the stairs and shot at me three times; the last time, some splinters flew in my face and I stepped back and went to go around the railing and go where Mirick was; when I got in sight of Mirick, I saw one man hold him and the other shoot him; I stood still behind the railing and the burglars went out by the way of the back stairs; when they had gone I went out past Mirick, by the front way and gave the alarm; I went over to the American hotel, where I saw Mr. Clark and a Mr. Whitney; the American hotel is eight rods from the store; with these two men I went down Water street the second time; when we got where we could see the back end of the extension, there we saw two or more men coming out; Mr. Clark went away to call the police; I stood there a little while, and then went down on the Chenango river bridge, and looked up the river; I saw no one up the river; in about 20 minutes from the time I left the store, I went back; looked around the store, and saw where the burglars entered by the back door of the basement; some men went down stairs before I did; I was excited when I went back to the store, and did little but answer questions; a piece of panel had been bored out of the door, and the door was unbolted, apparently by putting a hand through a hole in the panel; in the store were found some false faces, shoes, bits, etc. (Then Rulloff's shoes were identified of those found in the store).

Here Rulloff arose, and in a plea of some length, objected to the evidence introduced by the District Attorney, as being irrelevant. He complained that the District Attorney had connected several persons in the indictment for the murder, and each defendant had to disentangle himself from a general and sweeping charge. Evidence, he said, is relevant or irrelevant, only as it is brought upon the prisoner. Every circumstance offered in evidence must be offered in connection with a particular circumstance connected with the acts of the prisoner on trial.

Mr. Seymour said, the prisoner would be connected with the bit, the shoes, and every thing left behind in the store when the burglars fled.

Rulloff wished to further discuss his objections to the evidence, but the Judge decided not to hear them discussed any further than the exigencies for the discussion arose.

If the prosecution gave "prima facie" evidence that you were there, he said, addressing Rulloff, then they may connect you with other circumstances, the possession of those instruments, your acquaintances, the men found in the river, and your leaving New York with them, the knowledge on your part of the burglary and murder. If you were not connected by the evidence with the transactions at the store, then the evidence on the shoe may be excluded.

Examination resumed.

The door could be unbolted from the outside, after the pieces were taken out; when I came back into the store, Mirick lay on the east side of the store, alive, but insensible; he died about 30 minutes after that; there was a bullet wound on the back part of his head; when the ball was taken out it was in several pieces; I saw it taken out; there was blood about the store, on the counter where Mirick was shot, and also on the floor where his head lay; there was also blood on the floor dropped along between the box where I had the burglar down and the middle of the store, some distance toward the front; [the diagram identify the man that I had down; I do not know that I could recognize the man Mirick had down; I saw the one that shot Mirick since the night of the murder; that man is Rulloff; when I saw the man on the street it left an impression; the size and general appearance correspond; when I first saw Rulloff in jail, I thought so, and said so; the man that had Mirick down was wounded in the face; the marks were found near the bed where we slept; there were some shoe strings around the necks of the men taken out of the river; when we first saw the men in the store they had on false faces; I saw their beards perfectly from under the sides of the masks; the beard of one of them was gray; when I first saw the prisoner, after he was arrested, he had chin whiskers, and they were quite gray; I saw one man immediately after they were taken out of the water, and saw them searched; I recognized the smallest man as the one I had a tussel with; [the blue cap found in the store was shown and recognized by the witness; also a watch found on the largest burglar].

Rulloff again arose and objected to the evidence against other defendants being introduced in connection with himself.

The jurymen asked Rulloff how far one person would be responsible for the act of the others if two or three persons were there, and all connected with the crime.

Rulloff replied that it was a complicated subject, and wished to explain it.

The judge said the prosecution had already promised to connect you by evidence, with the other persons, and to show you that you were actually at the store when the murder was committed.

Mr. Beals arose and presented the same facts urged by Rulloff, in a brief manner.

The Judge decided to take the evidence, and then, if it should appear in the progress the trial that Rulloff was not actually there, or concerned in the commission of the crime, the evidence applying only to other defendants might be stricken out.

The defendant excepted to the ruling.

Evidence resumed—(The hat found in the store was shown the witness and recognized). The drawers where the silks were kept, on the east side of the, store, had been disturbed; goods were taken down and tied up with a cord; one package had been carried out into the extension, about a hundred feet from the back door.

Cross-Examined.—Have seen the testimony published in the *Daily Republican*; there was a mistake in saying that I swore the man who went down stairs had on boots; I stand to what I swore to before the Coroner; I said I recognized the man I had a tussle with, and also that you (Rulloff) answered to the impression I had of the third person; I did not say I could not give a description of the third man; I have never said I could not recognize his features.

Rulloff asked if there was a good light.

Burrowe answered: "You know what the light was; there was only one burner lighted."

When this answer was given, there was great applause and uproar in the audience.

Evidence resumed—I have not declined to give descriptions of any of the persons; before the bodies had been taken out I had said but very little about it; I described the clothes of the small burglar, the large burglar, and yourself. (Applause.)

On further cross-examination, the witness proceeded to give a description of the burglars found in the river, and also the third burglar:

There was one gas light burning in the office, and the room was light enought to recognize any person I was acquainted with; the large face, gray whiskers, the size and general impression left of the third man, is what I recognize you by, I was excited at the time, and my impression may have been slightly erroneous; I probably was not as self-possessed as I am now; when I came out of the store and saw Clark and Whitney, I asked them to go over to the store, because Mirick had been killed; they told me to shut up and not arouse the neighborhood about so small a matter; I had but little to say to them after that; when we awoke the burglars were within six feet of the bed; after the pistol was snapped, two of the burglars ran down stairs and the other advanced and struck me with a chisel; the burglars ran down stairs the first time without attacking.

After Mirick snapped his pistol the burglar struck me over the head; I clinch him and threw him down; he fell about eight feet from the bed; Mirick kept the pistol under his pillow.

Rulloff asked why the pistol was kept in the store, and when objection was raised to the question by the District-Attorney, he said he wanted to show the wicked character of the boys.

Mr. Beals said they wanted to show that these young men used unlawful violence toward the drowned burglars; denying that they had a right to use only violence enough to arrest and secure him.

Rulloff said he wanted to show that they entended to make a reckless and wanton use of the pistol.

The judge ruled that as none of the burglars were there to show that they use unlawful violence, or a reckless use of the pistol, the question could not be insisted upon.

Evidence Resumed—I asked Mirick what the use was of keeping the pistol under his bed; he said there was no use of keeping it there, as they might not want to use it once in a hundred years; I testified before the Coroner that I had the burglar foul; he could not get away from me without help; I intended to fix him so he would be there till morning; I testified that Mirick came over to help me dispatch him; we expected to keep him there, if the others staid away, but if they did we would fix him so we would be "one and." (Demonstrations of applause). When Mirick came over to my assistance, he struck the burglar I had down in the face with a stool top; at that time we were in danger of loosing our lives from those men coming back; Mirick had no sooner struck this man than the others came back; I struck him with a chisel before Mirick came back; I struck him but once; I wrenched the chisel away from him and struck him as soon as Mirick came back; we heard the other men coming back before we struck the burglar we had down; when we struck the burglar we had down, the others were out of sight; they returned in half a minute after they went down stairs. I said let us make short work of him; I do not know that we should have killed him; Mirick struck him with both hands; if the burglar had not struck me and had gone down stairs he could have got away; after he struck me, and I clinched him, he could not get away; he called for help while we had him down; he had no chance of escape after we had him down; we did not tell him to submit, and after we got him down we did not care whether he submitted or not; when the burglars came up stairs the second time Mirick met one and I met the other; when they came up stairs the second time they did not attempt to steal property; some silk had been removed before, I do not know whether Mirick clinched his man when they came up the stairs the second time, or whether he clinched Mirick; the man I met at the stairs fired at me first; no other effort was made to injure; no search was made for me; I stood in plain sight and do not know what became of him; that man was not one of those who afterwards engaged with Mirick; there was a scuffle between Mirick and this man after they came up stairs the second time; when the splinters flew in my face I said I was shot and stepped around where Mirick was, and when I got where I could see him, the man with a pistol had got to Mirick and was shooting him; after Mirick was shot one of them said, "come on, Pat," and they ran down stairs; and all that was said during the conflict with the burglars was: "let's make quick work of them," and "come on, Pat, we have done enough;" when Mirick met his man they moved along in a scuffle to the place where Mirick was shot; he had the advantage of the man, and would have mastered him, but, for the third man; Mirick was 19 years of age and weighed nearly 140; have not made this subject a matter of conversation much since it occurred; I was asked so many questions about it that the matter became very disagreeable to me; when I first saw you at the jail you asked if I was Mr. Burrows; I said I was, and you stretched up and said "pow judge between God and man if I am the one;" do not know that I looked at you and was at a loss to recognize you, nor anything to that effect; the diamond hole in the jail door is about four inches each way; you asked me if I recognized you and I made no reply; do not remember that anybody nudged me; do not know that I have made any statement to Virgil Whitney and Mr. Clark, varying from my testimony; I did not say, to my knowledge, to anybody, that I left the store by the back door,

Answers to questions by Mr. Becker; The affair at the store lasted about twenty minutes, to the best of my judgment; in about two minutes from the time the pistol was fired the burglars ran down stairs; we were engaged from five to ten minutes with Davenport; they went down stairs and came right back; Mirrick and the first burglar that came up scuffled from five to ten minutes before the second burglar came up; it was twenty minutes after the second burglar came up before they went out; when the burglar shot at me as he was half way down the stairs; after they shot Mirreck, one of them said, "come on, we have done enough," and both went down stairs: when started to come down stairs they offered no violence to me, and took no goods with them; I went out to give the alarm; I then went up Water street till I could see the back end of the store; I went with Clark up Water street, and we saw two men coming out of the back end of the store; have no recollection whether there was a moon or not; I could see the man with a white coat on very distinctly; I went on the bridge before I dressed myself; I did not see where the men that came out of the extension went to; I did not hear the fire bell; cannot tell who entered the store with me; they were strangers to me; the first man who came into the store that I knew was Cyrus Stockwell; I knew the Chief-of-Police, when he came; think Mr. Brigham was there; I was taken up to Mr. E. M. Halbert; I went home soon after, and felt well; I was talked to a great deal about the affair; I have boarded with Mrs. Frink's since I returned; Charles Barto and Charles Judson also boarded there; I have said to them that I could not positively indentify the prisoner; I can indentify him only by his general appearance; I looked over a portion of my evidence last week with Mr. Seymour and the District Attorney; and (is shown the testimony given by him before the Coroner, as published in the DAILY REPUBLICAN, and said it was substantially correct, with one exception, and that was where he reported as saying it was quite dark in the room, and he could only see the form of the man) Mr. Seymour and the District-Attorney did not say to him that it was important to identify Rulloff as the murderer; have sometimes been mistaken about recognizing persons; before I came here I was a clerk in my father's store in Stephensville, Pa.; am 19 years old now; slept in Halbert's store from the time I came until the murder occurred; Mirreck came there one week before I came; when I went out of the store there was blood on my hands and shirt bosom; have been engaged in little fights; always intend to hoe my row; did not disturb much before I went out of the store,

Re-Direct. The remains of Mr Mirreck were taken home by Mr. Halbert, Mr. Agard and others.

TESTIMONY OF JUDGE BOARDMAN.

Hon Douglass Boardman testified as follows: I reside at Ithaca; have resided there 25 years; was formerely acquainted with Edward H. Rulloff; know his handwriting; [the witness was shown specimens of writing, which he believed to be in Rulloff's handwriting, consisting of marks on scraps of paper, receipts for rent, short hand charts, letters, etc.

Mr. Beals objected to Judge Boardman's evidence, for the reason he obtained a knowledge of she prisoner's handwriting at a time when he was employed as counsel to defend him, and in that capacity, the court decided that they must prove that fact.

Cross-examined—Have been a judge five years and over; for twenty years and more before that I was a practicing lawyer at Ithaca; I have been counsel for the defendant; I had knowledge of his handwriting by other means than by correspondence between him and myself in the relation of attorney and client; I saw him write about matters not pertaining to his case; it was in the jail where I visited him as counsel. (The handwritiug of Rulloff slightly resembles the signatures of General Spinner on United States currency and greenbacks and may be easily recognized.)

Cross-examined—The relation of attorney and client, between myself and Rulloff terminated about 12 years ago; I have received only one letter from him since; I swear to his handwriting from my knowledge of it 12 years ago.

Exceptions to Judge Balcom's testimony was taken by the defence.

TESTIMONY OF OSGOODBY.

Mr. Osgoodby testified that the paper marked C. was a key to the paper marked P., and the roll of papers were a key to the same system of short hand. He said he was acquainted with some seven or eight systems of short hand, but had never seen any with the same alpphabet as this.

Mr. Rulloff objected to the paper being brought up as evidence to connect him with the burglar found drowned. He said that the papers might have been given some five years ago, or five weeks before the murder, it mattered nothing.

Mr. Hopkins said that he intended to show that the paper found in the drowned burglar's pocket was a key to the phonography found in Rulloff's desk in New York, and also, intended to show that the prisoner had intercourse with the burglars found drowned.

Mr. Rulloff appeared Rather excited; talked at considerable length as to the importance of this evidence, but the evidence was allowed to proceed by the judge.

TESTIMONY OF MISS JENNY PERSON.

Miss Jenny Person testified as follows; I reside in Binghamton, in the Dickinson Block, over Halbert's store, on the third floor; I was home on the night of the 16th of August; I heard a squeaking noise, as if some one was boring at something, about half past one; I also heard the pistol shots at about half past two, and a noise as if something falling down the stairway; I looked from my window, and saw two men going from Halbert's store towards the river; I watched them till they entered it; when I first heard the grating noise, I got up, and remained up the rest of the morning.

TESTIMONY OF MRS. LOTTIE ROBINSON.

Mrs. Lottie Robinson testified; I reside in Binghamton in the Bennet Block; it fronts on Washington street; my room is in the rear; I can look over on to Water street from my window; I recollect the morning of the murder; I was awoke by the cry of murder; got up, and looked out of the window, and saw two men go up Water street and then go back again; I then saw a man on the flats; he was coming in a south-eastwardly direction, towards the wall of the new building in course of erection; I saw him coming slowly and directly; which excited my curiosty to watch him; he stopped by one of the dividing walls of the building, and was out of my sight for a second when I saw him again; he then walked on a little further and was hidden from my view; the man I saw had on light clothes; I could not tell whether it was a duster he had on or not; I know that he wore light clothes; I could not recognize him; there was a light in my room; it was a fine clear moonlight night.

TESTIMONY OF CHIEF-OF-POLICE FLYNN.

James Flynn testified; I am a resident of Binghamton, and Chief-of- Police; I was in the city on the night of the 16th; lodged at the American Hotel on that night; Mr. Clark, clerk of the hotel came to call me; I was then partly dressed; went immediately to Halbert's store, went in; I saw Mr. Mirrick on the floor; smelt gunpowder; Mr. Mirreck was not quite dead, he was breathing hard; I then went ont and some one told me that the burglars had crossed the river, I went to Dr. Browns and told him to ring the fire bell, and went to the Sheriff's house and got him up: I proceeded to Halbert Brothers' store, and got as many men together as I could, and went across the river and made a search; I did not discover anything or any trace of the burglars; I then went back to the store, and looked around; I could see the marks of bullets, and blood upon the floor; the blood seemed to me as if some one was dragged upon the floor; I then went up stairs and saw the cold-chisel (shown by Mr. Hopkins in court) and box opener; I examined the windows, and saw the pieces cut out; I took notice that a person could put their hand through the hole and unbolt the shutters; I done all I could that day in getting men together and dispatching them in different squads to make search in different places; I stationed squads of men in every direction; a squad that I placed at the Erie Railway crossing of Court street; brought in prisoner, the next morning (a sachel was shown the witness) it was delivered to me by one Simons; believe it was the next Sunday after the murder.

The counsel for the prisoner made the same objection to this evidence that had been taken before when similar evidence was introduced.

The Judge said the court would have to feel its way for a while, and find out the relevancy of the evidence. If irrelevant it would be stricken out.

The District-Attorney said he wanted to show that the papers found in the sachel had pieces cut out of them corresponding to the pieces of paper found in the prisoner's desk in New York.

The court decided that the evidence was admissable.

Evidence resumed. I found in the sachel a copy of the New York "Times" of July 18, and a copy of Binghamton REPUBLICAN of August 15; the sachel was not locked; there had been pieces cut of the "Times;" two columns are gone from the first page, and a column and less than a third of a column from the eight page; the sachel and papers have been in my posession ever since they were delivered to me; there was no mark on the sachel to indicate the name of the owner; there were shirts and drawers in the sachel (the witness opened the sachel and took out a pair of drawers, marked "J. A. No. 3.") a valise from New York was delivered to me at the Spaulding Housein this city by a gentleman named Riley, among the contents of the valise, delivered by Riley were papers, burglar's tools, books, and a large quantity of letters, and a roll of short hand writing (two letters from Mr. Warren to James E. Dalton' and also a part of a letter purporting to have been written by William Davenport; were shown to witness and recognized as papers taken from the valise; also a German reader was recognized as one taken from the sachel found in Binghamton; I was present at the time when the bodies of the dead men were in the basement of the Court House, where they were taken when carried away from the undertaker's shop; I was at the jail when the shoes were tried on the prisoner (shoes were exhibited) those are the ones; I saw his feet; both shoes fitted well; there was a defect in the foot, and the shoe for that foot just fitted it.

The introduction of the shoes as evidence was objected to by the defence. The argument was made by Rulloff. The objection was overruled and the evidence accepted.

Evidence resumed—The large toe and one or two others were gone from the left foot; the depression in the shoe corresponding to the deformed foot; the prisoner had boots on when arrested; he said he never wore shoes and never owned a pair; he said he always wore cotton in his boots to fill up the place where the toe was off; the cotton cloth in his stocking was new and corresponded to a piece that was torn from his shirt; he called my attention to the fact that the toes of his boots were alike; he pretended that the shoe did not fit his foot; Sheriff Brown assisted him, and put the shoe on easily enough! (The valise delivered by Mr. Riley was opened); the roll of slips taken from newspapers was in the valise when it was given to me; (the piece taken from Rulloff's desk in New York was fitted in the copy of the New York "Times" in the sachel found in Binghamton.) The article is entitled the "Prussian Policy."

Cross Examination.—On the night of the murder, I was awakened by the cry of murder in the streets; when I got to the store there were only two or three there; Burrows was excited: he had not dressed yet;

I do not know when I went to Halbert's house; I saw Burrows on the street; he told me what had occurred; the satchel was handed to me by Henry Simmons; the murder took place en the 17th of August; the next Sunday he told me that he had found the satchel; I brought it to my office; it has been there ever since. (The remainder of the cross-examination of this witness elicited no new facts.)

Re-direct: He was asked to sit in the chair and have his photograph taken; he defied them to take his photograph; no more force was used than was necessary; I first saw the shoes on the morning of the murder; they were in the store; Mr. Brigham took charge of them; the sheriff, deputy sheriff, and myself were present when the shoes were tried on the prisoner; the shoes look the same as they did when I first saw them; they have been in the charge of the sheriff.

Captain Henry Hedden testified to finding burglar's tools in Rulloff's room in New York city, which was objected to and the objections sustained.

At Mrs. Graham's 75 Carmine street was found a book (the book exhibited) in the prisoner's handwriting.

A motion was made to strike out all in relation to the contents of this room in New York as irrelevant.

The motion was refused by the Court on account of the relation of the prisoner with the other burglars, as shown by papers and writings.

The evidence in regard to the burglar's tools, and the evidence not relative to the case were ruled out.

Evidence Resumed.—In the desk at 170 Third avenue the newspaper strips were found; the valise was not found in the desk; it was my property and was used by me merely as as a package to bring the articles here in. The bits found on the burglars and those found in the desk fit the same bit-stock; the shanks of bits are made beveling so that they will fit any stock. (A mortgage of some property in Brooklyn, given by Albert Jarvis, under the name of William T. Dexter and John N. Dexter, and witnessed by Ruloff, and a claim by the widow of James Haggerty against the Erie Railway, assigned to C. J. Curtis, also drawn by Ruloff, were offered by the district attorney, to prove the intimacy between Ruloff and Jarvis, alias Curtis.)

The defence objected to the evidence, because it was testimony against the other persons named in the indictment, and not against the prisoner. Ruloff made an argument of some lehgth to explain its irrelevancy. To show what his business in New York was, he held up the manuscript book found at the house of Mrs. Graham, and claimed that five hundred ordinary men in ten years could not produce such a book.

The objection was overruled, because the conspiracy between the burglars and murderers could not be established by any postive and direct evidence. The evidence offered by the prosecution was ruled to be proper at the time, and until the evidence proceeded further, and its relevancy or irrelevancy could be determined.

The defendant excepted to the ruling of the court.

Evidence resumed.—[Other papers recognized by the witness as having been found in the desk were offered in evidence, and objected to by the defence]; officer Riley assisted the witness in procuring the articles from the desk and was instructed to bring them to the district attorney.

Cross-examination.—I am employed at an annual sary, and was not employed particularly in this case; Mr. Riley is my assistant, and is also employed at a salary; our labors are not confined to New York; much of Mr. Riley's time is spent in the service of the U. S. government; I was at No. 170 Third avenue, only once; I sent Mr. Riley there several times.

TESTIMONY OF JOSEPH FETTERITCH.

Joseph Fetterich testified: I am attorney and counsellor at law at 32 and 33 Pine street, New York; the prisoner was at my office last January; he was there three or four times; have seen Wm. T. Dexter and Charles G. Thompson; (witness was shown a photograph of a man known as Thompson, which was admitted to be a picture of Jarvis). I knew Rulloff by the name of E. C. Howard; (The Dexter mortgage given to Isabella Armstrong was shown to witness, who was subscribing witness to it); the mortgage was given to secure the payment of $500, on a piece of ground on Graham street in Brooklyn; the loan was made by myself; the money had been placed in my hands by Mrs. Armstrong to loan; the payment on the mortgage was extended three times; Howard paid me for the last extension.

Cross-examination: Am a lawyer; have been five or six years; I practice in the Supreme and Superior Courts; do not practice in the Tombs Court yet; I came here in answer to a subpœna.

TESTIMONY OF W. H. WARREN.

W. H. Warren testified as follows; I reside in Cortland; am a member of the Cortland county bar; was an attorney there in 1869; during the summer of 1869 I became acquainted professionally with a man confined in jail for stealing silks; I was engaged to defend him by Ruloff; he was there under the name of James E. Dalton; I did attend to the case of Davenport; Ruloff went into the jail to see him; while he was there I rode out with the prisoner; he had on low, patent leather shoes, of the description of those found in the store, supposed to have been worn by Ruloff; my attention was called to the depression in the toe of them where the large toe of the foot was gone; I was at the Broome county jail and saw the prisoner; he spoke to me to engage my services as counsel, but I declined to defend him.

Cross-examination: The first time I saw the defendant was in the spring of 1870; he was there again in May and September; I was introduced to him as a lawyer by the name of Dalton from New York; the case was called in September; Ruloff assisted me, and made an argument in favor of bringing the cause to trial, when the district attorney made a motion to postpone it; the case was postponed until January when Davenport was discharged; there was no cuts in the