

are but pale, half-burned bricks, good to fill in with, but of little account after all. If we are only safe in Christ's love, if He is our mediator and our friend, we shall be well enough off in the end, and now should always be subservient to the end. Now, is the time to preach the gospel—to utter words of truth. Christ is coming. Let us stand near to God. He is now answering the prayers for the past twenty-five or thirty years, and the fruit is at hand; shall we then submit to panic or fear? Nay, let us trust in God, forgetting at no time that He reigns and has reigned for all eternity, and if the storm and darkness do gather around us, we shall be safe. For "though clouds and darkness are round about his throne, yet justice and judgment are the habitations thereof."

Daily Telegraph. HARRISBURG, PA. Saturday Afternoon, November 24, 1860.

Policy of the President Elect.

The late speech of Senator Trumbull at Springfield, published in the TELEGRAPH a few days ago, is commented upon at length by the papers of all parties. Considering the personal and political relations existing between the President elect and the distinguished Illinois Senator, too much significance cannot be attached to the great speech referred to. We have reliable assurances to the effect that it was prepared at the suggestion of Mr. Lincoln, and received his full approval before it was spoken. One thing is certain, that Senator Trumbull, in undertaking to foreshadow the policy of the incoming administration, would advance nothing which he had not full warrant for advancing. His very intimate relations with Mr. Lincoln, abundantly qualify him for doing that which Mr. Lincoln himself is precluded from doing prior to his inauguration. We trust this comprehensive, patriotic manifesto will have the effect of quelling, or at least subduing, that crazy agitation of which the cotton States are the voluntary and deluded victims. It has been called forth by considerations of public duty and responsibility, and if it does not fall like oil on the troubled waters, the secession faction may justly be pronounced incorrigible. We think it is a good omen that Senator Trumbull has been selected as the medium for laying Mr. Lincoln's views before the public, for as our readers well know, he is a States'-rights Republican, pure and simple, who supports the Constitution of the Union and the integrity of the laws with unflinching fidelity. It is unnecessary to direct attention to any part of a document which will be so closely scrutinized; but the positions laid down in relation to the vexed questions, prove conclusively that Lincoln is the conservative statesman we have always represented him to be. We can fancy the chagrin of the disunionists when this speech is circulated all over the South. The news will fall on their incendiary projects like a water-spout, and we are much mistaken if the budding traitors will not find their occupation gone by the time the proposed revolutionary conventions meet.

A UNION MAN IN SOUTH CAROLINA.

We notice that ex-Governor Aiken opposes secession. He is a man of influence, and will doubtless carry the more respectable portion of the State with him. When the sentiment of even that rampant State becomes divided, what hope is there of their affording us amusement much longer? Stephens and Johnson are both at work in Georgia, and the state of affairs there must be rather conservative than otherwise, inasmuch as the voluble Mr. Toombs decides to reflect until March before he resigns. The ridiculous foolery of South Carolina has already ruined her financial affairs. The popular current in all the frothy States is beginning to turn in favor of the Union as their only safety. If they are quietly allowed to blow off their gas, and display their cockades until they get dusty, the agitators will settle down to their whisky and negroes, and we will hear nothing more from them until the next election.

MR. LINCOLN'S CABINET.

The Springfield Journal, published at the home of Mr. Lincoln, in its issue of the 21st inst., says: "The various surmises, conjectures and suggestions put forth by newspapers and newspaper correspondents amount to just nothing. It will be sufficient time for Mr. Lincoln to proceed to select from the many distinguished statesmen of the country, his necessary Cabinet officers, after the Presidential electors have performed the duty which yet remains for them to do."

THE HOME JOURNAL says that Miss Harriet Lane, the beautiful and accomplished niece of President Buchanan, is the reported authoress of "Rutledge"—one of the most popular of modern romances.

COURT PROCEEDINGS.

Trial of Wm. Poffenberger for the Murder of Chas. T. Robinson.

[CONTINUED.] EVIDENCE FOR THE DEFENSE.

HENRY TEAMAN, sworn.—On the day this occurrence took place I quit work at 6 o'clock, eat my supper and went to the Post Office to get my paper; after I got my paper I took a seat in front of Turbitt's hotel; Charles Robinson came there; I judged him to be intoxicated from his action; there were several men in conversation; Robinson saw John Bricker go down Schuykill street; he called him to come back; Bricker at first refused and called him a d—d rascal and told him he wanted him for something; Bricker came back and he called him and McCallan into the tavern to get a drink; don't know whether they drank; when they came out Robinson saw Poffenberger; he seemed to change at once, his whole nature changed; as soon as he came he called to Poffenberger, "you flat nosed s—n of a b—h, you have got your pistol now." Poffenberger said, "yes, Charley, I have; keep away from me; I want nothing to do with you." By that time Robinson raised his arm and struck the blows; Poffenberger backed away from him; Mr. Turbitt then exclaimed, "won't somebody stop that fight?" John Bricker then stepped out between them; Bricker said something to Robinson, but he took no notice of what Bricker said; Robinson's back was turned to me then, but saw Robinson raise his arm and make a blow at Robinson; as soon as the blow was made Robinson walked towards the tavern and Poffenberger walked out the Sunbury road; Bricker went to Robinson and asked him what ailed him; he said, "that damn bugger has cut me," or something to that effect, and asked, "is there nobody here that will loan me a pistol to shoot the s—n of a b—h?" A few minutes after he asked whether he had no friends to go to the doctor; Bricker and myself went to the doctor; Bricker was a little ahead of me and he told the doctor, whom we met at the store; I think that Poffenberger could not have made his escape at any time without being in danger; they were so close together that if Poffenberger had attempted to make his escape Robinson could have taken advantage of it with any kind of weapon; the whole transaction did not occupy over four minutes; I judged Robinson to be intoxicated from his manner, just in such a way as to fit him for fight; he was not so drunk as to display his arms; I did not see him draw his pistol; when he saw Poffenberger his whole nature seemed to be agitated and he presented himself at once for fight and continued to be that way all the time; Frank Carson was aside of me when the fight commenced; I was about ten or twelve feet from the place where they fought; had conversations with the elder Bricker and we differed; he said that Poffenberger made the advance step; we compared at Turbitt's, the transaction together, and we agreed in the way the transaction commenced, excepting about the advance step; Carson and Kline were also present; The statement given here to-day is the same as agreed to at that time; I saw Bricker particularly for the purpose of comparing our statements together.

Cross Ex.—Was sitting on the porch under the portico on a chair; told no person that I did not see the beginning of it, or that I was reading a newspaper; never spoke to Jeff Clark on the subject; never told him that I did not see the beginning, and when I did see it I thought they were only in a row; Robinson was at Turbitt's tavern when I first saw him; he came there after me; Robinson was standing by the pillar at the portico when I first saw him; he was not more than 100 feet distance; I took my eyes from him; Poffenberger was coming down street; I think he could see Robinson standing at the pillar, and he came right straight towards Turbitt's; they met about the curb; about eight feet from the hitching post. Poffenberger was standing in the street, perhaps not one step away from the curb when they met; Robinson passed the first blow; can't say whether they were on the curb or not; when the first blow was struck, can't say whether many blows Robinson struck; can't say whether every blow was wasted off; don't suppose they got ten feet from the curb in the street; I think they kind of cut a curve and came back to the pavement; did not see Robinson's cap or hat knocked off; there were no persons between us so as to prevent my seeing; don't recollect how far Bricker was off when the blow was struck; I was looking at the party; did not see Poffenberger draw the knife, he didn't draw the knife in his hand when he commenced the fight; the stab was given close to the curb; don't say that I saw Poffenberger give a stab; merely saw him draw his arm and walk away; Robinson was standing with his back toward me; Poffenberger was facing the river when the blow was given; Robinson was in the line of my vision; could not see what he was doing; think that Poffenberger had one hand up; can't say exactly in what position his hands were after the blow was given he turned and walked away; Robinson walked away about his usual way; never saw Poffenberger give a blow; merely saw him make a motion; after that Robinson put his hand on his side and went away; Poffenberger could not have at any time turned and ran away without exposing himself to danger, because Robinson was facing him up; he didn't give him time to get away; Robinson hadn't hold of Poffenberger; didn't see Robinson have anything in his hand; he could not have run away without exposing himself to danger; Robinson was not so much intoxicated that Robinson was overtaken him if he had started to run; didn't see Robinson make any effort to draw anything from his pocket; can't say whether George Kline was present at the occurrence; I think John Bricker was there when we had a conversation about the affair; it was a few days after the occurrence, and before the writ of habeas corpus; I saw Mr. Kunkle before the writ of habeas corpus and told him how it had happened; Poffenberger had not been arrested when we came down to employ Mr. Kunkle; John Bricker never went between them, he merely stood behind their backs; can't say whether Robinson struck Poffenberger whilst John Bricker was talking to him; Poffenberger could not have run away when Bricker was standing behind Robinson without exposing him to danger; as soon as his father cried out that Poffenberger was going to shoot, John went away; didn't hear what Bricker said to Robinson; they were all the time close together that if Robinson had desired to use a weapon he could have done it.

By a Juror.—They were north of me. I was east of them; Poffenberger had no vest on; I took particular attention to it; I saw his coat flying open, his shirt showed down to his waist band.

Dr. J. B. UMBERGER, sworn.—Have known both parties for five years; judging from appearance I should judge that Robinson was much the stoutest and strongest man; he was a good deal taller than Poffenberger; he was a very quick and excitable; he was about five feet ten inches as near as I can tell, in height; he was much the stoutest man; (billy shown to the doctor); got this billy from Mark Snyder; I kept it until Jefferson Clark came and claimed it as their property; did not see it taken from Robinson.

HENRY TEAMAN—Recalled by Defendant.—Have lived neighbor to Poffenberger for six years; have known Robinson for some time; lived in the town of Dauphin for eight years; Robinson was a powerful built, active man; he must have been from five feet eleven inches to six feet in height.

Cross-Ex.—Never told any person that we were busy talking politics, that I did not take particular notice, and did not expect the fight to amount to much; never told Edward Chase so; I told him if it had not been for Butt and Carson being there talking politics I would not have been there to see the occurrence. Adjoined to 2 o'clock, P. M.

FRIDAY AFTERNOON.

Court met at two o'clock.

FRANKLIN CARSON, sworn.—Was at Turbitt's when Robinson came there; Butt and Teaman were then talking politics; John Bricker and McCallan were standing there when Robinson asked them to come in and take something to drink; they went in, but don't know whether they drank; when they came out Poffenberger was coming down street; when Robinson saw him, you flat nosed s—n of a b—h, you have no pistol now; Poffenberger replied, yes I have; Robinson then commenced to strike at Poffenberger; Poffenberger said, Charley let me alone I want nothing to do with you; Robinson continued striking at Poffenberger, and Poffenberger backed out into the street, after which they came back again towards the pavement; I didn't know that he was cut; if any of the rest seen it they said nothing about it; after he was cut, he said, the scoundrel has cut me; Robinson commenced striking at him all the time; can't say whether Poffenberger struck at him or not; don't think he did; he warned the blows off; I can't tell whether Poffenberger could have gotten away or not, but I suppose if he had tried Robinson would have followed him up; he was pressing up to him all the time; Poffenberger backed; didn't see the hat or cap fall; can't say whether Robinson had drank any that day; I suppose he took a drink there, but he was not drunk enough to stagger; Poffenberger had not stopped when Robinson made the attack upon him; John Bricker went out but did not part them; they parted themselves; when Robinson had been cut he looked excited; he wanted to whip Poffenberger; he was much taller and stouter than Poffenberger.

Cross Ex.—This was about sundown; I had been sitting there about a half hour; I was talking politics with Capt. Butt; he left before it took place; Charley Robinson came from up street; nobody was with him; McCallan was there when Charley came up; John Bricker was also there when Charley came up; I don't know how long Charley was standing there before Poffenberger came there; Poffenberger was on the pavement when I first saw him; the two walked towards each other; Poffenberger said he had a pistol; this was said before a blow was struck; don't know how many blows were passed; I think he struck Bill three or four times, and Bill said, go away, I don't want to have anything to do with you; I saw nothing of the cap falling off; I didn't know that Charley was stabbed until he said so himself; I saw no blow struck by Poffenberger; didn't see Poffenberger put his hand behind his back; I sat still during the fracas; I saw Bricker go out towards them, but I didn't see him part them; I didn't see him between them; I could have seen John Bricker if he had gone in between them; he went up close behind Charley; they were above me; Poffenberger was facing me; Robinson had his back towards me; can't say that Bricker spoke to Robinson; nobody parted them; they parted themselves; can't tell that Charley stopped the blows himself; I had taken a couple of drinks that day; I didn't know that I was under the influence of liquor at the time; I had taken a couple of drinks; I felt it a little.

(This witness stammered a good deal on his cross examination as to his condition at the time of the occurrence, but finally denied that he felt much of the liquor at the time. His

I was not drunk; I suppose you (meaning the counsel) would like to make me out drunk; some things might have happened that I did not know; I was not talking politics with Butt while they were scuffling; I didn't keep an account of the drinks I took; I took one drink this morning; I had two, only two this day; I don't drink whenever I can get it.

Re-ex.—I heard at Geo. Kinter's this week; I took some drinks at Kinter's; George Kinter didn't invite me to drink; I don't know that Kinter knew I was a witness.

JOSIAH WYNN, sworn.—I was in my shop just across from Turbitt's tavern when this fight occurred; I was off about sixty feet; I heard a noise; looked out and saw Poffenberger and Robinson engaged; Robinson was striking Poffenberger with his fists; Poffenberger was striking off the blows; at this time they were about ten feet from the curb; Poffenberger was backing rather in a circle and Robinson was following him up; when they got close to the curb Poffenberger made a rather underhanded blow, and Robinson stopped; all this time Robinson was close enough to hit if the blows had been guarded off; when Poffenberger made his underhanded blow Robinson was hitting him; Poffenberger could not have turned to flee without getting a blow from Robinson; judge that a blow from him on the back of Poffenberger's head would have brought him to the ground; I saw no cap fall off in the skirmish; I saw nobody stand in between them to part them; I stood all the time in my door.

[Whilst Mr. Wynn was on the stand, the Defendant called Henry Strine in order to put a question to him, so as to contradict him, by Mr. Wynn. The Court decided that Defendant had a right to do so. The cross examination of Mr. Wynn, however, went on.]

Cross-Examination of Mr. Wynn.—My shop is about twenty feet from the corner; Mrs. Powell's house is on the corner; it is about eighteen feet wide; these young men when I first saw them scuffling, were about ten feet from the curb; they worked in a sort of mill back to the tavern; there was nobody out on the street but them; I saw no person close to them at the time the blow was struck; was about eight or ten feet off; don't know how many men were standing there; Poffenberger was struck off the blows of Robinson; at the time Poffenberger struck Robinson's hands were up, but when he saw the blow come he threw his arm down; Poffenberger struck with the full length of his arm; he drew his arm away back; it was a blow at arm's length; Charley's hands were up and down and every way; Robinson's face was towards me.

HENRY STRINE, recalled.—I know Mr. Wynn, he and I talked about this matter; I didn't see it with him that at the time this occurred I was at Greenwald's shop.

Mr. Wynn, recalled.—Henry Strine told me first that he was at Greenwald's, and he then said that he was down at the Post Office; I didn't pay much attention as to what he said; I am sure he said he was at Greenwald's; I couldn't say whether Robinson was drunk or sober; don't know whether Robinson could have got a blow in if he had been sober; don't know whether a single blow reached Poffenberger or not, he retreated back so fast; I am related to the Poffenbergs; I didn't step out to part them because everything was so quick.

By a Juror.—I didn't see Poffenberger show a knife.

By another Juror.—Can't say that Poffenberger had a vest on.

FRANK BRADIGAN, sworn.—I saw Charley on the 18th of July.

[The witness was objected to by the Commonwealth. It was stated that the object in calling him was to show that on this day Robinson had a knife open in his pocket. Objected to, because there is no proof that Poffenberger knew that he had this knife.

A long argument was had by the counsel on

both sides, but the Court ruled against the admission of the testimony of this witness.

The Defendant's counsel offered to prove by this witness that Robinson was a very quarrelsome and dangerous character, and had attempted an attack that same afternoon on some colored man who was walking innocently along the street. The Court also ruled particular acts committed by deceased, out of order.]

DAVID TURBITT, sworn.—Am keeper of the hotel at which this affair happened; was not at home when it took place; was anxious to hear how this matter happened; the second day after, Teamen, Kline, John Bricker and old Mr. Bricker were on my porch and talked about the matter; Mr. Teaman gave me a statement that he did to-day, and there was no contradiction about them; old Mr. Bricker said about the same thing; they appeared to agree; don't know that Bricker said much about it that day; Teamen gave the statement and they did not contradict it.

Cross-Ex.—Can't tell what Mr. Teamen told me at the time, but I can swear that he told about the same story in Court.

SUSAN KEMERER, sworn.—Knew Charles Robinson; saw him on the day this happened; I lived at Gehman's; he came into the side room; shook hands with me, and said "I am going to do it to William to-night;" I said, "O, Charley, don't!" [Objected to and ruled out.] Robinson showed me a pistol and a billy with a strap to it, in the spring sometime; I asked him what the strap was for; he said, for to hang over his arm and showed me that he could slip it up his coat sleeve and knock a fellow down with it; I told William of this; and told him what I had seen, and to be careful; I never saw him but what he would talk about William and call him a flat nosed s—n of a b—h; didn't see Poffenberger on the day when this happened until it was over; I was sitting on the step with my sister at Gehman's door, before dark; Andrew Simons was on the porch, and I asked him, where is Bill? He then came out of the bar room door and gave me the sign to come to the end of the porch; there are two bedroom doors on one face of Schuykill street and the other on the canal; we sat on the Schuykill side; had been sitting there an hour or less; no one could go in the bar room door unless we saw him; Poffenberger did not come down and go in whilst we were sitting there; a person can come down Schuykill street, and pass the entry and bar-room door to go in that way; or come in the canal way; William took me to the upper end of the porch, some ten feet away from the canal bridge, right along Schuykill street, the farthest away from the bridge; Andrew Simons and Gehman Kline, both of them, were on the porch; we talked very low to each other; he made no motion to take a guard chain or watch I had from me; Mrs. Gehman was sitting under the door whilst he was talking to me; did not see John Wolf pass there; he could not have heard anything that William or I said; we spoke too low; had not seen Robinson before except that day, since his return; I think Robinson had come back Saturday a week before that; William had no vest on that afternoon; at a party at Simons', myself and Charley were standing at a folding table; Robinson was cursing and swearing, and told me that he would waste in his blood to his knees and tear his guts out; I told him this the next Saturday night; this was Tuesday; they had a quarrel outside at that time but what it was I can't say; he came into the kitchen to me and pulled his knife out of his coat sleeve and shut it, and told me not to say anything; I told it to William afterwards.

Cross-Ex.—Saw Wm. Poffenberger only once on that day, and that happened; I saw him and Charley were standing at a folding table; I had his watch; can't tell the exact time I saw him, it was just about dusk; I had seen him the evening before, he didn't mention Charley to me nor did I mention his name to him; he was there on Saturday evening before; was not in the habit of telling both the threats they made to each other; never heard William make threats about Charley; never told Leah Ferry that William told me that he would kill Charley; he never said it; I saw Charley Robinson after supper at five o'clock; often saw the pistol and billy with Robinson; after I saw them Charley went away and staid away some time; showed the pistol and billy to me; it was a single barreled pistol; William never made threats; William Poffenberger has been paying attention to me for some time; he is not engaged to me; this has not promised to marry me; so soon as this thing is over; he has paid attention to me for some time; years; Charles Robinson came to see me last winter; when he asked me for the watch I wouldn't give it to him; he said I should meet him at the top of the hill but I didn't do.

Re-examined in chief.—Was about Gehman's house all that afternoon; I did not see him before, but I can't tell whether he might not have been there that afternoon; I was in the parlor that afternoon with Mrs. Gehman's little girl; I don't think he could have passed the house; I have seen him; he was not there whilst we were sitting at the door until he came to call me.

The counsel for defendant now offered to prove, by this witness, the declaration of Charles Robinson to her but an hour or an hour and a half before, in which he threatened to "do it to Wm. Poffenberger that night."

After argument from counsel on both sides the evidence was admitted.

Examined.—Charley came there after supper; he told me that he would give it to him (Poffenberger) that night, and I told him, Charley, I don't remember of Charley Robinson ever telling me that William had cut the skirt off his saddle; I took a bath up the Stony Creek with my sister after Charley left; can't say how long we were gone; my sister didn't go into the water.

Mrs. ELIZABETH GEHMAN, recalled, on behalf of defendant.—On the evening this difficulty occurred myself and sister were together for an hour or so, sitting under the entry door; we were sitting there together all the time; after Poffenberger had stabbed Robinson he came out of the bar-room door and took my sister away to the upper end of the porch; I had seen him before at Chase's; just a short time before; he could not have got into the house coming down Schuykill street unless he got around through the stable and canal bridge; could not hear anything they said together; saw John Wolf passing our house about four o'clock; he came up from Harrisburg; Lenhart was not there in the afternoon at any time with William; took supper at five and after that went up to the bath-house; staid about half an hour and then returned and staid all the time on the porch until William came; Robinson was there after supper; he had a barlow knife, cutting a tooth pick; was with my sister in the side room some fifteen minutes and then went up to the bath-house.

MARCUS SNYDER, sworn.—Saw Charles Robinson after the transaction at the doctor's office; they were sewing the wound up on his left arm, where he was cut; I was on the left side; some one remarked that there was some money falling out of his pockets; Mr. Clark told me to put my hand into his pockets; I did so and took out his pocket-book, which I handed to his father; then I got out a piece of tobacco, and after that a billy; I did not want his father to see it, and handed it over secretly to Dr. Umberger, who was standing right behind me.

Cross-Ex.—This was a common sized pocket-book. [Fort monnaie shown.] This is about the size of it.

IRVING LAMSON, sworn.—I lived with Daniel Irvin on the 18th of July; Wm. Poffenberger was working there, and went fishing that day; took two of the horses with him; went some twelve miles from home; he had a dark coat on and a dark pair of pants, but had no

vest on; he took an old pair of pants along to trade the creek with; we fished up to about two o'clock; saw Mrs. Poffenberger on the road at the widow Hoover's; Mr. Poffenberger was at Peter Hoover's on that day; we came on down where Shaffner's live, where we watered our horses and took a drink of water; we halted on the top of the hill, and William went away and came back in about ten minutes; he went away again and I went home alone; we had a hard day's fishing and were tired.

JACOB EARLY, sworn.—Lived at Stony Creek Forge for the last two years; William Poffenberger lived with us and was employed in anything that was to be done; he had to travel for us; on the 7th of April I sent Poffenberger to Dauphin to get a car for me; the car didn't come, and I took a horse and went to Dauphin; when I stopped at the tavern Charles Robinson came up and said, "Jacob, what does Bill carry that knife for?" I asked him "what knife?" he said that he had a dirk-knife; I told him I had never seen it; he said, "well, he has a pistol also;" I told him that I had heard that he had one; Robinson said, "well, damn the difference, he may have occasion to use them;" he said he would have revenge; I told this to William Poffenberger.

JOSEPH SPONSER, sworn.—[The counsel for defendant offered to prove that an affray occurred in April last, at which time the firing of a pistol was mentioned, and that threats were made by Charles Robinson towards Poffenberger, and his pursuit through the streets. The Commonwealth objected to this offer. The Court, however, admitted it.]

Witness resumed.—Some time in April Charley and myself went up town; during our walk we met Poffenberger when Charley saw him he called him something, I don't know what it was; Poffenberger told him to go to hell; Charley then ran after him and threw stones at him; I don't know whether he hit him.—Poffenberger told Charley that he didn't want to have anything to do with him; he drew his pistol, put it back again and then ran; Charley ran after him, when Poffenberger ran on Dr. Umberger's porch, where Charley caught Poffenberger, struck at him but I don't know whether he hit him; Poffenberger shot his pistol at him but missed him; after this William ran away again from him, and Charley stepped off the porch, where he fell, but he picked himself up again and ran to William's home, to which Charley pursued him.

Cross Ex.—William fired when they were standing facing each other; he was some five feet from Charley; Brooks was there at the time facing Charley.

ALEXANDER DOUGLAS, sworn.—Was with Charles Robinson on the day this affair happened, before 12 o'clock; Andrew Simons, Charley and myself were at the bath house; Mr. Simons and myself allowed that Robinson was a stout young man; Simons said, "yes, he ought to be stout enough to whip Poffenberger;" Robinson said he would give him a whipping before he would leave town; Robinson was the largest and heaviest of the two.

Cross Ex.—The bath house is very near a half mile from Gehman's.

By a Juror.—Robinson was taller and heavier than myself; I am about five feet nine inches; he is taller than that and weighed 140 or 150 lbs.

JOSEPH GALLAGHER, sworn.—In April last I saw Robinson chasing Poffenberger up street, Robinson hollered to stop the s—n of a b—h till I kill him; Robinson threw a stone, they both halted a little, Poffenberger started again and Robinson pursued him; Poffenberger opened the gate at his father's house and ran in; Robinson also opened the gate and ran in after Poffenberger.

Cross Ex.—This was after I heard the pistol had been shot.

Mrs. ANNA GEORGE, sworn.—Heard a noise on the road; saw Poffenberger running and Robinson after him, they ran on Dr. Umberger's porch, where Robinson struck Poffenberger; and Poffenberger fired a pistol; Poffenberger ran off again and Robinson after him; about a week after Robinson came to our house and had a talk about this, he said he would assure me that he was going away but that Poffenberger would not have any more to be carried up; this, that he would have to be carried up; I asked him what he meant by it, he said he meant what he said, he said Poffenberger was too mean to live; I told this to Poffenberger's mother afterwards; I told him that he ought to behave himself and set a better example to his brothers and sisters; I talked to him about the consequence if Poffenberger had hit him with the pistol; he said he didn't care, he would just as soon die as live.

Cross Ex.—I didn't say that Robinson deserved all he got, but I said he had warning of it.

Mrs. ANNA STEPHENSON, sworn.—Lived in Dauphin in April; I saw this shooting affair whilst I was attending my father's store; I saw Poffenberger and Robinson facing each other; Robinson had his hands full of stones; Poffenberger ran up street to a large locust tree, and stepped behind it and said, Charley, I want you to let me alone; when Charley came up, Poffenberger came out and said to him, if you don't let me alone I'll shoot; Robinson said, "I want you to give me the law;" Robinson threw something at him and then ran up on Dr. Umberger's porch where Poffenberger shot at him; Poffenberger got off the porch, and Charley also stepped off and stumbled down; he got up again and ran after him; some time after, Charley came up to the gate and said to us, I can tell you girls, in one year after this Poffenberger won't walk home; I was surprised; I asked him, Charley what do you mean; he said, I mean just what I say, in six months after this Poffenberger won't walk home, he is too mean to live.

Mrs. LYDIA ANN MORRISON, sworn.—I saw Robinson in pursuit of Poffenberger on Dr. Umberger's porch and saw Robinson strike Poffenberger, and then saw Poffenberger shoot at Robinson; William then ran up street and Robinson followed.

JAMES W. GRIFFITH, Esq., sworn.—[The defendants proposed to prove by this witness that the sister of defendant had applied to the witness, who is a magistrate at Dauphin, for law, in order to have Robinson bound over to preserve the peace. The Commonwealth objected to it. The Court refused to admit the application of the sister, but considered that his own application to the magistrate to have the deceased bound over might be proven.]

Witness resumed.—On the 7th of April I was coming up street, and met Poffenberger and his sister; Wm. Poffenberger said to me, "I want you to give me the law;" I said, "Not this evening, you will give me the law on Monday morning, you and your father; come when you will be more composed, and I will attend to you." I thought he was in liquor; I think he was employed at the Forge, but am not certain; there was nothing said in my presence by Krause that I remember.

Mrs. ELIZABETH POFFENBERGER, sworn.—I saw Charley striking William, and I saw William shooting; after that William ran up to our house, and Charley ran after him; I also ran after them and found Charley in the yard; I asked him what he was doing; he said he was going to kill the s—n of a b—h; a brother of mine; I told William what Robinson had said; on the day Robinson was stabbed father and mother were in the country; I didn't see William on the day of the stabbing.

PETER SHINDLER, sworn.—Lived at Dauphin last winter and spring; knew both parties; have seen them together several times.

[Commonwealth objected to this evidence.—The defendants offer to show that when these parties met; Poffenberger was always assaulted

and insulted by Robinson. The Court ruled to receive the evidence as to the threats to do him bodily harm, and that Poffenberger had begged off that he was not able to fight him.]

Witness examined.—On one occasion at Cookley's tavern; I was there with several others; Robinson said to Poffenberger that he had heard that he carried a knife for him; that he should come out and he would show him what knives were made for; William said that he didn't want to have anything to do with him; that he wasn't able to fight him and he didn't want to have anything to do with him; this was about the latter part of January or commencement of February.

GEORGE H. KLEIN, sworn.—I met Robinson at eleven or twelve o'clock on that day.

[Commonwealth objected to this evidence.—Objection sustained.]

Witness resumed.—Was at Turbitt's tavern a few days after this occurrence; there were several persons there, among them were the two Brickers; their statements about the affair corresponded; except differing a little about the place where the cut was made; there the witness related the evidence as given by Teaman and the Brickers.)

At fifteen minutes past eight o'clock the Court adjourned to meet at half-past eight o'clock on Saturday morning.

SATURDAY MORNING.

The Court met at half-past eight o'clock.

NELSON GEHMAN, sworn.—I saw the commencement of the affray on the 18th of July last; was standing in the door on Schuykill street; Robinson was standing outside the door at the hotel; Robinson went up to the corner of the pavement and met Poffenberger; he went some fifteen feet to him and said, "you flat nosed s—n of a b—h, you have got your pistol now;" Poffenberger said, "yes, Robinson, when you get in the act of striking and Poffenberger warned off the blows and kept backing into the street; then Robinson's cap fell off and he picked it up very quick; they scuffled again and returned towards the tavern; during that time I walked into the bar room and saw no more of the fight; Robinson told me he was cut; William also told Robinson when he came up that he should go away, that he didn't want to have anything to do with him.

Mrs. ELIZABETH PROGRESSOR, sworn.—I am the mother of William Poffenberger; he was twenty-one on the 18th day of August last. I was up stairs when the smallest girl came running in crying and saying that Charles Robinson was going to kill her brother; I ran down stairs and found Charles Robinson coming into the house; I said to him, "Charley, what do you want?" he said, "I am going to kill your son," accompanied with an oath; Robinson laid a knife in one hand and stones in the other; Mrs. Gross told me of the threats Robinson had made towards William, and I told William of this; I also told William what Charley told me; Robinson did not want to leave until I told him that William's Pa was coming; William had no vest on that day; he had his every day clothing on, and wore no vest during the summer.

Cross Ex.—I saw William on that day just before dark; I was in the country and left two little girls at home; I was at Hoover's, and my husband was at Eucker's; when we got home about dusk, the girls had gone out, and there was no one at home; we had keys to open the door; I didn't see William after that on that day.

JOSEPH GALLAGHER recalled by defendant.—Charles went into Poffenberger's gate and I went up and met Charles; William came out on the porch and said, "Charley, I am no more a s—n of a b—h than you are;" Charley said, "if you come out you'll not say that any more," and then picked up stones; Frank Carson had his head at the doctor's office and asked the doctor whether Charley would die; the doctor would not reply; Carson then said to Charley, "you won't die, Charley said, 'what the H—l do you know?'" and also said, "William has got the better of me without revenge."

Jefferson Clark recalled by defendant.—Charles Robinson left Dauphin in April; some time after the shooting affair, more than one or two weeks after the affair; can't say how long after; he went to Shippen, Cameron county; he returned after the 4th of July; he was at home some ten days when this affair happened. The defendant's rest.

REBUTTING EVIDENCE ON THE PART OF THE COMMONWEALTH.

JOHN BROOKS, sworn.—Was present at the shooting affair; was standing on the platform of Dr. Umberger's office which may be six inches high; there is no covering over it; I attempted to go into the office but it was locked; when I turned around I saw them coming; I thought they were on the curb; Charles Robinson caught him by the collar and shoved him off the platform down on to the pavement; but didn't follow him; Poffenberger was around and shot and ran away; Robinson stepped off the platform, fell and then ran after him; Robinson didn't strike Poffenberger; was within six feet of him; didn't go off the platform until he was shot at; the ball went within six inches of me, judging from the place where he had entered the weather boarding; Poffenberger then got on the ground here; Clark subpoenaed me last night; I didn't see Charley having anything in his hand.

Cross Ex.—I didn't see what happened before they came up; my eye-sight is good.

EZRA CHASE, recalled.—I have the measure of both; Robinson's height is five feet nine and a half inches. He measured thirty-six inches around the chest; Poffenberger's height is five feet seven and a half inches, and he measured thirty-four inches around the chest last winter. LEAH FERRY, sworn.—I know Susan Kemmerer; she told me that Wm. Poffenberger had said