THE STAR AND BANNER.

BY D. A. & C. H. BUEHLER. "FEARLESS AND FREE." TWO DOLLARS PER ANNUM.

VOLUME XXIII. GETTYSBURG, PA., FRIDAY EVENING, NOVEMBER 26, 1852. NUMBER 37.

A Beautiful Ballad.

'Twas on a cliff whose rocky height
Baffled the briny wave;
Whose cultured heights their verdant store
To many a tenant gave.

A mother, led by rustic cares,
Had wandered with her child;
Unwearied the babe, yet on the grass
He frolicked and he smiled.

With what delight the mother glowed,
To mark that infant joy;
How oft would pause amid the toil,
To contemplate her boy.

Yet soon by other cares estranged,
Her thoughts the child forsook;
Careless he wandered on the ground,
Nor caught his mother's look.

Cropp'd was each flower that met his eye,
Till, scrambling o'er the green,
He gained the cliff's unsheltered edge,
And pleased, surveyed the scene.

'Twas now the mother, from her toil,
Turned to behold the child.
The urchin gone! her cheeks wore flushed,
Her wandering eye was wild!

She saw him on the cliff's rude verge,
Now careless peeping o'er!
He turned and to his mother smiled,
Then sported as before.

Sunk was her voice—'twas vain to fly—
Twas vain the brink to brave—
Oh, nature, it was thine alone
To prompt the means to save!

She tore the kerchief from her breast,
And laid her bosom bare:
He saw, delighted left the brink,
And sought the banquet there.

HUMAN NATURE;

OR THE BANKRUPT MERCHANT.

BY C. M. KENDALL.

Raymond Wellford was considered, although a very young man, one of our most flourishing merchants. He was a welcomed guest in our so called highest circle of fashion, while many a calculating mamma regarded him as a very desirable son-in-law in perspective. Suddenly he was overwhelmed by pecuniary losses and embarrassments, while the news spread as fast as gossip tongues could report it.—Strange to say, although his elegant mansion had to be sacrificed, there was not a debt which remained unpaid—while some money was yet left with him. Wise men, in the reviewal of his conduct, were heard to say that he was exceedingly honest or an immoderate fool.

"What think you of human nature, my friend?" said he to me.

"It is a philosophical enigma," I replied.

"So it was with me, until I solved it," said he, "I found it a strange compound, the larger portion of which was selfishness. For instance—when the gilding of wealth covered my name, I was sought after by the very men who now turn their backs upon me. I was flattered by women, who, if my name was now mentioned in their presence, would affect a forgetfulness of having heard it. After dinner we will make some calls, during which you will perceive some ample illustrations of what I have said."

Accordingly, after dinner we set out.—We first entered the counting room of a merchant, to whom he introduced me as friend. I soon learned that my friend was not held in the highest estimation from the cold formality with which he was received. We did not even have the courtesy of chairs offered us. With a meaning smile, Raymond bade the merchant a good afternoon, and we soon found ourselves in the street.

"This is illustration number one," Raymon said, laughing.

"Is it possible that you could ever have been intimately acquainted with this man?" I asked.

"That man has been reduced to the extremity of being obliged to beg his dinners. Time after time have I thus accommodated him. I even loaned him money to commence business, and you see how graciously he has entertained me and my friend."

We next paused at the door of an elegant mansion wherein Raymond had been a frequent and honored guest. It was the residence of a professional gentleman of large fortune, who still did Raymond the justice to regard him on all occasions as his friend and to treat him as such. His lady had professed even greater friendship for him than her husband, if not for her own, at least for her daughter's sake—to whom rumor once reported he was engaged. Since Raymond's misfortunes had been whispered, she no longer spoke of him as a dear friend, but endeavored to persuade her husband to "rid the house of him," which provoked the calm reply—

"He is a gentleman, and as such it is my will that you should entertain him whenever he may honor your house with his presence."

On this account I suppose we were tolerated in the present instance, for the gentleman was not at home. The lady treated us rather cooly, which I was prepared to see. After we were seated Raymond enquired for Miss Richards, her daughter, to which the lady replied with an apparent shrug of the shoulders, that she was well, but at present engaged.

"No mamma, I am not," said the beautiful girl, as she lightly entered the room. "I am happy to meet an old friend, who I am sure, is not the less welcome by being unfortunate."

The lovers—for they really were—had not met since Raymond's misfortune and their meeting was now so heartfelt that I could not for a moment doubt the affection of either. I saw also the cloud which rested upon the brow of Mrs. Richards, nor was I surprised to hear her say:

"My daughter is so pleasantly engaged, gentlemen, that I trust my presence is no longer required," and without ceremony she left the room.

"Clara," said Raymond taking her white hand, "are all my fondest hopes to be realized? Can the daughter of a wealthy gentleman condescend to acknowledge her affection for a poor bankrupt merchant?"

The fair girl blushed and looked doubtful at me.

"Do not fear to speak in his presence," said Raymond, "for Penville next to yourself is perhaps my best friend."

"Then listen," she said smiling sweetly "a few weeks since by the consent of my parents, I solemnly plighted my love to one who has long since possessed my heart's best affections. I did not ask the weight of his money-bags, nor the depth of his coffers—for those were matters which did not form one item of consideration with me. I found him a gentleman and as such I gave him my hand. Until I am convinced I am mistaken, why should I desire to retract my words!"

"Clara, you are an angel," said Raymond, covering her hands with kisses, "and this treasure I value more than my existence; for in adversity as well as prosperity, it is still true to me."

"Miss Richards," said I, "you have perplexed me. When I entered this house I thought I had solved the problem of Human nature, and was about to write the sum total—selfishness; but I must recant. Human nature is not quite so bad after all."

After a happy conversation on the part of the lovers, who in their earnestness, almost forgot my presence, we at length left the house.

"Now," said Raymond, "one more visit, one more illustration, and then we will return home."

"No, my friend," I said, "we will make no more visits this afternoon. This last terminated too pleasantly to be marred by a fresh picture of selfishness."

Raymond did not urge the matter, and we therefore returned to his house.

When Mr. Richards came home that evening to tea, his wife and daughter found him in a most excellent humor; something had occurred which pleased him. Occasionally he endulged in a silent fit of laughter, which, for him was very unusual; and once an unconscious exclamation of "capital!" escaped his lips.

"I am glad Mr. Richard to find you so happy," said his lady, "for I never was never in a worse humor. That Wellford has again called upon us, and Clara has honored him with a long private conference."

"I have received a note from him," said Mr. Richards, "wherein he desires me to sanction his marriage with our daughter."

"How presuming! I do declare; I quite detest him."

"And I admire him," coolly replied her husband. "Several days since I offered him the means to recommence business, which he declined—to-day, I have learned the reason, as he also informs me that his fortune was never impaired. His mansion house had not been sold, but he had allowed a friend to retain the same as the apparant owner. The fact was that he was envious of his wealth, and played the brankrupt simply to attest the friendship of his acquaintances, who have generally acted according to the fashion of the world. Those who have slighted him will suffer a just mortification, of which, my lady, you must bear your part."

"I have never disliked him as a man," said Mrs. Richard coloring with shame. "My daughter's welfare has only governed my conduct. She who has experienced only affluence, would make an ill companion to poverty. I have acted as a prudent mother."

Reader, all comedies end with marriage; so does the majority of tales. And in this instance I shall not be out of fashion. I have lived to see many cloudless years of happiness pass over the union. Raymond is very cautious in the selection of his friends, although their numbers are legion, while he and myself still retain the same opinion, that "*human nature is not so bad after all.*"

SEVEN FOOLS.—1. The Envious Man—who sends away mutton, because the person next to him is eating venison.

2. The Jealous Man—who spreads his bed with stinging nettles and then sleeps in it.

3. The Proud Man—who gets wet thro', sooner than ride in the carriage of an inferior.

4. The Litigatious Man—who goes to law in the hope of ruining his opponent, and gets ruined himself.

5. The Extravagant Man—who buys a herring and takes a cab to carry it home.

6. The Angry Man—who learns the upholsterer because he is annoyed by the playing of his neighbor's piano.

7. The Calculating Man—who illuminates the outside of his house most brilliantly, and sits inside in the dark.

From the Monitor Republicano, of Mexico, Oct. 6

Combat of Half an Hour's Duration.

Between One Man on Foot and Eleven Robbers on Horseback.

At a time like this of ours, when there are so few that know that valor is a sentiment sprung from love and glory and the desire to acquire renown, and that it prompts its possessor to brave and even seek the greatest dangers, we shall perhaps be excused if we give our readers the details of a combat, which only came to our ears yesterday.

In our narrative we shall studiously avoid all exageration; it deserves implicit confidence, although it presents facts certainly very improbable, and if we reproduce it, it is to prove the unquestionable truth of the Latin adage, *audaces fortuna juvat*, and to incite travellers to defend themselves whenever they are provided with arms.

Some four or five days since, at half-past one in the afternoon, the mail coach or diligence from Arroyazarco was attacked near Tepeji del Rio. It had been raining slightly just before, and the coach was closed on one side. In the interior of the diligence were an Englishman, three Spaniards, one French lady and our hero, Mr. Albert Speyers, a wealthy merchant, a German by birth; on the top were seated three Mexicans.

All the passengers at the time of the attack were dreaming of anything but danger, and the first news of the arrival of the robbers was the insertion, through one of the windows of the coach, of a pistol, and the cry. "Give up your arms, or you are all dead." "Yes," answered Speyers, leaning forward, "but bullets and all," and he showed the robber a small two-barrelled pistol. On seeing this the robber crouched down to shield himself behind his horse. Speyers, who had taken his aim, discharged his weapon, while the robber, with five others stationed on the other side of the vehicle, did the same. The discharge was happily without fatal result on either side.

Speyers, upon this, heedless of the entreaties of the passengers, who sought to restrain him, opens the door of the coach, leaps to the ground, and, pistol in hand, pursues the robber that had fired at him, and who, in company with the five already mentioned had gone to join the six more, who were stationed at some little distance on the road. Regardless of numbers, Speyers, with his other pistol, fires into the group, and then returns to the coach in quest of more weapons. When he reached it, he found all the other passengers accumulated in the bottom of the coach. He speaks to them—encourages them, but in vain. He then takes out his watch, and and the money in his pockets, and lays the whole under the cushions, when he draws his other two-barrelled, and one six-barrelled pistol, with which he purposed to pursue the campaign. The former weapon he presents to one of the passengers, exhorting him to leave the coach and defend himself. Speyers himself prepares the pistol, and offers to place it in the hands of the passenger, but he trembles so with fear that he cannot grasp it. On seeing this, Speyers becomes still more excited, and exclaims: "Since you are all cowards, I shall defend myself, alone; remain where you are."

Meantime the highwaymen were crying, "He is loading again, fire, fire!" and they poured in the coach a deluge of bullets, which respected the valiant Speyers. The latter, however, looses no time; seizing a firm hold of his revolver, he darts forward in pursuit of the eleven robbers, who, on seeing him, leap over the wide trench on one side of the road, there to re-load their weapons. Shortly after they return towards Speyers, surround him at some distance, and cry to him, "We see you are a brave man, so are we—surrender. We do not wish to kill so valiant a man." "Very brave, you are, indeed," "eleven against one." This said, he sets forth in pursuit of the robbers, who fly at his approach. "Why, do you fly?" he cries, "did you not say you were brave? Come, cowards—come, every one of you—one by one I await you here."

But their only answer is a shower of bullets and slugs, which whistle around the undaunted Speyers. He replies by a discharge of four barrels, that proves ineffectual, in consequence of the incessant movement by the horses preventing his aiming with any approach to certainty.

This general discharge having been made, all the passengers advance towards Speyers; they seize hold of him, they entreat him to yield up his arms, for they are all going to be victims; he should recollect that there is a lady among them.—Speyers resists: the robbers surround him once more; then he, pistol in hand, cries: "Come, you say that you are brave, we will see if it be so. I shall surrender my arms on two conditions.'—"What are they?" cry the robbers; "we swear faithfully to respect them." "Well, then," said Speyers, "the first is, that you will make no attempts against my person; the second is, that you will touch nothing belonging to me." "Yes, we swear it," exclaimed all the robbers in a breath. "Here, then is my weapon," answers Speyers; "there are yet two barrels loaded."

The captain of the band then received the pistol, and all proceeded together toward the diligence. In one instant all the trunks were torn open, the carpet bags turned inside out, &c.—the banditti respectilig nothing but what Speyers pointed out as his property. Mean-while, our hero, seated on a case containing the samples of goods which he carried, was drawing figures in the sand, with a coolness and *sang froid* something more than admirable.

The robbery being completed, the highwaymen having resumed their seats on horseback, saluted Speyers, taking leave of him in these words: "Farewell, brave man; remember that we robbers know how to keep our word." "Farewell," answered Speyers, "God grant that it may not be forever."

In this fight more than thirty shots were discharged at Speyers. Two half spent balls were the only ones that reached him, when he was searching for his revolver in the diligence; one struck him on the arm and the other in the back, a third he found in his boot on going to bed, without knowing whence it came. The Englishman had his hand badly injured by a bullet, which even now cannot be extracted. The driver was also wounded, and the French lady received in her dress four bullets, which did not, however, injure her.

Mr. Albert Speyers lost in this affair nothing but his watch and some money, deposited in the diligence, and which he did not claim, having no arms to back his demand.

We have been informed that Mr. Speyers is a merchant, established at New York, and accustomed to travel in caravans among the Indians of the North, and on one occasion, behind his wagons, with ten companions, sustained against seventy-five savages a combat which lasted from sunrise to sunset, leaving more than twenty-five of them stretched on the ground.

We sincerely wish that there were in Mexico a few hundred men of the Speyer stamp, in order that the highway banditti might receive the only treatment and the only indulgence they deserve daily, notwithstanding the philanthropic tenderness of the honorable representatives who, at most, prescribe a change of climate to the cure of what they deem a local infirmity.

Game of Brag.

"Talk about your darned fast lines," said a Yankee to a cockney, who was so impudent, in the natural way of his countrymen, to commence bragging on English railroads, while the couple were progressing at the rate of forty miles an hour on the Birmingham railway. "Why, mister, this ere road is partly considerable for England, but it won't do for 'Meriky.—We ride a straddle o' telegraphs there, when we're in a hurry; but when we ain't, we take the railroad. I was coming from Philadelphy to New York, when I ses to a feller settin' by me, 'who on airth owns that big garden with white palins around it?'"

"I don't see no white palins," ses he. "I don't see nuthin' else," ses I, "and a mighty tall fence it is, too."

The feller burst out a laughin,' "why you darned fool," ses he, "them's the telegraph poles." And sure enough, when the engine feller stopped, I saw them posts a hundred feet apart, and we had been going so allfired fast, they looked for all the world like white pallins."

"At this moment, the bell gang at a signal station, before the cockney, had fully recovered from Jonathan's last dose."

"What's that bell ringing for?" inquired the latter of his English friend.

"We are approaching D——."

"Well, them kind of bell fixins does for these ere slow cars, but we can't use them are contrivances in 'Meriky.'"

"Ah why not?"

"Travel too fast—fact, beat sound all to smash. We would be smack through the village before the sound of a first clapper was in the neighborhood."

"My heyes! is it possible," exclaimed the astonished cockney.

"Fact again, by thunder! Why I was on the York cars when them are steam whistles were first tried. May be you've heern of the terrible accident?"

"No."

"Well sir, we were going it strong.—Hurrycanes where no whar—all nature seemed shakin to pieces, when, several miles off, something was seen on the track. The whistle was let loose, and she did scream arful; but it was no manner of use, for, after tumbling over a span of smart horses, and a big market wagon, I was just rising from a pond, when along come the whistle holler, mixed up with some big cusses I mind to have heern the engine man rip out, when he first saw the wagon. But the poor feller was dead when his voice arrived. Fact, got the documents."

"Hextraordinary," exclaimed the horror-stricken cockney. "And do they use whistles yet?"

"Bless your soul, no. Congress stopped 'em right off, and now we act on the philosophic principles, that light travels an allfired sight faster than sound, which will do, perhaps, for this generation. We now tell 'em we are cumin' by bursting out a light that astonishes all animal creation, and I reckon rather surprised the planetary system at first. When it was tried at night, the roosters on the road commenced crowing, and the chickens all got down from their roosts thinking it was daylight."

The cars suddenly stopped, when Jonathan having arrived at the point of his destination looked around at the astonished cockney nodded his head, and taking his carpet bag under one arm and an umbrella under the other, took his leave as sober as a deacon.

Our Mike has been extending his attention, heretofore given to gas light literature, to some of the tender sex; but with what success is best portrayed by his inimitable Jattie:

'Twas on the moonlit sidewalk,
'Neath the slanthus tree,
That she leaned against my waistcoat,
And whispered—"marry me!"
Oh, that agonizing moment,
I never shall forget:
Her lips with nectar laden,
I think I taste them yet.
Just as this little Eden
Approached reality:
A gruff voice uttered sternly—
"What is all this?"
And then I felt a ragged boot
Apply, with might and main—
I fell upon the side-walk,
And off went Mary Jane!

"Are those pure canaries?" asked a gentleman of a bird dealer with whom he was negotiating for a gift for his lair "—"Yes, sir," said the dealer, confidentially; "I raised them birds myself from canary seed!"

Why is a newspaper like an army? Because it has leaders, columns and reviews.

After Marriage.

THREE WEEKS AFTER.

My dearest, are you going out?
Indeed, 'tis very cold—
Let me, sweet love, around your neck
This handkerchief enfold.

You know how anxious for your health,
My own dear George, am I,
One loving kiss before we part,
Good bye, sweet chuck, good bye.

THREE YEARS AFTER.

You're going out—why don't you go?
I cannot help the rain;
You wouldn't grieve me mightily,
To ne'er come back again.

Umbrella?—I don't know where it is,
What'll you want next, I wonder?
Don't pester me about your cold—
Good gracious—go to thunder!

The Japan Expedition.

The N. Y. Tribune has an interesting article on the Japan Expedition and naval matters. We copy the following paragraph:

"The Mississippi takes out a variety of articles as presents to the Emperor of Japan—to conciliate him, astonish the natives and prepare the way for the desired negotiation. A locomotive and a quantity of railroad iron will be taken along with which to show him the operations of a railroad. Telegraphic apparatus and wire will be taken along, with which to demonstrate how the lightnings have been converted to the use of civilization. Two of the ship's engineers [Messrs. E. D. Robie, and W. Alexander,] are learning the use of the apparatus, in order to explain it to the Emperor. An apparatus for taking daguerreotypes will also be used and explained for the information of His Majesty, by Lieut. Budd. A beautiful barge is on board to be presented to him. Also boxes of domestic goods, comprising a great variety of manufactured articles, which are to give the Emperor an idea of the industrial pursuits of this country, and perhaps awaken a desire on his part for an exchange of commodities between Japan and the United States. The Mississippi will take ten boats for her use. There are four beaut ful brass nine pounders mounted on carriages, which are to be used if necessary, by parties of engineers engaged in surveying. They can be fitted in the bows of the boats which may be employed in surveying the coast. Should this expedition succeed in its undertaking, and establish commercial relations between the United States and that extensive and secluded nation, it will richly repay the risk and expenditure incurred."

UNPROFITABLE BOARDER.—A physician relates the case of a boy only 12 years of age, who, from a feeling of inanition, had so strong a craving, that he could gnaw his own flesh when not supplied with food; and when he awoke he was constantly eating. The food given to him consisted of bread, meat, beer, milk, water, cheese, sugar, treacle, pudding, pies, fruits, broths, potatoes, &c., and of these, he swallowed, in six successive days, three hundred and eighty-four pounds, eight ounces, avoirdupois, being sixty-four pounds a day on the average.

The Scioto (Ohio) Gazette reports a sale of improved Short Horn Cattle, at which higher prices were realized than was ever before paid for the same number of cattle, at least in this country. Sixteen animals were sold at the aggregate price of $21,78!. One bull, "Nobleman," was sold for $2,510!

SHARP PRACTICE.—The Springfield Republican says that John Van Buren has been to Concord since the election. This is a sharp practice. There will be anything but *concord* in the party if John gets a place. And the same may be said if he don't get a place.

A BRIGHT SPOT.—A small town in Montgomery county, North Carolina, called "The Forks," voted unanimously for Scott and Graham at the late election.—There are 128 votes in the place, but there is not a solitary Pierce and King man in that spot.

ORIGIN OF SEVERAL FASHIONS.—Fashions have been frequently originated in endeavors of the inventors to hide some deformity; hoops, for instance, to conceal an ill-shaped hip; ruffles, a scar on the neck, perhaps; large sleeves, history does not mention, and conjecture might not be acceptable. Patches were invented in the reign of Edward the VIth, by a lady, who in this manner covered a wen on her neck Charles the VIIth, of France, introduced long coats to hide a pair of crooked legs.—Peaked shoes, full two feet long, were invented by the Duke of Abjou to conceal a deformed foot. Francis Ist, was obliged from a wound in his head, to wear short hair, and hence the fashion. Isabella, of Bavaria, was proud of her beauty, and introduced the custom of leaving the neck and shoulders uncovered. Charles VIth, by severe edicts, banished tight breeches; and in the reign of Elizabeth, enormous large breeches came in fashion. The beaux of that day stuffed their breeches with rags, feathers, wool, and other light stuff, till they resembled huge bales of cotton. To come up to them, the ladies invented large hooped petticoats. It was said that two lovers could not come within seven feet of each other? At one time square toes ran to such width, that a proclamation was issued that no person should be allowed more than six inches at the toes.

A young greenhorn was told that if he pressed a certain bashful young lady she would sing. The next evening he asked her to sing, and she excused herself.—"Why, Tharsh," said he, "don't you think you could thing if I thqueezed you a little?"

Why is a man ascending Vesuvius like an Irishman trying to kiss a pretty girl? Because he wants to get in the crater's mouth.

The Protestant population of France is only one million and a half, while the Catholic population is thirty-five or thirty-six millions.

[Reported for the "Star and Banner."]

MURDER TRIAL.

COMMONWEALTH vs. JAMES GREEN.

Indicted for the murder of Sam'l Mars on the 1st of April, 1852. Defendant pleads 'Not Guilty.'

JURORS.

1. Eman'l. Neidich,	7. Henry Felty,
2. John Coshun,	8. Geo. B. Thomas,
3. A. W. Maginly,	9. Franklin Hersh,
4. Joseph J. Kerr,	10. Henry Mayer,
5. Sebast'n Heffor,	11. Geo. Chritzman,
6. Samuel Diller,	12. Geo. Hagerman

Counsel for the Commonwealth, REED and HEPBURN; for Defendant, M'CONAUGHY, COOPER and DURKEE. Mr. REED opened for the Commonwealth, referring to the legal distinction between the different kinds of homicide, murder in the first and second degree, and detailing the evidence expected to be offered.

TESTIMONY.

MICHAEL WARNER, sworn. I am acquainted with the prisoner and the deceased. Was with them on the 1st of April. Green sent the little boy down to tell me he wanted to see me, or rather the old lady. Told me he wanted me to tell Mary Woods to fetch her bundle back to his house. I told her and she said she would. Then the wagon (Paul Sowers) started at the house of John Woods on the 1st of April to go on to the hill. John Woods, Samuel Mars and Paul Sowers, started together with the wagon. John moved to the hill. After they started Green called to John Woods to come back. He didn't hear. The women started to go over, and after they got to the big road, Green halloed to Mary Woods to come back. She came back, and James told her she wouldn't come back if she went. She said she would. I told Jim to let her go. Said he would. They started.—Then Jim said, 'their heads hung together,—there will be a revolution on the hill to-day.' He repeated it. Green asked me to go along to the hill. I told him I could not. I told him to let her go. 'The hill is what we call the big hill back of Penrose's. John Woods lived about 2½ miles from the hill. He said nothing about shooting. Don't know what he meant by "heads hung together." He was talking about Nancy Woods.

X-Examined. The family had started but she came back; then the conversation occurred as I have related.

RACHEL WOODS, (colored) sworn. I am the wife of John Woods. We were moving on the first of April last. I saw Samuel Mars that morning before we went to the hill. I saw James Green. I had a talk with him going up to the hill. He said he 'would break Samuel Mars' plaine up to-day, the ——— infernal rascal.' I asked him how. He said he would show me.' This was going up to the hill. I saw him and Mars together on the hill. Green asked Mars if he was a man; Mars said he was a man. Green said, 'by ——, I am a man too.'" Mars told Green he wanted nothing to do with him. Then Green shot him. Did it with a pistol.—Green then said that he had 'a revenge at Mars, and by ——, it was out now.' They were standing face to face before Mars told Green he wanted nothing to do with him. Mars was not angry. After he shot, Green went out, and Mars followed him and threw a stick at him, and told him to come back. Mars turned to come back to the house, and fell. He died about an hour and a half after it. This was about 11 o'clock. They were in the room at the house where we were moving to on the hill. I was standing behind Mars. I was doing nothing—had been cutting the pies. Mars said, about fifteen minutes before he died, Green would not kill any more men. I saw Green go up towards Mars; he went close up to him; Mars pushed him back with his open hand and then said, "I want to have nothing to do with you."

X-Examined. I stood behind Mars.—He was a middling large man. I could see Green, though. I have told all that was said. I did not hear Mars swear any before this happened. Mars did not push Green hard. I never told any person that I was not behind Mars—I did not tell Jesse Cook so. Did not tell him Mars gave Green a hard push before Green shot—never told any body so. Did not tell him that there was hard swearing, and that they both swore. I never told him I had a mind to get out of the room, there was such a swearing. I never told Mr. Cook I was not behind Mars. I told him just the same that I told here. Don't mind that I told Cook that Green said he had a revenge against Mars and now it was out, I don't think it was more than a week after this happened that Cook talked to me about it. Mars followed Green about two rods from the house, I think, after he was shot. He picked up the club at the door, which he threw.

By Mr. COOPER. The room was square in which we were. There was a door in it opening into the kitchen. The door is in the corner. Isaac Woods, a lad, was in the room. Green stood next the kitchen door. The table I cut the pies at, was at the far end from the door—and Mars just before me. The boy was by the window. Green did not stumble over the boy.—Mars never got between Green and the door. The first thing Green did when he came in, was to ask Mars if he was a man. They had no conversation before, that I heard. I saw them all the time they were in the room. Heard nothing before that. I heard all they did say.

By Mr. DURKEE. There was no dancing done in that room before this occurred. Don't remember that I heard them whistling. I saw them have the whiskey. I think Paul Sowers, Charity Sanders, Daniel Cline, Nancy Woods and John Woods were in the room besides Green, Mars, myself and Isaac. Don't mind of anybody being in the kitchen then. The kitchen door was standing open. There are two windows in the room. Little Isaac was by the window near the kitchen door. I saw him there. Can't tell where the rest stood. Mars had his coat off, and sleeves rolled up when this took place. Don't mind whether Green's coat was on or off. I did not see him with it off.

Re-Ex. They were unloading door things that morning—had carried them into the house. I was cutting pies whilst they were carrying them in. I stood at the dresser.

Re-X-Examined. I saw nobody drink—they had the jug. Mars had it in his hand. The women did not drink. I did not. It was a gallon jug. The whiskey came from Charley Myers. He lives at Bendersville. I saw them have whiskey at the house we moved from. I saw them drink there—Mars and Green.

Thursday afternoon.

PAUL SOWERS, sworn. I was at John Woods' on the 1st of April last. I saw James Green and Samuel Mars there. I was on the big hill, where Woods moved. I went in through the kitchen into the room. I heard Green say he feared no man living. Mars said he didn't fear one man, and he didn't care for him. Then I saw him having a pistol, and just as I saw the pistol I heard it discharged. He shot Mars. They both went out. Green came and Mars picked up a stick, ran about 2 rods, and threw it after him. He turned to come back and fell. Then Jim came back and I went up and asked him why he had shot Sam without a reason. He said, "I shot him." I saw Mars put up his open hand and tell Green to go away from him. This was before he was shot. They were close together. He took the pistol forward from his thigh, when he shot; he must have raised it up some.

X-Examined. I was in the room when Mars was shot.

CHARITY SANDERS, sworn (colored). I went with Jim Green up to John Woods' on the 1st of April last. Going along the road up, I heard him say to Rachel Woods, "Sam Mars did not speak to me to-day." She says, "didn't he?" He replied, "No, but never mind I will lay his plans." On the hill I saw Mars lay his hand on James Green's breast, and tell him to stand off; he did not want to have any thing to do with him. This was in the room. Green said, "By ——, you are not going to push me about this way." I saw Green had a pistol in his right hand. I turned to go out of the door, and I heard the pistol going off.

X-Examined. I was standing in the doorway between the room and the kitchen—rather in the kitchen. I don't know that I was subpoenaed for James. Mr. Jesse Cook subpoenaed me, but he did not tell me what it was for. I did not tell him that I did not belong to that party. I did say, so about four days ago. I told him I did not *know* I belonged to that party.

JOHN WOODS, sworn (colored). I was present at my house when the affair occurred—on the 1st day of April last. It was on the big hill. The first I heard was James Green asking Samuel Mars whether he was a man. Sam said he was a man and feared no one. Then Jim stepped up close to him, and said, "By ——, I fear no man living." Then Sam Mars shoved him back with his open hand and told him he didn't want to have anything to do with him. And after that he shot him, as soon as it could be done. I saw him as he presented it; he brought his right hand just opposite the stomach. I saw the handle of the pistol in his pocket about half an hour before it happened.—Green then went out and Sam followed after him; picked up a stick; followed him about two rods, and threw it. He then turned to come back and fell; I helped him up and he fell again. Then James Green came back and I told him he "would swing hemp for that." He said, "I don't care, I expect to hang anyhow." Then he said