he would "go to town and give himself up." Green is our witness.

X-Examined.—I was in the room resident between the two, when the pistol was discharged. He had the pistol in his pantaloons pocket, and pulled it upin front of Mars; shot, and his arm flew back. He carried the pistol for six years, he said, to defend himself from anybody that would interrupt him.

Re-Ex.—Prisoner—Did he not tell you before, and repeatedly, that he carried it for the purpose of protecting himself from the attacks of a disappointed Bridge slut. Was an objected to opening the door to give an evidence the declarations of defendant. The court rejected it on being pressured at this stage of the trial.)

He said he would go and deliver himself up; and then he left.

CHAS. WYERS, affirmed. I brought James Green down to Bendersville on the 24 day of April, and put him in jail. On the way coming *down*, says I, "Jim, I just expected this would turn out this bad way, some day, with your pistol." Says he, "I am sorry it is done; but I had to do it in my own defence." Says I, "Jim, it was no use to do a thing of that kind, for you know Sam Mars was never any quarrelsome." Says he, "you know that Sam wouldn't have hurt you." Says he, "I didn't know what he would do! he was a quarrelsome man, and I was afraid." I then asked him, says I, "Was you sent down at variance; or what was you quarreling about?" He didn't say anything particular, but said a step daughter of his was hired at Sam's mother's, and he did not want her to stay there, for he thought Sam wanted her for his own accommodation, and she rather wanted to stay there. He said he did shoot him, but that he was sorry for it. He didn't say whether he was willing she should stay there or not. I can't say whether he had well got a step in it.

Re-Ex. Green told me he wanted Nancy at home, and he was determined to put a stop to it, (her staying at Mrs'.)

NANCY WOODS, col'd., sworn. I was at the shooting of Sam Mars on the hill. I was in the house. The first thing I heard was Green asking Mars if he was a man. He said he was, and feared no one man. Green stepped up to Mars and Mars took the back of his hand and pushed him away. And as he pushed him, Green swore by his Maker, he should not push him about in that way. Then he shot him. Then Green went out and Mars followed him. Mars picked up a stick and threw it after him. He turned to come back and fell. up with Wesley Sadler, Mary Charity Sanders, and Jim Green. Sam Mars, Paul Sowers, and John Woods, went with Green. I followed Green to the hill first. The wagon went another road. We didn't go by no public road. I was there when the things were brought up. They all helped to unload and bring the things into the house. All the men took a drink around. I was there when the pistol was fired off. I wasn't in when it began. Sam Blocher came down and I left Green Sam to stand back, and Sam swore and his against the door. He said "By——" I said he had shot the door with his fist. He pushed Jim over against me. I was standing by the door. I didn't know how I got out. I don't recollect who I was, and expressed himself pleased that he had got into my hands.

Friday Morning.

Dr. E. W. MUMMA recalled. I had seen Samuel Mars several times before his death. He was a large muscular man, very stiff for his age. I think. He formed a mulish inclination. A man of great strength. I supposed his weight might have been from 170 pounds, perhaps more. He had not seen Green for two years.

JESSE COOK recalled. Samuel Mars was a stout, big man. I think he was considered a man of great strength—a strong man. I would suppose his weight to be 180 pounds from his appearance, may be more. I would guess he was in about 25 years of age. According to the account James Green gave me, when he first came into the neighborhood, he must be near 50.

X-Ex.—Mars was not married.

THOMAS BLOCHER, Esq., recalled. I had known Mars for some time. Thought him 25 or 26 years old. He was a strong-looking man. Supposed his weight 160 perhaps more. I was present at the Coroner's Inquest, and one of the Jurors. I heard Green in his examination of the witnesses, and asked some questions in turn. I was foreman of the Jury. Paul Sowers, Daniel Blocher, and Rachel Woods, were examined before the Jury. I think there was no declaration about Jim's having revenge against Mars, in Paul Sowers' testimony before the Coroner's Inquest.

Re-Ex.—I think there was no question put to him in reference to that. Rachel Woods testified in reference to it. Sowers was the first witness examined. He was not recalled after Rachel was examined.

Re-Ex. in chief.—Rachel was the only one that testified about revenge at that time.

Dr. E. W. MUMMA recalled. I was present at the Coroner's Inquest. I did not hear Paul Sowers testify that Green had said he had revenge against Mars. I was busily engaged at the time sewing up the body. I heard the witnesses, being close by—and think I heard one of them, don't know which, that Green had something about revenge—not more than one.

X-Ex.—The others might have so testified without my having heard it.

DEFENDANT RESTS.

CHARLES MYERS recalled. (Commonwealth proposed to examine Defendant, and had declared he carried a pistol for the purpose of shooting down any man who would insult him. Defendant objected to the testimony at this stage of the proceeding, as being out of time. Rejected by the Court.)

Comm. proposed to prove that Green told a witness some time since, that if he could shoot Mars, he would give out he shot himself up and then he would be cleared.—Rejected by the Court.

JOHN WOODS (colored) recalled.—Isaac was in the room, looking out of the window, when this affray occurred. I was in the room all the time. Mars did not run Green around the room. He did not push him nearly over before he was shot.

PAUL SOWERS recalled. I was in the room but a short time—a minute or two. I did not see Mars run Green round the room. I did not see Mars push Green over.—I heard the words spoken that I told you yesterday—and if he had pushed him over, I must have heard it. I didn't.

X-Ex.—I saw Mars put his hand against Green, but he did not push him over.

The Counsel for Defendant gave a motion for a new trial, on the ground that the verdict was not in accordance with the evidence—and that it was contrary to law.

NANCY WOODS, (colored) recalled.—I was not in the room all the time. I was standing in the room door. I did not see Green shoot Mars. I was not in long before the shot was fired. I don't know how long. I did not see Mars run Green round the room. Did not see him push him over. I was looking at them.

SAMUEL JOHNSON sworn. I am the person who brought Green to town.—(Commonwealth offered to prove that Green, after leaving the neighborhood of Mars, said he had shot Mars for some time. Thought him 25 or 26 years old. He was a strong-looking man. Supposed his weight 160 perhaps more. I was present at the Coroner's Inquest, and one of the Jurors. I heard Green in his examination of the witnesses, and asked some questions in turn. I was foreman of the Jury. Paul Sowers, Daniel Blocher, and Rachel Woods, were examined before the Jury. I think there was no declaration about Jim's having revenge against Mars, in Paul Sowers' testimony before the Coroner's Inquest.

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