

to Howser) it was between two and three o'clock, p. m., when he came to my house: he came through the woods, below the barn, to the gate where I was: he said, "where does this widow live?" he studied awhile, and added, "widow Wilson?" put him on the road and he started away: he spoke broken English: his beard and hair are now longer than when I saw him: he had a mustache: fix the day by William Stewart telling me it was a kind of holiday.

Cross-examined: This was Thursday of the last week of May or the first week of June: (prisoner told to stand up) can't come to any other conclusion than that's the man: he has every appearance of the man: thought it strange he travelled through the woods, and the road so close by: he had dark gray eyes, long black hair, mustache, &c., same as prisoner: this is the man: may have made mistakes in my life, but am right now.

HE HAS A FIGHT WITH A DOG.

Mrs. Anna Cobough called: About the latter end of May or first of June, saw a stranger near my place, in Taylor township, Cambria county, on the Ebensburg and Johnstown road: live about a half mile from Giffin's house: saw this man on Thursday, 25th of May: sold a heifer to the butcher the day before, which was the 24th, and the next day saw this strange man there: saw him first standing on the fence of the orchard, then heard a scuffle in the lane, and the dog jumped down as if he had attacked him and jumped at his throat: he swore about the dog, and said he'd prosecute me for keeping him: he had stones in his hands at the time: told him he would get himself into trouble, that was no public road, and that he'd better let the dog alone on our own premises: he spoke broken English, only when he swore: he was a dark, dirty looking man, with black hair and dark eyes, and between five feet six and ten inches high: this about four o'clock in the afternoon: never saw the man before; think he is in the Court room now: that dark-haired man (Howser) is the man.

Cross-examined: Frequently find men alike, but never saw any two men I couldn't tell apart.

Mrs. Hildebrand, re-called: Heard of murder of Polly Paul soon after it occurred: this man was at my house before the murder.

Michael Stibolsky, recalled: I subpoenaed Weinsickel and Schrit yesterday; Messrs. Johnston and Reade directed me to do so.

HOW THE TRAINS RAN AT THE TIME.

G. W. Kirby, (a juror) sworn: (Prisoner) asked a bill of exceptions on the objection to the testimony of witness on the ground of his being a juror: there were five passenger trains running East from Pittsburgh about the 7th of June last, on the Pennsylvania Railroad; two of these trains stopped at Summerhill, one about 10 o'clock in the forenoon, the other about 6 o'clock in the evening: all trains stop at Conemaugh, going both ways; the average time of fast trains is about four hours from Pittsburgh to Summerhill.

LETTERS OF ADMINISTRATION.

Upon Polly Paul's estate offered, to show the assets that came into the hands of the Administrator, to be followed by the inventory. (Prisoners' counsel object—that the record cannot be evidence against the prisoners, because they would have no opportunity for cross-examination of the appraisers—a collateral fact ought not to be evidence when there was no chance for cross-examination. Objection sustained, and bill of exceptions sealed.)

Record read:—Twelfth June 1865. Bond and oath of Samuel S. Paul, Administrator. Appraisement and Inventory filed, 28th June, 1865, under the oaths of Dunmire and Wyke. Among many other items of personal property was the following: "Cash, \$89.62."

Commonwealth here rests at 20 minutes to 12 o'clock, and Court adjourned.

Afternoon.—Court called at two o'clock. Prisoners' counsel conclude not to call any witnesses for the defence, and testimony closed.

READINGS OF COUNSEL.

[Want of room prevents us publishing the very voluminous notes of the pleas of counsel on either side.]

George M. Reed, Esq., opened argument for the Commonwealth at fifteen minutes before three o'clock, closing at six o'clock. Court adjourned.

THURSDAY—FIFTH DAY.

Court met at nine o'clock, a. m.

District Attorney Barnes addressed the jury on behalf of the Commonwealth in a speech of fifty-five minutes in length.

John P. Linton, Esq., opened argument in behalf of prisoners at ten o'clock, concluding at 11.34.

W. H. Rose, Esq., followed for defense in a speech of one hour and five minutes. Court adjourned.

Afternoon.—Court met at 2.30 o'clock.

A. Kopolis, Esq., on behalf of prisoners, spoke for two hours and ten minutes, closing at 4.45.

R. L. Johnston, Esq., closed argument for Commonwealth in a speech of one hour and fifty minutes, concluding at 6.55 o'clock. Court adjourned.

FRIDAY—SIXTH DAY.

Court met at ten minutes to nine o'clock, a. m., at which hour his Honor Judge Taylor commenced the delivery of his charge to the jury. During the delivery, the prisoners manifested the utmost anxiety, and Buser, with his hand shading his eyes, watched the countenance of the Judge with keen, penetrating gaze, never once turning his head until the conclusion of the charge. His Honor in the delivery of charge. We have been promised a copy of the document for publication, and will lay it before our readers at an early day.

THE JURY RETIRE TO THEIR ROOM.

At 10.12 o'clock, the jury, after having listened with great attention and patience to the charge of the Judge, retired to their private room for deliberation, and the prisoners were remained to jail. Court then adjourned, to meet at the ringing of the bell.

THE KNELL OF DEATH.

At eight minutes to eleven o'clock, the Court House bell was tapped, slowly and solemnly, as though it were telling a tale of woe. Hundreds of citizens flocked in mad haste to the Court House, to hear the result of the long and tedious trial. The Judges occupying their seats, with the jury in the center, amid the most impressive silence the Court ever witnessed, the face of Howser changing color half a dozen times in half that number of minutes.

VERDICT OF THE JURY.

The Clerk of the Court, Mr. Zahn, pronounced the usual interrogatory to the Jury: "Gentlemen of the Jury, have you agreed upon your verdict?"

Answer—"We have."

"In the issue joined between the Commonwealth of Pennsylvania and John B. Howser and Daniel Buser, the prisoners at the bar, how do you find—guilty or not guilty?"

Response from the box—"Guilty of Murder in the First Degree!"

POLLING THE JURY.

The counsel for prisoners asked that the Jury be polled, which was done, each Juror in turn, in response to the question "How do you find?" answering in a firm voice—"Guilty of Murder in the First Degree!"

CLOSING SCENES.

During the delivery of the verdict, the prisoners sat wedged close together, as if in verification of the axiom that misery loves company, and "with their souls in their eyes," watched every motion and heard every word of Judge, Clerk, and Jury. But though anxious and attentive in a degree painful to behold, they still betrayed no signs of discomfiture or contrition. Buser, particularly, appeared buoyant and hopeful, as though death were a long way off from his door. The dense crowd in the Court-room seemed satisfied with the justice of the verdict—satisfied of the guilt of the prisoners, and rejoiced that the murderers of the poor, weak, defenseless victims, Misses Paul and Manday, were at last to receive the reward due their awful crime. Amid the most impressive silence, the prisoners were removed to jail, to await sentence. Jury then discharged.

MOTION FOR A NEW TRIAL.

Mr. Kopolis, for the prisoners, moved the Court for a new trial. The Court directed the filing of the reasons on which the motion was based, and adjourned till two o'clock.

Afternoon.—Court met per adjournment. The reasons offered by prisoners' counsel in support of motion for a new trial read, as follows:—

"And now December 15th, 1865,—motion for a new trial. Prisoner's move the Court for a new trial for the following reasons, viz:—

"First: The verdict of the jury finding Daniel Buser guilty of murder in the first degree is not only against, but without evidence, there being no testimony showing, or tending to show, that he was in the County at the time of the commission of the murder.

"Second: The prisoners were deceived by one of the principal witnesses for the Commonwealth, upon whose allegations they relied for their defence; she stating one thing to them and another upon the trial.

"Third: That since hearing the evidence of M. Creary, the principal witness appearing against them, and whose testimony they could not have anticipated, they expect and verily believe that they can prove by the Records, by the Wardens and other officers of the Western Penitentiary, that the same is untrue.

"Fourth: That Mrs. Morgan, one of the witnesses examined on behalf of the Commonwealth, will prove, as the prisoners verily believe, that the man described by Mrs. Preall and by Mrs. Paul, and believed to be John B. Howser by the Commonwealth, was seen by her three days after the murder, at her residence in Cambria county, and at a time when the said prisoners, even according to the evidence of the Commonwealth, were in Allegheny county.

"Fifth: That John Buck and George W. Kerby, called and sworn as jurors in the cause, were in the possession of, at the time of being so called and sworn, facts material to the issue, which they failed to disclose, and were subsequently called on as witnesses by the Commonwealth against the prisoners, in derogation of the rights of the prisoners, and in violation of the practice of the Courts in such cases.

"Sixth: That Philip Bridenstein, M. Grodte, Mrs. Rosenbaur, Mr. Holmes, Mr. Bausman, and Mr. Eckert, and others whose names do not now occur to the prisoners, will prove that the prisoner, John B. Howser, was in Beaver county, on the 25th of May last, and for some time before and after, and could not be in Cambria county as was alleged and sought to be proved by the Commonwealth, and while allegations and testimony to support it could not have been anticipated by the prisoners.

"Seventh: Other after discovered evidence.

"Eighth: The verdict is not warranted by the evidence.

"A. KOPOLIS,
"Wm. H. ROSE,
Counsel for Prisoners.

Cambria County, SS:—

"Before me, an Associate Judge of the Court of Common Pleas of Cambria county, personally came Daniel Buser and John B. Howser, who being duly sworn according to law, say that the facts set forth in the foregoing reasons are true and correct to the best of their knowledge and belief.

Signed "DANIEL BUSER,
"JOHN B. HOWSER,
mark.

"Sworn ante subscribed before me this 15th of Dec. 1865.

Signed G. W. EASLY."

The counsel for prisoners asked for time before entering upon argument of reasons as read; but the Court insisted they should be argued forthwith, unless something stronger was urged for postponement of argument than mere unpreparedness. Counsel for prisoners declining to go into an argument unless counsel for the Commonwealth agree to the truth of reasons as facts, and this not being done, the Court directed prisoners to be brought in for sentence.

THE SENTENCE.

At six minutes past three o'clock, the prisoners were brought into Court. Before proceeding to pass sentence, the usual question was put to them—

"Have you, Daniel Buser, anything to say why the sentence of the law should not be passed upon you?"

The prisoner replied, in quick, nervous, but very distinct tones—

"It is alleged that I have been in this county, and that I committed this murder; it is not true, as I was never in Cambria county till I was brought here by Sheriff Myers." [Here he was prompted by Buser, and added:] "I was in Beaver county at the time of the murder."

The Judge proceeded: "You have been tried and convicted by a jury of your countrymen, and in conformity with that verdict we are under the painful necessity of passing sentence of death upon you. You have had counsel appointed for you by the Court, who, to say the least, have conducted your case with ability and energy. You had the process of the Court and the power of the county to bring witnesses here in your behalf, and when the officer who executed that process returned with the witnesses you had named, you expressed your readiness to be put on trial. The case was deliberately heard by the jury after everything had been done for you that could be done. After a full argument of the case, the jury, without any hesitation,

pronounced you guilty of murder in the first degree, and it only remains for us, in the line of our duty, to pass the sentence of the law upon you. We exhort you not to be deceived by any false hopes of mercy or of escaping death, but to prepare yourselves immediately for your appearance before a higher tribunal."

The Judge, in a solemn manner, then passed sentence as follows:—

"The sentence of the law is, that you, John B. Howser, and you, Daniel Buser, be taken hence to the place from whence you came, in the Jail of the county of Cambria, and from thence to the place of execution, within the walls of the yard of said Jail, and that you, and each of you, be there hanged by the neck until you are dead, and may God have mercy on your souls!"

HOW THE PRISONERS RECEIVED THE SENTENCE.

At the conclusion of the sentence, Buser bowed his head gracefully to the Judge, as though in acknowledgment of a compliment paid him. Howser appeared less indifferent, and evidently felt more keenly the awfulness of the situation in which he was placed.—Both prisoners were then removed to the Jail, around which a strong guard is posted night and day, to guard against the possibility of their escape.

Court Proceedings.

SENTENCE OF GORE.

On Friday of last week, John Gore was brought into Court for sentence. It will be remembered that at last September sessions he was convicted of larceny, and that last week he was convicted of murder in the second degree. For the first crime, he was sentenced to pay a fine of \$1.00 and costs, and undergo an imprisonment in the Western Penitentiary for the period of two years and nine months; for the second crime, he was sentenced to pay a fine of \$1.00 and costs, and undergo an imprisonment in the Western Penitentiary for the period of twelve years, to take effect at and from expiration of first sentence. The prisoner was removed to the Penitentiary on Monday.

SENTENCE OF HESSEL.

Wm. Hessel, convicted at September sessions of larceny, was sentenced by the Court to pay a fine of \$1.00 and costs, and undergo imprisonment in the county jail for three months.

The celebrated "Hutchinson Family" will sing in the Court House, Ebensburg, on Friday evening next, 22d inst. We advise all who appreciate true music and poetry to attend.

Owing to the great length of the murder trial, our Washington letter is crowded out this week.

EBENSBERG AND CRESSON RAILROAD COMPANY.

Notice is hereby given to the Stockholders of the Ebensburg and Cresson Railroad Company, that the annual election for a President and twelve Directors of said Company, will be held at the Office of Hon. A. A. Barker, in the borough of Ebensburg, the second Monday, 8th day of January, 1866, beginning at the hour of one, and closing at four o'clock p. m.

D. J. JONES, Sec'y.

Dec. 14, 1865.

THE PROTECTION MUTUAL FIRE INSURANCE COMPANY OF CAMBRIA COUNTY.

Notice is hereby given to the members of said Company, that the annual election for a Board of Directors, will be held at the Office in Ebensburg, on the second Monday, 8th day of January, 1866, between the hours of Ten o'clock, a. m., and Two o'clock, p. m.

D. J. JONES, Sec'y.

Dec. 14, 1865.

GLENN CONNELL STORE FOR SALE!

The subscriber will sell, at cost, his entire stock of merchandise, together with Storehouse and dwelling, and lot planted with choice Fruit Trees. The location is one of the best in Cambria county, being in the center of a thriving country, seven miles from any other store. Terms will be made to suit purchasers.

For further particulars, call on or address JOSEPH GILL, Glenn Connell, Cambria Co., Pa.

Dec. 14, 1865-tf.

STRAY STEER.—

Came to the residence of the subscriber in Jackson township, Cambria county, on Monday, the 27th day of November last, a roan steer, supposed to be about three years old. The owner will come forward, prove property, pay charges and take him away, otherwise he will be disposed of according to law.

GEORGE LISTER.

December 14, 1865-3*

STRAY STEER.

Came to the residence of the subscriber, in Summerhill township, Cambria county, about the 1st of September last, a small red Steer, supposed to be one year old—a star in the face, the left ear cropped, and a slit in the right. The owner is requested to come forward, prove property and take it away, otherwise it will be disposed of according to law.

PHILIP GEORGE.

Dec. 7th, 1865-2*

STRAY STEER.

Came to the residence of the subscriber, in Washington tp., on Monday, the 27th of November last, a white Steer, supposed to be about four years old. The owner will come forward, prove property, pay charges, and take him away, otherwise he will be disposed of according to law.

THOMAS MONOHAN.

Hemlock, Dec. 7, 1865-3t

NOTICE.—

Notice is hereby given to those persons that have unsettled accounts with the late firm of TUDOR & JONES to come forward immediately and settle with R. H. Tudor, the surviving partner of the firm—present their claims, or pay their indebtedness.

R. H. TUDOR.

Ebensburg, July 13, 1865.

TO THE PEOPLE!

"REMEMBER NUMBER ONE!"

Bring your Greenbacks along and get your Horses shod for \$2.00. You can get your Buggy or Wagon ironed or repaired at R. H. Singer's shop, near Isaac Evans' Tannery.

Ebensburg, Oct. 12, 1865-3m.

TERMS OF SUBSCRIPTION

TO

"THE ALLEGHANIAN."

\$2.00 IN ADVANCE,

OR

\$3.00 IF NOT PAID IN ADVANCE.

DUFF'S COLLEGE!

IRON BUILDINGS.

NO. 37 FIFTH STREET, PITTSBURG, PA.

TUITION FEE NEVER CHANGED.

FORTY DOLLARS PAYS FOR

THE FULL GRADUATING COURSE

Time unlimited in

BOOK KEEPING,
BUSINESS PENMANSHIP,
COMMERCIAL CALCULATIONS,
LECTURES UPON LAW, ETHICS,
DETECTING COUNTERFEIT MONEY, &c.

Other Colleges have either advanced their tuition fee to \$50, or charge \$10 to \$15 extra for Penmanship. Their Books and Stationery, also, costing from \$12 to \$20—ours cost but \$5.

DUFF'S ORIGINAL PLAN OF BUSINESS EDUCATION, as taught in this city for about twenty-five years, from his own systems of Book Keeping, which are sanctioned by the American Institute and Chamber of Commerce, and other competent authorities of New York, as the most perfect system in use, with W. H. DUFF'S FIRST PREMIUM BUSINESS EDUCATION, taught in this city for about twenty-five years, from his own systems of Book Keeping, which are sanctioned by the American Institute and Chamber of Commerce, and other competent authorities of New York, as the most perfect system in use, with W. H. DUFF'S FIRST PREMIUM BUSINESS EDUCATION, taught in this city for about twenty-five years, from his own systems of Book Keeping, which are sanctioned by the American Institute and Chamber of Commerce, and other competent authorities of New York, as the most perfect system in use, with W. H. 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