

any Paper in the County.

g. E. ANDERSON. - - Editor.

BUTLER PA. WEDNESBAY, MAR. 13, 1867 "Liberty and Union, New and Ferever, One

The next session of the Zelienople Institute will open April 29, 1867. For particulars, our readers are referred to advertisement.

This is said to be one of the best Clothes Washers now in use. For in-Washer, read advertisement and address E. Maurhoff, Saxonburg, Butler co., Pa.

For roofing and other purposes stands unrivaled. Frost does not crack nor heat dissolve it. It is perfectly fireproof. Read the advertisement and profit by the information.

McElroy, Dickson & Co., No. 54 Wood Street, Pittsburgh, Pa., have constantly on hand a great variety and splendid stock of dry goods, which they are selling on reasonable terms. Country merchants would do well to give them a call. Sce advertisement.

H. C. Heineman has just received from the East, a spleaded stock of Wall Paper, of the latest styles, and almost every variety, which he will sell at reasonable Give him a call at the News Depot, opposite the Lowry House, on Main St., Butler, Pa.

For something useful and endurable read the advertisement "Important to Property Owners." It contains information which should interest every one that owns a house or barn. The roof composed of the Fire and Water Proof Cement is said to be one of the very best that has ever been discovered.

The trial of J. B. Adlington, for the murder of Sidney B. Cunningham, up to Monday noon, is given in this number of the CITIZEN. We intend publishing the trial in full; persons who may desire to read the same, can procure copies of the CITIZEN by calling at the office, or addressing the Editor. Price,

S ets. per copy

Wilson's Presbyterian Historical Almanac, Vel. 8,
Will contain a memoir of the late Dr.

NIBLOCK. If a sufficient number of subscribers are obtained it will, also, con . tain an eugraved portrait. The regular price of the book is \$3; published by special arrangement. A copy of the book, and a separate copy of the engraving, suitable for framing, will be furnish. ed at \$2. Any one wishing the book can e tain it by handing the name and amount to Rev. John Gailey, of this place, during the coming week.

Philadelphia University of Medicine and Surgery.
The Commencement Exercises of the above Medical College was held last week and the Degree of M. D., was conferred by the President of the Institution, J. 8. Fisher, Esq., upon thirty-eight of the Faculty graduates. The Matriculants of the last session numbered over two hundred. This school was first chartered in 1853 as an Electric Medical College, and has since been elevated by legislative enactment to the dignity of a Medical University.

"Scholarships" can be obtained in this city by applying to L. Oldshue, M. D., who is Professor of Urino-Pathology in the above College. His knowledge of the nature of diseases and their best mode of detection, has placed him in the foremost rank of medical professors in the East. He is well acquainted with all the late improvements in medicine, and his practice of the "old German mode" of detecting diseases by chemical tests and microscopical examination examination of the uring, has secured to him an extensive business, not only in the vicinity in which he lives, but persons from all parts of the country are constantly sending to him for medicines for their re lief. His office and residence is at No. 132 Grant St., Pittsburgh, Pa.

TO THE EDITORS OF THE BUTLER PA To the Epirors of the Butler Pa-pers.—Gentlemen; We, the undersign-ed Grand Jurors of Batler county, March session, 1867, desire, through your col-muns, to return our sincers thanks to the citizens of Butler and vicinity, who so cheerfully assisted in providing lodging for us, when it could be precured no-where else, accept at Mr. Jack's. W. W. Dodds.—Jack's. where else, except at Man.

W. W. Dodds.

John G. Obristy,
Benj. Douthett,
Samuel Glans,
Alfred Wick,
Chambers Wick,
N. F. M'Candless,
Ebenezer Dodds,

Khenezer Dodds,

James Norris,
James Frazier,
James Frazier,
James Frazier,
James Frazier,
James Frazier,
James Horis,
Robert Fowler,
Samuel Lieuson,
John Thompson,
Benj. Slean,
Hugh Gill,
Jas. Stephenson. enezer Dodds, Jas. Stephenson. In Hipple. BUTLER, March 6, 1867.

Do you desire to purchase a Family Bible? Rev. John Davis, of Connoquenessing township, Butler county, is sgent for the Illustrated Family Bible. It is one of the neatest, and best arranged Family Bibles, that we have seen. See advertisement.

I caused an advertisement of the Lan ilton Gold and Sitres Mining Company, of Nevada, to be published in the pa pers of this county, but refused to dis-pose of the Stock until the Superintendent who had been sent to Nevada to ascertain the productiveness of the mines, should return. He has now returned and the ove having been tested, and proving to be as rich as that of the best mines in that State, the Company, at its las meeting in Philadelphia, concluded not to sell Stock, but to issue bonds with coupons attached bearing ten per cent interest, payable in coin. The bonds are redeemable in five years from date, and may, within that time at the option holder, be converted into Stock. If those persons who desired to take stock, wish to have bonds, they can signify their intention by application to JAMES

T. M'JUNEIN, Esq., of Rutler.

J. ZIEGLER, Sec'y & Treas. February 20th, '67-tf.

MR. EBITOR :-- As business called me to Court on Monday of March 4th, I was astonished to find all the Taverns except Mr. Jack's, closed against the citizens of the county. Upon inquiring as to the cause, I was informed it was on account of their being deprived of their liberty to sell intoxicating liquors, which is driving men to premature graves, and destroying causing all the misery and woe that flesh sheir to. Oh! such liberty! Where is thy shame? I have made Mr. Zimmerman's my only lodging place when in Butler, for the last fifteen years or more; and as far as I feel interested, I shall never patronize any of the houses or individuals who have been engaged in closing their doors against the citizens of the county. I do hope and pray that King Alcohol and ignorance cannot prethe county. I do hope and pray that King Alcohol and ignorance cannot prevail in this enlightened age. I would respectfully refer those who are so fond of selling iquor, to the second chapter of Hubakkuk. Perhaps they have never read it, or forgotten the fifteenth verse, of the Sheriff or the prisoner, made a motion to quash the sarray of Grand Jury ors. for the following reasons: read it, or forgotten the fifteenth verse, which reads thus: "Woe unto him that giveth his neighbor strong drink, that putteth the bottle to him and maketh him drunk, also, that thou mayest look

on their nakedness."

A CITIZEN OF BETLER COUNTY.

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To the People of Butler Township.

GENTERMEN:—The School Directors held a specis
meeting in the office of James Bredin, Esq., on the 2n
of March, and by the sid of Mr. Bredin made out wha meeting in the office of Jamas Bredin, Esq., on the 2nd of March, and by the aid of Mr. Bredin made out what they pretend a counter report to remove impressions made by me. I hereby assert that Mr. Bickel never reported to the Auditors any expenses whatever, atthough I requested him several times to make such the return and prove it before a Justice, and lay it before the Auditors. He never done so But he tolds story to the Attorney, as it appears in hist week's paper, and you may take it at what you think it worth. After much figuring, Mr. Bredin finds Bickel's Duplicate short of expense about \$500.00. In the former we stated that Mr. Bickel collected tax for September dreft amounting to \$6.827.85, which amounts to just the same thing. So much to remove impressions. But observe, in the former we stated that Bickel paid Henry Gold and Joseph Manney \$537.85 without authority of law for which I hold their receipts. But to mystify this little matter, they published last week that they paid \$500 bounty, all tax, to some volunteers, and an equal amount it, others; then what up hy saying you have no right to ask any questions about subscription. If you want to know, you must enquire of those to whom you paid it.

## PORTANT TO YOUNG MEN AND TEACHERS.

Every young man, whatever may be his future calling in life, will find a thorough and practical business education his greatest aid to success. Such a course in the had by all, as the expense and time necessary for earnings of every industrious youth in the country. Three mothls only are necessary for a preparation that their mothls only are necessary for a preparation that shall introduce any farmer's sontteenbry or mechanic, into a business position that shall bring him a good salary, and that may lead him on to a business success. At Philadelphia, Pa., a system of instruction has been introduced into J. C. Namford's Business and Telegraph College that, must be thoroughly practical, and work a revolution in commercial instruction in all schools having pupils enough so that it may be introduced. Unfortunately this system of instruction can only be can rised out in faw of the alarger schools in the United States, as it requires for its successful operations great number of students in saily attendance. This course is receiving the spooragement and enthusiattic, support of the leading business men and educators through

report from Rev. Alexander Chrk is strong

TRIALOF

## JOHN B. ADLINGTON. FOR THE MURDER OF Sidney B. Cunningham

COMMONWEATH ) Indicted J. B. ADLINGTON, Homicide WEDNESDAY, March 6, 1867.

WEDNESDAY, Maren o, 1001.

John M. Thompson, Attorney, for Defendant, arose in Court and asked leave to give notice that he should, at the property of an analytic than the stray of -time, move to quash the array

to give notice that he should, at the proper time, move to quash the array of Jurors.

The act of Assembly, said he, specifies the manner in which the writs of Venire shall be issued, executed, served and returned. The Court may order the surit; two Judges to vacation, may orderic; but one Judge could not grant the writ. I hold in my hand three writs of Venire, and it does not appear on their face how they were ordered—whether by the Court, or by two Judges in vacation. I am told that your bonor, ordered it; but there is no evidence of that fact upon the face of the writ. The law specifies the manner of executing the writ, and of its return on the first Monday of the Court. This writ does not show any return of the manner of its execution; nor has it a panel of Jurors, with the christian names and additions of the jusors annexed, as required by law. He was sorry to make such a motion, but when life and death was invivel, he felt it his imperative duty, and he could not shrink from its performance. It is now too late to make a return of the writs.

The Court remarked that it was highly propar to make the suggestion. If the officers of the county had not performent the sure of the writs.

ly proper to make the suggestion. If the officers of the county had not per-formed their duty it was high time they should be informed of the fact. Whith-er a return of the writs of Venire with the pannel of jurors attached may yet be made may be argued at the proper time.

THURSDAY, March 7, 1867. THURSDAY, March 7, 1867.

In the Court of Oyer and Terminer of Butler county, March 7th, 1867. Before his Houor, Lawrence L. M'Guffin, and his Associates Loseph Cummins and Thos. Garvey, Judges.

W. H. H. Riddle, District Attorney; E. M. Junkin and L. Z. Mitchel, for Proscention.

Thompson & Lyon, Charles M Candless, J. N. Purviance, of Butler; and C. M'Carthy, of Pittsburgh, counsels for Defendant,
About 42 o'clock, John B. Adlington,

of the Sheriff or otherwise, ors were legally drawn.

2nd. The Commissioners did not make out and deliver to the Sheriff a list of the

names of persons alleged to have been drawn to serve as Grand Jurors. Bd. No list of such jurors was set up in the Sheriff's office for the inspection

of all persons concerned.

4th The Comm ssioners did not make out and deliver the list of names of such jurors to the Clerk of Court of Quarter Sessions or Oyer and Terminer.

5th. The Clerk of said Court set up no such list in his office for the inspection of all concerned.

tion of all concerned.

6th. The Sheriff was not furnished

6th. The Sheriff was not furnished with the list of the names to be summaned as Grand Jurors until the fourth day of the Term at which said jurors were to attend viz: the 7th day of March, 1867. 7th. The names of the persons to be summoned as Grand Jurors, was not annexed in a panel to the Venire for a Grand Jury until the 4th day of the term to which said Venire was returnable. 8th. The Sheriff did not return the said Venire until the 4th day of the term to which it was returnable, and two days after this bill of indictment had been returned by the (alleged) Grand Jury.

after this bill of indictment had been returned by the (alleged) Grand Jury, when it was filed by the Clerk, as appears, as in fact it was, filed March 5, '67. Wh. The Sheriff made return to said Venire the 7th day of March, A. D., 1867, which was the 4th day of the Term to which it was returnable.

Venire the 7th day of March, A. D., 1867, which was the 4th day of the Term to which it was returnable—the term beginning March 4th.

10th. At the time the Grand Jury was constituted by being sworn and charged by the Judge of said Court, and at the time they acted upon, reported and returned the Bill of Indictment against John B, Adliagon, no return of said Venire had been made by the Sheriff, nor had any list of the names of said Jurora been made by any persons and delivered been made by any persons and delivered to the said Sheriff, nor offered, nor an-nexed to said *Venire*.

11th. There was not a list of the names of the said alleged jurors, in existance in the place or places required, for the inspection of the Defendant, and all others concerned.

12th. The list of the names of the said alleged jurors does not contain the name, surname and addition or occupa-tion, and place of abode of each of said

Mr. Thompson said there was nothing on the face of the writ to show that the Clerk had been ordered by the Court, or by two of the Judges in vacation there of, to issue the writ of Ventre, or mands.

is filed and posted up, is the proper place to examine the list of jurors.

The law requires the return of the panel annexed to the Venire to contain, the name, surname and addition of every juror surmoned. But this panel coatains only the initials of many of the names, as W. W. Dodds, &c., who appear on the paper purporting ta be an indictment against the prisoner, as the foreman of a Grand, Jury. No one could tell legally what Dodds was meant, or what the initials signified. The names should be written in full.

On Mouday morning last there was not a single legal juryman—either Grand or

a single legal juryman -cither Grand or Petit in attendance on this court. There was no return to the venire until Thursday the 7th inst. The writ was not in was no return to the venire until Thursday the 7th inst. The writ was not in the Clerk's office until yesterday. He Thompson) wished to see it, on behalf of the prisoner, and the Sheriff went to his house for it. The return and panel attached were made to day, after he had given notice that he should, at the proper time, move to quash the array of jurors. If there was no legal thand jury, there could, be no legal bill of indictment, against the prisoner. That which purported to be an indictment, was of no more legal consequence than if it had been drawn up by twenty-four in elligent men promiscuously assembled anywhere in the County of Butler. Henca, they could not be asked to plead to the bill of indictment, nor to state their objections to that instrument until after the Ccurt had decided upon the motion to quash the array.

The Act of Assembly authorizes the

had decided upon the motion to quash the array.

The Act of Assembly authorizing the Court, in the event of the array of jurors being set aside, to issue a venire return-able immediately, does not apply to Grand jurors. It only applies to those who are to try the cause to wit: petit jurors.

Hence, if this panel fails, the cause will have to be postponed until next term.

Adjourned until to morrow.

Friday, March 8th, 1867.

The prisoner was brought into Court. Mr. Thompson, on behalf of the defendant, asked leave to file the reisons for his motion to quash the array of jurous. Granted. He also desires to file affiday its of the officers of the court. Exparte. The Court refused, but permitted the officers to be salled and teatify.

F. M. Eastman, Olerk of Court, called. Objected to on the part of profecution, on the ground that it went against the record. Received dehors the record. I am Clerk of this Court since December, 1866. I am still Clerk of this Court. I issued three several papes purporting Friday, March 8th, 1867.

ber, 1866. I am still Clerk of this Court. I issued three several papers purporting to be venires, which were delivered to the Bheriff. I have not yet been furnished with a list of grand or petit jurors, by the Commissioners, nor any other person. There never wassa list of furors put up in my office, by authority. A printed copy of the jury list, signed by the Sheriff, was put up. The Sheriff filed his return to the venire on Thursday last, and it was marked of that date. It was not filed until after the bill of indictment had been found by the grand jury.

was not filed until after the bill of indictment had been found by the grand jury.

Cross examined.—I have a minutebook containing the names of the grand
and traverse jurors; this is the book. I
made the record contained in the same.

Record shown, exhibiting a list of grand
and traverse jurors for March term, 1867.

On Moreham records. On Monday morning, at the opening of the court, I called over this list of grand jurors; those present were marked, and were sworn and empaneled as such, and acted as such. The list attached to the acted as such. The list attached to the venire is the same as that recorded in the minutes of the court. They were called over, sworn and charged in the usual manner. They found bills and presentsments which were duly recorded. They were discharged, certified and paid as Grand jurors.

The counsel for the prisoner said they uade no objection to the manner in which the jury acted—they admitted that proceedings were regular—they objected to the legality of the jury in the first instance—prior to their being sworn and charged.

charged.

Mr. Mitchell, for the prosecution, then offered the record of traverse jurors, and compared it with the venire as attached to the record. There were several discrepencies in the names; but the jurors answered to their names when called by the Clerk from the record. I could not state the day I put up the printed list of jurors in my office; probably a month ago. The traverse jurors were called over every morning, and answered to their names and acted as jurors.

DIRECT.—I took the list from the public newspapers. I had no other means of knowing who were the jurors. The published list, nor the record, is in alphabetical order, excepting the Districts from which the jurors came.

I received an order for an enlarged Mr. Mitchell, for the prosecution, ther

venire from his Honor, Judge M'Guffin, in open court, relating to traverse jurors; but none from any quarter relating to

Sheriff Storey called and sworn. Sheriff Storey called and sworn. Am Sheriff of Butler county. These papers purporting to be vegires were placed in my hands. I made the return to the writs on the 7th. I made no return until after the Grand Jury was discharged. I gave the venires to Mr. Thompson, counsel for defendant, on Tuesday of court. They were handed back to me by the President Judge, on Wednesday. When they were handed back to me, there was no panel of juryes attached to there was no panel of juries attached to them. The panel was given to me on Thursday, by the Commissioners. There never was a list of jurges put up in my office.

by two of the Judges in vacation there, of, to issue the writ of Venire, or mmand, ing the Commissioners and the Sheriff to summon them "to try all causes and matters," &c., as is required by the Act of Assembly relating to that subject.

The Act requires a return of the manner in whigh the Sheriff executed the writ: of notice to Commissioners; of the drawing of Jurors from the wheel, of the service of the summons upon the persons so drawn, with their names, surnames, and additions, or occupations and place of abods anneyed to the Venire; and this return must be made on the first day of the said Court. This was necessary, because the prisoner could not go all over the county to assertain who the Grand Juross are, who must pass, prelimberiatly, upon his rights—who ure to find or ignore an indictment against him. The Clerk's office.

The Act requires a return of the write and this return must be made on the first day of the series of the summons allowed to the venire of the jurors. Mr. Thompson ask and to see the writs. I went to the office and gave them to him. I abted in regard to the returning of the write of the summons ask and to assert the prisoner could not go all over the county to assertain who the Grand Juross are, who must pass, prelimberiatly, upon his rights—who ure to find or ignore an indictment against him. The Clerk's office.

Cross Examined.—The list attached to the venire for Grand Jury as summoned by me, are those on Record and in attended to the venire for Grand Jury as summoned by me, are those on Record and in the equipment of the same lawfully drawn by myself and Commissioners.—

He testified, on comparison of writ and record, the same in regard to the returning of the write as my pracessors had acted. Their writs of venire were lying in the Sheriff so office.

Cross Examined.—The list attached to the venire for Grand Jury as summoned to the venire for Grand Jury as summon.

The clore is of the commissioners.—

The the series of the same lawfully drawn by myself and Commissioners.—

The th

tined as follows:

I am one of the Commissioners of Butler county. I was present at the drawing of the Grand and Petit jurors. This paper is the list containing the names of the Grand and Petit jurors, for March term 1867. I presume it was made out at the time of the drawing.

Prosecution offered to prove the names contained in the paper, identical with those in the panel attached, and returned in the venire of Grand jurors.

Objected to by Defendant's counsel—objection over-ruled and papers compared and received as evidence.

Mr. Dick.—I signed the paper. The same persons, here mentioned as Grand jurors, were certified by the Clerk and paid off as Grand jurors. A. C. Christy, John W. Brandon, and myself, are the Commissioners of the county. I think we were all present at the drawing of the Jury—certainly two of us. The Sheriff was present.

By the Court.—The Assessors in making their returns, seldom report the occupation of taxables, nor in all cases their full, christian names.

Crossed Examined.—I know of no other paper or list of jurors having been made out except this, until the 7th of this moeth—after the Grand jurors had been discharged. The Commissioners authorized the list to be published in both papers.

A. C. Christy sucorn.—I among of the

papers.

A. C. Christy sworn.—I am one of the tommissioners of Butler county—have deben for two years. The Sheriffiand two Commissioners were present at the drawing of the jury. This is the list made out by them. I took this list to the jettier office and requested them to publish it, and furnish the Herald with a copy for publishing. January 14th, 1867, was the date of the drawing of the jury.

1867, was the date of the drawing of the jury.

The Herald offered—this is the list of Grand and Petit jurors.

Defendant objected to the reading of any published list, or any othar list unauthortzed by law. Oser ruled.

The lists were read and compared.—They are the same as furnished by the Commissioners for publication in both papers. The Assessors do not return the full christian names of tha taxables, and therefore, they cannot be, in

the full christian names of the manner, and therefore, they cannot be, in all cases, placed in the wheel; that is the reason why the initials only of some of the jurors are given instead of the christian name. W. W. Dodds, and A. christian name. W. W. Dodds, and A. N. M'Candless are universally known by their initials, and not by their full chris-

their names.

Crossed Examined.—The list made out by the Commissioners differs from that attached to the venire in that the latter gives the occupation of some of the jurality of the former does not. This list ors and the former does not. This list is not signed by the Commissioners, nor any other list. It is not customary to sign it, for publication. It is signed by the Sheriff. There is no law authorizing

the Sheriff. There is no law authorizing the publication.

John B. Buller sacra.—Am a printer; worked at the Herald office ip January; set up in type the list of Grand and Traverse jurns for March Term, 1867.

This is the list furnished me as copy.—
This is the Herald newspaper containing the publication.

the publication.

Mr. Eastman re-oalled. Question by
the Court — I cut from the newspaper a
list of Jurors and posted them up in my

office.

By Prosecution—I entered the names of the jurors on the minutes of the Court about three weeks ago.

Prosecutors offered the newspapers and the certified copy of the lists of Jurors is actioned.

opjected to because there is no certifi cate or return showing that the persons nomed therein were ever drawn as jurors. That it does not contain the surname and That it does not contain the surname and efficient name of each person; nor his occupation or addition. It is not signed by the Commissioners or any of them, or by any person for them. It is on its face wholly defective and void for want of legal formality and in failing to set out, in formal manner, a sufficient description of personal identity of the persons named therein.

Mr. Tho n, on part of Defendant, argued the law upon the question very learnedly; referring to the Act of As-sembly on the subject, and to decissons. The Court suggested that the argu-ment had better be suspended until after

the balance of the papers were offered in evidence as they all seemed to be involv-ed in the same argument. The question whether they would be received is the

whether they would be received is the point to be argued and decided.

Whereupon, Mr. Mitchell, on part of the presecution, offered the returns of the venire of jurors; the newspapers; the slips containing the names of the grand and traverse juries at th. drawing from the wheel, and remaining with the Sheriff. The Sheriff identified these slips as the ones drawn. They did not contain the residence of the jurors.

All the records of the case were offer-

The Court.—I took the list which was drawn by the Commissioners and myself, as authority to summon the jurors.

Objected to, by defandapt's councel because the paper could be produced.

Geo. W. Rusis, Sporgs.—I sm. Clerk of the Commissioners, I made out alist, purporting to be of Grand Jurory.

Objected works are the Commissioners, I made out alist, purporting to be of Grand Jurory.

The Sheriff needed no new writ afort the same not of the panel of j yrors. He read the read of the same of the list was not signed by the Sheriff and paid off and Jury was discharged and paid off possessions. The same person at the drawing of the Grand and Patit jurors, for March in the list containing the mames of the time of the drawing.

Prosecution called Wun, Dick who lest, tiffed as follows:

I am one of the Commissioners of Batler and the same person at the drawing of the Grand and Patit jurors. This paper is the list containing the mames of the time of the drawing.

Prosecution offered to prove the names contained in the paper, identical with those in the panel attached, ard to turned, in the years of Grand juryer.

Objected to, by defandapt's councelled was not been made out allow with the same persons at the drawing of the Grand Juroys, for March in the paper, identical with the same persons, here mentomed as Grand jurors from this list is list to his paper is the list containing the mames of the time of the drawing.

Prosecution offered to prove the name contained in the paper, identical with those in the panel attached, ard to turned, in the years of Grand juror.

Objected to by Defendant's councel round in the paper, identically the same persons, here mentomed as Grand jurors.

Objected to by Defendant's councel round in the paper, identically the paper of the country. I was present at the drawing of the country from this list, it is injured to be produced to prove the name persons, here mentomed as Grand jurors, the Councel of the panel of jurors, the Councel of the panel of the panel of the panel of the panel of the stantary done. The Commissioners authorized the publication of the panels of jurors in the newspapers; they were compared and proven correct with the copy furnished by the Commissioners, and this printed list was no ted up. The venires were returned to this court. It was too late to challenge the array of the Grand jury after they had been organized, brought in a bill and it had been accepted by this Court. They should have craved oper of the array of Grand jurors before they were arganized; because, if the array should be quashed at that time, the Court would have had power to order a special vegire for a new Jury. He referred to authorities in support of this position. The list to be furnished the Sheriff was to enable him to summon the jurors; that he did summon them is an Sheriff was to enable him to summon the jurors; that he did summon them is an swered by the fact that the jurors are all in attendance. The Commissioners had done more than was necessary—they had published it in two papers; there was ample means of knowing who were the triers of the defendant; there were lists in every office in the county. The duty of the defendant, if he had no knowledge of who were his triers, was to have come into court on Monday, and demanded eyer of the Grand jury; but he jas not done so. He has waited until they have found a bill, fransacted their business, been discharged and paid off. He is too late now to take advantage of any defect in the empaneling of the jury.—Mr. Mitchell cited quimerous authorities.

If the Sheriff had refused to make his

If the Sheriff had refused to make his return, on oyer of the jury having been craved by the Defendant, or his attorney, on Monday last, the Court would have compelled him to do so, by fine and imprisonment; hut the wheels of justice are not to be clogged nor impeded by the laches or neglect of the officers of the law, unless the rights of the defendant were jeopardized thereby.

Mr. Thompson, on part of the defendant, said Mr. Adlington had no standing in this court until after a bill of indictment was found. He could only say he was a prisoner in the county jail, on oath If the Sheriff had refused to make his

pient was found. He could only say he was a prisoner in the county jail, on oath of a Constable of Portacsville. He would have been answered by the Court if he had craved oyer of the Grand jury on Monday: We have no knowledge of your case; you are not in Court legally; we do not know you. The defendant had no power to chall now the array on Monday. not know you The defendant had no rower to challenge the array on Monday. He had no status in court. But notice was given that these objections would be urged as they are now urged, before the grand jury was discharged, to wit, on Wednesday. There can be no externed drawn to fill an entire panel of jurgarethey can only be called from the bestonders, to fill up an exhausted panel. There is no law to an array of the cooks to warrant gight a proceeding. If the Grand jury were the most intelligent upright, housest men of the county—if they were total legal body properly drawn, summoned, gettinged, organized and

they were tota legal body properly drawn, summoned, seturned, organized and sworn, they were nothing mo e than a mob, and had no authority to find a bill of indictment for the highest crime known te tha lrw Mr. Thompson argued at great length, citing anthrities to support his regrous to quash the array.

All the officers of court; Clerk, Sheriff, Commissioners, Commissioner's Clerk and even the printer were called to recover.

and even the printer, were called to prove that which should appear on the face of the venire and its return—on the record—to wit; who are the Grand and Tray-erse jurors. Such a proceeding was nev-er before heard in the annals of jurispru-dence. The precept issued by your hon-or, ordering an enlargament of the pangl of jurors, is not directed to the Clerk of the Court, nor to the Sheriff, nor to the Commissioners, nor to any person, what-It might as well be executed by the Su-pervisor as by the Clerk of Court. He demanded the consideration of this subject very carnestly, as a matter of right and humanity.

and humanity.

The Court said they felt very deeply the responsibility of the questions involved—of the rights of the defendant. He had rights and they should be respected; and although people might think the time of the court had been unprofitably occupied for the last twenty-four hours, yet they felt it their duty to listen to the eloquent erguments of the conset and their evidence bearing upon the subject, in consideration of the magnitude of the consequences which are to follow the decision of the gourt.

The rule of court was read by the

All of which is objected to on the part of the Defendant. The printed list of the papel of jurors is objected to on the ground that it is the private property of the printer or publisher, unauthorized by any law. The slips are not ovidence of anything. They do not contain the surnames, christian names nor occupations of the jurors as the law requires.

Adjourned.

AFFERNOON SESSION.

The rule of court was read by the Sheriff.

Mr. Mitchell, for Prosecution, argued the points of law involved in the objections. There is a standing order of the points of law involved in the objections. There is a standing order of the part of the points of law involved in the objections. There is a standing order of the names, surnames and additions of the Country."

The time of the last twenty-four tably to liste the twenty four the counts of the counts of the mounts of the counts of the magnitude of the counts of the magnitude of the count was read by the Judge, relative to the order for a precept for receives. Thus far all was right.

The rule of court was read by the bury law in the count of the count.

The rule of court was read by the bury hand by the constant of the country of the decision of the country and the indictingent; and noted an exception.

The rule of court was read by the bury hand it is the private representation of the country of the decision of the country and the indictingent; and noted an exception.

The rule of court was read by the bury hand it is hard to follow the decision of the country was read by the bury hand; the bury hand it is hard to follow the decision of the country the decision of the country the follow part of the part of the prisoner, in the indictingent; and noted an exception.

The rule of court was read by the bury hand it is the private to the relative to the order for a precept for receives. Thus far all was right.

The rule of court was read by the bury hand it is the private to the country the decision of the country the bury hand it is the private to the indictingent; and noted an e

a ray after a bill of indictment had been found.

The same, arguments and the same, state of facts applied to traverse jurors. The Sheriff was not blamable; he was recently inducted in office; he had not attorney; had found the writs of his predecessor lying it his office; he thought he had a right to leave his there also.—

The jurors were in attendance, and there was sufficient evidence of the panel of jurors, having been placed in such offices, and before the public in such a manner, as to prohibit the idea of injustice.

The judge was lucid and lengthy in giv, lug his reasons for overraining the motion to quant the array. The Court noted

The prisoner was ordered to be arraigned and put upon his trail.

Gen. J. N. Purviance, on behalf of the prisoner, stated that he would move to continue this trial until next term on the ground that there was a great prejudice in the minds of the community, against the prisoner; the moral sense of community was shocked; two men had been ushared into the pressure of their community was shocked; two men had been ushared into the presence of their Maker by a kuife in the hands of some one in an affray. The very fact of the deiendant having been charged with the crime, had great weight in the minds of community. Expressions of opinion had been frequently made to the prejudice of the prisoner. They would offer the testimant of the prisoner of the pris

community. Expressions of opinion had been frequently made to the prejudice of the prisoner. They would offer the testimony of the prisoner and others; and then move for a continuance.

J. C. M'Carthy, Esq., very carnestly, seconded the argument of his collengue,—in consideration of the great prejudice existing in the minds of the community.—for a continuance of the trial. He said, in all his experience as a lawyer, and as a man, he had never witnessed so deep a prejudice. Fifteen miles from Butler he had heard expressions which men ought not to make of any one microwited of crime; and, as he neared Buller, this prejudice was stronger and more deeply seafed. He did not think his client could possibly go to trial with anything like a prospect of being fairley, and impartially heard at this time.

The Court said they were unanimous.

anything like a prospect of being fairley, and impartially heard at this time.

The Court said they were unanimously of opinion that the prisoner could get a fair trial in Butler county.

J. B. Adlington secon.—I think I would not be safe in going to trial at this time; I think If the cause were continued until the June term, I would be bety ucd until the June term, I would be better prepared to go to trial; I have had no opportunity thus tar to make preparations for a trial; I could not safely go to trial, because my relations were not here to assist me. My nephew I expected to assist me, is in Washington.

Note of my friends were here until last Monday: I have no means of my own to assist me in my defense.

Mr. M'Candless, for defense, said hathough the Court would hesitate under

Mr. M'Candless, for defense, said ha though the Court would hesitate, under the circumstances and oath of the prisoner, to force him to trial. He could say on the part of himself and his colleagues, that the prisoner was poor—unable to furnish funds for his defense—to hunt up witnesses who might be all important to his safety. With deference to the Court, there was prejudice in the minds of the public, and ha urged that the Court should temper justice with mercy, and not put the prisoner upon his trial at this time.

Mr. Mitchell, for the p.osecution, resisted the application for a continuance. It was merely for delay. They had not placed before the Court sufficient reasons to warrant them to grant a continuance. Mr. M'Carthy further a gued in fayor of a continuance of the gause. He spoke

a continuince of the cause. He spok

or a continuouse of the sause. He spoke technicy and rehemently.

The Court said they were moved by the conjune appeals in behalf of the prisoner, and as individuals, they might be induced to gonesie to the request for a coftinuance, but there was no logal ground for it—not the singhtest. They must decide

against the motion.

Mr. M. Candless, on the part of the defendant, moved to quash the indictment for the following reasons:

1st. The Bill was found in the Court of Oyer and Terminer, and not in the Quarter Se sions.

Quarter Se sions.

2d. The indictment has not been certified into the Oyer and Terminar from the Quarter Sessions.

3d. The Oyer and Terminer can try

only such cases as shall be found in th Quarter Sessons, and certified into the Oyer and Terminer.

4th. The indictment does not set out

that the jurors were severally sworn of affirmed, and that each juror took his cor-poral oath. Mr. M'Candless referred to the Acts of

Mr. M'Gandiess referred to the Acts of Assembly relative to the subject in sup-port of his motion; and stated that this indictment, in its caption, declared that it had been found by the Grand Jury of the Court of Oyer and Terminer, which was fatal, because no bill could be found in that Court. They must be found in the Quarter Sessions, and certified to the Oyer and Terminer.

Mr. M'Junkin, for Prosecution, said

Mr. M'Junkin, for Prosecution, said the caption was no part of the indict-ment, and referred to authorities to sup-port his position. It could be stricken out and then it would be presumed to have been found in the Quarter Sessions. The Court overruled the motion to quash the indictment; and noted an ex-