

night. I had a conversation with Sidney Oliver concerning this matter, about four or five o'clock in the morning, in the dining room.

The Commonwealth proposed to ask the witness whether Sidney Oliver did not tell him on the morning after the difficulty, that he saw Adlington with a knife, and that witness replied, "yes, God I saw it." This for the purpose of refreshing witness memory.

Defendant, by his counsel, objects because it is hearsay, and Sidney Oliver should be called upon. Because, also, it is a conversation in the absence of defendant. It has nothing to do with this case. He is his own witness, and has already declared three times, distinctly, that he did not see a knife in defendant's hands; and outside declarations of third parties cannot be received as evidence.

The Court suggested that the prosecution should draw up their proposition so as not to include this reply the witness made. They would not receive it in its present shape.

Mr. Thompson, said with all due respect, he wished the Court to place upon the record his objection to the changing of the Commonwealth's proposition, after the defendant had filed his objections.

The Court said they would entertain no such proposition. There was nothing now before the Court. We refused to receive the first proposition. They have now drawn up another.

The prosecution proposed to ask the witness if he had a conversation with Sidney Oliver on the morning after the difficulty about a knife; for the purpose of refreshing the witness' memory.

The defendant by his counsel objects on the ground of its being hearsay, and that declarations of third parties, in the absence of the defendant, are illegal.

The Court over-ruled the objection, and permit the question to be put for the purpose proposed, and no other. Exception noted.

Witness resumed.—I had a conversation with Sidney Oliver on the morning after the difficulty. There was something in relation to a knife, I did not see any one during the difficulty having a knife.

Cross-examined.—I saw Cunningham raise a chair at John Oliver; it was before this I saw Sidney Oliver with the lamp; saw Cunningham knock Oliver down; Oliver passed me to my right—he fell to my left hand. The first I saw of Adlington was about the time Oliver came in, Adlington passed on my left hand, exposing his right side to me; I saw no weapon in his hand; think Adlington caught Oliver's right hand with his left hand; think he helped to lift him; Oliver was lying with right side to me; Adlington was on his right side also—this would turn Adlington's left hand toward me; there was light in the room. If he had had a weapon in his hand, I might not have seen it, as I was not looking for such a thing; did not observe anything peculiar in the manner of defendant when he came in. I went home directly after this, to my father's.

Direct.—When I last saw Adlington and Cunningham standing together, Adlington was standing in his left hand.

Miss Margaret Newton, sworn.
Court adjourned till 9 A. M., to-morrow.

SATURDAY MORNING, March 16.

The prisoner was brought into Court by the Sheriff. The jury answered to their names on call of the Clerk.

This morning an uncle of Sidney B. Cunningham, named Kibby, appeared in Court. He resides near New Cassie, Pa.

Miss Margaret Newton.—I was at the party in Portersville, on the night of the difficulty. The first I knew of the fight, I was standing with Henry Bowder, in the dining room; Calvin Weller came running and told him to come, for God's sake, they were killing his brother Fred. He ran toward the sitting room, and I ran after him as far as the door, and was stopped by the crowd; they were picking Fred up when I first saw him, I then turned round; some one said Bowder's arm was out of place. I told it to the ladies and told them not to be frightened; Weller came out, and we kept him for a while; he broke away and went into the sitting room, where they were fighting; I next saw John Oliver standing covered with blood, a short distance from the door; John L. Jones was near him; could not hear what he said; he seemed to be trying to stop the fight; I stepped into the room and caught hold of my brother and brought him out; he said he would go in again, but would not fight any more—the fight was over; he went in, but was not there long; some one brought him out; I went with them to the kitchen; the door was open all the time between the north room and the sitting room; did not see anything else but what I have told; just after Weller turned round and went in I saw Mr. Oliver; he had been looking in before I heard blows struck, but did not see any one strike a blow. I saw Bowder, Jones and Oliver in the room; Oliver went right back; there was no fighting after that; he very soon came out and went to the kitchen. I could see into the door the last time, although I tried to; the fight was then over; there were one or two with Oliver when he came out—I do not know who they were; Mr. Adlington was in the kitchen; don't know whether he came out with him. They wanted Oliver to go upstairs to bed—he would not go; said he was not much hurt. Fred Bowder was in the kitchen; Adlington was with him; said he would keep his neck tie till he would get over his excitement; Oliver said he would not go; Adlington said, "yes, go up stairs, for a dead man." Adlington's wife went along up stairs, and I turned back, after pushing her along; they went up stairs; I did not go up for a while.—Mr. and Mrs. Adlington, John Oliver and Mrs. Oliver were there; they were talking about the meeting; Adlington said he did not care a damn how soon they had got what they came for. This had reference to Cunningham and Teepie. Mr. Adlington told me where he had been and what he had been doing during the fight; he was in the bar room

when it commenced; he ran to the kitchen and stayed there with his wife and Mrs. Oliver until it was over. This was the first time I was in the room up stairs; the first time I started, I did not get up stairs; I got Mrs. Adlington to go up, and I turned back; I went up shortly afterwards—suppose about five minutes—not less. Mr. Adlington addressed himself to me; we were sitting before the fire at the time. In speaking of the men, Mr. Adlington said that in the evening he had made the sign of an Odd Fellow to Cunningham and Teepie, but they did not notice it; did so again with like result; finally asked them plainly. They said they were not Odd Fellows. He said that was what he liked to see—men answer plainly. This, he said, occurred in the evening before the fight. I understood it was after they returned from their walk. This conversation was up stairs, when sitting by the fire, in Oliver's room; did not hear him say anything about how the men got hurt; did not hear him speak afterwards, that I know of; did not see either Cunningham or Teepie when I looked into the room. The first I saw of Teepie and Cunningham was sitting before the fire in the room; next looking in upon the dancers; next saw Cunningham dance; afterwards calling figures for others to dance. Miss Pale was his partner; think he danced but once; called figures after he danced—think it was the next dance. He stood leaning against the wall near the stairs of the north room, when he called figures; did not see him go back to the sitting room; did not see him play the fiddle. It was half an hour after he danced till the fight commenced. I next saw him lying on the floor just before he died; the Doctor had attended to him; did not see Teepie in the dancing room; don't know where he was when Cunningham was calling figures. I knew after the fight, that Oliver had the revolver or knuckles; did not know of any other person, at that time, having had a weapon; did not see the bleeding stick that night; never saw the stick before nor since. I saw Adlington first about 10 P. M., when he brought Mrs. Adlington to the party; next saw him in the dancing room—it was about a quarter of an hour after he brought his wife—he was dancing when I noticed him; was dancing with his wife; do not know how often he danced; think he danced more than once, don't know whether he danced at the same time Cunningham danced, or not—it was before Cunningham called figures. I next saw him in the kitchen after the fight was over; don't remember of having seen him in the meantime; may have seen him between those times, but can not tell it to mind.

Cross-examined.—My attention was not specially called to Mr. Adlington. Did not see defendant go for a pillow to put under Cunningham's head. The sitting room was very much crowded during the fight; I had passed through the sitting room once or twice, but did not stop; Adlington danced before Cunningham; saw a chair raised, but did not see who had it, nor who was struck; it was raised near the hall door; this was a short time before Oliver came out bleeding. I heard some one cry out, "oh!" I don't know whether any one held Bowder in the kitchen but Adlington; this was before Oliver was washed; I was in the kitchen all the time; did not see Mrs. Adlington wash John Oliver; he was bleeding profusely; I was alarmed at his condition; Adlington called to his wife to assist him, and they took Oliver up stairs; believe I went up stairs soon after the Doctor had dressed Oliver's wound; went up while he was dressing the wound, but went down immediately; next time I went up the wound was dressed; don't remember of seeing Pringle in the room. It was the second time when I was in the room the second time, that these men were stabbed, and was the subject of conversation. He told me he had given his handkerchief to tie up the face of Cunningham; don't know the exact time he told me this; believe I saw defendant once in the dining room. Teepie and Cunningham were strangers; never saw them before this evening.

Lafayette Shaffer sworn.—I was at the dance at the house of John Oliver; was up stairs at the time the fuss began. I heard a noise, and ran down; saw Teepie standing near the door of the sitting room; Oliver had hold of him; I ran into the room; Teepie hit me and knocked me into the hall; I went in, and he knocked me down again; he knocked me down three times; I saw stars for a while; was knocked twice into the hall; the first time I went in through the hall door about four feet into the sitting room; Oliver had hold of him; he hit me the first time with his left hand; I was not doing anything; came down to see what was going on; did not make preparation to strike at first; after I was hit I felt like taking my own part, and was approaching him to hit; but he knocked me down before I got a chance to hit him; the third time I intended to hit him; did add hit him in the free with my fist; had no weapon; did not see any one, nor know of any one having a weapon at that night; Oliver and Teepie were standing three or four feet from the door; Oliver had hold of Teepie; did not see him strike; saw no blows struck but those that hit me; think they were at the right of the door as I went in; there were a good many in the room, but I could not name them; I thought I saw Teepie strike Oliver, the third time I went in, and stagger him back; I think I hit Teepie in the face or head; he was at this time on the left side of the door as we went in; they had suited their position; I do not recollect so well what occurred on the third time I went in; I was hit in the face and saw "stars"; I jumped down at the first stroke, but didn't juggle low enough; don't mind of juggling afterwards; Henry Bowder struck next the street; don't mind if there was a table in the room; there were a good many in the room all round; can't say who were immediately around Oliver and Teepie; saw Bowder; think Teepie hit Oliver; think I saw Oliver hit him in the face; don't recollect of hearing anything said;

Prisoner brought in by the Sheriff.—Jury called and answered to their names.

William Covert sworn.—Saw the defendant have a double-edged butcher knife in his possession, a short time before last fall election, at Mr. Pyle's house, in Portersville; he had it on the inside of his vest; pulled it out and showed it to me; the blade was 5 or 6 inches long, and 1 1/2 inches broad; he held the handle in his hand; it was sharp pointed; he put it back into his sheath; this was in the house; did not observe anything peculiar more than I thought it was made from a file; saw some of the creases of what I took to be file marks.

George Boston sworn.—I live in Portersville; am a blacksmith; don't know anything about defendant having a knife; never saw him have a knife; I made double-edged knives out of files and mill-saws; made about half a dozen; sold one to McKellicke of Lawrence Co., about a month ago; sold one to Abram Weaver six months ago; gave some to men going to the army—one was 10 inches long, the other 5 or 6 inches long; don't believe they ever came back; gave one to Gibson, one to Covert and one to Walton's son. Those 10 inches long were not so wide—they were more than three-fourths of an inch wide; the two shorter ones were about 5 inches long; the description given by Mr. Covert in his testimony was used as the knife I made from a file. I had two of them in my window; missed one of these in the fall about the defendant; a knife; never sold nor gave any such knife; I came down I found Cunningham and Teepie in the sitting room; Oliver was saying to Cunningham, "that's all right, make yourselves welcome." I went out to the bar room; some one said Teepie had taken Cunningham away to walk around; I went out stairs for another partner, and had another dance; think Nelson Storer, Calvin Weller and "Child" Vogle were in the set with me; think the defendant nor Cunningham were in that dance; went up stairs; came down and they were waiting; Danwidie Marshall made some foolish remark; I was standing by the sitting room door when Marshall made the remark; I made some reply, and walked on through toward the dancing room; believe he said, "how are you, Tennessee?" What a fashion of saying "how are you, Gumbutt" &c. I believe mine was a tant reply, don't recollect Cunningham said anything, and said, "if you want any thing of H. New Castle, show your hand." I said I was not speaking to him; he hit me and knocked me back against the North room wall; I partly straightened up, and he hit me again; he was standing by the sitting room door when I found myself in the middle of the dancing room; can't tell who he came out and saw John Oliver and Teepie fighting; there was a great crowd around the door; could not get in—looked a little while and went back to the bar room. When I waked up, they had all gone out of the bar-room; there was a crowd in the sitting room door—could not name them—their backs were to me; saw Oliver and Teepie fighting; they were at the north side of the room. Oliver had hold of Teepie; they were fighting there when I went back to the bar room; Lafayette Shaffer was knocked sideways and head foremost clear out into the hall by some one; can't tell who was standing around the door; did not see who hit him; went as close to the door as I could get for the crowd; saw Fred Bowder strike, but did not see him hit any one; he seemed to strike about his head. I saw Sidney Oliver and James Ambersen in the room; Sidney Oliver was just about to take the lamp off the stand—did not see him take it out of the room; did not see Ambersen do anything—he was in front of the fire. Did not see Bowder hit Oliver; saw John Oliver hit Teepie two or three times; did not see him have any weapon; did not see Teepie hit any one. I was standing toward the west side of the room; there were others standing around. Did not know Cunningham; did not see him in the room. Don't mind of seeing any one in the hall, except those around the door; went to the bar room. Teepie and Oliver were toward the north side of the room; west corner of the sitting room where they were fighting; saw Shaffer go back into the room after he was knocked down; last saw him standing opposite the fire—no one around him when I saw him last; did not notice him; saw Henry Bowder close to the hall door, going toward the north room door, in the direction of Oliver and Teepie; did not notice John L. Jones in the room; did not see any one with his coat off; did not see defendant in the room—saw him after the fight; saw him in the sitting room about eight in the evening—there were several present; John L. Jones, Wm. Kirker and Fred Bowder were present; was not there when Teepie and Cunningham came.—Did not hear anything said by the defendant; Kirker was fiddling; next saw defendant after the fight, in the kitchen with John Oliver; defendant told Sidney to go to the Doctor; I went through the sitting room and dancing room to the kitchen; defendant's hand was on Oliver's shoulder when he told Sidney Oliver to go to the Doctor; that John was badly hurt; there were a good many in the room; don't mind of hearing anything else said when I went in the room; next saw defendant about 10 A. M. the next morning. I bid him "good morning"; had no talk about his trouble; know of no one having arms at that night; never saw the defendant having a knife at any time; went home about ten minutes after I saw Oliver in the kitchen; saw Cunningham sitting in the hall as I was going out. When I came out of the bar room the second time, I saw Cunningham sitting in the corner of the hall; this was before the fight was over. I saw Teepie lying on the oil-cloth, by the sitting room door, on the left as you go in—his head rather half across the door. At this time there were a good many in the north room, kitchen, on the pavement, up stairs, &c.

Cross-examined.—Do not recollect that there were any persons in the sitting room. I was sleeping on the settee in the bar-room; I stood in the rear of the crowd, by the bar room door, looking into the sitting room, for about a minute; there was no person in the bar-room when I first came out, there was no one outside the bar-room door, except that crowd of which I spoke.

Cross-examined.—I was acquainted with Adlington previously, and I had no other view than to greet him as an acquaintance. Mrs. Adlington, and I think this lady in Court, were all that were present.

Court adjourned to meet at 1 1/2 p. m. AFTERNOON SESSION.

Court met pursuant to adjournment.

Prisoner brought in by the Sheriff.—Jury called and answered to their names.

William Covert sworn.—Saw the defendant have a double-edged butcher knife in his possession, a short time before last fall election, at Mr. Pyle's house, in Portersville; he had it on the inside of his vest; pulled it out and showed it to me; the blade was 5 or 6 inches long, and 1 1/2 inches broad; he held the handle in his hand; it was sharp pointed; he put it back into his sheath; this was in the house; did not observe anything peculiar more than I thought it was made from a file; saw some of the creases of what I took to be file marks.

George Boston sworn.—I live in Portersville; am a blacksmith; don't know anything about defendant having a knife; never saw him have a knife; I made double-edged knives out of files and mill-saws; made about half a dozen; sold one to McKellicke of Lawrence Co., about a month ago; sold one to Abram Weaver six months ago; gave some to men going to the army—one was 10 inches long, the other 5 or 6 inches long; don't believe they ever came back; gave one to Gibson, one to Covert and one to Walton's son. Those 10 inches long were not so wide—they were more than three-fourths of an inch wide; the two shorter ones were about 5 inches long; the description given by Mr. Covert in his testimony was used as the knife I made from a file. I had two of them in my window; missed one of these in the fall about the defendant; a knife; never sold nor gave any such knife; I came down I found Cunningham and Teepie in the sitting room; Oliver was saying to Cunningham, "that's all right, make yourselves welcome." I went out to the bar room; some one said Teepie had taken Cunningham away to walk around; I went out stairs for another partner, and had another dance; think Nelson Storer, Calvin Weller and "Child" Vogle were in the set with me; think the defendant nor Cunningham were in that dance; went up stairs; came down and they were waiting; Danwidie Marshall made some foolish remark; I was standing by the sitting room door when Marshall made the remark; I made some reply, and walked on through toward the dancing room; believe he said, "how are you, Tennessee?" What a fashion of saying "how are you, Gumbutt" &c. I believe mine was a tant reply, don't recollect Cunningham said anything, and said, "if you want any thing of H. New Castle, show your hand." I said I was not speaking to him; he hit me and knocked me back against the North room wall; I partly straightened up, and he hit me again; he was standing by the sitting room door when I found myself in the middle of the dancing room; can't tell who he came out and saw John Oliver and Teepie fighting; there was a great crowd around the door; could not get in—looked a little while and went back to the bar room. When I waked up, they had all gone out of the bar-room; there was a crowd in the sitting room door—could not name them—their backs were to me; saw Oliver and Teepie fighting; they were at the north side of the room. Oliver had hold of Teepie; they were fighting there when I went back to the bar room; Lafayette Shaffer was knocked sideways and head foremost clear out into the hall by some one; can't tell who was standing around the door; did not see who hit him; went as close to the door as I could get for the crowd; saw Fred Bowder strike, but did not see him hit any one; he seemed to strike about his head. I saw Sidney Oliver and James Ambersen in the room; Sidney Oliver was just about to take the lamp off the stand—did not see him take it out of the room; did not see Ambersen do anything—he was in front of the fire. Did not see Bowder hit Oliver; saw John Oliver hit Teepie two or three times; did not see him have any weapon; did not see Teepie hit any one. I was standing toward the west side of the room; there were others standing around. Did not know Cunningham; did not see him in the room. Don't mind of seeing any one in the hall, except those around the door; went to the bar room. Teepie and Oliver were toward the north side of the room; west corner of the sitting room where they were fighting; saw Shaffer go back into the room after he was knocked down; last saw him standing opposite the fire—no one around him when I saw him last; did not notice him; saw Henry Bowder close to the hall door, going toward the north room door, in the direction of Oliver and Teepie; did not notice John L. Jones in the room; did not see any one with his coat off; did not see defendant in the room—saw him after the fight; saw him in the sitting room about eight in the evening—there were several present; John L. Jones, Wm. Kirker and Fred Bowder were present; was not there when Teepie and Cunningham came.—Did not hear anything said by the defendant; Kirker was fiddling; next saw defendant after the fight, in the kitchen with John Oliver; defendant told Sidney to go to the Doctor; I went through the sitting room and dancing room to the kitchen; defendant's hand was on Oliver's shoulder when he told Sidney Oliver to go to the Doctor; that John was badly hurt; there were a good many in the room; don't mind of hearing anything else said when I went in the room; next saw defendant about 10 A. M. the next morning. I bid him "good morning"; had no talk about his trouble; know of no one having arms at that night; never saw the defendant having a knife at any time; went home about ten minutes after I saw Oliver in the kitchen; saw Cunningham sitting in the hall as I was going out. When I came out of the bar room the second time, I saw Cunningham sitting in the corner of the hall; this was before the fight was over. I saw Teepie lying on the oil-cloth, by the sitting room door, on the left as you go in—his head rather half across the door. At this time there were a good many in the north room, kitchen, on the pavement, up stairs, &c.

Cross-examined.—Do not recollect that there were any persons in the sitting room. I was sleeping on the settee in the bar-room; I stood in the rear of the crowd, by the bar room door, looking into the sitting room, for about a minute; there was no person in the bar-room when I first came out, there was no one outside the bar-room door, except that crowd of which I spoke.

Cross-examined.—I was acquainted with Adlington previously, and I had no other view than to greet him as an acquaintance. Mrs. Adlington, and I think this lady in Court, were all that were present.

Court adjourned to meet at 1 1/2 p. m. AFTERNOON SESSION.

Court met pursuant to adjournment.

Prisoner brought in by the Sheriff.—Jury called and answered to their names.

William Covert sworn.—Saw the defendant have a double-edged butcher knife in his possession, a short time before last fall election, at Mr. Pyle's house, in Portersville; he had it on the inside of his vest; pulled it out and showed it to me; the blade was 5 or 6 inches long, and 1 1/2 inches broad; he held the handle in his hand; it was sharp pointed; he put it back into his sheath; this was in the house; did not observe anything peculiar more than I thought it was made from a file; saw some of the creases of what I took to be file marks.

George Boston sworn.—I live in Portersville; am a blacksmith; don't know anything about defendant having a knife; never saw him have a knife; I made double-edged knives out of files and mill-saws; made about half a dozen; sold one to McKellicke of Lawrence Co., about a month ago; sold one to Abram Weaver six months ago; gave some to men going to the army—one was 10 inches long, the other 5 or 6 inches long; don't believe they ever came back; gave one to Gibson, one to Covert and one to Walton's son. Those 10 inches long were not so wide—they were more than three-fourths of an inch wide; the two shorter ones were about 5 inches long; the description given by Mr. Covert in his testimony was used as the knife I made from a file. I had two of them in my window; missed one of these in the fall about the defendant; a knife; never sold nor gave any such knife; I came down I found Cunningham and Teepie in the sitting room; Oliver was saying to Cunningham, "that's all right, make yourselves welcome." I went out to the bar room; some one said Teepie had taken Cunningham away to walk around; I went out stairs for another partner, and had another dance; think Nelson Storer, Calvin Weller and "Child" Vogle were in the set with me; think the defendant nor Cunningham were in that dance; went up stairs; came down and they were waiting; Danwidie Marshall made some foolish remark; I was standing by the sitting room door when Marshall made the remark; I made some reply, and walked on through toward the dancing room; believe he said, "how are you, Tennessee?" What a fashion of saying "how are you, Gumbutt" &c. I believe mine was a tant reply, don't recollect Cunningham said anything, and said, "if you want any thing of H. New Castle, show your hand." I said I was not speaking to him; he hit me and knocked me back against the North room wall; I partly straightened up, and he hit me again; he was standing by the sitting room door when I found myself in the middle of the dancing room; can't tell who he came out and saw John Oliver and Teepie fighting; there was a great crowd around the door; could not get in—looked a little while and went back to the bar room. When I waked up, they had all gone out of the bar-room; there was a crowd in the sitting room door—could not name them—their backs were to me; saw Oliver and Teepie fighting; they were at the north side of the room. Oliver had hold of Teepie; they were fighting there when I went back to the bar room; Lafayette Shaffer was knocked sideways and head foremost clear out into the hall by some one; can't tell who was standing around the door; did not see who hit him; went as close to the door as I could get for the crowd; saw Fred Bowder strike, but did not see him hit any one; he seemed to strike about his head. I saw Sidney Oliver and James Ambersen in the room; Sidney Oliver was just about to take the lamp off the stand—did not see him take it out of the room; did not see Ambersen do anything—he was in front of the fire. Did not see Bowder hit Oliver; saw John Oliver hit Teepie two or three times; did not see him have any weapon; did not see Teepie hit any one. I was standing toward the west side of the room; there were others standing around. Did not know Cunningham; did not see him in the room. Don't mind of seeing any one in the hall, except those around the door; went to the bar room. Teepie and Oliver were toward the north side of the room; west corner of the sitting room where they were fighting; saw Shaffer go back into the room after he was knocked down; last saw him standing opposite the fire—no one around him when I saw him last; did not notice him; saw Henry Bowder close to the hall door, going toward the north room door, in the direction of Oliver and Teepie; did not notice John L. Jones in the room; did not see any one with his coat off; did not see defendant in the room—saw him after the fight; saw him in the sitting room about eight in the evening—there were several present; John L. Jones, Wm. Kirker and Fred Bowder were present; was not there when Teepie and Cunningham came.—Did not hear anything said by the defendant; Kirker was fiddling; next saw defendant after the fight, in the kitchen with John Oliver; defendant told Sidney to go to the Doctor; I went through the sitting room and dancing room to the kitchen; defendant's hand was on Oliver's shoulder when he told Sidney Oliver to go to the Doctor; that John was badly hurt; there were a good many in the room; don't mind of hearing anything else said when I went in the room; next saw defendant about 10 A. M. the next morning. I bid him "good morning"; had no talk about his trouble; know of no one having arms at that night; never saw the defendant having a knife at any time; went home about ten minutes after I saw Oliver in the kitchen; saw Cunningham sitting in the hall as I was going out. When I came out of the bar room the second time, I saw Cunningham sitting in the corner of the hall; this was before the fight was over. I saw Teepie lying on the oil-cloth, by the sitting room door, on the left as you go in—his head rather half across the door. At this time there were a good many in the north room, kitchen, on the pavement, up stairs, &c.

Cross-examined.—Do not recollect that there were any persons in the sitting room. I was sleeping on the settee in the bar-room; I stood in the rear of the crowd, by the bar room door, looking into the sitting room, for about a minute; there was no person in the bar-room when I first came out, there was no one outside the bar-room door, except that crowd of which I spoke.

Cross-examined.—I was acquainted with Adlington previously, and I had no other view than to greet him as an acquaintance. Mrs. Adlington, and I think this lady in Court, were all that were present.

Court adjourned to meet at 1 1/2 p. m. AFTERNOON SESSION.

Court met pursuant to adjournment.

Prisoner brought in by the Sheriff.—Jury called and answered to their names.

William Covert sworn.—Saw the defendant have a double-edged butcher knife in his possession, a short time before last fall election, at Mr. Pyle's house, in Portersville; he had it on the inside of his vest; pulled it out and showed it to me; the blade was 5 or 6 inches long, and 1 1/2 inches broad; he held the handle in his hand; it was sharp pointed; he put it back into his sheath; this was in the house; did not observe anything peculiar more than I thought it was made from a file; saw some of the creases of what I took to be file marks.

George Boston sworn.—I live in Portersville; am a blacksmith; don't know anything about defendant having a knife; never saw him have a knife; I made double-edged knives out of files and mill-saws; made about half a dozen; sold one to McKellicke of Lawrence Co., about a month ago; sold one to Abram Weaver six months ago; gave some to men going to the army—one was 10 inches long, the other 5 or 6 inches long; don't believe they ever came back; gave one to Gibson, one to Covert and one to Walton's son. Those 10 inches long were not so wide—they were more than three-fourths of an inch wide; the two shorter ones were about 5 inches long; the description given by Mr. Covert in his testimony was used as the knife I made from a file. I had two of them in my window; missed one of these in the fall about the defendant; a knife; never sold nor gave any such knife; I came down I found Cunningham and Teepie in the sitting room; Oliver was saying to Cunningham, "that's all right, make yourselves welcome." I went out to the bar room; some one said Teepie had taken Cunningham away to walk around; I went out stairs for another partner, and had another dance; think Nelson Storer, Calvin Weller and "Child" Vogle were in the set with me; think the defendant nor Cunningham were in that dance; went up stairs; came down and they were waiting; Danwidie Marshall made some foolish remark; I was standing by the sitting room door when Marshall made the remark; I made some reply, and walked on through toward the dancing room; believe he said, "how are you, Tennessee?" What a fashion of saying "how are you, Gumbutt" &c. I believe mine was a tant reply, don't recollect Cunningham said anything, and said, "if you want any thing of H. New Castle, show your hand." I said I was not speaking to him; he hit me and knocked me back against the North room wall; I partly straightened up, and he hit me again; he was standing by the sitting room door when I found myself in the middle of the dancing room; can't tell who he came out and saw John Oliver and Teepie fighting; there was a great crowd around the door; could not get in—looked a little while and went back to the bar room. When I waked up, they had all gone out of the bar-room; there was a crowd in the sitting room door—could not name them—their backs were to me; saw Oliver and Teepie fighting; they were at the north side of the room. Oliver had hold of Teepie; they were fighting there when I went back to the bar room; Lafayette Shaffer was knocked sideways and head foremost clear out into the hall by some one; can't tell who was standing around the door; did not see who hit him; went as close to the door as I could get for the crowd; saw Fred Bowder strike, but did not see him hit any one; he seemed to strike about his head. I saw Sidney Oliver and James Ambersen in the room; Sidney Oliver was just about to take the lamp off the stand—did not see him take it out of the room; did not see Ambersen do anything—he was in front of the fire. Did not see Bowder hit Oliver; saw John Oliver hit Teepie two or three times; did not see him have any weapon; did not see Teepie hit any one. I was standing toward the west side of the room; there were others standing around. Did not know Cunningham; did not see him in the room. Don't mind of seeing any one in the hall, except those around the door; went to the bar room. Teepie and Oliver were toward the north side of the room; west corner of the sitting room where they were fighting; saw Shaffer go back into the room after he was knocked down; last saw him standing opposite the fire—no one around him when I saw him last; did not notice him; saw Henry Bowder close to the hall door, going toward the north room door, in the direction of Oliver and Teepie; did not notice John L. Jones in the room; did not see any one with his coat off; did not see defendant in the room—saw him after the fight; saw him in the sitting room about eight in the evening—there were several present; John L. Jones, Wm. Kirker and Fred Bowder were present; was not there when Teepie and Cunningham came.—Did not hear anything said by the defendant; Kirker was fiddling; next saw defendant after the fight, in the kitchen with John Oliver; defendant told Sidney to go to the Doctor; I went through the sitting room and dancing room to the kitchen; defendant's hand was on Oliver's shoulder when he told Sidney Oliver to go to the Doctor; that John was badly hurt; there were a good many in the room; don't mind of hearing anything else said when I went in the room; next saw defendant about 10 A. M. the next morning. I bid him "good morning"; had no talk about his trouble; know of no one having arms at that night; never saw the defendant having a knife at any time; went home about ten minutes after I saw Oliver in the kitchen; saw Cunningham sitting in the hall as I was going out. When I came out of the bar room the second time, I saw Cunningham sitting in the corner of the hall; this was before the fight was over. I saw Teepie lying on the oil-cloth, by the sitting room door, on the left as you go in—his head rather half across the door. At this time there were a good many in the north room, kitchen, on the pavement, up stairs, &c.

Cross-examined.—Do not recollect that there were any persons in the sitting room. I was sleeping on the settee in the bar-room; I stood in the rear of the crowd, by the bar room door, looking into the sitting room, for about a minute; there was no person in the bar-room when I first came out, there was no one outside the bar-room door, except that crowd of which I spoke.

Cross-examined.—I was acquainted with Adlington previously, and I had no other view than to greet him as an acquaintance. Mrs. Adlington, and I think this lady in Court, were all that were present.

Court adjourned to meet at 1 1/2 p. m. AFTERNOON SESSION.

Court met pursuant to adjournment.

Prisoner brought in by the Sheriff.—Jury called and answered to their names.

William Covert sworn.—Saw the defendant have a double-edged butcher knife in his possession, a short time before last fall election, at Mr. Pyle's house, in Portersville; he had it on the inside of his vest; pulled it out and showed it to me; the blade was 5 or 6 inches long, and 1 1/2 inches broad; he held the handle in his hand; it was sharp pointed; he put it back into his sheath; this was in the house; did not observe anything peculiar more than I thought it was made from a file; saw some of the creases of what I took to be file marks.

George Boston sworn.—I live in Portersville; am a blacksmith; don't know anything about defendant having a knife; never saw him have a knife; I made double-edged knives out of files and mill-saws; made about half a dozen; sold one to McKellicke of Lawrence Co., about a month ago; sold one to Abram Weaver six months ago; gave some to men going to the army—one was 10 inches long, the other 5 or 6 inches long; don't believe they ever came back; gave one to Gibson, one to Covert and one to Walton's son. Those 10 inches long were not so wide—they were more than three-fourths of an inch wide; the two shorter ones were about 5 inches long; the description given by Mr. Covert in his testimony was used as the knife I made from a file. I had two of them in my window; missed one of these in the fall about the defendant; a knife; never sold nor gave any such knife; I came down I found Cunningham and Teepie in the sitting room; Oliver was saying to Cunningham, "that's all right, make yourselves welcome." I went out to the bar room; some one said Teepie had taken Cunningham away to walk around; I went out stairs for another partner, and had another dance; think Nelson Storer, Calvin Weller and "Child" Vogle were in the set with me; think the defendant nor Cunningham were in that dance; went up stairs; came down and they were waiting; Danwidie Marshall made some foolish remark; I was standing by the sitting room door when Marshall made the remark; I made some reply, and walked on through toward the dancing room; believe he said, "how are you, Tennessee?" What a fashion of saying "how are you, Gumbutt" &c. I believe mine was a tant reply, don't recollect Cunningham said anything, and said, "if you want any thing of H. New Castle, show your hand." I said I was not speaking to him; he hit me and knocked me back against the North room wall; I partly straightened up, and he hit me again; he was standing by the sitting room door when I found myself in the middle of the dancing room; can't tell who he came out and saw John Oliver and Teepie fighting; there was a great crowd around the door; could not get in—looked a little while and went back to the bar room. When I waked up, they had all gone out of the bar-room; there was a crowd in the sitting room door—could not name them—their backs were to me; saw Oliver and Teepie fighting; they were at the north side of the room. Oliver had hold of Teepie; they were fighting there when I went back to the bar room; Lafayette Shaffer was knocked sideways and head foremost clear out into the hall by some one; can't tell who was standing around the door; did not see who hit him; went as close to the door as I could get for the crowd; saw Fred Bowder strike, but did not see him hit any one; he seemed to strike about his head. I saw Sidney Oliver and James Ambersen in the room; Sidney Oliver was just about to take the lamp off the stand—did not see him take it out of the room; did not see Ambersen do anything—he was in front of the fire. Did not see Bowder hit Oliver; saw John Oliver hit Teepie two or three times; did not see him have any weapon; did not see Teepie hit any one. I was standing toward the west side of the room; there were others standing around. Did not know Cunningham; did not see him in the room. Don't mind of seeing any one in the hall, except those around the door; went to the bar room. Teepie and Oliver were toward the north side of the room; west corner of the sitting room where they were fighting; saw Shaffer go back into the room after he was knocked down; last saw him standing opposite the fire—no one around him when I saw him last; did not notice him; saw Henry Bowder close to the hall door, going toward the north room door, in the direction of Oliver and Teepie; did not notice John L. Jones in the room; did not see any one with his coat off; did not see defendant in the room—saw him after the fight; saw him in the sitting room about eight in the evening—there were several present; John L. Jones, Wm. Kirker and Fred Bowder were present; was not there when Teepie and Cunningham came.—Did not hear anything said by the defendant; Kirker was fiddling; next saw defendant after the fight, in the kitchen with John Oliver; defendant told Sidney to go to the Doctor; I went through the sitting room and dancing room to the kitchen; defendant's hand was on Oliver's shoulder when he told Sidney Oliver to go to the Doctor; that John was badly hurt; there were a good many in the room; don't mind of hearing anything else said when I went in the room; next saw defendant about 10 A. M. the next morning. I bid him "good morning"; had no talk about his trouble; know of no one having arms at that night; never saw the defendant having a knife at any time; went home about ten minutes after I saw Oliver in the kitchen; saw Cunningham sitting in the hall as I was going out. When I came out of the bar room the second time, I saw Cunningham sitting in the corner of the hall; this was before the fight was over. I saw Teepie lying on the oil-cloth, by the sitting room door, on the left as you go in—his head rather half across the door. At this time there were a good many in the north room, kitchen, on the pavement, up stairs, &c.

Cross-examined.—Do not recollect that there were any persons in the sitting room. I was sleeping on the settee in the bar-room; I stood in the rear of the crowd, by the bar room door, looking into the sitting room, for about a minute; there was no person in the bar-room when I first came out, there was no one outside the bar-room door, except that crowd of which I spoke.

Cross-examined.—I was acquainted with Adlington previously, and I had no other view than to greet him as an acquaintance. Mrs. Adlington, and I think this lady in Court, were all that were present.

Court adjourned to meet at 1 1/2 p. m. AFTERNOON SESSION.

Court met pursuant to adjournment.

Prisoner brought in by the Sheriff.—Jury called and answered to their names.

William Covert sworn