

AMERICAN CITIZEN.

"Let us have Faith that Right makes Might; and in that Faith let us, to the end, dare to do our duty as we understand it"—A. LINCOLN.

VOLUME 4.

BUTLER, BUTLER COUNTY, PA., WEDNESDAY, APRIL 10, 1867.

NUMBER 17

TRIAL OF JOHN B. ADLINGTON, FOR THE MURDER OF SIDNEY B. CUNNINGHAM

COMMONWEALTH vs. Indicted for
J. B. ADLINGTON, Homicide.
MONDAY, March 18, 1867.
AFTERNOON SESSION.

The prisoner was brought into Court by the Sheriff. The jury were called over and answered to their names.

James M. Marshall, recalled.—At the time Teple and Cunningham had gone out walking, I went to Oliver and asked him where these two men were, or whether they had got back; defendant said, "let them come." I don't know that anything else was said; I walked away then; Oliver and defendant were standing together; heard nothing else in reply.

Cross examined.—This was all I had seen Cunningham and Henry Bowler talking about their coming back and behaving themselves, and that they could enjoy the party. I had a talk with Mr. McKunkin about this part of my testimony; but I had omitted when examined in chief.

Miss Joanna Pyle, sworn.—I was at the dance; came to Oliver's between 8 and 9 o'clock in the evening; Henry Bowler took me there and took me home; saw Mr. Cunningham and Teple there; they came to our house about 3 1/2 o'clock in the afternoon; they had their horses put up, went away and were gone an hour or more; came back, and Mr. Cunningham said he had been insulted; said John Oliver had insulted him; there were Philologists at our house, who examined their heads; had a pleasant time for a spell; said he had cut up a little at Oliver's; and Oliver was going to put him out; next saw him and Teple sitting before the fire in the sitting room; there were others in the room; I passed them into the dancing room; next saw him come up stairs to get me to dance with him. My father keeps a hotel; he introduced me to Cunningham at home; I danced with him; next saw him calling off a dance; I danced when he called the figure; believe Mr. Kiker was on the floor; Mr. Shaffer danced with my son; defendant danced twice—once with his wife, and once with Maggie Newton; he danced the first dance; next saw him dance after I danced with Mr. Cunningham. I passed up stairs through the sitting room; saw Teple in front of the fire as I passed through; Cunningham was just behind me; asked me to introduce him to another lady, and I told him to come up stairs and I would do so. I went up stairs and stayed there until the light was over; Cunningham did not follow me; did not see him again until he was laid out in the sitting room. There were persons standing in the sitting room, as I passed through, but I could not name them; Lafayette Shaffer was with me when I went up stairs. Henry Bowler played the violin when Kiker was dancing; Cunningham stood against the stage, calling out the figures; there were eight couples on the floor dancing a cotillon; don't mind seeing the defendant or Mrs. Adlington standing in the room when I left to go up stairs; I sat on the bed, up stairs, when I heard a noise; ran about half way down stairs; thought they were fighting; started back again and went into the room; I got quite sick-fainted; when I came to myself I went down stairs and saw Cunningham lying across the hall; that frightened me and I went back; John Oliver came up, all covered with blood. I am nervous, and the noise of the fighting alarmed me; I heard the sound of blows, but did not see them; this was when I first came down on the stairs; think it was but a few minutes after I sat upon the bed, before I heard the noise and confusion below, and I immediately ran down stairs; then went back and fainted; Miss Storer was in the room when I fainted; started down stairs first time before Sidney Oliver went down; met him as I was going up. There were others in the room when I fainted, beside Miss Storer; don't know how long it was after the fight commenced till I saw Cunningham lying across the hall; he was lying perfectly still; he was lying across the front door; don't know that any one could have gone out without stepping over him; did not hear anything in the sitting room at this time. When I started down the second time I heard no noise; it was moonlight and I could see the man across the hall by the front door; thought by the glimpse of the man at the time that it was Cunningham; think his head was toward the bar-room; think he was lying on his side; did not see his face. The next I saw of the defendant after the dance was up stairs; he came up with John Oliver; his wife came up also; this was five minutes after I had seen Cunningham lying across the hall; I left the room when they came up; heard nothing said about their being hurt. Next place I saw Adlington was in the dining room; he came into the room from the hall and turned around immediately and went on; he did not come in more than a step before turning; George Pringle was in the room when he stepped in; George Pringle said that "them men could have licked the crowd." Adlington said, "you be damned." The defendant then passed out at the side door he came in at. George Pringle, my self and others were in the room, sitting around the fire, but I cannot name them all; defendant seemed to be in a hurry when he said that; did not see him again that night. There was nothing said in

my hearing as to how the men were hurt, or by whom; don't know that Pringle was addressing any one; don't know that he was addressing the defendant, nor that the defendant intended to reply to him; don't know that there were any other gentlemen connected with the dance in the room at the time of this conversation; defendant was just going enough in the room to turn around and go out; saw him next day in John Oliver's room; did not hear him say anything. I heard these men had been badly hurt while I was in the dining room; had not heard they were out; did not know at that time that the Doctor had arrived. I went 12, soon after, to the dancing room, when I saw the Doctor with Cunningham, through the door of the north room; saw Cunningham's hand and the Doctor leaning over him, through the door; never saw the man afterwards; saw no one have a knife that night; have no knowledge in any way as to how those men received their hurts.

Cross examined.—Henry Bowler was at our house when Cunningham and Teple came; Cunningham said he would hit Oliver so quick he would not know it; said he had never been whipped, and would not be by anybody in Portersville; he would die first; he said, "by G-d, he would whip Oliver so quick he would not know it." I thought Cunningham was intoxicated at the time; did not see him have a flask; did not see him drinking; did not hear him ask for liquor; heard some one speaking about dancing a polka when I started up stairs; I had danced twice and was weary; saw Teple sitting before the fire as I passed through the room. Lafayette Shaffer went down stairs before I did the first time; I met Sidney Oliver as I turned back up stairs; had not heard the fuss when Lafayette Shaffer started back; I fainted, and don't remember what passed till John Oliver came up; had recovered when they came up, but was still lying on the bed. I left immediately after they came up; John Oliver, Mr. and Mrs. Adlington were there when I left; think it was before I fainted that I saw Cunningham lying across the hall; I went home at 2 o'clock in the morning. Mrs. Adlington was very much excited when the fight was going on. The noise was like men fighting.

Direct.—Mrs. Adlington was very much frightened and I blamed her for frightening me; this was in the hall up stairs; she was wringing her hands, and said she would all be killed; this was when I first went back up stairs; I was excited before this, and this alarmed me more; could not tell which way Mrs. Adlington came up to the hall; she was throwing up her hands and walking backward and forward through the hall; up confident she was not in the room before I left it; the first I saw of her, she was walking through the hall. After Cunningham was at our house a little while, he became very pleasant; had his head examined, &c.

Mrs. Melissa Oliver, recalled.—I know about the bleeding stick.
Mr. McCarthy, for defendant, objected that the Commonwealth could not offer evidence to contradict their own witness; and, if received and found to do so, he should ask the Court to rule it out.
Mr. McKunkin, for the Commonwealth, said it was not for the purpose of contradicting their witness, but for explaining what seemed to be the true theories of this case.

Mr. Thompson, on part of the defendant, asked that the prosecution should put the question they proposed to ask the witness in writing.

The Court instructed them to do so.
Mr. Mitchell, for the Commonwealth, offered to prove by Mrs. Oliver, that the bleeding stick was in a certain place on the night of the difficulty, and how she knew it was there; this, not to contradict their own witness, but explanatory, and as part of the entire transaction.

Mr. Thompson objected; no witness has sworn as to where the stick was kept—and it would contradict their own witness, James Marshall.

The Court overruled the objections and received the testimony.
Witness resumed.—Knew the stick alluded to. I brought it to Court with me; when Pringle has it now; I had it in the evening of the fight and laid it in the pantry, on the bureau, behind the arm that held the glass up; laid it there about 8 o'clock P. M., while Cunningham and Teple were eating their oysters; I laid it away and no one saw me hide it; it could not be seen readily, unless some one took a light and went to look for it; saw it next morning, after breakfast, lying just where I had put it; did not see any one have it that night; it is the stick I alluded to; have seen my husband use this stick for bleeding horses; this is the only stick of the kind I ever saw about our house. There was no suppe eaten by the party at our house that night; the carrying knife and the one I had put in the cradle, I found on the shelf in the pantry on the morning after the fight.
On going out to go home, I saw this up, Cunningham, sitting in the right hand corner of the hall, leaning forward; told my sister I saw a man in there, almost dead; she had asked me where those men were; I replied as stated before. Mr. Ambersau had passed out with the child; saw no person in the hall.
Cross examined.—Did not see Sidney Oliver in the kitchen when they were bathing my husband's head; I got the stick for the purpose of defence; had heard the men swear they would go thro' the house. I went home on Friday last. They sent for me; Esquire Roberts came for me yesterday and brought me in today. I found the stick in the box where I had packed some things; it had been kept in the bureau drawer prior to packing it in the box. Esquire Humphrey

told me it had been spoken of, and I hunted it up. Esquire Roberts told me my sister had been questioned about the stick and that they would not receive her testimony; he told me yesterday I would have to bring the stick with me.

Mrs. Mary Weller, sworn.—Calvin Weller is my husband; I was present at the dance at the house of John Oliver, on the 24th of December last; came there with my husband about 10 P. M. I came from James Marshall's; I was there before dark and went away; came back at ten; saw Mr. Cunningham in the dancing room; don't know that I saw Teple; Cunningham danced with Miss Pyle; saw him up stairs when he was introduced to Miss Pyle; saw him dance with her; did not see him after that till after the fight was over; was up stairs sitting on the bed; Miss Weimer, Miss Pyle and Miss Storer were in the room; Miss Pyle started down—I followed; met her on the steps; she said she was fighting; went down two or three steps; saw Adlington passing hurriedly through the hall, with his hand in his breast; I said "Oh! John, don't shoot." Mrs. Adlington was standing above me; she said, "is that my John?" I said, "yes, he is going to shoot." She screamed, and I did not notice when Adlington went; he was going toward the front door; I was about three steps below the first platform. I first saw Adlington coming from the back door of the hall; think it was the right hand he had in the position I described; thought he was going to draw a revolver; he was opposite me when I made the remark—not more than a foot from the dining room door, walking fast toward the front door; it was the position of his hand that led me to think he was going to shoot; my attention was turned toward Mrs. Adlington, and I did not see how far he went; I lost sight of him at that time; Mrs. Adlington did not reply to me; he paid no attention to me; there were not more than one or two ladies on the stairs at the time—they were passing up and down; we looked over the banister and looked down on top of his head; saw Mrs. Adlington in the room up stairs shortly after I first came to the party; don't believe I heard any noise when Miss Pyle got up to go down. She was on the stairs coming up when I went down. She met me on the platform, and was there when I saw Adlington. There were persons in the hall, but I could not name them; they were around the sitting room door looking in; defendant may have been in the crowd; but did not see him. He disappeared just while I spoke those words to Mrs. Adlington. I heard a noise in the sitting room, but could not hear what they were saying; I heard loud talking, but could not catch any word that I could repeat; I heard no blows; Miss Pyle told me they were fighting; don't know whether defendant went into the sitting room or not; could not name any one around the door; saw an old man in the entry toward the door; he had a light coat on; is the reason I noticed him; Lafayette Shaffer was in the room up stairs shortly before Miss Pyle started out of the room; don't know why Lafayette Shaffer left the room; Miss Pyle started out very fast; this is the reason I followed; don't remember seeing Lafayette in the hall; did not see any one knocked out of the room down; men were moaning about that part of the hall; I went down stairs after the fight was over; saw Cunningham in the hall sitting there; I stayed on the stairs till the fight was over; the way was clear and I thought it was over; went down alone; went along the entry; saw a man lying inside of the sitting room door to the left; saw a man to the right in the hall, sitting with his head leaning forward on his breast; went to the kitchen through the dining room; saw Mr. Oliver there; there were persons in the sitting room, and one or two in the hall, but I cannot name them; don't know which way they went; I just glanced in on my way to the kitchen; Mr. Pringle came into the front door, and asked "is this George?" I said "no, Mr. Pringle, it is not; George is not here;" he then looked into the sitting room and saw Teple, and asked the same question; I told him George was not here; I may have known those who were in the hall and room, but I was confused. (She replied that she was acquainted with those named by counsel with the exception of Mr. Kiker.) I saw defendant when he brought his wife to the party; saw him in the dancing room; next saw him in the entry; could not say where I next saw him; Oliver was in the kitchen; there were a number there, they had been washing him, Mr. and Mrs. Adlington. Mr. Pringle, Miss Newton and others were there; this was the first I noticed of Mrs. Adlington after she left the stairs; believe I went into the kitchen just after Mr. Pringle; don't know how Mrs. Adlington got up stairs or down; stairs go up from dancing room; she could have passed down that way; if she had passed by me when I said John was going to shoot, I should have noticed her; I found her in the kitchen at the time John Oliver was there; it was all confusion in the kitchen; they were passing in and out; when they started up stairs with Oliver, I heard Adlington say to his wife "come along"; that is all I heard him say; I saw my husband, Henry Bowler, Fred Bowler, Maggie Newton, Miss Pyle, Miss Weimer and others in the dancing room; think I heard at that time that they were stabbed, but do not know who said so; I was trying to pacify Fred Bowler; when I looked into the sitting room the Doctor was there; Cunningham had been brought in; think some one told me to get some water for Miss Campbell who got fainted; I did not know where she was when she fainted; my husband was with Fred Bowler

washing him on the porch; saw no one with a weapon that night; don't know of any one having or using one on that night; don't think I know of anything I have not told; Mr. Stoner and Childs Vogan were with Miss Campbell on the porch.

Court adjourned to meet to-morrow morning at 9 o'clock.

TUESDAY, March 19, 1867.

Court met pursuant to adjournment. Prisoner brought in by the Sheriff. Jury called and answered to their names.

Mrs. Mary Weller, cross examined.—I went to the party shortly after 10 o'clock; went up stairs and stayed there till the first dance; danced in the first set; there were two sets on the floor; Adlington and wife were in the first cotillon; I went up stairs till the next dance; danced the first set with my husband; Mr. Cunningham danced either in the second or third cotillon; I went up stairs after each dance; Miss Pyle, Miss Storer, Miss Weimer, Sidney Oliver and Lafayette Shaffer were in the room up stairs; Lafayette Shaffer was the first to leave the room when the fuss commenced; Miss Pyle, I think, next left the room and I followed; don't remember when Sidney Oliver left; believe Sidney left before Miss Pyle; I think when I was on the third step of the stairs the dining room door was open; I saw Mrs. Adlington in the hall; heard a noise in the room; was confused and frightened; there were many persons around the sitting room door; I recognized Mr. Kiker by his coat; saw no one shoved, pushed or knocked out of the door into the hall; Mrs. Adlington was directly above me when she asked if it was her John I spoke to; did not hear any one cry out "Oh!" while I stood on the stairs; there were no men among you, either one at a time; there was no lamp in the hall; there was good moonlight; the fire showed light through the doors into the hall; believe the dining room door was open, but I could not say positively; believe Pringle came in when I went down into the hall after the fight; Sidney Oliver stood at the foot of the stairs to keep the ladies back, during the fight; Jacob Muselman was one who stood with Oliver at the foot of the stairs in the hall; I ascertained this since the fight; can not say who informed me; might have heard talk that there was a probability of more arrests; might have heard that if Adlington was acquitted it would be hard with the rest—that they would be arrested; may have heard it but could not say who said so; there has been a good deal of talk since I came to town; the main street of Portersville runs north and south.

Direct.—I did not hear that the Commonwealth had returned the names of some others engaged in the fight since I came to town.
Dauvidie Marshall, sworn.—I was at the party; was standing in the sitting room door when the fight commenced; Fred Bowler came up and said something about "New Castle"; I made some fool remark to Bowler; Cunningham jumped up and said, "what do you want with New Castle?" Bowler said, "hold on stranger, I was not speaking to you;" Cunningham said, "the hell you don't," and knocked him down; John L. Jones ran in and said, "hold on, Sidgy, that's Fred Bowler;" then the crowd rushed in, and some one helped Bowler up; some one then hit Kiker and knocked him back into the corner where I was; then Bowler went toward the door and Calvin Weller and I shoved him back into the dancing room, and I held him till the fight was over; saw John Oliver in the kitchen washing; he said, "Bowler, see what I have been doing for you?" Bowler was struggling to get back, when Oliver said, "Be quiet, see what I have been doing for you?" He showed him the cut on his head; when I was leaving the sitting room I saw Oliver striking at a man I took to be Teple; they were near the south west corner of the room; Oliver had advanced six or eight feet when he struck at Teple; I did not know that he hit him; when Jones spoke to Cunningham and told him it was Fred Bowler he was hitting he turned and left, and I did not see him afterwards; he backed away, and I did not see who were around him; there were a good many in the room; I suppose he stepped back because Jones told him who he was striking; Jones, Bowler, John Oliver and Sidney Oliver were in the room; Sidney had a lamp in his hand; some one hit the lamp; believe this was the time Cunningham was backing toward the door of the hall; did not see D- defendant till after the fight; saw him in the kitchen when Oliver was washing; couldn't name those in the crowd rushing in at the door; heard some one say "if there are any men among you, name one at a time"; this was after Cunningham backed toward the door; last saw him about the middle of the floor; Cunningham, at this time, did not look as though he wanted to fight; he looked angry, but did not show fight; could not name those around him; Jones was between me and him; I was at the door when Cunningham backed back; I was pushing Bowler out when he hit Kiker; did not hear Cunningham reply to Jones; Bowler was a little intoxicated; he was laughing when he mentioned New Castle; I don't know the balance of the sentence; I had previously made some fool remark that called forth the reply from Bowler about New Castle; Cunningham and Teple were sitting before the fire, and Cunningham jumped up and did the fuss commenced; did not see defendant during the fight; on the pavement I heard Adlington say he wanted

the Doctor to go up and see Oliver, but he thought he was not badly hurt; Adlington said he knew he was for he had hit him with a chair in mistake; he had seen Jones to see his children and had just returned when this conversation occurred; the Doctor had been there; saw no weapon of any kind that night; did not know of any body having one; did not know of defendant having a knife other than a pocket knife; I heard him say he had a knife in the armpit.

Cross examined.—I went to the party about 9 P. M.; live in Lawrence county about two miles from Portersville; my wife was not with me in the party; I asked him, "How are you Legness?" when he replied, "New Castle?" He knew that he had referred to Lawrence county when he made this remark; was three or four steps from Bowler when Cunningham struck him; don't know how often Cunningham struck him; I stood at the left side of the door between the sitting room and the dancing room; I saw the lamp passed out; after the light passed out I saw Oliver strike over-hand at some one; we had as much as we could do to keep Fred Bowler in the dancing room; he was moving around all over the room, striving to get back into the fight; did not see Oliver till we found him in the kitchen, when we took Bowler in to wash him; did not see Oliver knocked down, or get up; can't tell whether Oliver and Henry Bowler came into the room together or not; they were both in the room.

J. M. Stoner, sworn.—I was at the Oliver home on the night of this difficulty. I was standing at the door between the sitting room and the dancing room when the fight commenced. Mr. Marshall and Bowler were talking when I saw Cunningham jump up and say, "what are you saying about New Castle?" Bowler said he had said no harm about New Castle. "If I had what are you going to do about it?" Cunningham said, "if you have I want you to show your hand." Bowler said he was saying nothing about the New Castle boys, and had nothing against them; he made a motion with his hand and Cunningham knocked him down. The crowd then rushed in, and I stepped back into the dancing room. I could not name any one, there was such a rush. I stood there by the door looking in a spell; looked in when I could; I heard Cunningham say if there was any man among them come one at a time. That was the last I saw or heard until the fight was over. I saw the defendant in the sitting room when I was looking in. This was after Bowler was hit; he was right in front of the fire; I did not see him do anything. I did not see how he fell; his hands; he was facing the road, with his back to the fire; think he stood on the left; Cunningham was about the middle of the room when he made the remark "if there was any men," &c.; he was backing back toward the door. I did not see Teple after he got up. I did not see him do anything. He got up and turned his back to the fire. I did not see the defendant go into the room; I was looking directly at Cunningham when he made the remark about the fight. I did not see Oliver strike Teple. Saw Cunningham give Bowler enough to indicate that he hit him when he kicked. That is the last I saw prior to leaving the room. Dauvidie Marshall, Fred Bowler, Teple and Cunningham were all that were in the room when the fight commenced. Did not see Mrs. Adlington at all. Was not acquainted with her. Did not notice who were in the North room when I passed out through the kitchen to the porch. Saw Miss Campbell with some knives, going toward the dresser. They rattled like knives. Mrs. Oliver was in the kitchen going toward the dining room door. I did not follow Miss Campbell when I heard the knives rattle. I heard no one speak. I was no one on the porch. I was there about a minute, then passed into the hall; there were persons standing round the front door and the sitting room door when I went in; there were some six or seven of them; I turned and went up stairs; they were fighting yet. I heard a sea-sawing, noise and racket in the hall. I did not recognize any one in the hall. I went up to the bed room. Miss Storer and Miss Pyle were on the bed, Miss Storer is sitting and Miss Pyle lying on the bed. Miss Storer is my cousin. Miss Pyle had fainted; she had not recovered when I went up. Miss Storer told me she had fainted; she did not tell me why she had fainted. I turned and went down; saw Bowler lying on the floor of the sitting room; Bowler or Teple, some one said it was Bowler; I looked into the room, where was lying in the corner of the hall. There were two persons in the hall passing in and out. Saw Shaffer in the room. When I first looked in I thought it was Bowler; afterward ascertained it was Teple; Shaffer was stooping over him, putting something under his head; there were other persons in the room, but I don't remember who they were. I did not know these men were stabbed at this time; I thought they had been knocked down in the fight and would soon get over it; I heard nothing said as to how they got hurt. The Doctor had not yet come. I then went up stairs to Oliver's room. Mrs. Adlington and Mrs. Oliver were there; don't remember that defendant was there; I heard nothing said about the fight. Went down to the hall; there were two or three of the girls. Mrs. Campbell was there and fainted while I was present. Do not know what caused her to faint. Mr.

Vogan and myself went out to the porch with her; think there were some girls alone; when she came to, some women took her into the house and I went back to the hall. There were several persons there, but could not name them. I was there when Cunningham was carried into the room. I did not help carry him. Saw the Doctor stooping over Cunningham. Did not see the wounds. Don't mind of seeing the defendant in the room. Heard nothing said as to how it happened. I went home about two o'clock. Saw no knife or other weapon; don't know of any one having a weapon.

Cross examined.—Cunningham and Teple did not look alike. I did not know Cunningham and Teple apart when the conversation occurred between Cunningham and Bowler, but they were pointed out to me afterwards, and I identify Cunningham as the one who said, "if there are any men among you, come one at a time." I thought they were knives by the rattle, which Miss Campbell had; they might have been knives and forks. Do not remember of seeing ladies on the stairs as I was going up. Did not see any when I was coming down. I think if they had been there I should have seen them. Miss Storer and Miss Pyle were the only women I saw in the room up stairs. I did not hear any person cry out during the fight, "Oh!", or "Oh my!" I did not see Mrs. Weller on the stairs during the fight. It was Cunningham that cried out "if there are any men among you, &c." He had his fists in this position; I have witness exhibited the position. I am positive it was Cunningham; it was the one who knocked Bowler down, who sat in the hall; I am not mistaken. I was a little excited. Miss Shaffer was my partner that evening.

Direct.—Mr. Cunningham was large man. Can't know how he was dressed; he was newly shaved; had thin whiskers; dark hair; had dark clothes. Don't think he had a moustache; could not tell his height or weight; had black whiskers. Teple was not so large a man; not so tall; don't know that he had whiskers; his hair was not so dark as Cunningham's; during the fight I did not know which was which.

John Albert, sworn.—I was at the house of John Oliver at the time of this difficulty. Some one said they were fighting, and left the kitchen and ran down to the wash house. The men came out of the dancing room. The wash house is below the porch. I went down the steps near the middle of a porch I stand in the wash house till after the fight was over. I did not hear Adlington say anything, nor Mrs. Adlington. When I was coming up on to the porch out of the wash house, I saw Adlington on the platform in the middle of the porch; did not see which way he came. He went into the kitchen. There are two steps off the porch toward the stable. I was coming up on the steps from the wash house. I heard him coming up the porch. I passed along the porch to the kitchen before me. I did not hear Mrs. Adlington say anything. There was fire in the wash house. Saw defendant before this in the dancing room. Last saw him on the porch. There was no one in the kitchen when I left. I did not see the wounded men till the next morning. I went up stairs and stayed in the room with John Oliver till daylight. Mr. and Mrs. Adlington were there. Defendant said, "he did not care how soon those men died; they got what they deserved." Don't know who he was talking to; know he referred to Teple and Cunningham. This is all I know about the matter. I helped get the supper. I found it as I left it. Did not see the carving knives that night nor the next morning.

Cross Examined.—The wash-house is in the garden. The person who said the fight was over, was on the porch, or in the kitchen; I was in the wash house just an hour; there was no one with me. There were other persons on the porch beside Adlington; three or four; could not tell who they were; there were no ladies on the porch; Adlington passed on into the kitchen; I went in, but he was not in; I turned round and went up stairs. Saw the doctor up stairs; Oliver had his head cut up and was in bed when I went up; Mrs. Adlington, Mrs. Oliver, Miss Newton and Mr. Adlington were there. I did not know the men were badly hurt till I went up stairs. Teple said at the supper table, "damn it, him or the landlord would be killed before morning." He shook his fist. His comrade tried to pacify him. I told John Oliver of this. I waited on the table; he said, "damn it, either me or the landlord will be killed before morning." It alarmed me; I told Mrs. Oliver the next morning. Cunningham was the largest man. I felt immediately as if he made this threat, and I would get on the table longer. It was this threat connected with the knowledge of the fight that induced me to leave for the wash-house.

Court adjourned till 2 P. M.

AFTERNOON SESSION.
The prisoner was brought into court, and the jury called and answered to their names.

A. H. Allen, sworn.—Was not present at the difficulty. About the time I was going on the Inquest I had a conversation with the defendant. I asked him who had done this? Said, "he did not know." I asked him where all the people were that came to the hall? He said he expected they had gone away. I told him they should have stayed till the matter was investigated. He said he

was not going away; he should stand his ground. I am not certain whether he was in the room where the men were lying, or on the pavement. I saw him have a knife in his pocket in September last. He was in a position. I never thought at his carrying it. Don't know whether it was double edged, thought it was as long as the common butcher knife; it was a little rusty; he put it down in his boot, and went out.

Cross examined.—I live in Portersville, have lived there ten years in the fall. Adlington lived there some three or four years; he was in the army, three months and nine months service. Did not hear him say anything else.

Miss Anna Condon, sworn.—I recollect the night the difficulty occurred—I was not there at the time. I got up when they came for father; sat at the window, saw Adlington come out and go home as I thought. He soon came back and told some one on the pavement in front of Oliver's, "it was good for them; they deserved all they got." I know it was Adlington who said this.

Cross examined.—I know Henry Bowler; do not know if he was the defendant was talking to; don't know it was Esquire Pringle; saw Adlington come out of the hall door. After father went over, I raised the window and looked out.

Miss Rachel Shaffer, sworn.—Was at the Oliver house on the night of the difficulty; was in the north room when it commenced; Weller told Henry Bowler to come or they would kill Fred Bowler. Bowler ran to the sitting room; other persons followed. Henry Bowler passed in; Miss Newton and I caught hold of Weller and told him not to go in; he was much excited; said his friends were being imposed upon and he could not stand by and see it done; while we were detaining Weller, a man passed us with a poker in his hand; I asked Mr. Hindman if my brother was in the room where they were fighting. He said no. Weller broke from us for the sitting room; then saw some one bring Fred Bowler out into the north room; his face was covered with blood, and he was very much excited. He fled to the back way from the persons that were hitting him, and got back. I think it was Calvin Weller that brought him out. Miss Newton, myself and a gentleman, tried to persuade him not to go back; he said he would not fight any more. We then left him and went back to the sitting room door; the gentleman stayed with Fred. Saw some one with a poker in the attitude of striking, but some one came between and I did not see the stroke, could not see who the blow was aimed at; shortly after I saw Mr. Oliver standing near the centre of the room, with his face covered with blood; he was not striking. The noise and confusion became greater, and I retired to the kitchen, saw Mr. Kiker going toward the sitting room; I followed him back to the door; saw Mr. Oliver standing by the fire place in the north room; Miss Newton was with him; asked him if he was much hurt; he said no; he turned to go back to the sitting room; we tried to persuade him not to go; he said he would, but would not fight any more. I don't know that he went back; think the fight was then about over; think Mr. McKunkin told us there were two strangers who were fighting. Ascertained afterwards that it was Teple and Cunningham. Said they were badly hurt. Asked me to go and see them; Teple leaning against the wall senseless; saw Cunningham in the corner of the hall near the door, senseless. Heard some one say that man is very much hurt, thought he was dying; going back to the north room we passed Fred Bowler in the sitting room near Teple; he asked where the man was that struck him; he did not seem to know what he was doing; some one took him away. I don't know where they took him. Went up stairs, saw Oliver there bleeding and Mrs. Adlington washing his face; I held the lamp for them; while holding it the doctor came in, and said Oliver's wounds were not serious. Adlington came in, he said he knew the wounds were not slight, he knew by the looks of them.—This was after the doctor had left the room. Adlington said he would telephone and see if the children were safe and sleeping. Mrs. Adlington told him not to go, he was needed there; he said he would not be gone long, and he thought he had better go; he passed out of the room and I did not see him again. Mr. Oliver was out on the steps and back of the head. Mr. Adlington examined both; don't know that I heard Adlington say who done it, or how it was done. I don't think there was anything said about other persons being hurt. Adlington was talking excitedly about Oliver's wounds, when Oliver told him to be quiet and he would do the talking. This was the first time I saw defendant after the fight; I should not have known Mr. Adlington then if I had not heard Mrs. Adlington talking with him. I had no previous acquaintance with him; saw him dancing before the difficulty. I may have seen him before, but did not recognize him. I saw Mr. Cunningham dance; I don't know whether I should have recognized Mr. Cunningham in the fight; I don't know that I saw Teple and Cunningham in the sitting room before the fight. Kiker had been hit in the eye when I saw him come out of the kitchen and go toward the sitting room. I saw no weapons used, and did not know that any one had any.

Cross examined.—I think Adlington humbled Oliver's wounds with both hands—I thought, roughly, and checked him. He placed his left hand on his forehead and the right back of the head, he said the doctor had felt of him. I thought he