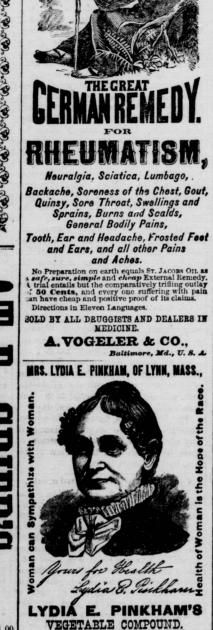




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A Clear and Impartial Presen-tation of the Law Govern-ing the Case. Judge Cox then, at 3:15 P M., proceeded to deliver his charge to the

jury. He commenced by saying that the Constitution provides that, in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial by an impartial jury, in the State or District where the crime shall have been committed ; that he shall be nformed of the cause and the nature of the accusation against him; that he shall be confronted with the witnesses against him; that he shall have compulsory process to obtain witnesses in his favor, and that he shall have assistance of counsel in his defense. Those provisions were intended for the protection of the innocent from injustice and oppression, and it was only by their faithful observance that guilt or innocence could be fairly ascertained. Every accused person was presumed to be innocent until the accusation was proved. With what difficulty and trouble the law had been administered in the present case, the jurors had been daily witnesses. It was, however, a consolation to think that not one of those guarantees of the Constitution had been violated in the person of the accused. At last the long chapter of proof was ended; the task of the advocate

nominated malice aforethought. was done, and it now rested with the jury to determine the issue between public justice and the prisoner at the bar. No one could feel more keenly The jury would find little difficulty in reaching a conclusion as to all the elements that made up the crime than himself the great responsibility of his duties; and he felt that he could charged in the indictment, except, it might be, as to the one of sound mind, only discharge them by close adherence to the law as laid down by its highest memory and discretion-but that was only a technical expression for a reauthorities. Before proceeding further be wished to notice an incident which sponsible, sane man. He now ap-proached that difficult question. He

WAS GUITEAU RESPONSIBLE.

had taken place pending the recent argument. The prisoner had frequently taken occasion to proclaim that public opinion, as evidenced by the press and correspondence, was in his favor. Those declarations could not have been prevented except by the process of gagging the prisoner. Any suggestion that the jury could be influenced by such lawless clattering of the prisoner For that reason the defense of insanity Counsel for the prosecution had felt it necessary, however, in the final argument to interpose a contradiction to such statements; and an exception had been taken on the part of the accused to the form in which that effort was

must be allowed full weight. made. For the sole purpose of purg-ing the record of any objectionable matcase there was no trouble with any as to this defendant? ter he should simply say that anything which had been said on either side in reference to public excitement or to newspaper opinion was not to be re-or absolute imbecility, in which all

rime charged. Murder was commit- often great difficulty in determining on examine into the subject was, first, to the other hand, you find that he was

question, the others being hardly mat. that it was not the result of same rea-ters of dispute. That the defendant soning which the party might be capato the earth and had seen a great light. fired at and shot the deceased Presi- ble of, notwithstanding his limited and dent was abundantly proved. That circumscribed disorder. Assuming the wound was fatal had been testified that that infirmity of mind had a direct and had heard a voice from Heaven warning and commanding him to do a certain act, that would be a case of im. aginary inspiration, amounting to an insane delusion. The question was to by the surgeons, who were compe- influence on crime, the difficulty was tent to speak, and they were uncontra-dicted. That the homicide was com-which fixed responsibility or irrespons-whether the case of this defendant premitted with malice aforethought (if ibility in law. It would be well to say sented anything analogous to that. mitted with malice aforethought (if the defendant was capable of criminal intent or malice (could hardly be gain-said. It was not necessary to prove that any special or express hatred or "nalice was entertained by the accused toward the deceased. It was sufficient to prove that the act was done by de-liberate intent, as distinct from an act done under a certain impulse in the liberate intent, as distinct from an act done under a certain impulse, in the heat of blood and without previous malice. Evidence had been exhibited to the jury tending to show that the defendant admitted in his own hand-writing that he had conceived the idea and for that reason evidence was ad-writing that he had conceived the idea and for that reason evidence was ad-writing that he had conceived the idea and for that reason evidence was ad-writing that he had conceived the idea and for that reason evidence was ad-writing that he had conceived the idea and for that reason evidence was ad-writing that he had conceived the idea and for that reason evidence was adof 'removing the President,' as he missable to show conduct and language which he had already characterized as called it, six weeks before the shooting; that would indicate to the general mind furnishing no excuse for crime. He that he had deliberated upon it, and came to a determination to do it; and that about two weeks before he accom-is mental and physical history was plished it he stationed himself at certain therefore relevant, because any concluwant of power (from mental disease), points to do the act, but for some reason was prevented. His prepara-tion for it by the purchase of the pistol spontaneously written, afforded one of the best indications of mental condition. tion for it by the purchase of the pistol had been shown. All these facts came termine, and was what was relied upup to the full measure of the proof re-quired to establish what the law de-Evidence of insanity in the parents was always pertinent, but juries were on by the defense. MENTAL AND MORAL OBLIQUITY. never allowed to infer insanity in the It had been argued with fervor on accused from the mere fact of its existthe part of the defense that there were

ence in the ancestors. Therefore it was that, in this case, the defense had a great many things in the defendant's conduct which could not be expected of been allowed to introduce evidence a sane man, and which were only exconcerning the whole life of the accuse

plainable on the theory of insanity. There were strange things in his career; and reaching also his family antecedents. and whether they were really indica-tious of insanity or could be accounted COULD HE TELL R.GHT FROM WRONG ? The instructions which he had altor by his ignorance of men, his exagready given to the jury imported that gerated egotism, or by his bluntness of had already said that a man who is the true test of criminal responsibility insane in the sense that makes him ir- where the defense of insanity was inmoral sense, it might be difficult to de-termine. The only safe rule, however, responsible, cannot commit a crime. The defense of insanity has been so abused as to be brought into great dis-stand the nature of the act with which was for the jury to direct its attention to the test of criminal responsibility, namely : Whether the prisoner possesscredit. It was the last resort in cases he was charged, and to understand of unquestioned guilt. It had been that it was wrong for him to commit an excuse for juries to bring in a it. If those were the facts, he was ed the mental capacity at the time the act was committed to know that it was wrong or whether he was deprived of that the jury could be influenced by such lawless clattering of the prisoner would have seemed to him absurd; and he should have felt that he was insulting the intelligence of the jury if he had warned them not to regard it. Counsel for the prosecution had felt it capacity by mental that There was one important distinction which the jury must not lose sight of and they must decide how far it was applicable to the case. That was the distinction between mental and moral

was viewed with disfavor, and public doing, or could not understand that obliquity. sentiment was hostile to it. Never- what he was doing was wrong, he In concl In conclusion Judge Cox said : 'And now gentlemen, to sum up all I have said to you, if you find from the whole theless, if insanity were established to 'ought to be treated as an irresponsible a degree necessary, it was a perfect de- lunatic. As the law assumed every fense for an indictment for murder and one, at the outset, to be same and reevidence that at the time of the comnust be allowed full weight. It would be observed that in this there in this case to show the contrary mission of the homicide the prisoner was laboring under such a defect of his reason that he was incapable of un-

question about what might be called A jury was not warranted in inderstanding what he was doing, or of ferring that a man was insane from the seeing that it was a wrong thing to do, reference to public excitement or to newspaper opinion was not to be re-garded by the jury. The indictment charged the defend-ant with having murdered James A. Garfield; and it was the duty of the court to explain the nature of the

T	RIAL	LIST FOR SPECI	AL COURT, COMM	ENCING 13th FEB	RUARY, 1882.
No. Con		. Yr. Plaintiff's Attorney.	Plaintiffs.	Defendants.	Defendant's Attorney
C. P. "	377 June 179 Oct. 591 " 128 Dec. 4 Sept. 35 Dec. 538 Oct.	" Greer and J D McJ.,	Samuel Shaffner	John B Dindinger et al. J C Redd et al. John B Dindinger et al. Wm M Abrams and J Y Foster B F Hitchcock	Brandon McC., McQ. and White Thompson McC., McQ. and White McC. Scott. Scott. Scott. A T Black N Black, McC., et al. Campbell & Donly.
P	rothonoter	Ta Office Lannary 16 1999		M N.	GREER Prothonotary.

selar rr.

ATVENING In the Cretter.

Notice in Partition. the Orphans' Court of Butler county, Pa No. 6, Dec. Term, 1881. mmonwealth of Penn'a, Butler cou WHEBEAS, on the 8th day of Dec

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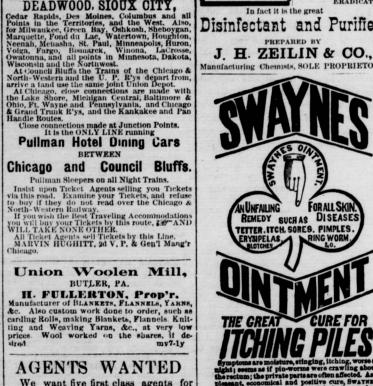
in bathing. npure Air made harm-less and purified by sprinkling Darby's ress and purnled by sprinkling Darby's PREVENTED. Thuid about. To purify the breath, Cleanse the Teeth, it can't be surpassed. attarrh relieved and Ship Fever Prevented by cured. Its use.

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ted where a person of sound memory which side of this line a party was to satisfy themselves about the condition and discretion unlawfully killed a be put. There were cases in which a reasonable being, in the peace of the man's mental faculties, generally, seem-United States, with malice aforethought. A man was pos-evidence exists as to a different condi-and if, of his own free will, he deliber-It had to be proved, first, that the death was caused by the act of the accused ; and, further, that it was caused with malice aforethought. That did not mean, however, that the Government had to prove any ill-will or hatred on the part of the accused toward the deceased. Whereever a homicide was shown to have been committed without lawful authority, and

with deliberate intent, it was sufficiently proved to have been done with malice aforethought; and malice was not disproved by showing that the accused had no personal ill-will to the deceased,

and that he killed him from other motives-as, for instance, robbery or through mistaking him for another, or passion, or under provocation, then it

that there was nothing of that kind in the present case. The jury would have to say either that the defendant was guilty of murder or that he was innocent.

THE QUESTION OF INSANITY. In order to constitute the crime of ry and discretion.' An irresponsible governed the reeings and ideas that insane man could not commit murder. It is shooting If it did, it represent-If he was laboring under a disease of that he did not know what he was utterance as an insane delusion. was show to believe the contrary. The burden was, therefore, on the defendant, who set up insanity as an excuse

ed to be deranged. A man was pos-sessed, perhaps, by a belief of some-thing absurd which he could not be reasoned out of (what was called an insane delusion); or he might have some moroid propensity, seemingly in harsh discord with the rest of his in-tallegting absurd to the rest of his in-the delusion of mind at the time of the commis-ston of the act. The jury would have to draw its own conclusions. Was the prisoner's ordinary, permanent, chronic condition of mind such that he was unable to understand the nature of his for notoriety, or if you are unable to tellectual faculties and moral nature. actions and to distinguish between right discover any motive at all, the act is Those were cases which, for want of and wrong in his conduct? Was he simply murder and it is your duty to Those were cases which, for want of a better term, were called partial insan-ity. The jury must determine whether, at the time the homicide was committ-ed, the defendant was laboring under

any insane delusion prompting and an irresponsible lunatic. On the other impelling him to do the deed. Natur- hand, had he the ordinary intelligence will now return to your room and con ally, they would look first to any ex-planation of the act that might have guish between right and wrong as to

been made by the defendant himself at his actions? If another person had through mistaking him for another, or been made by the detendant himsen at a subtract of the assassination. Would be assassination would be been fit is could be shown been and the time, or immediately before or after. Is committed the assassination, would be shown been and the been laid before the prisoner have appreciated the wick-that the killing occurred in a heat of them that had been in the prisoner's edness of it? Would he have under-passion, or under provocation, then it possession, and that purported to aswould appear that there was no pre- sign the motive for the deed. The wrongfulness, if another person had meditated attempt, and, therefore, no Judge then cited several extracts from suggested it to him? The jury must malice aforethought, and that would Guiteau's different statements as to consider these questions in their own mind. If the jury were satisfied that

was hardly necessary, however, to say the crime, growing out of the political his ordinary and chronic condition was

three months afterward. And now he would pass to consider the import of murder, the assassin must have a all this. The jury would consider, maining inquiry was whether there reasonably same mind; in technical first, whether this evidence fairly reputerms he must be 'of same mind, memothe shooting If it did, it represent-ed a thing which he (Judge Cox) had

the mental faculties to such an extent not seen characterized in any judicial They doing, or did not know it was wrong. then he was wanting in that sound mind, memory and discretion that was mind, memory and discretion that was reasoning and reflection of the arguing this particular act. The Judge then a part of the definition of murder. In ments and evidence for and against, resulting in the opinion that the Presi-presumption of innocence, it was equal-if he were out of the way it would be assed brain, which defies reason and is eased brain, which defies reason and it would save to be sane and to have been so at the a benefit to his party, and would save time the crime was committed. That the country from the predominance of is to say, that the Government was their political opponents. So far there is to say, that the Government was not bound to show affirmatively as a part of its proofs that the defendant was sane. As insanity was the ex-ception, and as the majority of men are sane, the law presumed the latter con-dition of arcer was many heated partisans, who were sane people, but the difference was that the prisoner reached the conclusion that to dition of every man, until some reason put the Prisident out of the way by assassination was a political necessity. When men reasoned, the law required them to reason correctly, so far as their for crime, to produce proofs in the first practical duties were concerned. A instance to show that that presumption man might believe a course of action was mistaken, so far as it related to to be right, and the law might forbid the prisoner. Crime, therefore, in-volved three elements, the killing, mal-the law, and nothing could save him ice and a responsible mind, in the from the consequences of the violation murderer After all the evidence was of the law, except the fact that he, was

hen the defendant was entitled to the enefit of such doubt. MALICE AFORETHOUGHT FULLY ESTAB-LISHED. With references to the widences is charged was s product of the defusion was s mere same belief. On the other

sider your verdict.' [Sparta, (Wis.) Herald.] As an exhibition of the intrinsic worth of St. Jacobs Oil, we think the case referred to, that of Mrs. O. W. Hubbard, of this town, cured of Sciatic Rheumatism of long standing by the

Oil, is certainly striking, and, beyond all doubt, conclusive as to its efficacy. The remedy has our indorsement.

-The publishers of the Atlantic Monthly invite attention to the Atlan-tic articles entiled 'Studies in the South,' the first of which appeared in January, and the second is in the Febthat of sanity-at least so far that he knew the character of his own actions and how far they were right or wrong -and that he was not under any perruary issue. They are written by the author of the article on 'Certain Danmanent insane delusion, which stroyed his power of discriminating begerous Tendencies in American Life, tween right and wrong, then the rewhich attracted so much attention at the time of its appearance. The writ-er visited the South under peculiarly

favorable circumstances for the pur-WAS THERE AN INSANE DELUSION ? pose of making a minute examination of all features of Southern social and It would be seen that the reliance of domestic life, industry, and manufache defense was the existence of an insane delusion in the prisoner's mind, which so perverted his reason as to intures, as well as the soil and climate of the different sections, and in these papers he aims to report with absolute capacitate him from perceiving the dif-ference between right and wrong as to exactness the facts as he saw them. this particular act. The Judge then expounded at length the law regarding articles convey a more full and satisarticles convey a more full and satisfactory statement of all the conditions of the South than has ever been made before, and they arie exceedingly picturesque and interesting. ridicule, and throws into disorder all

the springs of human action. The It Tells Its Own Story. question for the jury to determine was LANCASTER, N. H. Dec. 3, '79.

what was the condition of the priso-ner's mind at the time when this pro-By the way I will say that I think ject was executed. If he was sufficient-Downs' Elixir the best cough remedy that I can find at our Druggists. We always use it .- J. S. Peavey, Pub. Republican.

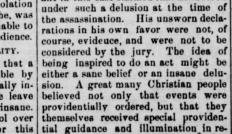
All diseases arising from Biliousness or Torpid Liver, are quickly cured by the use of Baxter's Mandrake Bitters. See notice of Arnica and Oil Liniment n another column.

"The Domestic Tyrant."

"The average man," quoth Mrs. Partington, "is a weak and irritable domestic tyrant," and Mrs. P. is corant in this case claimed that he labored (that is, that the detendant is innocent till he is proved guilty, and that he is sane till the contrary appears), still entertained what was called a reasona-ble doubt on any ground, or as to any of the essential elements of the crime, then the defendant was entitled to the benefit of such doubt. MALICE AFORETHOUGHT FULLY ESTAB-LISUED

shirts, low prices, at Heck & Patterson's.

ly sane then to be responsible, it matters not what might have been his condition before or after. There was undoubtedly a form of in. sane delusion, consisting of a belief by a person that he is inspired by the Almighty to do something-to kill another, for example-and the delusion might be so strong as to impel him to the commission of crime. The defend-



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