BUTLER, PA., WEDNESDAY, JANUARY 30, 1884

VOL. XXI.

LEGAL ADVERTISEMENTS. Estate of John Rosenberry.

LATE OF ALLEGHENY TWF., DEC'D.

Letters of Admini tration C. T. A. on the estate of John Rosenberry, dec'd., late of Allegheny township, Butler county, Fa., having been granted to the undersigned, all persons knowing themselves indebted to said estate will please make immediate payment and any having claims against said estate with present them duly authenticated for settlement to B. P. EAKIN, Adm'r Parkers Landing P. O., Armstrong Co., Pa.

Estate of John Cooper, Dec'd. LATE OF WINFIELD TWP., BUTLER CO., PA., Letters testamentary on the above estate having been granted to the undersigned, all persons knowing themselves indubted to said estate will please make ir mediate payment and any having claims against said estate will present them duly authenticated for settlement.

ROBERT COOPER, Executor. Denny P. O., Butler county, Pa.

Estate of Wm. Park, Sr. LATE OF MIDDLESEX TOWNSHIP, DECEASED Letters testimentary in the estate of Wm. Park, dec'd. late of Middlesex township. Butler county, Fa., having been granted to the undersigned all persons knowing themselves indebted to said estats will please make immediate payment, and any having claims against said estate will present them duly authenticated for set.lement.

HANNAH PANE,
WILLIAM PARE, Jr.
JAMES PARE.
Bakerstown P. O., Allegheuy Co., Pa,

Estate of Namuel Young. LATE OF WASHINGTON TWP., DEC'D.

Letters of administration on the estate of Samuel Young, dec'd, late of Washington twp. Butler county, Pa., having been granted to the undersigned, all persons knowing themselves indebted to said estate will please mike immediate payment and any having claims against asid estate will present them duly authenticated for estillement.

ated for settlement, S. C. HUTCHISON, Administrator. North Hope P. O. Butler county, Pa.

Executors' Sale.

By virtue of the provisions of the will of Wil liam Thompson, dec'd, late of Middlesex twp., Butler county, Pa., the undersigned, his Executors, offer for sale part of the farm of said William Thompson, located in Middlesex twp., Butler county, Pa., one mile west of the Butler and Pittsburgh Plank Road, and four miles east of the P.A. W. Railroad, containing FIFTY NIME AND ONE-HALF (59½) ACRES, one-half cleared and in good cultivation, the balance well timbered and all u der fence, is convenient to schools and churches, and is well watered. For further information inquire of on the farm or address,

W. S. THOMPSON, Executors. W. R. THOMPSON, Glade Mill P. O., Butler, Co., Pa.

Estate of Ebenezer Christy. (LATE OF WASHINGTON TWP., BUTLER CO., PA.) (LATE OF WASHINGTON TWP., BUTLER CO., PA.)

Letters of administration having been granted to the undersigned on the estate of Ebenezer Christy, late of Washington twp., Butler county, Pa., notice is hereby given to all parties knowing themselves indebted to said estate to make immediate payment and any having claims against said estate will present them duly authenticated for payment

MRS. JANE CHRISTY, G. W. CHRISTY, North Hope, Builer county, Pa

Notice.

The time fixed by the Court for hearing other business than trial by Jury; such as applications for license to sell Liquors, and objections thereto by evidence, petition, remonstrance of Counsel, will be heard Friday, March 7th, 1894. Objections designed approach for witnesses. Counsel, will be use.

Objectors desiring subposas 10a

Objectors desiring subposas 10a

must file exceptions be applied for as in
other cases to the Court. By The Court.

BUTLER COUNTY SS: Certified from the Record this 11th day of January, 1884.

W. B DODDS, Clerk.

MOTICE IS HEREBY GIVEN that an application will be made by Chas. T. Creswell, Albert B. Guilbert, Severo Mallet Provost, Henry Cummins and Theo, B. Armstrong on the 14th day of February, 1884, to the Governor of the state of Pennsylvania, under the Act of Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the incorporation and regulation of of certain corporations," approved April 26th 1874, and the supplements thereto, for the charter of an intended corporation, to be called the Postal Telegraph and Cable Company No. 2: the charter and object thereof is to construct, maintain and operate lines of telegraph commencing in McKean

FARM FOR SALE

SEVENTY-FIVE A CRES. more or less, of good tillable ground, having erected thereon two frame dwellings, and all necessary out buildings; two springs of never failing water, two orchards, farm in good repair etc. Convenient to schools, churches, postoffice etc.

WILLIAM MCGREW,
nov7-tf.

Prospect, Butler Co., Pa,

FOR SALE.

18 Acres of land, with large two-story brica house and large barn thereon erected. Good orchard; situated in Butler twp, Butler county, Pa., adj-ining Butler borough on the south, will be sold cheap and on easy terms. For particulars inquire of Lev McQuistion, Esq., Butler, Pa.

FOR SALE!

as sores of land in Borough of Prospect HOUSE and BARN. Good orchard, spring and well. If not sold by first of February will be for rent. Enquire of

FOR SALE! FOR SALE!

A valuable farm three miles west of Butler, on the public road, in a high state of improvement and cultivation. Eighty-three acres, of which 23 acres is heavily timbered with white oak and chestnut, and 60 acres cleared, richly improved A stake and rider fence 7 teet high encloses the entire farm and also the different fields. Two fine orchards of over 100 truit bearing apple trees of rare and choice varities, all grafted fruit, 75 peach trees of young growth and bearing for two years, 25 pear trees also bearing, one dozen quince trees also bearing, last year, and a variety of small fruits. A two-story

FRAME DWELLING HOUSE. containing four large rooms and large kitches with cellar under the entire house; a large with cellar under the entire house; a large frame bank barn, a large and commodious frame building, first floor used for wagons and buggles, second floor, with sufficient granery capacity for all possible emergencies, as well as a place for the preservation of machinery and implements used on a farm; also smoke house, henery, oven, and other buildings necessary about a farm house; two excellent springs of never failing water, one of which is used in spring house and the other for watering stock. The school house of the district is one-fourth of mile and church about one-half a mile or in

Butler.
Terms of purchase, cash or portion in hand.

HOUSE AND LOT FOR SALE. A VERY COEY

Two-Storied Frame House

of six rooms, cellar, out houses and two lots of ground in Butler will b sold on reasonable terms. Call at office of F. M. EASTMAN

laptation to the support of weakened gans it is the only medicine needed in I the common ills of life.

variably Cures Chronic Ca rrh, Neuralgia, Headache, Sick codache, Nervousness, Vertigo, usness. For Diseases of the

idneys and all diseases caused them, take -PERUNA-

Diseases of the blood own it a conqueror. Endors in writing by over fifty thousand leading citize cictyruse and physicians in J. S. and Europe. [EW For sale by all leading druggists, \$1.50. The Dr. S. A. Bichmond Medical Co. Props., The Dr. S. A. Bichmond Medical Co. (5)

rice \$1. 6 bottles \$5. Direc

mattem by routing it. Restores life-giving proper-ties to the blood. Is guaranteed to cure all nerrous disorders. ET Reliable when all optates fail. Re-

oter complexion. Equalled by none in the delitium of fever. A charming resolvent and a matchica laxative. It drives Blok Headasho like the wind.

The Contains no drastic catharile or oplates. Relieves

TORPID BOWELS, DISORDERED LIVER, and MALARIA.

And MALARIA.

From these sources arise three-fourths of the diseases of the human race. These symptoms indicate their existence: Loss of Appetite, Bowels costive, Sick Headache, fullness after cating, aversion to exertion of body or mind, Eructation of food, Irritability of temper, Low spirits, A feeling of having neglected some daty, Dizziness, Fluttering at the Heart, Dots before the eyes, highly colored Urine, CONSTIPATION, and demand the use of a remedy that acts directly on the layer. As a Liver medicine TUTT'S PILLS have no equal. Their netion on the Kidneys and Skin is also prompt; removing all impurities through these three "scavengers of the system," producing appetite, sound digestion, regular stools, a clear skin and a vigorous body. TUTT'S PILLS cause no nauses or griping nor interfere with duity work and are a perfect

ANTIDOTE TO MALARIA. HE FEELS LIKE A NEW MAN.

"I have had Dyspepsia, with Constipation, two years, and have tried ten different kinds of pills, and TUTT'S are the first that have done me any good. They have cleaned me out nicely. My appetite is splendid, food digests readily, and I now have natural passages. I feel like a new man." W. D. EDWARDS, Palmyra, O. Soldeverwhere 35c. Office 41 Navara S. N. Y. Sold everywhere, 25c. Office, 44 Murray St., N.Y.

GRAY HAIR OR WHISKERS changed in-stantly to a GLOSSY BLACK by a single ap-plication of this DTE. Sold by Druggists, or sent by express on receipt of \$1. Office, 44 flurray Street, New York.

Butler's New Departure

For Pianos, Organs, Violins and other Musi-

---OF---

Kleber Bros. & Stauffer, Main Street, Butler, Pa.

Sheet Music and Music Books always on hand or furnished to order. Orders for Piano and Organ tuning and repairing promptly attended to by John B. Eyth of Pittsburgh, Pa. Nov. 14, '83, 3m.

Hard Wood Furniture

for sale at extremely low figures, A great variety of Beds, Tables, Chairs, Childrens Rockers, Marble and Wood Top Parlor Tables Bureaus, Stands, Double and Single Lounges

Spring Mattresses, &c., &c., at WM. F. MILLER'S North Main Street,

BUTLER, PA FACTORY ON WASHINGTON STREET.

Union Woolen Mills.

I would desire to call the attention of the I would use in the Union Woolen Mill, Butter, public to the Union Woolen Mill, Butter, where I have new and improved machinery for where I have new and improved machinery for Barred and Gray Flannels,

Knitting and Weaving Yarns,

And I can recommend them as being very durable, as they are manufactured of pure Butler county wool. They are beautiful in color, superior in texture, and will be sold at very low prices. For samples and prices, address,

H. FULLERTON,
Butler, Pa

BACKLOG SKETCHES,

per, filled with charming serials, stories, cnoice
miscellany, etc., is sent 3 mos. on Thial, for 26
cents; and we send EVERY subscriber FREE our
new HOLIDAY PACKAGE consisting of 10 pieces
popular music, 10 interesting games, 1 pack of age
and fortune-telling cards, 1 pack, "Hodd to Light"
cards, 1 pack fun & fliritation cards, 1 set chromo
cards, 1 age with the series of the property of the series cards, 1 pack tink filtration cards, 1 set curomo cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and the first degree lies on the cards, 1 and 1 a

THE NUTT TRIAL. THE JUDGE'S CHARGE.

the Law Points as Laid Down

By His Honor, Judge Stowe. GENTLEMEN OF THE JURY: After seven days of patient and apparently careful attention by the jury to the evidence and arguments in this case, we approach the end, and have nearly ne to that point where the responsi bility will rest solely upon you. The peculiar manner in which you have een examined in regard to your competence and placed upon the jury, and the care with which you have been separated, not only from the world, but even from your own families and friends, indicate the great importance and solemnity of the duty which the law devolves upon you. Before you were allowed to take your seats as jurors, each one of you was compelled o state under the solemn sanction of an oath, that you had formed no opinion in regard to the guilt or innocence of the prisoner at the bar which would interfere with your rendering a verdict according to the evidence adduced before you in court. This was itself a warning that you must not allow any opinion touching the merits of this cause which you may have previously had to now have any influence upon your verdict, and I again most earnestly caution you to be governed in the decision of this case solely by the law and the evidence. Look neither to the right nor the left-follow straight out to a conscientious and honest conclusion the way in which the light of the evidence leads you, unswayed by pity for the youth and misery of the prisoner, and regardless of the consequences for good or evil the verdict may impose upon him. You have nothing to do with the result of your verdict. If it should bring disastrous results, it is the aw that produces them. If it should bring joy and rejoicing to sorrowing hearts, it is the law that brings them about. The prisoner is charged with an offense against the law; you are

may come thereafter is a matter in the hands of others, and with which, as jurors, you have nothing to do.

The prisoner is charged with the unawful killing of Nicholas Lyman Dukes. Is he guilty or not guilty If guilty, is he guilty of voluntary manslaughter or murder of the second legree or murder of the first degree If not guilty, is he so because he was insane, or by reason of his mental con-

dition irresponsible in law for his act, as claimed by the defense? These are the questions involved in the trial and which you alone have the right and the power to determine. But it is nevertheless my duty to declare to you, so far as I may be able, clearly and emphatically the principles of law oaths, be satisfied that they are not in accord with the law as it actually

exists. Murder is where one of sound memory and discretion unlawfully kills reasonable being in the peace of the Commonwealth with malice afore-thought, expressed or implied. Its distinguishing feature is malice aforethought. Not malice in its ordinary sense alone, such as ill-will, spite or grudge, but malice in its legal sense meaning much more. It comprehends not only a particular ill-will, but every case where there is wickedness of disposition, hardness of heart, cruelty recklessness of consequences and a mind regardless of social duty and wilfully bent on mischief. The crime of murder, you will thus perceive, embraces cases where there was no actual intent to take life, but where the state of mind the law holds malicious existed at the time the act was done which resulted in death.

In this State, the Legislature, seeing that there was a manifest difference in the degree of guilt where a deliberate intention to kill exists and where none appears, passed an act in A. D., 1794, by which murder was distinguished into two grades—murder of the first and murder of the second degree-and provided that the jury before whom any person indicted for murder shall be tried shall, if they find him guilty thereof, ascertain and declare in their verdict whether it be murder of the first or murder of the second degree. By the revisal of our criminal code by the Legislature in 1860 the act above alluded to was re-enacted in terms, and is

as follows: "All murder which shall be perpe-The prisoner followed shooting into his back shot after shot, till be fell gasping in death. Here was the use of a deadly weapon, in a manner likely and all other kinds of murder of the first degree, and all other kinds of murder of the second degree."

Murder of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree comprehends only that kind of murder characterized as "wiffer leaves of the first degree, this is the controlling and but the widence being given tending to show mental unsoundness or peculiarity as a condition from which insantity might suddenly develope, unlock the first degree, this is the controlling and sole question, and to it you are bound to give your solemn consideration, for lock with the fell deadly weapon, in a manner like-betterized. But evidence being given then don't have instant unsoundness or peculiarity as a condition from which insanity might suddenly develope, unlock the circumstances shown by the evidence, this is the controlling and sole question, and to it you are bound to give your solemn consideration, for lock the wife of the killing to show mental unsoundness or peculiarity as a condition from which insanity might suddenly develope, unlock the circumstances shown by the evidence, this is the controlling and to give your sol exists, it is wilful; if this intention be accompanied by such circumstances as ate, and if sufficient time be afforded to

ed intent as a fact to be determined by the jury from all the facts and circumstances in evidence.

and with a manifest design thus to use the person accused was capable of havit upon him, with sufficient time to de- ing and did have a criminal intent. iberate and fully to form the conscious

pressed or implied, and may be volun-liquity of perception, as much as if he tary when done in a sudden heat of were laboring under an obliquity of passion or involuntary, when in the vision. On this point there has been commission of some illegal act. Vol- a mistake as melancholy as it is popuuntary manslaughter very nearly approaches murder. The distinction is ed doctors that if a man has the least this: Manslaughter is never attended taint of insanity in his mental strucby legal malice or depravity of heart. ture, it discharges him from all ac-But being often a wilful act, it is neces- countability to the law. The law (he sary that the circumstances should take | continues) is, that whether the insaniaway every evidence of cool depravity ty be general or partial, the degree of of heart or wanton cruelty.

tion, is guilty of murder of the first de-

gree Manslaughter is the unlawful

or wounding resulting in death, to voluntary manslaughter, there must be action."

Laken from him the freedom of moral of the accuracy of that knowledge the state of rage or passion, without time to cool, placing the prisoner beyond the control of his reason and suddenly impelling him to the day. untary manslaughter, there must be action." impelling him to the deed. If any of these be wanting, if there be provocation without passion, or passion without sufficient legal provocation, or there be time to cool, and the reason has resumed its sway, the killing will

be murder. IN REGARD TO THE EVIDENCE.

simply to inquire whether or not he is Having thus stated the law in reguilty of that offense, and there your gard to the crime, we come to consider the law in regard to the evidence, may be stated generally that all homicide is presumed to be malicious; that is, murder of some degree, until the ontrary appears in evidence. And the burden of reducing the crime to manslaughter, where it is proved the prisoner did the killing, lies upon him. He must show the circumstances of alleviation or excuse upon which he relies to reduce his offense from murder to a milder form of homicide, unless the facts already in evidence show it. But though homicide without circumstances of alleviation or excuse is presumed to be murder, the presump-

tion rises no higher than the second degree, and itdevolves upon the Commonwealth to show by evidence that it is murder of the first degree. The applicable to this case, and which you Commonwealth must therefore satisfy should recognize as correct unless you the jury of these facts and circumstances which indicate the deliberate intention to kill and the cool depravity of heart and conscious purpose which constitute the crime of murder of the

Adverting in the light of these principles of law to the evidence for the Commonwealth, what what was the offense which, apart from his alleged legal irresponsibility, the prisoner committed?

The testimony shows beyond ques tion that James Nutt, the prisoner at the bar, standing in the front part of an unfinished building upon a crowded street in Uniontown, Fayette county, not far from 7 in the evening, seeing Dukes passing along the street, drew a revolver and fired. Dukes, apparently realizing his danger, took to flight, and was pursued by the prisoner, who fired as he followed him, shooting in all five shots (any one of three of which are alleged to have been necessarily mortal), until Dukes fell dying upon the floor of the postoffice. None of these facts have been gain-

said or denied by the defense. They are undoubtedly substantially true. You believe, no doubt, that Dukes thus came to his death by the hands of the prisoner Of what offense does the law say he is guilty, apart from the defense set up and so strenuously urged upon you by counsel for the prisoner? From the facts (treating him as a respensible being) the indications are, and it seems to me the necessary conclusion is, that he was guilty of the highest grade of murder. He attacked a man quietly passing along the street, who does not seem fired upon with a most deadly weapon. emanated. There was no conflict, no controversy,

can fully, reasonably and satisfactorily infer the existence of the intention to kill and the malice of beart with which few men so balanced in intellect that witnesses showed themselves by their it was done, they will be warranted in they may not at some time and under so doing. He who uses upon the body some circumstances approximate de- competency, this must not be taken as of another at some vital part—with a rangement." There are persons, said manifest intention to use it upon him Judge Curtis (in U. S. vs. McGlue 1 that they were all or any to be relied —a deadly weapon, such as a knife, an Curtis U. S. Rep.); filling important upon by the jury as to the justnessaxe, a gun or a pistol, must in the abstations in life, who upon some one of their conclusions. sence of qualifying facts be presumed subject are insane. There are others to know that his blow or shot is likely whose minds are such that the conclumony of these witnesses is a question to kill, and knowing this, must be pre-sumed to intend the death, which is the weapon, no sufficient cause of legal prov- son and judgment are so weak or perocation being shown, must be presum- verted that they may in some sense b life of another with a deadly weapon these peculiarities, but solely whether

In Com. vs. Mosler, 5 Barr 264, purpose of killing and without any Judge Gibson, in delivering the opinsufficient reason or cause of extenua- ion of the Supreme Conrt, said: "A person continues to be a legitimate subject of punishment, although As upon you rests the responsibility of killing of another without malice ex- be may be laboring under a moral ob- rendering a correct verdict, if the testiit must be so great as to have controll-To reduce an intentional blow, stroke ed the will of its subject and to have

> order which dethroned his reason and judgment with respect to that act; which destroyed his power rationally to comprehend the nature and conse quences of that act and which overpowered his will, irresistibly forcing him to its commission, he is not amenable to legal punishment. But, if the jury believe from all the evidence and circumstances that defendant was in possession of a rational intellect and sound mind and allowed his passions to escape control, then, though passion may for the time being have driven reason from her seat and usurped it and have urged the defendant, with a force at the moment irresistible, to desperate acts, he cannot claim for such acts the protection of insanity. And we might spend hours reading to you other opinons of learned Judges in different parts of the United States which the counel engaged in this case have called

ny attention to of similar import, but we will let the foregoing suffice for the present. The conclusion I have arrived a and which I instruct you is the law, is this: In order to relieve the prisoner from legal responsibility for the killing of Dukes, the jury must be satisfied from the evidence that at the time of the killing his will was so far overmastered and controlled that he was powerless to resist the commission of the pulse forced to do it, he is not to be held accountable to the law. Every person who has a capacity to know right from wrong is bound to exercise his utmost power to refrain from doing what he knows to be wrong, especially so terrible a wrong as destroying a fellow creature. And he must not passively submit to an impulse to do an unlawful act; he must make all the resistance in his power.

NO MUCH FAITH IN TEMPORARY IN-SANITY. This doctrine is one, hewever, which in its relations and application should be carefully considered and cautiously applied by juries on the trial of criminal cases. This is especially so where there is not any, or very little, evidence of mental disturbance or insanity previous to the commission of the act for which one is being tried, followed by

apparently perfect sanity afterwards. For myself, I must say that I have, o say the least of it, very little confidence in a suggestion of insanity which without some evidence of previous existence springs into life for a single moment and then dies away instantly leaving no trace behind. And I do not think any jury should acquit upon such ground, unless the evidence fairly shows such preceding mental peculiarty and condition as makes it reasonably apparent that the act was the result of an irresistible impulse, actually brought about or developed at the time even to have known he was there till of the commission and from which it

The jury have no right to infer in-

terized as "wilful, deliberate and pre-meditated." It has always been held gestions—a wilful, deliberate and pre-gestions—a wilful, deliberate and prethat the intention to kill is the essence meditated killing, and therefore mur- number of witnesses who knew him of the crime. If an intention to kill der of the first degree. If the case for years, some of them from childhood, only stopped here there could, under who told what they knew about him accompanied by such circumstances as the law, be no es ape for the prisoner. and his mental peculiarities and defects. evince a mind fully conscious of its But the defendant's counsel, while not You heard how he acted after the death own purpose and design, it is deliber- perhaps expressly admitting this con- of his tather and after the acquittal of victed of some degree of criminal homi clusion, declare and urge upon you Dukes, even down to the day of the cide. enable the mind fully to frame the that even admitting all this to be true, killing. You have heard read the letlesign to kill, and to select the instru- and assuming the killing was done ters which passed between Dukes and all the evidence adduced before you, ment, or to frame the plan to carry the under such circumstances as otherwise his father, and your attention has been that it fairly predominates in favor of design into execution, it is premeditat- would make it criminal, the defendant called to the trial of Dukes, the populinsanity; in other words, fairly leads ed. The law fixes no length of time as is not guilty and should not be con- lar excitement which followed, and you to believe that he was not of sound necessary to for the intention to kill, victed of any criminal offense, because some of the newspaper publications. mind (id est insane) at the time he did but leaves the existence of a fully form- he was legally irresponsible at the And above all, you have had a number the killing, he should be acquitted upon time he did the killing by reason of a of physicians examined as experts be- that ground and it will be your duty in deranged or unsound mind, which the fore you upon what we call a hypotheti- such case to say so in your verdict tances in evidence.

law calls in general terms "insanity," cal question, which seemed to me to be No mere doubt of his senity raised by

The proof of the intention to kill and and this brings us to an examination founded substantially at least, if not the evidence will suffice; the fact must the disposition of mind constituting of the law in regard to such a defense. exactly, upon evidence given by appar- be shown by the fair weight of the It has been well said, "Whether a ently reliable witnesses for the defeuse, testimony. Commonwealth; but this proof need man is sone or not, whether totally de- who, without exception, said they be- In conclusion: The Court, speak-

calling or studies within the line o

Witizen.

solely for the jury There is no rule of law which requires you to surren probable and ordinary consequence of right. And others whose passions der your judgments implicitly to or such an act. He who so uses a deadly are so strong or whose conscience, readeven to give controlling influence to the opinions of scientific witnesses however learned or accomplished they may be. Their testimony is to be tried ed to do it wickedly and from a bad said to be insane. But it is not the may be. Their testimony is to be tried beart, and therefore he who takes the business of the law to inquire into by the same tests, and receive just so much weight and credit as you may deem it entitled to, when viewed in connection with all the circumstances in evidence. It is allowed for the purpose of enlightening your minds and not for the purpose

of controlling your judgments mony of these experts is opposed to your own conviction of the truth, it is your right to disregard their opinions In any case you should take into consideration the expert's means of knowledge and the reasons he assigns for the opinion he has given, and give or withhold credence to the testimony as you may find his qualifications and his reasons satisfactory or otherwise. The value of an opinion does not depend upon the skill and knowledge which he may profess, but upon the skill and

port a theory by their opinions is just exposed to a certain degree of suspicion. They are produced not to swear to facts observed by them, but to express their judgment as to the effect of those detailed by others, and they are selected on account of their ability to express a favorable opinion, which there is reason to believe in many instances is the result of employment alone and the bias arising out of

it. Such evidence should be cautiously accepted as the foundation of a ver-SANITY PRESUMED IN ALL CASES. The law presumes sanity in all cases and therefore when the defense of insanity is set up as an answer to that which would otherwise be a criminal offense, the defendant must establish the fact by competent evidence. We all know that the worst passions inci-

dent to human nature sometimes as sume to a certain extent the same form manifested in certain phases of insanity and that the actual line between pas sion and insanity is by no means to be clearly defined. Yet it is the duty of the Court and jury to determine in each case as it may arise the fact of the responsibility of the particular person on trial, dependent upon the fact of insanity, as best they can. You have already heard and seen enough in this act He was bound to use all the case to show you that this inquiry is a power of resistance he possessed, and f he did and was by irresistible imus to engage in, but you and I must meet it as best we can, using all proper care under the circumstances to come to a correct and honest conclusion.

And now, gentlemen, having laid down the law to you in regard to the issues involved in this case so far as the same seems to me necessary euable you properly to decide it, the matter is to be left in your hands.

You must not forget that from first to last that the law does not under any circumstances justify a private citizen in taking it into his own hands by way of punishment or revenge. No wrongs, however great or aggravating, of character such as those alleged to have been heaped upon the prisoner, his father, or the members of his family, can operate as any legal excuse for the And you must not killing of Dukes. lose sight of the fact that all the evidence upon this point has been given you solely for the purpose of throwing light upon the condition of the prisoner's mind in regard to sanity at the time of the shooting, and not directly nor indirectly to establish a legal justification of the act And the jury must be careful to discriminate between acts of mere passion or revenge superinduced by real or supposed wrongs and acts indicating insanity, which they sometimes

so closely resemble. You must not overlook the fact that nothing short of a diseased condition of mind, which places the act of the prisoner beyond his control, or his power to resist its unlawful inclination or impulse, will constitute a defense to that which would be an unlawful

ground of insanity.

If James Nutt has not, under the

evidence, shown by the fair weight of

the testimony that at the time he shot

Dukes and thus brought about his

death he was legally irresponsible, by reason of insanity, he should be con-

asks for your careful and cautious ex amination of all the facts in evidence ending to show the guilt or innocence of the prisoner at the bar. She doe not demand a conviction any more than she demands an acquittal but she does demand that you and each of you refear, favor or affection ender a verdict in accordance with the evidence in the cause on trial before you and now submitted to your charge

Old and New Time.

About forty years before the advent of the Messiah, the present division of the year into twelve months, each with its existing number of days, was established by Julius Cæsar. He computed the period to be 365 days and 6 hourequired by the sun to make the circuit of the ecliptic and return to the starting point. Four times six hours constitut. de one day; consequently, he provided for every fourth year to be a leap year containing 366 days. The exact time occupied by the sun in his annual course, however, is 365 days, 5 bours, 48 minutes and 47 7-10 Cæsar, therefore, put into each year 11 minutes and 12 3-10 seconds too much time. In 1500 years this amounted to number of days of an error in time. The edict of Pope Gregory XIII regulated the matter. This provided for retrenching the ten days between October 4 and 15, 1582. Thereby the day that would otherwise have called the fifth became the fifteenth of that month. Then he decreed that each year that divides by four and leaves no remainder should be a leap year-containing 366 days. Yet of the even hundredth year of each century only such should be leap year as divided evenly by 400, the year 1600 to be the first of such leap years, and the year 2000 to be the next. Thereby, as was shown, some 6000 years would fathers enjoy the reading themselves, elapse before one whole day could again creep into the calendar. ever Catholicism prevailed the Gregorian calendar was adopted. Episcopal England and Greek Church Russia, however, the Pope's bull made no impression. Consequently, to this day the Julian Calandar prevails in Russia. As that style deemed the year 1700 and 1800 leap years, which were not so regarded by the new style, those two years added to the ten days retrenched by the Gregorian calendar make the 12 days' difference between the Russian time and that of the rest

A Cruel Joke.

of Christendom.

A broad-shouldered man was walking Catham street. He looked as if he was

n great pain. "What's the matter?" asked a friend "Oh, I'm in terrible agony! Got a boil as big as a watermelon on my calf; can hardly walk. So-long!" and the proprietor of Job's comforter moved came along and shook hands with his

He was telling me how he was fright a cart load or so of tar, and a number

The new arrival was "in for it." "You walk up behind him, grab him by the leg and bark like a dog. His china plate. nerves are all unstrung, and we'll have a big joke on him to see him jump." walk on the other side and see me scare

him to death." The two parted to carry out their programme. The latest arrival proseeded after their mutual friend. Just as he got close up behind him he grabbed him by the boil and playfully barked: "Bow, wow, wow," just as natur-

ally as a dog show. The broad-shouldered man went up he had swallowed a tree full of persimmons. When he came down he recited the alphabet backwards, and then pointed his toe thirteen distinct times at his playful friend, slammed him up against a telegraph pole, mashed his hat over his eyes, and then walked away looking as if he'd like to put the leg with the watermelon boil on over his shoulder

and carry it home.

After the "dog" had pulled himself out of his hat he hunted up and down Chatham street for the man who put the job up on him, but he could not find him, for he was looking over the cornice of a neighboring house and was bursting with grins.

THANKS. 'Twas a cheerfel resolution Made by Laucaster congregation That they should wend their way. On that butter cold day, The first Saturday in Eighty-four, They drove up to their Pastor's door

A pleasant surprise, Meeting eyes to eyes,

- The mail rider who carries letters o and from the Cour d'Alene mines charges fifty cents each, and often has from forty to fifty. He takes the risk of being either scalped or frozen. -The recent heavy loss by fire, all

over the country, has made a boom for the insurance agents, who are placing many new risks and -According to a recent ruling of the postmaster general, any person who writes for tickets or corresponds with

lottery company, relating to such usiness, violates the law and becomes liable to a fine of from one hundred to should think," she replied, "that if ive hundred dollars. An exchange remarks that, "the best

eachers are those that learn something sandwich you would have had all the new themselves every day," so we and ingredients necessary for a good mince nounce this day that several thousand pie." He sighed as he dropped to not be express or positive. If from all ranged or in part only, where accountieved the killing of Dukes was an interesting the facts attending the killing the jury tability to the law shall begin and same and not a malicious act.

What do Your Boys Read?

The arrest of four boys in Milwaukee pon numerous charges of incendiarism eveals the fact that they had a "pirate's ien," kept on hand a large supply of cigarettes, chewing tobacco, etc., and swore in members with a cast-iron oath." The boys were mostly members structed in such depravity by vicious literature. One of the boys said defiantly: "Ob, I'm one of the Peck's boys, I am, and don't you forget it." Another boy of most respectable parentage declared he "wanted to look ike a tough," and when arrested be

story, a plug of tobacco, and four cigars. They were not gamins of the street, but boys who regularly attended the public school, and stood well in their classes. The parents are among the best people in Milwaukee, and one is the son of a major general. The lesson Chicago, but for every city and village in the land. Fathers and mothers who laugh at the witticisms of "Peck's Bad Boy," and like literature, may sooner or later have to shed bitters tears and endure the most intense mortification The power and influence of a bad book or a vicious story on the minds of the young is not easily over-estimated.

It is the devil's own method of entering the homes of innocence and honesty and leading the boys and girls to vice and ruin. The father and mother in these days who, when there are floods of good books and magazines to the young of the most beautiful and inand pernicious publications in the home, incur a fearful responsibility. The trouble seems to be that too many and are forestalled in making a protest to the children.

"Did you know that nearly threequarters of the chewing gum that ire the jaws of the rising generation

The reporter didnot know it. "Oh, yes," said the confectioner.
"Petroleum first knocked the spots off of the whale oil business of New England, and now it is clipping into its spruce and tamarack gum industry at a fearful rate. Here's a lump of petroleum we have just received. confectioner slapped his hands on a large oblong block that resembled a piece of marble. "A few days ago," said he, "that came out of the ground in Pennsylvania, a dirty, greenish brown fluid, with a smell that could kneck an ox down. The oil refiners off. As he did so, another gentleman took it and put it through a lot of chemical processes that I don't know anything about, and after taking out a "I've got the biggest joke of the sea-share of naphtha, considerable benzine, ened by a dog this morning. Let's have some fun!"

of other things with names longer than the alphabet, left us this mass of nice it, and no more smell than there is to a

"We will take this lump, cut it up, big joke on him to see him jump."

"I'll do it," said the other, "and you alk on the other and you half of the other and y it with vanillia, winter-green, peppermint, or any other essential oil. we turn it out on a marble table and cut it into all sorts of shapes with dies After it is wrapped in oil tissue paper and packed in boxes it is ready for the market. You can imagine that somebody is chewing gum in this country when I tell you that a lump like this in the air, while his face looked as if one will make 10,000 penny cakes, and dozens of manufacturers using almost

as much of the wax as we do. "I believe this petroleum chewing gum, if honestly made, is perfectly harmless, and that is more than can be said of some of the gums made from the juices of trees, especially the imported articles."

-Spicer says that "The buzz saw does business with curious people in an off hand way."

Mr. M. Elkin, WRIGHTSVILLE, Pa. says: I used Brown's iron Bitters for loss of appetite and found them excellent, invigorating and refreshing." -"Catching on bobs," which is in-

dulged by many of the little folks, is a dangerous practice and one of these days will result in a serious accident. -The traveling showmen are exhibiting three skeletons of Guiteau-his skeleton when he was a boy, his skeleton before he shot Garfield, and his

skeleton after he was hanged. -Harry Erskine' who succeeded Henry Dundas, afterward Lord Melville, as lord advocate of Scotland, happening to have a female client of the name of Tickle, defendent in an action, commenced his speech in the following humorous strain; "Tickle my client, the defendent, my lord.' The auditors, amused with the oddity of the speech, were almost driven into hysterics by the judge replying: ,'Tickle her yourself, Harry. You are as able to no it as I.'

'Twas past twelve at midnight when he rolled home and prepared to concoct some story for the lateness of his return. She, however' was awake, and with a sharp scented nose detected the "What smell is that, my odor of gin dear?" she remarked. "Cloves, my love." "But the other odor, sir." "Allspice, my sweet." "But I smell something else." "Oh, that's cinnanon." "But I am certain that isn't spice at all " "Oh, that's an apple I ate just before I came in." "Well ... you'd just taken a good drink of brandy before you came in and eaten a ham