THE CITIZEN

FRIDAY, MARCH 25, 1892.

SPRING

OVERCOATS!

Just received the largest line of Spring Overcoats ever shown in Butler.

Good Melton Overcoats - $5.00
All wool fine Melton Overcoats at - - - 7 00
All wool fine Cassimere overcoats at - - 8 00
Imported Kersey Overcoats at 10.00

These goods we have in all shades
Call and we will be pleased to show them to you.

We are now receiving our new Spring Clothing and Gents Furnishings.

Schaul Bros. & Co.
Clothiers and Furnishers,
OPPOSITE HOTEL VOGELEY.

BUTLER has a population of about 10,000.
It is the County seat of Butler County, with 60,000.
Four railways, natural gas, and unequalled facilities for manufactures.
Progress everywhere; new buildings, new manufactures, a growing and prosperous town.

New Advertisements.

Auditor Notice, Assignment of T. M. Beatty.
Aland's Fine Clothing.
Bickel's Bargains.
Ruff's fine shoes.
North Washington Academy.
Prof. Schotte's Music Classes.
Farm For Sale.

NOTE—All advertisers intending to make changes in their ads. should notify us of their intending to do so, not later than Monday morning.

LOCAL AND GENERAL.

Rye Wanted.

The highest Market Price Paid for rye at our Mill in Butler Pa.
GEO. WALTER.

Our grocers are paying 25 for butter, 15c for eggs, 40 for potatoes, 30 for apples, 30 for turnips, 60 for parsnips, 75 for onions, 3 to 5 for cabbage, 1.75 for beans, onion sets.

—New schedule on the Valley R. R.

—Harmony is to have new sidewalks.

—Crude oil is down, and refined up, this week.

—There is some talk of an oil refinery being built in Butler.

—"A Green Christmas and a White Easter."

—It may interest you to know that March is the first Spring month.

—Last Thursday was aspypical St. Patrick's day.

—Mrs. J. H. Muller intends building a brick block on the Smith lot on Centre Ave.

—Figuratively speaking of the Sun is now on this side of the Equator.

—There were immense crowds at the schools on "Visitors Day."

—The P. O. at Mt. Chestnut was robbed of $28 worth of stamps last Friday night. Mr. Watson's store was also robbed.

—Rev. H. J. H. Leincke of Beaver Falls, will preach in the English Lutheran Church here next Sunday, morning and evening.

—The J. C. Gibson heirs farm in Perry twp., Armstrong Co. was sold by A. B. Gibson of Parker twp., last Saturday to Henry Harrison for $2000, for 109 acres.

—The annual spring catalogue of Murdock Bro's., Florists, Pittsburg, Pa., is at hand and bears out its well founded reputation for honest, conservative reliability Those who are in need of good seeds, or desire an extra quality of plants should send at once to them for a copy of their catalogue.

—At a recent meeting of the Butler Lord's Day Union, it was resolved that a special sermon on Sabbath observance be preached in all the pulpits of the town the first Sunday in April, that every congregation be asked to take a vote on petitions with reference to the World's Fair, and that all the ministers and congregations in the county be earnestly requested to concur in this action.

—Prof. G. A. Schotte of Kittanning, Pa. Formerly Professor of music in the Columbia University is about to form a class for instructions on Piano, Organ, Guitar, Violin and Flute in Butler. When not professionally engaged he can be seen at his rooms in the Waverly House, or at the Music Store of Williams & Butler.

—Among the attractions at the Armory Opera House next week will be the "Old Folks Concert," under the auspices and for the benefit of the Y. M. C. A. The musical talent of town has for some time been under the leadership of Prof. Brown of Pittsburg, thus an entertainment of high merit will be expected. It will be the more interesting because the performers will all be costumed as men and women of olden times. It is for a worthy cause and should be largely patronized.

Personal.

Postmaster Eastman has returned from his trip to Virginia.

Miss Sarah B. McQuistion, of Tacoma, Washington, is visiting her friends on the South Side.

Rev. A. J. Hutchison was stricken by paralasis a few days ago but is improving.

Mr. Joseph Smith, of the Racket Store, rejoiceth for his first born—a bouncing boy.

Charley Herr and his wife have returned from their Washington trip.

Mrs. Lyon and Mrs. Clarence Walker returned from their Florida trip, last Saturday.

John Emrick, of Summit twp., is on the sick list.

Mrs. H. Williams, of Evans City, Butler county, is visiting Mrs. H. Cratty and Mrs. J. W. Preston, at this place.—East Brady *Review*.

Rev. James Miller will preach in the Baptist church of Butler next Sunday morning and evening.

Mr. George Knox, of Parker township, is seriously ill of dropsy.

On Sunday evening the family of Treasurer Wilson was increased by a bouncing boy.

NEIGHBORHOOD NOTES.

On the hill in Pittsburg, last Thursday, Dennis Cloonan and his wife quarreled, and he killed her with a chair. His two grown sons arrested him. Next day, F. M. Milley of the Southside, shot his wife and then himself, from jealousy.

Kittanning had a $60,000 fire on Tuesday of last week. The losers are Jas. McCollough, Jr., E. E. Hileman, McConnel & Clark, J. A. Gault & Co., Mills & Conner H. Bash & firm, Mr. Fries and Mrs. Helderle. The fire originated in the paint room of Hileman's establishment, where a workman handled Japan varnish too near a gas get.

THE MURDER CASE.

Court convened at 1 o'clock Monday, with Judge Hazen presiding, for the trial of the case of the Commonwealth vs James F. Mills, accused of the murder of Peter Dugan.

A murder trial is somewhat of a novelty here; as we have not had an exciting one since that of W. H. White for the murder of Patrick Eagan in March of 1881, though the case, vs. Thomas Lee, the Evans City case, was tried in Dec. of 1891, and hence this one attracted a large number of spectators—more than the Court room could accommodate. The first half hour of Monday afternoon was occupied in the hearing of various motions and petitions, and then the Court ordered the Sheriff to bring the prisoner into the Court room.

Mills came in hand-cuffed to the Deputy Sheriff. He had been furnished with a suit of good clothes, and is not an unattractive looking man.

The list of jurors was called over and forty three answered to their names. The Court inquired if all parties were ready, where upon Col. Thompson for the defense, after a preliminary speech moved the Court for a continuance of the case, and presented a statement setting forth that the regular term of the March Quarter Sessions ended with last Saturday; that no special term had been ordered and published for this week, or panel of Jurors drawn and that therefore it was beyond the jurisdiction of the Court to try this defendant this week; and he read an opinion of the Supreme Court on a case taken up from Dauphin county to sustain his motion.

Messrs Bowser and Reiber for the prosecution, controverted this by citing the general law of 1834, the special laws for Butler county of 1863 and 1864, and the general law of 1875, under which the Rule of Court fixing the terms here was made.

Thompson and McQuistion both replied, and Judge Hazen stated that if their position were correct there are now several illegally convicted men in the Western Penitentiary. He is not for, and read the order of Court fixing the Quarter Session terms, they were made in September of 1878 and fix the terms for two weeks or so long as necessary, and therefore overruled the motion and sealed exceptions.

Mr. McQuistion for the defense, then asked for a change of venue on the ground of the apparent ill will of the public here towards the prisoner, and this was also over ruled.

The prisoner was then arraigned, he was told to stand up, Clerk Criswell read the bill of indictment charging him with the murder, and asked "How say you, are you guilty or not?"

"Not quilty of the murder" answered Mills. "How will you be tried?" asked the Clerk; "By God and my country" the prisoner replied after being prompted by one of his Counsel; "God grant you a safe deliverance" said the Clerk. The prisoner was then notified of his right to challenge Jurymen, and the case proceeded.

Daniel Overheim of Saxonburg, was the fiert Juror called and sworn to answer questions truthfully. "Prisoner, look upon the Juror; Juror look upon the prisoner; Juror are you any kin to the prisoner?" asked the Clerk. "No Sir," said the Juror. "Are you a citizen?" "Yes Sir." "Do you challenge?"—a question asked generally of both prosecution and defense. Mr. Overheim, in answer to questions, stated that he was a tool-dresser and producer, had formed an opinion on the case but could give a verdict on the evidence and has conscientious scruples as to capital punishment. He was stood aside by the prosecution.

Josiah J. Brown, a farmer of Clay twp., and Oliver Thompson, of Cherry twp., were the next two called and both were stood aside by the Commonwealth.

Jno. O'Neal, of Butler, formerly of Clearfield twp., had formed no opinion, has no scruples as to capital punishment, was challenged peremptorily by the defense.

Isaac Wible, of Karns City, does not like the idea of capital punishment, but would not let that interfere with his verdict, was stood aside.

Thomas B. Kelly, of Worth township, has partly formed an opinion which would require strong evidence to overcome and was challenged "for cause" by the defense The Court questioned him, then overruled the challenge for cause and the defense challenged him peremptorily.

The questions the court asked were those ruled upon by the Supreme Court in the case of the Commonwealth vs. Zack Taylor, tried and convicted of the murder of drover McCausland in Greene county, in 1889, and are as follows: "If you were sworn as a juror, could you go into the jury-box, and, after hearing all the evidence in the case, could you give this defendant a fair and impartial trial, and be governed by the evidence alone, without being influenced by the impression or opinion you may now entertain?

"If you were sworn as a juror, could you and would you give this defendant a fair and impartial trial from the evivence you would hear in court, without being influenced by your opinion?"

Wm. Smith, of Forward township, had formed and expressed an opinion, was challenged for cause by the defense, this was overruled and he was challenged peremptorily.

Robert Kley, of Butler, was stood aside by the Commonwealth.

U. D. Fisher, of Butler, was challenged peremtorily by defense.

Wendell Osche, of Clearfield twp., was stood aside by the Commonwealth.

Levi Albert, of Centre twp., was stood aside.

John Stein, of Butler, was challenged peremtorily by defense

H. C. Bricker, of Butler, was stood aside, also Andrew Porter, of Sunbury and Willard Starr, of Concord twp.

Jno. McElhany, of Cherry twp., was challenged for cause, overruled and challenged peremtorily by defense.

L. C. Miller, of Parker, was stood aside.

James Wilson, of Brady twp., had heard of the case, did not read the newspaper accounts of it, has an opinion which will not interfere with his verdict, has no scruples as to capital punishment, sworn, kissed the bible, and was seated in the jury-box.

Chas. Rabe, of Saxonburg, was stood aside.

Daniel Maloney, of Millerstown, was in the hunt for Mills with Tony Allen, was challenged for cause by the defense, and the challenge was sustained. Dan.'s answer made Mills smile.

Henry Stein, of Brady twp., never heard anything of the case and didn't bother his head about it, but was challenged peremtorily by defense.

Chas. Reilly, of Clearfield twp., had formed an opinion and didn't like capital punishment, and was stood aside.

Martin Heyl, of Prospect, was challenged peremtorily.

H S. Rape, of Jackson twp., was stood aside.

Jno. Staples, of Adams twp., was challenged peremtorily by defense, as was also H. O. Swartz, of Fairview twp.

It was now 5 o'clock, three and a half hours of solid work had been put on the case, twenty two jurors had been examined, one had been accepted, and the defense had used seven of its twenty peremptory challenges. Mills was sent back jail, the lone juror was put in charge of a tipstaff and the Sheriff was directed to provide for them at a hotel; court adjourned till 9 o'clock next morning.

Tuesday morning when Court convened, Mrs. Cath Dugan of Elk county, mother of Peter, Mr. Tipperman of Elk county, a son-in-law to her and an aunt of Dugan sat at the table of the Prosecution; and Mills sat alone with his attorneys.

Chas. Eliason, was the first Juror called. He lives in Millerstown. Has formed an opinion but thinks he could give a verdict on the evidence, has no conscientious scruples as to capital punishment, was stood aside by the Com.

Grant Jones, of Muddycreek twp., has an opinion, could give fair verdict, no scruples, accepted by Com.; would require clear and convincing evidence to change his opinion, and then uncertain of it, challenged for cause by defense.

To Court said his information all came from papers, asked the two questions by court, objection by defense overruled; answered, Yes Sir, and, I could to the Court questions. Challenge for cause overruled. Not peremptorily challenged by defense, and was sworn as a juror, kissed the bible, and was the second juror secured.

James Dodds, of Donegal twp., could not hear questions and was excused for deafness.

Thomas Parker, Buffalo twp., has formed opinion, could give verdict on evidence, no scruples to capital punishment, no challenge and he killed her with a chair. His two grown sons arrested him. Next day, F. by Com.; read evidence taken before coroner, would require clear and convincing evidence to change his opinion, and divest him of present opinion, is in poor health; challenged peremptorily by defense under protest.

Louis George, Donegal twp., does not read but has formed an opinion, and thinks it would interfere with his verdict, and was challenged by Com. for cause.

Peter Morrison, Clearfield, 70 years old, has not read of the case but heard of it, no opinion, no scruples, could give fair verdict —stood aside.

W. W. Grossman, of Millerstown, knows Mills, has opinion, could give fair verdict on evidance; no scruples,—stood aside.

G. D. Bastian, of Jackson twp., has expressed a newspaper opinion, but that would not interfere with his verdict, no scruples as to capital punishment; accepted by Com.; has heard opinions expressed by others and has opinion himself that would require clear and satisfactory evidence to change; could go into Jury box and render verdict on evidence alone;—challenged peremtorily by defense.

O. M Albert, of Franklin, no opinion as to guilt or innocence of prisoner, no scruples as to capital punishment, accepted by Com.; questioned and accepted by defense and was sworn—being the third juror accepted.

C. H. Wible, of Penn twp., has an opinion, has scruples as to capital punishment; that would interfere with his verdict—challenged for cause by Com.; could render fair verdict on evidence, also true verdict according to law—answered Yes Sir to Court's first question; challenge for cause on part of Com.; overruled, accepted by defense. Dispute here on legal questions as to right of Com. to challenge peremtorily, accepted by Com.—was sworn, and was the fourth juror accepted.

Fred Rauscher, of Butler, no opinion, no scruples, accepted by Com.—Challenged peremtorily by defense.

Adam Oesterling, of Summit twp., no opinion, no scruples; accepted by Com.—peremtorily challenge by defense.

L. D. Kiester, of Centreville, no opinion but has scruples, could render verdict by evidence; stood aside.

W. L. Daubenspeck, of Butler, has opinion but could give fair verdict, no scruples; stood aside.

Wm. Calvin, of Petrolia, no opinion, no scruples; stood aside.

Jno. McGarvey of Donegal twp., stood aside.

Panel exhausted and those stood aside were recalled in their order.

Daniel Overheim, recalled and accepted by Commonwealth; also by defense, and was the fifth juror sworn.

Josiah J. Brown, recalled, has opinion but could render verdict on evidence alone; no scruples as to capital punishment; accepted by Commonwealth. Evidence to contrary of opinion would change it without regard to former opinion; challenged for cause by defense; Argument of Thompson in case of defendant who stands mum and calls upon Com. to prove his guilt, in which case jurors with opinions would be unfair; answered court's questions in the affirmative; objection for cause, over ruled, challenged peremptorily but under protest.

Oliver Thompson, of Cherry twp., farmer, no opinion, no scruples. Com. challenges peremptorily.

Isaac Weible, questioned as to his stroke of paralysis four years ago, is improving in health, and was accepted and sworn as the sixth juror.

Robert Kley, has opinion but could give defendant a fair trial, no scruples, accepted by Com. and also by defense and sworn—the 7th juror.

Wendell Osche, no opinion, no scruples, accepted by Com. has not read the paper accounts but has talked to neighbors challenged peremptorily by defense.

Levi Albert, accepted by Com. questioned and accepted by defense, and was sworn—the 8th juror.

H. C. Bricker, accepted by Com. questioned by defense and accepted, and was sworn—the 9th juror.

Andrew Porter, aged 75, Sunbury, reads but little and never loafs, no opinion, could give fair verdict, no scruples as to capital punishment, if case is made plain; accepted by Com.—Intends going to Michigan next Spring; approves of capital punishment; law of God superior to law of man; regards the present license law contrary to moral law; challenged for cause by defense and challenge sustained.

Williard Starr, Concord twp., son of Wm. Starr, accepted by Com.; also by Defense and sworn—the 10th juror

L. C. Miller—It would be painful for him to render a first degree verdict, but his opinion on capital punishment would not interfere with his verdict. Com. challenges peremptorily.

Chas Raabe, has formed and expressed an opinion, and that would interfere with his verdict on the evidence. Challenged for cause by Com. and challenge sustained.

Chas Reiley, accepted by Com.; accepted by defense and sworn—the 11th juror.

H. S. Rape, has read and talked of the case and has formed an opinion which would bias him as a juror, and is also opposed to capital punishment. Challenged for cause by Com. and challenge sustained.

Court here adjurned for dinner, and the eleven jurymen were placed in the custody of two constables.

Tuesday afternoon, half an hour before the doors of the court room were opened, the halls of the Cotrt House were crowded, and when the doors were opened, not half of those present could secure seats, and had to stand up around the wall, but few being allowed in the centre isles. At 50 cents per head per session the admission fees would have paid the county debt, during the trial.

Mills was brought in and the trial proceeded.

Chas. Eliason, the 27th juror stood aside, was called and his answer read by the stenographer, accepted by Com. knows Frank Mills, formed his opinion from the newspaper accounts, had heard a witness in the case talking to another man, would take strong evidence to change his opinion; challenged by the defense for cause and challenge sustained by the court.

Peter Morrison, accepted by Com., aged nearly 70 years and very nervous, no opinion; challenged peremptorily by defense,

W. W. Grossman, has known Mills for about fifteen years, has not talked to Mills' friends about the case; could render a verdict on the evidence, spoke to Mills next day after the murder in jail, stopped off in Butler to see him; challenged peremptorily by Commonwealth, and this exhausted its peremptorily challenges.

L. D. Keister, called, answer read, questioned by defense and accepted. He made the 12th juror.

The jury was then polled, the indictment read to them, the defendant's plea stated, etc. and the other jurors were excused from further attendance.

District Attorney Reiber opened for the Commonwealth, he referred to the care taken in the selection of the jury, and their duties, gave a short history of the crime; the quarrel at Petersville after their return from Renfrew, the threats made by Mills, the fears expressed by Dugan; Dugan was drunk; Mills was not; Blair's story of the hammer and threats made by Mills to him; the boys' story; Mills arrested; the finding of the hammer; his whisper to a friend to hide the hammer; his actions when he saw Dugan dead; his escape; his attempt to shoot his pursuers, etc., and will ask for a first degree verdict.

THE EVIDENCE.

Peter Ripper was the first witness called, and was sworn with the uplifted hand; he resides in Evans City; is a foreman on the Welsh farm; was there the day before the murder, also that night; stopped at Dillaman's; was there Dec. 23rd, 1891; Peter Dugan worked for him as pumper, went to boiler house and found Dugan lying on the mattress dead; he was warm yet; had two holes in his head; was partly lying on his stomach; his head was about four feet from the door of boiler house; described boiler house and the addition to it; two boilers in it; run four wells; gas jet on outside was burning that morning; pipe close to the ground and jet burning three or four feet high and 32 feet from building; Dugan generally slept in the boiler house and took care of the four wells; low, swampy ground surrounds the boiler house; paths on south and north sides, also of west side; has an interest in the Griesbach Oil Co; verified map of the Welsh farm and leases; located boiler houses; went to Dugan's boiler house about or shortly after 6 o'clock A. M.; Dugan was dead and blood was flowing from his wounds; took supper at Dillaman's evening of 22d; Dugan came in after supper and engaged the boys to run his wells that night.

A. F. McClain, sworn, lived in Petersville in December of 1891, was home on the 22d, saw Mills that evening in Dugan's company, came into the boiler offices; hired them a team and buggy; said they were going to Renfrew to a dance, left between 7 and 8 o'clock, both got into the buggy, both sober and sociable, next saw them next morning between 2 and 3 o'clock, at his house back of Barnhart's store, came down when they called him, Mills was out and standing against house, Mills gave the lines from Dugan and gave them to him, Dugan said Mills had been trying to pick a fight with him, the two men fought and rolled in the mud, he put up team, Norris thought the men would kill each other, they had gone back to boiler office, both had knives, Mills had a knife out and up and said he had the drop on Dugan, both came out together, talking about cutting, Dugan was very drunk, Mills did not show his liquor, came out and started off, Petersville is called 3 miles from Renfrew, men lost two blankets from buggy, found one on another road, dark and rainy night, Dugan was very drunk, they started to go to Norris' and Dugan said he would kick in the door, went into Norris', Norris came running over to him on the store porch and said they were going to kill each other, had knives out, pocket knives, Mills said "you think I'm a bad man because I was out when I saw you have the office together one struck at the other with an open knife, and one said You have cut me and now it is my turn, went back into office, and he went to bed. To all appearances the men had been in the mud before they got back to Petersville.

WEDNESDAY.

Francis Norris, lives in Petersville, has boiler making shop on Main St., livery stable is back of his shop, shop has 2 rooms 9½x10 feet, sleeps in back office, had loaned Mills his rubber coat that evening, Mills said was going to a dance at Renfrew, Dugan had his brown overcoat, they came at 2:30 a. m. and kicked at his door, he opened it, Dugan came in and fell upon his back laughing, Mills coat was ripped up back, Mills tried to pull Dugan's coat off and bumped his head against the floor, Dugan got up and hit Mills in face, I went out as the place was too small for me.

Don't know they had bottles, has never recovered his overcoat, rig drove up to his place and men kicked the door, one said "we'll make him get up or kick the door in," Dugan came in first and fell flat, he was very drunk and I tried to take off his oil coat, Mills wore my coat and it was ripped from one end to the other, Mills volunteered to help take off Dugans coat, dragged him over floor, a fruitless effort, said would take it off or kill him, Dugan got up and struck Mill and knocked him into a corner, Mills pulled out knife, Dugan took out his knife; men dared each other, Mills held knife down, both said "come on you s—— of a b——, a few feet apart, no blows struck with knives, in his room quite a while before he went for Esq. Wise, was 3.15 when he came back from Esq's; Mills tore Dugan's coat in taking it off; then Dugan struck Mills.

H. N. Blair, sworn, lives on the Hy. Welsh farm in Connoquenessing twp., worked for the Christie Bros; Mills was working on same lease; his boiler house was 40 or 50 rods from mine; worked on same lease with Mills for 14 or 15 months; saw Mills and Dugan on morning of December 23, about 4 a. m. at my boiler house; they came in; Dugan tried the water in my boiler; Dugan had pint bottle of liquor about 3-4ths full and offered me a drink; they went out my north door; did not see them together after that; Mills came back shortly after they left; woke him up, had hammer, sat down by his bed, said he intended to kill that s-- of a b—— were down to Renfrew, trouble there, talked on, Mills and Dugan had agreed to fight it out next day. Mills said: "Dugan followed me to my boiler house to see if I went to bed, I laid down but I did not go to sleep, I'll catch him a sleep before morning."

Hammer produced and identified by witness, I used this hammer every day for 3 months on my lease Mills kept hammer in sand, tapped the floor with it; was angry, I staid in bed all the time he sat close to it and was facing me; steps on north side of boiler house, Mills sat there a moment before coming in; Mills and Dugan had been drinking but were not very drunk, talked to Mills about half an hour, I noticed that Mills had been drinking; he could walk straight.

On cross-examination—was 20 minutes to 4 o'clock by his time, eastern time; Mills came in first; Dugan's hand on his shoulder; could see that they had been drinking; neither drank there; were there but a short time; they left and I went to sleep; did not look at watch when Mills returned; Mills said he was going to kill the man; had been to Renfrew; had trouble and all had pitched onto him; had made Frank Norris hunt his hole and would make Dugan hunt his before morning; he and Dugan were to fight it out at 12 o'clock next day and had shook hands on it; saw Dugan next morning; about same amount of liquor in flask; saw Mills and Dugan on the 22d; Mills had a quart bottle of liquor; came to boiler house with it; both drank; last saw both in Mills' boiler house; does not know that liquor is sold on the lease; I had no liquor in my boiler house; I was not intoxicated that evening; had taken three or four drinks with Mills; don't know that Mills had a bottle next morning; Mills went out the north door of my boiler house the second time, taking hammer with him; saw Mills half-way between Dugan's and McDougall's boiler houses next morning; Mills said "they tell me there is a dead man in the boiler house, was he cut?" I answered no, his skull is broken.

Frank Norris, Jr., sworn—is son of Francis N.—saw Dugan in father's shop Dec 23d; Dugan was in shop about 2 o'clock that morning with his coat and vest off and with a knife in his hand; said Mills had been trying to cut him; didn't know why, didn't know what was wrong with Mills; Mills came in and said to Dugan "if you think you can lick me, blaze away;" Mills said he was not afraid of anybody; Dugan said he could not come any cowboy bluffs on him; they agreed to fight at half-past ten, then half-past eleven and shook hands on it; flask fell from Dugan's coat; he took drink; Mills would not drink; Dugan said he knew enough not to go home with Mils; Mills said he had made no threats; Dugan stuck knife in side of building and asked Mills to do same; Mills would not and Dugan put his back into his pocket; they left; (both had been drinking the previous evening and Dugan was pretty drunk when they returned;) walked away toward store about five feet apart; I stayed in father's shop till about 4 o'clock; both men very muddy; at one time Dugan had both knives and gave Mills' back to him after shaking hands.

Willie Dillarman, sworn, is thirteen years of age, was home December 22d, saw Mills and Dugan that evening at their house, Dugan employed him to run his well that night, he and his brother went to Dugan's boiler house, Dugan and Mills went away together, I tried the boiler, went to McDougal's boiler house, came back, tried boiler, and laid down on lids on floor; Albert also laid down next to wall; heads towards door, laid down between 11 and 12 o'lock, heard Dugan coming in, he tried water, said all right, laid down and went to sleep between us, lay upon his stomach, I went to sleep,—heard two or three taps, thought some was waking us, got up looked out door and saw Mills; heard man walking out, looked around the corner and saw Mills, Mills was walking fast, saw his face, he looked back, he had the hammer in his right hand, he had passed the gas light, hammer next to gas light, was a long handled hammer, has known Mills ever since he came there, Mill had on large soft hat and was going towards his boiler house, I went back, closed door and laid down, didn't look at Pete, blood began running on them, I pulled my brother out of the blood, got brother up and we ran home, Dugan's face was towards wall, had run Dugan's boiler house before, saw Mills every day.

On cross examination—don't know what time Dugan came in that night; did not see him drink, saw the bottle next morning, man left door open, he got up to shut it, heard the man walking out.

Wednesday afternoon Mills' brother, Frank, sat with him in court.

George Dillarman, sworn—lives in Connoquenessing twp.; is a pumper on the Griesbach lease; Willie is 13 years old and Albert 7; Dugan was at my home on evening of 22d but I did not see Mills; boys returned about 6 A. M.; youngest boy's clothes covered with blood; whistle blew and I went down to Dugan's boiler house; found Dugan with two holes in his head; left side and in front of and back of ear; about or shortly after 6 o'clock; Dugan lying on a straw tick; tick and wall bloody; thought he saw pieces of skull on tick; thought most blood flowed from front hole; stayed quite a while; went to Mills' boiler house after dinner at Griesbach's request and found hammer lying on a bench out side; was at Dugan's boiler house that morning when Mills came in and looked at Dugan; Mil's said "that was a hell of a hard lick" and did not stay long; noticed nothing particular about Mills or his conduct.

L. R. McFann, sworn, lives on the Hy. Welsh farm, is foreman for the Christie Bros., Mills worked on my lease, was at Blair's boiler house at 8:30, blowed whistle for Blair; Mills came in after whistle was blown a second time.

W. V. McDougal, sworn, pumper, lives there on Christie lease; Mills came to my house, my boiler house is 30 rods south of Dugan's; Willie Dillerman was at my boiler house on evening of Dec 22d; was at Dugan's boiler house on morning of murder about 7 o'clock, saw Mills a few rods from my boiler house and talked to him, Mills said "I hear you have a dead man down there," and asked how killed; he said brains was knocked out; was there when Mills was arrested; Sheriff and Mills started to buggy, Mills tramped his foot, he walked with Mills, Mills whispered to him but did not catch it, went on to buggy, and Mills whispered to him to either get or hide that hammer, did not know what hammer he meant, I nearly bawled; saw fresh tracks in mud near gas light leading to Mills' boiler house, tracks of about a No. 8 shoe; Mills wrote to him from jail, got the letter Jan. 1892, don't know what I did with it; came to jail saw Mills and talked with him; Mills did not talk of case; got another letter from Mills and burned it; had no occasion to keep it; on Dec. 22 went to bed about 8 p. m. and got up about 7 next morning; Mills was at my boiler house that evening alone; Mills told him of the case on the 7th of Jan., said his trial might not come off in March.

Sheriff Brown—arrested Mills on morning of December 23d, at boiler house, took him to Dugan's boiler house, inquest held there left for Butler with Dillaman in walking to buggy, McDougall caught up to them, Mills talked to McDougall.

Peter Ripper—recalled—I took charge of body after Coroner's inquest, washed it and took it to Evans City, head was covered with blood, there were two large round holes about an inch and a half across in his head, hammer about an inch and a half across, both holes nearly alike, large pool of blood on mattress and some splashes of blood on wall and window.

Dr. J. L. Christie, sworn, live in Petersville, was at Dugan's boiler house morning of December 23d, made examination of body, wounds about an inch and a quarter deep, round but irregular, either sufficient to cause instantaneous death; Dugan did not move a muscle after being struck, no other wounds, these wounds caused his death; could have been made with the hammer displayed, second blow made blood and brain flow from first wound, identified pieces of Dugan's skull taken from wound.

Elias Daubenspeck, sworn, lives in Connoquenessing twp, is a pumper, was at Dugan's boiler house on morning of December 23d, between 8 and 9 o'clock, Mills was there, I said it was a cowardly act, and Mills said it was a "hell of a hard hit" and something else; I went out and came back, Mills was gone; half a dozen in boiler

Prosecution offer hammer, pieces of skull, and the map in evidence.

Prosecution Rests.

Forquer opened for the defense, said would show that Dugan and Mills were friends and had drank three quarts of whisky that day, were both drunk, and wandered through the woods coming from Renfrew, that Mills went to his boiler house and went to sleep; that Mills was crazy drunk next morning, men refused to work with him, had previous good character, and will ask for a verdict of not guilty.

And then asked the Court on account of their brief time for consultation with the prisoner to adjourn Court till 8 o'clock next morning, and that was done.

EVIDENCE FOR THE DEFENSE.

Harry McFann, sworn, lives in Connoquenessing twp., was working on a lease last December, knows Mills, worked on lease with him, saw him on afternoon of 22d, with Chas. Mohney; Mohney had several quart bottles of liquor, saw Mills and gave him a drink. Mills wanted to buy a bottle, Mills took a bottle, called another man and they drank some; saw Mills next morning, they were to pull tubing; didn't pull it because Mills was drunk; Mills lay down in boiler house; first time he ever saw Mills drunk; Mills clothes were covered with mud, had good reputation for peace and order; was a steady and willing man on the lease.

Harry Edmondson, sworn, lives in Clarion county, works in Connoquenessing twp, was working on the lift for the Christie Bros. on 22d of December, Mills was to assist in drawing tubing that day; he and Harry McFann pulled the rods; Mills came and he was too drunk to help pull tubing; was a good hand when sober; has good reputation for peace and order.

Charles A. McCafferty, sworn, lives in Connoq. twp.; oil guager has known Mills for a year; boarded at same place; saw Mills on Dec. 23 at about 9 o'clock and he looked like a drunk man; had good reputation for peace and order, had heard it said he was honest in his dealings.

Daniel Kinzer, sworn, live in West Butler, is a pumper on the Henry Welsh farm, knows Mills, has worked on wells with Mills, Mills had good reputation for peace and order; was a good, agreeable fellow to work with.

W. V. McDougall, recalled, knows Mills, run tour with him for a year; had good reputation for peace and order.

H. M. Blair, recalled, knows Mills, Mills had good reputation for peace and order.

Levi R. McFann, recalled, has known Mills for a year, he had good reputation for peace and order.

C. E. Lapham, sworn, lives in Butler, knew Mills for a year; he had a good reputation for peace and order, he was a sociable, obliging and clever fellow, and a superior workman, well thought of, respected by all who knew him.

M. H. Crawford, sworn, lives in Cleveland, has known Mills for a year, is a barber, did not know Mills reputation.

Thos. E. Christie, sworn, is an oil producer and one of the firm of Christie Bros, Mills worked for them, never heard Mills reputation called in question.

W. W. Grossman sworn, lives in Millerstown, has known Mills for fifteen years, his reputation for peace, and order is good.

Thomas C. McGregor of Millerstown, sworn, knows Mills for fifteen years, his reputation good then.

Chas. McGill sworn, has known Mills since 1875, his reputation then was good.

MILLS SWORN.

James F. Mills, sworn am defendant, age 32, born and raised in Orange county, N. Y., have lived in Butler Co., for 13 months, mother living, maiden name was Fullerton, sister of Judge Fullerton, was at Duco's boarding house on evening of Dec. 22 and at supper, then went to Dillerman's a half mile away, Dugan went with him, had known Dugan 7 months, was an intimate acquaintance and often slept together on the Griesbach lease, good friends, went to Rider's boiler house from Dillerman's; then to Blair's, then to his boiler house, then Petersville and Renfrew, Dugan said he could get a team; (met Moony on path in woods and got a quart of whisky from him), drank twice with the crowd, got to his boiler house a 1 o'clock; not much of the liquor drank before evening, helped finish the bottle, didn't think he was drunk, am not in the habit of drinking much, borrowed gum coat from Norris, got to Renfrew after dark, don't know which road they went, Dugan drove, had several drinks; drank till bar closed at 12 o'clock; also bought a pint each, drank all that and got another pint each, young fellow in the stable took a drink with them; drank on the way back to Petersville, don't know how they got back, upset on the road, Dugan drove; Dugan was dragged a piece; got lost on way back and inquired of people as to road; don't know when got back; don't know who put up team; saw Norris and son; don't remember of quarrel with Dugan on road; remember of quarrel after return; don't remember of Dugan hitting him; remember having knives out; don't remember of gum coat; don't remember of taking off Dugan's coat; don't remember of leaving Petersville; remember of being at Blair's boiler house; then guesses he went to his own as he was there next morning; didn't see hammer that night; thinks hammer produced was the one at his boiler house; did not take hammer to Blair's boiler house; was not there after and did not talk to Blair; did not tell him he would kill Dugan; did not tell Blair Dugan was afraid or had followed him or would catch Dugan before he woke, or that they all had jumped on him at Petersville; did not take this hammer or any other and go to Dugan's boiler house and kill him or hit him; did not kill Peter Dugan and does not know who did it or how it was done; was at Dugan's boiler house next morning; went to well next morning but did not pull tubing; can't say why; went to boiler house and went to sleep; slept till wakened up by a number of people, the Sheriff and others; was arrested; Don't remember who drank the whiskey in the two last bottles.

Cross examination—First met Dugan 7 or 8 months ago on the Griesbach lease, slept with Dugan 2 months, had no trouble with Dugan as to dividing their property, afterwards boarded together, on afternoon 22d, Mooney called him, got a quart of whisky from Mooney, worked that afternoon, was at Dillerman's and Rider's, Blair's and his own boiler house that evening, liquor all gone by the time they got to Petersville, went to Renfrew for whisky, Dugan volunteered to get the team, don't know when they got to Renfrew, first went to saloon, others in there, don't know whose saloon, drank some whisky, don't know how often, bought flasks and drank from them around town and in the hotel got more liquor after they opened up at 12 o'clock, got another pint each; saw Dugan next morning after he was killed, could not identify the pint bottle found in his pocket; thinks they settled before they left Renfrew; remembers of being lost and of upsetting, both thrown out from buggy, got to Petersville before day-light; don't remember seeing McClain: remembers of rowing with Dugan; don't remember of having knife out at Norris; couldn't say when left Petersville or how.

Wednesday afternoon the crowd in the court room was immense, and as the Court ordered the isles cleared, a great many had to retire.

Mills was brought in and his cross-examination continued—Knows Esq., Wise; don't remember of hearing his name mentioned that night; went to Blair's boiler house past the Purviance store; saw Blair; don't know what he, Dugan and Blair talked about; went from there to his boiler house; don't know where Dugan went; separated from him outside of Blair's boiler house; did not see Dugan after that; Dugan did not go to his (Mills) boiler house, he fell off steam box and into mud; don't know when he got to his own boiler house, lay down on bench and went to sleep and did not leave his house again that night, bench in boiler house, awakened by the whistle in morning, got up and put on coat, took a drink, shut of fire went to Duco's boarding house, covered with mud and did not go in, then to Blair's boiler house, McCafferty told him of Dugan's death; looked at Dugan, did not touch him, was not in Blair's boiler house, a second time that night, is not a judge of his soberness of that night, did not go to Dugan's boiler house that night with hammer, think they used the hammer the day before, does not know who put it under drop of roof, didn't know who took hammer to his boiler house, did not strike Dugan on the head with that hammer that night, is positive he did not kill Dugan, met man on S. & A. R. R. after escape but did not tell him he had killed a man and was fleeing from the officers, positively denied any knowledge of the murder.

Dr. Hoover was then called and questioned as to the effects of alcohol on the human system and brain. Dr. Graham was the next witness and is on the stand as we go to press this (Thursday) afternoon. The arguments will be made to-day (Friday) and a verdict can be expected this week.

LEGAL NEWS.

LICENSE COURT.

The hearing of the Applications for License to sell liquors, has, by order of Court, been postponed till next Monday.

NOTES.

A couple of mistakes appeared in this column last week. Mills employed his own counsel and they were not appointed by the Court, as stated; and R. J. Black was sentenced on his plea of guilty to A. & B. and not upon conviction.

But one remonstrance against the granting of license was filed, that of W. R. Hopkins vs. Mrs. Fanny Gamble, and alleging that the application was changed after being filed.

Sheriff Brown took Killion and Black to the Work House, Saturday.

Jacob S. Christley, of Euclid, is special tipstaff in the Court room for this week.

John Lefever of Jefferson twp. was tried for murder at March sessions of 1880, and W. H. White for same at March sessions of 1881. Both were convicted of murder in the second degree and sentenced to the penitentiary, and have both completed their sentences.

The will of J C Shakely was probated and letters to A L Campbell.

Letters of admin. were granted to Jos McMichael on estate of David McKissick; also to W J Marks on estate of John Walters; also to Harry Cruikshank on estate of Sarah Belle Cruikshank.

LATE PROPERTY TRANSFERS.

Susan Mangel et al to D McLaughlin, 34 acres in Penn for $1200.

Wm Humphrey to Jno. Humphrey 1-5