GUITEAU'S TRIAL BEGUN.

SURPRISING SCENES IN THE COURT ROOM IN WASHINGTON.

The Prisoner Reproaching One of his Counsel, and his Lawyers Themselves Not in Accordance—The Jury that Guiteau Wanted to Deliver—Five of the Jurymen Chosen.

WASHINGTON, Nov. 14.—The Guiteau trial began to-day with a series of extraordinary scenes. First, there was the entrance of the prisoner himself, manacled and closely guarded. He looked better than on his first appearance, but was a repulsive object, and sent a shudder of horror and disgust through the dense throng which choked up every available foot of space in the court room. Then the domestic tragedy, the assassin and his sister and brother, sitting together before the Judge, was a picture that riveted the gaze of all. It must have been a terrible ordeal for them, and especially for Mrs. Scoville. She bore herself with composure, however, except that her eyes involuntarily filled with tears as the bailiffs were unlocking the handcuffs from her brother's wrists. John Guiteau looks and acts like a prosperous business man, and did not seem disconcerted by the sharp stares that he met from all sides. He bears a family likeness to the prisoner, but is far superior in looks and manners. The only persons in the court room who by their presence recalled the closing scenes in the life of the assassin's victim were the faithful Rockwell and Swaim. No wonder they shot angry glances at the wretch whose savage act had brought those long days and nights of pain, whose anguish none knew better than they.

The trial once formally begun, sensational incidents followed one another in swift succession. It was a session of intense though painful interest. Young Mr. Robinson made the first move by asking for still another postponement of the case to allow counsel to complete the defence. He spoke at first with evident nervousness, very natural under the circumstances, but soon grew easier in manner and developed a graceful and effective style of oratory. In the course of his remarks he referred in polite terms to his own peculiar and embarrassing position, dwelling upon the fact that by reason of the failure to secure additional local counsel, and the confessed lack of acquaintance on the part of Mr. Scoville with District of Columbia criminal law, he was practically alone against a formidable array of counsel representing the popular side of the cause against him.

This speech made a good impression, and the Judge showed a disposition to grant the motion and postpone the case another week.

At this point, however, to the astonishment of all, Mr. Scoville rose and protested against the motion for delay. He spoke with great earnestness and some pathos, and evidently failed to agree with his legal associate, and their relations were not personally cordial. It appeared from his remarks that the young lawyer had assumed complete control of the defence, and had gone so far as to hold himself entirely aloof from Mr. Scoville in the later preparations for the trial.

The painful nature of this very unfortunate controversy was increased by Guiteau's own passionate action. He repeatedly leaped to his feet, and with fierce words and gestures denounced Robinson as incapable and a stumbling block.

GUITEAU'S ACTIONS.

The three policemen who were seated immediately behind him forced him into his seat, and the Judge rapped on the bench for order, while the crowd looked on in amazement and scorn. Guiteau, while in one of these paroxysms of temper, was perfectly oblivious to everything about him, and scrouged and pounded till he had freed his mind. Some of his angry colloquies with the three bailiffs were amusing in spite of the gravity of the trial.

"Keep your hands off," he would cry, turning sharply around on the guards with a petulant twist of the right shoulder, as though about to aim a blow.

They spoke low, while he shouted his answers so that at a little distance the dialogue had a telephonic character like this:

"I shan't keep quiet."

"Well, I'm on trial here, and I'll say what I want to."

"If you don't stop I'll have you put out."

"Don't you dare to touch me."

"No, it ain't your business."

"Oh, you're too officious."

Once he had a very sorry fit of scolding in which poor Mr. Robinson was the victim.

"I didn't like your speech!" he exclaimed. "I don't want the trial put off. I'm the first in this case, and Mr. Scoville's second. Look out or we'll discharge you. I'm running this case myself. I only want lawyers for technalities." Mr. Robinson smiled and made no answer, though between the two, Scoville and Guiteau, his position was a very disagreeable one, and from this time on he sat a little more removed from his client, and had less to say. In truth, it looked as if he attempted to usurp more than a subordinate authority, and in the controversy Mr. Scoville carried the sympathy of the audience. Very little of this was left over to be expressed on Guiteau, however, for his violent and hateful manner made him repulsive, even though the audience recognized that his wishes should be respected to some extent in the management of his defence.

The whole quarrel was very unfortunate, and annoyed no one more than the Judge, who confessed himself perplexed how to act. Finally, however, he said that as the prisoner and his immediate representative in the cause wished to proceed to-day, the trial should proceed.

There was some difficulty in picking out jurors, but five were selected during the day, all of whom swore that their minds were not so biassed but that they felt themselves able to bring in a verdict on the evidence. This was in fact what the defense tried to get, and it seemed as if they would be unable to find a jury who were competent to sit even on this liberal construction of the law.

Before the court adjourned Guiteau arose, and, taking some manuscript from his pocket, said he desired to make a speech. The Court made no answer, and he handed the manuscript to a reporter, but Mr. Scoville took it back. This angered Guiteau, who excitedly declared that he was not under the control of his counsel; that he was a lawyer and knew the law himself, and that he desired to have his speech published for the purpose of influencing public opinion. Here is the speech:

GUITEAU'S SPEECH.

"If the Court please, I desire to address your Honor at the threshold of this case. I am in the process of this honorable Court charged with maliciously and wickedly murdering one James A. Garfield. Nothing can be more absurd, because Gen. Garfield died from malpractice. The syllogism to prove it is this: Three weeks after he was shot his physicians held a official examination, and officially decided he would recover. Two months after this official announcement he died. Therefore, according to his own physicians, he was not fatally shot. The doctors who mistreated him ought to bear the odium of his death, and not his assailant. They ought to be indicted for murdering James A. Garfield, and not me. But I have been indicted and must stand my trial for the alleged homicide. Gen. Garfield was President of the United States, and I am one of the men who made him President. His nomination was an accident; his election was the result of the greatest activity on the part of the Stalwarts, and his removal a special providence. Gen. Garfield was a good man, but a weak politician. Being President, he was in a position to do much harm to the republic, and he was doing it by the unwise use of patronage, and the Lord and I took the responsibility of removing him. I certainly never should have sought to remove him on my own account. Why should I shoot him? He never harmed me. From him I expected an important office. I consider I did him my political and personal friend. But my duty to the Lord and to the American people overcame my personal feeling, and I sought to remove him. Not being a marksman, he was not fatally shot, but incompetent physicians finished the work, and they said that he are responsible for his death. Notwithstanding the political situation last spring justified Gen. Garfield's removal, The break in the Republican party last spring was widening week by week, and I foresaw a civil war. My inspiration was to remove the late President alone, and thereby close the breach before it got so wide that nothing but another heartrending and desolating war could close it. The last war cost the nation a million of men and a billion of money. The Lord wanted to prevent a repetition of this desolation, and inspired me to execute this will.

"Why did He inspire me in preference to some one else? Because I had the brains and nerve, probably, to do the work. The Lord does not employ incompetent persons to serve Him. He uses the best material He can find. Now do you there were thousands of Republicans who felt as I felt about the matter, and that the Republican party last spring, and had they the conception, the nerve, the brains, and the opportunity they would have removed him. I, of all the world, was the only man who had the conception.

CALLING ON POLITICIANS.

"On the trial of my case I propose to summon some of the leading politicians of the Republican and Democratic parties, also the leading New York and Washington editors, to show the political situation and the perils which surrounded the republic last spring. I propose to make this branch of my defence exhaustive. I believe the Lord inspired me to remove the President in preference to some one else is because he wished to vindicate my theological work, 'The Truth.' This book was written to save souls, and not for money, and the Lord, is executing the book as after souls. By its preaches the Gospel, and prepares the world for their judgment, which some people think, and with reason, is near at hand. I have been detained in selling out a new edition of this book, which will include a graphic narrative of my life, but I expect it will be issued shortly. More than one hundred witnesses have been summoned by the prosecution. Two-thirds of them I know nothing about, and the Court, I presume, will decide they are irrelevant.

"The Deity seems well disposed to father it thus far, and I expect He will continue to father it to the end. It is not likely He will allow me to come to grief for obeying Him. How do you know it was the Deity? I was so certain of it that I put up my life on it, and I undertake to say the Deity is actively engaged in my defence. I am confident He will checkmate the wise heads on this prosecution. I beg they go slow. They cannot afford to get the Deity down on them. 'He uttered His voice,' says the psalmist, 'and the earth melted.' This is the God whom I served when I sought to remove the President, and He is bound to take care of me. Recently a Washington newspaper libtographed a cramped piece of paper I had carried in my vest pocket a week under the title of 'Guiteau's Plea.' It was written when I had the malaria, at odd times, and I could hardly read it myself, and so told the gentleman I gave it to, but he thought he could read it, and took it, as he was in haste, I next heard of it as a lithograph. Owing to circumstances beyond my control, I have been forced to ask your Honor to assign me counsel and furnish me witnesses. I formerly practised law in New York and Chicago. In 1877 I left a good practice in Chicago and went out west for my health. I had small success. I had ideas, but no reputation.

"My theological work, 'The Truth,' contains my theology. It was written during a period of five years, and cost me a great deal of trouble, and I have no doubt but it is official. It left no income for my immediate wants, and I have had no chance to recuperate my finances since. I easily could have made $5,000 at the law in Chicago in 1877, and worked myself into a splendid position, but I had other work to do. As I know something about the law, I propose to take an active part in my defence. My brother-in-law, George Scoville, Esq., of Chicago, is a true and active friend, but I disapprove of some of his movements in this case.

INSANITY.

"Mr. Scoville is developing a theory of hereditary insanity, which may have an important bearing on this case. Insanity runs in my family; my father had two sisters and a nephew and a niece in an insane asylum; he himself was a monomaniac for twenty-five years on the Oneida Community. He could see no evil in that concern and no good out of it. He thought Noyes a greater man than the Lord Jesus Christ. He was rational enough outside of the community idea; on that he was a lunatic. He would get greatly excited in discussing that, and rock and sway like a wild man. All this time he was a good business man. He was cashier of a bank, and attended to his duties promptly and faithfully. It was owing to his fanaticism and insanity that I was born in the Oneida Community. Once under Noyes's influence, it was impossible to get away, and I lingered there in the greatest distress for six long and weary years. I was in the Community from 1860 to 1866. Since then I have known and cared nothing for them. One Smith, whom I know there, has taken upon himself to write on this case, and among other silly and impertinent statements he says I was in the habit of connecting my name with the words 'Premier to England.' These statements are false. My father was a frequent visitor at the community, but never resided there. He wanted to go, but my stepmother opposed it. I wish this Oneida Community business to pass into oblivion. His mixing with Oneida Noyes for 25 years was the curse of my father's life, and for six years I lived under the despotism he wielded in the Oneida Community. I expressed my detestation of Noyesism then. To-day John H. Noyes, the founder of the Oneida Community, is an American fugitive on British soil. Noyes is a cold-blooded scoundrel. He has ruined more young women, broken up more reputable families, and caused more misery by his striking fanaticism and licentiousness than any man I know of. If Mr. Red Noyes had his sire, he would have been hung thirty years ago, and it would have been a godsend to a great many decent people if he had been. During my residence in the Oneida Community I, like most of the men in that concern, was practically a Shaker.

"My ex-wife has been summoned by the prosecution. Our marriage was premature. I only knew her ten weeks, and we were married on ten hours' notice. She was a poor girl. She had been unfortunate, and I had no business to have married her. We were married in 1869, separated in 1872, and divorced in 1871 without issue; was pract sing law then, and we lived at hotels and boarding houses. I have known little about her since 1873. I understand that she married well four years ago and is living in Colorado. I have been strictly virtuous for six or seven years. I claim to be a gentleman and a Christian.

"I have been in jail since July 2. I have borne my confinement patiently and quietly, knowing my vindication would come. Twice have I been shot at, and came near being shot dead, but the Lord kept me harmless, like the Hebrew children in the fiery furnace, not a hair on my head has been singed, because the Lord, whom I served when I sought to remove the President, has taken care of me. I have been kindly treated by the jail officials, and have no complaint, save that my letters have been intercepted going out and coming in, and I have been cut off, until recently, from reporters and newspapers, which I consider illegal and impertinent. Certain parties whom I need not name have been greatly benefited financially by my inspiration, and I am going to ask them to contribute to my defence. I have no right or wish to ask my lawyers to work for nothing. There are hundreds of persons who are and will be benefited financially by the new Administration. They are all indebted to me for their position, from the President down. I confidently appeal to them and to the public at large to send me money for my defence. The money can be sent quietly by express (withholding the name if you wish to) to George Scoville, Washington, D. C. It will be sacredly used for my defence. Certain politicians seem perfectly willing to fatten at the public crib on my inspiration, but they pretend to be horrified out of their senses by the late President's removal, and want nothing to do with me. They say I am a dastardly assassin.

NOT AN ASSASSIN.

"The word assassin grates on the mind, and yet some people delight in using it. Why am I an assassin any more than a man who shot another during the late war? Thousands of brave lives on both sides were shot dead during the war, but no one thinks of talking about an assassination. There was a homicide; that is, a man was killed. But in my case the doctors killed the late President and not me, so that there is not even a homicide in the case. The President was simply shot and wounded by an insane man. The man was insane in law, because it was God's act and not his own. There is not the first element of murder in this case. To constitute the crime of murder two elements must concur: 1. An actual homicide, 2. Malice; malice in law or malice in fact. The law presumes malice from the fact of the homicide. There is no homicide in this case, and therefore no malice in law. Malice, in fact, depends on the circumstances attending the homicide. Admitting that the late President died from the shot, which I deny as a matter of fact, still the circumstances attending the shooting liquidate the presumption of malice, either in law or in fact. Heretofore political grievances have been adjusted by war or the ballot. Had Jefferson Davis and a dozen or two of his co-traitors been shot dead in January, 1861, no doubt our late rebellion never would have been.

"I am a patriot. To-day I suffer in bonds as a patriot. Washington was a patriot. Grant was a patriot. Washington led the armies of the revolution through eight years of bloody war to victory and glory. Grant led the armies of the Union to victory and glory, and to-day the nation is happy and prosperous. They raised the old war cry, 'Rally round the flag, boys, rally round the flag,' and thousands of the choicest sons of the republic went forth to battle—to victory or death. Washington and Grant, by their valor and success in war, won the admiration of mankind. To-day I suffer in bonds as a patriot because I had the inspiration and nerve to unite a great political party, to the end that the nation might be saved another desolating war. I do not pretend war was immediate, but I do say emphatically that the bitterness in the Republican party last spring was deepening and deepening hour by hour, and that within two or three years, or less, the nation would have been in a civil war. In the presence of death all hearts were hushed; contention ceased. For weeks and weeks the heart and energy of the nation centered on the sick man at the White House. At last he went the way of all flesh, and the nation was a house of mourning. To say I have been misunderstood and vilified by nearly the entire American press; nay, more, by nearly the entire American people, is a true statement. But Providence and time righten all things, and to-day, by the gradual change of public opinion, I am justified in passing with laudable contempt the continual venom of certain newspapers. Let the newspapers change from 'Guiteau, the assassin,' to Guiteau, the patriot.'

AN APPEAL TO THE PRESS.

"I appeal to the Stalwart and liberal press of the nation for justice. I appeal to the Republican party, especially the Stalwarts, of whom I am proud to be one, for justice. I appeal to the President of the United States for justice. I am the man that made him President. Without my inspiration he was a political cipher, without power or influence. He was constantly with him in New York last fall, during the canvass, and he and the rest of our men knew that we had all that we could do to elect our ticket. Had Gen. Hancock kept his mouth closed on the tariff, or had the Morey letter been delayed a week, Hancock certainly would have been elected. Then no man could tell what would have happened to the republic. I am more than glad that President Arthur is proving himself a wise man in his new position, and I expect he will save the nation the first Administration it has ever had. I appeal to this honorable court for justice. I am glad your Honor is a gentleman of broad views, Christian sentiment, and clear head. I count myself fortunate, indeed, that my case is to be tried before so able and careful a jurist. I appeal to the District Attorney and his learned associates for justice. I beg they go slow in prosecuting this case, that they do no injustice to the Deity, whose servant I was when I sought to remove the late President. At the last great day they and all men will stand in the presence of the Deity crying for mercy and justice. As they act here so will be their final abode hereafter. Life is an enigma. This is a strange world. Often men are governed by passion and not by reason. The mob crucified the Saviour of mankind, and Paul, his apostle, went to an ignominious death. This happened many centuries ago. For eighteen centuries no man has exerted such a tremendous influence on the civilization as the despised Galilean and his great apostle. They did their work and left the result with the Almighty Father.

"This speech was written in a cramped position in my cell."

AMUSEMENTS.

John McCullough as Virginius.

Rarely has an actor been more heartily welcomed than was John McCullough at the Fifth Avenue Theatre last night. He returns to us a victorious champion of American dramatic art in a foreign country, and last night's greeting was but due to one who has added as he has to the lustre of his profession in this country. It was prompted by the same feelings that prompted the ovations once given under circumstances somewhat similar to Edwin Forrest, of whose company John McCullough was for many years a member, and to whom he was attached by ties of the warmest friendship. John McCullough must have seen *Virginius* played by Forrest; perhaps he was at one time his imitator; but his art has long since outgrown the teachings of a master, however great, for he has himself acquired a mastery which over one domain of his art—the domain in which more *Virginius* the Gladiator and their like—is supreme. The growth of his powers has been steady; they have been stimulated by a healthy virility that laughs to scorn all that is morbid and overwrought. His is a manly art, and ennobling in its appeal to manliness. Even when swayed by grief or tender sentiment he is still the hero, just as the oak, whether it whispers to the breezes or shouts to the tempest, is still the strength of the forest. His acting appears to many perfectly natural and unstudied. No higher tribute could be paid to his art; like well-tempered steel, his acting has the gleam of the true metal without the heat of the fire in which it was wrought.

Virginius is one of his greatest rôles, and last night's performance was one of the greatest he has given of it. There are certain occasions when actor and audience seem in perfect accord; when the actor feels that the audience and the audience inspires the actor to better endeavor. It was just such an occasion last night. His voice, his gesture in his happy home, his loving kindness to *Virginia* and betrothed, were as touching as the subdued prelude of tempestuous symphony. He was, perhaps, at his greatest in the scene when *Lucius* announces to him the peril of *Virginia*. His voice at first seemed like the ominous rolling of distant thunder; gradually it increased in power, and then there was the flashing of the lightning, and the storm broke. His killing of *Virginia* was simply terrible, as was also his madness and the strangling of *Appius* in prison. After the killing of *Virginia* he was called before the curtain four times. But his death at the close of the following and last act was so pathetic that it received the tribute of tears from many women.

Mr. McCullough's support was excellent, and the scenery and costumes are new and appropriate. The Roman populace, considering that they were reared so far from Rome, were as romanesque as could be expected, only we would advise a little shedding of the general outlines of their extremities.

The Return of the Union Square Theatre Company.

The Union Square Theatre company has at last returned, and the event was signalized by the presentation in that house last evening of Sardou's great drama of "Daniel Rochat." There was a fine audience assembled, and the welcome accorded the company and its individual members was warm and sincere.

Their presentation of "Daniel Rochat" was a relief and a reassurance. Up to the present week our theatres have, for the most part, afforded a wearisome monotony of rubbish. We have had either great actors projected against the tawdry backgrounds of impotent companies and poorly appointed stages, or alternating weeks of pantomimic nonsense, thin spectacle, and dramatic inanity. There has been hardly an exception to it, and if any there were it but served to emphasize the poverty and feebleness of the season.

Last evening there was John McCullough and a sterling supportin the legitimate drama at one house, and at another a splendidly equipped and well-trained company, admirable in its proportions, and presenting a drama of distinguished merits. Both the play and the players are well known to our theatre-going public, but it can be safely said that this season has seen nothing on our stage more completely satisfactory than was the performance of "Daniel Rochat" last evening. Not even the excellent Rice company, with its numerous novelty, who were suffering from severe colds, could defeat it of that effect.

"Daniel Rochat" will be continued for the present, and should not be missed; and when it is withdrawn there are plenty of good things to follow from Mr. A. M. Palmer's reserve.

Carl and Edward Hermann's Concert.

Mr. Carl Hermann, late professor of the piano at the Stuttgart Conservatory, and Mr. Edward Hermann, a violinist, and formerly conductor at the Imperial Opera at St. Petersburg, gave a concert last evening at Steinway Hall.

The pieces selected for their programme were all of a high degree of merit. Among them were Bach's chaconne, Beethoven's Sonata Appassionato, Henselt's pianoforte concerto, and Bach's chromatic fantasie and fugue.

If, as we suppose to be the case, these two artists have come to reside in this country and to become teachers of their respective instruments as well as concert players, then we can safely say that the already valuable corps of instructors in this city will have received a great reinforcement in adding to its ranks two men of such unquestionable accomplishment.

Mr. Hermann early by speaking to the first rank of virtuosos, there is displayed in the playing of both a purity and elevation of style, and a clearness, certainly, and correctness that will be safe guides to students of musical art. We speak of them together, since apparently they stand upon much the same plane of attainment. There is in both great exactness and precision of method. This was clearly shown both in the Bach chaconne for violin without accompaniment, played by Mr. Edward Hermann, and by that other work for piano by the same great master and conceived in the same severe spirit, the chromatic fantasie and fugue. Executants who have entirely mastered these compositions, and can play them without fault or uncertainty, and with grasp and intelligence of statement, are certainly masters of the classic school. In lighter works, such as Wieniawski's Legende for the violin, Rubinstein's "Melodie," transcribed for that instrument and played as an encore, and in Chopin's nocturne and Boccherini's minuet transcribed for piano there was much grace, feeling, and refinement of style displayed. The Boccherini minuet, however, is beautiful by reason of its quaint simplicity. This character it loses in the transcription for piano. The arpeggios cover it up and overload it.

While there may not be about the Hermanns that fire and intensity that make great artists, there is certainly that academic exactness of style that makes reliable and eminent instructors.

Patience at Booth's Theatre.

Gilbert & Sullivan's opera "Patience" was produced last evening at Booth's by the Rice opera-comique company. "Patience" would be an excellent satire on the vanity of men were not that side of it eclipsed by its excellence as a satire on women, and a proof of its general cleverness may be found in the fact that each new company presents a new side to its wit. Renewed hearings of this admirable piece confirm one in the opinion that it is written in a vein of genuine humor that cannot be worked from the pen of Tom Hood or Charles Lamb. The Rice company fail to catch the delicately poetic atmosphere of which the piece is susceptible, but by way of compensation they leave no stage business neglected, and infuse into it a lively and merry vivacity with a slight flavor of burlesque.

Mr. McCollin as *Bunthorne* enunciates with such clearness that no points in his text are lost, and Miss Rose Temple as *Patience* was suitably naive and demure, and used her light voice to very fair advantage. The raptures maidens were attired in gowns of most esthetic hues, richly embroidered, and posed with a fourteenth century grace. Among the other singers were Mr. Henri Laurent and Mlle. Jarleau of early "Pinafore" fame, and Mr. Eugene Clark as "Grosvenor." The chorus was full, and the lavish display of flowers suggested a transplanted conservatory.

Failure of the Tobacco Crop.

Reports regarding the failure of this staple have not lost upon the consumers of Marshall's Perfected Smoking Tobacco, as the latter contains no tobacco.—Adv.

New Music.

Ultimately is the fate of most popular music. This new and difficult ditty is taken as a matter of course by purchasers of Beard's Piano Soap. Sales yearly exceed 3,000,000.—Adv.

Lieutenant Commander Greenwood, on bringing the steamship Ark to New York, has recommended that a number of his crew be treated to a dose of Ralston's Health Food for the nervous disorders so prevalent in the world with the Celery and Chamomile Pills. New York office, 115 Fulton st.—Adv.

Silk handkerchiefs and perfumes are the popular styles of holiday articles, also the latest styles in neckwear for fall and winter wear, sparkling cologne, Lazell's Manufacturing Co., 80 Nassau st. Lilac and Violet Soap.—Adv.

HOW CHAS. P. MILLER DIED.

A MIXED THRONG BEFORE CORONER HERRMAN YESTERDAY.

Many Witnesses Agree as to the Manner in which Saloon Keeper Tracy Shot Miller, the Banco Man—A Protracted Session.

The court room in the Coroners' office was packed with sporting men yesterday. Nearly all were noticeable for the neatness of their apparel. Here and there a diamond flashed or a colored shirt and collar were seen, but the majority were clad in well-fitting black clothes, wore moustaches, and had smooth, powdered cheeks, and looked like very quiet and thoughtful but extremely wide-awake men. They weighted the air with perfume. Coroner Herrman was sitting behind the bench, and was about to begin the inquiry as to the killing of Charles P. Miller, banco man, by Wm. Tracey, saloon keeper, in Dick Darling's barroom, in Broadway, on Monday night a week ago.

Tracey sat by the side of Detective Schmittberger. He is a short, stout man, with very heavy jaws, mild blue eyes, and a sandy moustache. Police Captain Williams stood behind the Coroner and looked at the gathering. Among others whose faces he recognized were Charley Rowell, Sam Perry, Tom Davis, Mr. Duryea, Billy Borst, Al. Smith, Barney Aaron, Joe Shannon, "Strong-armed Mike Costello," Charley Moore, Frank Hanks, George Parker, Aleck Davison, Dan Birdsall, William Betts, Charley Crawford, Hen Rice, Billy Minchin, Dick Darling, and Dick Moore. In the jury box were a dozen men of high repute in the city. They were Henry Holt, publisher; W. A. Shaw, merchant; Samuel Frank, merchant; A. Fellheimer, manufacturer; Charles W. Alcott, merchant; J. B. Bloomingdale, merchant; E. C. Schafer, brewer; Roswell C. Smith, publisher; S. Sedgman, importer; G. E. Bellamy, merchant; J. J. Burchell, 708 Lexington avenue, and George Blackburn. Opposite the jurors sat the counsel, including J. R. Fellows, for the District Attorney, and Charles W. Brooke and another lawyer for the accused.

Mrs. Miller, who sat in the foremost seat concealed behind a long black veil, was the first witness. She pushed aside the veil in order to kiss the Bible. She is young and attractive, but her face bore marked signs of grief. She gave her name as Mrs. Charles P. Miller, and wished to state it so, but the Coroner told her to sign her—if Nellie Miller.

"My husband left his home at 636 Lexington avenue at 9 o'clock last Monday morning," she said, "and he was brought home dead between the hours of 7 and 8 on Tuesday evening. I had heard of his injury early Tuesday morning."

Richard M. Darling, who looked like a prosperous broker, swore that he keeps a drinking place at 1,217 Broadway. Late on Monday Tracey came in and asked for a drink. There is a clear counter in the front of the saloon, divided from the rear by a partition. Charley Miller was leaning against the cigar counter. Presently the witness heard a shot. He asked who fired it, and, getting no answer, sent an alarm for the police, went forward and saw Miller, pistol in hand, about to shoot. He warned him not to do so, and said he would fire if he did.

William E. Minchin, a handsome, well-dressed man with white and slender hands, who said he was "step-father-in-law to the deceased," testified that he was in Darling's place with Miller on the night in question. "I saw Charley Miller jump," said he, "and I saw Tracey in the doorway through the partition, pistol in hand. Some one said 'Charley, don't shoot,' and I turned and saw Miller resting a pistol either on some one's arm or shoulder. Miller was drooping. His knees were bent, but did not quite touch the ground. Seeing a hole in the upper shirt front, I said 'If that was badly hurt, and Betts replied 'Yes, I guess he's a goner.' Miller was a sporting man, 29 years old, and he and I had been partners."

Charles H. Crawford, a neatly attired man below the middle age, with soft, smooth hands and white teeth, a large scar across the left cheek, was also present at the shooting. He lives at the Brewer House. He corroborated Mr. Minchin's recollection, but added that Tracey came back from the barroom, stood alongside of the witness, and said, apparently speaking to Miller, "I told you I would kill you." The witness thought Miller had not time to draw his weapon between Tracey's warning and the shot.

"I was back in the barroom, talking with Mr. Bloomfield," said Daniel Birdsall of 101 West Twenty-eight street, who said he was in the cemetery business. "It did not seem a second after Tracey came in before I heard a pistol shot. I immediately turned and ran into the back room. (The witness showed in a diagram the strongly intrenched corner of the back room to which he ran.) I had from speaking to Miller that morning, and Miller said to me that Tracey's had been 'pulled' the day before, and added, 'I am sorry. They ought to let him alone. I'll fix him myself.'"

"I am an attorney, but not practising," said William H. Betts, a tall man of commanding figure, with a very fair and a very black beard, slightly silvered. He spoke like a Southern gentleman and stroked his beard with his soft, slender hand. His testimony was short and to the point. "Tracey came in," he said, "walked through into the barroom, turned, came back and pulled out a pistol and said, 'I've come here to kill you,' and fired. I jumped and caught Tracey's hands, lowering the pistol, and shoving him back into the barroom. I heard Moore say, 'Look out, Charley, don't shoot,' and I looked and saw Miller trembling and wobbling a pistol. I shoved Tracey down the awake. He sank down. He said to me, 'I'm shot in the belly, Bill.' He was shot an inch and a quarter below and to the right of the umbilical cord."

"I am a printer, but I don't work at the trade," said Richard J. Moore, a well-dressed man, in gaiters, who wore white hands. He testified that he was in the witness chair. He told the same story of the shooting as the others, except that he said he did not hear Tracey say he had come to kill Miller. "No two men ever were more intimate than Miller and I," Moore continued. "Miller was my friend, had several grievances, and there was bad blood between them. They had a shooting affray seven months ago in Tracey's. I was there, talking to a drunken man, and Miller, who thought there was going to be trouble, interfered. Tracey came from behind the bar and asked Miller, 'What are you always trying to do? Trying to make trouble? What have you got your hand in your pocket for? Do you want to kill somebody, you dirty little rat?' 'I am no rat,' said Miller, 'and I won't allow you to call me that.' Next I heard the crack of Miller's pistol. Miller fired Tracey in the back. Tracey fired, and fired at him three times. He shot Tracey once—in the thigh."

"What sort of a man was Miller?" Counsellor Brooke asked.

"Well," said the witness, "he generally had a pistol, but I would not call him desperate."

A few questions refreshed Moore's recollection of a shooting in Mike Donovan's saloon in Sixth avenue, when Miller and the proprietor quarrelled, and Miller shot the witness by accident. The witness was not in town when Miller shot Harry O'Brien. Witness said that after Miller shot Tracey he went into Tracey's, but he was drunk, and he told the witness he had made a mistake, play by going there, and had left himself liable.

"Yet," persevered Mr. Brooke, "you don't think Miller was a desperate fellow?"

"Oh," said the witness in disgust, "he was only a boy. He was only a little wild."

The inquest will be resumed to-day.

Notes of the Stage.

The performance of "Boccaccio" at Niblo's last night by Niblo's comic opera company was a decided success as an amusement exhibition. The solo singing was not particularly commendable, but the chorus was well and spirited. "The Mascotte" will be given on Thursday.

The Haslen Lees begin the tenth week of their funny performances at the Lyceum Theatre, which seems the whole extent of spirit (Mr. Francis G. Wyatt, who has been absent through illness, was back to assist in his grotesque share of the entertainment, and a large audience found it all very laughable.

Tony Pastor began the week last evening in his new Fourteenth street theatre with a varied and pleasing bill. It was appreciated by a good sized audience. Miss Flora Walsh, the Irish Lassie, Mr. Karl Brady, by their gymnastic efforts, William Carroll, through his dances and good jokes, and E. D. Davies, the ventriloquist, contributed mainly to the enjoyment of the evening.

Mr. and Mrs. W. J. Scanlan gave the inaugural performance of their "Rapid Transit" at Harrigan's Brooklyn Theatre last evening. The house was well filled by an intelligent and highly amused audience. The piece was very rapid with Mr. Scanlan as the Hon. Bernard Bee, M.C., and Mrs. Scanlan as Mary Jane Smith, M.C., and we think it will shortly [illegible] as Mrs. Scanlan's character is well suited to her talents, and Mr. Scanlan's Bee is a character in which he is at home. The entertainment is [illegible] Mr. Scanlan's Bee, Mr. Scanlan's Mary Jane Smith, and Mr. Scanlan's Dooley, and Mr. Scanlan's Dooley, and Mr. Scanlan's Dooley