

AMERICAN CITIZEN.

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

VOLUME 4.

BUTLER, BUTLER COUNTY, PA., WEDNESDAY, MARCH 27, 1867.

NUMBER 16.

TRIAL OF JOHN B. ADLINGTON, FOR THE MURDER OF Sidney B. Cunningham

COMMONWEALTH Indicted
by J. B. ADLINGTON, J. Homicide.
THURSDAY, March 14
AFTERNOON SESSION.

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

James M. Marshall, re-called—Heard Adlington say he supposed they would all be arrested—himself among the rest; that they would have lodgings in the stone house; he said he was known as a fighting man, and supposed he would be arrested with the crowd, although he was not in the room; this was soon after the jury had assembled in the sitting room; the conversation occurred in the bar-room; don't know that he was addressing himself to me, but to others that were in the room—to all; Henry Bowler was present, and there were others; think Sidney Oliver was present. I made no reply to Adlington; he said a good deal, but I don't remember all he said; don't know that I could give the exact words; he said, although he was not in the room, but being known as a fighting man, he supposed he would be arrested with the rest; if he was a single man, like Henry Bowler, he would care a damn; but he had a wife and six children; he went on to tell a story printed in the Ledger—he had the copies of it—said it was an interesting story, it was entitled "Hanging the Wrong Man."

He was telling it to Henry Bowler more than to any one else; he told Sidney Oliver he was going home—if anything happened, to come after him; next time he told him if he should be wanted, to come after him; he told him two or three times; he then left, and returned in a short time; believe I heard him tell Henry Bowler that Sidney was going to swear that he had seen him with a knife; this was in the bar-room; am not certain whether this conversation was before he went away or after he came back; heard Sidney Oliver tell him that he should have a knife; don't know what Adlington's reply was; defendant told it to Bowler some time afterwards—could not say how long; he was not absent more than half an hour; think it was not long after that he was called by the jury; think Adlington was called before Sidney Oliver; think I was called before Sidney Oliver, and Adlington was called before I was; think we had no direct conversation that night; have no knowledge that the defendant had any weapon, except the stick that I have mentioned; I never knew of his carrying a weapon previous to this time; have no knowledge of how Cunningham and Teepie received their wounds.

Cross-examined—I got into the room just before Oliver came in, at the time of the fight; saw Teepie before Oliver got struck, standing in the south west corner of the room, west of me; to the rear and left hand of Cunningham; he was about six feet from me; think I had a good look at him; he was wearing a blue coat and a red hat; I saw of Bowler when he struck Kiker; saw some persons take hold of Fred Bowler; think it was Henry Bowler; saw Sidney Oliver going out with the lamp; think I saw some one strike Sidney Oliver as he was going out; that I was knocked back into the chair; there was a crowd around the north room door; it was about the time John Oliver was hit that I saw Adlington in the door; think it was at the time I was at the table near the center of the room, that I saw Adlington; when he struck Kiker, Bowler was between me and the north room door, and in front of it; have no recollection of seeing Calvin Weller as he was taking Fred Bowler out of the room; I stood seven or eight feet from the north door; the room is 24x15; I think; think there was a light in the room; the north door was open during the fight; there was a fire; don't recollect that there was any other light; I could see Adlington; there were persons in the north room looking at the fight—standing around the door; saw him have the bleeding stick and strike down with it; think it hit some one; [showed with a cane, the manner of the stroke] There was a crowd around the north room door in the rear of Adlington; he was standing just on the inside of the door; did not hear him say anything; saw him and the stick distinctly; I was looking on—not was in the fight; saw that stick on two previous occasions; believe it was that stick, or one just exactly like it; think it was sixteen inches long and one and a half in diameter—laminar; saw it in the hand of John Oliver, on his pavement; had it in my hand previous to this fight; Oliver said it would be a good thing in a row; saw the defendant have it on the pavement near the old saw-mill lot; there were a number of persons there; Adlington had it in his sleeve and showed it to me; we were all going down to throw it out of a man's house, who was selling liquor without license. The witness named who were along; they had no warrant—some had came; Adam Weimer, High Constable of the borough, was along; but he backed out; we went on, and the man agreed to close up the next day; it was last fall some time; don't know where this bleeding stick was kept, nor where Adlington got it; it was the same one or one exactly like it; it was the same one

Adlington had when standing in the north room door.

By the Court—I thought it hit some one at the time, though I did not hear it; there were persons between; I have no positive knowledge that he hit any one.

Cross-examination resumed—I saw Teepie have a chair, but it was jerked from him; did not see Cunningham have a chair in his hand while I was there; did not see Teepie doing or saying anything during this time. I suppose Teepie thought the whole crowd was advancing at him at once, was the reason why he made the request that they should come one at a time. Oliver went directly at Teepie when he got up; I believe the door opening into the hall was open during the fight; there were persons looking in through the hall door; don't know that I could name them; I think Weller took Shaffer out after he struck Teepie; saw no crowd around Teepie and Oliver when Teepie groaned; was a man or sound like "oh!" or something like it; did not hear him say any word distinctly; Adlington struck Oliver immediately before the cry, with a chair; don't recollect whether he took hold of the chair with both hands; saw nothing else in Adlington's hands; had no difficulty in distinguishing things of account of light; Oliver started away from Teepie himself; did not see any one take hold of him. It may be that others may have said that they were apprehensive of arrest; there was a good deal of excitement; I don't think there was any one about the house but was excited; two ladies faint; "Hanging the wrong man" was the title of the story; I think; he addressed himself to Henry Bowler more particularly than me; he kept files of that paper.

Direct—He made no application of the story; at Oliver's request, I took a tumbler in the fore part of the evening—three hours before the fight; I gave it back to Oliver; did not have it in the room while the fight was going on; also had a "pop" bottle for about fifteen minutes; put it in my pocket at the request of Mr. Oliver, because he expected these men would pitch into him when they came out from their oyster; think Morgan Roberts invited me to this little party for clearing out the whiskey houses; don't think Jones was along in that party.

Prosecution offered to ask the witness whether the defendant had told him at any time that he had a knife—whether he described it, and to trace it up to the one used at the time of the homicide.

Defendant objected.

The Court permitted the question to be asked, and noted an exception.

Witness resumed—Mr. Adlington did not say anything to me at any time that he had a knife; he did not say anything about Jones not coming along with the liquor party.

James R. Pringle sworn—I was not at the party at the time of the difficulty; my oldest boy was at the party—and my brother-in-law, Mr. Caldwell, was on the pavement; he came into the house and told me, "Equally, they are fighting—they are fighting!" I ran on to the house, and was about the first one to arrive; going into the hall I observed something to the right of the door; turned and found it to be a man; saw a red ferret that it was Mr. Cunningham; put my hand on his head; he appeared to be lifeless; I ran to the stairs and a-kel, "where is George?" my son, went up stairs; saw John Oliver on the bed, and several around him; he was bleeding freely; told them they should send for a doctor; there was a man in the sitting room—found a man at the left of the room—passed a man on the floor, with his head leaning against the wall; passed into this north room and asked for George; they told me he was in the little back room—the dining room—with the girls; the girls appeared scared. I took George home, and said to his mother that there were men there nearly killed, and I would go back; went back and went up stairs to Mr. Oliver; told him there were men down stairs nearly killed. He said "don't do that!" I said "yes." Mrs. Adlington was washing his head with water; Adlington was also there; I did not see him there the first time; I said "John, John, those men will die!" He replied "John, didn't give a God damn." Some of the women reproved him; I went down; was a good deal affected; the doctor had come and was trying to turn Cunningham; I could not help him; I went for John Kennedy, and he helped him to turn Cunningham over. Just after I passed where the Doctor was working with Cunningham, I got out on to the board walk; Adlington came out, and I said "John, those men will certainly die!" He said "I don't give a damn; there is no blood on me; I wish you would note the time, I am going home." I said, "John, that is no use;" and I went home; in a minute or two, Esquire Humphreys came along and told me that I would be needed. People began to stir around; I went back and found Cunningham moved to the sitting room; an examination had been made; this is the first time I knew there had been any cutting; Adlington was back in a few minutes; I was straightening up Cunningham's face—he was dead; Adlington lent me his handkerchief to tie up the jaws of the corpse, and make it look a little more respectable. Every one was talking more or less about the transaction; I did not hear any one say how these men got hurt. The defendant was present, but I heard him make no explanation. I was one of the jury. The defendant was called as a witness before the jury; was sworn and testified.

Prosecution offered to prove what defendant said, but withdrew the offer for the present.

Direct—I had no conversation with the defendant after the jury found their verdict. I never saw the defendant have a knife, nor hear him say he had one.

No cross examination.
George Moon sworn—I was at John Oliver's on the night of the 24th of December, came there a little after dark; met John Oliver at the front door; I was not there when the fight took place; Oliver asked me if I felt better; I had been sick; I told him I did not; he told me there were two men in the house raising a row; he wanted me to help put them out; I asked who they were; he told me they were Cunningham and Teepie, from New Castle. I said I did not know them; he insisted on me to go into the house; I told him I did not like to go in, "I didn't want to get into any more scrapes." I went to Aiken's store, came back, and insisted on my coming into the hall. I went to the door that leads to the sitting room; met those two men coming out; Henry Bowler told them if they would keep quiet they could have as much sport as the rest of them. If they did not, they would have to go out of the house. One of them said, "suppose we take a walk and get straightened up;" Henry Bowler told them to do so. I turned and went into the bar-room. I went home. I saw Adlington have a knife last fall; he had been drinking; I saw the knife in front of Aiken's store. The Commonwealth offers to prove a knife in the defendant's possession previous to this occurrence; what he said about it, and trace it up to this transaction.

Defendant objects to the latter part of the offer. No matter what the defendant said he could do, or would do, with the knife, unless it has reference to Cunningham and Teepie, it is incompetent.

Court overruled the objections, and noted an exception.

Witness resumed—I saw him have a knife about dark in front of Aiken's store. He was under the influence of liquor; he pulled it out of the breast of his blouse; it was a two edged knife, and the point ran into the centre, the blade looked to be about an inch and a half wide and about five or six inches long.

Cross-examined—Adlington had been in the army.

Objected on part of the Commonwealth.

Mr. Thompson, on part of defendant, offered to prove by the witness, that Adlington had been in the army with him; and that it was customary for soldiers to carry knives, and that they carried them during their return.

The Court said they would receive the testimony.

Witness resumed—It was the custom of soldiers to carry such knives as long as they were in the army; a majority carried them. I know of other soldiers from Portersville carry such knives in the army. Mr. Adlington had been a soldier—served in the same company with me the last time he was out.

Direct—They used knives for cutting their bread and pork.

By a Jurymen—All knives carried by soldiers were not double-edged; two were carried, but they were taken from our town.

Affirmed till 9 A. M., to-morrow.

FRIDAY, March 15, 1867.

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

William L. Laff, sworn—The Defendant, last fall, assisted my father to bathe. It was last of November or first of December. He had a knife on that occasion. He brought it with him; he took it away from there with him. I had it in my hand; it was a two edged knife—six inches in the blade, and about four inches of handle; it was between an inch and an inch and a quarter broad in the blade. It was made out of an old file or rasp; you could see the marks on it yet. I think he carried it in his hand, but am not sure. I put my hand when he came; don't recollect how he carried the knife.

Cross-examined—Adlington and my father are neighbors of the same town. He brought his hogs down to butcher with us. He helped us some and we helped him. He used this knife in scra ping the hogs.

Miss Nancy McKain sworn—I came to Adlington's in the fall of 1865. I lived there a year and two weeks. I left there in September 1866. The defendant had a knife—two edged. I always called it a butcher-knife. It was about five or six inches long in the blade, and about an inch and a quarter broad. I cut bread with it a few times; not used any way particularly. The handle was about four inches long.

The Commonwealth, by its counsel, proposed to ask the witness where the knife spoken of, was usually kept, what the defendant did with it, &c.

Objected to by Mr. Thompson, on part of the defense. It might be competent to rebut evidence of character.

Court overruled it an objection and noted an exception.

Witness resumed—This knife was usually kept on the cupboard. It was kept up higher than any of the rest of the knives were. There was no particular place where it was kept as I know of. It was the second shelf to the top there it was kept; it was mostly laid just on the shelf. I never saw him use it while I was there. I saw him use it twice take it down, but don't know what he done with it afterwards. Did not see him replace it. I was forbidden by the

Defendant to use it. The cupboard was in the kitchen. In going in at the front door you would have to go through the front room, and another room to reach the kitchen; you could get in from the back way.

Cross-examined—I was a hired help in the family. I left last September—I have been living since that time at Rev. Harrison's in Portersville.

James Gibson sworn—I was at the house of John Oliver when this difficulty occurred. I was in the room when the fuss commenced. I saw Cunningham knock Fred Bowler down. He hit him three or four times after he was down. I heard Cunningham say something, and Fred reply, but did not hear what they said. Next I saw Teepie have a chair drawn to hit John Oliver. Sidney Oliver and I caught the chair; Pringle also grabbed for the chair, but I could not say whether he got hold of it or not. I do not know whether we got the chair from him or not. Saw James Anderson have a poker drawn to hit some one; I caught it and took it into the bar-room. That is all I mind of seeing. I saw Adlington in the bar-room before the fuss commenced, matching coppers. I saw him after the fuss was over; it was about an hour and a half. I was lying on the counter. He said he was going home, if any one wanted him, for me to come after him. He told me where he lived by the window. He came back in a few minutes; he told him he could lay down on the bar; he told me I went into the dancing room and laid down next day about 8 or 9 o'clock. He got Oliver's team to go for a load of coal. I helped him hitch up. I went to sleep in the North room. I have stated all I can mind that occurred in the sitting room. Fred Bowler and Cunningham were there. I can't mind the other. I ran out through the room door to the hall, and stood there and watched a while. That is when I saw Teepie draw the chair. I ran in and got hold of it; ran out with the poker. Pringle was standing beside me at the room door when we went in and grabbed the chair. I was acquainted with all present at the dance. I can't name any of the crowd except Teepie, Cunningham, John Oliver, and Sidney Oliver. I think Oliver was backing toward the dancing room when Teepie had the chair drawn. I can't say whether we got the chair loose or not; I would not like to say. I think I have told all I know. I was standing in the door next the hall all the time, between the drawing the chair and that of the poker. Anderson came in from the kitchen. He was going to hit some one. I don't know who he was going to hit. I turned him half round; took the poker to the bar-room; told him he should not hit any one with it; did not hear him say anything. It was five or ten minutes that I stood in the door. This is all that I could remember. I can't mind of seeing anything after I took the poker out. When I came back I saw Cunningham sitting in the hall; the fuss was pretty near over. Cunningham was leaning forward, his head on his breast. I must have looked in 10 or 15 minutes. The last place I saw Cunningham was when he was laying or sitting in the hall; last saw him before this hitting Bowler in the sitting room. I could not name any one who was in the single name. I saw Bowler before the fight; saw Cunningham and Teepie; heard them named. I could not tell what Bowler said. Cunningham said he was here to represent New Castle. Bowler took out his teeth and put them into his pocket. I knew then there would be a fight. He had not more than pulled a band out of his pocket when Cunningham hit him, and knocked him down; he was heading South on the North room door. I was standing South on the three or four feet from them, toward the door leading into the hall. Saw no one strike Cunningham. Did not see him get a lick. Can't recollect any one being nearer to him than myself. Do not mind of seeing John Jones in the room till after the fight was over; didn't see Kiker till. Saw Cunningham raise up. I suppose he thought he had given Bowler enough. Don't mind of seeing Cunningham after that till I saw him in the hall. I went out because I did not want to get a lick; I wanted to get out of the way. I turned my face and went to the door. Some of the ladies going up to the stairs asked me what was the matter. I told them they were fighting, not to be scared. I looked in again, and saw Teepie draw the chair. I did not see Cunningham nor Bowler. They were crowding out and in through the door all the time. I could not name them. Teepie had the chair drawn up over his shoulder in one hand to hit John Oliver; it was a heavy arm chair. I grabbed it and called on Bill Pringle to help. Went back to the door. Didn't see Teepie after that, Oliver was backing back. There were lots standing there, but I can't name them. I could not say whether any one was close enough to have received the blow; thought he was going to hit some person in the room. As returned from the bar-room, when I left the poker, there were some women in the hall. Couldn't name them. Went to the door and looked in. There were lots in the room; there was fighting going on, but I couldn't name the persons, or say how it was going on. I heard them talking, hallooing, talking, gabbling, and so on. I saw no blows, nor heard no blows struck. I heard them call to part them. I stood in the door 10 or 15 minutes. I was all through the house. Have no idea where I went. I must have been where I was when I was called in to take the chair; I saw no person at the door; Gibson was in the room, one or two steps from the hall door; think he had hold of the chair when he called; Oliver was

about the middle of the room; I did not notice him doing anything; think Teepie could have hit him; couldn't say they were facing each other; there were other persons in the room, but I could not name them; none but what I have named; Oliver, Marshall, Gibson and myself; I think I went out into the hall after taking the chair from Teepie; think I then went to the kitchen; Oliver was there; they were washing his head; before this, I think I saw Oliver and Teepie fighting; this was after I saw Cunningham in the hall; think it was before I took the chair from Teepie; I did not see Teepie fall; last I saw was Teepie leaning up against the South wall of the sitting room; he was lying down with his head up against the wall; this was not long after I took the chair from him; don't mind of seeing any person with him, or who was in the room at that time; I was in the room; saw nothing more than I have stated; it was not more than a minute after I took the chair until Teepie was on the floor; I think they were taking Bowler out; could not say who took him out; I was scared a little; did not see Oliver doing anything; thought it was him and Teepie that were sparring around; can't state what was done with the chair; I had gone into the room about 5 feet, to get hold of the chair; then went into the hall; think I was back to the door again—was in the hall probably a minute; did not see Mr. Teepie getting kicked; did not see Lafayette Shaffer at all, as I mind of; think then, the fight was over; saw Teepie kind of down against the wall; had not seen him down before that; did not see Oliver go out; John L. Jones was standing in the kitchen—so was Mrs. Adlington and Mrs. Oliver; Adlington was there, holding Fred Bowler, who was wanting to get away. I played there till they got Bowler quieted; heard nothing said there about this difficulty; Bowler wanted to get loose; Adlington wouldn't let him go. After I left the kitchen, I went into the room where the fight was; Teepie and Cunningham were lying on the floor; Cunningham had been brought in from the hall; I heard nothing said. I don't recollect of hearing anything further said until after it was known that they were stabbed; did not hear defendant say anything; did not see him do anything, except to hold Bowler; did not see him in the room where the fight was; did not see him have a weapon; did not know of any person having a weapon that night; saw defendant up stairs.

Cross-examined—When Oliver made the remark about New Castle, I was standing to the right of the door; Marshall and Bowler were to my left, close beside me; they were not facing the dancing room; they were below the door, more toward the fire-place; Bowler was next me—between us and Marshall—Cunningham and Teepie were sitting before the fire; Cunningham jumped up and said, "if you have got anything to say about New Castle, just show your hand." There was about three feet between Cunningham and Bowler. The fight commenced within two or three feet from the table, in the middle of the front wall of the house; I stood a little to the left of the door; saw no person in the corner but those engaged in the fight. The hall door was open as I went out; came back immediately; saw Cunningham stagger out; the moment I reached the door, I was called on to help take the chair; I then went immediately back to the hall; I was not there more than a minute—perhaps less; saw no one there nor did I speak to any one. I then turned back to the door leading into the sitting room. I did not see the wounds in Cunningham's body.

By the Court—I stood within about 5 feet of Bowler when he fell; I was then to the right of the door; Cunningham struck him two or three times—then I turned and crossed the room into the hall, out of the front door on to the board walk; then turned back; saw Cunningham stagger out and sink down in the corner; I then went to the door and saw the chair raised.

Miss Rebecca Weimer sworn—I was at the dance on the 24th of December last; did not see anything of the fight; was up stairs during the difficulty; did not hear anything of the fight; was up stairs when Oliver was brought up; don't remember who was with him at the time; saw Adlington up stairs at that time; he threw open his clothes and said, "anybody search him, he had nothing about him." This was at the time Oliver was there after he had been hurt. Adlington was facing me when he said this; there were several in the room, but I could not name them; think Mrs. Adlington was in the room; she was standing back a little; I saw Sidney Oliver carrying the lamp out of the room.

By the Court—I do not know what was done with the chair when Oliver knocked off the blow with his foot. I think it was set down.

Direct—I took Sidney Oliver started out with the lamp just at the time John Oliver came into the room. The lamp had been sitting on the table. I suppose he passed John in going out with the lamp; the chimney was off. I saw some one take the lamp out of Sidney's hand. This was before John Oliver was knocked down. There was plenty of light in the room. The grate was giving good light, and there was a large glass lantern on the mantel; I saw no weapon used by any one. I saw no weapon that night. I did not know of any one at that time, having a weapon there that night. I did not see Mr. Adlington struck at any time; did not see him struck at any time; did not hear any one using insulting language toward defendant. Saw Anderson have the poker in the hall. I did not know who struck Sidney Cunningham that

night. I heard Bowler tell Teepie and Cunningham that when they came back if they behaved themselves they might enjoy the dance. I was dancing with Mag. Newton; heard a noise in the sitting room. I stood beside the grate—Calvin Weller came out; said they were fighting in there, and to come in; I went to the door; heard some jangling and saw some moving around. Said I guess there was not much the matter? I looked in again; saw Cunningham knock Fred Bowler down and hit him two or three times. Saw Oliver go in and raise his hand, when Cunningham knocked him down; he then picked up a chair. Mr. Adlington was in front of me, and I told him "for God sake, not to let him kill Oliver." Mr. Adlington stooped down as I thought to pick Oliver up. Oliver dipped the stroke off and got up. Teepie was standing within three or four feet from Cunningham—I took him for Cunningham—Teepie struck at Oliver, and he returned the blow and knocked him into the corner. He struck him several times. I heard the blows, but could not see either of them. There were several ladies standing in the rear of me wanting to get in, and I stepped back into the north room. Saw Oliver come out going with blood. Saw Teepie going from the fire place toward the door leading to the hall from the sitting room. I was then interrupted for a moment; next saw Teepie sitting on the floor in the corner of the room by the door. I went home immediately after that; came back, passed through the north room, up stairs, saw John Oliver lying there badly hurt; came down and went to the sitting room. The Doctor had arrived, and both Teepie and Cunningham were lying there. Think I had saw Cunningham in the hall before this. Then went through the kitchen and dining room into the bar room; then went up into Oliver's room again. The first time I was up Mrs. Oliver and Mrs. Adlington were there. The second time I was up I think Oliver asked if those men were going to die. Adlington said "he did it care a damn." Mrs. Oliver reproved him. I don't remember what was said; every one was talking. I heard Adlington say, afterwards, that he thought they cause for a fuss, and they had had a pretty serious one. This was on the next day. He was not speaking to me particularly. They were talking about the occurrence. I laid my hand on Adlington and told him no, to let them kill Oliver. I did not see him have anything in his hand. Mr. Adlington just stood as I thought to assist Oliver up. He was about three feet from Cunningham. He advanced toward him, was within two feet of him; perhaps closer. I did not see him extend his hand. I could not, from my position behind him, see him extend his hand. I think Adlington caught Oliver with his left hand just as he was getting up. I did not see Cunningham again until he was in the sitting room when the Doctor came. It has always been a mystery to me how Cunningham got out of the room. Did not see Adlington leave. The last I saw was the act described. Adlington came in and passed me, and stood in front of me before Cunningham knocked John Oliver down. This was near the door leading from the north room to the sitting room. Oliver came in through the same door; both pushed past me. Bowler was getting up when Oliver came in, Cunningham was standing about eight feet from me at this time. Oliver's head was lying toward the north room when he was knocked down. Cunningham took up a chair and struck with it; it was at this time I called on Adlington to protect Oliver. When Oliver got up he made at Teepie; struck him; knocked him into the corner. I saw no more of the fight, but turned and left. I think I saw Sidney Oliver carrying the lamp out of the room.

By the Court—I do not know what was done with the chair when Oliver knocked off the blow with his foot. I think it was set down.

Direct—I took Sidney Oliver started out with the lamp just at the time John Oliver came into the room. The lamp had been sitting on the table. I suppose he passed John in going out with the lamp; the chimney was off. I saw some one take the lamp out of Sidney's hand. This was before John Oliver was knocked down. There was plenty of light in the room. The grate was giving good light, and there was a large glass lantern on the mantel; I saw no weapon used by any one. I saw no weapon that night. I did not know of any one at that time, having a weapon there that night. I did not see Mr. Adlington struck at any time; did not see him struck at any time; did not hear any one using insulting language toward defendant. Saw Anderson have the poker in the hall. I did not know who struck Sidney Cunningham that

night. I heard Bowler tell Teepie and Cunningham that when they came back if they behaved themselves they might enjoy the dance. I was dancing with Mag. Newton; heard a noise in the sitting room. I stood beside the grate—Calvin Weller came out; said they were fighting in there, and to come in; I went to the door; heard some jangling and saw some moving around. Said I guess there was not much the matter? I looked in again; saw Cunningham knock Fred Bowler down and hit him two or three times. Saw Oliver go in and raise his hand, when Cunningham knocked him down; he then picked up a chair. Mr. Adlington was in front of me, and I told him "for God sake, not to let him kill Oliver." Mr. Adlington stooped down as I thought to pick Oliver up. Oliver dipped the stroke off and got up. Teepie was standing within three or four feet from Cunningham—I took him for Cunningham—Teepie struck at Oliver, and he returned the blow and knocked him into the corner. He struck him several times. I heard the blows, but could not see either of them. There were several ladies standing in the rear of me wanting to get in, and I stepped back into the north room. Saw Oliver come out going with blood. Saw Teepie going from the fire place toward the door leading to the hall from the sitting room. I was then interrupted for a moment; next saw Teepie sitting on the floor in the corner of the room by the door. I went home immediately after that; came back, passed through the north room, up stairs, saw John Oliver lying there badly hurt; came down and went to the sitting room. The Doctor had arrived, and both Teepie and Cunningham were lying there. Think I had saw Cunningham in the hall before this. Then went through the kitchen and dining room into the bar room; then went up into Oliver's room again. The first time I was up Mrs. Oliver and Mrs. Adlington were there. The second time I was up I think Oliver asked if those men were going to die. Adlington said "he did it care a damn." Mrs. Oliver reproved him. I don't remember what was said; every one was talking. I heard Adlington say, afterwards, that he thought they cause for a fuss, and they had had a pretty serious one. This was on the next day. He was not speaking to me particularly. They were talking about the occurrence. I laid my hand on Adlington and told him no, to let them kill Oliver. I did not see him have anything in his hand. Mr. Adlington just stood as I thought to assist Oliver up. He was about three feet from Cunningham. He advanced toward him, was within two feet of him; perhaps closer. I did not see him extend his hand. I could not, from my position behind him, see him extend his hand. I think Adlington caught Oliver with his left hand just as he was getting up. I did not see Cunningham again until he was in the sitting room when the Doctor came. It has always been a mystery to me how Cunningham got out of the room. Did not see Adlington leave. The last I saw was the act described. Adlington came in and passed me, and stood in front of me before Cunningham knocked John Oliver down. This was near the door leading from the north room to the sitting room. Oliver came in through the same door; both pushed past me. Bowler was getting up when Oliver came in, Cunningham was standing about eight feet from me at this time. Oliver's head was lying toward the north room when he was knocked down. Cunningham took up a chair and struck with it; it was at this time I called on Adlington to protect Oliver. When Oliver got up he made at Teepie; struck him; knocked him into the corner. I saw no more of the fight, but turned and left. I think I saw Sidney Oliver carrying the lamp out of the room.

By the Court—I do not know what was done with the chair when Oliver knocked off the blow with his foot. I think it was set down.

Direct—I took Sidney Oliver started out with the lamp just at the time John Oliver came into the room. The lamp had been sitting on the table. I suppose he passed John in going out with the lamp; the chimney was off. I saw some one take the lamp out of Sidney's hand. This was before John Oliver was knocked down. There was plenty of light in the room. The grate was giving good light, and there was a large glass lantern on the mantel; I saw no weapon used by any one. I saw no weapon that night. I did not know of any one at that time, having a weapon there that night. I did not see Mr. Adlington struck at any time; did not see him struck at any time; did not hear any one using insulting language toward defendant. Saw Anderson have the poker in the hall. I did not know who struck Sidney Cunningham that

night. I heard Bowler tell Teepie and Cunningham that when they came back if they behaved themselves they might enjoy the dance. I was dancing with Mag. Newton; heard a noise in the sitting room. I stood beside the grate—Calvin Weller came out; said they were fighting in there, and to come in; I went to the door; heard some jangling and saw some moving around. Said I guess there was not much the matter? I looked in again; saw Cunningham knock Fred Bowler down and hit him two or three times. Saw Oliver go in and raise his hand, when Cunningham knocked him down; he then picked up a chair. Mr. Adlington was in front of me, and I told him "for God sake, not to let him kill Oliver." Mr. Adlington stooped down as I thought to pick Oliver up. Oliver dipped the stroke off and got up. Teepie was standing within three or four feet from Cunningham—I took him for Cunningham—Teepie struck at Oliver, and he returned the blow and knocked him into the corner. He struck him several times. I heard the blows, but could not see either of them. There were several ladies standing in the rear of me wanting to get in, and I stepped back into the north room. Saw Oliver come out going with blood. Saw Teepie going from the fire place toward the door leading to the hall from the sitting room. I was then interrupted for a moment; next saw Teepie sitting on the floor in the corner of the room by the door. I went home immediately after that; came back, passed through the north room, up stairs, saw John Oliver lying there badly hurt; came down and went to the sitting room. The Doctor had arrived, and both Teepie and Cunningham were lying there. Think I had saw Cunningham in the hall before this. Then went through the kitchen and dining room into the bar room; then went up into Oliver's room again. The first time I was up Mrs. Oliver and Mrs. Adlington were there. The second time I was up I think Oliver asked if those men were going to die. Adlington said "he did it care a damn." Mrs. Oliver reproved him. I don't remember what was said; every one was talking. I heard Adlington say, afterwards, that he thought they cause for a fuss, and they had had a pretty serious one. This was on the next day. He was not speaking to me particularly. They were talking about the occurrence. I laid my hand on Adlington and told him no, to let them kill Oliver. I did not see him have anything in his hand. Mr. Adlington just stood as I thought to assist Oliver up. He was about three feet from Cunningham. He advanced toward him, was within two feet of him; perhaps closer. I did not see him extend his hand. I could not, from my position behind him, see him extend his hand. I think Adlington caught Oliver with his left hand just as he was getting up. I did not see Cunningham again until he was in the sitting room when the Doctor came. It has always been a mystery to me how Cunningham got out of the room. Did not see Adlington leave. The last I saw was the act described. Adlington came in and passed me, and stood in front of me before Cunningham knocked John Oliver down. This was near the door leading from the north room to the sitting room. Oliver came in through the same door; both pushed past me. Bowler was getting up when Oliver came in, Cunningham was standing about eight feet from me at this time. Oliver's head was lying toward the north room when he was knocked down. Cunningham took up a chair and struck with it; it was at this time I called on Adlington to protect Oliver. When Oliver got up he made at Teepie; struck him; knocked him into the corner. I saw no more of the fight, but turned and left. I think I saw Sidney Oliver carrying the lamp out of the room.

By the Court—I do not know what was done with the chair when Oliver knocked off the blow with his foot. I think it was set down.

Direct—I took Sidney Oliver started out with the lamp just at the time John Oliver came into the room. The lamp had been sitting on the table. I suppose he passed John in going out with the lamp; the chimney was off. I saw some one take the lamp out of Sidney's hand. This was before John Oliver was knocked down. There was plenty of light in the room. The grate was giving good light, and there was a large glass lantern on the mantel; I saw no weapon used by any one. I saw no weapon that night. I did not know of any one at that time, having a weapon there that night. I did not see Mr. Adlington struck at any time; did not see him struck at any time; did not hear any one using insulting language toward defendant. Saw Anderson have the poker in the hall. I did not know who struck Sidney Cunningham that

night. I heard Bowler tell Teepie and Cunningham that when they came back if they behaved themselves they might enjoy the dance. I was dancing with Mag. Newton; heard a noise in the sitting room. I stood beside the grate—Calvin Weller came out; said they were fighting in there, and to come in; I went to the door; heard some jangling and saw some moving around. Said I guess there was not much the matter? I looked in again; saw Cunningham knock Fred Bowler down and hit him two or three times. Saw Oliver go in and raise his hand, when Cunningham knocked him down; he then picked up a chair. Mr. Adlington was in front of me, and I told him "for God sake, not to let him kill Oliver." Mr. Adlington stooped down as I thought to pick Oliver up. Oliver dipped the stroke off and got up. Teepie was standing within three or four feet from Cunningham—I took him for Cunningham—Teepie struck at Oliver, and he returned the blow and knocked him into the corner. He struck him several times. I heard the blows, but could not see either of them. There were several ladies standing in the rear of me wanting to get in, and I stepped back into the north room. Saw Oliver come out going with blood. Saw Teepie going from the fire place toward the door leading to the hall from the sitting room. I was then interrupted for a moment; next saw Teepie sitting on the floor in the corner of the room by the door. I went home immediately after that; came back, passed through the north room, up stairs, saw John Oliver lying there badly hurt; came down and went to the sitting room. The Doctor had arrived, and both Teepie and Cunningham were lying there. Think I had saw Cunningham in the hall before this. Then went through the kitchen and dining room into the bar room; then went up into Oliver's room again. The first time I was up Mrs. Oliver and Mrs. Adlington were there. The second time I was up I think Oliver asked if those men were going to die. Adlington said "he did it care a damn." Mrs. Oliver reproved him. I don't remember what was said; every one was talking. I heard Adlington say, afterwards, that he thought they cause for a fuss, and they had had a pretty serious one. This was on the next day. He was not speaking to me particularly. They were talking about the occurrence. I laid my hand on Adlington and told him no, to let them kill Oliver. I did not see him have anything in his hand. Mr. Adlington just stood as I thought to assist Oliver up. He was about three feet from Cunningham. He advanced toward him, was within two feet of him; perhaps closer. I did not see him extend his hand. I could not, from my position behind him, see him extend his hand. I think Adlington caught Oliver with his left hand just as he was getting up. I did not see Cunningham again until he was in the sitting room when the Doctor came. It has always been a mystery to me how Cunningham got out of the room. Did not see Adlington leave. The last I saw was the act described. Adlington came in and passed me, and stood in front of me before Cunningham knocked John Oliver down. This was near the door leading from the north room to the sitting room. Oliver came in through the same door; both pushed past me. Bowler was getting up when Oliver came in, Cunningham was standing about eight feet from me at this time. Oliver's head was lying toward the north room when he was knocked down. Cunningham took up a chair and struck with it; it was at this time I called on Adlington to protect Oliver. When Oliver got up he made at Teepie; struck him; knocked him into the corner. I saw no more of the fight, but turned and left. I think I saw Sidney Oliver carrying the lamp out of the room.