

The Daily Press and Dakotian is published every morning, excepting Mondays. Terms of subscription: Per week, 25 cents; per month, \$1; per year, \$12.

LOCAL MATTERS.

LOCAL LAONICS.

Col. Benteen has lost a dog. The beer garden opened yesterday. Yesterday's showers added about an inch to vegetation. There was a severe hail storm on Ponce creek last week.

Four fresh witnesses for the Vermillion case arrived last night. A reliable gentleman from up river says the military are now looking anxiously for Witcher.

Beck, the man who was stabbed on the levee Saturday night, is better and it is now thought he will recover. Dr. Burleigh is preparing to put up a building on the corner of Second street and Broadway for a residence.

Conductor Bovee informs us that the Norwegian Gayville celebrated their national anniversary in grand style yesterday. There was a large crowd in attendance.

Dr. T. J. Holden, of Livermore, Cal., writes Sweetser to know all about Yankton. He has heard enough to arouse his curiosity and the thinks of coming here to locate as a dentist.

Capt. Massie's boy is all right again—only a little sore from one or two slight bruises. He fell in the river a year or so ago, narrowly escaping, and he begins to think this is a world of misfortune.

As an instance of the fact that the Indians do occasionally shoot, a gentleman right from the big reservation showed us a bullet hole in his hat, yesterday, bearing the legend "Key-a-Paha, April 23, 1875," written in ink around a bullet hole.

An aged individual from Cedar county was in town yesterday upon a spiritual mission. He was trying to solve the problem, "Will alcohol intoxicate?" and if it hadn't been for the fence which held him up he would have been inclined to decide the question in the affirmative.

PERSONAL.

C. C. Bridgeman, of Vermillion, called at our office last evening. He says things are flourishing in his city.

Capt. Dallas is in Pittsburg, but is expected back to Yankton on Thursday. Capt. McCasky departed yesterday morning over the Dakota Southern, having finished his distribution of supplies in Dakota.

W. B. Towse, the Hall safe man, left yesterday morning for Vermillion. He had a good run of business in Yankton. Judge Brookings, Judge Wheeler and Maj. Evans started for Sioux Falls last night in a buggy, to attend to business matters.

Judge Kidder started yesterday morning for Washington to attend to the Indian treaty business. Charley Bates arrived yesterday afternoon at two o'clock from up river, where he has been inspecting government surveys. He says the Yankton surveyors are nearly through up that way, and reports Fort Randall almost deserted by troops. They are all hunting Black Hillers.

Rev. Jos. Ward, Rev. Stewart Sheldon, E. P. Wilcox and Soc. Drest start tomorrow for Canton to attend the semi annual convention of the Congregational churches of Dakota. They go as Yankton's representatives.

Lieut. D. M. Scott, of the 1st Infantry, and wife, arrived last night from Fort Randall. Lieut. Scott is on his way to his home in New York on a leave of absence, and thinks it probable that he may not return to the army, as his health is poor. F. T. Viard, clerk of the steamer Katy P. Kounitz, left his boat at the point some eight miles below town yesterday and came overland to Yankton to get a square meal at the Merchants. The boat went by without taking him and he had to go by stage to Springfield.

HOTEL ARRIVALS.

ST. CHARLES—O. R. Ramsey, Kansas; L. G. Snuborn, Newark, O.; M. C. Deaming, St. Joe, Mo.; E. Grande, Seymour, Ind.; M. Harvey, St. Louis; J. A. Weeks, city; J. A. Johnson, Baltimore; R. F. Nostrom, Boston; L. A. McCarthy, D. S. H.; H. N. Briggs, Omaha; S. C. Ames, Sioux City; M. Harnett, Springfield, Ills.

MERCHANTS—F. T. De Viard, Pittsburg; F. G. Washburn, Oliver Shannon, city; J. H. Dix, Rockport; J. A. Wise, Steamer Western; H. Sikesenier, St. Louis; Chas. H. Bates, Yankton Agency; Lieut. D. M. Scott, wife and son, U. S. A.; H. C. Davison, Springfield; W. N. Potter, Boston, Mass.; P. L. T. Ashlow, Steamer, City; A. H. Hill, Sioux City; D. P. Putnam, Chicago; C. C. Bridgeman, Vermillion; Chas. Edmunds, city; William A. Waterhouse, Minneapolis.

The River.

The Katy P. Kounitz passed Yankton Sunday evening, three days from Sioux City. She had a strong head wind on Sunday which made progress slow. The Western, Capt. Massie, commander, is the next boat out for up river. The time of her departure is not definitely fixed, but it will be in a day or two.

River men say that the Missouri is doing great damage in cutting away land on the Kansas side between Atchinson and Leavenworth. Fears are entertained that it will be still worse following the June rise.

A St. Louis dispatch says the Carrie V. Koons is laying up there on account of dullness.

More Testimony—Another Black Hills Pioneer.

We received a call to-day from Moses Arconge, an old employe of the American Fur Company, who gave us some facts in relation to the Black Hills country. Years ago he rode from the Missouri river at old Ft. Pierre, taking the old Fur Company road, to within thirteen miles of the Hills in one day, which may seem like a quick trip to those who have been studying the Sioux City and Cheyenne routes, but it can be easily accomplished. He was in company with Joe Denier, on Canon creek, between Bear Butte and the Black Hills, when Joe stopped down to drink out of the creek. A couple of bright objects in the bed of the stream attracted the attention of the two men. They secured the glittering trophies and found them to be gold nuggets, one weighing twenty dollars and the other five dollars. They took their gold prizes to Fort Pierre and they passed into the possession of Joe Picotte, one of the head men of the fur company at that post. Canon creek is a tributary to the Belle Fourche, the north fork of the Cheyenne river. Arconge says it is a beautiful country, covered with buffalo grass a foot or more in height. The season there is a month earlier than on the Missouri. Hickory, oak, cedar and pine timber exist there in abundance, and the soil is a rich black loam.

POST OFFICE NEWS COMPANY.

Wholesale and retail Booksellers and Stationers—P. O. Building, Yankton, D. T. All the most popular magazines, books, newspapers, &c.; kept in stock or furnished on demand. 12-1w

The City Council.

A meeting of the city council [was held last night, at which Mayor Potter presided and Aldermen Brooks, Delaney, Delamater, Pfothman and Schnauber were present. Alderman Brooks introduced an ordinance entitled "an ordinance relating to vagrants," which was passed under a suspension of the rules.

The following resolution was offered by Alderman Pfothman and adopted by the council: Resolved, That the street commissioner is hereby instructed to employ city prisoners on public works and improvements during their term of imprisonment (whenever he can do so in the interests of the city).

The bill of James Crowe, \$22, for boarding prisoners, was allowed and ordered paid.

The bill of Conrad Reizing, \$1, for work on street and the bills of the judges and clerks of last city election, aggregating \$21, were referred to committee on finance and taxation.

The council then had some talk about the condition of the levee, and the marshal instructed to remove therefrom all obstructions, except such as were there by authority of council.

The committee on streets and alley was instructed to confer with the D. S. R. R. Company in reference to the improvement of streets where the railroad track crosses the same; also to look after the drainage of Pearl street and the bridge over the Rhine on Seventh street.

Alderman Brooks wanted to reduce the perquisites of the city attorney, but on asking for a vote a quorum was found wanting and the council adjourned.

Masonic.

There will be a regular communication of St. John's Lodge No. 146, A. F. and A. M., this (Tuesday) evening at the usual hour. GEO. H. HEND, W. M. F. L. VAN TASSEL, Secretary.

The Gordon Party Captured.

Lieut. Scott, who arrived at the Merchants last night, direct from Randall, reports that the John Gordon-Sioux City Black Hills party was brought in by Capt. Bates' command, having been captured near the White river crossing. The whole outfit is in charge of the military.

Big lot of new goods received to day, at Fowler & Ketchum's.

Stylish Plain Prints, only 10¢ per yard, at Fowler & Ketchum's.

Heavy Cheviot Shirts, just received, at Fowler & Ketchum's.

Beautiful Silk Fringed Ties for ladies, price \$1.00, at Fowler & Ketchum's.

The newest and latest designs in patterns of prints 10¢ per yard, at Fowler & Ketchum's.

Cash Paid For

All kinds of Wild Game at the Merchants Hotel. 1-4f

John Buchmann having purchased the Blue (Water) Line, is now furnishing clear water at 20 cents a barrel. Will furnish plasterers and builders and fill cisterns at reasonable prices. d 1m

W. F. LYON.

Third St. near Broadway, Dealer in

Staple & Fancy Groceries

FRUIT

Of all kinds in season. The best brands of Imported and Domestic Cigars. and-if.

STRAYED OR STOLEN.

(Supposed to have been stolen.) A BROWNISH SETTER DOG, FOUR EYED and many valuable to some but the owner will greatly oblige by letting him go, and I will reward see him on the streets. W. W. BENTON, 277. Col. U. S. A. Yankton, May 17, 1875.

THE VERMILION WILL CASE.

Further Testimony Given by Witnesses—Court Proceedings.

SATURDAY, May 13, 1875.

Jan. L. Taylor sworn.—In 1871-2 I resided on a farm near Vermillion, and only part of '73 lived in Vermillion. Knew Geo. Curliiss since summer of '68; not personally acquainted with Mrs. Curliiss; think I was introduced to her—was at Maynard House opening in '73—social party of Maynard's friends. Saw Mrs. Curliiss there. Saw her presented to parties—at least two parties. Geo. Curliiss presented her in dancing room; saw her presented in dining room as Mrs. Curliiss. She was a comparative stranger at that time. Met Geo. Curliiss not a great time after his marriage—said he had been doing something; I congratulated him.—He thanked me for my sentiments, etc.—was asked to go with him some place and I thanked him and didn't go. In spring of '72 I talked to him about a pony. He didn't seem anxious to do with a pony, but that his wife could use. Saw plaintiff riding with Mrs. Maxon through Vermillion. Plaintiff and Mrs. Maxon were riding through town. Maxon and myself were then with others.

Cross-examined.—Introduction is a vague impression; can't tell where; it was somewhere I think; think she was presented to Mrs. Morrison in the dining room—the other time was in the front or reception room; think in latter part of May or 1st of June; the only opening I had anything to do with at Maynard had an opening on several occasions; can't say whether public or not; can't remember whether tickets were sold or not. It was in Vermillion where I said to George he had been doing something.

Redirect.—It was Rev. Mr. Morrison, of the Episcopal church, who was there. Dr. W. A. Burleigh sworn.—Knew Geo. Curliiss for several years—was very well acquainted with him when his eye was injured. About Christmas of '71 was at Vermillion and met Geo. Curliiss who introduced plaintiff to Mrs. and Geo. Tripp as his wife; said he had been married in Union county; afterwards met George; his wife drove up and George said there is my wife and he went out and went home with her. I spoke to her on this occasion.

Cross-examined.—The interview at St. Nicholas was the succeeding spring after the first introduction. It was in the forenoon I think. Saw him at hotel in the morning; went to bed and left him in hotel the night before. His wife drove down for him that morning; think she had a team; not more than three months between the two interviews; first interview was about Christmas of New Year's; Fred Avery was keeping hotel at that time; I think met him on the sidewalk near saloon.

Geo. Wm. Tripp sworn.—Knew Geo. Curliiss since '63—soon after he came to the territory; heard Dr. Burleigh's testimony; can't state more particularly than the Doctor did; was at St. Nicholas and slept with Geo. that night. Mrs. Curliiss came down for him the next morning.

Cross-examined.—Don't recollect color of team; saw what Dr. Curliiss stated. Plaintiff offers in evidence a file of the Dakota Republican, published in Vermillion, on Tuesday, Dec. 23, 1874. This paper contains a notice of the marriage of Geo. Curliiss to the plaintiff and was read as follows: "Married: Curliiss—Wiley—in Sioux City, on Tuesday evening, 26th inst., Mr. Geo. Curliiss and Miss Rebecca Wiley, both of Vermillion, Clay county, Dakota territory."

Mrs. Rebecca Hunt (Pill) sworn.—Name now is Rebecca Jane Hurst; George Curliiss deceased was my husband; first knew him in latter part of the year 1871; came to the territory on the 9th of October, 1871. My widowed mother and my brother came with me. My mother's name was Sarah Maria Rosebury, and brother's name Sam'l McCave Rosebury. First came to Vermillion and then went out to the place brother rented from Herman Shafer. My name was Wiley—Rosebury was my half brother; mother was married twice; place five and a-half to six miles northeast of Vermillion and north of Geo. Curliiss' place; half mile from him—lands joined—got acquainted with Mr. Curliiss some five or six weeks after we went there; saw Mr. Curliiss that day we moved out; half brother introduced my mother and me to Mr. Curliiss at our house; he visited at my mother's often—at first twice a week, and afterwards oftener after he commenced paying his addresses to me.

Plaintiff here proposed to prove communications, conversations and contracts of marriage with Geo. Curliiss now deceased. This offer defendant objected under the statute which provides against one party testifying to a contract where the other party to it is dead. After argument and before deciding the question the court took a recess till 1:30 o'clock, p. m.

We observed at the right of the judge on the bench, during the forenoon, His Hon. Judge McCandless, of Pennsylvania, who appeared to take quite an interest in the proceedings, and particularly the question raised on the admission of Mrs. Hurst's testimony, evidently regarding it as a close question.

AFTERNOON SESSION.

James Watson, brought up on affidavit of District Attorney Gamble, as a witness in the case of the People vs. Henry A. H. People, to be detained as a witness for the People, it was ordered by the court that commitment be made out and delivered to the sheriff for the detention of the witness until the trial is had, the said witness having neglected or refused to enter into an undertaking, as required by law, conditioned for his appearance to testify. This proceeding was had at chambers.

The court on the question of the introduction of the testimony of Mrs. Hurst, offered to prove the marriage of herself to Geo. Curliiss; for the present, sustained the objection observing that she might be permitted to give out side extrinsic facts, intentions, acts, &c., in line in the main with other evidence already offered from which the contract may be inferred. The defendant then offered to withdraw their objection, which the court refused to permit them to do; thereby obliging the parties to try the case by the rules of law laid down and established by the courts, and without any waivers or agreements by the parties.

Witness, Mrs. Hurst, was then recalled to the stand. On the 25th Dec. 1871, was at home; Mrs. Curliiss came to my brother's and took me down to his mother's, and I took my Christmas dinner there. Mr. Maxon and his wife; Mrs. Odell; Mr. Heman Curliiss and his wife; Jesse Homerston; a hired man; John Curliiss, Mrs. John Curliiss, and George's mother were there. Went down in cutter; took dinner, enjoyed myself, and had a nice dinner. I had been there before on invitation of Mrs. Curliiss, called on Mrs. Heman Curliiss; took Thanksgiving dinner there; Mr. and Mrs. Maxon were there; were there in the forenoon and when I got back dinner was ready. My mother and others were there. Mrs. Odell, Mr. Odell, Curliiss and others were also there. We were at Mr. Maxon's

at one time, about two weeks before Christmas. Mrs. Maxon showed me how to weave hair; was there at a school Saturday night. Was down at Mr. Odell's on one occasion when John Curliiss came back from Kansas; Geo. Curliiss was there; Heman Curliiss and others joined us. I went to a funeral (Wright's) with Geo. Curliiss; went in a sled; Mrs. Odell was in sled with us, if I remember right, rode in funeral procession with Mr. Curliiss. I rode with him a good many times; once to Vermillion. One Christmas day went with Geo. Curliiss and others to Vermillion; all went in one wagon box on a sled. Went to the O. L. K. Hall to a dance. Had supper and afterwards went to St. Nicholas hotel. Mr. and Mrs. Maxon went with me to the supper table and also Geo. Curliiss. They were seated with me at supper table. After supper stayed at hotel. I did not dance. Returned in morning to Geo. Curliiss' house. Mrs. Curliiss—George's mother—got breakfast for us. He took a nap till 10 o'clock, and then got a cup of tea. Lewey Letter and Mr. Maxon were talking after tea. I played a game of dominoes; Mrs. Maxon played a game of whist; George asked me publicly if I was ready to go home. I whispered to Mrs. Maxon, "we're going to Elk Point." We got in a sleigh and went to Vermillion and stopped at St. Nicholas. After we got warm we went to Elk Point; stopped at hotel at Elk Point; stayed all night there; got supper and breakfast; talked to landlady—slept until 9 o'clock next morning; went down toward Sioux City; passed a place Mr. Curliiss called the fourteen mile house. A mile or more before the fourteen mile house we stopped at a house. Never was there before. I presume it was a wood or frame house. There was a gentleman in the house when we went in; after we went in we took a seat. I made a mistake—Mr. Curliiss did not take a seat; he spoke to a gentleman; he wanted him to perform a marriage rite for him. The gentleman asked Mr. Curliiss my name. Mr. Curliiss stepped forward where I was sitting, and I got up; George told me to take his hand. He performed part of the marriage ceremony and asked us to kneel. We knelt, and continued talking; after being in a kneeling position for a short time, we rose and he finished the marriage rite and pronounced a benediction or blessing. There were three ladies present; one I took to be 35 or 40, not over 40; the others were probably 23 or 25. He was of medium size, prominent features, heavy set; hair mingled with gray; had a loose robe belted around the waist with a girdle or cord. I don't know any such looking man. There is one man looks like him. I don't know his name; he is the priest at St. Helena. Soon afterwards we got into the sleigh and came home. Met Mr. Russell and his wife; Tob Jewell and his wife, and Mrs. Dennison. Stopped going or coming, don't know which. We went to Mr. Curliiss' house. No one was at the house when we got home. Got there about 4 o'clock. Never left the house afterwards. After that, a few moments, George's mother came home. George said to her: "Ma I have brought you a house keeper and a daughter—how do you like her?" She remarked: "I am satisfied. Some of the rest came in next morning. Mrs. Maxon and Mrs. Maxon came to my house; Mrs. Maxon came in and took off her wrappings. George introduced me to Mrs. Maxon as her sister and to Mr. Maxon as the same. Don't remember of any others coming at that time, and Mr. Curliiss, I think, went to town that day and Mrs. Maxon with him; Mrs. Maxon stayed at my house, Sunday party came out and chartered us. Some of the party asked George to bring his wife out; he introduced me to the crowd as his wife. Party then went away after staying a while. George and I went up to mother's next morning; opened door and went into house. He presented me as Mrs. Curliiss to my mother. I was there an hour, when George asked me to go home. Mother showed me what I could take, and got the things and put them in the sleigh; got a feather bed, a pair of square pillows, bolsters, nine quilts and blankets, towels and table clothes. Had some dishes, but did not get them at that time. Mrs. Maxon wanted to borrow some dishes and Mrs. Maxon and I went up and the dishes to use at the party. Had a sewing machine; Eddy Odell moved it; George helped him to put it in the wagon. This was some time after. I remained there from the time I was married till Mr. Curliiss died.

THE VERMILION WILL CASE.

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THE VERMILION WILL CASE.

there the last time we were at Vermillion. Mrs. Miles Russell and Mr. and Mrs. Good were there at the time. We stayed there all night. Was at a party at Mrs. Maxon's when they lived on the farm, in January after marriage. Mr. Curliiss took me there; Mr. Mostow and wife, Mrs. Dickinson, John Curliiss, and the lady who is now his wife—Miss Siegel. Think Mr. Heman Curliiss, Mr. Odell and others were there. Think Mrs. Odell was there. Mrs. Lammson and Mrs. Van Meter's daughters were there. Mr. Vaughn and Silas Kidder were there. Was introduced there to Mr. Mostow.

Cross-examined.—I was presented by Mr. Curliiss as I was, by him, as his wife. This party was in January. Don't remember any other public party among the relatives. Was present at opening of Maynard house. My husband took me there. Just built a new house and they were opening it. Mrs. Maxon and I went together. Mr. Curliiss took me and Mrs. Maxon to the party. I was presented to Elder Morrison and wife, and some other parties. Was introduced by my husband as his wife. Mr. Morrison was a minister at that time. Mr. Morrison is living about ten miles from Geo. Curliiss' place. Sat opposite Mrs. True at supper table. Was not introduced to Mrs. True. Was at mother's quite often; was there with husband; mother's is a half mile from our house; ate sometimes there; once when threshers were there—among them Mr. Odell and others. Mother asked Mr. Curliiss on one occasion whether he had a marriage certificate, and he said he had. It seems to me that this was the first conversation we had with mother after marriage. I never saw the marriage certificate. Mother is living about ten miles from Geo. Curliiss' place. Mother was not a witness before probate court. Mr. Curliiss was taken sick at Mr. Maxon's. He thought he was sun struck. He had a pony and was trying to see how it would work in a one-horse carriage. Thought he was sun-struck when he went up the hill. This was Saturday; he went home Sunday. After George and I went home on Sunday we went into the house. We went down to Mr. Odell's and took dinner and went home in the evening. Mrs. Odell had run a nail in her foot, and she was sick in bed. On Tuesday George was sick, and he spoke to the doctor for medicine. He took the medicine—part of the time in bed first and part of that week able to go about. Last part of that week sent Dr. Dawson to come out to see him. Dr. Dawson came, left medicine and went away, and said he would call again. A student of Dr. D., by the name of Huxley, came next. Mr. Curliiss got no better, but continued to grow worse. Dr. Dawson then attended himself, for about two weeks. George began to get discouraged, and I sent for the doctor and asked him how Mr. Curliiss was. The doctor said he was decidedly better. I said he was discouraged, and I told him to speak encouragingly to George. I followed the doctor to the gate, and did not come, and I sent for him and he came that night about nine o'clock. The doctor still said he was better, and I asked him how he came to sleep so much. He said that was what he didn't know. This conversation passed in presence of all the brother's and sisters. Maxon stepped forward and said, "Jenny, I believe George is moribund," and the doctor said, you gave it. The doctor brought the rest of the family. I don't remember that I made any reply to him. The doctor had gone out to the kitchen. I went out and asked the doctor whether he had said so, and said he did not. Dr. Dawson said he was going away next morning; would not be back for two weeks; would send out Dr. Lyon. Dr. L. and Huxley came next morning. Mr. Curliiss asked Dr. L. to wait on him while sick; wanted him to see that he was on his legs again. Dr. Lyon asked Huxley out of the room. Dr. L. came in and asked Mr. Curliiss: "Geo. do I understand you that you want me to wait on you?" and George said, "Yes, I do." Then the doctor left medicine for George. Maxon said he should not take it. Maxon said, "George, we are not going to have the medicine changed." Mr. Heman Curliiss said George should not take Dr. Lyon's medicine. There was considerable excitement. I felt anxious he should take Dr. Lyon's medicine. Maxon got excited and said Dr. Lyon should not take Dr. Lyon's medicine. Heman Curliiss followed Dr. Lyon out and told the doctor not to come back. I was present, and told the doctor to come, and he promised me he would come. Dr. Lyon did not come back any more. Mr. Maxon took Dr. Lyon's medicine and took it away. Dr. Huxley appeared well satisfied. Dr. Huxley made his regular visits afterwards. Until then, nothing out of the way, until when Mrs. Maxon assumed charge of George. They requested Dr. Huxley to leave medicine for George, and he did so. Mrs. Maxon continued to wait on George until some fourteen days before he died. Maxon called me to the door and said he wanted to speak to me, and said, "Jenny, why did your mother or go down and ask Mr. Miller to come up and make a will. I replied that I did not know anything about it." He said, yes you do, and we are determined you shall not stay here any longer. I turned and went in and took a seat on the bed-side, and Mr. Curliiss was in bed, and said I should be quarred with my own mind, do it, he said. George. I afterwards went out of the room. He rose up and put his hand on my shoulder and kicked me and put me out of the house. I tried to go back into the house, and he wouldn't let me, and I went up to mother's and stayed one night, I think George sent for me. I went back to the house and Maxon was seated by the bed-side. George asked me why I had left him. I stayed at the house a few days longer, and Mrs. Maxon asked me to stay a few days, and I did so. When I got back into the house Heman Curliiss met me. "Jenny, by G—d you shall not go in the house; we are determined you shall stay any longer." I got down on my knees and begged Heman Curliiss to let me go in. I said everything I could to go in. He said I should not go in, and should not see him as long as he lived. He died on Sunday, and I saw him on Tuesday after he was dead. I had gone down before to see him, and they would not let me see him, and Heman Curliiss said I should never see him. Maxon and Heman Curliiss would not let me in to see George after he was dead. I didn't think any more of George than anyone else. In the evening I went back with mother and Mr. Mostow. Met us at the gate and would not let us in; said Mr. Maxon told him to not let us in. Went home again without seeing George. Next day went with Mr. Steel's family to the funeral. Dr. Lyon is dead; was witness on former trial. Am 32 years old—10th of this month.

THE VERMILION WILL CASE.

Further Testimony Given by Witnesses—Court Proceedings.

SATURDAY, May 13, 187