

CONTINUED FROM FIRST PAGE.

the street. The last I saw him he was in front of Marshall's store.

On cross-examination by Mr. Greenfield witness said: "Gallagher appeared to be looking for someone."

James Corcoran was called. He was in Crawford's lunch room in Clark street on the night of July 29 last when he heard the first shot and ran out into the street when he heard the second shot.

Witness said he saw Gallagher then start down State street and cross toward Taylor's saloon where he next saw him talking with somebody.

On cross-examination by Mr. Greenfield witness said he heard a scuffling in White's place as he ran in that direction.

"When Gallagher said to White: 'Take this,' did he turn and go directly down the street?" asked Mr. Greenfield.

"Yes, just as soon as he gave the gun up," replied the witness.

Witness had some difficulty in locating the position of Crawford when he saw Gallagher crossing the road from White's cafe.

The testimony for the afternoon closed at 5:28 and at the request of Mr. Greenfield Crier Stockwell announced that all witnesses for the defense must be in court next morning at 9:30 o'clock.

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"No, sir." "Is your hearing good?" "Yes, sir." "He would have to speak pretty loud for you to hear?" "Yes, sir."

John D. Cahill, who conducts a cafe at No. 11 State street, diagonally across from Mr. White's place, was the next witness. He was in his place of business on the night of July 29 last.

He was sitting behind the cigar case in his place and he saw a back drive up in front of White's place about 11 o'clock.

Mr. Stanchfield objected to Mr. Dayton's questions, claiming they were leading.

"You should object," said Mr. Dayton. "I am objecting," said Mr. Stanchfield.

On cross-examination Mr. Cahill said he had known the defendant for five years and he had frequently seen him go into Mr. White's place.

The witness volunteered the information that he wouldn't swear that the man who got off the back was Seibert.

Harry Wells was the next witness. He stood talking with Dr. Emens when he heard "two reports of a pistol."

After the first report he heard a noise sounding as if a whisky glass had been dropped.

"Did you see anyone come out of White's?" Gallagher asked.

"No, sir." "Who did you see first enter the place?"

"Mr. White." "Where was Mr. White when you first saw him?"

"I think he was standing in the dining room entrance."

The cross-examination developed nothing.

He Also Heard the Shots. William Crawford was sworn as the next witness. He conducts the lunch room at No. 3 Clark street.

He was in his place of business, he said, on July 29 last when he heard two pistol shots in the neighborhood of 11 o'clock.

He was sitting on a stool near the entrance when he heard the first report. He sat down off the stool and had just reached the side walk when he heard the second shot.

"Did you observe anyone coming in or going out of White's?" asked Mr. Dayton.

"I saw Gallagher come out of the main entrance of White's. He walked up as far as McCrea's I should think, stood there a minute then turned around and came back, handing something to Mr. White."

"Where did you see Mr. White at the time?" Gallagher asked.

"He was coming out of the ladies' entrance. Gallagher was coming back down the street."

"Did you hear the two men say anything?"

"I didn't hear White say anything but I heard Gallagher say, 'I've got his hearing good.'"

"Was this after or before you saw Gallagher hand something to White?"

### Dragged-Down Feeling

In the loins. Nervousness, unrefreshing sleep, despondency. It is time you were doing something.

### Hood's Sarsaparilla

Acts with the most direct, beneficial effect on the kidneys. It contains the best and safest substances for correcting and toning these organs.

"On the curb in front of Mr. White's." "Much nearer to the two men than you."

"Yes, sir, the width of the street." "And are you quite positive that Gallagher said, 'I've got him' instead of 'I've shot him,' the two words are very nearly alike."

"It sounded to me like 'I've got him.'" "Did you hear White say anything?"

"He said something but I couldn't hear what it was." "Did you and Corcoran ever talk this way?"

"Why he works for me and we have talked about it." "By Mr. Dayton: 'You say that on some day preceding the shooting you heard Seibert say something about Gallagher?'"

"Yes, sir." "Where was it?" "In my place of business. He told me about the wrestling match."

"You don't know that he didn't have reference to another wrestling match?" "He told me about only one."

"Did he say anything about another wrestling match he might have?" "No, sir. He showed me newspaper clippings."

By Mr. Stanchfield: "Did he say if they got together again it would be Gallagher or him before or after you read the newspaper clippings?"

"I don't remember." "Did he appear to be angry?" "He appeared to be excited."

Irving Schuyler was called. He is employed at the Schuch hotel. He said because the defendant and he saw him on the evening of July 29 last at the Osborne house.

Witness said he was sitting in front of the Osborne house about 8 o'clock that evening when he saw the defendant enter the hotel going through the office.

Later, within four or five minutes he saw Gallagher come out. Again that evening, about quarter of 10, witness saw the defendant again standing in the dining room entrance to Mr. White's place.

Mr. White with him. In the neighborhood of 11 o'clock witness said he was in Schuch's hotel when he heard one revolver report.

He went across the street to Mr. White's place. "Did you see the defendant after you heard the report?"

"I did not." "Do you know which direction the defendant went when he left the Osborne house?"

"I do not." "By Mr. Stanchfield: 'How long have you known the defendant?'"

"Six or seven years." "You knew that he ran a milk farm at the lake?"

"Yes, sir." "Do you know that he frequently drove in from his farm mornings in the milk wagon?"

"Mr. Dayton's objection overruled. I have seen him in the milk wagon and I have seen him deliver milk at White's."

"Is your talk with Mr. White did he hand you anything?" "Yes, sir."

"What was it?" "The revolver." "Anything else?" "Not at that time."

James Nickerson was sworn. He had known the defendant for 12 years and saw him on the evening of July 29 last at the Osborne, either at 7 or at 9 o'clock, where he sat on a bench talking with the defendant.

Witness had arranged to go to Albany with the defendant at 10 o'clock that night but the latter had told him he couldn't go as he had bought some cows and wouldn't be able to settle the thing up until the next day.

On second thought the witness thought the conversation must have taken place at 9 o'clock. Later witness was standing on the edge of the walk in front of the lunch wagon in State street when the defendant came up the street from the North.

About 10 or 12 minutes later he saw the crowd at White's and he learned of the shooting.

The cross-examination by Mr. Stanchfield was brief and developed nothing.

A map of the immediate vicinity of the tragedy, showing 45th building and streets, which Geo. John S. Clark was instructed to make earlier in the morning, was introduced after the maker had explained it briefly.

The map was tacked up in a conspicuous position where both jurors and witnesses could see.

He Talked With Gallagher. Thomas C. Templeton, formerly of this city since 1885, but now living in Syracuse, was called. He saw Gallagher in front of White's place about 10 o'clock on the night of the shooting.

Defendant and Mr. White were sitting on the steps leading to the dining room entrance of the place. Witness said the other two men had a horse at Buffalo which they wanted the witness to go after.

"What was first said between you?" "I said, 'You're the man I'm looking for.' Defendant said, 'So are you.' I started down the street and Gallagher jumped up and followed me."

In front of Marshall's he told me that he had made arrangements to go away that night but that he couldn't go as he had bought some cows about 18 miles up South and he wanted me to go with him the next afternoon to get them.

I said, 'All right,' and Gallagher said, 'Be at Seibert's livery stable at 1 o'clock.'"

On cross-examination witness said nothing was said about afternoon or morning only "just 1 o'clock. He said he formerly worked at Seibert's stable, where Gallagher kept his horse, and he frequently had hitched up the defendant's horse for him as late as 12 o'clock."

He said that on several occasions he had hitched up Gallagher's horse late at night and had taken gone out to the farm the next day and got it.

Mr. Dayton endeavored to show that the witness wasn't positive about his answer and he became impatient which caused Mr. Stanchfield to remark: "Well, Mr. Dayton, he's your witness."

"Yes," returned Mr. Dayton. "He has evidently been interviewing somebody."

"That isn't true," said Mr. Stanchfield and he got out of his chair and walked around to the front of the table.

"He has no right to make that statement and I demand that he take that back or ask the question of the witness."

"I have the right to question the witness," said Mr. Dayton and the court intervened.

The district attorney got little satisfaction in his attempt to shake the witness.

Talked With Dayton. On cross-examination Mr. Stanchfield asked: "Have you been interviewed by Mr. Teller, Mr. Greenfield, Mr. Gallagher or myself about this case?"

"I have not." "Who have you talked with?" "Mr. Dayton." "And nobody else?" "No, sir."

"No." "Had you told Mr. Dayton about it?" "Not at that time."

On re-direct the witness repeated the whole conversation he had had with Gallagher, telling of sending for Judge Teller and his expressing the wish to the defendant that he have counsel all the way through.

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"I have not." "Who have you talked with?" "Mr. Dayton." "And nobody else?" "No, sir."

When his uncle and Gallagher came in. There was no secrecy about the application for the gun, witness said.

Herbert Wilson, sworn, said he was at the Cottage hotel on the night of the tragedy. He said he didn't know Gallagher but that he was at the hotel when somebody asked for a revolver.

Later he went out on the sidewalk and, seeing a crowd up in front of White's, he went up to see what was going on.

"How long?" asked Mr. Parker. "do you say it was from the time the application for the revolver was made to the time you saw the crowd up in front of White's?"

"About 20 or 25 minutes." "Mr. Parker was disappointed in the time fixed by witness and asked if in a previous conversation with him, Mr. Parker, he hadn't fixed the time at a much shorter interval."

Mr. Stanchfield's objection caused a stir between him and Mr. Parker but the witness did not answer.

Nothing was developed on the cross-examination.

Frank P. Tonkin, proprietor of the Cottage hotel, was called. Gallagher, he said, came to his hotel on the night of the tragedy and asked him for a gun.

Witness said: "Gallagher called me out into the hall and said: 'Frank, have you got a gun you can lend me? I'm going out to the farm to-night. I've been held up two or three times at night and I'm not very courageous at night. I asked you to know whether I had a gun, but I said, 'I'll see.' I walked into the barroom and Gallagher followed me in. I didn't have any gun."

Witness said 15 or 20 minutes later he heard of the tragedy.

"Was there any other person in your place that night asking for a gun?" "No."

On cross-examination witness said there were some people in the barroom and there was nothing secret about the application.

The Man Who Loaned the Gun. James H. Gaynor was called. Witness said he saw Gallagher twice on the night of the shooting, the first time about 15 minutes to 11. Witness was in his bar room when Gallagher came into his place and witness went out to the cigar case.

Witness said: "Gallagher said: 'Have you a gun?' and I said 'yes.' He said: 'I am going to the farm to-night. I've been stopped three or four times of late and I've got a roll of money to-night and I want to protect myself.' I said: 'If that's what you want I'll let you take it.' Gallagher said: 'What is hell do you think I want it for?' He took the revolver and went out."

"Did you examine the revolver?" asked Mr. Dayton.

"I did not. I don't know whether it was loaded."

Witness said Gallagher left the place and went North, returning again in a short time.

"What did he say?" "I've shot George Seibert." "Was that all?"

"Did you swear before the coroner that Gallagher said: 'I've cleaned him.'"

Mr. Stanchfield's objection sustained. By Mr. Stanchfield: "Had Gallagher ever been in your place before that night to borrow a revolver?"

"Yes, sir, about five weeks previous." "Did you lend him the same revolver?"

"I didn't let him have one." "What was the conversation between you at that time?"

"About the same as on the last occasion." "By Mr. Dayton: 'You say you didn't let him have the revolver on that first occasion?'"

"No, I didn't have any in the place then." Recorder Kent was recalled for brief cross-examination and when he had finished witness Nickerson again took the stand.

to be on hand Wednesday morning at the opening of the court:

Auditors—J. C. Weeks, Thomas Woods, William B. Smith, Louis F. Sperry, Winton B. Teller, William Pascoe, Jr., Nathan C. Reed, Freeman Rice, Michael Briggs, Elmer E. Caldwell, Thomas J. Church, William M. Cox, John M. Daves, Edward Dwyer, Michael Erbert, Edwin R. Fay, Joseph Herrell, Harry R. Kidney, John McKee, Thomas Nolan, George Ohlhauser.

Auratus—John W. Baly. Atrius—Laws Clark, Irving Delamater, Ira J. White.

Cato—Irving Bostonford, George Simmons, Manderville Ward. Coquest—David Hoffman, Lincoln Marshall.

Fleming—Edwin Brackenbury, Charles W. Hall, Jay S. Post, John Reister.

Genoa—Frank Corwin, Jason G. Crouch, A. S. Mead. Ira—Eugene Hapeman, John Phillips, Loren J. Wornuth.

Ladyard—George S. Ellis, Frank Main, Claude E. Packham. Molineux—Warren W. Mills. Moravia—Scott Rathbun, William H. Young.

Niles—Eugene Bodino, Phillip Brown, George Case, Jr., Peter Curtin, Dennis Murphy. Orasco—John M. Bodles, William Perkins.

Selipie—Lawrence Bruton, Conrad Koon, Charles Mather. Sempronius—Ass B. Reynolds, John Wilson.

Sonnet—William West. Springwood—Willam Fessenden, Eugene Rowe, Frank Myers, Fred W. Myers, James Peckham, W. H. Smith, Sterling-John Farndon, James C. Hunter, James C. Irwin, William Kirt.

Taroon—John Hill. Veoloe—James Heaton, John J. Keenyon, Dexter Wheeler. Victory—Justin Parsons, Daniel Westberry.

STATE OF OHIO CITY OF TOLEDO, Lucas County. FRANK J. CHENEY makes oath that he is the senior partner of the firm of F. J. CHENEY & CO., doing business in the City of Toledo, County and State aforesaid, and that said firm will pay the sum of ONE HUNDRED DOLLARS for each and every case of Catarrh that cannot be cured by the use of HALL'S CATARRH CURE.

FRANK J. CHENEY. Sworn to before me and subscribed in my presence, this 26th day of December, A. D. 1888.

A. W. GLEASON. Notary Public.

Hall's Catarrh Cure is taken internally and acts directly on the blood and mucous surfaces of the system. Send for testimonials, free.

F. J. CHENEY & CO., Toledo, O. Sold by Druggists, 75c. Hall's Family Pills are the best.

SHERIFF AND DEPUTY KILLED. Highwaymen Kill the Officers When They Were Making Arrests.

Guthrie, Ok., Jan. 16.—Sheriff Smith and his deputy, George Beck, were killed by highwaymen early yesterday morning in the vicinity of Anadarko, the home of the officers.

A posse of 100 men started immediately on the trail of the murderers, but no arrests have been reported. The posse expects a fierce fight before the men shall be taken, as it is known that the notorious highwaymen, Bob McCune, Ben Cravens and Bob Sims, are at the head of the gang in that region.

Sheriff Smith and Deputy Beck met death while storming an Indian hut. Highwaymen on Sunday night had held up and robbed persons going home from church and Smith and Beck, accompanied by Deputy Briggs, located the robbers early Tuesday morning in the hut.

Borloma, Lord Derby and The Abbott. New York, Jan. 16.—Two checks for \$5,000 each were received here late yesterday afternoon from Thomas W. Lawson of Boston to close the negotiations over the talked of race between his trotter, Borloma, and E. B. Smith's horse, Lord Derby, and The Abbott, owned by John J. Scannell, former fire commissioner. This is the outcome of Mr. Lawson's original challenge to trot Borloma, 3:07, against any horse in the world. When this challenge was made known Messrs. Smithers and Scannell posted forfeits and Mr. Lawson was advised of that fact.

DR. DAVID KENNEDY'S Favorite Remedy. The one sure cure for The Kidneys, Liver and Blood.

HIS MIND A BLANK. An Evangelist From Illinois Found in Washington in a Dazed Condition.

WASHINGTON, Jan. 16.—Rev. H. H. of Hamilton, Ill., known throughout the middle West as an evangelist, was discovered walking aimlessly about the streets here yesterday in a dazed condition and was taken to the Shibley hospital for treatment. According to his statements Dr. H. H. has been away from home since the latter part of December, but his mind seems a blank as to what happened to him during the intervening time.

He is of advanced age and his condition is such that it will be some time before he can leave the hospital.

Wall Papers. Jennings' Art Store. 4 and 6 Exchange St.