Cambria Freeman.

H. A. M'PIKE, Editor and Publisher.

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Cambria Freeman.

EBENSBURG, PA.

Saturday Morning, : : June 8, 1872.

Democratic State Nominations.

FOR GOVERNOR:
CHAS. R. BUCKALEW, of Columbia County.
FOR SUPREME JUDGE:
JAMES THOMPSON, of Erie County.
FOR AUDITOR GENERAL:
WILLIAM HARTLEY, of Bedford County.
FOR CONGRESSMEN AT LARGE:
HENRY VAUX, of Philadelphia.
JAMES R. HOPKINS, of Pittsburgh.
HENDRICK B. WRIGHT, of Luzerne County.

Delegates to Constitutional Convention:

1. GEORGE W. WOODWARD, Philadelphia.
2. BENJAMIN A. BLACK, York.
3. WILLIAM BIGLER, Clearfield.
4. WILLIAM J. BAER, Somerset.
5. WILLIAM H. SMITH, Allegheny.
6. F. E. BOWMAN, Philadelphia.
7. JOHN H. CAMPBELL, Philadelphia.
8. S. H. REYNOLDS, Lancaster.
9. JAMES DEAN, Schuylkill.
10. S. C. T. DODD, Venango.
11. M. DALLAS, Philadelphia.
12. E. A. LAMBERTON, Dauphin.
13. A. HUGHAN, Greene.
14. WILLIAM M. COBBETT, Clarion,

Electors—Senatorial.

EDGAR COWAN, of Westmoreland County.
GEORGE W. SKINNER, of Franklin County.

Electors—Representative.

SELDEN MARVIN, of Erie.
JOHN S. MILLER, of Huntingdon.
S. GROSS FRY, of Philadelphia.

Dist.	*Dist.*
1. Thomas J. Barger.	13. D. Lowenberg.
2. Stephen Anderson.	14. J. M'Knight.
3. Allan Moffat.	15. Henry Welsh.
4. George R. Burrel.	16. Henry J. Stahley.
5. (Not agreed upon.)	17. R. W. Christy.
6. Isaiah B. Houpt.	18. William F. Logan.
7. Samuel A. Dyer.	19. R. B. Brown.
8. Jesse B. Hawley.	20. F. M. Robinson.
9. H. B. Swarr.	21. J. R. Smith.
10. B. Riley.	22. T. H. Stevenson.
11. John Kunkle.	23. John B. Bard.
12. F. W. Gunster.	24. George W. Miller.

Democratic County Nominations.

Assembly—JOHN HANNAN, Johnstown.
Reg. and Rec.—JAS. M. SINGER, Jackson Twp.
Commissioner—ANTHONY ANNA, Chest Twp.
P. H. Director—JOHN BLOCH, Johnstown.
Auditor—PETER DOUGHERTY, Summitville.

COMMUNICATION.

OUR COMMON SCHOOLS.

THE SECOND THING.

If the State had abundance of money it ought to be properly used. Much money is injudiciously squandered even at the present time. The School Report of 1871 shows that out of the appropriation of $1,000,000 made for that year the sum of $215,000 was spent before it reached the common schools, leaving only $785,000 to be distributed among the districts, which really need the money. Then the expenses of the School Department amounted to $12,000 more than the appropriation, viz: $53,513 more. Then for printing the School Reports, which expense is included in the State printing and is not precisely known, but which cannot be less than $5,000—making an aggregate of $70,000, or one-half of the State appropriation, that never reaches the common schools at all.

The printing of County Superintendents' Reports was never contemplated by the framers of the act of 1854. They were to make a report to the State Superintendent, and he was to make a condensed statement to the Legislature of the State. Nobody ever dreamed that the nonsense written by these County Superintendents was to be multiplied by an official kaleidoscope at the expense of the State. People have no chance to read the mass of matter thus heaped, causing so heavy an expense. The entire State report, that ought not to make more than 15 pages, is swollen to near 400, while the number of books is increased in nearly an equal ratio. Two thousand pamphlets would be sufficient for the State at large, but, at least, three thousand of these large books are printed, bound and forwarded to different parts of the State at the public expense, while teachers are struggling to make a living at less than half wages.

Then the total amount of money paid out for the support of Normal Schools since the adoption of the Act is $194,000. This was a perfectly reckless expenditure of money, for these schools of corporations were abundantly capable of supporting themselves, and those who did receive an education there would have taught common schools. Some of them may teach schools in cities and boroughs where living salaries are paid. But good salaries always did secure good teachers, even before there ever was a Normal School. Now, those who graduate in Normal Schools do not seek employment in the rural districts at $35 per month. And yet it is here they are needed. The original purpose of the Normal School was to supply teachers, but that experiment has failed. That cost the State near $200,000. Now County Superintendents are struggling to supply the want by teaching persons in small county Normal Schools.—And even this, so far, has proved a total failure, for last year the general complaint of the Co. Superintendents was that the incompetent teachers had finally to be employed to get all the schools open during the winter session. This experiment then constitutes another leak of near $200,000, while the schools are not in the least benefitted.

There are other leaks that need not be mentioned here, such as furnishing an innumerable quantity of blank forms to the districts, many of which are of little use and some of which are never used. All these little leaks take just as much from the salary of the teacher, and just so much as their salaries are below the wages of a laborer just so long will the schools be filled with careless and incompetent teachers. My wonder is that teachers can be procured at all. A day laborer can generally get work all the year round at about $1.50 per diem. But, putting the wages of teachers at the minimum of one dollar per day, the laborer can make $250 to $300 per year. The average salaries of teachers in the rural districts, after deducting cities and towns, are not more than $250 per year for males and $180 for females. Mechanics get from $800 to $1,000 per year. Only a few days ago the carpenters in New York city struck for four dollars per day. It may be argued that teachers get larger wages than I have stated. In some places they appear to get more, but my statement is correct. Only an average of six months in the year is taught. Directors claim the right to order vacations just when they please, and teachers can seldom obtain employment at their vocation during the summer months, especially in the country. So that virtually they obtain, yearly, the amount I have stated. Are these facts reliable? Are these justifiable, amounting to near $150,000 annually, when the salaries of teachers are so low? I certainly think not.

ROB ROY.

GO AND SEE FOR YOURSELF!—Andy Foster, of the well known firm of Geis & Foster, was in New York and Philadelphia recently, and as his experience in the purchase of dry goods of the newest patterns, latest styles and best quality is well known we expect to see a rush of customers to that establishment when this fact becomes generally known. Geis & Foster have the largest and best selected stock of dry goods in this city, but the firm desire to call particular attention to the department allotted to CARPETS.

One portion of their large store is devoted to the sale of carpets, and as they buy an immense stock at a time they are necessarily enabled to buy and sell cheaper than any other store in town. Visit Geis & Foster's mammoth store on Clinton street, Johnstown, and examine their goods and prices and we are sure you will patronize the firm.

HICKEY'S FURNITURE WAREROOMS.—John Hickey, Undertaker, on Julian street, Fourth Ward, Altoona, is prepared to supply Metalic Burial Cases of all sizes and patterns, and on reasonable terms.

Mr. Hickey keeps constantly on hand a large stock of new and fashionable furniture, and those who require anything in his line should give him a call. Every article sent from his rooms will be warranted as represented.

Hair and Straw Mattrasses manufactured to order at less than city prices.

Cane seat chairs re-caned and fitted up as good as new.

All orders from a distance promptly attended to. [Jul.13.-tf.]

IN THE SHADOW OF THE SCAFFOLD

Trial of Michael Moore for the Murder of his Wife.

Full Report of Evidence, Verdict, &c.

[Reported by C. W. Easly, Esq.]

In the columns of the FREEMAN of the 9th of March last, we published the details of a most brutal murder which was perpetrated in the vicinity of a small village known as Mineral Point, located on the line of the Pa. R. R., distant about seven miles east of Johnstown. It is unnecessary here to recall the particulars of this most fiendish crime. Suffice it to say that Michael Moore, who resided about one-half mile east of Mineral Point, was strongly suspected of being the perpetrator of the shocking tragedy, and on that suspicion he was speedily arrested and committed to jail in this place. The same intuition which led to the fixing of the crime upon Moore impressed upon all minds the indelible belief that the unfortunate victim was the wife, or rather one of the wives (for the remains were burned and mutilated beyond identification) of the suspected murderer—the theory being that he had went to a distant city, where she resided, and under pretence of taking her once more to his home and his bosom, had induced her to accompany him even into that dark and lonely mountain gorge where the frightful deed of blood was so fiendishly perpetrated. Hence it is that Michael Moore stands to-day within the shadow of the gallows, and hence it is that we present as fully as need be all the preliminaries of his trial and the facts elicited from the testimony up to the latest possible hour on Friday.

THE COUNSEL.

The District Attorney of this county, Wm. H Sechler, Esq., assisted by F. P Tierney, Esq., represents the Commonwealth in this case, and A. Kopelin and J. P. Linton, Esqs., appear for the defence.

THE ACCUSED.

Michael Moore is a man of rather muscular frame, possesses a somewhat forbidding cast of countenance, and is about 45 years of age. During the three months that he has been incarcerated in jail he has apparently lost little flesh, but is evidently not as self-reliant as he was at the time of his arrest and subsequent committal.

TRUE BILL FOUND.

In the Court of Oyer and Terminer of Cambria County, June Term, 1872. Before Hon. JOHN DEAN, *President Judge, and* Hons. R. J. LLOYD *and* JOHN FLANAGAN, Associates.

On Tuesday afternoon of this week the Grand Jury found a true bill against Moore, the indictment charging him with murder, and at 8 o'clock on Wednesday morning he was brought into Court for arraignment. At the request of his counsel the Court directed the manacles to be removed from his wrists, and they then presented the following

REASONS FOR QUASHING THE INDICTMENT.

1st. That he was denied or not given a preliminary hearing before the finding of the bill of indictment against him, and upon which he is called to be tried.

2d. The prisoner claims the right to challenge the Grand Jury before which and by whom the indictment is presented and found, and upon which he is proposed to be tried.

3d. That the Grand Jury by whom the indictment was found and returned against the prisoner was not drawn and selected according to law—in this:

First, That the number of jurors to be selected and placed in the wheel was not fixed by the Court prior to the first term of Court in the year 1872, as the law authorizes.

Second, That there was no order or precept of the said Court, or of two of the Judges in vacation, commanding the Sheriff and Jury Commissioners to empanel the said Grand Jury.

Third, That the wheel from which the said Grand Jury was drawn was not kept in the possession of the Jury Commissioners and the key thereof in the custody of the Sheriff, as directed by law.

Fourth, It does not appear from the return that the jurors were legally drawn.

Fifth, That the bill itself appears to be signed as a true bill by two distinct and separate Foremen.

TESTIMONY ON THESE POINTS.

On the motion to quash by reason of the informality of not designating the number of jurors to be placed in the wheel when the venire was ordered, Thomas Davis, one of the Jury Commissioners was sworn, and testified that he was elected in October, 1870, a Jury Commissioner. On the 9th of January last the filling of the wheel was commenced. My recollection is that we placed 756 names in the wheel. I understood the number remaining in the wheel should be sufficient for one full jury, after the drawing, for all the regular terms for that year. The e names were selected as directed by the Act of Assembly.

In answer to questiou by Mr. Linton, Mr. Davis stated that he was not certain whether it was the assessment list or the election returns from which the names were taken. We had no order of the Court designating the number of names to be placed in the wheel. We keep no official records of our transactions as Jury Commissioners, except filing our oaths. Mr. Skelly is my colleague. We selected names alternately, and agreed upon that they should go in. We occupied the Grand Jury room in performance of this duty.

We got the wheel in the Sheriff's office. After filling the wheel it was taken by us to the Sheriff's office. It was in his office when I last saw it. We have no office as Jury Commissioners. I can designate the particular seals on the jury wheel which we put on after sealing it up.

And on the motion to quash because of the jury wheel not having been kept in possession of the Jury Commissioners and the key in the custody of the Sheriff, the counsel for the prisoner called W. B Bonacker, Esq., who was sworn, and testified as follows; I am sheriff of Cambria county; the jury wheel is in the Sheriff's office at the present time; it has been there since I have been Sheriff, except when the Jury Commissioners take it to the jury room to place jurors' names in it. I have been Sheriff since December, 1870. The office I spoke of is the one furnished by the county in which my business as Sheriff is transacted. I keep a key, and my deputy also has one. The jury wheel of this county has not been out of my possession since my predecessor handed it over to me.

[Answer to questions by Commonwealth's counsel.] To the best of my knowledge the jury commissioners placed the wheel in my possession. [Answer to question by the Court.] I unlocked the wheel for them, and when filled I would lock it again and return it to my office. I think the wheel was in the office when I took possession; at the drawing of the jury the wheel is not taken out of the office; it is at time of filling the wheel.

Court adjourned at 11 o'clock A. M to enable counsel to bring in their authorities touching the above reasons.

AFTERNOON SESSION.

Court convened at 2 o'clock. The counsel for the Commonwealth proceeded to cite a number of authorities with the view of controverting the reasons offered by prisoner's counsel for quashing the indictment. The warrant for the arrest of Michael Moore, and the coroner's inquisition were also offered in evidence.

The authorities relied upon by counsel for the prisoner to sustain their positions taken for a motion to quash were next offered, and argued at length. The motion to quash was overruled by the Court and the prisoner ordered to be arraigned. A special plea of the prisoner, under direction of his counsel, which was based upon the reasons made to quash, was first offered. The counsel for the Commonwealth entered a general demurrer to this plea. Upon the grounds that they had no knowledge of the kind of evidence that would be adduced, by reason of no preliminary hearing having been had, the prisoner's counsel next moved for a continuance of the case. The petition for a continuance was refused.

THE ARRAIGNMENT.

The impressive formula prescribed by the statute for the arraignment of prisoners charged with the high crime of murder was then read to the accused and in a firm voice he responded to the usual inquiry as to how he pleaded —"NOT GUILTY." Immediately after plea being entered his counsel challenged the array of traverse jurors, and filed reasons therefor.

THE JURY.

At half past three o'clock the Clerk commenced calling a jury, and the following list of challenges was made before the regular panel was exhausted: for cause 16; peremptorily, by prisoner's counsel, 10; by Commonwealth's counsel, 2. The jurors were sworn in from the regular panel, when a special VENIRE was ordered by the Court, and TALESMEN were called to complete the jury. Of these nine were challenged peremptorily by prisoner's counsel and three for cause.

The following named gentlemen, chosen in the order given, comprise in this important trial the requisite

LIST OF JURORS.

George M'Cullough, Munster township.
Roland R. Davis, Ebensburg.
Francis Strittmatter, Carroll township;
Benjamin F. Anderson, Allegheny township;
Charles A. M'Mullin, "
Augustine Yost, Carroll township;
Casper Dimond, Croyle township;
Joseph Behe, Carrolltown;
Oliver Reed, Blacklick township;
Michael M'Guire, Allaghgny township;
John Ferguson, (Tales,) Blacklick township.
Charles Owens, (Tales,) Ebensburg.

Court adjourned at 6 o'clock, p. m.

THURSDAY'S PROCEEDINGS.

OPENING FOR COMMONWEALTH.

Court convened at 8 o'clock. W. H Sechler, Esq., opened the case on the part of the Commonwealth. He stated to the jury that the indictment charged Michael Moore with the murder of Ann E. Boyle. The accused had resided in the vicinity of Summerhill as long ago as 1853 or perhaps 1850. In the month of October 1853 he married Ann E Boyle, but within a year or two afterwards she was compelled to leave him on account of the ill-treatment she experienced at his hands. From that time he knew nothing further about her until the fall of 1871, or in January 1872 In the year 1864 Moore was married, in Johnstown, to Catharine Connell. The District Attorney went on to state the chain of evidence by which the Commonwealth proposed to prove that the body which was discovered near Mineral Point, on the morning of the first day of March, of this year, was that of Ann E Moore, the lawful wife of the accused, and that she was then cruelly murdered by her husband, Michael Moore, the prisoner at the bar.

As the District Attorney ably and lucidly summed up the evidence which would be adduced in the course of the trial there was a painful anxiety manifested by the prisoner, for a chain of circumstances would be forged, in the event of all these statements being proven, which would seem to establish his guilt beyond the possibility of a doubt. District Attorney Sechler occupied some twenty minutes in opening the case.

TESTIMONY FOR THE PROSECUTION.

John Shriver sworn.—I resided at the time of this affair in Conemaugh township, this county. On the first day of March, 1872, about 8 o'clock in the morning, I went to the stable and harnessed my big horse and hauled wood for my father. Hauled two loads; went for the third and my dog came along and run ahead of me. He commenced to bark down over the hill when I was loading the wood. Hauled that load home, unloaded it and put the horses in the stable. Then went to the house where, I lived, got my gun, took another small dog with me and started after the big dog. The dog led me toward Mr. Gick's. When I got on top of the hill the dog was down over the hill where the blood was; heard him barking down there. Started down, and when I got to the bottom I stopped three or four hundred yards from where the blood was. The little dog started on ahead of me. Walked some distance and got on the trail of a fox. I was going in the direction of the big dog but hauled wood when little dog got on a man's tracks and followed them to where the blood was. He barked twice or three times; I called him, but he would not come away; I sent him home; then got on a man's tracks, which I followed till I came to the blood. Looked at it and stirred it around with my foot; found in it a switch of woman's hair with two hair pins in it. This was covered with wet leaves. Looked around and saw a pair of spectacles, a full set of artificial teeth and three or four pieces of comb for the hair. I became frightened and started off right away; walked about sixteen feet, and looking across I saw a pile of wood there. After I saw this I started over to Mr. Gick's. I asked Andrew to go along with me. He and Mr. Reighard's son came along. We then went to Mineral Point and got six more men, and we all returned to the place where the blood was. When within 150 or six hundred yards we saw smoke. We then went on to where the body was on fire; the fire was on the body of a woman. This was at the same place I had seen the pile of wood before I brought those men. I was not present when a survey of the ground was made. We looked around them and picked up the articles I mentioned as having first seen myself, and also a piece of scarf or comforter and a stocking garter. [Above named articles shown to the witness.] I think the piece around her neck was a stocking garter or piece of comforter; it was loosen. The body was all bruised black and the legs were burned off from the knees down. I took snow in my hands and put out the fire. I could tell it was a woman; the only spot not burned was on the breast. She was lying on her face; the face was burned black; the head drawn up and her tongue sticking out. Could not distinguish her features—the face was too much burned. There was a little piece of clothing left on her breast. We examined her mouth and found she had no teeth. I left then for home. The tracks I saw there led down towards Mineral Point; I followed the tracks about two hundred yards to where a little road came in. There were the tracks of a man and woman going in and the man coming out; they led first north and then east; I measured the man's track; it was 11½ inches long. The woman wore a rubber shoe.

Cross-Examined.—It was about half-past ten when I went the first time. I could not identify the body of the woman. I did not see Michael Moore then. The dog was part hound; I got him from Gates at South Fork; he got him from Croyle. Tom Moore sold him to me first. He got the loan of him from Mr. Gates. He claimed him, but Mr. Gates owned him. The blood was sixteen feet from the body. I can't tell who has kept possession of the articles found there since then. I only picked up the pieces of comb, but I saw all the rest.

Re-examined in Chief.—I identify the comb from the teeth broken out, the spectacles from the way they are bent and by one of the glasses being out. The articles found were taken possession of by the coroner.

Re-Cross-Examined.—It was between five and 6 o'clock in the evening. It was between 12 and 1 o'clock when I saw the body first. There was considerable blood there. I was frightened the first time. I knew that the tracks were those of a boot or shoe.

J. A. Harrold sworn.—[Articles found shown to witness, who identifies the teeth, spectacles and the piece of woolen comforter which was around the neck of the woman when he arrived on the ground.] I cut the comforter from her neck. The comb, hair pins and comforter, with needle work and garter, I believe to be the ones I saw at the same place. These articles were all lying on a log when I got there. I measured the distance from where the body was found to where the blood was, which was sixteen feet. [Remnants of burned clothing and some white hair shown witness.] These remnants I found on the body; the hair I got out of the knot where it was tied around her neck. I gave these articles to the Sheriff, first putting a private mark on the teeth and spectacles. I took them into my custody when I first went on the ground. I am Coroner of Cambria county.

Cross-Examined.—I arrived on the ground between 5 and 6 o'clock, p. m., of March 1st. Others had been there before I arrived. I knew some of them. I recognize one set of the teeth by three parallel strokes I made with my penknife, and the other set by a large and small mark I put on them. A month or six weeks after they came into my possession I delivered them to the Sheriff. In the meantime I kept them locked up. The spectacles I marked by two indentations. The body was burned past recognition. Did not see Michael Moore then. I showed the teeth to Dr. Wakefield; he had them for about five minutes; I was present and took them away with me.

W. B. Bonacker sworn.—I am Sheriff of Cambria county. [Articles found shown to witness, who identifies them as the ones he got from Mr. Harrold.] All these articles have been out of my possession; I brought them to Mr. John Scanlan and had them put in his iron safe, as I had no safe place to keep them. I got them from him on Tuesday last. I believe them to be the same I got from the Coroner. My deputy brought them to the jail and locked them up in a closet. Mr. Sechler asked me the privilege of taking the teeth from the package and I told Mr. Scanlan to give them to him if he wished.

Cross-Examined.—I do not remember the time I got these articles from the Coroner. It was between one and two weeks after they were found.

John E. Scanlan sworn.—The same bundle given me by the Sheriff was returned to him except the teeth, which were given to Mr. Zahm in the presence of Mr. Sechler. They were put in Mr. Johnston's safe. He carries one set of keys of this safe and I carry the other. I put no mark on them.

G. C. K. Zahm sworn.—[Teeth shown to witness.] Those teeth were in my possession; received them from Mr. Scanlan in Mr. Sechler's presence and returned them again in his presence.

Cross-Examined.—I am not an officer of this County. Mr. Sechler found that I was going to Philadelphia and he asked me to take the teeth with me. I put no private mark on them. In Philadelphia I went to George Smith, a detective; I went with him to different dental establishments, occupying some four or five hours, to see if any of them could identify them. I had a letter from Mr. Sechler to this man, who was called a detective. The teeth were not out of my sight during our visits to these dentists. We saw some four or five. I brought them back with me.

R. L. Johnston sworn.—I am a partner of Mr. Scanlan; did not know that this package was in my safe; do not know of any person having my key; kept my pair of keys in a drawer in my inside office.

B. Stutzman sworn.—[Package containing articles shown witness, who stated that he received it from the Foreman of the Grand Jury.] I put it in the desk in the Sheriff's office, and in the evening carried it over to the jail.—I am not a Deputy Sheriff.

Cross-Examined.—I don't know anything of the contents of the package. I brought it into Court this morning the same as I put it away.

The articles above named were next offered in evidence. Counsel for defence take exceptions to permitting them to go in evidence for the reason that there is no evidence that these articles are the same found in the neighborhood of the dead body; and if they were sufficiently identified it would not still be evidence to affect the prisoner. Evidence admitted by the Court.

Ephraim Wissinger sworn.—I reside at Mineral Point, and am a foreman on the Pa. R. R. I went in search of cattle, and was called on by Mr. Shriver, to the place where we saw smoke and fire. Found pieces of wood burning; saw the body as soon as I got there and before the fire was extinguished. The snow in some places was two inches deep. Found tracks of two persons—one I supposed a woman's, the other a man's—leading to the blood. Followed the tracks 340 feet to an old road which led from an old fire-clay bank to Mr. Reighard's fence. I noticed that the large track led away from the place where she was—the small one did not. I afterwards traced the track which I believed to be the same from there to the Penn'a railroad. This was in the afternoon of the same day. The starting point led south about 340 feet, then east to the point from where the body was found; then it came out into the road which is used for hauling fire-clay from the bank to Mineral Point. Lost the track here, but a short distance further found it leading nearly north in the direction of the railroad. Shortly after I saw that it led directly up the hill from the railroad and then on down the hill to the railroad, nearly a half mile east of Mineral Point. Crossing the road, I found the track leading off towards a house known as Mrs. Moore's house—the one he lived in. I followed the track on further than the railroad. The house is almost 18 rods from the road; it is on low ground, some 3 or 4 rods from the south-east bank of the Conemaugh creek. I was with the surveyor when he passed over this ground. Frank D. Storm was here called to prove survey of the localities above described. The running of lines was done in presence of Mr. Wissinger and others.] The draft was next shown witness, who testified that he believed it to be nearly a correct plot of the ground he traveled over that day, and that he carried one end of the chain when survey was made.] [Commonwealth's counsel offer the draft in evidence, which is admitted by the Court. Counsel for defense object, for the reason that the witness cannot testify positively to its correctness. Exception allowed and bill sealed. Court, on application of counsel for Commonwealth permitted the surveyor to erase objectionable words. Counsel afterwards were permitted to go before the jury.) [The articles found were next shown witness, who identified the teeth by peculiar marks which he noticed on the vulcanized plate, and believed that he recognized the other articles as the ones he had seen on the ground that day.] (Objectionable notes in draft having been erased, the witness explained to the jury the localities marked thereon.) The track I traced down to the road I measured with a stick and it was the same size as the track near the body. I measured the track when it led off from the railroad to Moore's house, close to the road. It measured the same as the track I had followed. Asa Parsons measured the track with a rule; it was 11½ inches long. Mr. Parsons, when I last heard from him, was in Minnesota. The body was taken from the place it was found to Mineral Point, that evening. I took charge of it then, brought it to Johnstown and gave it into the hands of the coroner. This was in the forenoon of March 2d. I saw that Squire Strayer's office. It was the body of a female. The string which was around the neck was drawn as tight as to indent the flesh, leaving it nearly even with the string. The knot was tied behind the neck. I live in the station house within twenty feet of the railroad. Passengers get out and in on both sides. There had been a fall of snow the night before—about two inches. I observed tracks leading from the south side that morning—one a small track. I took to be a woman's and the large track a man's. I walked up about 150 feet along the road to where they turned off—this was eastward from the station. The tracks then led off south east to the fire clay road. I know the train stopped on the night of the 28th of February. It was snowing at 8 o'clock in the evening but it was not at 9 o'clock. The mail train due at 9:11, stopped there that evening. It may have been 2 or 3 minutes behind time. The next preceding passenger train going west would be at 3:39 p. m.—the Way Passenger train. The mail train, east, at 12:36, noon, stops. The first passenger train west after the mail would be at 9:57. The next train to stop after the 9:11 train at night would be the Accommodation train at 6:00 next morning going east. There was freezing on the night of the 29th of February. A track made that night before would be frozen. The tracks leading out appeared fresh. The snow had melted away some where the pool of blood lay; there was some blood on a little bush. Just at this place it was all tramped around when I got there.

At 12 o'clock, M., Court adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Testimony of Mr. Wissinger resumed.

Cross Examined.—It was about half past one o'clock, p. m., when I saw the body; part of the burning wood I took to be pieces of hewn timber and some of it stave timber which was split. They were old pieces, not cut recently; some of it I think was picked up near the fire. The body of the woman was face downwards and I think there was no fire under her. Her face was burned black. The pieces of timber were lying against the woman; I took off three and there was one piece left. This was about three fourths of a mile north-east of Moore's house. Thomas Moore lives at South Fork, two and one half-miles from Mineral Point. I was in the house when the 9:11 train passed west that night. Michael Moore lives about half a mile from my house; have known Michael Moore about 16 years; do not pretend to say that the tracks I saw were his tracks. The old Portage railroad is not marked on the draft. It was from 16 to 18 feet from where I saw blood on the bushes to the place where the body was found. When I found the teeth the sets were separated about two feet and lay about twenty feet from where the body was found. The pieces of comb were found about ten feet from where the teeth were, and near the pool of blood. I can't say that there was any evidence that this woman was cut or struck. Saw no matches, shavings, or light kindling of any kind. Samuel Reighard's house is nearer this place than Moore's. There are other houses around there as near and some nearer than his. The tracks I saw near the station were there before the body was discerned. I saw them about 7 o'clock. It was about that hour that men employed on the tracks go to work.

Re-examined in chief.—I saw what I took to be ashes where the fire was. The ground was rocky there; her breast lay on the rock, and there were holes between them where ashes might escape. The stones were heated when I came there. There was not enough of wood on the body to consume it; no fire was burning on the head or face then. Reighard's house is west of this place—Gick's is southwest.

EDWARD PAGE sworn.—I was present on the 1st of March with seven others when the body was found. I picked up a piece of scarf about 46 feet from where the body lay—Sworn and identified.) I handed the piece of cart to John Ford. I observed a small track and a large one going in towards this place. I observed one track leading away from where the body was found. It was a large track and led to the main road out along the road about 10 rods, from there through a thicket which I couldn't get through, I went out the main road until I came to the fire clay bank; got on the track then which led me down to the old Portage railroad and on down to the Central; from there I went home. It was about 18 or 20 rods from the place I left it to Moore's house. I observed no tracks going into the fire-clay bank. This was not the way usually traveled coming from or going to the fire-clay bank, I saw the body, it was all burned.

Cross Examined.—When I said the body was all burned I mean the legs were burned off and one of the hands; I am not sure about the other; I got there about 11 o'clock. The clay bank is about a quarter of a mile from where the body was found; I tracked the two persons to this clay bank. I did not see Moore that day.

Re-examined in chief.—I noticed the tracks particularly because I thought it might be some of my wife's relatives come from Allonna. Men were working at the fire clay bank.—They had not gone to work yet. Samuel Page and William Jones were employed there; they went to work about 15 or 20 minutes after I got home. It is wood-land where the body was found. There is another road leading from Mineral Point to the fire clay bank but these footprints took the road leading past my house.

Re-cross-examined.—I lived at that time at Mineral Point on the old Portage railroad. I saw tracks of two persons leading past my house that morning. I was watchman at Mineral Point saw mill at that time. I noticed the tracks between 6 and 7 o'clock leading along the Central railroad east. There was a small track and a large one. They led on right towards the fire clay bank and looked as it they were fresh.

JOHN SHRIVER recalled.—It was on the first of March, in Conemaugh township, Cambria county, that this body was found.

JOHN PENDAY sworn.—I saw the body which was found near Mineral Point in March last. This was about 2 o'clock in the afternoon.—(The testimony of this witness describing the appearance of the body and articles found was substantially the same as that detailed by previous witnesses.) Mr. Morrell and I, on the 2d of March, followed tracks from the foot of the hill on the old Portage railroad to the embarkment which runs down from the Central railroad. Whoever had made these tracks had slipped down there. We went eastward along the Central until we came to a path—went down this path and saw the same tracks which we had seen at the foot of the hill. These tracks led to within 25 or 30 feet of Michael Moore's house. The snow had blown away here and we traced them no further. I measured the tracks by my own boot, which is eleven inches. Those at the hill and along the path were about half an inch longer than mine. We went right to the door. Mr. Morrell rapped and a little girl came out. He asked for her father or for Michael Moore—she went in and returned saying that he was sick. We left the house and went to the river where we saw the same track—one was going down the river and the other going up.

JOHN CHRISTANZ sworn.—I saw the body, found near Mineral Point, on the first day of March, between 5 and 6 o'clock in the evening.

GEORGE PAGE sworn.—I got to the place where this body was found about half-past one o'clock on the afternoon of March 1st. The body was all scorched, her tongue out, her legs burned off at the knees, one nipple of her breast burned off and the other not burned; her nose partially burned and scorched. We started off to follow the tracks coming east from Reighard's. We followed these tracks to the place where the murder was committed. The tracks were close together, as if she had hold of his arm. I noticed the same tracks leading into the drift; they came from the direction of Mineral Point. I started from the main road to the fire-clay bank, and from there to the scene of the murder. Saw a white handkerchief hanging on a bush at the side of the road. The old Portage runs parallel with the Central.

J. A. HARROLD recalled.—(The evidence of Coroner Harrold touching the direction and measurement of the tracks found in the vicinity of the place where the body was found is substantially that detailed by other witnesses.) [Commonwealth's counsel proposed to prove by this witness that the measurement of boots worn by prisoner at the time of his hearing corresponded with the measurement of the tracks found in the locality of the supposed murder. Exceptions were taken by prisoner's counsel for the reason that the Coroner had no legal right, the prisoner being under arrest, to seize and measure his boot or touch his person—that if it be so that the Coroner's measurement of the prisoner's boot corresponds with that of the tracks on the ground where the body was found, that in itself would not be evidence of the prisoner's guilt. The bill of exceptions was allowed.]

Examination resumed —John Christanz and myself measured the boot of Michael Moore on the 4th day of March last; it was eleven and one-half inches long.

Question by prisoner's counsel—You have already passed on prisoner's guilt, Mr. Harrold, have you not? Answer—I have.

Cross-Examined—The boots were on the prisoner's feet when I measured them in 'Squire Strayer's office.

DR. S. M. SWAN sworn.—I was before the coroner's inquest in Johnstown and viewed the body of the woman found at Mineral Point. I made a post mortem examination of the body on the 2d day of March at the request of the coroner. The whole body presented the appearance of having been exposed to the influence of fire. The hair of the head was entirely destroyed and the scalp was burned to a crisp; the flesh of the face was roasted to such an extent as to render the features unrecognizable—the mouth was open, with the tongue swollen and blackened protruding; there were no teeth in the mouth—the neck had been encircled by a ligature or cord of some thickness which, judging from the indentation left in the skin, had been drawn sufficiently tight to have caused death by strangulation. The arms and hands were shriveled by the action of the fire—the anterior portion of the chest and abdomen were comparatively slightly injured by the fire, but the integuments of the sides and back were in some places cracked and destroyed—the thighs were roasted black and the tissue contracted from the effect of the heat—the legs were burned to a cinder, some parts of which were in detached pieces and other parts wanting. Upon opening the abdomen the intestines and the other viscera of the cavity were found uninjured and the womb was the normal size of an unimpregnated uterus. I made no examination of the lungs, heart, chest, or brain. The body was that of a female. A live body thrown into a fire and burned as this body was would result in death.

Cross Examined.—The cord was not on when I saw the body. I formed my opinion from the depth of the indentation. Death would be produced by stopping the respiration. I discovered no wounds of any kind on the body of the woman.

By the Court.—I could not judge from the appearance of the body whether any external violence had been used.

Court adjourned at 6 o'clock.

FRIDAY'S PROCEEDINGS.

FORENOON SESSION.

S. P. Morrell sworn.—I went to the place where this body was found about 2 o'clock on that day. (The testimony of this witness was in the main corroborative of John Pendry's evidence.) [The rule by which the tracks were measured was produced by witness and offered in evidence by the Commonwealth's counsel.] The Central railroad and the old Portage railroad, opposite Moore's house, run parallel and are only separated by an embankment.

Samuel Tibbott sworn.—I was upon the ground the day the body was found and noticed the articles picked up there. The articles I believe to be the same, as they suit the eyes of a person of my age, and I tried them on that day. I am 52 years of age.

Elijah W. Eisenhise sworn.—I am conductor on the Mail train east and west; had charge of the Mail train on the 29th of February last from Altoona to Pittsburgh. Two passengers got off at Mineral Point that night—a man and woman. On time there is 9.11; we may have been a few minutes late. They were on the train when I took charge of it at Conway. The defendant, Moore, handed me a ticket for Johnstown; I went on to the next passenger, when the prisoner stopped me and asked if we stopped at Mineral Point; turned and looked at him and told him we did. Passed on into the second car and a lady handed me a ticket; the prisoner did not see her face, but she got off at Mineral Point; did not notice her particularly, she had a veil over her face. When the train stopped there I was in the rear part of it; I saw them after they stepped off—the prisoner and the lady who was in the second car. They got off on the south track, opposite the station house they started east. The lady was on the ground and I was standing on the platform from which she had just stepped.

Cross-Examined.—I was examined at former term before—on coroner's inquest; do not recollect of saying then that I could not identify the prisoner as the man. I first observed the man and woman when lifting tickets for Altoona and Kittanning Point. I knew it was this man who got off there by his overcoat and by the fact that he was not in the car when we left there. Both of them having tickets to Johnstown and Pittsburgh, I thought there was no notice this matter particularly. I remember the upper part of the man's face. They got off the train 29th Feb.; that was the night I went west. I recollect about them getting off. He had his hat on. I did not notice his beard; his cheeks and his eyes; I saw him on the west side by side. He had on a kind of a brown overcoat. [Coat produced.] The coat looked like that one.

Francis Hoke sworn.—I am a brakeman on P. R. R.; ran on Mr. Eisenhise's train on the night of the 29th of February last; saw two passengers, a man and woman, get off the train at Mineral Point that night; got off on south track and started east along the railroad; noticed the woman in the car—she was closely veiled; only observed the man getting off the step—couldn't recognize him now; she wore a black dress.

George Parks sworn.—Was on the Mail train west on the night of Feb. 29th, 1872; remember of seeing a lady getting up to pass out of the train; cannot swear positively it was that night. After the train started I saw a lady and gentleman walking up the south track—the gentleman one or two ties ahead of the lady; I was in the second car; don't know whether they got out of the car or not.

H. B. Hamilton sworn.—I am ticket agent at Tyrone, Blair county, on Pa. R. R. On the 29th February last I sold two tickets from Tyrone to Johnstown, for the Mail west. I testify from my recollection—made no memorandum. I sell tickets and make a daily record; the tickets are all numbered consecutively; don't recall the numbers. I made a report of those tickets to H. W. Gwinner, General Passenger and Ticket agent at that time. I keep no duplicate of that report; nothing of record remained in my office showing who bought the tickets. My attention was called to these tickets being sold some two or three days afterwards. I noticed an account of the murder in the newspapers; it was three or four days after they were sold. I remember of having sold two tickets that day. [Commonwealth's counsel propose to ask witness what tickets, if any, he sold to passengers for Mail train west on the 29th of February last. If so, how many and to what points?] Counsel for prisoner object for the reason that the record of the whole number of tickets sold, and of their respective numbers, made by the officers of the railroad company in the ordinary course of their business, is the best evidence of the fact proposed to be proved, and that no other evidence can be received until the absence of that record is accoun