trunk looks like the one.

since he left my house. He called himself took it away. I did not mark the trunk.

Re-direct .- [Contents of trunk examined ruffled in the waist, the ruffles having been made in her house; a coffee pot in which she boiled medicine while there; a black silk overskirt; a wrapper; a bed quilt, some of the patches of which had been got from witbonnet, small piece of green calico, a figured calico skirt, large pair of shears, a photo- pear. graph of Mrs. Moore, pictures of two beys, four or five white chemises, a night gown, a black calico every day dress, a small apron worn every day, a piece of bagging worn as an apren when she was washing dishes, a pair of small scissors, a plain white skirt, a white worked bib worn first day she came. ]

Cross-Examined -I did not pack these clothes in the trunk; she showed them to me; put no private mark on them; saw them before at my house; did not see them since. All these clothes were hanging up in their room; did not see her put them in the trunk. This is the same man who boarded with me : have not seen the woman since she was at my house. She was dressed in black alpace dress, straw hat with blue veil upon it, and a large black blanket shawl. They left my house in the morning-about 7 or 8

o'clock. Re-direct. - She was along the first time this man came. She never said her name was Moore in his presence. They occupied the same room. He called her his wife .-Cannot remember the day they left; be went a little while before her with the trunk. She wore false teeth; she was 40 or 45 years of age; she wore spectacles; when she started from my house she had a white woolen scarf on her neck. I saw her teeth-they were on a red base. (Teeth shown witness) These look like them. (Spectacles, one glass being out, shown witness.) She had spectacles like those, and every time she went to put them on one of the glasses would fall out .-This piece of white scarf is exactly like the one she wore when she left my house; this hair pin is the same as three or four she gave me before she started. Her hair was gray, or black and white mixed; this looks like her hair. She dressed her hair with a little comb like the one shown. She wore gaiters across the top and were nearly new. She had money in her possession-more than \$100 when she came, but I can't tell how much. I saw the trunk in the jury room since I came. It saw it yesterday in the Court room.

my house did not work in Osceola at all .- fy it ws Mrs. Moore.] He said he was going to Schuylkill. He from l'hiladelphia; don't know whether he was present or These were the only false teeth old she with any person.

I Commonwealth next proposes to ask witness what the conduct of this man was towards his wife while at the house of witness. house were the prisoner and the deceased of the kind of treatment by husband to wife or wife to husband. | Evidence not allowed to be admitted under the offer.

[Check received from prisoner by Mr. Murphy, number 3558, offered in evidence. Objected to for the reason that it was extortel and extracted from her under duress and that it is not the check testified to by the baggage master at Alteena from his record, it being \$358 and not \$558.

Check admitted in evidence.

Joachim Goepil sworn .- I reside at Oscecalled his wife was with him, and Mr. Moore wanted to rent a room from me. He asked my charge. I told him \$5 a month in advance I furnished him with bed, table and whatever he needed in room; he brought his I was at church on Sunday and so was Moore. wife. They boarded themselves and cooked en my stove. He told me he could not stay, as he must go back to his work in Schuylkill county, to where he was at work and get his ship, now Summerhill. He was not married tools He stopped two or three days and left when I first knew him. I have no personal on Monday morning; came back in about knowledge about their being married except two weeks; did not bring his tools, as he by hearsay. Lived 14 miles from them. He asid. Stayed a few days and went back kept house. I believe they were married, again. He would go and come; the last because I saw them at the house when pass time he came was on the 25th of February, ing on the railroad. He lived there about he said he would take his wife back again ; went to my work on Monday and came back | was Annie E. Boyle; she came to live with on Saturday night following. He was gone. my father in 1843; she lived with him 4 or Did not see him since till I came to this 5 years. I lived about 4 rods from my place. The woman had gone also. They father's house; saw her there every day. had a trunk with them when they came. I After my father's death she lived in my saw the cutside of it, the same as I do now, bouse, can't say how long; after that she but never put my hand on it. The woman lived at different places in the neighborhood. had been sick in bul for over a week before Had a conversation with Michael Moore she left. He want towards Tyrone when he since she left with regard to the woman;

Cross examined -He told me at first his name was Michael Mooney. I did not see him since the 25th of Feb., until I came here this week. He boarded at another place be the photograph which was taken out of the Michael Moore by his appearance just as well see the dead body. Am not a photographer; as if he was my father. I have not seen don't know by whom that photograph was that woman since.

Re-direct .- The party boarding with me wore pretty long hair and his beard was the same as it is now. I left my home on Mon-

day, 26th of February, Patrick Dunn sworn - I reside at Osceola conversation with him at that time. When yes. He asked me if their names was Quinn, had left him.

February last

Cross Examined - I have known this in- and then left. The lady paid the bill. She inches smaller. terpreter for a couple of days; I am French | was a tall old lady and wore a black dress and he is French. This trunk looks like the and black straw hat; she wore spectacles; one was at my house. The man who stayed | would take her to have been about 50 years oner was the man. He came last January; a good deal of money. While turning over killed her.

don't know what date. I have not seen him the bills to pay me I saw she had about \$140. Cross-Examined .- In the cell in the jail Michael Mooney, but his wife told me his since I came here I last saw Michael Moore name was Michael Moore. I keep an eating since that time. I recognized him at the house. The man who brought the trunk first glance. He looks a little stouter than when I saw him before; I believe the hairs in his head are grayer; his moustache is brother Tom. When I get even slightly ac-

countenance. [Counsel for Commonwealth ask for a forthwith subprens on Thomas Moore. Allowed ness; a white worked skirt, gingham sun- by the Court, but conusel cautioned that case will not be delayed for his failure to ap-Court adjourned until 8 o'clock Saturday

## morning. SATURDAY'S PROCEEDINGS.

Court commenced at the usual hour, when the Commonwealth proposed to offer in evidence the trunk and contents as far as identified by witnessess called. Proposition, with exceptions taken therete by prisoner's counsei, submitted in writing. Offer admitted.

Mrs. Go-pul recalled.—(Witness selects

from the trunk the articles which she had

FORENOON SYSSION.

identified on her previous examination.) Rev. P. M. Garvey sworn .- My profession is that of a Cathoric priest-pastor of St. John Gnalbert's church, Johnstown. I keep a registry of marriages solemnized in the church-it is the practice. I have that reg. istry with me. I have the record of marriages solemnized in October, 1853, kept by the pastor of the church, or his assistant. Rev. T. Mullen, present Bishop of Erie, was pastor in 1853. I am acquainted with his hand-writing. I have been pastor of the church since July 10, 1860; the book has been in my possession ever since. Rev. T. Mullen now resides in Erie, Pa. The record shows that witnesses were present at that ceremony. I have seen Rev. Mullen-have received letters from him. [Commonwealth offer to prove by this witness, by the parish registry in the handwriting of Rev. T. Mullen, the solemnization of a marriage between prisoner and a woman in Oct., 6 - 1853 .-Ob jected to for the reason that as Rev. Mulle n resides within the State, and the juris-

diction of this court, secondary evidence cannot be received. Objections sustained.] Mrs. Tully sworn .- I have known Mich' Moore for about 22 years; recognize the prisoner as Moore; know of him living with a woman as his wife near Summerhill etation, with gum shoes over them when she left my three-fourths of a mile from me; was in his place; the gum shoes had a little strap house the Saturday night before she left him. were living together not quite two years. She to'd me she was going to Philadelphia; the maiden name of the woman was Anna Boyle. [Commonwealth now proposes to show witness photograph of wo-Cross-Examined .- The man who was at man found in trunk, to see if she can identi-

To questions by prisoner's Counsel. - It is started from my house. I saw her money ; 15 or 16 years since I saw the woman last. know from the \$20, \$10 and \$5 bills that Did not see them married. [Testimony of she had more than \$100. They paid their Commonwealth objected to because the witbills when they left. She told me she came ness does not know that the prisoner was married to Anna Boyle. | She did not take or met. the photograph, nor was she present at the time it was done. [Commonwealth don't propose to prove that the party spoken of by witness was the party at Osceola, nor is it proposed to prove that the dead body found by the Coroner in this county was the Objected to that the inquiry as to a fact body of the lady speken of as having been prior to the time of the killing does not est at Osceola—that not being an artist, the McFetridge's house. I last saw her on the lope containing letter was taken out of the has not even the knowledge necessary to woman; nor could the witness fx a standard draw an inference; but if she had the knowledge, it would be an opinion, not a fact, the picture was taken. The delaine dress the evidence competent and admits the offer.]

Re direct .- (Photograph shown.) This is the picture of the lady at Summerhill I saw with Michael Moore and whom he called his wife.

Cross Examined .- Cau't say whether the dress on the woman in the picture is the same as when I saw her last. She wure no ear-rings then, but her hair was dressed the same; one side of her eye was a little disfigola; saw defendant at my house in the lat- ured by the drawing of an eye-tooth; there ter part of January last. He was at my is no disfiguration on the eye in the photohouse between 5 and 6 weeks; a lady he graph as far as I see; her eyes were dark; her hair dark brown; she was something over 5 feet high, slim and tall. Did not see the dead bedy. It was on a Saturday evening when just I saw him ; she left on Sunday.

> Daniel Pringle sworn .- I have known Michael Moore 20 years or more; when I first knew him he resided in Croyle towntwo years; The maiden name of the woman this was 5 or 6 years ago. He asked me if I knew where Annie was; told him I did not.

> To question by Prisener's counsel-I saw her last about 14 or 15 years ago. I saw taken.

> Re direct - (Photograph shown witness). This is the likeness of what I first knew to be Annie E. Boyle; known afterwards as Annie Moore.

Cross-Examined -That, as appears in Mills, Clearfield county. I resided there in the picture, is the way she always wore her February last; saw a man there at that time | hair; never saw her with those ear ringswho called himself Michael Moore. The she didn't wear any. She did not wear false the same man. I had not much teeth then, but her teeth were very bad. John Tully secon. - Know Michael Moore I first saw him he came into my grocery store about 22 or 23 years; the prisoner is the grocery on Pine street and had gone home he never had any pleasure with her, and asked and asked me if I knew him. I said not. man. He was single when I first knew him; He said he knew me about 15 years ago on lived with his mother and family. He get the Allegheny Portage Railroad. Told him a house afterwards and got married; he was he might nave known me, but I had forgot married to Annie Boyle. She left him some shown witness. Recognize it as the likeness

know of any A few days after he told me then living about half a mile from what was he had got a room, and he bought some grown as the Half way house with his moth. ceries from me. He said he had his wife er, two brothers and one sister; they moved | Cross examined .- I reside in Philadelphia with him I saw him last in Osceola, in down towards the Viaduct. Afterwards he am a tin-smith. I got to know her by going was keeping company with my sister. Annie into McFetridge's family to see one of the Cross Examined. - Can't say when I saw E. Boyle. I was never at the house after sons. I fixed the rivet last summer. him there first, nor the last time I saw him. Moore and her were married. Saw them at M. P. Meagher moorn .- I saw the pris-

speaking English with difficulty, was allows | last he came to my hotel and asked me if I | Michael Moore's. It is from 16 to 18 years ed an interpreter. Alphonse Vachon sworn | knew where he could rent a room; told him | since 1 saw my sister; did not see this body. as interpreter ] The prisoner went to work I did not. He then asked privilege for him- | She might have been an inch or two shorter at Schuytkill. The woman said her name self and wife to stay until he could find a than me. I am in my 60th year; a brother was Moore. The prisoner said she was his room, and I said they might. He said he is two years younger and she was about two wife. They had a big trunk with them; I would go over to the depot then and fetch years younger than him. (Photograph saw the trunk and what was in it. This his wife, which he did in about half an hour shown witness.) That is my sister's picture. afterward. They stopped with me two days I am 5 feet 7 inches high; she was about 13

Cross examined - This picture looks older be mistaken in her picture. It was talked at my house brought the trunk. The pris- old. I noticed the woman appeared to have of at the time she disappeared that he had

timony of this witness was not material.) Robert McFetridge sworn .- I reside at 402 Dean street, Philadelphia. I saw the prisoner, Michael Moore, in my father's house in Philadelphia. When I came in he was by witness, who recognizes a delaine dress longer-his beard shorter. Don't know his standing in the house; L'zzie Stevenson was in the room; she was our housekeeper; she quainted with a man I do not forget his had been living in our family as such for about 11 years; she left father's about the go away with him that morning.

24th of January: can't tell the year; she

Cross Examined.—I noticed him particularly 24th of January; can't tell the year; she left the day the prisoner was at the house; have not seen her since; she had her own room. (Photograph shown.) This is the likeness of the woman I knew as Elizabeth

> Mrs. Gupiel was here re called to select two photographs of boys which had been shown to her by Mrs. Moore at Osceola. She said they were her friends in Philadelphia. These are the two she showed me.

(On cross-examination she stated she had put no private mark on them, but they ooked like the same. She showed them to her last January.) Examination of McFetridge resumed .-

(Two photographs shown to witness, who states they are the pictures of his youngest brother, William, and a boy who goes with him.) I know that William gave it to Liz-

Cross examined .- The man I saw at my father's house was partly gray haired; had side whiskers and moustache of a reddish color. He had boots on. I can tell the man by a mark on his cheek; it was about half past 7 on the morning of the 24th of Jan-uary, on a Wednesday. When I came home that evening the house was locked up; did get see that man since until I saw him in the prison on Monday last.

Re direct .- There were others present at the prison when I went to the jail with the District Attorney. No one pointed him out to me; I knew him. It was last winter I saw this man.

Geo McFetridge sworn .- I reside at 402 until 2 o'clock, p. m. Dean street, Phila. There are five members of our family-six with my father. Elizabeth Stevenson was our housekeeper last winter : she lived with us about 11 years. I was in the army when she came; she left our house on the 24th of January, 1871; I saw her at breakfast time, she was gone when I returned in the evening. (Photograph and frameidentified ) It is Elizabeth Steven on's likeness. (Delaine dress testified to by Mrs. Gupiel identified by witness also.) I would she wore artificial teeth. Saw her wear a small scarf. These spectacles (shown) look like the ones she wore; have seen the gisss out. (Witness further stated that the piece of scarf testified to, as having been picked up near the place of finding the body looked like one which some member of his family had given to her.)

Court adjourned until 2 o'clock p. m. SATURDAY AFTERNOON.

Testimony of George McFetridge resumed. Cross Examined .- My father is not here. Our family did not reside elever years at the place I speak of. I am a steam fitter by trade. My father is about 54 or 55.

Mrs. Sarah Carr sworn.-I reside at 336 Borden street, Philadelphia; knew a woman there named Lizzie Stevenson for about 11 years. When I first knew her she was cook. 23d of January last, at my bouse. (Photo- trunk at the time it was opened in Johnstown; graph examined and identified.) I dressed her hair for her in the gallery at the time and therefore not evidence. Court decides found in the trunk was the one she were at last saw her. I saw that trunk at my house wife. -it belonged to me then ; I sold it to Elizaas the ones worn by Lizzie Stevenson when photograph was taken.) [Commonwealth offers these articles in evidence, which is obadmitted by Court. Sarah Carr photograph this letter for Michael Moore.

also placed in evidence. Mrs. Elizabeth Franks sworn.-I live at 1114 Ohio st., Philadelphia. (Photograph shown ) I knew this woman as Mrs. Ann Moore ; I did not know her as Lizzie Stevenson. I saw her at my house; I wrote two letters for her; directed them to Michael Moore, in care of Father Garvey, Johnstown, Pa.; the first one was written in October last

-the second one the week before Christmas. George Mc Fetridge re called .- A till of a trunk was found in a room in the third story of our house after Lizzie left ; it belonged to ber trunk and was brought here by me.

Wm. McFetridge sworn.-I saw prisoper at my father's house once ; Lizzie Stevenson and I were present; I sat for a quarter of an hour looking at him; he was not talking to was ragged and I tore it up; gave it to my any one while I was in. (Photograph shown brother when he came in. She was the only any one while I was in. (Photograph shown and recognized ) Lizzie Stevenson was carfore he came to my place. I would know trunk at the bank in Johnstown : Did not rying a barrel one day, when she fell and broke part of her false teetn ; this was three weeks before she went away. (Piece of scarf shown.) That is part of a fireman's scarf; my brother Jim gave her the scarf.

Cross examined. -On the 24th of January. 1872, at 3 o'clock, that man, the prisoner went away carrying a traveling bag and she went with him; al! that was said, she told him to go on and he started towards Lombard street; she was dressed in black, as if there. He wore a long beard.

Wm H. Dancer sworn — I reside in Osce- the door and in the garden, but never spoke oner at Osceola on the 26th of last January; ols. I know Michael Moore. In January to her afterwards. The house was called spoke to him there.

S. M. Aultz sworn .- I reside in Tyrone and keep hotel: saw prisoner on the evening of the 28th of February, 1872, bimself and a lady stopped at my place: he called her his wife. He asked to stay all night; offered him the pen to register his name: told me to write it-Michael Moore; wrote his name in my book: asked him his residence—he said Philadelphia; said his wife was delicate and the doctors in that city ac vised him to come to the country it might make a change in his wife's health. than when I saw her last; think I could not His wife had a black dress on. In the morning he paid his bill, went into the parlor, and shortly after came out of the door and started up street. He ate his supper, but his wife, he Samuel Pringle sworn .- Know Michael fast was taken to her room next morning. Moore; the prisoner is the man. (The tes-

said, was unwell and could not eat. Her break-Cross-examined .- I have a leaf from my registry; the entry made" Mr Moore and wife The date of heading was roomed in No. 7 fixed by my son. He had a brown overcoat on at that time. His beard wassomewhat longer than it is now; he had no moustache. (Leaf of Hotel Register offered in evidence.)

WM. H. Young sworn -- Reside in Tyrone. Saw the prisoner on the night of the 24th and morning of the 29th of February. Saw a lady for the reason that as I was leaving the table Miss Aultz told me that a bottle of whisky had fallen out of his pocket, and I heard him asking how far it was to Johnstown. Saw him ext morning carrying a waiter up stairs with

provisions (Overcoat shown ) The coat was similar in color to that one. T. G LIGHTNER SWOID .- 1 reside in Tyrone and keep a hote'. Saw prisoner at my place on the 29th of February. He came about half past 12 and stayed until 5 o'clock. A lady was with him. He told me he had come from Oaceola, and asked me what time the train went west-told him 25 minutes past 6 o'clock. The lady was tall, slim and delicate looking.

SARAH C. SELFRIDGE SWOTH -- Was living in February last at Thos. Lightner's, in Tyrone. Remember of seeing prisoner there. Didn't know his name until she told me he was her husband and that she was Mrs. Mich'l Moore. She was dressed in black, wore a black straw hat with a blue veil on it, and had on a black shawl and gum overshoes over her shoes. She asked Mr. Moore where their trunk was, and he said he had got it checked for Broad Top city. They left the house about 5 o'clock, saying they wanted to make the train. (Photograph shown to witness ) That is the picture of the woman, Mrs. Moore. I know of him getting medicine there for her. I said, "You ain't going to let your woman take that." answered, "She's got to take that or she'll take

J. S. STRAYER recalled - (Envelope with let ter directed to Mrs. Ann Moore, 402 Dean st., Philadelphia, which witness identified as having been in trunk, was offered in evidence. Ex cluded for the present.) Court adjourned outil Monday, June 10th

## MONDAY'S PROCEEDINGS.

WOTER.

ATTERMOON SESSION Court convened at 2 o'clock, p. m , as per djournment, when the general panel of jurore for second week of term was called. Causes set down for trial this week were continued by general consent of the Bar, and jutors were discharged. At 3:15 the case of the Common-

wealth vs. Michael Moore was resumed. Rev. P. M. GARVET recalled .- I received suppose Lizzie was about 45 or 50 years of one or perhaps two letters addressed in my care I read one of them to him. They were signed Annie Moore, or Annie E. Moore, and were dated Philadelphia. The letter I read to Mi. chael Moore was addressed inside, "My Dear Husband." I wrote no letters for him by his late last fall or early in the winter, but none afterwards. When I read the letter to him he denied she was his wife; afterwards he acknowledged she was the person to whom he had been married accordance. It is not gunty. I'm not ashamed of anything I've done and am not afraid to meet it."

[Boots and coat offered in evidence. Object-trunk identified by Mrs. Carr and also admitted in evidence.]

Commonwell. married several years before

Cross-examined. - He said when I read it to him that the woman was dead long years before. In chief .- The first time be said that she was not the person at all -that she was dead and this was the work of some of his enemies. H. J. Roberts (re called and envelope shown him ) I have seen that envelope or one like witnesses to disprove the suspicion thrown up it; saw another one and noticed a discrepency in the number; one was Anne Moore, 409

have no private mark on it.) Examination of Rev. P. M. GARVEY re sumed .- I believe the address on that letter to be in my handwriting; I mailed it myself over the time. (Witness describes jewelry worn Objected to, because it purports to be a corres one year ago. Envelope offered in evidence. by woman at time photograph was taken, pondence between the witness on the stand and and also stated that a chain attached to a a lady in Philadelphia with which the prisoner watch belonging to husband of witness was at the bar had no connection-that the identity

WILLIAM FLYNK sworn .- Reside at Portage: beth Stevenson two years ago. The silk am acquainted with Michael Moore. I wrote overskirt (found in trunk) she wore over her a letter for him last winter addressed to Mrs. dress when the likeness was taken. The Ann Moore No. 4002 Dean street, Philadel photographs were taken late last fall. (A phia. He told me to sign it "Michael Moore." chain, breast-pin and ear-drops found in the [Counsel for Commonwealth propose to show trunk shewn witness, who recognizes them | witness for idertification the letter referred to woman known as Lizzie Stevenson had left. and to offer said letter in evidence. Objected to in writing by prisoner's counsel. Evidence jected to by prisoner's counsel. They are acmitted.] (Letter shown witness.) I wrote

[TRUE COPY.] Portage Jan 8 1872

I Just Recei'vd your letter of Nov 22 I Have been away from Johnstown for a month and not Expecting any letter did not Call I am glad you landed safe and well and would be Blad to see you as for myself i am well and working every day in the coal mines at No 3, if you want me there you must send me money as i cant get it now when you write direct you as i cant get it now when you write direct your letters plain so i can make it out better, I want money very bad myself at the present time

your Husband Michiel Moor

The letter is endorsed on the next page: Direct to Michiel Moor, Portage P. O. Cam WM. McFETRIDGE recalled -I found that

woman in our house. GEO. McF. TRIDGE recalled .- (Identifies let ter by having put his name on it when the Disa trict Attorney called at their house. Letter offered in evidence and admitted.)

Dr. JEFFERSON LITE SWOTE .- In January and

February last lived at Osceola; am a physis cian. I saw the prisoner there about the last of February. He came to my house and asked me to call to see his wife; went with him to Mr. Goupit's house and wrote a prescription to the drug store for the patient. Mrs. Moore paid me for my visit and gave Michael Moore money to go to the drug store and get the prescription filled. He started along with me and back the next evening. I was working in a had broke him up; that she was always sick and for a basket at 3 o'clock and found that man me to either kill or cure her. Walked as far ten him. Asked me if I knew any parties time after that on a Sunday; the next day around there from Johnstown. I answered be came to my house and told me that she spectacles found at the locality where body the road—that I could do it and he'd make it was discovered as belonging to Lizzie Steven- all right with me. Paid no attention to this, Told him yes, and where they worked. He said he followed mining. Asked me to direct him where to get a house to rent. I did not him first some 18 or 20 years ago. He was

> He stated to me that he had boys who sent him Cross-examined .- Did not see him since until I met him in the jail. The lady was in bed when I saw her Rev. P. M. GARVET recalled .- 1 keep a reg-

istry of marriages. (Registry produced.) I

somewhat hysterical and generally debilitated.

performed the marriage on the 1st of February, 1884, between Michael Moore, of the parish of Arles Queens county, Ireland, and Bridget Connor, parish of Portarlington, Kings county, 1renor, parish of Portarlington. Kings county, Ireland. Witnesses—James Finegan and Maria C. Lynch. The entry is in my handwriting. The prisoner is the person I married. They have since lived together as husband and wife. Saw the woman to whom I married him in March last. They had one child by this marriage. I saw him at his house last fall; we had a conversation about his wife who was still living.—He admitted having discovered she was still alive, but had thought she was dead. Court adjourned at 6 o'clock.

## TUESDAY'S PROCEEDINGS.

Court adjourned at 6 o'clock.

FORENOON SESSION. Testimony of Rev. P. M. GARVEY resumed.-At the time I last conversed with him he acknowledged he had been to Philadelphia to see his wife. My correspondence applied to letters received and I wrote but one. I performed my plain duty by telling him that this last woman was not his wife and that they must separate. I believe they did. Bridget Connell was pres-

ent at this conversation.

Cross-Examined.—This conversation was in Cross-Examined.—This conversation was in my room; they both said they were members of my Church. I did not send for them—they came on other business. I told them if they did not separate they would not receive the rites of the Church. This was after he had been to Philadelphia. When I showed him the letter he protested that the woman Annie E. Moore had been dead many years, and that this was got up on him. The first letter I received was an inquiry as to whether the Moore's lived in an inquiry as to whether the Moore's lived in that neighborhood; the second asked for a copy of the marriage certificate referred to. The letters purported to be from Annie E. Moore. I had no personal acquaintance with a woman

woman's neck was about the middle of it; my opinion is that death was caused by strangula-Cross-Examined.—First saw the body at office of 'Souire Straver to Lobert the body at office Cross-Examined.—First saw the body at office of 'Squire Strayer, in Johnstown, on the 2d of March; the tongue protruded when I saw it.

[Dr. J. Litz was also called to testify, as an expert, to evidences of strangulation.] E. Wissinger recalled.—I saw the Harrisburg Accommodation pass east on the 1st of March last; did not see any one get off that train at

Mineral Point station.

J. C. Riffle sucorn.—I have known the prisoner for about four years. In November last he came to my house and asked me to take Father Garvey to his house at Mineral Point to see his wife, who was sick. When we got there Mr. Moore and I remained outside, and in convergence he said to use that a letter had come to sation he said to me that a letter had come to his neighborhood stating that his wife was still living and that he would have to leave the wo-man he was living with. About eight days af-terwards he came down again and told me that he was going away—he couldn't stay any long-er; that he had gone to Philadelphia and going to a number to which he was directed a lady came to the door and told him he couldn't see the woman he asked for—Mrs. Moore.

John M. Skelly sucorn.—I know Mich'l Moore; saw him on the 3d of last March. He was shaved clean and trimmed.

Cross-Examined.—Saw him at Wilmore church

-had not seen him at church for several years before. He was in my pew; whispered to him and asked if anything had been found out in regard to that murder. He saids man had been seen who had come out of the fire-clay bank with the back of his coat muddled Sarah C. Selfridge recalled.—I made a mistake in my statement about the day of the month it was the 28th or 29th of February I meant.

D. F. Ramsey sworn.—I know the prisoner. I saw him on the Mail train going east on the 22d of January; last saw him on the train at McGarvey a station, east of Altoona; I got off there. J. T. Harris recalled. (Overcoat shown.) I saw that coat on Michael Moore's back; got it in the house of James Hagan the night be was arrested; got it again in April at his house on Prospect; Hill, where his family is now living—

the Bridget Council family.

Cross-Examinal.—I believe this to be the same coat because it looks like the one. Hagan's house is at the Foot of Piane No. 3. In chief.—(Boots shown.) I took those boots off of Mr. Moore's feet at the jail in Ebensburg and gave them to the District Attorney. I arrested the prisoner at the Foot of No. 3, on Sunday evening, March 3d, at Jas. Hagan's house. This house is 12 or 14 miles east of Mineral Point. I took the prisoner to Johnstown and before the coroner Cross-Examined.—He told me he was working at No. 3 and boarding at Hagan's. Didn't ask me what he was arrested for until about three

hundred yards from the house, when he asked me and I told him. He then said, "Is that so? Well, I'm not guilty. I'm not ashamed of any-

OPENING OF CASE FOR THE PRISONER.

At 9% o'clock. John P. Linton, Esq., opened the case for the accused. He briefly adverted to a portion of the testimony which had been addressed by the Company which had been idduced by the Commonwealth and proposed to show that in some particulars at least the witnesses were mistaken. The prisoner had had no preliminary hearing; he was incarcer-ated in fail and had no opportunity of hunting on him. He stands here alone, without friends to assist him, without money to aid him, and is compelled to go to trial unprepared to meet and answer the charge preferred against him. The prisoner's counsel hoped, however, to break the connecting links in the chain of evidence thrown around him by the Commonwealth and that such a reasonable doubt of his complicity in this crime would be raised in the minds of

the jury as to work his acquittal. TESTIMONY FOR THE DEFENSE.

Dr. J. S. Wakefield moorn.—I reside in Johnstown; I am a dentist by profession. (Teeth shown.) I saw those teeth before—got them from Mr. Harrold; received several articles tied up in a handkerchief. (Articles shown and recognized.) These were left with me about 30

worn by Lizzie Stevenson at that time ) She gave me one of the pictures. (Fac-simile of photograph produced by the witness.) She looked a little cross-eyed when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her, but looked a great deal better when I first knew her. I had no conversation in December of a stogy boot is No. 8. A No. 8 boot will measure about 10 inches; a No. 9, 11 inches, and a No. 10. 118 inches. Cross-Examined.-I recognize the teeth be . 10, 11% inches. (At this juncture, Court adjourned until 2 o'clock, to give prisoner's counsel an opportu nity to prepare their evidence and defense.)

AFTERNOON SESSION. Court convened at the usual hour, when tes-Geo. W. Brown sworn. - I am a boot and shoe-maker, and reside in Ebensburg. A laboring man would wear a No. 8 or 9 stogy boot, meafound in the house at Dean street after the suring from 11 to 12 inches.

woman known as Lizzie Stevenson had left.

Cross-Examined.—A wet boot in drying would shrink up some, but would expand if it got wet

again.
In chief.-An ordinary No. 8 inside would In chief.—An ordinary No. 8 inside would measure about two sizes larger outside; in inches it would be about 11% inches. A 5% or 6 inside measure would be on the outside 9 inches. or thereabouts. A No. 8 boot, ordinarily speaking, would be 10% inches in length.

J. D. Thomas recalled.—I measured the prisoner's foot; it measures 5% in length. This would make his foot 10 inches long.

Cross-Examined.—If I was making the prisoner a pair of boots I would make No. 8's. They would be 10's and would measure from 11% to 11% inches in length. These are old boots.

In chief.—I measured the boots produced here; their length in inches is 11% inches.

George Geddes affirmed.—I am postmaster at Johnstown since July, 1870. [Prisoner's counsel proposed to prove by this witness that a letter was received at the post-office in Johnstown from Bellefield, Ohio, directed to Mich'l Moore.

The Court refused to allow this testimony to go in evidence.]

go in evidence.]
[The prisoner's counsel next offered the testimony elicited before the coroner's inquest, at the finding of the body, in evidence, and referred particularly to that portion in which the letter at home under the stove, the day after Lizzie Stevenson went away. The envelope was ragged and I tore it up; gave it to my brother when he came in. She was the only he prisoner's counsel more especially referred. Testimony before inquest excluded by Court.] [Prisoner's counsel next offer in evidence the finding of the coroner's jury, dated March 5th, 1872, and the warrant for the arrest of the pris-ouer, dated the 3d day of March last. The finding of the jury is offered for the purpose of showing the impossibility of identifying the body at that time, and the warrant is offered for the purpose of showing that the prisoner at the bar was restrained of his liberty and is now on his trial without due process of law. For-mer proposition admitted, but the latter decid-ed by the Court to be an improper offer.] [The warrant is then offered for the purpose of contradicting the coroner's testimory and be

The warrant is then ouered for the purpose of contradicting the coroner's testimony and is admitted for that purpose.]

Defense rest. The Commonwealth having nothing further to offer, the evidence closes. ARGUMENTS OF COUNSEL.

At a quarter past 3 o'clock the opening arguhe never had any pleasure with her, and asked me to either kill or cure her. Walked as far as my office and he wanted me to go and take a drink with him; declined, and, going into my office, he also walked in. Asked me if I could cure this woman—don't remember my answer He said if I couldn't cure her to put her out of the road—that I could do it and he'd make it all right with me. Paid no attention to this Michael Moore, the prisoner, was the victim, and that Michael Moore, the prisoner, was the victim, and that Michael Moore, the prisoner, was the victim, and that Michael Moore, the prisoner at the bar, was her

Michael Moore, the prisoner at the bar, was her murderer.

At haif past 4 o'clock Mr. Tierney concluded his remarks and J. P. Linton, Esq., began the opening argument for the accused, in which he ably and most logically reasoned upon the evidence adduced by the Commonwealth and sought to show beyond a doubt that many of the circumstances which went to cast suspicion upon the prisoner could be satisfactorily accounted for to the exculpation of the accused. Pending Col. Linton's argument, Court adjourned at 6 o'clock.

WEDNESDAY'S PROCEEDINGS. FORENOON SESSION. J. P. Linton, Beq., resumed his argument for

"Perhaps, gentlemen, I am wearying your

"Perhaps, gentiemen, I am wearying your patience and should apologize for the prolixity with which I am discussing this evidence, but when I reflect upon the terrible responsibility which rests upon your verdict. I feel that you will excuse me for perhaps saying too much rather than omitting to say anything that ought to be said in this case. The issue of Life or Death depends upon your decision, and Death coming in any form is terrible.

"I have stood at the bedside of a dying child one pure as the driven snow—where every aspiration was heavenward; an angel on earth.

aspiration was heavenward;—an angel on earth, though to her death was but transition to the angels in Heaven; yet even there Death was "When one full of years and bonors, after a When one full of years and bonors, after a life well spent, surrounded by friends and relatives, with a firm reliance on the Christian faith and assured hope of a Christian's destiny, sinks peacefully, painlessly, serenely to resteven there Death is terrible.

even there Death is terrible.

"I know that some of you, gentlemen, know that even on the battle-field, where, amid music, and ringing shouts, and waving banners,— where the soul in the exultation of the moment. where the soul in the exultation of the mement seems exaited above the scenes of time and sense,—even there, when a comrade is stricken down with the shout of victory on his lips and the inspiration of triumph in his eyes, Death is

terrible.
"Yet we cannot but admit that, if all the Commonwealth alleges is true, the death of that lonely woman on that bleak hill-side, amid its dreary and desolate surroundings, in the cold, grey dawn of that early March morning, was doubly terrible. The heart sickens at the contemplation of such a scene and shudders at the very thought of that which followed. The mind instinctively tacks a violing morning that is the contemplation of such a scene and shudders at the very thought of that which followed. The mind instinctively seeks a victim upon which to avenge such an atrocity! The Common-Dr. S. M. Swan recalled .- The cord around the wealth's counsel well understand this instinct-ive feeling of the human breast, and they hope to warp your judgment, gentlemen, by proving and constantly recurring to this scene. As honest, fair-minded, humane gentlemen, you will be careful that its contemplation has no such effect, but from this very circumstanonly the more carefully, conscientiously, dispassionately consider the evidence. The very consciousness that the atrocity of the deed might influence your judgment should only in-duce you to act with the greater caution—to For, gentlemen, you cannot forget that if your verdict should be against this poor, unfortunate man, it will consign him to a death more terrible than any to which I have referred.— Death upon the scaffold brings disgrace to his memory and leaves a stigma upon all those who may be connected with him by the ties of kindred. There are those who, unable to be present and endure the painful suspense and anxlety of this protracted trial, are anxiously awaiting its issue and perhaps at this very moment are prayerfully asking that you, gentlemen, may be able in your consciences to realize the humane aspiration of the Commonwealth when it places a man on trial and says: 'May God grant you a safe deliverance!'

"Yes, may God grant this man a safe deliver-

ance—a deliverance from the dangers which financial legal and detective ability have accumulated around him. "I have endeavored to show, gentlemen, why this should be your duty, and I have no fears. gentlemen, but that you will do your duty. have at least endeavored to do mine."

The closing argument for the defense, deflyered by A. Kopelin, Esq., immediately follow-ed. Refore proceeding to address the Jury, Mr. Kopelin submitted to the Court the following points as matter of law and asked the Court to so instruct the jury :

1st. That the Commonwealth must prove be yond a reasonable doubt that a homicide was committed at or about the time and place aver-red in this indictment.

2d. That the dead body was the body of the person averred in this indictment.

3d. That the evidence must point with such unerring certainty to the prisoner as to exclude beyond a reasonable doubt any other hypothesis than that he was the guilty agent.

4th. That the presumption of the law is that the prisoner is innocent, and that before he can be found guilty the Commonwealth must not only furnish such sufficient proof as to over-come that presumption, but convince the minds and consciences of the jury beyond a reasonable doubt of his guilt.

5th. That under the evidence, as claimed by

the Commonwealth, it could only be murder in Col. Kopelin made a powerful argument on the prisoner, and asked a verdict of acquittal at the hands of the jury; that the monwealth had failed to prove that the accused was guilty of the crime imputed to him. and therefore should be allowed to go free. He occupied one hour and forty-five minutes in

the delivery of his argument.

Wm. H. Sechler, Esq., District Attorney, commenced the closing argument for the Commonmonwealth at 11 o'clock. The evidence pointing to the guilt of the prisoner was summed up in a manner calculated to impress upon the minds of the jury the fact that Annie E. Moore was the woman who had been cruelly murder-ed, and that her husband, Michael Meore, the prisoner at the bar, was the author of the ter-rible crime, or at least that so far as it was possible for an unbroken chain of circumstantial evidence to establish such a fact, he was the guilty man.

APPERNOON SESSION. Court convened at 2 o'clock, when Mr. Sech-ler resumed his remarks. After a most able and convincing argument of over two hours' duration, he concluded, and his Honor, Judge Dean, proceeded to deliver the following

CHARGE TO THE JURY. Gentlemen of the Jury :- You have patiently heard all the evidence in this case—that ad-duced by the Commonwealth to prove guilt, and by the prisoner to establish innocence. evidence has been fully and ably discussed ounsel for and against the prisoner. It is our duty now to give you instruction upon the law of the crime charged, so far as such instruc-tion is, from the evidence, made necessary or proper. It then becomes your duty, under the solemn oath you have each one taken, to inquire, from the evidence, the truth of the matter, and announce the answer to such in-quiry by a verdict. That verdict, so far as it affects the prisoner and the commonwealth, will be the truth. Your oath demands of you such a verdict as shall, on the one hand, let the innocent go free, and, on the other hand, that shall not permit the guilty to escape. A thirst for vengeance on the criminal, which hastens to convict without carefully and impartially weighing the proofs of guilt; timidity, which shrinks from expressing in a verdict the unwavering belief of guilt; or a morbid sympathy with the unfortunate criminal, which failters or hesitates because of consequences;—all are alike out of place in the jury-box. All prejudice against, all sympathy for the prisoner, must be banished from your ninds. It does honor to our mature that the perpetration of a great crime fills us with indignation, but it must be banne in mind that this indignation is followed. borne in mind that this indignation is followed by a keen desire to punish the perpetrator-a desire so keen that unless restrained within a limit which is satisfied with nothing less than clear and undoubted proofs of guilt, may end in securing a victim instead of the culprit. With a determination, then, gentlemen, to be guided by the evidence, and that alone, you will inquire whether the prisoner at the bar, Michael Moore, is guilty or innocent of the crime charged upon him by the indictment. He stands charged with murder! Murder is the pulawful killing of a human briant. the unlawful killing of a human being with malice aforethought, expressed or implied. Of murder there are two degrees—first and second. Our statute on the crime is in these words:
"All murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of wilful, deliberate and pre-meditated killing, or which shall be committed in the perpetration of, or attempt to perpetrate, any arson rape, robbery, or burgia-ry, shall be deemed murder in the first degree; and all other kinds of murder in the first degree; and all other kinds of murder shall be deemed murder in the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder of the first or second degree;

'gree.''
You will observe, gentlemen, by the statute, that it is for you to ascertain and determine the degree. To you the law commits this duty, and not to us; with you we leave it, after a brief explanation of the degrees.

As we before stated, murder is the unlawful killing of a human being with malice. To make the crime murder, two things must appear.—
First that it was unlawful; second, that it was

malicious. A killing may be unlawful and not be murder; it must be murder if it be mailcious. Where one, on sufficient provocation, in such a state of rage and passion that his reason is beyond his control, and without time to son is beyond his control, and without time to cool, strike a mortal blow, the killing is unlawful, but is not murder, because not malicious; and unlawful killing without malice is only manslaughter. The term malice, when used in common life, outside of a court house, generally means spite or ill-will, but when used in in common life, outside of a court house, generally means spite or ili-will, but when used in the law, it means much more than spite or ili-will towards any person or persons; it means "wickedness of disposition, hardness of heart, cruelty, recklessness of consequences, and a mind regardless of social duty, although a particular person may not be intended to be injured."

Then, if an unlawful killing be made out and malice be shown, or by the law be presumed, the crime is murder in one or other of the degrees. If the killing be done in "the perpetration of, or attempted to perpetrate arson, rape, robbery or burglary" the statute fixes the grade as murder in the first degree, without regard as murder in the first degree, without regard to the intent; but in all other cases of unlawful and malicious killing, the degree is fixed by ascertaining whether there was an intent to kill. If no intent to kill exists, there is no murder of the first degree, and the killing although unlawful and malicious, is only murder of the second degree.

the accused, closing at 9:15. His per oration was particularly evoquent—so much so that we are constrained to give space to a portion of it. In concluding, Mr. Linton said: that to constitute this grade of the crime that to constitute this grade of the crime, then should be the same time for deliberation as is taken by the poisson and the lurking assassin, but it is absolute necessary that there be deliberation and meditation. Without these there could not be framed in the human mind a fully formed put that the bell and without this, the killing pose to kill, and without this, the killing is to in the eye of the law intentional, and therefor not murder of the first degree. Then: I. Unlawful killing, without malice, is m

slaughter. II. Unlawful killing, with mailee, but with out intent to kill, is murder of the se III. Unlawful killing, with malice and wi

intent to kill-that is, a fully formed purpose to kill, which necessarily includes wilfulness deliberation and premeditation is murder the first degree.

Bearing in mind, then, these brief defini

is of two kinds either positive or circumstant tial. Positive, where the crime as charged testified to by an eye-witness; circumstants where certain facts or circumstances are ed which warrant the belief that the cr charged has been committed. Much said in the argument about the comp value of the kinds of evidence, with to us, only this result: It has been c shown that each has its advantages and gers, and that we can be absolutely cer no fact which depends for its existence testimony of human witnesses; nor can absolutely certain that any inference dra the human intellect is correct. But n tainty; for all the purposes of life, it is

cient if the evidence produces belief-not a lief that a fact is probable, but a fixed, but vering belief that it is a fact.

If an entirely credible witness swears that he saw the accused kill the deceased with a kids. by striking it into the body, this would be itive evidence, and, the witness being cred we must believe.

If the dead body of the deceased were covered soon after death, with a morbil from a knife in the breast—the pockets rife of their contents—not far from the body, an in the act of escaping, the accused-in his possession the purse and watch of the deceased in his hand a bloody knife, which knif ing compared with the wound in the be been seen dogging the footsteps of d previously—the mind would irresisting clude that the accused had inflicted the wound; in other words, would believ cumstantial evidence. The proof in case is as satisfactory as in the other not invite belief simply, it forces in first case, we cannot be absolutely cer the witness was credible; in the secon we cannot be absolutely certain that it

ness who testified to the circumstans credible, nor are we absolutely certain : inference is the correct one. It might be the accused drew the knife from the picked the purse and watch from the grows, where the real assassin had left them, and we hastening after help. But because the witnesses might be perjured, or the inference might a mistaken one, our belief remains fixed; have not a reasonable doubt-we have no dos One further observation seems to be med necessary by the character of the evidence this case, and that is, that where the circuistances and the inferences to be drawn from them are numerous, and the circums them are numerous, and the circumstances are proven to have occurred at different dates and different places by different witnesses, the his probability of perjury is far greater, while the opportunities for contradiction are more more erous. In such a case the evidence more reliable than where the facts are few, a well as the witnesses who testify to them. In this case the Commonwealth, except as a cone single point—the fact of death—relies on tirely on circumstantial evidence. In conering this evidence, you must start will presumption that the accused is innocent. fact that he stands charged with a blyh must not in your minds cast upon him even the suspicion of guilt. He is innocent, unless the evidence in this case undoubtedly proves him on circumstantial evidence, or a chain of ci cumstances for proof of guilt. Of this chain, or large number of facts, claimed to be proven, all must be consistent with each other. If any fact on which the chain depends is inco with the others, the prosecution falls. For example, it is claimed by the the Commonwealth to be a material fact, and it is a material fact. proven, that the large track in the snow which led from the body in the direction of his the prisoner's) house, was made by Moore's foot; if it was made by another foot than Moore's then that is inconsistent with the other fact tending, as is claimed by the Commonwell to establish guilt, and the charge fails. So any other material fact be inconsistent guilt or the Commonwealth's chain of ci-stances, the prosecution has failed to est guilt. Or if you have a reasonable doubt as to the existence of any material fact, you must give to the prisoner the beneal of that doubt, and the prosecution fails. Again, all the o cumstances going to make up the chain must point to the guilt of the accused, and must me cessarily point to his guilt, or they do not re to the dignity of proof. It is not sufficient tha they make guilt probable, or strongly prob-ble; they must make guilt morally certain. If the facts adduced and relied on can be explain-

ed on any other reasonable theory than that of guilt, they fall to prove guilt. Applying, then, to the evidence the law as we have stated it to you, you will consider the evidence you have heard, and all the evidence. and from it inquire-First, Was there a murder? The Common wealth must prove the corpus delecti, as it is called, or the body of the offence; first, a death—second, the identification of the body as that of the person charged to have been killed-third, that death was caused by violence asupon the deceased by human hands. To prove death, the Commonwealth lays before you po-tive testimony. A number of witnesses swear positively to the dead body of a female found township. Cambria country, on the 1st of March last. In proof that the body was that of Annie E. Moore alias Elizabeth Stevenson, it is proved that near the body were picked up a set of artificial teeth for both upper and lower law, while the mouth of the body found was nothing. less—that a pair of spectacles, one glass out a piece of woolen scarf, a number of pieces of a woman's hair comb, a few gray hairs, sere all found near the body. These facts, sate the other evidence bearing on the question of identity, are for your consideration. The remainder of the evidence tending to establish the identity is so intimately connected with the evidence offered to prove the author of the

death, that for the present we shall defer caling your attention particularly to it, and reco to it when we review that branch of the ev dence. Second, The prisoner is charged in the indictment only with the murder of Annie E. Moore, otherwise Elizabeth Stevenson. As the charge stands in the indictment, the evidence mus satisfy beyond a reasonable doubt that the body found was hers, or the Commonwealth failed to prove the charge.

Third, It must be shown that the death was caused by violence, and by a hand other than that of the deceased. To establish this, the Commonwealth produces testimony to show

Commonwealth produces testimony to show that two tracks, a large and small one, led from the Rail Road to the spot where the body was found—that but one, the larger, led away from it—that a few feet from the body there was what the witnesses say looked like blood—that the bushes near appeared to be sprinkled with blood—that the ground was trampled—a string or garter drawn tightly around the neck of the body and tightly in a knot on the back of the or garter drawn tightly around the neck of the body and tied in a knot on the back of the neck. Dr. Swan, who examined the body, says that, judging from the indentation of the neck, this string had been drawn sufficiently tight to have caused death by strangulation. He also test-fles that the protruding tongue indicated stran-gulation. The knot in this string, according to the testimony of several witnesses, was tied tightly on the back of the neck, where, as is claimed by the Commonwealth, it could not have been tied by the bands of deceased. There is then the evidence that an attempt, partially successful, was made by some one to burn the body, warranting the belief that this was done for the purpose of destroying evidence of crime. The two tracks, and only two, leading to the body, the larger one only away from it, shows, as is claimed, the presence and escape of a larger person one sufficiently the state of the body. a larger person-one sufficiently capable committing the violence alleged to have been proven. You will consider all the evidence bearing on this question. If you should conclude that the body of the offense has been proven, then you will inquire who committed the deed.

the deed.

On discovering a dead body with marks of violence upon it, the first inquiry that occurs to the mind is, whose is it? Was it by suicide, accident, or the hand of another? If the marks upon the body and the surroundings prove clearly it was by violence then the most natural question is, who did it? It is claimed that the person who made the larger track in the direction of the body, and away from it, is the person who committed the crime. You will reperson who committed the crime. You will re member the testimony of the witnesses on this noon and evening of the 29th of February a slight snow fell, which was on the ground to the depth of one or two inches the next morn ing, and had not disappeared entirely up ne in, the afternoon All the witnesses who speak on this subject of the tracks state with more or less positiveness that approaching the body from the Rail Road that approaching the body from the Rail Road that approaching the body from the Rail Road there were two tracks, a large one and a small one, which could be traced in the snow—that from the body, dway, there was but one track, the larger one. If the death were produced by vicence, and by the hands of another; and but two tracks led in; but one out, and that the larger one, it would seem to follow that the owner of the larger track committed the deed. Whose was this larger track? As to the direction in which it led, its size and appearance, you have the testimony of John Shriver, Coroner Harrold, Ephraim Wissinger, Edward Page, John Christanz, John Pendry and others, who testify as to tracing this large track, or from unlawful and malicious, is only murder of the second degree.

To be murder of the first degree, the killing must be unlawful, malicious and intentional; and before it can be considered intentional, it must appear that there was a fully formed purpose to kill, and to fully form a purpose to kill requires deliberation and premeditation.

The statute names murder by poison and by lying in wait as murder of the first degree—the very mention of which methods of killing suggests to our minds deliberation and premeditation—and then goes on to say: "and any other the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body, in the direction of the Rail Rogd and the body in the di