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If you would save money call at my store, where prices will compare forestable with the compare forestab While Goods and Ribbons,
While Goods and Ribbons,
If you would save money call at my store,
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on this side of the Eastern C. ics,
T. A. HARPER. Joseph Kids, \$1.00. Oc. 5 '71-6w.

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Aug. 31, 71—3m

GOOD NEWS FOR THE PEOPLE J. ELLIOTT, (Successor to J. W. Smiley.)

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FALL AND WINTER GOODS CONSISTING OF

CLOTHS, CASSIMERES, OVERCOATING, WESTINGS, &c. Common into which he will sell by the yard, or make up int suits to order, on short rotice, and at unusual low prices. Having secured the services of or BEST PRACTICAL CUTTERS

in Carlisle, together with a number of the best practical hands to make up, he promises to give entire sutisfaction in fits, style and workman-ship. Always on hand a large and complete stock of READY-MADE CLOTHING.

of home manufacture, which he will self as cheap as the cheapest. Overcoats on hand or made to order. I will let no man underself me. A large and complete stock of prime Winter Boots. Shoes, Gaiters, de., of every variety, style and quality, for gent Ladles', Misses', Boys' and children, made to order. Alt to be sold cheap, cheaper, cheapest Also, a great variety of

HATS,

of latest styles and best qualities, together will a general assortment of NOTIONS and Gent's Furnishing goods. Do not full to give me a call Mymotto is "Quick sales and smail profits," Sont 21 1871—20.

JOHN ELLIOTT. Sept. 21, 1871-3m.

The American Volunteer.

BY BRATTON & KENNEDY:

CARLISLE, PA., THURSDAY, DECEMBER 7, 1871.

VOL. 58.--NO. 26.

The Testimony Concluded.

CHARGE OF THE COURT.

The Defendant "Not Guilty."

DR. ZITZER Cross-ex.-I consider Dr. Wormley as high authority. (Maglaughlin reads from Wormley, P. 241) I keep in my office a bottle of medicine I call Pulvis Temporalis. In regard to the spots on the intestines-I refer to

the black and purple ones. In Chief .- I have treated other persons for this same disease, with this same medicine. I treated Mrs. Reuben Fishburn, who lives five miles up the pike, for the same disease. Ovary cancer is the technical name of the disease I treated her for a long time, Cross Examined .- I treated Mrs. Kiehl. all the time for this disturbance, men

John Sites, Sworn .- I have known John Kiehl two years, the time he lived at Addams'. His reputation was

trual disease.

WM. ADDAMS, Recalled .- Mrs. Kiehl was complaining very much about not being able to do her own work.— My wife told her she might be glad hat she had a girl that pleased her. She (Mrs K.,) said yes, no one but Kate Myers and her sister Ann could do her work to please her.

Letter of Dr. Rand, of the 26th of May, 1871, to Wm. J. Shearer, offered in eyidence. Admitted by the comnonwealth that Rand sent the District Attorney a precise copy of the same.

Defence Closed .- In Chief. REBUTTING TESTIMONY ON PART OF COMMONWEALTH.

Commonwealth offers to amend or modify the hypothetical case. Deendant objects, objection noted. DR. W. W. DALE, re-called,-Commonwealth reads addition to hypothetical case, as follows: Supposing the woman named in the hypothetical case, on several occasions during the winter preceding her last sickness, to have had hard spells of vomiting, and to have been under arsenical treatment. taining in all one grain of arsenic, one-Fowler's solution given on 14th March, and taken for 15 or 20 days, at the rate of six drops per dose, and then increased for a few days before the menstrual period to ten drops a dose, then suspended for a few days, and in April renewed again—the patient having her bowels open during the week preceding her last illness, and the symptoms occurring as detailed in the hypothetical case; and modifying the chemical report so as to say one grain of arsenic found in the stomach, and a notable nall intestines and bladder, would it change your opinion that death had occurred from a poison ous dose of arsenic, admin

commencement of the symptoms deailed in the hypothetical case. Ans.t would not change my opinion. Cross Examined.—I would not change my opinion if she had taken 6 drops 3 times a day up to the hour of sickness. I have no interest in this case, my sympathies are with the friends of the lefendant. I can give good reasons why my opinion cannot be changed.

istered at or about the time of the

If you want a nice CALICO DRESS.
If you want a nice De Laine WRAPPER,
If you want a nice PURE MOHAIR,
If you want a nice CASSIMERE SUIT
If you want a nice TABLE LINEN,
If you want a nice COLIT SUIT
If you want a HANDOME SHAWL,
If you want a HANDOME SHAWL,
If you want a Handome LACE COLLAR
If you want Handome LACE COLLAR
If you want Bundome LACE COLLAR
If you want CHEAP,
If you want CUPIERE LACES CHEAP,
If you want CUPIERE COLITION CONTROL COLUMN COLUM soon. I wouldn't expect, nor could I reasonbly look for that food to remain in stomach, having been eaten for breakfast, until evening, without having produced any very unpleasant feeling in consequence, and then to burst forth with such violent symptoms; and that orly after having taken a dose of medicine. I wouldn't expect to find her with an appetite to eat such a meal, if the arsenic had effected her stomach. You don't expect to find a strong appetite in an irritable, sick stomach. Cross Examined.-The effect of arsenic depends entirely upon the doses in which it is given. When given in some doses it will irritate the stomach. The tendency is to produce irritation of the stomach.—An-impaired stomach. could not have retained the food for so long. I have made a partial post mortem in a case of poisoning by ar-

senic.

DR. B. H. RAND, re-called-Arsenic s not accumulative in the human systhe system it is rapidly expelled by the natural channels. It is capable, when long continued in small doses, of producing symptoms which have been called slow, or chronic poisoning by arsenic. These differ from those of ceute poisoning, which comes from taking a large dose, or successive comparatively large doses, in almost every respect.-This chronic poisoning has never, as far | run off; he asked me for advice on Monas my knowledge goes, developed into acute poisoning. The symptoms of chron -ic poisoning are, first, loss of appetite, emaciation, or loss of flesh, breaking out on the face or other parts of the body, puffiness under the eyes, occasionally symptoms like the ordinary cold in the head, after which the feet swell. At this point, the attention of the physician being called to the state of the case, the medicine is suspended, and the patient gradually recovers. In the few fatal cases which are on record the immediate symptoms are not recorded; but death seems to be from a general breaking down of the system. The effect of an over dose, or long continued use of arsenic, is to cause irritation of the stomach. A patient with irritable stomach would be very unlikely to take indigestible food, the

and the desire would be for light liquid

food rather than solid, and if indigesti-

more promptly rejected from an irritated stomach than from one in a healthy condition. In average cases, these symptoms would develop themselves in half an hour or an hour after having swallowed the offensive substance. Gastro

enteritis from arsenical poison would be more intense than from natural causes. In the case of acute indigestion, vomiting is free and without burning pain the patient is relieved by vomiting.-There is not extreme restlessness -the patient, after vomiting, becomes quiet and at ease for awhile—the thirst is not so intense, and liquids are retained. The case of acute indigestion finally yields readily to treatment, and is rarely fatal. Albumen and fat are not crysallizable—they do not crystalize.-When I said in my letter to Mr. Maglaughlin that from the fact that a larger proportionate amount of arsenic was found in the liver, the arsenic must have been given a considerable time before death, I meant several hours, perhaps four or five days, if the arsenic had been in divided large doses. I inferred from the presence of absorbed arsenic, and the comparatively small quantity of arsenic found in the stomach; and the

that the case could not have been one of rapid death from arsenic; and therefore that the first dose, if more than one had been given, or the single fatal dose had been given so long before death as to allow the expulsion of most o it from the stomach, by vomiting and purging, and its absorption by the tissues. It is impossible, from mere chemical examination, to suggest any exact period. Cases of death from acute poisoning where only a single dose has been given, are recorded, in which death did not take place until after the twelfth day-in others again death has occurred in five hours. The

tissues examined except the heart-

ordinary arsenic comes generally in owder of fine crystal. In this state it adheres strongly to the tissues of the stomach. Being very slightly soluble in water, at the temperature of the stomach, it is sometimes found solid on the coats of the stomach after death, notwithstanding death has been preceas described by Dr. Zitzer, taking in Arsenic taken in form of Fowler's solded by violent vomiting and purging. the month of February, 24 pills, con- ution passes out very rapidly from the stomach. (The hypothetical case with twenty-fourth to the pill, taken the addition was then put to the witevery three times a day; an ounce of ness.) I should say that death was caused by a poisonous dose of arsenic,

administered in broken, large doses .-I mean a large dose broken into smaller, but still poisonous doses, administered shortly before the acute symptoms began, I received this bottle last evening from a lady whose name was mentioned to me as Mrs. Waltrick. I tested it for arsenic. There is no arsenic in it. It is not Fowler's solution. Cro ss Examined .- I did not tell Mr. Shearer I didn't consider myself a medical expert. I do consider myself a practici ng physician, but devote the most of my time to my duties at the College. I wish to explain three mistakes and omissions in my previous testimony. I confounded a letter of

Sadler's, and made a mistake in the date, not having the letter by me. Mr. to the suggestion of medicinal administration of arsenic, before my quantitive determination was done-but after I had determined the presence of arsenic. A portion of the chlorate of potassa used had not been tested. The sulphuric acid had been tested; and I omitted to state, unintentionally, that in one of the sublimates from the liver I found three globules of mercury, under the microscope.

MRS. HENRY WALTRICK, sworn,-On Wednesday, in Mrs. Kiehl's yard, Mrs. Finkey, Mrs. Thumma, Mary Doner and I were together. Mis. Finkey said to Mary Doner "what do you think that is Sarah is throwing up, it looks like poison?" Mary Doner said "Oh, I don't know." I am a

cousin by marriage to the Doners, John A. Fleming, recalled .- Iclerk in Mr. Altick's drug store in Shippens, burg. Kiehl came to the store on Friday, March 31st, in the morning, . He had in his hand a letter from Dr. Zitzer, containing this prescription. The letter directed him to get the prescription at Mr. Altick's store. I filled the prescription. The prescription read-"Mrs. Kiehl, Mch. 26, 1871-R. Citrate of Iron two drachms, solution water 6 ounces, add syrup Senna one ounce, tincture sabine ½ ounce—take large tea spoonful-every-four-hours_in_water. Witness then produced a bottle containing a prescription like the above.)

The prescription was a tonic and cathartic. DAVID WALTRICK-re-called-When we were hauling bay I asked Kate if she tem—that is to say, when taken into knew the talk concerning her and Kiehl. I told her about Dougherty seeing them at the lime kiln : she devied that : I told her they had better be on their guard ! and she said she had told John to stay from her, but he wouldn't do it. This conversation was at Henry Myers' barn. Cross Examined-Have not done anything against Kiehl but what I was asked to do. I didn't advise John Kiehl to day after his wife was buried; I told him if he was guilty he had better leave; and if he was innocent he should push Donor. I heard Mrs. Kiehl said if she died sudden, she would like to have something

W. F. Horn-re-called-On Sunday morning after Dr. Zitzer's return from California, I was called out of church, and went to his office, and gave him a mixture of ether and chloroform; he said they will find arsenic; I gave her my dyspepsia pills. I did during last winter, make for Dr. Zitzer, some four hundred and eighty pills which he said were his dyspepsia pills. He called one yellow ackets, another dyspepsia pills, and a third I don't know what he called. Cross Examined-The dyspepsia pills contained arsenic. I didn't tell Mr. Shearer Dr. Zitzer had not told me he gave her dyspepsia pills. Dr. Bixler told me a appetite would be exceedingly feeble, gentleman named Fickes and some relation of his was present.

conversation concerning the death of

I were there. I didn't find him at home; Mrs. Kiehl it does develop its effects in that way, that for several days.

MRS. MARY J. NOAKER-re-called-I it was on Tuesday ; Mrs. Kiehi was washing. It was near 18th of last April, as near as I can tell; I didn't try to fix this indicate any middle point where that day with David Waltrick; I asked him tendency would stop off. I understand what day Kiehl went to Carlisle.

Books of Dr. Zitzer offered in evidence by Comth., for the purpose of contralicting Dr. Zitzer, as showing that he gave a different kind of medicine from that testified to by him; and that the medicine noted as given in his book would be the proper remedy for the disease marked in the book. Objected to that they do not contradict Dr. Zitzer, finding of absorbed arsenic in all the and the latter portion of the offer is ir relevant. Objection overruled, and de endant's counsel except.

DR. ALEX. STEWART, recalled - (Modfied hypothetical case put to witness) I would not change my opinion as to poisonous dose of arsenic being administered just prior to her last illness. In my opinion arsenic administered medicinally, in small doses, will not accumulate in the system, but pass off. Chlorosis is a disease of the womb; the usual remedy s iron in some of its preparations.

Cross Examined-I don't pretend to say how the arsenic was given. In a large dose it might be thrown off by vomiting. I have a patient to whom I have been administering arsenic; six grains and afterwasds eight drops. He came to my office; his face was swollen; he complained he had lost his appetite. I directed him to discontinue it; he did so, and in a week he returned; the swelling had subsided, and he had regained his appetite. I don't think it would be more likely to be found after death, i taken in small doses than if taken in arge doses. In large doses a portion of would be more likely to be thrown up. If taken in one or two large doses and thrown up, you would be likely to find some arsenic. I think the body ought to

be examined in such a case. DR. W. W. NEVIN, recalled- (Modi fied hypothetical case put to witness) I would not change my opinion that a oisonous dose of arsenic had been administered. In my opinion arsenic i not accumulative. I have never had experience in case of arsenical poisoning. would look upon the case referred to in Taylor, in which one grain of arsenic was found in urine four weeks after it had been taken, as an exceptional case: the arsenic may have been accumulative in that case.

Have heard the modified hypothetical case. That would not change my oninion that a poisonous dose of arsenic had been administered at or about the commencement of her last illness. Argenic Mr. Maglaughlin's with one of Mr. is not accumulative in medicinal or small doses. In giving Fowler's solution in medicinal doses, the first indication of Maglaughlin did write to me in regard | having gone far enough with that treatment would be swelling beneath the eyes; and if still continued, in the same r larger doses, the next effect would be irritation of the stomach, loss of annetite. If indigestible food had produced irritation, then would be no desire to eat solid food, and the food would be ejected, or if not ejected would not be there any considerable length of time before it would produce its effect.

Cross Examined .- I never saw a case of arsenical poisoning resulting in death. There is no morbid appetite in gastritis. I consider Taylor on poisons an author-

DR. A. J. HERMAN, recalled .- (Modified hypothetical case put to witness.)-That would not change my opinion. DR. E. B. BRANDT, recalled .- The hypothetical case would not change my prinion that a poisonous dose of arsenic was given at the time of her last illness t would not change my opinion, if in February and March, at additional grain of arsenic and 24 powders had been given, one taken three times a day, and if instead of 24 pills, 34 had been given. DR. S. B. KIEFFER-re-called-Th hypothetical case would not change my opinion that death was occasioned by poisonous dose of arsenic. Arsenic is not accumulative, in my opinion, in the system; crude arsenic might accumulate in the bowels. Sometimes the effect of too large doses or too long continuance arsenic would depress the tone of the stomach-hence irritability of that organ, loss of appetite, and an indisposition to take strong and solid food. It would also disqualify it from digesting that kind of food. It manifests itself by eruptions in the skin or swelling, most generally under the eyes. I made a medico-legal ex amination of the kidneys. Q .- If, in addition to the amount of arsenic as set forth in hypothetical case, there had been given in February and March, an additional grain of arsenic, in 24 powders-one to be taken three times a day -and instead of 24 pills, as set forth in hypothetical case, she had used 34 pills. would it make any difference in your opinion as to the cause of death? Ans,before death-it would not change my opinion. I first exposed both kidneys by them. I then compared them as to size color and relative position. I then examined them by touch, to discover their texture: also the blood vessels which supply them, and then removed themmade a longitudual incision through the kidneys; looked at the interna structure; their cavities, and then repeat ing those incisions, once or twice, and finding nothing unusual, we declared

them healthy. REBUTTING EVIDENCE ON THE PART OF Dr. P. H. Long, re-called-I heard to give an opinion, I choose to differ with Prof. Rand, for the reason that the very | up in bed, when Kiehl came home and first principle laid down, with a view to called to her if she had not taken her SAMUEL FICKES-sworn-On the Sun- its prospective effect, is that we fear the medicine, and she said no; tha bestirred

THE KIEHL TRIAL, | ble food were swallowed, it would be | day after, Dr. Zitzer returned from Cali- evil of irritation of stomach and bowels, fornia. I was at his office. I remember a from its known tendency, established beyond a doubt, whether administered Mrs. Kiehl, but I don't remember the by the mouth or by the hypodermic prowords; Dr. Bixler, Mr. Peffer, Horn and | cess, in the application to a wound, or in any other way that it may be introduced PETER NOAKER-sworn-I live this into the system, it has an inalienable side of Shippensburg, a few miles; } mile | tendency to effect the mucous membrane from Kiehl. It was towards the last of of the stomach and bowels; and our pre-April I went to John Kiehl's house; I | cautionary advice always is, having that wanted to get John to plow or harrow. tendency before our eyes, that whenever

> ready to wash. I didn't see Kiehl after | that subsides; and if the first dose has that tendency, the second and every subsequent dose will only increase that was at Klehl's house; we stopped coming | tendency : and our fear is that if confrom town; he wasn't at home. I think | tinued in that constitutional prescription, a full blaze of acute inflammation will be established. I confess I am at a loss to

> > that Dr. Zitzer's prescription of arsenic was with a view to its constitutional effects-the object being to remove the ovarian difficulty. The prescription given by Dr. Zitzer was a proper prescription for that disease. Fowler's solution is givon in dyspensia to improve the appetite; proportion as it would irritate the stomach, it would pervert the appetite. MRS. M. A. DEEDS, sworn-Am sister

of David Waltrick; reside in Shippensburg. On Saturday morning, the day she lay a corpse, I was going to take charge of my mother, who was very poorly. I stopped in to see the corpse, knowing the reports of her being poisoned. I said, "this is too bad, she ought to be opened and examined, to satisfy the people.' Walrick said, "You keep quiet; we are going o take her up on Monday." I said it ought to be done before John. On Monday following, after Mr. Kiehl was taken to jail, he got to talking about Kiehl being in jail. I vindicated Kiehl, I did not think the man was guilty. He said, "Mary, you don't know everything; Snyder, Kiehl's half brother, told me

down there that he was a liar, a murderr and a thief." CATHARINE MYERS, recailed .- The bottle I saw her take medicine out of was not as large as this-was about the size of that bottle.

DR. ZITZER, recalled .- I gave her the owler's solution in a bottle like that,-I gave it to her about 18th April. I don't stomach and a section of the small intesknow where Mr. Shearer got the bottle. Dr. BRANDT, recalled .- I have never nown Fowler's solution to spoil. It ken to Prof. Rand of Philadelphia, to be ontains potash, arsenic and water. Here the evidence closed on both sides. The Charge of the Court.

John Kiehl, the prisoner at the bar, is indicted for the murder of his wife, Sarah Kiebl. The crime of murder of the first degree is punished with death. The case | bladder attached, the unopened heart, submitted to you involves the life of the orisoner, and requires your very careful, eliberate and serious consideration. Murder at common law is, Where erson of sound memory and discretion, uniawfully kills any reasonable creature in being, and in the peace of the Commonwealth, with malice aforethought, either express or implied. In Pennsylkinds. Murder of the first and murder of the second degree, The act of 1794, re-enacted in 1860, provides-That all murders which shall be perpetrated by means ofpoison, or lying in wait, or by any other kind of wilful, deliberate and | wooden box from Mr. Sadler; this box, premeditated killing; or which shall be committed in the perpetration, or attempt to perpetrate any arson, rape, robbery or turglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder of 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 wheth-

er it be murder of the first or second de-Manslaughter is the unlawful killing of another without malice, either express or implied. You will observe, from the language of the act of Assembly which I have read, that murder committed by poison, wilfully administered, with intent to kill, is murder of the first degree. It is necessarily wilful, deliberate and premeditated, for the victim is appointed nd the means procured. The act is done in pursuance of a deliberately formed purpose. The distinguishing feature beween murder of the first and murder of the second degree is: that to constitute murder of the first degree there must be an intention to kill-murder of the second degree is where there is no intention to. kill, but death is caused in the commission of an unlawful act-malice is implied from the unlawful nature of the act. It may be committed by an unfortunate blow, given in the heat of blood, without intending to kill, but without sufficient provocation to reduce the grade of crime from murder to manslaughter. I do not consider the evidence in this case would justify you in convicting the prisoner of murder of the second degree or of manslaughter. If the prisoner wilfully administered poison to his deceased wife, with intent to kill, and death was the consequence, then he is guilty of the crime of murder of the first degree, and

it is your duty to say so by your verdict.

ministered by the prisoner, or if it was he is not guilty of any crime, and you ought to acquit him. From the evidence on part of Commonwealth, it appears that the defendant and his wife lived on a small farm owned by the defendant near to Shippensburg, in the upper end of this county; that That would be from a month to six weeks Mrs. Kiehl had been in delicate health. and taking medicine from Dr. Zitzer, of this town, for some time prior to 7th dissecting the peritoneal covering from off May, 1871; on that day, which was Monday, she was at a neighbors, Mrs. Hoffmans, about a fourth of a mile from Kiehl's residence; she came there between one and two, P. M., and left between 5 and 6 o'clock in the evening. At that time, Mrs. Hoffman said she was well, looked well, and was lively. Mrs. Hoffman next saw her between 7 and 8 o'clock on Wednesday morning, when she found her in bed very sick; that Mrs. Kiehl told her, in presence of her husband, that she (Mrs. Kiehl,) took sick on Sunday evening; that she thought she could not live, and told John (her part of Dr. Rand's testimony when he husband) to go for the doctor, or do somesaid chronic effect of arsenic cannot thing for her, as she thought she could merge into the acute. If I have any right | not live till morning; that on Sunday evening, after she went home, she was

fairly double together, and made her vogo for the doctor, but he refused to go, and she told him be would wait too long. Miss Martha Culb says she went to see Mrs. Kiehl on Monday evening before while she was there. Mr. Kichl came in

was there; she was washing or making we omit the use of it, and hold over until and told her it was time to take one of her powders. That she told him she would take the drops but not the powders, but he insisted on her taking the lowders, and went down stairs and came efused to take it; but he still insisted on her taking it, and she took it, that this was about 5 o'clock, P. M., and she threw up about five minutes after she took the nedicine, and threw up 3 times while witness was there in the course of about an nour. Mrs. Kiehl died on Friday morning, bout 3 o'clock, and the witnesses who were to see her from Monday until the time of her death, describe her as complaining of great pain, that she thought she would burn up, suffered great pain and burning in her stomach and throat, asked frequently for water, and when they would give it to her, would have to

> Dr. W. W. Nevin of Shippensburg was called upon by Kiehl, husband of Rand, it is further insisted by the dedeceased, on Tuesday the 9th May to orescribe for his wife, and on Wednesday 10th visited her, in company with Dr. the innocence of the prisoner. Stewart. As the testimony of the attending physician is important, we will

read it to the jury. The court here read to the jury the evidence of Dr. Nevin and Dr. Stewart. The deceased was buried on Saturday the 13th May and on the following Satarday the body was raised and a p st mortem examination make by Doctors Kieffer and Longsdorf. Dr. Kieffer states that on examining the bowels they found inflamation extending along their entire course, not uniform but in patches from one fourth inch square to large spots from seven to eight inches in surface. The stomach was not opened but removed and placed in a clean vesse and a section of the small bowels placed with it. The liver, heart, bladder and tines, were put in jars and delivered to the coroner and by him sealed and ta-

nalized. Prof. Rand stated that he received? jars from Mr. Smith, said to be the coroner, and Mr. Maglaughlin, containing the stomach and a piece of the intestine about 3 inches, the liver with the gall and the urinary bladder which had been onened and lost its contents; that he ex amined all of these organs and found arsenic in all except the heart; that the test he used to determine the presence of arsenic was that known as Reinsch's. Dr. Rand says he infers from the remains submitted to him and analyzed, that a fatal dose had been taken by the son whose remains they were and that it must have been taken shortly be-

fore death; he would say within five or six days or a week-more probably the shorter than the longer period. Dr. Rand also states that he received a small from evidence, was probably the same that Mrs. Doner found in the cunboard in Kiehl's house; that on opening it, it appeared to be scrapedout, but there wa a small quantity of powder sticking between the sides and bottom of the box at the seam : that he cut the box in pieces and boiled it in pure muriatic acid and obtained a deposit on copper foil from which he obtained the sublimate in the tube which he exhibited to the court and iurv. and eight sided crystals, showing

the presence of arsenic. In addition to the evidence of those who visited Mrs. Kiehl during her last illness, the evidence of the attending physicians, Doctors Nevin and Stewart made the post mortem examination, and of Dr. Rand who analyzed the stomach liver and bladder, the Commonwealth relies upon the conduct of Kiehl in refusing to go for a physician when requested by his wife and when she was sufter ing agonizing pain, as evidence of guilt; and to establish a motive for the murder of his wife, it is alleged there was a Delilah in the case; that he was enamored with Kate Myers, the cousin of Mre. Kiehl, and that improperand unbecoming familiarities between the defendant and Miss Myers have been proved on part of the Commonwealth. In addition to the evidence on part of the Commonwealth; to which reference has been made, two witnesses have been called o prove the acknowledgments of Kiehl. while in jail, that he purchased arsenic. Simon Enyder says that he went to the a il to'see Kiehl on the Sunday on which he was arrested; and in a conversation with him, asked Kiehl if he knew what he was in for. The prisoner replied he did not, unless they blamed him for poisoning his woman. Witness then said to him. "Did you get poison?" Kiehl said On the contrary, if no poison was adhe did-that he got poison in Carlisle for the rats. Witness then said, "No, John, given through accident or mistake, then you did not get poison for the rats, you got it for your wife, didn't you?" Prisioner made no answer, but commenced to cry. Witness then said to him "Didn't you get it for your woman ?"-He said yes. Fred'k Mentzer states that that when they are acting under the solhe was in the jail about the middle of June and had a conversation with the prisoner, in which he said to him: "John. is it true that you bought peison and gave it to your wife?" The prisoner regive it to her-he bought it for rats. In | entertained if no oath had been adminconnection with this evidence you will istered. emember that Snyder is contradicted maternally by several witnesses as to case, the evidence must satisfy the minds day. Sheriff Foreman states that Ment-

zer was under the influence of liquor when he was in the jail; and Samuel Skelley says he considered Mentzer pret knew what he was saying. Under these circumstances. it is for the jury to say dence of these witnesses. As to the alleged improper familiari-

the full cousin of Mrs. Kiehl; that Mrs. whatever cause, will justify the jury in

it up and brought it up, and made ber Kiehl was frequently too delicate to attake it, and after she had taken it; it tend to her household duties, and conmade her so sick she thought she could sidered no one could do her work so well not live till morning; that it drawed her its Kate, and when Kate was at Mrs. Kiehl's doing the work for her, it was mit and purge; that she wanted John to | generally at the request of Mrs. Kiehl. and that some of the conduct of defendant complained of as improper and censurable, was in the presence of his wife, and excited no jealousy on her part.

As to the chemical analysis made by Dr-Rand, it is alleged by the desence that it was not sufficiently exhaustive to ascertain with positive and unerring certainty the presence of arsenic. At this Professora Rodgers and Reese state that the test used by Dr. Rand to discover the up with something in a cup, and she still | presence of arsenic (Reinch's) is an approved test. In their opinion, Dr. Rand erred in confining his analysis to but one process for testing the presence of arsenic in a medico-legal investigation. Dr. Reese, in addition to the Reinch test, mentions the Marsh test, the liquid test, sulphureted-hydrogen test, the reduction test. These additional tests or some of them Professors Rodgers and Reese consider ought to have been applied before a chemist could pronounce positively that arsenic was present. Upon this evidence the defence contend that there is no satisfactory proof that arrenic was found by Dr. Rand in the organs submitted to him for analysis. But even admitting that arsenic was found by Dr. fense that its presence has been satisfactorily accounted for, consistently with

> Dr. Zitzer, of this town, states that Mrs. Kiehl had been under his treatment from the January preceding her death. That during February, March and April, he had given her-arsenical pills, powders and Fowler's solutioncontaining in all about 16 grains of arsenic; that the arsenic thus medicinally administered may have remained in her system, and been discovered in the analyis made by Dr. Rand. Whether arrenic s accumulative, and when administered in medicinal doses, will remain in the system a considerable time, is a question about which the medical experts examined in this case disagreed.

As to the wooden box of which Doctor

Rand speaks, which he got from Mr. Sad-

ler, and which it is alleged is the same box-Mrs. Doner got in the cupboard at K's, and which Dr. Rand cut in pieces and boiled in pure muriatic acid and found that arsenic was present, you have heard the theory of the defense by which it is alleged this may be accounted for, if arsenic was actually found in the box by Doctor Rand. The hypothesis of the defense is that Dr. Zitzer having been administering Fowler's solution and Doctor Bixler, in the absence of Doctor Zitzer, having given Mrs. Kiehl Rochelle salts n a wooden box, the same found in the upboard, and the box and solution being in the same cupboard, a drop of the soluion, in some way, getting upon the lid of the box, would produce the results described by Dr. Rand; Drs. Rodgers and Reese describe the analysis of the lid of a similar small wooden box on hich they had placed 1-10 of a drop o Fowler's solution equal to or containing 1-1200 part of a grain of arsenic, and after using Reinsch's test, the same used by Dr. Rand, discovered the presence of ar-

The defendants counsel further rely upon the conduct of the prisoner during the sickness of his wife, as evidence of his innocence; that he was kind and attentive to her on her death bed, supplied what was necessary to her comfort, and exhibited evidences of grief and sorrow at her suffering condition. The com monwealth on the other hand allege that the feelings exhibited were assumed to cover up the depravity of his conduct and avoid suspicion.

On part of Commonwealth a hypothetical case has been presented to several of the medical witnesses and the opinion of the witnesses asked as to the cause of death. This hypothetical case the commonwealth counsel allege embodies facts of Doctors Kiefferand Longsdorf, who proved in this case. Whether the facts embedied in the hypothetical case are proved to have existed in this case is a question for the jury; for when the opinion of a physician is asked upon a hypothetical case, it is for the jury to say whe ther the facts and circumstances stated in the hypothetical case are proved to have existed in the case trying, and if any fact or circumstance is stated, that is not proved, or if the witness states any fact upon which his opinion is based, which is not proved to have existed in the case on trial; that it is the duty of the jury to rejest the answer of the

witness entirely. The evidence in this case is circumstantial and not positive, and an opinion is entertained by some that no one ought to be convicted of a capital crime on cirumstantial evidence. This opinion is erroneous. Circumstantial evidence may be-quite-as-satisfactory and convincing; and in some cases more so than positive evidence. Where a chain of facts are sworn to by a number of witnesses of unloubted credibility, pointing with unering certainty to the guilt of the accused and irreconcilable with any reasonable sypothesis of innocence; this may be more atisfactory than the evidence of two or three witnesses of doubtful character. who swear positively to facts about which they may be mistaken, or designedly misrepresent the truth.

Jurors sometimes entertain the opinion emnity of an oath, they are privileged to doubt, although they would entertain no doubt as men. But you are not at liberty to disbelieve as jurors, if you believe as men; that is, your oath does not require plied that he did buy poison, but didn't | you to doubt, where no doubt would be

To justify a conviction in a criminal

statements made about Kiehl the same of the jury to a moral certainty, and beyoud a reasonable doubt of the prisoner's guilt. A doubt, to work an acquittal, must be serious and substantial, not the mere probability of a doubt. A reasonty well intoxicated when he came into able doubt is that state of the case which the jail that day, and hardly thinks he after a comparison of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel, what credence they will give to the evi- an abiding conviction, to a moral certainty, of the prisoner's guilt. When all the facts on both sides have been fully ties between the defendant and Kate examined, and every effort made to as-Myers, on the part of the defence, it is at | certain their precise character and bear | sir, giving the judge and then the jury a tempted to be palliated and excused by | ing, any reasonable doubt, finally and perthe circumstances that Kate Myers was | manently remaining on the mind, from

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withholding their assent to a verdict of

But your minds must also be eatisfied on moral certainty of the guilt of the accused. The true "moral certainty" s a state of mental impression, which has been said is more easily conceived than defined. It has been thus defined by an eminent jurist—" A state of imression, produced by facts, in which a reasonable mind feels a sort of coersion r necessity to act in accordance with it. The conclusion presented being one which cannot, morally speaking; be avoided consistently with adherence to the truth." Applying this definition to the precent case-has the evidence produced such an impression on your minds of the prisioner's guilt, that you feel a coercion or necessity resting upon you to find him guilty, which you cannot avoid consistently with adherence to the tiuth of the case as developed by the evidence. If such impression has been produced, and you have no reasonable doubt of the prisoner's guilt, it will be your duty to find a verdict of guilty. On the contrary, if the evidence has failed to make such an impression on your minds; if you do not feel that adherence to the truth of the case requires a conviction, or if, after you have fully examined all the facts of the case on both sides, to ascertain their precise character and bearing, any reasonable doubt of the prisoner's guilt, finally and permanenty remains on your mind, then it will be your duty to render a verdict of not

. The prisoner is not required to prove his innocence. The law presumes every man innocent until guilt is proven by he evidence on the part of the Common-

vealth. The burden of proof is upon the Commonwealth to satisfy you of the prisoner's guilt. Permit no prejudice, partiality or anticipation of the consequences which may result from a conviction, to bias your minds or influence your judgments. Determine the innocence or guilt of the prisoner from a careful and deliberate consideration of the evidence, and from that alone. It is the duty of the Court to state the law. The facts are exclusively for the jury; and we will not interfere with the exclusive duty of the jury by intimating any opinion as to the uilt or innocence of the defendant. His innocence or guilt is for you to determine. This solemn duty the law imposes upon you, and we doubt not you will perform t honestly and conscientiously.

, THE VERDICT.

The jury went out at half past five, on Thursday afternoon, and about fifteen minutes after 10 o'clock the same night, the Court House bell rang, the signal that they had agreed upon their verdict. The Court Hall was soon filled to overflowing. The prisoner was brought in. and the Clerk arose, amidst silence, and asked,-"Gentlemen of the Jury, do you find John Kiehl guilty of the murder and felony wherewith he is charged, or not guilty?" After a moment's pause Jacob Hemminger, the foreman of the jury, replied: "Not guilty!" and as the red, a burst of applause went up from the audience, evincing the fact that the verdict met popular approbation.

ADVICE OF AN OLD LADY. - " Now John, listen to me, for I am older than you. Never do you marry a young woman, John, before you have contrived to happen at the house where she lives at east four or five times before breakfast. You should take notice whether her complexion is the same in the morning as it s in the evening, or whether the wash and towel have robbed her of her evening bloom. You should take care to surprise her so that you can see her morning iress, and observe how her hair looks when she is not expecting you. If possible, you should be where you could hear the morning conversation between her and her mother. If she is ill-natured and snappish to her mother, so she will be to you, depend upon it. But if you find her up and dressed neatly in the morning, with the same countenance and same smiles, the same neatly combed hair, the same steady and pleasant answer to her mother, which characterized her deportnent in the evening, and particularly if she is lending a hand to get the breakfast ready in good season, she is a prize; John, nd the sooner you secure her to yourself the better."

Too Nippy,-A young man from Kenucky, who undertook to open a country store in the mountains of East Tennesee, came to speedy ruin because he was "too nippy" for that region. He wore a stovepipe bat, had his boots blacked each lay, and mounted a fresh paper collar very morning, all of which served to disgust the natives, who said he put on too much Kentucky blue grass society style for them. But still he was endured until the women learned that he had his-chirt-made to button up behind .-That they could not and would not stand and when the fair sex turned against him all further struggles against fate becomes useless. The young man's stock in trade was disposed of by the sheriff.

A CALIFORNIA JOKE. - The "Occasional Notes" column of H. W. Beecher's Christian Union has this bit: "Mary's Little Lamb" and the venerable editor of the New York Tribunc are both regarded as fair subjects for all the witlings of the land to flesh their maiden pens upon; though both are worthy of better treatment than to be thus tormented. The latest instance, taken from a heaven-forsaken corner of a California paper, is calculated to arouse the sternest esistance in our noble nature. It is as

"Mary had a little lamb,
It drank cold water freely,
And looked so innocently wise,
She called it Horace Greeley."

ROUGH ON THE LAWYER.-An eminent judge used to say that, in his opinion, the very best thing ever said by a witness to a counsel was the reply given to Missing, the barrister, at the time leader of his circuit. He was defending a prisoner charged with stealing a donkey. The prosecutor had left the animal tled up to a gate, and when he returned it was gone. Missing was very severe in his examination of the witness. "Fo you mean to say, witness, the donkey was stolen from the gate?" I mean to say,

sly look, "the ass was Missing." A QUACK dish-Roast duck.