Che Ploomfield Gimes.

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NEW BLOOMFIELD, PENN'A. Tuesday, January 17, 1871.

Hon. John Covone died very suddenly at Harrisburg, last Wednesday,

Oun thanks are due Dr. Milliken, the House of Representatives and J. R. Dunbar, Esq., Sergeant at Arms of the Senate for public documents.

THE WAR in Europe is progressing very slowly. The siege of Paris is vigor-ously maintained and the Prussians batteries have at last began the bombardment though as yet not able to damage any portion of the city except the suberbs. They are however gradually silencing some of the French forts which enables them to get their heavy guns into better positions, for reaching the city with shot

CONGRESS, since the holidays have been mostly occupied in "cussing" and discussing the San Domingo purchase. For the present the question has been disposed of by the appointment of a com-mission to visit the island and report in accordance with the suggestion of President Grant in his annual message. A U. S. vessel of war will depart as soon as the gentleman composing the commission can get together, and the friends of the measure hope to get a report and vote of Congress during this session.

SECRETARY Bontwell received, the other day, from the West, a curious letter. The writer said he was the father of triplets, and somebody had told him there was a fund set apart, out of which was given a bounty to parents having such a run of luck.

He said he had two children be-sides, and as his means were not so large. if there was such a fund be hoped the Secretary would put him in the way of receiving the benefit of it. To confirm and establish the truth of the story, photograph of three born at birth were attached to the letter. He was informed that some Governments had such provision for the unfortunate, but it has thus far escaped the attention of our law-mak-

As YET the State Legislature have done little more than form the various commit tees and get ready for business. Several bills have been introduced, but none of particular importance. Contested election cases already promise to take up the time of both houses, and bring heavy expense to the State. By the Auditor General's report we see that the cost to the State in the Scull vs. Findley contested election of last session was over \$4000, while the case of Diamond vs. Watts cost \$6,274 .-49. By a change in the law compelling unsuccessful contestants to pay their costs, not only would much expense be saved the State, but the time of the legislature would be saved, as no election would be contested unless there was a clear and undoubted case of fraud. As the law now is, a contestant, can make a good thing of it, if there is the least possible excuse for the contest.

On the 6th inst., just as the evening train was leaving Albany to cross the Hudson river bridge, a man sprang into the American Express Company's car, and shot the express messenger, Thomas A. Halpine, through the neck, in the right eye, and in the right ear. The robber then took the keys from the messenger and opened the safe, from which he abstracted over \$5,000 in bills. He accomplished all this while crossing the bridge, and on arriving at East Albany jumped off the train and made his es

The crime was not discovered until the train had stood at East Albany depot some minutes, when the wounded messenger crawled to the door of the car and attracted attention. He was immediately taken to the city hospital, and not withstanding his terrible wounds was able to convers and give an account of the robbery. Halpine resides in that city. His recovery is not considered possible. The robber is described as about five feet ten inches high, wearing a moustache and goatee. and was dressed in dark clothes, and had on a dark cap. The detectives are on alert, and the early capture of the robber and murderer is hoped for.

Gov. Bowie has signed the death warrants of John Howard, convicted of murder in Allegheny county; of Mary Wallis, colored, convicted of murder in Prince George's county; of John Martin, also colored, convicted of rape in Frederick county. The executions are fixed for the county. The exe

THE BOYER TRIAL. Last week we published the testimony of

the Commonwealth, nearly entire; but as the trial is ended, resulting in the entire acquittal of Mr. Boyer, we will not occupy our space by publishing the entire testimony of the defence, but give the theory of his coansel, and the charge of the Judge, which briefly refers to all the main points of the evidence. The defense asserted that the Boyer family came to their death from gases produced by burning wood, causing insensibility, thereby preventing any attempt to escape. That this might easily be the case, was proven by medical testimony, (a part of which was published last week,) and by witnesses who testified to a knowledge of death having been caused to whole families in similar cases.-This point was well established by testimony regarding a fire in Rockville, Daus phin county, and several other instances the Rockville case, showing that a family of six persons was burned, with only one making any exertion to escape from the bed. They also showed not only a good feeling existing between Thomas and his parents, but that the motive to commit the crime was lacking, as the signatures said to be forgeries of his father's name, were put to the notes with his father's knowledge. The above remarks, with the charge of the Judge, will give our readers a thorough understanding of the case without the trouble of reading the mass of testimony taken, and also show that the verdict of "Not Guilty," was the only one consistent with the evidence.

CHARGE OF JUDGE GRAHAM.

The prisoner at the bar, Thomas J. Boyer, is indicted for the murder of his father, and mother, brother and sister. If John P. Boyer and his family were mur-dered, and that death was not accidental, a more fiendish act cannot be found in the armals of crime. It is seldom that a com-munity is startled and horrifled by the wholesale murder of an entire family by a son and brother.

It is therefore proper to caution you that in the investigation of this case, you be careful not to permit excitement or indignation at the enormity of the crime to infinence your deliberations, for it is your solemn duty to determine the guilt or innocence of the prisoner from the evidence you have heard since you entered the jury

box, and upon that alone.

The act of Assembly of 1794, re-cuacred in 1860, provides: "That all murder which shall be premeditated by means of poison or lying in wait, or any other kind of wilful, deliberate and premeditated killing, or any label, healths committed in the which shall be committed in the perpetra-tion or attempt to perpetrate any arson, rape, robbery or burglary, shall be deemed murder of the first degree."

The theory of the Commonwealth is that in this case Chloroform was first used so as to cause death or total insensibility, and that the house was set on fire and burnt to conceal the crime. If death was caused by Chloroform administered with the intent to kill, this would be murder in the first degree, because the act would have been wilful and deliberate, for the intention must have been premeditated, and for this reason the law enacts, that all murder which shall be perpetrated by means of poison, shall be deemed murder of the first degree. And if death was not caused by Chloroform, but insensibility produced and death was caused by sufficiation or the flames of the burning house, set on fire by the prisoner, this would be murder of the first degree, for the murder would be committed in the perpetration of arson, which the act of Assembly declares shall be deemed murder of the first degree.

Thomas J. Boyer, the defendant lived in this town. The father, John P. Boyer, lived in the country, on his farm, near Markelville, a small village 7 or 8 miles from Bloomfield. On Wednesday, the 30th of November last, be went to his father's, as he stated, to help his father cut wood. On Thursday and Friday, the defendant stated, that he and his father were engaged in cutting wood; that on Friday evening he milked the cows for his mother and assisted her in other domestic duties, and at night before retiring he filled the oven of the cook stove with wood, at his mother's re-quest, assisted her to fill the lamp with coal oil, and went to bed about half-past ten o'clock, that he thought he heard a scream, awoke, looked out of windows and discov ered that there was fire in the house; that he ran to the head of the stairs, but could not get down on account of smoke and fire coming up the stairway; then he ran to the window in the northeast corner of the house, raised the window and jumped down to the ground; that he fell or jumped against a stump, and was so stunned that he lay insensible, he does not know how long; when he recovered he ran to the south side, thinking to get in at the door, but could not get in on account of the fire that he then ran to the bee-house and grabbed a board or rail and ran to the window on the south-east corner, broke it in and hallord several times, he did not know how often, but got no answer; that he then went to the pale fence, seized a crock, and threw it in at the same window, called again but got no answer, and about that time some sparks of fire came out of the same window; he then ran to James Lesh's, same window; he then ran to James Lesh's, his brother-in-law, and aroused him, then went back again, and the house then appeared nearly all on fire. Other neighbors were soon aroused by the noise, and ran te the burning building, but the smoke and flames were then coming out of the windows of the room in the south-east corner of the house which the family occupied as house, which the family occupied as a sleeping room, so as to prevent the possibility of entering the room. John P. Boyer, his wife and two children, nine and eleven years of age were sleeping in this room, and their bodies were found immediately under the place where the beds had

ately under the place where the beds had been, lying in a natural position side by side, as if they had perished without a struggle or attempt to escape. The theory of the Commonwealth's coun-sel is, as we have said, that the deceased were killed or rendered insensible by the use of Chloroform and the house set on fire by the defendant. In support of this theory the Commonwealth has proved that a bot-tle of Chloroform was missing from Dr.

And's office, in Bloomfield, some time between Thursday the 13th of Nov. 1870, and the following Wednesday, at 6 p. m. Dr. Ard left town on Thursday afternoon, the 2tth, and returned the following Tuesday evening, but did not miss the Chloroform until Wednesday evening. It contained Dr. Ard says about 75 oz. (The judge here recited the testimony of John Bouse, Dr. Ard and Isaac G. Black, which was published in full in the Times of last week.)
In addition to the evidence to which I

In addition to the evidence to which I have briefly adverted, the commonwealth to show the motive of the defendant, has given evidence of the circumstances of the deceased. That John P. Boyer and his wife owned real and personal estate worth between seven and eight thousand dollars, and that the surviving heirs were two brothers and one sister. That the defenbrothers and one sister. That the defendant was involved in debt, pushed for money, and had forged his father's name as his security on notes for which he had obtained the money

On the part of the defence, the theory is

that the fire was accidental; that there is no evidence that the bottle of Chloroform as taken from Dr. Ard's office by the fendant; that the evidence amounts to nothing more than vague surmise and con-jecture; and that the evidenc of the phy-sicians show it to be very improbable and not all likely to happen that a person ig-norant of the manner of administering Chloroform could so place 7} ounces on the floor, or on the bed clothing, sufficiently near the respiratory organs, as to cause insensibility, without awaking every one of the four persons sleeping in the room. It is urged that the theory that the fire re-sulted from accident is clearly sustained by the evidence; that the oven of the cookstove being filled with wood when the family retired to bed, it is natural and probable from the result, to suppose that the wood may have been ignited by the heat of the smonldered along time, and when perfectly on fire and partially consumed, the burning wood and coals falling from the oven upon the carpet and floor, for the evidence is that the stove was on blocks on the earpet, the floor would now be on fire and the fire communicated to the dry pine partition close to the stove. It is a known fact, and it is proved by all the chemists and physicans examined in this case, that combustion generates carbonic acid gas and carbolic oxide gas, both of which are poisonous and will destroy life; that carbonic oxide is a deadly poison and when inhaled will cause death almost instantaneously. The family sleeping room ad-joined the kitchen and a door opened from the kitchen into this room; the evidence is that the habit of the family was to leave the door open; the partitions in the house were all of pine boards not plastered, Under these circumstances the testimony of the chemist and physicians examined on the subject, is that the smouldering wood in the oven of the cook-stove, the burning floor and carpet, and the pine partitions near the stove, which would probably be all on fire before the fire reached the parroom might readily generate the poisonous gases, sufficient to cause death, before the flames entered the room, and that there was nothing singular in 4 persons being consumed in a burning house, without struggle or attempt to escape. In addition to the scientific evidence on this subject, you have the positive evidence of three persons who have

witnessed this fact. William Harvy states, in 1840 in Shir-leysburg, he was present and witnessed the fact of three persons sufficiated in their beds in a burning house before there was any fire in the 100m in which they were sleeping. George Shick states that in 1859, in Indiana, he saw a man and his wife suffocated in a burning cabin; that he broke in the windows and saw them in bed perfectly lifeless, the husband was lying in a natural position and the wife with her head on her husband's shoulders, and no fire at the bed; that after failing to arouse them and being satisfied that they were dead, he stood at the window saw bed-clothes take fire at the foot of the bed, and they did not move, which satisfied him that they were dead when he first saw them. Mrs. Updegrove of Rock-ville, Dauphin county, testifies to six persons, husband, wife and four children, being suffocated in a burning house in Rockville, in 1846 and no fire in the room, and all apparently perished in their beds except the wife whose remains were found near a window.

This evidence makes the fact that the deccased were found lying side by side, as they would be in sleep, of little value in in proving that they were insensible from the effects of Chloroform, which prevented their escape from the burning house.

As to where the fire originated, the evidence is contradictory. While the evidence on the part of the Commonwealth tends to show that the fire originated in the south-east corner, the evidence on the part of the defendant tends to show that it first com-menced in the south-west corner. Mrs. Lesh says that when she first saw the fire it was running up the south-west corner of the house and soon after the roof of the little porch over the kitchen door at the south-west corner was on fire, and no fire was coming out of the windows of the sleeping room; so that the evidence as to the origin of the fire is conflicting.

On the subject of the prisoner's conver-sation with Dr. Ard about replacing the bottle of Chloroform, defendant's counsel argue that from a conversation with Dr. Sweeney defendant was pressed with the belief that the missing bottle of Chloroform might result in his conviction although innocent; that greatly depressed in mind from the loss of his parents and tortured at the enormity of the crime with which he was charged, the murder of a father and mother, and little brother and sister, which the evidence shows he loved so well, his mind possibly partly unhinged, incapable of reflection or the exercise of his judge-ment; in this state of mind he made the request stated by Dr. Ard, rash, inconsiderate and desperately wicked as it was.

[The Judge at this point of his charge, took occasion to severely reprimand the counsel for the defence, for abuse of Dr. Ard in his remarks to the jury, and to jus-tify the doctor for making known the offer of the defendant, regarding the replacing of the missing Chloroform bottle.]

Again, defendant's counsel urge that defendant's conversation with Mr. Black is not evidence of guilt. Mr. Black states that in one of the many conversations with the prisoner, the prisoner said, "murder will out, the innocent shan't suffer." It is said that the proper meaning of this decla-ration is that if his parents were murdered

the murderer would be discovered and that he, an innocent man, would not be permit-ted to suffer. And that this accords with

ted to suffer. And that this accords with
the solemn appeal to his Maker, afterwards
made in the presence of Mr. Black, that if
he committed that act may God paralyze
him on the spot he was standing.
On the subject, of motive and the evidence
introduced by the Commonwealth to prove
it; circumstances of John P. Boyer and
his wife and the forged note; we say to you
that motive is not evidence that a crime
was committed. But if it is proved by other
evidence that murder was committed, then
motive is evidence to point out the guilty motive is evidence to point out the guilty

The defendant's counsel have given evidence of the affection of the prisoner for the deceased members of the family. The evidence on this subject is full and uncon-tradicted. That he was a kind and affec-tionate son to his parents; would relieve and assist his mother in her domestic du-lies; that over after his marriage and affecties; that even after his marriage and after he had left the parental roof, when he visited his parents he would milk the cows for his mother, carry water for her, and do other acts of kindness; that he was kind and affectionate to his father, and brother and sisters considered him his father's favorite child.—The evidence as to his feelings for his little brother and sister is equally strong; that he evinced strong affection for

ite child.—The evidence as to his feelings for his little brother and sister is equally trong; that he evinced strong affection for hem.

We have briefly reviewed the evidence in he case; and we say to you that to justify conviction, the evidence must produce on our minds more than a strong suspicion; nere than a strong probability of guilt, a must satisfy you beyond a reasonable loubt, and to a moral certainty that the arisoner is guilty of the crime with which he is charged. You must further be satisied that the facts relied upon by the commonwealth to prove guilt are incompatible with the innocence of the accused, and incapable of explanation upon any other reasonable bypothesis, consistent with the evidence, than that of his guilt, before you would be justified in rendering a verdict of guilty.

The evidence in this case is entirely circumstantial. An opinion is sometimes entertained that no one ought to be cauve-led of murder on circumstantial evidence, but this is erroneous, for eiremstantial evidence, bu We have briefly reviewed the evidence in the case ; and we say to you that to justify a conviction, the evidence must produce on your minds more than a strong suspicion; more than a strong probability of guilt. It must satisfy you beyond a reasonable doubt, and to a moral certainty that the prisoner is guilty of the crime with which he is charged. You must further be satisfied that the facts relied upon by the commonwealth to prove guilt are incompatible with the innocence of the accused, and incapable of explanation upon any other reasonable hypothesis, consistent with the evisonable hypothesis, consistent with the evidence, than that of his guilt, before you

constitutial. An opinion is sometimes entertained that no one ought to be convicted of nurder on circumstantial evidence, but this is erroneous, for circumstantial evidence, but this is erroneous, for circumstantial evidence may be quite as satisfactory and convincing as positive proof. Witnesses may be of doubtful character; they may swear positively to the killing, and they may be perinted; or they may be honestly mistaken in the identity of the person. But when a chain of facts is sworn to by a number of extractors of valuable and likely as all with the content of the person. witnesses of undoubted credibility, pointing with unerring certainty to the guilt of accused and irreconcilable with any reasonable hypothesis of innocence, consistent with the evidence, this may be even more satisfactory than the evidence of two or three witnesses who swear positively to the facts about which they may be mistaken or who, from malice, had feelings of revenge toward the accused, misrepresent the truth. But, to justify a verdict of guilt, the evidence, whether positive or circumstantial must show the existence of facts incompatible with the innocence of the accused, and incapable of any other explanation, consistent with the evidence, upon any other rea-sonable hypothesis than that of his guilt.

The law presumes every man innocent until his guilt is proven. The accused is not required to prove his innocence, that the law presumes, and he is entitled to the benefit of that presumption until his guilt is proved by the Commonwealth; and to justify a conviction the guilt of the accused must be proved to a moral certainty. A reasonable doubt, you will understand, to work an acquittal, must be serious and substantial, not imaginary not the mere possi-bility of a doubt. But if, after a careful consideration and comparison of all the evidence, the minds of the jurors are in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the prisoner's guilt, this state of mind will justify the jury in acquitting the accused. Before you would be justified on convicting the defendant, the evidence must have produced on your minds an abiding conviction vertainty, of the pr A moral certainty is "a certainty that convinces and directs the understanding, and satisfies the reason and judgement of those who are bound to act conscientiously upon it." Again, it is thus defined: "A state of impression produced by facts, in which a reasonable mind feels a sort of coercion or necessity to act in accordance with it; the conclusion being one which cannot, morally speaking be avoided, consistently with adherence to the truth."

The tragedy you are now required to investigate, in which an entire household, onsumed in their burning dwelling, if intentional and not accidental, is fearfully horrid, and has been called "the Perry county horror." It almost surpasses credulity to believe that a heart possessed of such demontacal attributes ever pulsated within a human body. For this reason you must be very careful and guarded not to permit the enormity of the crime, charged upon the prisoner, to excite your prejudices or bias your judgment against the accused consider the evidence cooly, camly, deliber-ately, and the evidence alone. Lay aside entirely every prejudice, and everything you may have heard in reference to the case before you cutered the jury box. Discard entirely all pre-conceived impressions if any of you have entertained, and give to the prisoner the benefit of the legal presumption of innocence until guilt is clearly proven beyond any reasonable doubt.

After thus considering the evidence, olemnly, calmly, carefully, and deliberately your minds free from passion, prejudice, bias, and from impression or opinion as to the guilt or innocence of the prisoner, if you entertain a reasonable doubt of his guilt, the law requires you to acquit him; if, on the contrary, you have no reasonable doubt of his guilt, then it is your duty to render a verdict of guilty. The prisoner is now given to your charge, and we doubt not you will render a conscientions verdict which will hereafter afford to each of you the comfortable reflections of an approving con-

ERRORS OF YOUTH.

A gentieman who suffered for years from Nervous Debility, Premature Decay, and all the effects of youthful indiscretion will, for the sake of suffering humanity, send free to all who need it, the recipe and direction for making and using the simple remedy by which he was cured. Sufferers wishing to profit by the advertiser's experience can do so by addressing, in perfect confidence, JOHN B. OGDEN, 1y 4 41, s. No. 42 Cedar St., N. Y. No. 42 Cedar St., N. Y.

READING RAIL-ROAD.

WINTER ARRANGEMENT.

Monday, Nov. 21st, 1870.

GREAT TRUNK LANE FROM THE NORTH A UNIONOCHO-West for Philadelphia, New York, Reading, Pottisville, Tamaqua, Ashland, Shamokin, Leban m. Allentown, Easton, Ephrata, Litiz, Lancaster, Columbia, &c., &c.

Trains leave Harrisburg for New York, as follows: At 3.10, 8.10, 10.50 A. M., and 2.50, P. M., connecting with similar trains on the Pennsylvania Railroad, and arriving at New York at 10:10 a. m., 5200, 5:50 and 10:00 p. m., respectively.

Seeping cars accompany the 3.10 a. m., train without change.

Betarning: Leave New York at 9 A. M., 12 noon, and 5 p. s.; Philadelphia at 8.15 A. M., and 3.50 p. M. Seeping cars accompany the 5 p. M., train from New York, without change.

Leave Harrisburg for Reading, Pottsville, Tamaqua, Minersylle, Ashland, Shamokin, Pine Grove, Allentown, Philadelphia, at 8.10, A. M., and 2.50, and 4.05, p. M., stopping at Lebanon and principal way state ons; the 6.50 p. m. train connecting for Philadelphia, at 13.00, a. M., stopping at Jebanon and principal way state ons; the 6.50 p. m. train connecting for Philadelphia, Pottsville and Columbia ently. For Pottsville and Sasquehanna Raifroad, leave Harrisburg at 3.40 p. M.; the suppling from Beading at 6.20 p. M. stopping at all Stations: leave Pottsville at 9.a. M. and 2.50 noon: Tamaqua at 8.35 a. M. and 2.60, M. for Philadelphia and New York, Reading, Harrisburg, &c.

Leave Pottsville via Schuylkill and Susquehanna Raifroad at 8.15 a. M. and 2.40 p. M. for Philadelphia and New York, Reading, Harrisburg, &c.

Commutation, Mileage, Scason, School and Ex-cursion Tickets to and from all points at reduced Baggage checked through, 100 pounds allowed nell passenger.

G. A. NICOLLS, Gen'lSup't.

Pennsylvania R. R. Time Table.

NEWPORT STATION.

On and after Dec. 4th 1870, Passenger trains will run as follows: WEST.

Pittsb'g Expr's. (Flag 5.31 A. M. daily exc't Sunday, Way Passenger, 9.30 A. M. daily except Monday, Mail.

A mixed train with passenger car attached, will leave Harrisburg at 5 0 clock p. m., and Newport at 6.50 p. m.

EAST.

DUNCANNON STATION.

On and after Sunday, Dec. 4th, 1870, trains will cave Duncannon, as follows:

Stage Line Between Newport and New

Stage Line Between Newport and New Germantown.

STAGES leave New Germantown daily at four Soldock at m. Landisburgat 7, 30 a. m. Greenpark at 8 a. m. Naw Bloomhell at 9 ½ a. m.

Arriving at Newport to connect with the Accommodation train East.

Beturning leaves Newport on the arrival of the Mail Train from Philadelphia, at 2,30°p. m.

Z. RICE, Proprietor.

THE BEST IN USE

THE PARHAM **NEW FAMILY** Sewing Machine



Combines all the best features of other good machines, with

New and Valuable Improvements,

which make it

THE EASIEST AND MOST QUIET RUNNING as well as the

Most Simple Machine in Use. IT WILL HEM IT WILL BRAID,

IT WILL TUCK. IT WILL GATHER, IT WILL QUILT.

and will use either Silk, Cotton, or Linen Thread with equal case.

Duses a straight needle and makes a stitch ALIKE ON BOTH SIDES.

The principal office of the company is at No. 704 Chestaut Street, PHILADELPHIA.

These machines are for sale in Perry County by JAMES L. DIVEN,

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New Bloomfield.

se The public are invited to call at either of the