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The Somerset Herald.

ESTABLISHED, 1827.

VOL. XXIX. NO. 15. SOMERSET, PA., WEDNESDAY, SEPTEMBER 1, 1880. WHOLE NO. 1521.

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Special attention to habits, health and out-of-school influences.
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August 11, '80.

THE MURDER!

WOLFGANG HOFFMAN TRIED FOR THE MURDER OF HIS WIFE!

REPORT OF THE TESTIMONY.

SOMERSET, PA., Aug. 23, 1880.

Before Judge Wm. M. Hall and Associates Stuff and Musselman.

COUNSEL.—*For the Commonwealth:* Gen. W. H. Koontz, John H. Uhl, V. Hay, Esqrs., and John R. Scott, Esq., District Attorney.

For the Defense:—W. J. and H. L. Baer, Esqrs.

Case was reached about 2 o'clock. The prisoner was brought from jail, and arraigned. At 5 o'clock the complement of jurors was obtained. The following are the names of the persons selected:

John Smith, Cornelius Tressler, Robert Gutherie, Gabriel Good, Elijah Holliday, W. L. Hoover, Jacob Bittner, Rufus May, John Ravenscraft, John Blake, John Mowry, Edward Higgins.

Mr. Scott opened the case on behalf of the Commonwealth.

Dr. Henry Brubaker, affirmed.—(Examined by Gen. Koontz.)—I live in Somerset; am a practicing physician; have been for twenty-nine years; know Wolfgang Hoffman, the defendant; did not know his wife; was called upon in connection with Doctors Geary and Krissinger, of Berlin, to make an examination of the body of a dead person in the house of Wolfgang Hoffman. The house of Wolfgang Hoffman is about four miles east of Berlin, in Brothersvalley township; I left home between nine and ten o'clock in the morning; we had concluded the examination by dinner; I can't tell what day in the week it was; kept no account of the date or time; when we got to Hoffman's house, we found the dead body of Mrs. Hoffman in the cellar; her head and chest were covered with blood; that is all I can say of her condition at the time; she was lying down on the floor; she had been cut down the day before; the coroner's jury had met there on Sunday evening, I believe, but nothing was done; they deferred the examination to the day following, and cut her down; she was lying on her back in the cellar; we found three wounds on her head, one on the back part, and one on either side, in the region of the temples; the one on the back was a large contusion—a bruise, probably the size of a hen's egg, and was observed by all the persons who were standing around; it was a bloody tumor; the skin was not broken; the other two were fractures and pressing on the brain, what we call depressed fractures; the wounds were probably the size of a silverdollar; either one of the wounds would have been sufficient to have caused death; I am not prepared to say that either one actually did; I believe one would have been sufficient, because trifling blows on the head sometimes, without any fracture, produce instantaneous death by concussion; it is a common thing, well known to surgeons; sometimes a shock is sufficient to cause instantaneous death; it was not possible for any person who had received such wounds to live any length of time; of course, there may sometimes be a serious wound in the substance of the brain without producing death, but those cases would lack the essential element which existed in this case and that is, compression; there was compression from two causes: first, from the depression of the bone; and second, from the extravasation of blood from the large blood vessel immediately under the wounds, as much probably as you could hold in the hollow of your hand—large clots of blood pressing on the brain. I removed the scalp; the result of the examination was as I have stated; we found that bloody tumor on the back of the head, with two depressed fractures on the temples, with a large extravasation of blood immediately under on the brain; it was not possible for a person to have lived after receiving such blows as these; one could not have inflicted these blows on their own person; I do not think it possible that any human being could inflict such a blow upon him or herself; either of these blows would have rendered the party insensible; the blow on the back of the head would have been sufficient to render her unconscious, and certainly either one of the blows on the side of the head, would render her so instantaneously, from the compression of the brain, owing to the depression of the bone or extravasated blood; this is so well established that it cannot be called in question, that where there is compression either from depressed bone or extravasated blood, there must be unconsciousness, and not only unconsciousness, but a complete loss of sensibility and motion; that follows instaneously; it is like an attack of apoplexy, where a blood vessel is ruptured, the blood rushes out, and immediately the patient falls unconscious; that is where there is compression, and here there was compression from two causes, depression of the bone and the large collection of blood must necessarily have caused unconsciousness at once.

In answer to the Court: One blow of that kind, if she could have done it herself, would have rendered her unable to inflict the blow on the other side.

In answer to Gen. Koontz: The blow on the back of the head, judging from its appearance, would have been sufficient to have felled her and rendered her unconscious.

Mr. Baer objects to so much of the testimony of the witness as gives an opinion of the impossibility of the wound having been self-inflicted—that being exclusively for the jury. Second, that any opinion of the physician that the wound must have caused immediate unconsciousness, or that they, or either of them, were the cause of death, and that either one of the wounds would have made it impossible for her to have inflicted the other.

[Objection overruled, evidence admitted, and exception to plaintiff.]

At 5:45 the Court adjourned to meet to-morrow, (Tuesday), at 8:30 a. m.

TUESDAY, August 24, 1880.

Examination in chief of Dr. Brubaker continued.—In a case where the bone or skull is depressed upon the brain, or where there is extravasation of blood, it is certain to produce death; the character of all these wounds was such that death must have necessarily followed; the wounds on the sides of the head I refer to more particularly, as the injuries were so extensive and the force so great that the functions of the brain would be suspended instantaneously; on physiological grounds I could say that the first blow would have rendered her unable to inflict another, because it would produce concussion of that part of the brain which presides over the motive functions, the cerebellum, which controls all the muscular motions. There was an instrument found which we supposed to have been used on that occasion. [Objected to.] Hammer shown. This instrument will beautifully explain every feature of the wounds; there was a cut through the integument on the right side, if I remember rightly, and there were two cuts on the left side; in inflicting that blow this sharp edge would produce a cut through the integument and the butt end made the fractures; I made no measurement of the wounds; I stated yesterday that the fracture was about the size of a silver dollar; this hammer did not come into our possession until we were through with our examination; it was covered with fresh blood at the time; what we supposed to be fresh blood; we made no examination of it; I recognize the hammer; I could swear to that hammer, I think; I remember it very distinctly; there was a little more mud on it at that time; it looked as if it had been rubbed in the dirt, and the blood was partly covered with dirt. I had conversation that day with the defendant, a few words; he was sitting in the corner, and I approached him and remarked "This is a very bad affair," and he replied, "Yes, it was," and I simply said, "She must have been murdered before she was hung;" he appeared to be very much excited, though I could not lay much stress on that, for under such circumstances, anybody would be.

Cross-examined by Mr. Wm. J. Baer.

I presume it was in the forenoon between 9 and 10 o'clock that I first went to defendant's house; I had no time piece, but I know I was home by dinner; there was a large crowd there, probably 200 people; while we were engaged in the examination I requested some person to look around to see whether they could find any weapon that could have been used, and this hammer was found in the wood-house, a few rods from the house; I can't tell who brought it in; we examined the hammer carefully to ascertain whether a blow inflicted by it would explain the appearance of the injuries, and were at once struck with the sharp edge of the hammer which would cause a rather clean cut through the integument; the blood spots are not so preceptible nor is there so much dirt on the hammer now as there was then; you cannot tell with the naked eye whether there are traces of blood on that hammer now, for during all this time the blood has dried, without a chemical and microscopical examination; there is not much danger in hazarding an opinion in finding blood on a piece of iron or steel when fresh; any person who had seen blood or a blood stain could tell; when the blood is fresh it is not difficult to tell the difference between rust on iron and steel and blood; on fabrics it would be more difficult, but not on steel when the blood is fresh; it would not have been more satisfactory and certain to me to have made a microscopic and analytical test, but that would be unerring; I have the skill and had the means at the time to have made this test if desired at the time. Either of the wounds on the side of the head would have caused death; it would have felled the subject to the ground at once; in all probability the body would have been lying on the back if the blow had been inflicted with a weapon; if the blow was self-inflicted she would not necessarily have fallen on her face; she was found lying on her face with her head resting six or eight or ten inches from the floor; it appeared she was dragged from another room where she was murdered and dragged out there and hung; she was not a very tall woman, probably five feet and a few inches; she was a stout woman; there was a great amount of blood spilt; we did not examine the injury on the back of the head by cutting through the scalp and occipital bone; we took off the upper portion of the skull and examined more particularly the wound on the side of the head; we examined the injury on the back of the head; there was no fracture, but we found a large quantity of extravasated blood on the sides and running to the sides; I do not know that the injury on the back of the head was a tumor and had been there for many years; where there is extravasated blood there could not be an old tumor; it was a soft and bloody tumor, and could not have proceeded from the blows on the other side of the head; when we made the examination the blood for the most part was fluid; as we cut through the scalp it ran out in a stream; we were all struck with the rather placid appearance of the countenance; in some cases of hanging, and especially where there was resistance to the hanging, the countenance would have been very much distorted and livid, whereas in death resulting from a blow there would have been no distortion whatever and the countenance would have the natural appearance that it had immediately preceding death; the tongue protruded some distance and was swollen; we found no ecchymosis at all around the neck; we found a yellow line that looked like dried parchment; the line was rather oblique, and in that way we accounted for the protrusion of the tongue; we did not examine the arteries, heart, lungs, liver or intestines; I am not aware that a large box of poison was found on her person; hydrocyanic acid is instantaneous poison; strychnia would produce convulsions; arsenic would produce inflammation of the lining membrane of the stomach and result in death; I claim in this case death must have been instantaneous; that is the most reasonable view to take of it; we cannot be absolutely certain that death was instantaneous; there is nothing special about this hammer beyond the fact that it has marks of blood upon it to indicate that this particular hammer did the work, but I say that hammer would explain very nicely the appearance of the injury; the cut was oblique; there was no suppuration of any of the wounds; I think the blow was a skillful one, not inflicted at random; it was not an imperfect post mortem examination, because we accomplished just what we expected; when we find sufficient cause of death about the head, we don't think it necessary to proceed further.

Re-direct examination.

I did not find blood marks in another portion of the cellar, the other surgeons saw them; we did not examine the body so as to ascertain whether death could have resulted from strangulation; we supposed at once that death resulted from the injuries on the head; everything indicated that these blows had been given before death; even if they were inflicted while hanging, they were inflicted while she was living.

Dr. William Krissinger, affirmed.—I live in Berlin, this county; I am a physician, and have been since 1858; I was called upon to make an examination of the body of Elizabeth Hoffman, on June 27th, last; we went to the cellar and found her lying on her stomach, her head about six inches from the floor; we cut her down; found a bruise on the back of her head and one on each temple; I found the temple was fractured; her face was very bloody and we washed it, but found no wound upon it; when I went there that evening I found two large stones lying close to her in the cellar; they were square stones, about eight inches square; on Monday I made a further examination, with Drs. Brubaker and Gary; we found the temple had been cut as if with a knife; the temples were both fractured, but there were no fractures at the back of the head; either of the wounds would have caused death; I believe the woman was murdered by the person who inflicted those wounds.

Cross-examined.—The wound on the back part of the head might have caused death; I don't think there was an old tumor there; there was not a great deal of blood on the corners of those stones; there was some on each of them.

Re-examined.—The blood was on the top of the stones, right at the corners; it was clotted blood.

Dr. Henry Gary testified substantially to the same facts as detailed by Doctors Brubaker and Krissinger.

L. C. Colborn, Esq., affirmed.—Am a surveyor; on the 14th of last August I made a survey of the premises of Wolfgang Hoffman; this map is the result of my labor. Witness explains the map to the jury.

John Hoffman, affirmed.—Am a son of defendant; was living with father on 27th of June last, in Brothersvalley township, Somerset county, about six miles from Somerset; am married; there were five in my family, myself, wife and four children; the old man, his wife and maid constituted my father's family; the maid's name was Catharine Yoder; my father married my stepmother about five years since; they quarreled some; I heard them quarrel about a week before her death about a heifer and different things; on the morning of the 27th of June I was at Jeremiah Brant's; I went home from there; this was about 9 or 10 o'clock; when I came home the maid was there and one of the children and my father and stepmother; it was after 10 o'clock, I think, when I started from home the second time; the maid and the children and I left together; the only persons left at the house were the old man and old woman; from home I went to Philip Hoffman's; when I left, the old man was in the sitting room, and the old woman in the bedroom; from Philip's I went to Humbert's with Henry Yoder; I stayed there until about 1 o'clock; dinner was ready and as they were about to sit down Philip and the old man came there; they remained there until between 3 and 4 o'clock; the old man started home by himself; I went home then came back to Philip's and heard she was hanging in the cellar; the old man then came back to Philip's; in the meantime Katie, the maid, started home, went up to Philip's; then when she came to Philip's the old man had come back to Philip's and told it there; this report that Elizabeth had hung herself was made between 3 and 4 o'clock; I, Henry Yoder, and Cornelius Cover started off and run up to Philip's as fast as we could go; the old man was in the house; we didn't stop but run right up to my fathers house; when we got up we found her in the cellar; the cellar door was closed; she laid on her breast, her head about six or seven inches from the floor; there were two stones, one on each side, the nearest one about six inches from her head, the other about two feet; the old man said that he pulled the stones from her face; I think the old man said she laid on both of them; there was a good deal of blood on the floor, and on her clothing; her face was bloody; she was dead when I got there; there was a tub standing in the cellar that was blood spurted; the tub was four or five feet from her head; her feet were extended towards the door leading outside; at the other door it had the appearance as though blood had squirted against it; the old man came pretty soon with some women; he said "we must cut her down;" we said we dared not.

Cross examined.—My father and stepmother quarreled; once they were out at the barn feeding and she said he had thrown the fork at her; they fought pretty often; they didn't strike, they just jawed; I never saw them try to hit each other; I saw him throw a pitch fork at her; they often quarreled but I don't know myself what about; they quarreled about the butter money; I left the house about 10 o'clock on Sunday morning; John and the little girl went with me; we left the old man and Elizabeth in the house; the old man was sitting in a rocking chair in the sitting room; she was in the bed-room lying on the bed; the old man lit his smokepipe very often at Humbert's. [Hammer shown.] I saw that hammer; old Mr. Hoffman used it when he wanted to pound anything; I never used it; he was on the threshing floor when he threw the pitchfork at her; he didn't throw the fork at the mow hole; he didn't hit her; the prongs laid towards her; he didn't have one of his spells when he threw it; he wasn't sick; I talked to the old man that day after the woman was found dead; he didn't say anything to me about who was there; there was nobody that I could know of; I don't know what was found in the pockets of Mrs. Hoffman after she was dead; I was not by; I don't know whether the old gentleman had the same clothes on in the afternoon that he had in the morning; I know of him having four shirts; four were found after the woman's death; I and Eliza Humbert did the washing; there was no blood on any of the shirts that I saw; the old man never struck her that I saw; I don't know who summoned me here; I had no conversation with anybody who told me what I should say here; I knew I was to come here because my pap told me.

Re-direct Examination.—I did not wash there after Elizabeth was dead; the shirts were in the bureau and two of them I would know; I don't know whether he had more than four or not; he had two woolen and four calico ones that I know of; sometimes the old folks did not talk together for a whole week; I don't remember whether they were cross at each other the week before she was killed.

Re-cross Examination.—He had two woolen and four cotton shirts; the woolen ones were not found; they were in her chests; I don't know where they are now.

Eliza Humbert, affirmed.—I am the wife of Harrison Humbert; on Sunday, the 27th day of June last, old man Hoffman came to our house about one o'clock; I thought he was not as at other times; he would walk backward and forward over the porch and light his pipe, and he never did that before when he was at our house; he came in and straightened up and said he believed he was getting his sickness; that he felt that way; he left our house a little before three; he went alone; after that I didn't see him till we got word she was hanging in the cellar; when I got there he was at the house, at the end of the porch; he said that he believed she would do something of that kind yet; he said that they should take her down; he said that when he came there she was lying with the side of her face on the stone, and that he took the stone out; I washed at Hoffman's house every four weeks; when I washed they used to be cross, I washed there the Tuesday before the Sunday she came to her death; he was cross because I washed there; he went away alone the day she was found hanging; he was not in the habit of doing that when he was with people; he went away alone that Sunday before the people went off.

Cross examined.—There was nobody but John and his wife with him this time; before that he would sit awhile and light his pipe; he would sit by the stove; on the 27th of June the fire wasn't big; I don't know whether it was extraordinary that the old man should walk backward and forward and light his pipe; he was cross about the washing but he didn't say anything; he said he thought she might do her own washing; I don't know that she was twice as strong as he; I don't know that she carried a large package of arsenic in the pocket of her petticoat; the old man didn't say anything to me about her carrying poison at that time; when I had that conversation with him at the corner of the house he didn't say there was somebody there that day; I didn't ask him.

Harrison Humbert, affirmed.—It was one o'clock when old man Hoffman came to my house; Philip came with him; he stayed there until pretty near three o'clock; there were several other persons there, Philip and John and his wife and Mrs. Brant; he walked in and out very often and lit his pipe; I didn't notice anything of his face particularly; he looked red in the face, but I have seen him at other times that way too; when he went out he went by himself; I went up to Hoffman's when the alarm was made; I got there before the old man did; I found the woman lying there; she was lying on her face; there were stones, one on each side; I don't know how close they were; one was not very far off, six or eight inches maybe, and the other was further; the old man didn't say anything to me about it; I didn't hear him say anything to anybody else.

Cross examined.—I saw him when the jury came to make the examination; I think he had the same clothes on that he had when he was down at my house; I didn't see any blood about him; I can't tell how long before this time it was that Hoffman was last at my house; he was there pretty often.

Rebecca Cover, affirmed.—I know this old man Hoffman and his wife; they quarreled a good bit; last Easter she told me she called him a Hess and he took a piece of stove-wood to hit her; he didn't hit her; he said he would have hit her if she had not drawn back; he said she was a devil, she was so cross the devil couldn't keep house with her; he said she ought to give him her money, it belonged to him; he complained a good bit about quarreling; I couldn't tell you what he said; it was last winter he talked about the money; the Hoffman's were some of our nearest neighbors.

Cross-examined.—I live with grandfather near Berlin; I never lived at Hoffman's; I worked there several days.

Moses Yoder, affirmed.—I know Wolfgang Hoffman; I have known him twenty-three years; I knew his wife Elizabeth; he told me they quarreled and the devil couldn't live with her; they quarreled a good bit with each other; the way he talked it was about money; he had borrowed it from her and she went and got it entered on the docket; he said he didn't like this; I know they quarreled about that and other things but he didn't exactly say they quarreled about that; he said he didn't think she had a right to do it, and I told him I thought she had; I was there the Monday after she was killed; I hadn't much conversation with him; I asked him were she was going to be buried, and he said up towards Dave Cover's, towards the line on his farm; I told him I didn't like that, we wanted her in the graveyard, and he said if a person would kill himself he is not fit to be buried in the graveyard; I said, "Did you ever see a persons knock her brains out and hang herself after that? I believe you did it and nobody else;" I said, "if you bury her there, if I can gethelp, we will take her away and have her in the graveyard;" when I charged him with the killing he said nothing and walked back; last Saturday two weeks I came up here; that was the first time I went into the jail, and we shook hands and commenced to talk; he said somebody told him that he should have said that he didn't do that, but the hammer made them marks; he then said I did say so and say so yet; I asked him "who was there if you didn't do it and your hammer did? there must have been somebody;" he said "yes, there was;" says I, "who was there?" He said that Dave Cover was there; that pretty soon after Elizabeth came home that Dave Cover came there, too; I asked him "how long did he stay?" He said he couldn't tell; they were talking in the kitchen, and he said he was going to have his spell again, his sickness; then he went and laid down; he said they were in the kitchen when he left them; he went up stairs; he didn't know how long they stayed after him; after he got over the spell he got up and walked out on the porch; he didn't say which porch; there were two porches there, one up stairs; I didn't ask him which porch it was; he said he walked out on the porch, that is he, the old man, walked out on the porch; he said Dave Cover came in around the house and walked through the wood-shed; he asked him where he was going; he said he was going to Brant's; then he said if Dave Cover had stayed away he would not have got into this trouble; he then began to cry and went back; I didn't ask him much after that.

Cross-examined.—I did say that a certain man said we must stand together to swear this case through and try and get the damned old scoundrel hanged; that man did not summon me as a witness; that man was Dave Cover; he said something to me about the money this woman had on her person on the Monday after she was dead; last Wednesday I was talking to Hoffman a couple of minutes and he didn't talk sensibly; it didn't do me any good at all; he told me he had a spell just before I got there; it was about a month ago that Mr. Cover spoke to me; it was about the first thing he said; "we must try and get the damned old scoundrel hanged."

Elizabeth Brant, affirmed—I know Hoffman and his wife; I worked there awhile this spring; they would sometimes fall out; at the table one day he struck at her with a knife.

Cross-examined. — He went to strike her; he was cross; he looked as though he was cross; sometimes they were cross and sometimes good; I am not married.

Philip Hoffman, affirmed.—I am a son of defendant; live in Brothersvalley; live three-quarters of a mile from the old man's; lived there on the 27th of June last; Elizabeth was the second wife of Wolfgang Hoffman; they had been married about five years; they fell out and quarreled some; I was at home on the 27th of June last when this took place; I went to father's house that day about 12 o'clock; I went into the kitchen; I heard something in the cellar; I cant say what kind of a noise it was; I went out on the porch and got a drink of water; then I started around the house; I intended to go down to see what the noise was; I was half way around on the upper side towards the cellar door when I thought I heard a noise up stairs; then I turned and went into the kitchen and then into the room where my father was sitting; he said to me he was up stairs and had his spell; I did not ask him where Elizabeth was; I got some applebutter and said I would go home; he said he would go along; then he asked me whether Elizabeth had not come to my house; I said she had not; we went to my house a little after 12 o'clock; we ate dinner there; then father and myself went down to Humbert's; this was about 1 o'clock; he left there to go home about 3 o'clock; I saw him next at my house; this was about twenty minutes after he left Humbert's; the alarm had been given that Elizabeth was dead; Katie had started up home and then she returned again and told it; I then went up to the old man's house; it was not long after when the old man came; Elizabeth was dead in the cellar; she was hanging, lying on her face; her face was up about six inches; I saw two stones there; one was close to her head and the other was a good piece away; I saw there were holes in her head; the old man said she hung herself; he said the holes in her head were caused by the stones; he said when he came there she laid on the stone with her face; he said he had taken one stone away the first time he was up.

Cross-examined.—The old man told me he had one of his spells that morning; he looked as if he had had a spell; sometimes these spells disable him; he sometimes falls over and is unconscious; my father did not eat much dinner at my house; I heard Elizabeth was away that morning; my father had black clothes on, Kentucky jeans; he had the same clothes on when the jury came; he was down at my house in the morning and had the same clothes on after dinner he had on then; I did not see any blood about his person; he had a gingham shirt on; I didn't find anything about the house that had blood on it.

Re-direct Examination.—It was pretty early when the old man was at my house in the morning; he was not there long; he asked me about the heifer I had bought from Elizabeth; he said I ought to have asked him before I bought it; he was a little the cross at me; he said he ought to take half the money for the heifer because he raised it; I didn't give him half; I didn't pay it yet.

Rebecca Hoffman sworn.—I am the wife of John Hoffman; on the 27th of last June I lived at old Hoffman's; I saw the old man that morning before they had eaten breakfast; it was about 10 o'clock before I went away from the house that day; I didn't see Elizabeth before I left; the old man and the old woman quarreled; sometimes they would be a week without talking; I never heard them quarreling about her money, not unless it was about butter money, and he said he ought to have the half of that; they didn't quarrel that Sunday morning that I heard; I went to Harrison Humbert's; the old man and Philip came there about 1 o'clock; he went away about 3 o'clock; he went by himself; when I heard the report that Elizabeth was dead I went home; the old folks slept in the bedroom below; we used the upstairs.

Cross-examined.—didn't notice what kind of clothes the old man had on; I didn't find any blood on his clothes; I didn't find any clothing about the house that had blood on it.

Rosa Hoffman, affirmed.—I am the wife of Philip Hoffman; I was at home on the 27th of June last; Philip and the old man came to our house a little after 12 o'clock; the old man had been there early that morning; Philip and the old man went down to Humbert's together; as near as I can tell it was three o'clock when the old man came back to our house; nobody came with him; he went right away; he came back again and said she was dead, hanging in the cellar; can't say how long after he left the house it was till he came back again; he looked as if he was scared and as if he had come fast; Hoffman and his wife quarreled a good deal; they quarreled about anything.

Cross-examined.—When he came from Humbert's I was surprised that he went home so early.

Catharine Yoder, affirmed.— I lived with old man Hoffman on the 27th of last June; I saw Elizabeth that Sunday morning; she got up, milked, eat breakfast, and then left; it was about 10 o'clock when she came back; nobody was in the house when she came back but me and the old man and one of John's children; the rest had gone down to Harrison Humbert's.

Benedict Yoder, affirmed.—I was at Wolfgang Hoffman's on the 28th of last June; I went into the house and he was lying on the bed and then he said he was tired of life; then I asked him for what reason, and he said, why, they blame me for killing my wife, Elizabeth, and she did it herself, and I don't know for what reason she did it; she had enough of her own and so had I of my own; you know she was strong, and she was knocked about the head on these two stones that were under her; then I said, this she could not have done herself; there was another man hit her with something else, the stone would not or could not make the marks she had, and when I said marks, he said, this was my hammer; then he looked down a little, and then he said, I didn't do it; he said when he spoke about her having enough and him having enough, she had enough of her own and so had I, but peace we had not; on the 20th of August others told me that Hoffman would like to see me, and I went into him in jail, and he said, on the 27th of June my wife Elizabeth went away from home, or went away and came back again; he said the family were all gone, and then she came back and then Dave Cover came also; he was in a hurry, and then left again; he said Cover came to the house but not into the house.

Cross examined—Wolfgang and I were alone in the bed-room when he said, that was my hammer, but I didn't do it; he was lying on the bed; the hammer was not mentioned in our talk at the jail.

Josiah Zerfoss, sworn.—Know the defendant; I had a conversation with him in jail on the second day of this month; I was up there in the jail, I was standing outside the door and he was inside; we were talking together; he said, his wife and himself were alone when this happened; nobody there but me and her; then he hung his head down and he looked up again and said, "I had my fits, my spells, my fits, I was up stairs;" I asked him if it was not a piece of her wash rope she was hung with; he said it was; she was very particular with her wash rope; he said him and his two boys went down to Eliza Yoder's, and when he got back home it was about three o'clock; then his wife was stiff already.

cross examined.— There was nobody along with me at the jail; I went to the jail just to see Hoffman; didn't go there to entrap the old man; went right over from the jail and told the District Attorney.

Court adjourned until Wednesday morning at 8:30 a. m.

WEDNESDAY, August 25, 1880.

William Sivits, affirmed—Live a mile from Wolfgang Hoffman's; have been a neighbor for twenty-one years; it was about four o'clock when I got to Hoffman's the day the old woman was killed; she was lying on her face when I got there; she was not cut down then; there were two stones there, but one stone had been moved away; I got the highest stone measured; it measured nine inches and three-quarters; the other one was half as high; I had a little conversation with the old man as to how he found her; he said that when he found her that her face and cheek was lying on a stone and he reached down under toward the free to feel whether there was life there; when he found there was not he pulled out a thick stone; I saw directly that she was wounded very bad; the hair was all in a slush of blood; it looked negrly like as if a beef had been slaughtered on the floor; I didn't look under the floor; there was a little blood on the stones; when I talked to Hoffman I was excited and pretty hard upon him; I said: "You are the man upon which this will rest as long as your skin covers you;" he didn't seem to like it, got half cross, wanted to murmur or talk against his wife; then I fell on him again; I said: "You must not try to make that woman bad; your neighbors know her as as well as you do;" then he answered, "she carried things out of my house;" then I answered, "she carried more in your house more than out."

Cross-examined.—She was stout enough to look at; I would not say she is stronger than Mr. Hoffman; I never heard him say that she had threatened to take his life; he never mentioned to me anything about her carrying poison.

Henry Yoder, affirmed.—I was at Harrison Humbert's on the day Mrs. Hoffman was killed; old man Hoffman came there about 1 o'clock; he stayed until about 3 o'clock; after hearing the report of the death went up to the old man's house; as we passed Philip's, he was sitting in Philip's house; he didn't get up and go along; the old man reached his house about about 10 minutes after I got there; when I got there he said, "cut her down;" I said we dare not; I told him the woman was murdered, she hadn't hung herself; I could see that by the blood in the cellar; there was too much blood there for that; he did not say anything at that time; just walked away; he did not seem to take his wife's death very hard.

Cross examined.—If I found my wife in that condition I would not feel like feeding my chickens in front of the cellar door, as Hoffman did; Moses Yoder is a relative of Hoffman's; it was about the time of day the chickens ought to have been fed.

Catherine Yoder, recalled.—The old man told me his wife had been to Charley Zerfoss's on the Saturday before she was killed to rent a house or had rented a house; the house was three miles this side of Shanksville; the two stones found in the cellar had been there before the woman was killed.

Cornelius Cover, affirmed.—I saw Wolfgang Hoffman on the morning of the 27th of last June, at his home between eight and nine in the morning; he seemed to be a little mad; then he said that Elizabeth was the fault of his getting sick; I went home in a quarter of an hour.

Pierce Fisher, affirmed.—