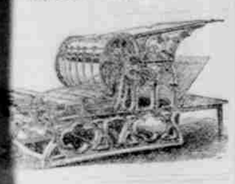
Somerset Herald.

GEO. R. SCULL, Editor.



WEDNESDAY.....September 1, 1880.

REPUBLICAN COUNTY COMMITTEE.

Chairman—A. Dean.
Secretary—A. P. Hillegas.
Treasurer—Charles Savage.
Committee—A. G. Kimmel.
Jacob—Isaac Yoder.
Somerset Bor.—P. B. Frantz.
Addison—Jacob S. Livengood.
Berlin—A. J. Stoner.
Brothersvalley—Fred. Shaulis.
Conemaugh Bor.—John Duncan.
Jenner—R. S. Fleck.
Jenner—A. W. Doorman.
Lower Turkeyfoot—C. S. Younkin.
Meyersdale Bor.—Samuel Foust.
Milford—J. B. McMillen.
Middlecreek—H. H. Dull.
Musselmanstown Bor.—Wallace McMillen.
New Baltimore—S. P. Poorbaugh.
Northampton—D. B. Brubaker.
Ogle—D. H. Dickey.
Paint Bor.—Samuel Lowry.
Paint Twp.—David E. Wagner.
Petersburg Bor.—D. J. Horner.
Quemahoning Twp.—A. F. Dickey.
Shade—Perry Coulsberger.
Stonycreek—Israel Emerick.
Summit—Michael J. Snyder.
Upper Turkeyfoot—Henry Bowman.
Somerset Bor.—C. M. Bostetter.
Upper Turkeyfoot—Alex. Rhoads.
Somerset Bor.—Jerome Jennings.
Elk Lick—Michael Long.

JOSIAH KELLER, Chairman.

Secretary.

SALE REGISTER.

September 10.—Estate of Joseph Mason, late of Milford township, deceased.

September 10.—Estate of Susanna Koontz late of Jenner township, deceased.

October 16.—Lewis M. Joseph Emrick late of Southampton township, deceased.

Gold Pens!

A. Boone's.

A fine lot of Watches, Clocks and Jewelry at E. M. Dowell's.

Ladies' Gent's and Children's Hose, from 5 cents upward, at Walter's Store.

Ingrain and three ply of Carpets can be had at J. B. Snyder & Co's store.

Mrs. N. Boyd and he will tell you how Mother's Kidney Pad was discovered.

Fresh Oysters can be obtained at the Saloon of Chas. H. Pinkerton & Co.

Wanted—On three or four horse tenant farm. Apply at Rockwood, Pa., to WM. MEYER & CO.

Ladies' and Gent's Underwear and Notions unsurpassed good, call at Walter's.

The year show will be on the 7th, and we would call to buy their Drugs at C. N. Boyd's.

Carpets! Carpets!!! Carpets!!!—Brussels Carpets at J. B. Snyder & Co.'s

A fine line of Plush's Plumbing Goods at N. D. Walter & Co's, No. 6 Main Block.

Gents wanted in need of Dress Trimmings, the place to buy them is at

N. D. WALTER & CO'S.

A fine lot of new carpets of different styles and qualities just received at J. B. Snyder & Co's new store.

Ladies and children's Hats, Bonnets, Ribbons and Gent's Furnishing Goods, at

N. D. WALTER & CO'S.

Some may be false, but being important we think it fair to inquire which is the best—Kidney Pad is creating more people than Elixirs. C. N. Boyd

Horses, Cows and Teams to ship over the Somerset & Cambria railroad, leave work, near Somerset, to J. C. Spillman.

R. Roberts' Embrocation is the oldest and a popular remedy in the market, it does not blister and has a reputation over all others. For sale only by G. W. Benford.

Agents and canvassers make from $50 to $100 per month selling goods for E. G. Ridpath of Hardy street, New York. Send for Catalogue and terms.

Wanted—25,000 lbs. to be delivered on the Somerset & Cambria Railroad. Highest price paid.

JAMES PARSON, Somerset, Pa.

Just received—the celebrated Golden Flour, made at Springfield, O. Best in the world. A full line of Family Groceries always on hand.

JOSIAH KELLER.

Just received at S. Fox & Co's a new and fresh supply of goods, persons wishing to buy anything in their line should give them a call before purchasing elsewhere.

Farmers attending Court will please bear in mind that we will have in stock at the Somerset Steam Mills, choice Western Timothy Hay, in lots of 10 pounds.

COOK & BERKITE.

MEAT! MEAT! MEAT!—I will be found all times, Beef, Pork, Mutton, Sausage, at reasonable prices. Open every week except wagon days.

HENRY KERN.

Hoffman murder trial is now in progress and persons wishing to buy Hats, Caps, Boots, Notions, Clothing and Gents' Furnishing Goods, had better patronize the new firm of J. B. Snyder & Co. Bob Walter one of the most experienced clerks in the county is found there.

At the present time when there are so many worthless liniments in the market, it is well to inquire which is the best—this can be found in M. B. Roberts' celebrated Embrocation. It is a panacea for all those who require rubbing either on man or beast. For sale only by G. W. Benford.

CATARRH REMEDY.—A marvelous remedy, Diphtheria, Canker-mouth and Sore Throat. With each bottle there is a nasal injector for the more successful treatment of the complaint, without extra charge. Price 50 cents.

For sale by George W. Benford, Somerset.

EXTRAORDINARY.—Rheumatics, or those with sprains, cuts, bruises, old or recent wounds, scaldings, burns, etc., will find their advantage to use M. B. Roberts' celebrated Embrocation. It has been used 40 years, and is the most reliable and most widely known. It does not blister the skin and can therefore be used much better results than any liniment on market. It is also good for horses for outward application is desired, should be found in every household, and in every stable. Price 25 cents per bottle. For sale only by G. W. Benford.

BOOTS'S GOTTA STRONG.—I will be found at all times, Beef, Pork, Mutton, Sausage, at reasonable prices. Open every week except wagon days three times a week.

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Miss Lide Maurie, of Pittsburg, is paying a visit to her school friend, Miss Lucy Endsley.

The indisposition of the Senior Editor will account for the scarcity of editorial matter this week.

Elder James Bowle, of Johnstown, preached a very eloquent sermon in the Disciples' church, Sunday evening.

John Young, one of Johnstown's "bloody butcher boys," called to see us and renewed his subscription to the HERALD, Monday morning.

We wish to acknowledge our indebtedness to Judge Hall, for his courtesy in furnishing us with his charge in the Hoffman murder trial.

A. J. Colborn Jr., left for Hagerstown, Md., Monday morning, to take charge of one of the public schools of that place for a seven months' term.

Miss Maggie Lichtenberger, of Indiana, Penna., daughter of John Lichtenberger, a former editor of this paper, is visiting friends and relatives in Somerset.

Persons desiring to purchase blank printing paper can do so by calling at the HERALD office, where it will be sold at the rate of 2 cents a sheet or 3 sheets for 5 cents.

J. B. Snyder & Co. have just received a large stock of Brussels and Ingrain Carpets, comprising many different styles and patterns, all of which will be sold at short profit.

We had the pleasure of taking our old friend Ex-Sheriff Knepper by the hand, this morning. Owing to the illness of his wife Mr. Knepper was unable to stay in Nebraska as he had attended.

We wish to return thanks to Mr. J. Frank Condon, the gentlemanly stenographer, from Pittsburgh, who reported the Hoffman murder trial for the court for his kindness in furnishing us with a copy of the testimony.

Mothers, before giving your little babe cough or croup medicines, remember that Sines' Syrup of Tar, Horehound and Wild Cherry, is the only cough preparation that contains no opium, morphine, nor any other narcotic. Sold only by G. W. Benford.

William Matthews, a colored laborer on the railroad near Henry Keasler's, died very suddenly on Monday morning. The authorities were notified but it was not deemed necessary to hold an inquest. The man came here from Washington City, where he had a family. He was about thirty-five years old.

A life of torture is often endured by the dyspeptic—their pangs may, however, be relieved by the use of the old reliable remedy, Roberts' Embrocation. Sold over 50 years. No undeserved growth—its reputation excels all other remedies. Price 35 cents per bottle. Try it just once. For sale only by G. W. Benford.

Hon. Jacob M. Campbell, of Johnstown, spent several days of last week in town. The General's many personal and political friends here were glad to see him, and were earnest in expressing their wish that he would be the Congressional nominee for this district, and then give Somerset county an opportunity to redeem her record of 1878.

The crowd of people attending last week's court was immense. On Tuesday there were fully four thousand persons in town. Scarcely ever was there such a singing crowd on our streets as was seen that day. Our country friends did not come empty handed, but patronized our business men very handsomely. We have been informed by several merchants doing a large trade that the last was the best business week of their lives.

The item in a recent issue of the HERALD, which spoke of "our population numbering over twelve hundred, and that without counting a circus company and part of the audience," was intended as a small joke, and was perpetrated during our absence from home. It was not intended to reflect upon our sister borough nor the enumerator thereof. The enumerators were sworn to do their duty and we suppose did it in every instance in this county.

The verdict in the Hoffman case was not as the public expected. The opinion was general that the defendant was guilty, and should at least have been convicted of murder in the second degree. If the old man did kill his wife, as very many appear to have no doubt, he has arrived at an age (sixty-nine years) at which he will scarcely get another woman to bestow his attentions upon; but there is no telling. The men appear not to be afraid of him; he has always conducted himself well in his intercourse with them.

E. F. Patterson, Esq., after undergoing a very thorough examination at the hands of a committee composed of Judge Hall, W. J. Baer, Isaac Hague, John R. Edie, W. H. Koontz and Samuel Gaither, Esq'rs., was last Friday morning admitted to the practice of law in the several courts of this county. Mr. Patterson is a son of Dr. Patterson, of Stoystown. He is a graduate of Harvard College, a cultivated gentleman and a genuine good fellow, and we wish him immediate success in his newly acquired profession.

An old gentleman from Milford, whose physical qualities predominate over the rationalistic, conceived an idea on Wednesday last that a street-preaching peddler belonged to the snap department of a circus which at one time had swindled him to the tune of twenty dollars. He made an attack in force, scattered the peddler's stock in trade to the four winds, and battered the unfortunate individual pretty lively over the frontispiece. It was not a cheap business for "Uncle Jake," as he was restrained of his liberty for a few hours, and mulcted in the sum of forty dollars.

The rape case (called hereabouts Aleck Coffroth's case), against eleven young men, formerly connected with Boyd & Peters' circus, terminated on Friday in a complete fizzle. The girl said to have been raped was unable to satisfactorily identify a single one of the defendants, and the jury returned a verdict of not guilty without leaving the box. The redoubtable General was not on hand to father his own creation. We hear on good authority that the costs in this case will be considerably over a thousand dollars. Lawyers and politicians should be careful about stirring up nasty nests of this size.

If persons were as careful of their health as they are of their wealth the death rate would be much smaller from that dreadful scourge—consumption. It carries off in the United States in one year ten times more persons than succumbed to the yellow fever in the South. Thousands of valuable lives would have been saved from consumption had they used Sines' Syrup of Tar, Wild Cherry and Horehound in time. In all cases of whooping cough, croup, asthma and lung affections it has proved to be a certain cure when taken in time. Sold only by George W. Benford. Price 25 cents; extra large bottle 50.

Experience has demonstrated the fact that Normal School graduates, as a class, are better teachers than mere academic students. Because of this fact the graduates of the State Normal School, at Indiana, Pa., are securing some of the best positions in the public schools in Western Pennsylvania.

This is as it should be. A Normal School properly encouraged—as is the one above mentioned—not only gives good thorough instruction in subjects of study; it also gives instruction and training in school management, methods of instruction, and all the details of school work.

Young people desirous of becoming successful teachers, should attend the excellent Normal School at Indiana. The Principal will send catalogues on application.

COURT PROCEEDINGS.—Almost the entire week was taken up with the trial of criminal cases. The civil list was continued. The following important Commonwealth business was disposed of:

Commonwealth vs. Wolfgang Hoffman. [A full report of this case will be found elsewhere in to-day's paper.]

Same vs. D. G. Melville and ten others. Rape, on information of J. C. Burket, father of Saloam Burket. Verdict, not guilty. This is the celebrated case against the showmen belonging to Boyd & Peters' circus, which has, for a frivolous case, excited extraordinary interest throughout the country.

Same vs. Josiah (Butch) Saylor and Edmund (Squire) Cummins. Assault and battery, with intent to kill John Spangler. Verdict, Saylor guilty of aggravated assault and battery, and Cummins not guilty. Saylor was sentenced to imprisonment in the county jail for three months, $1 fine and the costs. Cummins was sentenced similarly on a suspended verdict.

Same vs. Joseph Keefer. Carrying concealed weapons, on information of Casper Durst. Verdict, guilty. Defendant sentenced to four months' imprisonment in the county jail.

Same vs. Savilla McIntyre. Common scold, on information of Simon Hoss. Verdict, guilty. Defendant sentenced to two months' imprisonment in county jail. This was a novel case and excited great attention.

George Largent plead guilty to larceny, and was sentenced to thirty days' imprisonment in county jail. All the remaining Commonwealth cases were either settled or continued.

The last jury was not discharged until about three o'clock on Saturday afternoon.

MR. EDITOR: Did General A. H. Coffroth, our present member of Congress, gain his military title in the late war?

A YOUNG REPUBLICAN.

No, sonny; he did not. Mr. Coffroth was elected a member of Congress from the counties of Somerset, Bedford, Fulton, Franklin, and Adams in the fall of 1862, by reason of the absence from the polls of the Republican soldiers. While a member of Congress he made a speech in favor of human slavery. In January, 1864, he endeavored to prevent the soldiers in the field from receiving the right of suffrage, voting at the polls in Somerset borough against the measure, and securing an almost unanimous Democratic vote against the act of justice. At that time he was ranked as an extreme copperhead, and, as long as the rebels appeared to have any chance of attaining their ends, he certainly was. At the election in 1864 he ran behind his ticket and was defeated for Congress by the soldiers in the field, to whom the right of suffrage had been accorded. By some congressional hocus-pocus he was enabled to hold the seat, which Hon. W. H. Koontz obtained finally, until near the 4th of March, 1865. During his stay in Congress he obliged some soldiers by getting them furloughs, etc. For the performance of this simple duty as a representative of the people he claimed, in 1878, the votes of Republican soldiers, and in some instances got them. The boys did not then think that the clever and wily politician was one of the foremost in endeavoring to deprive them of the dearest franchise of American citizens.

Our young friend will see that this record was not good for General Coffroth's military promotion.

The military history of General Coffroth commenced at an early period. He was captain of a corn-stalk and broom-stick company of militia before he had reached the age of twenty-one years. At an annual muster he marched his company to take a drink from the waters of the coffee-spring. Josiah Lichtenberger then lived on the Kooontz property and was averse to having the militia cross his domain. As soon as Captain Coffroth had placed a foot on his premises he found himself seized, "nape and seat," by the hard-fisted farmer and forced to walk Spanish to the tail of his company. The future General was discreet and did not transfix with his drawn sword the ruthless destroyer of his early glory. Like Frederick the Great and the Duke of Wellington, each of whom showed the white feather in his first encounter with the enemy, our hero-friend persevered in the military line, and finally, before 1861, was elected major-general of a formidable body known as the uniformed militia of the counties of Somerset, Bedford and Cambria. This ended his "belligerent" career, as the war soon after commenced and all organizations "playing soldier" were disbanded.

BEE STINGING.—Several days ago a remarkable scene was witnessed, among the bees, at the house of John Sipe, in Shade township. Several neighbors were present to visit and assist in waiting upon the sick in the family, on a Saturday afternoon, the weather was very warm, and the doors and windows of the house all open, when suddenly the family was thrown into dire confusion, by a cloud of a bees swarming in at the window of a room in which Mrs. R. P. Lohr, daughter of Mr. Sipe, was lying in a feeble condition. Fortunately the woman had presence of mind to draw a spread quite over herself and the babe by her side. With this fortunate precaution she and her babe escaped all harm. All others about the house, some ten persons, including several small children, were most furiously attacked, and in a moment were covered with the infuriated honey-gatherers, and dreadfully stung. Every effort at defense only added to the violence of the attack. Some of the children were hastily carried across the road, and placed in a dark stable on the father side of the barn; but even in this retreat they were followed by scores of the enraged creatures. The stinging came near proving fatal to several of the persons, especially the children, who suffered dreadfully. One woman, a neighbor's wife, became quite frantic with fear and pain; she screamed like a tigress, and rushed about the premises in utter distraction, protesting she was fatally stung, and would be dead in five minutes. In this she was slightly mistaken; but in the effort to defend herself she succeeded in getting her whole body covered with bees, and making her condition ten-fold worse. It is thought that the fortunate presence of a small quantity of alcohol, which was administered both internally and externally, actually saved her life.

Mr. Sipe says that he really brushed off and crushed bees by the handfuls. The cause of the enragement of the bees, seems to have been this: They are housed in the garret, and on account of the heat, perhaps, gathered in a great ball, the size of a half-bushel measure, on the outside, where they hung until the accumulation caused them to fall to the ground. It so happened that the window of the sick room was immediately under the entrance to the hive.

What was perhaps most remarkable about the occurrence, is the fact that Mrs. Sipe, who has been a helpless sufferer for sixteen years, though sitting in the midst of the scene of confusion, in her rocker, surrounded by a cloud of the mad creatures, was not stung by a single one. It was a full hour before the bees became calm enough to allow the family to move about the house.

SINES' DYSENTERY COMPOUND.—There are no diseases that will so quickly bring incidents of a person's past life and make him think of home and his mother, as Cholera, Cholera Morbus, Dysentery, Cramps, Colic, and all their kindred diseases. And to be without Sines' Dysentery Compound when overtaken with the above disease is to be almost without hope. For sale only by Geo. W. Benford.

THE BEST I EVER KNEW OF.—J. G. Starkey, a prominent and influential citizen of Iowa City, says: "I have had the Dyspepsia and Liver Complaint for several years, and have used every remedy I could hear of, without any relief whatever, until I saw your Shiloh's Vitalizer advertise in our paper, and was persuaded to try it. I am happy to state that it has entirely cured me. It is certainly the best remedy I ever knew of." Price 75 cents.

For sale by George W. Benford, Somerset, Pa.

CHARGE OF THE COURT IN THE HOFFMAN CASE.—When our outside was printed we thought we would be unable to obtain a copy of Judge Hall's charge in the murder case. Later we obtained the document, which is placed before our readers. Judge Hall said:

Gentlemen of the Jury:—There is no duty that the law imposes upon a citizen that is more serious and solemn than that which has fallen upon you in this case; you are to determine from the evidence whether this defendant, Wolfgang Hoffman, who is charged with the murder of his own wife, is guilty or not guilty. Upon your verdict depends whether he is to be discharged from imprisonment and move about a free man among his fellows, or whether he is to be remanded to the penitentiary or doomed to a felon's death.

Under the constitution and laws this solemn duty falls upon you and you cannot avoid it, nor can you divide it with the Court nor with your fellow citizens. It is not for the Court to decide. We can explain to you what the law of the case is, and we can aid you by reviewing the evidence, but the undivided responsibility and the solemn duty of deciding whether this man is guilty or innocent of the crime with which he is charged rests upon you. I have no doubt you are duly impressed with the grave and solemn position which you occupy, and that you have carefully listened to the evidence and the arguments of counsel and will endeavor to discharge your duty as jurors impartially and fairly in the sight of that Almighty eye which sees all things. In the administration of justice it is equally important that no innocent man should be convicted, and that no guilty man should escape punishment.

Homicide, gentlemen, is the killing of a human being, and it is of three kinds—justifiable, excusable, and felonious. With justifiable homicide, an instance of which is where a sheriff hangs a person sentenced for murder, or excusable homicide which is where a man in doing a lawful act kills another by misadventure, we have nothing to do. The other kind, felonious homicide, is that with which you have to do. Felonious homicide is either manslaughter or murder. It is manslaughter where there is an unlawful killing without malice either expressed or implied, as in the heat of passion, upon sudden provocation. Murder is where a person of sound memory and discretion unlawfully kills any reasonable creature in being, under the peace of the Commonwealth, with malice aforethought, either expressed or implied. Express malice is where there is an express design to kill. By our statute murder is of two grades, murder of the first degree and murder of the second degree. Murder of the first degree is where there is a felonious and malicious killing, committed with the specific intent to take life; and murder of the second degree is where there is a felonious and malicious homicide committed without any specific intent to take life.

In order that you may understand the law upon this subject I will read to you the criminal code upon this matter:

"All murder which shall be perpetrated by means of poison or by lying in wait or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery or burglary 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 whether it be of murder in the first or second degree. Every person convicted of the crime of murder of the first degree, his aiders, abettors, and counsellors, shall be sentenced to suffer death by hanging by the neck; and it shall be the duty of the Clerk of the Court wherein such conviction takes place, and he is hereby required, within ten days after such sentence, to transmit a full and complete record of the trial and conviction to the Governor of this Commonwealth. Every person duly convicted of murder in the second degree, shall, for the first offense, be sentenced to undergo an imprisonment by separate and solitary confinement, not exceeding twelve years, and for the second offence for the period of his natural life."

The law implies malice from the use of a deadly weapon upon a vital part, but the law does not assume that is unlawful killing in the first degree. The burden of proving that it is murder of the first degree lies upon the Commonwealth. The Commonwealth must show that there was a specific intent to kill and that it was a willful, deliberate, and premeditated killing in order to make it murder of the first degree. In the case of the Commonwealth against Drum, reported in 8th P. F. Smith, Chief Justice Agnew, in delivering the opinion when presiding as Judge in a neighboring county, says with regard to these words, willful, deliberate, and premeditated, "If an intention to kill exists, it is willful; if this intention be accompanied by such circumstances as evidence a mind fully conscious of its own purpose and design, it is deliberate; and if sufficient time be afforded to enable the mind fully to frame the design to kill, and to select the instrument, or to frame the plan to carry this design into execution, it is premeditated. The law fixes upon no length of time as necessary to form the intention to kill, but leaves the existence of a fully formed intent as a fact to be determined by the jury from all the facts and circumstances in the evidence."

Evidence, gentlemen of the jury, is direct, or it is circumstantial. Circumstantial evidence may be certain or it may be probable. Circumstantial evidence may be as conclusive and as satisfactory to the mind as direct evidence. Satisfactory evidence is the amount of proof which ordinarily satisfies an unprejudiced mind. In a suit on the civil side of the Court the weight of the evidence determines; but in a criminal case, the sort of a case you are now trying, the evidence must be beyond a reasonable doubt. In a civil suit the evidence must support the hypothesis that it is adduced to establish, but in a criminal suit the evidence must exclude every other reasonable hypothesis; that is, every other reasonable supposition except that of the guilt of the defendant. Proof beyond a reasonable doubt is evidence such as ought to satisfy the mind and conscience of a common man and so convince him that he would venture to act upon his convictions in a matter of the highest concern to him and his own interests. A reasonable doubt does not mean mere skepticism, but a fair and rational difficulty. It must be an honest and conscientious difficulty in arriving at a conclusion. It must arise out of the evidence, and must not be fanciful or conjured up to escape the consequences. It must strike the mind with such force as to compel the mind to pause before coming to a conclusion. All evidence, it is said by some writer, is more or less circumstantial, the difference being only in degree. Evidence is sufficient when it excludes disbelief, that is actual and not technical disbelief, nor is it proper to disbelieve as a juror what one believes as a man. It is enough that his conscience is clear. A doubt to make an acquittal must be a serious and substantial doubt, not the mere possibility of a doubt.

We may remark to you on the subject of good character that good character may raise a doubt and cause an acquittal. Its weight is entirely for you, and you will, from the evidence, determine what weight it is entitled to in this case. The defendant's good character is proven by a number of witnesses and conceded by the Commonwealth. Where a deadly weapon is used upon a vital part, the law presumes that it is murder, not murder in the first degree but murder in the second degree; and if the Commonwealth wants to make it out murder in the first degree they must satisfy the minds of the jury that there was a willful, deliberate and premeditated intent to kill; that there was a specific design to kill. On the other hand, if the defendant desires such a homicide to be reduced to manslaughter, he must show that he used a deadly weapon upon a vital part in sudden passion and on great provocation; as the law presumes that such killing is murder, but not murder in the first degree.

It is conceded by the counsel on both sides that Elizabeth Hoffman, the wife of the prisoner at the bar, was in full life and being on the 27th of June last at ten o'clock in the morning. She arose at an early hour and after attending to the milking and the getting of the breakfast departed at some pretty early hour to visit a neighbor, David Cover, and she returned, as the evidence in the case seems to show, about ten o'clock to her home. At about this hour when Catharine Yoder and John Hoffman left the house of the prisoner they left these two, the prisoner and his wife, at the house. The wife had just returned from David Cover's according to the evidence as we remember it,—it is for you to determine the facts in the case—and was resting on the bed in the bedroom, and the husband, the prisoner, was sitting in a rocking chair in the sitting-room immediately adjoining. At or about the time of the departure of Catharine Yoder she saw him get up out of the chair and go up-stairs to the second story above. At half past three o'clock, or thereabouts, this woman was dead, and according to the declaration of the defendant when he first found her, she was then stiff. She lay on the floor of the milk house or cellar, on her face, resting on her stomach, with a rope around her neck, and with both sides of her head immediately behind her ears battered in so that there was a crushing of the skull, a breaking of it into fine pieces of bone; there was a considerable depression like a cone and great extravasation of blood upon the brain and a large clot of blood upon the back of the head. The theory of the Commonwealth is that this prisoner at the bar murdered her. The theory of the defendant is that she either committed suicide, first by taking poison or, second, by butting her head against the stones which were found on either side, or that tramps came along and killed her, or that David Cover killed her. In support of the theory of suicide the defendant alleges that her tongue was out; that there was a mark around her head such as would be made by a rope on a person who had committed suicide by hanging; that her fingers were rigid and bloody and that the rope was bloody. The Commonwealth, as you understand, is bound to make out her case. The defendant is not bound to suggest any theory as to how she was killed. It is sufficient to acquit this defendant if the evidence fails to satisfy your minds beyond a reasonable doubt that he killed her. Every necessary link in the Commonwealth's theory of the killing must be made out beyond a reasonable doubt. Now, if you determine that this woman was in full life and being at ten o'clock in the morning of the 27th day of June and at three o'clock on the same day she was found there with her skull crushed in on both sides and a rope around her neck—and there is apparently no reason why you should disbelieve this—then the next inquiry is, did she commit suicide, did she kill herself? The Commonwealth say that she did not, and they rely on the evidence of three surgeons, Drs. Brubaker, Gary and Krissinger, who have testified in your presence that her skull was crushed in, that there was this clot of blood behind, that any one of these blows were sufficient to render her unconscious and unable to have inflicted the other blows, and that any one of these blows was sufficient to cause death. You have heard the other witnesses in the case who testified to her appearance when she was found. The physicians testify that the blows were from behind and above; that independent of the insensibility and unconsciousness which must have resulted from the infliction of either of these blows and thus have incapacitated her from inflicting other blows, the blows were from behind and above. They further testify to you that the blows were inflicted by some weapon—this hammer or some similar one or a weapon like this hammer. Defendant's counsel have argued with a great deal of skill and eloquence that the woman may have poisoned herself. A box of arsenic was found upon her person, wrapped up in a little cloth and concealed in an under garment; to this the Commonwealth replies, why should she put the poison back thus wrapped up, or why conceal it; why take poison and then inflict these wounds upon herself, if indeed they were self inflicted? This is for you to determine. You will determine in the first instance whether the defendant's theory that this was a suicide is a tenable theory, whether it is a reasonable theory, and whether it casts a reasonable doubt upon this case. You will determine whether somebody killed her or whether she killed herself. If you are satisfied she killed herself, either by inflicting these wounds upon her head or by poison, you should of course acquit the defendant. If you come to the conclusion from the evidence, beyond a reasonable doubt, beyond a doubt with a reason for it, that her death was not suicidal but that it was inflicted by somebody else, then the next inquiry is, who inflicted this death upon her. And the important inquiry of this case is, did the defendant do it? It would be impossible without delaying this case much too long to read over to you all this evidence. When you go to your jury room, whilst you have no right to take the evidence out with you, if you have any desire to be informed by the Court with regard to the evidence of any particular witness that you don't recollect or that you differ about, you can come in and we will take pleasure in reading the notes over to you.

The Commonwealth urge upon you that you ought to be satisfied beyond a reasonable doubt that this defendant committed this murder because in the first place they have shown to you that he had a motive, and they allege that there is no motive shown by the defendant on the part of anybody else; and that the motive of the husband to commit the crime upon the wife was chronic anger and hatred and ill feeling engendered by inharmonious matrimonial relations, leading to quarreling and an unpleasant life. They suggest as a further motive that by the laws of this Commonwealth his wife dying without children, he would be the heir of his wife's estate, and that she had some six all estate said to be from six hundred to a thousand dollars.

They next urge upon you that he made threats, and they refer to the testimony of Mr. Flickinger. That testimony I will read, as it is important that it may be impressed upon your minds; as to the testimony that they quarreled, the mass of the evidence seems to establish that the relations between this husband and wife were inharmonious; that it was a jarring matrimonial connection that had resulted in frequent quarrels to the extent of words, and occasions when they would not speak to each other for weeks, and that on one occasion it went to the extent of his pitching a fork at her, or towards her—you have heard comments of counsel on that—and on other occasions it went to the extent of his drawing his hand at table, and on this particular occasion on the 24th of June as to what occurred there. I propose to read to you the testimony of Flickinger.

Anthony Flickinger, sworn.—Saw the defendant at Manassas Shoemaker's raising on the 24th of last June; had conversation with him; he said he had a great trouble with his wife; he told me that John's wife wanted him to bake and had no potatoes and that he said she should go into the cellar and get some; she refused and he went down and his wife came in and commenced to jawing him, and then he said that she should get out of the way or he would give her a "knicker," and if she hadn't gone, he would have given the damned bitch a "knicker" that she would never have come back any more; he said the greatest trouble he had was that his wife went up to Dave Cover's so much and would stir up strife whenever she came home; she would jaw, and if he would work her out of the way he would be hanged; he told me she had rented a house from Charlie Zerfoss and wanted to move there; I told him I would let her go in peace; that he had enough to live on and so had he, and if he could not live with himself he could with his boys.

Then the Commonwealth allege that he was there at the time and place and had an opportunity; that the evidence shows that she was at the house at ten o'clock and so was he, and that there is no evidence showing on the other hand that anybody else was there during that time, as they allege, although the defendant claims that Mr. Cover was there; then they say this defendant should have told a straight story, that he told diverse and contradictory stories as to when he saw her, alleging that he had not seen her from early that morning until he found her dead; and contradictory statements as to how long Phillip was there, and other contradictions that you have heard urged by the counsel. They allege then as another reason that he manifested excitement when he was at the dinner table at his own's, and that he lit his pipe and moved about and showed an unusual degree of excitement; they urge that his request to cut her down when he went up, and his request that no inquest should be held, were obviously as they claim, circumstances indicating a guilty mind; that he didn't want a jury, that he wanted her cut down immediately, as they urge in their argument, because he thought fewer persons would have seen just how she was; and they urge that he wanted her buried in the field as a suicide, and that he manifested indifference by feeding his chickens, scolded several times about his wife's conduct and that when the woman was laying her out on Monday afternoon, he walked around, looked in and laughed, gave expression, as was testified, to a ha, ha. All this conduct on his part, as they allege, are circumstances tending to make up the chain showing guilt on his part; then they allege that in addition to the contradictory statements already mentioned, he made other contradictory statements at the jail to certain persons whose names you will remember; that he told Benedict Yoder and Josiah Zerfoss, and I believe one or two others—made certain statements with regard to this matter that were contradicted by what he had said before. That he in fact at different times suggested three different theories: one, that it was suicide; another, that it was tramps; another, that it was done by Dave Cover; and that another time he made a declaration which indicated that he himself assumed the responsibility, and declared with regard to the hammer that it was his hammer that did it, but he did not inflict the blow; and that he declared to another party that it had come upon him and he accepted it. The suggestion of the defendant is that he said, "I am going to bear what has come upon me," "It has come upon me and I must bear it; not meaning thereby to make any admission at all.

It is for you to determine; you have heard the arguments of counsel on both sides and these alleged admissions, declarations and contradictions, and we have only to say in that connection to you that as a matter of law great weight ought not to be attached to what a party is supposed to have said, as it frequently happens not only that the witness has misunderstood what the party said, but the unintentional omission of a word or arrangement of a word gives a different signification to it.

Now, on the part of the defense, it is alleged as a circumstance in this case that there was no blood found on his clothing; that he wore the same clothes on Sunday morning, Sunday noon, and Sunday evening, and on Monday at the time of the inquest; that the bureau drawers were examined; that the girl testified to all the shirts that he had; that Mr. Gardill and others opened the drawers, examined and found all the underclothing that it is shown this man had, and that no blood was found after a careful search upon any of his garments. The argument in reply to this is that if the blow was inflicted from behind, if he came upon her from behind, felled her to the ground and stood over her and struck her on the other side of the head with the hammer, he would not be bloody, and that in a few minutes from such a wound as the physicians testify to, the spurting of blood would be over, and then he might put this rope around her neck, lift her head a little bit, and tie it to the joist, and that in doing that he would not get any blood upon him; and there is not much in the argument of the defense that there was no blood found upon his clothing. It is for you to determine. We are stating what has been urged by both sides; and the fact that there was no blood upon his clothing seems to be sufficiently clearly proved. How much weight is to be given to that on one side or the other you will determine. In regard to his being at his own home it is urged by the counsel for the defence that he had a right to be there and this should not be considered a suspicious circumstance; and that he had a spell of sickness that day and and was up stairs in the room above, where he went to be away from the flies; and on the other hand it is urged that if she was killed by somebody else and he was within hearing distance and the other house was within hearing distance; if tramps had come to kill her and she had got a view of them in the first instance, it is quite probable she would have made an alarm; and the defendant urges also that there was no concealment of the hammer, that is the hammer with which the prosecution says the offence was committed, and upon which they say there was blood and that it laid in open view in the shop; and they also allege that the Commonwealth's motive is not sufficient that there was an old grudge and that his property is not very large; and it is therefore not likely a man would kill his wife simply because they lived inharmoniously, or because she had some property which he would inherit. They say the commonwealth proves no distinct instance of a threat; that this threat which the Commonwealth claims as testified to by Flickinger, this declaration about inflicting a "knicker" was simply with reference to that particular occasion, that is, if she hadn't got out of the way he would have given her a "knicker;" and they allege in reference to what he told the people in jail that human memory is very frail, and the change of a word makes a great difference; and then urge his good character. His good character for peace is clearly proven, except that he quarreled with his wife; sixteen or seventeen witnesses testify that he is a man of peace, and on cross-examination full of no quarrels, no vindictiveness which he ever manifested. He is a man of peaceable and quiet habits, except some of them said on cross-examination that they had learned that he lived unhappily with his wife.

Now, gentlemen, we have hurriedly reviewed the evidence. There is another theory by the defendant that is argued with some force, that there are circumstances of suspicion against David Cover, that he may have done this, that he was there about ten o'clock in that neighborhood and that he told Bressler and his wife on Monday as he hastened over there to the scene of this calamity, that he had seen Mrs. Hoffman fifteen minutes before her death. David Cover denies this. It is alleged that David Cover knew the deceased had money and wanted to administer upon her estate, and Cover told Moses Yoder that they should stand together and hang this old rascal. This evidence has been fully commented on by the counsel. It was marvelously indecorous on the part of Cover to get out that paper and seek to become the administrator; and it is marvelously