# COURT DOINGS.

*(AUGUST TERM.)*

[Reported for the Star & Banner.]

**In Common Pleas.**

Wm. Howe, Adm'r of Chas. P. Hinse, for the use of W. D. Hinse, vs. J. A. Wirrot & T. C. Miller.

**Judgment** gave their note to the Prothonotary, for the full amount and costs. Plff called for the money, and finding none, refused to accept the note as payment. This suit was brought to recover debt, interest and costs to present term. Verdict for Plff.

Wm M'Clellan for the use of George Hinse, vs. Anthony B. Kurts.

This was an action brought to recover the amount of a judgment obtained before a Justice under the Act of 1836, giving Justices a concurrent jurisdiction in certain cases with the Court of Common Pleas. The question involved was whether the Act of 1836 took away the concurrent jurisdiction or not. Verdict for Plff.

**Oyer and Terminer.**

Commonwealth, vs. Frederick Smith. J. True Bill.

No. 1—August Term. Indictment for murder—

Deputy Attorney General Reed, Cooper, and Magrath for Prosecution. Fry, Brown, Garvin, and McClellan, for Defence.

On Tuesday morning the Prosecuting Attorney moved to quash the indict ment against the pris oner found at the January term, on account of an alleged error, and a new one was then given to the present term. Motion granted.

In the afternoon, the Defence moved to quash the present indictment, obsti ng at this time in this Court an hearing upon a mot notice to Defendant's counsel, so that he was deprived of the privilege of challenging Grand Jurors. The Grand Jury, however, had been sworn, by whom another bill could at once be found, and no practical benefit accrued to the defendant by the delay, the motion was finally waived by the prisoner's counsel, in order to proceed to an immediate trial.

At 3 o'clock, the prisoner was arraigned at the bar of the Court, and, after having the indictment read to him, plead not guilty. The Court Room was densely crowded during the examination of the prisoner, in charge of Messrs. Stahlnecker and Herst, acting as Deputies of the Sheriff, and the difficulty made his way to the bar. His general bearing seemed to evidence some feeling, yet not to the scene transpiring around him, although his appearance seemed somewhat more dejected, and his face paler and more emaciated than at the April term.

The Clerk proceeded to call a Jury. Out of a panel of forty-eight, eleven Jurors were obtained, and the health that seemed to have failed some time has challenged peremptorily only and twenty-one for cause—the prosecution then finishing its peremptory challenge. The following Jurors were then sworn:

John Musselman, Jr., Peter R. Noel,
Frederick Bittinger, Joseph Kepner,
James Patterson, Jacob Weaver,
John C. Ellis, George Culp,
Daniel Trimmer, Peter Sell,
Peter Smith, Robert Cobean.

Mr. M'Conaughy, for the Prosecution, addressed the Jury in an opening speech of about an hour, in which the details of the evidence which the Commonwealth designed to adduce in support, were clearly and concisely stated. It would be proven that a cruel, wicked murder had been committed in the person of Mr. Forster, a peaceable, aged citizen of Menallen township, residing a short distance from Arendtsville, and that on the night of the 23rd of November last; and such a chain of clear, positive circumstantial evidence would be presented to the Jury, as would fasten the guilt of the murder upon the prisoner at the bar, whose route from his home in Reading, to the residence of the deceased on the day and evening preceding the murder, would be distinctly traced, and the route on the return homewards the next and subsequent days, together with the circumstances and incidents which leave upon the minds of the Jury no possible doubt as to the guilt of the prisoner at their solemn obligations. The three circumstances we will all appear in the course of the testimony, it were a useless waste of space to give them in detail here.)

Mr. M'Conaughy having concluded, the Jury were placed under the charge of constables, with strict instructions to allow no intercourse or conversation out of their number during the night, when the Court adjourned to 8 o'clock in the morning.

*(Wednesday Morning.)*

JACOB KECHLER called by Prosecution and sworn—I live in Arendtsville, 300 or 400 yards from Forster's house. On Monday morning following the murder, sent a boy over to get Forster to make some clothes, when the boy came back he drew of Forster's house, saw blood, and came back for me. This was about 9 or 10 o'clock on the morning. I went to Forster's house, looked into the window saw something was wrong, went back to Arendtsown, got assistance and returned. The door locked; the front door having a bolt which screws off, I went to the back door, looked in window, which was open. Found the body of Forster on the floor, his head and upper part of the body on the feathered which was wrapped around the head; the remainder of the body was lying on the floor, and under the bedstead. The feet of the body were under the bedstead, pointing out. The head was lying enveloped in the bedding, with hands drawn up to the chin, his knees drawn up round his head from under the chin, and the feathered blood collected immediately under his face. A number of holes in the head; large gash in the side of the skull. There were six or seven clubs in the room, all pretty one knotty, on which were blood and hair; it was stone wood, two feet long, the thickness of my arm, and slightly knotty. The cane (initials smoothing iron) had hair and blood on it. The cane must have been but; there was skin on it; on the handle it was bloody. There was a bucket, bloody, in the room. The body was left undisturbed until the arrival of the Coroner. There was blood on the clothes on the bedstead, which run on to the floor. Blood around the bedstead. Forster was 52 years of age. He came from Germany; lived near Arendtsville about 15 years.

X-Examined—Saw Forster in the wounds myself; the head was not swollen, very little if any; the grease was four or five inches in the head; there was skin on the handle. Forster was nearly middling. He had a house in Gettysburg and kitchen below; entrance to kitchen and then into the room; the shop was in the room, the bed there aside the back door; saw no other bed in the middle of the room, and one in the gable, against the wall in the back of the room. The bandle chief around the head was bloody, not dry; the bands were all bloody. There was blood behind the wall; the body had nothing on but a shirt; was a stove in front of the bed; another room; two chairs in the room; one small bench at the foot of the bed; a table behind the door; candlestick; with candle standing on the bench; blood on it, as though it had run down. Chairs not thrown down. Forster's clothes in the bedstead by pieces.

By Prosecution—The chest was broken open at its hinges with a stone or brick; the lid was broken into pieces; the hasp was still locked—it contained a small money purse, which, from the marks, seemed to have had money in it; a linen purse, a few long and as broad as a hand; it was empty. There were some pieces of paper also left in the chest, which was all unrumpled. The night of the 23d of November, Thursday night, rainy, dark, foggy night.

By the Court—Forster was a middling size man. The clubs were scattered round the stove from about six to ten yards from any other; near Arendtsown, Adams County, Pa.

By Prosecution—In the kitchen, on the table, found a bucket, with probably half gallon of water, which was bloody, as though hands had been washed in it. Saw no appearance of bread cut through.

By Defence—The purse had been tied up, with a string which left a mark; it might have been there a long time; it was coarse, unbleached. Some of the clubs in the room were not bloody. The room was 10 or 12 feet by 15 or 16 feet; saw no blood on the bloody foot-prints on the floor; looked as if there might have been a scuffle. The bed was pushed a little out; other clothing were lying on a chair.

JACOB LOWER called and sworn—I was in Forster's house on Monday following the murder. Mr. Kechler came to my street and said he went to Forster's house, found the door locked, looked in the window—saw blood on the floor; went back to Arendtsville, then go immediately stated by Mr. Kechler.) Forster was stone, about 50 or 60 years of age, and I think 2 inches in height.

X-Examined.—Examined the goose, found hair and blood on the wood was dry, and the hair crisped as though the goose had been hot. Saw the handkerchief; it was tied on the top of the head; the head lay level with the body. The blood had run through the bed on the floor; chest was at the foot of the bed. Forster's boots were on the road from Gettysburg to Arendtsown. My store is about 10 or 15 yards from Forster's house.

By Prosecution—The night of Thursday, 23d of November was very foggy.

By Court—Forster lived by himself, no other person in the house.

*By Defence*—I think I saw Forster pass on Wednesday evening to Kechler.

JAMES KNOX called and sworn—Went to Forster's on Monday morning to get clothes cut; the door was shut; I went to the door, looked through the window; went and told Mr. Kechler, and after went back to Forster's house; the window was open; I went in. Had of wines' evidence as to appearance of things at the house when he had already been upon the stand.

DR. CHARLES HORNER sworn. I live in Petersburg, Adams County, Pa. On the night of the murder, I had an inquest on the body of Frederick Forster. Found the body on a feathered bed, with a bloody head; found three deep cuts on the face lying on the feathered, with much blood around the head. Washed the face and find a fracture extended from the temple, over the left eye, long deep and reaching to the bone, about midway between the top of the eyebrow and the top of the forehead. Found a fracture of the nose, and much contusion of scalp around. Found a small wound on the back part of the head, and reflex on an axe. Between the top of the head and left ear there appeared to be a fracture of the skull, and much contusion of the ear. Found a wound on the back of the neck, and a fracture of the meta carpal bone of the hand, which appeared to be the result of a contusion. Found no other wounds. Found no other fracture of the bones. Found no other fracture of the skull. Found no other wounds. Found no other fracture of the skull. Found no other wounds. Found no other fracture of the skull. Found no other wounds