## benshuru Alleghanian,

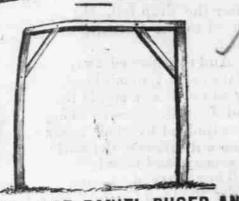
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I WOULD RATHER BE RIGHT THAN PRESIDENT .- HENRY CLAY.

EBENSBURG, PA., THURSDAY, APRIL 26, 1866.

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## LUME 7.



ECUTION OF DANIEL BUSER AND JOHN B. HOUSER.

MURPER OF POLLY PAUL AND

all and Connected History the Murder, the Arrest, the Trial, the Conviction, and the Execution.

sported especially for The Alleghanian.] Friday last, 20th instant, at th of 12.12 p. m., Daniel Buser and in B. Houser paid the forfeit of their s for the murder of Polly Paul and

THE MURDERED WOMEN. The victims of the murder, one of the

st atrocious and cold-blooded that ever rkened the annals of crime, were Polly al and Cassie Munday. The former a maiden lady, 70 years of age. She ided on a farm belonging to herself, in etired locality in Croyle township. A lected by-road pursued its devious dom traveled, and neighbors were so aid to have lived almost totally isolahands-raised and sold cattle-disel of wood and timber to purchasersthrough the exercise of strict econshe had amassed a considerable sum noney. The exact sum possessed by er will be known till the last great when the archangel's trump shall call red-handed despoilers to a bar of sustenance and support after that pe- Paul and Cassie Munday? when the muscles relax and the flesh nes a burden, before the inroads of eal decay. Perhaps she had a more ore-perhaps the great central hope her life was the endowment of a cole or a seminary, the giving of alms to poor, the amelioration of her kindknows! But one thing is sure; atever of money was possessed by the lady fell a prey to the murderers, for was all kept concealed within her humtenement, and the pitiful sum of ty-nine dollars was all that strictest uch revealed after the enactment of the stible tragedy. The fruits of a lifetime ul to that of the Psalmist, a lifetime ber and self-denial, were swept off at toke, and-saddest of thoughts !t was labored for so assiduously and astred so scrupulously as a fountain of sings, proved a curse and its posses-

destruction. he other victim was a daughter of Martin Munday, of Cambria townp, and was only 17 years of age. Miss all usually resided alone on her farm, it at the time of the murder, Cassie unday was living with her as an apprence to the weaving business, in the myseries of which business Miss Paul was an xpert. Cassie had served with her intructor a year, and in one more week would have finished her probation and turned to her father's house. In anticpation of her return home, her father d purchased for Cassie a loom, that she ght exercise in her own behalf her acred handicraft. But the remorseless and of the murderer cut asunder at once ad forever the warp and woof of the com and the young life whose bloom and eanty would have transformed the bare ers of the cumbrous machine into the odiment of symmetrical perfectness, nd thrown around them the halo of

June of life! Seventy, with its frosts snows, its feeble pulse and halting the bated breath and anxious glances

hellish atrocity and fiendishness which POPULAR EXCITEMENT AND INDIGNATION. subsequent conviction of the murderers case was resumed. Geo. W. Oatman, It was pronounced by Mrs. Preall and devils might envy.

The murder was committed on Wednesday evening, 7th June, 1865. The two women were last seen alive by a neighbor at about the hour of five o'clock, p. m. An hour or more later, in the early twilight, a young girl, Mary Staboliski, daughter of a neighbor of Miss Paul, while hunting cows, heard some unusual cries, as of a person in distress, near the house of the latter. She drew closer, and beheld two men running toward the barn. Becoming greatly alarmed, she hid behind a stump till the men had got into the barn, when she proceeded swiftly home and related to her parents what she had seen, remarking that she believed the men were bad men and that there was something wrong at Miss Paul's. Her parents, however, took the view that the two men were butchers buying cattle-Miss Paul was known to have had cattle for sale at the time-and dismissed her fears as groundless. The next day, at noon, eighteen hours after the occurrence of the events here narrated, the little girl, from whose mind could not be banished the belief that the two men seen by her were on some direful errand bent, returned to Miss Paul's, to inquire into the condition of the household. On nearing the house, she found at once that something was wrong. No one was astir on the premises, dering her, were remembered to his disand a general sense of desolation was credit. It was also attempted to be shown everywhere apparent. As the little girl that a penknife found in his possession, testified before the Court-and it is a with a peculiar nick or defect in the edge graphic description of the scene of desola- of the blade, was the self-same knife with tion-"the cows were in the orchard; which the murderous clubs had been prethere was no smoke in the chimney; pared. This was attempted to be demoncould hear nothing about the house; and strated by cutting a piece of wood with through her premises, but this was the calf was bawling in the stable." She the knife, and then comparing a ridge or again returned home and told what she roughness left by the nicked blade with a and so far apart, that the old lady may had seen, and this time her note of alarum like ridge or roughness to be seen on the was not suffered to go unheeded. Her clubs, caused apparently in the same nom the world. Here she tilled her father raised the neighbors, and together, manner. ot of ground, principally with her to the number of three or four, they repaired to Miss Paul's.

The door of the house was ajar. The men entered, and found the house tenant- his residence in Jefferson county, on less, and its contents in dire disorder .-The chairs and tables were upset on the He was present when Ream threatened to spoken of, he would use some of the monold lady is not known, and probably floor, the drawers of a bureau were displaced, and the beds were ripped open and their contents scattered about. It was self-evident that a general search had ment in which there can be no con- been instituted by some one for valuables. ment. But as to the fact that she Pretty soon, a club was discovered in the county Court, were brought to trial. money, and a considerable sum of it, house. Had murder been added to the ere is no question. She had toiled crime of robbery ?-had the miscreants om early morn till late at night for a been detected in their work of spoliation, time, denying herself measurably of and, on the principle that "dead men tell aforts and pleasures, that she might no tales," had the two women been made ass a competency from which to draw away with? Where, oh! where were Polly

A systematic search was made from cellar to garret, but no indications of the whereabouts of the missing women could ling purpose in view in hoarding be discovered. The coal-house was next searched; then the spring-house, and finally the barn. In the latter structure, in a stall of the cow-stable, the dead body of Miss Paul was discovered. Her skull had been dashed in, and she was lying in a pool of her own blood. Further search revealed the body of Cassie Munday lying in the orchard, about fifty yards from the house. She was stone-dead, with hideous bruises on her head and person. A club, uniform in size and shape with the one found in the house, was discovered lying

The presentiment, the foreboding fears of little Mary Stiboliski were more than realized. A deed of blood had been done, almost in her presence, so dark and hideous that it must have caused the angelic hosts around the eternal throne of God to shudder with affright, and to turn away their eyes from beholding the awful spectacle.

THE CORONER'S INQUEST.

A Coroner's jury was speedily summoned, and after a thorough investigation of the facts as they appeared, a verdict was rendered that the two women had been murdered by some person or persons

POST-MORTEM EXAMINATION.

A post-mortem examination of the bodies was made by Drs. Bunn and Gardner. Dr. Bunn testified before the Court that upon examination of the body of Miss Munday, he found the skull on the right side dashed in, and evidence of other injuries produced by a club, and that in his judgment her death was as instantaneous as though her head had been cut arranging a plan to come to Cambria off; and that upon examination of the fractured and injuries which would cause parties. He was immediately taken into cember. The Commonwealth was reprebody of Polly Paul, he found her skull Seventy and seventeen—the January instant death. His testimony was corroborated by Dr. Gardner.

The instruments with which the cruel the river to where the pale boatman deed was committed were each about two When Buser and Houser came, he also in their behalf, and awarded a compulsory its beauty, and innocence, and confi- es thick at the larger end, and tapering Although little cr no dependence was love in God and nature, its odor of to three-quarters of an inch at the smaller violets, its token of high and glori- end. A knob was cut on the smaller end Promise as unfolded through a long of each, to prevent their slipping from the hand when being used. They bore evi-Surely, surely, the heart dence of having been prepared with great the could conceive and the hand execute care. A singular fact connected with the care, deliberate murder, for money, of clubs is that no one person has been found who is able to give the proper name of a girl where a girl whose youth and innocence en- the species of wood from which they were passed her as a mantle-both weak manufactured. The wood is very heavy, comparatively helpless, and far re- and is peculiar to marshy grounds. It hoved from the possibility of succor— grows in abundance in the neighborhood ergy and determination the arrest and of Miss Paul's.

When the facts connected with the horrible tragedy became generally known, the excitement and indignation which agitated the county from its centre to its circumference knew no bounds. It was resolved as with one mind that the murderers must be apprehended and punished -that earth should be allowed to contain no hiding-place sufficiently concealed to shield them from the stern retribution due a crime so unprovoked, so fiendishly cruel, so utterly abhorrent to the moral sense of the community. In obedience to the popular demand, the Commissioners of Cambria county promptly offered a reward of Five Hundred Dollars for the arrest of the murderers. This reward, we may mention in this connection, was some weeks since paid to Detectives Hague and and were on the same day removed here remembered that the beds in Miss Paul's M'Kelvey, of Pittsburg, who were mainly and lodged in jail. instrumental in effecting the capture of THE NATURE OF M'CREERY'S INFORMA Buser and Houser.

ARRESTED ON SUSPICION. On the Friday following the murder, one John Ream, a resident of Conemaugh, Cambria county, was arrested on suspicion of having been concerned in the murder. He had borne a rather bad character for some time previous, and some remarks which he had made several years before, to the effect that he believed Polly Paul had a "heavy pocket-book," and that he could possess himself of the same by mur-

Ream, who formerly resided in Cambria county, was arrested on the 22d June, at | tion between Buser and Fulgart, in which suspicion of being the other guilty party. kill Polly Paul for her pocket-book, and avowed his willingness to go "half" with him in that undertaking. The two men were committed to jail here, and at the regular September sessions of the Cambria

TRIAL OF REAM AND RIDDLE. The indictment was laid before the Grand Jury on the 6th September, and in due course of time a presentment of murder was returned. On the 9th the case came up, when the prisoners elected to be tried separately. Ream was tried first. This case occupied the greater part of three days. Seventeen or eighteen witnesses were examined, and although some of the testimony bore heavily on the prisoner, yet he experienced no difficulty in proving an alibi, and the prosecution was abandoned. His honor Judge Taylor directed the jury to return a verdict of "not guilty" from the box:

Immediately after the disposal of Ream's case, that of Riddle was taken up. It occupied a little over a day in the tryabandonment of the prosecution by the Commonwealth. He established a clear alibi, and a verdict of "not guilty" was returned from the box.

Both prisoners were remanded back to Cassie Munday-the indictment in the murder only of Polly Paul; but on the night of the 13th October following, they broke jail, since which time they have not been heard of.

ANOTHER ARREST.

A few days after the occurrence of the tragedy, a man named Cassiday was arrested in Johnstown, on suspicion of being concerned in the murder. He was committed to jail, where he remained till the 6th July, when he was taken before the Court on a writ of habeas corpus and accorded a hearing. No evidence appearing to connect him with the body of the crime, he was discharged from custody.

About this time, a negro named Montz wrote from Pittsburg to the authorities here, stating that shortly before the murder he overheard two men in Pittsburg county and rob and kill a maiden lady, and averring that he could identify the custody, and brought here and confronted sented by Messrs. Johnston, Reed, Oatby all the prisoners in the jail, including man and Barnes. The prisoners appeared Ream and Riddle. After a thorough without counsel and without witnesses .scrutiny, he unhesitatingly declared that The Court appointed Messrs. A. Kopelin, the two men were not of the number .- John P. Linton and W. H. Rose counsel placed in his story, Montz was held in custody till December Court, when he was discharged, without having been called upon to tell what he knew under the sanctity of an oath.

BUSER AND HOUSER.

A couple of weeks after the murder, Dr. Campbell, Warden of the Western Penitentiary, wrote to District Attorney Noon (who was unremitting in his efforts ergy and determination the arrest and

are mainly due) that a certain William Esq., made the usual opening speech for Mrs. Paul to be identical in size, shape and M'Creery, an inmate of the Penitentiary, the Commonwealth. had made a disclosure to him to the effect that he had overheard certain conversa- ined, some of them at great length. We tions in that prison which induced him to believe that Daniel Buser and John B. Houser were the murderers of the two women. The District Attorney forthwith | that the plot to rob and murder was formrepaired to the penitentiary, and after sev- ed in the penitentiary; that Buser and eral interviews with the man M'Creery, in | Houser were informed in the penitentiary the course of which he learned many facts of the circumstances and unprotected conand circumstances going to fasten the condition of Miss Paul by Philip Fulgart; viction upon his mind that justice was at that Fulgart told them that the old wolast on the right track, he ordered the ar- man had plenty of money, which, as she rest of Buser and Houser. The two men lived by herself, in a lone, unfrequented were taken into custody in Alleghany locality, could be easily got at, and that city, their place of residence, on the 20th the money would most likely be found in city, their place of residence, on the 20th July, by Detectives Hague and M'Kelvey, the bed-(in this connection, it should be

For several years prior to May of last year, Buser and Houser were inmates of the Western Penitentiary, serving out a sentence for robbing a clothing store in Alleghany city. One Philip Fulgart was also an inmate of the penitentiary at the same time. This Fulgart was a resident of Cambria county, and lived somewhere in the vicinity of Miss Paul's. He was well acquainted with the circumstances of the old lady, and of her manner and mode of life. The nature of M'Creery's information to the authorities was to the effect that he had had a conversation in the penitentiary with Buser, in which the latter had told him that he had been informed by Fulgart as to several places where "points" (money) could be got by robbing, and that he and Houser intended going after one of these "points" as soon as they got out of the penitentiary-that Fulgart afterward told him (M'Creery) that one of the "points" spoken of by Buser was at an old woman's who lived One David Riddle, a brother-in-law of | by herself, a weaver, Mary Paul by name -that he overheard part of a conversathe former told the latter that if he was successful in making any of the "points" ey obtained for the purpose of effecting the liberation from prison of Fulgart, while Fulgart assured Buser that he could make the "point" easy at the old woman, the weaver's, (Polly Paul's,) -and that Houser had given him to understand that he and Buser intended going after one of these "points" as soon as they got out of the penitentiary. Buser and Houser were released from the penitentiary on the 17th May, 1865. M'Creery, who was serving a term in the penitentiary for burglary committed in Washington county, was pardoned out in December, expressly to

enable him to testify in this case.

THE PRISONERS NOT PREJUDGED. Outside of the few immediately interested in working up the case, nothing was known as to circumstances which connected Buser and Houser with the crime .--Neither of the prisoners ever resided in Cambria county—their antecedents were altogether unknown-what was expected to be proved against them was kept sa- tragedy; that he carried in his hand a credly secret. So that, they went into the | tin box, and gave out that he was a cuping, and resulted, like Ream's, in the dock when the trial came up, with the per and leecher; that he inquired conassumption entertained in their favor by cerning Miss Paul, asking particularly if nine out of every ten that they were in- she was living by herself at that time. nocent of the charges preferred against which a jury in the case was obtained .- | met two men answering the description of jail, to await trial on the charge of killing Notwithstanding the extreme formality the prisoners near Summerhill; one of entering into the empanneling of a jury on them carried a black carpet-bag in his cases tried charged the parties with the a case of life-and-death importance, the re- hand; they were going in the direction of quisite twelve men were obtained and sworn | Polly Paul's. in, in the short space of one hour. Only | Mary Stiboliski testified that she was thirty-five jurors in all were called, four hunting her father's cows on the evening of whom were disqualified by reason of of the murder, close by Polly Paul's resientertaining conscientious scruples against | dence; that she then and there heard capital punishment, eight challenged for cries of distress, and that she saw two men cause, eight challenged by the prisoners, running toward the barn. and three challenged by the Common-

Following are the names of the twelve men sworn to try the cause :

JAMES DAVIS, GEORGE W. KERBEY, HENRY F. WAGNER, JOHN MYERS, JOHN BUCK,

NEWCOMB HUNTLEY, THOMP. R. KIMMELL NICHOLAS SNYDER, JOSUE PARRISE, JAMES N. EVANS.

WILLIAM KAYLOR.

THE TRIAL.

The trial came up at the regular De cember sessions. A presentment having been returned by the Grand Jury against the two men for the murder of Polly Paul, the case was called on Tuesday, 5th Deexpectantly waiting; seventeen, feet four inches long, one and a half inch- failed to identify them or either of them. process for witnesses in their favor. The process was placed in the hands of an officer, and the case was held over to await his execution thereof. On Saturday, that she must have been possessed of con- tragedy the day before the murder, having December 9th, the process having been served and the witnesses asked for produced in Court, the case was again called up, when the prisoners pronounced themselves ready for trial. They were arraigned in the usual form, and plead not guilty. Court adjourned till Monday, Dec. 11th.

THE TESTIMONY. Court met again on Monday, and the he arrested him, was given in evidence. Houser at their boarding-house in Alle.

Some twenty-five witnesses were examappend a summary of the more important testimony elicited.

William M'Creery testified in substance house were found cut open and the contents scattered about, upon the discovery of the murder;) that in consideration of the information given by Fulgart, Buser promised Fulgart that he would devote a portion of the money to be so obtained to the procuring a pardon for him; that both Buser and Houser gave him (M'Creery) to understand that they would rob, and if need be murder, Miss Paul for her money after they got out of the penitentiary .-This testimony, considered apart from its bearing on this case, possesses a deep and alarming significance. "It is, indeed, if true, a startling thought, and one which should excite public attention," said his Honor in his charge to the jury, "that the place provided and maintained by the State for the punishment and reformation of felons, may from defective construc-tion, or any other cause, become a place ere crime is concocted."

David M'Kelvy and William M'Creery testified that Buser and Houser were discharged from the penitentiary on the same day, on or about the 17th May, 1865.

Miss Agnes Dimond, Mrs. Mary Hilderand, Mrs. Anna Cobaugh, William A. Stewart and Jacob Giffin testified, some of them so positively as not to admit the existence of a doubt on the subject, to seeing Houser in the immediate vicinity of Miss Paul's on or about the 25th of May. He was at the time moving about in a strange and mysterious manner, the witnesses said, making inquiries concerning the Widow Paul, (no widow Paul lived in the neighborhood,) asking where she resided, whether she was at home, and whether she lived by herself or not.

Mrs. Elizabeth Graham testified that Buser and Houser came to board at a house where she was staying, kept by Mrs. Miller, in Allegheny city, about the 28th or 29th of May, where they remained till the 5th of June; that on the latter day, they went away together, carrying with them a tin box containing instruments for cupping and leeching (the prisoners sometimes followed the profession of cuppers and leechers) and a black carpet

Mrs. Susan Preall and Mrs. Sarah Paul testified that on the day before the murder, a man, whom they both identified as Houser, came to each of their houses, in the near neighborhood of the scene of the

James R. Cooper testified that on the them. This is proved by the facility with afternoon of the day of the murder, he

Mrs. Graham testified that on the 9th or 10th of June, Buser and Houser returned to their boarding-house in Allogheny city, when Houser's feet were sore and swollen, as though he had walked a long distance, while his general demeanor was that of a distressed, heartsick man that in a conversation she overheard soon after between Buser and Houser, at the boarding-house, the latter asked the former for his "share of the money," which the former refused to allow, saying "it might get them into trouble" to touch the

John S. Johnston testified that in a conversation he had with Buser about the 5th of June, in Allegheny city, he understood from him that he and Houser were "going up the railroad, towards the mountain;" that before they left they had no money of account, but that after they returned from their expedition, Buser of- May; the disappearance of both from their fered to buy a house from him for \$1,600, boarding-house on the 5th June, carrying and pay \$500 down.

that Polly Paul sold cattle, butter, lum- | carpet-bag; the reappearance of Houser ber, &c., that she was economical, and in the neighborhood of the scene of the siderable pecuniary means at the time of with him a tin box purporting to contain her death; and the record of the admin- cupping and leeching apparatus; the istrator on her estate was given in evi- presence of two strange, suspicious-lookindence to show that the sum of \$39.62 was men near Summerhill on the evening all in cash that was found to administer the murder, who were going towar upon as belonging to her.

cupping and leeching, which was found that the murder was committed by 1:00 in Buser's house by Detective Hague when men; the reappearance of Buse's and

color with the tin box carried by Houser when he visited their houses the day before the murder.

THEORY OF THE PROSECUTION.

The theory of the prosecution, deduced from the mass of testimony, and claimed to have been fully proven, may be said in few words to have been about this: That the specific plot to rob and murder was formed in the penitentiary; that Houser's appearance in Cambria county, within a few miles of Miss Paul's, during the latter part of May, was an exploration of the neighborhood preparatory to carrying into execution the plot so formed; that on the 5th June, Buser and Houser left Allegheny city together; that they came to Cambria county, and that on the 6th Houser again explored the neighborhood of the murder; that on the 7th, the murder was committed by Buser and Houser; and that on the 9th or 10th, they arrived in Allegheny city, on their return from the expedition. The failure of the prisoners to show, or to attempt to show, where they were, or to give any account of themselves for the period comprised between Monday and Friday of the week of the murder, was also claimed by the prosecution as presumptive evidence of guilt; for it was argued, and on high legal authority, that if they were in another county (as they alleged) during this time. they could without difficulty prove the

CIRCUMSTANTIAL EVIDENCE.

It will be observed that the evidence against the prisoners was purely presumptive or circumstantial. No eye save the eye of Omniscience beheld the two women stricken down by the remorseless murderers; and to the end of convicting and punishing the guilty, it became necessary to resort to the establishment of certain independent facts, which facts, unexplained and unaccounted for, should form a chain of evidence so strong and convincing as to exclude every other hypothesis save and excepting that of quilt.

Circumstantial evidence is defined by Wharton as "the presumptive proof, when the fact itself is not proven by direct testimony, but is to be inferred from circumstances which either necessarily or usually attend such facts."

Said C. J. Shaw :- "The necessity of resorting to circumstantial evidence . . . is obvious and absolute. Crimes are secret. Most men conscious of criminal purposes, and about the execution of criminal acts, seek the security of secrecy and darkness. It is therefore necessary to use all other modes of evidence besides that of direct testimony, provided such proofs may be relied on, as leading to safe and satisfactory conclusions; and-thanks to a beneficent Providence-the laws of nature, and the relations of things to each other, are so linked and combined together that a medium of proof is often furnished. leading to inferences and conclusions as strong as those arising from direct testimony. . . In a case of circumstantial evidence, where no witness can testify directly to the fact to be proved, you arrive at it by a series of other facts, which by experience we have found so associated with the fact in question, as, in the relation of cause and effect, that they lead to a satisfactory and certain conclusion; as when foot-prints are discovered after a recent snow, it is certain that some animated being has passed over the snow since it fell; and from the form and number to the foot-prints, it can be determined with equal certainty, whether it was a man, a bird or a quadruped. Circumstantial evidence, therefore, is founded on experience and observed facts and coincidences, establishing a connexion between the known and proved facts and the facts

sought to be proved." Said C. J. Gibson: - "Circumstantial evidence is in the abstract nearly, though perhaps not altogether, as strong as positive evidence; in the concrete it may be infinitely stronger. A fact positively sworn to by a single witness of unblemished character, is not so satisfactorily proved as a fact which is the necessary consequence of a chain of other facts sworn to by many witnesses of doubtful credibility.'

THE FATAL CHAIN.

Viewed in the aggregate, the independent facts proved, and going to establish the guilt of the accused, formed a chain from which not a single link was missing. The expressed plan, purpose and motive of the prisoners in the penitentiary; the well attested presence and conduct of one of them in the near neighborhood of the scene of the tragedy the latter part of with them a tin-box filled with cupping Several witnesses were called to prove and leeching instruments, and a black Polly Paul's, and one of whom carrie d A tin box containing instruments for black carpet-bag in his hand; the fact