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THE KIEHL MURDER TRIAL.

Continued from last Week.

DR. THOMAS STEWART, *sworn.*

I reside in Carlisle, have practiced medicine 21 years. I heard the hypothetical case, and from my opinion, death ensued from acute inflammation of the stomach and bowels, keeping out of view the chemical analysis, in view of one prominent thing and by two secondary causes. At the time of eating the pie and sausage and the cream cake, and running around, and afterwards taking powders, were enough to incite the inflammation without any other cause, but in connection with the finding of arsenic by the chemical analysis, the amount of arsenic so found, was also sufficient to create inflammation. Inflammation caused by one or all of these, the arsenic stands prominent. Either of the causes by which inflammation was caused, would produce death. Symptoms prominent, are pains in the stomach and bowels, extending up to the throat, thirst with some prostration and some purging. I had a case of arsenical poisoning in a child, about 14 years ago, but don't remember other than that, the symptoms of burning &c., were prominent.

DR. W. W. NEVIN, *re-called.*

I was one of the attending physicians; heard the hypothetical; I think she died from *gastro enteritis*, induced by arsenical poisoning.

Same question as asked before, exceptions taken by defence as before, exceptions noted.

A. It would confirm the opinion that I have already expressed that she died from acute *gastro enteritis*, induced by arsenic.

Same question as asked before by Mr. Shearer.

A. My opinion would not be changed; never had a case of arsenical poisoning; I have read of a case in which all the symptoms as detailed were present; cannot recollect any particular case; arsenic sometimes effects the stomach and sometimes the bowels; would not pronounce it to be a case of arsenical poisoning from the symptoms above, not alone from post mortem examination; from the symptoms and post mortem a case of poisoning.

DR. W. H. COOK, *affirmed.*

I reside in Carlisle; am a physician; have heard the hypothetical case read; from the history as detailed in the hypothesis taken in connection with finding of arsenic, I would say arsenic was the prominent cause of death.

Cross examined.

There is nothing that would give us all these evidences; gastro enteritis might produce death; I have seen no cause to think that death was produced by any other means; gastro enteritis produced by a disordered stomach, tends to recover; I would not consider a stomach that would take in such food in the morning, liable to *gastro enteritis* from that cause; I have had slight cases of gastro enteritis; it does not follow that, because it was such that it was poison; there are not many cases of violent gastro enteritis produced by indigestible food; I can conceive it might be brought about by cold water on a warm stomach; sausage, cream cake, &c., could not produce it in my opinion; the symptoms alone would arouse, my suspicions; only antimony would produce such symptoms besides arsenic.

MRS. HOFFMAN, *re-called.*

In the afternoon of Sunday, May 7, Mrs Kiehl came to our house; left our place between 5 and 6 o'clock. On that afternoon she said she was well, and that she thought she would not take more medicine; she thought she would be well enough without taking any more medicine.

Cross examined by Mr. Miller.

She said she thought she would do her washing on Monday.

MRS. ELIZA CULP, *sworn.*

I was there before Mrs. Kiehl's death; I was standing beside her bed; William Doner was there too; this was a few hours before she died; she asked me who was tending to her; I told her I was; William Doner was standing at her head, and she asked me who is this standing here; I told her it was her brother; she said he is to be married soon; I told her he was married; then she said you mean Sally; I told her I would; she asked me again and I gave her the same reply; then Mr. Kiehl was standing at her bed, and she said "Oh! John, chase out the cat or Cass," I don't know which; there were no cats there.

DR. W. W. DALE, *sworn.*

It is my opinion, from the case read, that the cause of death was arsenical poison.

Cross examined by Mr. Miller.

[Hypothetical case read to witness.]

If the post mortem appearances were presented to me alone I would regard it a case of arsenical poison; if the symptoms were presented alone I would regard it the same; the finding of the arsenic would but confirm it; in poisoning by antimony I would expect to find greater immediate prostration, greater relaxation of the system, greater secretion of all the glands especially the urinary, the matter from the bowels more watery; whilst in arsenic, in the case given here, the urine was scanty, whilst you might have pain in the throat and stomach from any poison or acrid substance taken into the stomach it would not extend so far from the stomach to the chin or so intense in degree; that, with the constriction of the throat, would always lead me to look for arsenic; I have had one case of arsenical poison, and have seen a number of cases of poison, not by arsenic; I have seen but one fatal case, that was by excessive doses; my opinion of antimony is given by my experience personally; antimony and arsenic produce much similar symptoms, the only difference is in intensity of degree and character; in the post mortem, if a person who would die of any other disease than by arsenic, 6 days after I would expect to find more decomposition—the arsenic having a preservative effect; I have made post mortem examinations, and when I find in this case a different state of affairs from that found in other case, I am lead to believe that arsenic was there. I have seen bodies in a better state of preservation a longer time afterwards, where no arsenic was present; I have seen them in a good state in other seasons of the year, and on the other hand where decomposition was more rapid; in this case the distinction is that the stomach was better preserved than the rest of the body, decomposition having commenced about the neck, and at that season of the year I would have expected more offensive gases; the symptoms described in the hypothetical case, in my opinion, taken as a whole, are peculiarly, absolutely and entirely confined to arsenical poison; I don't think that the salts of alkali would produce the symptoms in the hypothetical case without others to distinguish them; I don't think the alkali would produce the symptoms laid down in the hypothetical case; I have no experience in chloride of barium; iodine would not produce the symptoms; corrosive sublimate would not produce the combination of symptoms, according to my experience; I think copper would not produce these symptoms; I don't know of any negitable substances that would produce these symptoms; I don't know whether oxolide acid would produce these symptoms; I know of nothing that will produce this combination of symptoms except arsenic; I have seen nothing else that would produce them; a number of other substances were mentioned to the witness who affirmed that they would not produce the same combination of symptoms; there are certain symptoms which attend cases of acute gastro enteritis, and from this case I infer the symptoms indicate arsenic.

DR. E. B. BRANDT, *sworn.*

I am a practicing physician for 16 years, (hypothetical case here read to the witness.) My opinion from this case, the woman died from arsenic, as an exciting cause the woman dying from inflammation of stomach.

Cross examined by Mr. Shearer.

I have no professional experience of death from arsenic; Miss Kime was a patient of mine; she died in my opinion of enema; I gave her arsenic; I gave it to her in Fowler's solution; I gave her one ounce in a bottle; don't know how much she took; I did not attend Miss Kime when she died; I gave her the Fowler's solution months before she died; I saw her at my office after she took this arsenic; I gave her this solution on the first day of February, 1870; she died months after—I suppose about six months after; it was 30 days after I gave her the solution that she came back; I have no reason to believe she died of arsenic; in her last illness Dr. Lefever attended her; the reason I know she died of enema I was giving her iron to produce blood; I saw her the last time about three months before her death.

DR. J. S. BENDER, *sworn.*

I am a practicing physician about 8 years; I have heard the hypothetical case, from all the symptoms in connection with the fact that arsenic was found in the stomach and liver, leads me to believe that the death was caused by arsenic.

Cross examined.

I only arrive at the conclusion that death was the result of arsenic, by taking all the symptoms together.

DR. A. J. HERMAN, *affirmed.*

I am a practicing physician, have heard the hypothetical case read; my opinion is, from the case stated, that death was caused by arsenic.

Cross examined by Mr. Miller.

Leaving out the chemical analysis I think I would say from the post mortem symptoms that death came from arsenic; the constriction in the throat is a prominent reason; the post mortem appearances of red streaks of 6 or 7 inches long are strong evidences of arsenic; I would not know what they would be caused from except from arsenic; I speak from my own experience, and books also; I have never seen those red streaks in any other case; I never saw them in a case of arsenic; I have had two cases of arsenical poisoning; I did not make the post mortem examination; most all the authors make the marked distinctions spoken of by me; the two cases of arsenical poison I had were fatal; they occurred in the early part of my practice; the symptoms, as I remember, in the last case were great thirst—wanted to drink more water than she could, and would vomit.

JOSEPH B. HAVERSTICK, *sworn.*

I am a druggist in Carlisle; when persons come to our store for rat poison we generally sell arsenic.

Cross examined.

We always label the package, and since the Schoppe case we have kept a register.

MARY DONER, *re-called.*

At Kiehl's table my sister, Mrs. Kiehl, often eat sausage and pie, and it never made her sick.

Cross examined.

I was at my sister's six times after they moved to Shippensburg; I went to my sister's the 15th of March and returned the 9th of April; my sister was taking medicine then from Dr. Zitzer; I don't remember the kind; I never heard her saying much about pain in her heart; some days she did not feel so weak and some days she did; she often had a headache; sometimes she was weak at the heart.

MISS ANN DONER *re-called for cross examination.*

I was with my sister when she came to see Dr. Bixler; after we left the office my sister took her finger and tasted the medicine, and she thought it did not taste like the medicine Dr. Zitzer gave her, and she was going back, and when she went back he said he would put something in to make it taste better; I don't know when she commenced taking that medicine.

MRS. HOFFMAN *re-called for cross examination.*

I don't know that Mrs. Kiehl said when she was over on Sunday that she had headache, and was going home a little early; I never told Mr. Myers so.

Commonwealth closed.

The defence was opened by James H. Graham, jr., esq., as follows:

GENTLEMEN OF THE JURY.—It is a wonderful and wise dispensation of Providence that after night comes the day; that after the dark clouds are storm-follow the bright and sunshine; for months the defendant, John Kiehl, has been obscured by the clouds of suspicion and doubt, and for six days passes the storm of prejudice and wild hue and rage about him. Now is the calm in the storm. Weintend, gentlemen, to dispel those dark and noxious vapors by the broad, clear and penetrating light of truth, and present to you John Kiehl and his actions in their real and actual view.

You cannot have failed to observe that with a few honorable exceptions, all the witnesses for the Commonwealth were either Doners or their near relatives, and in the poisoning of the deceased wife. There is not a witness to an important fact, who is free from this blood. A prosecution instead of a prosecution has been instituted. Why, did not Jacob Doner tells you from this witness stand, that for eight long years he has not been in the house of John Kiehl, and that this man has nourished against him bitter feelings of hatred. A father not visit his daughter in all this time? she being near to him. Such intense and malignant must be his hatred.

Here is a happy opportunity to open the flood gates of his wrath upon the object of his enmity. His daughter is taken suddenly sick, a suspicion of poisoning is agitated by them her medicine stolen, a box taken, and now John Kiehl is doomed. He must die, nothing will satisfy, nothing will slake the thirst for vengeance. You saw the manner of witnesses on the stand, and you cannot but have perceived their animus.

You must be well satisfied of two things to convict in this case. First, did such Kiehl die of poison; and second, did John Kiehl, the defendant, wilfully administer it knowing it to be poison? Now, the theory of the Commonwealth is, that the motive that induced Kiehl to the perpetration of the crime was his love for one Catharine Myers. That for some reason, unexplained and unexplainable, he of a sudden was seized with such an uncontrollable desire for her, and so intense was his passion, that all obstacles to its gratification must be removed, and the poisoning of his wife by his hands resulted. How absurd and unnatural! That a man whose previous life had been free from reproach, who had always before been an unimpeachable character should become so abandoned, as it were in the twinkling of an eye, is in the highest degree improbable. Why the witnesses have strongly told you that the caresses were open, and yet in the presence of his wife, that she made no complaint and expressed no displeasure, that every time spoken of, was in daylight, and not in the dark. Does this show a guilty love? We shall show to you, that Mrs Kiehl would have no other person about her to do her work; that she went herself to Myers' and plead for Kate to come to her house; that she said to one, but Kate knew how to do her work; that on one occasion she plead with tears in her eyes for Kate to go with John to Frankford; and that it was at Mrs Kiehl's instance, that Kate was at her house so often. And yet the only motive adduced by the Commonwealth, is this, and they would have you hang John Kiehl, because he showed natural affection a child love for his full cousin. Then, if she did die from poison, did her husband administer it. Let us go to poison. The prosecution have told you a story of a boy feeding Kiehl rat some white powder, in a cup, and of a young lady seeing him put two doses in his wife, and then examining the cup to see if there were any dregs left. The improbability of this story is apparent, on the face of it if he were mixing a poisonous dose; for Kiehl is found by the boy in the kitchen, by the window; the boy knocked at the door; now if guilt had been in his heart, what would have been his conduct? Why the stove was near, there were buckets at hand, and the final cup would have been cooked from him and quickly found a hiding place? but does he do this Oh no! when the knock sounds, he bids the boy come. The boy enters goes to the window, and sits down to chew to Kiehl that he sees the powder in the cup. Kiehl tells him the medicine is for his wife, and deliberately mixes it up. Then carries it in sixty, and in presence of Miss Culp, hands it to his wife, who drinks it down. Is this the conduct of a poisoner? Think of this a moment, and reflect how ridiculous. Can you believe anything else, than he was preparing the medicine the Doctor prescribed?

There is paraded before you as a strong evidence of guilt, that the defendant, when his wife was taken sick, refused to go for a doctor. Not a witness swears that he refused, but they tell you it was suggested to him that he should do so, and that he did not at once go. This is easy of explanation when we tell you that her attending physician had told Kiehl that his wife's disease was incurable, and that he did not be alarmed; that there was no use of sending off for another doctor, but simply to follow his directions in taking the medicine. Besides this, we will show that Kiehl was willing and ready to go for a doctor, but that his wife refused. One witness will testify that even when Mrs. Kiehl was suffering agonizing pain, she was asked if she would have a doctor, and even then she replied: "Oh no; this doctoring around costs too much." Her characteristic parsimoniousness thus showing itself strong in her extremity.

Again, you will be told that Kiehl is guilty, because he sold two or three persons that his wife had heart disease and that people will think she sudden-ly. This, too, is natural when you know that her physician told the defendant that his wife was suffering from a fatal disease, and that she might drop off at any time. Ah! gentlemen, how his persecutors have cast around in the vain endeavor to fasten upon their victim some evidence of guilt, and how perversely they have distorted the most natural circumstances.

A witness tells you that John Kiehl asked her if the Doners were going to push this against him and have his wife opened, and this conversation took place on Friday before his wife was opened, and it will be argued that this showed he had a conscious-ness of guilt. Now, we will trace a knowledge of the suspicions of the Doners to Kiehl before this time. And we will show this not only by words, but by their actions. Why, how did they treat him? You have heard how Mrs. Doner, the mother of Mrs. Kiehl, rudely refused him at his wife's death-bed. You remember the story of the witness who related how, when Mrs Kiehl called "John, John," he came, and the strong man was bowed down with grief and affliction, and leaning over his dying wife he said, "Well Sarah, what can I do?" she, already in the shadow of death, threw her cold and icy arms around him, crying in her love for John, John so long, in bitter sorrow, he had kept her to him, when brutally this *mother* made him come and not leave in her face now!" How beautiful it is here illustrated woman's love and tenderness. We will have in proof, also, how John Doner, when for the first time in eight years, he went to Kiehl's house, and there, when his daughter was in *articulo mortis*, threatened to strike John Kiehl, when in the coolness of his heart he offered to treat to the bier of her. Contrast the brutal and offensive conduct of these people at the death-bed of their daughter with that of John Kiehl, and then say who is he that died to commit suicide. Why, you have heard from every witness who visited Mrs. Kiehl during her illness, how constant and unremitting John was in administering to her. He gave her to drink, he moistened her poor parched lips, he moved her to her, and he showed his deep attachment and his deep distress in his affliction.

Dr. Rand narrates that he found a very small quantity of arsenic in a small wooden box submitted to him for examination. The history of that box is this: Mrs. Doner stole it from Kiehl's cupboard, she gave it to her husband, who took it home and placed it in an open and unlocked cupboard where notions were kept. Here it remained for about ten days and during this time his Doners and God knows how many others besides, handled it. Then Mr Sadler gets it; he puts it loosely in a drawer among some papers. Then Mr. Maglaughlin keeps it a time, then Sadler gets it again, and finally Prof Rand. Consider that this box was for ten days in the hands of John Kiehl's most virulent enemies, and you will know what importance to attach to the box. Besides we will show you that the analysis made by Prof. Rand is unsatisfactory and inconclusive. All authorities and experts say that it is unsafe to rely on one test alone, but that corroborative tests must be used, and that the only absolute proof of the presence of arsenic is its reduction to the metallic state. Prof. Rand used only Reinch's test. This test consists in the boiling copper in the suspected fluid with muriatic acid until the copper is coated with a greyish film; then heating the copper in a test tube and obtaining octahedral crystals. There are eight or ten other substances besides arsenic that will give a deposit on copper, and about the same number that will give eight sided crystals. Hence the analysis must be discarded. I don't believe Prof. Rand would have analyzed the box, had he known its history. Not a court or jury in Christendom would convict in a poisoning case, if the organs examined were hawked around among the prisoners thirteen months in the manner the box has been handled. The quantity found on analysis is extremely small, for the crystals so found, we have shown, that one hundred thousandth of a grain of arsenic will give fifty distinct crystals. The quantity here is almost infinitesimal, and you can't convict on this, we use it as a link.

The *black* ink powder story killed itself in its infancy. No sane man monstrously could live. The coffee make a woman immediately vomit, and have a bitter taste in her mouth for two days thereafter, when a cat that ate bread soaked in the same coffee, fries around lively as ever, and enjoys its evening nap undisturbed. This story was not manufactured in its details. If powders are harmless for white bichromate of potash is poisonous, the logwood is its antidote, and of these two the powders are made.

Did Mrs Kiehl die of poison at all? We may judge of this by three elements, viz: the symptoms, post mortem appearances, and chemical analysis. We will satisfy you that the symptoms are not peculiar to arsenical poisoning, nor is there anything in the post mortem to indicate its presence. This the Commonwealth must admit. The symptoms described we will show may belong to many other poisons, and also to natural diseases. The post mortem will be shown to be faulty in the extreme, in omitting to examine minutely, and in actually slighting the organs on which her attending physician alleged were diseased. With but one *brilliant* exception, all the experts for the Commonwealth base their opinion of arsenical poisoning on the finding of a single by the chemical analysis. We propose to show you how these gentlemen have been building on a very unstable foundation for the presence of arsenic in her body, if any was found, will be explained when we prove to your satisfaction, as we will, that for months previous to her death, she had been under a course of arsenical treatment, and that up to a short time before her last illness, she had received from her physician sixteen grains of arsenic. But we won't stop here, we will go further and show from the quantitative analysis of Prof. Rand is unreliable, and his method a strange variation from the course he laid down to the best chemical authorities and most skilled operators. We will call before you, gentlemen, who have made chemistry their study and profession, whose experience has been large and varied, and who on questions are established. By such as these, it will be made clear to you that it is highly improbable whether Prof Rand obtained one-half a grain of arsenic in the entire body. Chemistry is the most exact science, when all its operations and details of analysis are carefully extended to by skilled hands, but omit or neglect the slightest detail, and the entire analysis is worthless.

Gentlemen, to you the fate of John Kiehl has been committed. Co-elder well what you have heard and what we will offer. Bear in mind his previous unblemished character; his affection for his wife; the fact that he and Katharine Myers are cousins, and that Mrs. Kiehl was the cause of her frequent visits; the evidences of the conduct of husband and during his wife's sickness, his natural and innocent manner; the uncertainty as to the quantity of arsenic found. If any was found at all; the importance of its presence; the little importance to be attached to the box, because of its being so long in his enemies hands, and because of the minute quantity of arsenic alleged to have been found; the insufficiency of the tests used; the faulty post mortem, and uncertain chemical analysis. Then don't forget how bitter and implacable they have been his enemies; how artfully they would have you construe his most natural actions into evidence of guilt. Keeping these things all before you, I feel safe in saying, that you will render such a verdict that no qualms of conscience, no sting in grave will harass you when yonder prison walls shall close your eyes but instead, a happy consciousness of a duty well performed in delivering an innocent and persecuted man from the hands of his enemies.

DR. W. W. NEVIN, *called by defence.*

I did not have any experience such as reported in the evidence of Miss Mary Noaker, made by Mrs. Kiehl, "*No, John you made me take a powder on Monday evening.*" I was, I think near enough to hear, if any such was made; I remember Mr. Sadler and Maglaughlin calling at my office on Monday after the post mortem examination was made; I remember the fact of her having taken the powder, but not that she said John made her take it; I took notes of the case and do not remember that I told you I heard Mr. Kiehl make the remark; there is nothing of it in my notes; it may have occurred; I have no recollection of it.

HENRY WALTRICK, *re-called by defence.*

What brought me here first was: I met Snyder in the Sheriff's office; came between 2 and 3 o'clock; left the Sheriff's office and was gone about half an hour; was introduced to Snyder by my father; understood him to say he was Mr. Kiehl's brother; he acknowledged assent; I don't remember what conversation passed between us then; I walked out around corner of jail; Mr. Snyder followed me; we were talking there about Mr. Kiehl; our conversation turned on spiritual matters; I said you should know more about Kiehl than I do, because I have not been acquainted with him long, he is your brother; he said he is not exactly his brother, but your step brother; we still talked on about Mr. Kiehl; Mr. Snyder said he had been a very wild young man in his time, but that he had reformed and was doing better, and that he desired to talk to Mr. Kiehl, relative to the salvation of his soul; he said Kiehl was a bad man, that he would steal, lie and he would cheat; he said he had a bad character where he came from; after standing there some time we separated; Mr. Snyder got on the horse he came to town on and my father and I going together; on the way home he repeated his words about lying, stealing and cheating to me; he told me the first time at the jail and next on the way home.

Cross examined.

I don't remember the conversation any further than I have already detailed; I did not say that Kiehl stole the bridle.

JAMES FOREMAN, *sworn.*

Mr. Snyder came to the jail and told me he was Kiehl's brother, before I left him into the jail; he rectified it in a minute by saying he was his step-brother; this was before Mr. Kiehl came to jail; he came in and asked me whether John Kiehl had came, he said he heard he was arrested, and he was anxious to see him; I told him he had not come yet, and if he was there he might not get to see him, that it was not proper that any one should see him, and particularly on Sunday; he said he had not seen him for some time; he said then he was his brother, and he would like very much to see him; I told him then, when he would come he could get to see him; I believe that was about all.

HENRY WALTRICK, *re-called.*

John Kiehl spoke to me about the bridle before he took it.

B. K. GOODYEAR, *re-called.*

After I brought Mr. Kiehl into the prison I was in the office, and sheriff Foreman introduced Snyder to me as the step-brother of Mr. Kiehl; Mr. Snyder made no objections to the introduction.

JAMES K. FOREMAN, *re-called.*

I heard Frederick Moutzer's testimony; the day Mentzer was in jail he was under the influence of liquor.

SAMUEL SHELLY, *sworn.*

I remember Mentzer being in jail; he was pretty well intoxicated that day; I shut the door where I was because I did not want to talk to him; he talked pretty loud; he was talking to some girls there; I don't think he knew much about what he was talking; I saw him talking to Kiehl in the cell; I had been in jail about two months for separation from my wife; Snyder told me that he was Kiehl's brother.

FRANK HOOVER, *sworn.*

I was working at the lime kiln; John Hoffman was there; I was down in the lime kiln with Kiehl; I asked Kiehl whether he was married, he said he was not; we were joking together; I then asked Hoffman, and he said he was not, then we talked, and I asked Kiehl how many children he had, and he said none, then I said, John I thought you was not married, then he said yes I am married; then he said yes, I am married, but I have no children; he did not say in that conversation he was married but had no woman.

Cross examined.

In a joking way he told me he was not married; I have not been instructed what to say.

ELIAS HOCH, *sworn.*

I was present when Miss Hoffman was on the stand, and I saw the motions her mother made to her, and I am not able to tell exactly what the motions indicated. I told Mrs. Hoffman she would get into a terrible scrape by this.

DAVID WALTRICK, *recalled.*

Simon Snyder told me he was Kiehl's step-brother the Sunday he came to the jail.

Court adjourned until 9 o'clock a. m. Thursday, Nov. 23.

Thursday Court met at 9 o'clock.

HENRY WALTRICK, *re-called.*

Mr. Snyder said to me twice at the jail that he was Kiehl's brother, once in the jail and once outside.

FRANK HOOVER, *re-called.*

I had a conversation with John Hoffman on the twelfth day of April, he said to me, John Kiehl is going to raise a fuss about that which was talked at the lime kiln, then he told me to stick to him and not let Kiehl get ahead of him; I told him I would tell the truth all the time; he said that Kiehl said he was going to find it out right; I then said Kiehl will hardly make a fuss about that, for you know he said it; I didn't think Kiehl would take a false oath; John Hoffman then mentioned a man that did take a false oath and he said he could take one too.

Cross examined.

John Hoover is my father, and lives ½ miles of Kiehl's father; I have never been in Kiehl's house; I am living now with Joe Myers; I don't know how it was, Hoffman just told me Kiehl was going to make a fuss about the talk at the lime kiln.

WILSON WALTRICK, *sworn.*

I know Hoffman, he and I talked together, and I said I think John Kiehl would get clear, and he, (Hoffman,) said before he (Kiehl) would get clear he would take a false oath.

Cross examined by Commonwealth.

I am not related to Myers, and I was at Smith's barn when we talked. Mr. Smith was there but I don't think he was in ear-shot of conversation. It was about a ½ mile from Hoffman's. I think maybe I am a relative of Myers. Uncle David is married to a Myers—Barbara Myers. I know cousin Dave. I came to court on Monday week. Stopped at Mr. Shearer's house. Had no whisky that day. Didn't offer John Hoffman any. Didn't drink any that day. This conversation was after August. Didn't mention it this month. I was hired at Moses Myers. I didn't tell any body Mr. Smith heard conversation with Hoffman. Didn't tell any one I was making a good thing of it at this court as I remember.

In chief.

I hav't been paid anything yet. I get $5 to go home—car fare.

LEVI SNYDER, *sworn.*

I had a conversation with Simon Snyder. He came to my house on Sunday—after he came home from Carlisle. He said Mr. Kiehl was brought to Carlisle in evening. He told me he was in and saw him, that he had a conversation with Kiehl, and he told him that he had bought poison, I aint certain whether he said for rats or mice. He said he questioned him hard, and he said that he said he had bought poison for his wife. He said he could prove this if these other men wouldn't go back on him, and he told me that Myers was along with him. I told him he should be quiet about this, and let the men who were along with him make it known. Then he stepped out to church. On Monday morning I went past where he worked. He came out and told me not to say anything further about it. He said the sheriff was there.

Cross examined.

I am related to Kiehl; he is my cousin; so is Simon Snyder.

JACOB FAIR, *affirmed.*

Simon Snyder came to my house on Sabbath day; I asked him if he had been to see Kiehl; I asked him if it was true that Kiehl had told him so and so; he said he asked Kiehl what he was doing here; Kiehl answered that they put him there for poisoning his wife; that he then asked, did you poison her? that Kiehl said I bought rat poison; that then he said no sir, John, you bought poison to poison your wife, didn't you? and John Kiehl said yes; I asked if there was anybody present when he told him that; he said there was; I asked him who; he said Waltrick and the sheriff.

WILLIAM ADAMS, *sworn.*

I live in West Pennsborough township; Mr. Snyder lived on my farm 1st of April, 1869; John Kiehl was living on my farm in April, 1868; Mr. Snyder's family and Kiehl were not on good terms; I frequently heard such remarks as "there comes the thief and liar" from Snyder's children.

Cross examined.

Kiehl didn't steal corn; Simon Snyder did not; I think my son has been riding the county to find testimony for Kiehl; my son is reading law with Mr. Newsham; I never detected Simon Snyder stealing corn.

In chief.

John Kiehl's character as a worthy, well behaved citizen was as good as any man's in the county.

Cross examined.

I have lived 12 or 13 miles from Kiehl's the last year and a-half; I have heard rumors as to his character in the neighborhood in which he lives, since his arrest; I heard first rumor 3 or 4 days after his arrest; I have heard rumors of his intimacy with Kate Myers; heard this after his arrest.

DR. D. CORNMAN, *affirmed.*

I was doing business as druggist in Carlisle; commenced three years ago last August; I left Carlisle on 20th May last; I never sold the defendant any poison.

Cross examined.

I was practicing medicine at the same time and was frequently absent from my store; my son and a young man by the name of Corbet attended the store in my absence.

In chief.

My son is in Pittsburg; can't possible be here; I kept a book in which entries were made of all poison sold; don't know that Kiehl ever was in my store; Messrs. Maglaughlin and Sadler came to my store to see whether we had sold him poison; they looked over register.

JACOB CONRETY, *sworn.*

Between the 1st of August, 1868, until 26 May, 1871; I never sold defendant poison; Mr. Maglaughlin got me to go into the jail; I told Mr. Maglaughlin in the jail that I had never sold Mr. Kiehl any poison.

Cross examined.

I was with Dr. Cornman from about 17 or 18 years old.

In chief.

John Cornman went into jail with me; he told Mr. Maglaughlin he didn't sell Kiehl any poison.

SAMUEL SHELLY, *sworn.*

I remember Mentzer being in jail; he was pretty well intoxicated that day; I shut the door where I was because I did not want to talk to him; he talked pretty loud; he was talking to some girls there; I don't think he know much about what he was talking; I saw him talking to Kiehl in the cell; I had been in jail about two months for separation from my wife; Snyder told me that he was Kiehl's brother.

FRANK HOOVER, *sworn.*

I was working at the lime kiln; John Hoffman was there; I was down in the lime kiln with Kiehl; I asked Kiehl whether he was married, he said he was not; we were joking together; I then asked Hoffman, and he said he was not, then we talked, and I asked Kiehl how many children he had, and he said none, then I said, John I thought you was not married, then he said yes I am married; then he said yes, I am married, but I have no children; he did not say in that conversation he was married but had no woman.

Cross examined.

In a joking way he told me he was not married; I have not been instructed what to say.

ELIAS HOCH, *sworn.*

I was present when Miss Hoffman was on the stand, and I saw the motions her mother made to her, and I am not able to tell exactly what the motions indicated. I told Mrs. Hoffman she would get into a terrible scrape by this.

DAVID WALTRICK, *recalled.*

Simon Snyder told me he was Kiehl's step-brother the Sunday he came to the jail.

Court adjourned until 9 o'clock a. m. Thursday, Nov. 23.

Thursday Court met at 9 o'clock.

HENRY WALTRICK, *re-called.*

Mr. Snyder said to me twice at the jail that he was Kiehl's brother, once in the jail and once outside.

FRANK HOOVER, *re-called.*

I had a conversation with John Hoffman on the twelfth day of April, he said to me, John Kiehl is going to raise a fuss about that which was talked at the lime kiln, then he told me to stick to him and not let Kiehl get ahead of him; I told him I would tell the truth all the time; he said that Kiehl said he was going to find it out right; I then said Kiehl will hardly make a fuss about that, for you know he said it; I didn't think Kiehl would take a false oath; John Hoffman then mentioned a man that did take a false oath and he said he could take one too.

Cross examined.

John Hoover is my father, and lives ½ miles of Kiehl's father; I have never been in Kiehl's house; I am living now with Joe Myers; I don't know how it was, Hoffman just told me Kiehl was going to make a fuss about the talk at the lime kiln.

WILSON WALTRICK, *sworn.*

I know Hoffman, he and I talked together, and I said I think John Kiehl would get clear, and he, (Hoffman,) said before he (Kiehl) would get clear he would take a false oath.

Cross examined by Commonwealth.

I am not related to Myers, and I was at Smith's barn when we talked. Mr. Smith was there but I don't think he was in ear-shot of conversation. It was about a ½ mile from Hoffman's. I think maybe I am a relative of Myers. Uncle David is married to a Myers—Barbara Myers. I know cousin Dave. I came to court on Monday week. Stopped at Mr. Shearer's house. Had no whisky that day. Didn't offer John Hoffman any. Didn't drink any that day. This conversation was after August. Didn't mention it this month. I was hired at Moses Myers. I didn't tell any body Mr. Smith heard conversation with Hoffman. Didn't tell any one I was making a good thing of it at this court as I remember.

In chief.

I hav't been paid anything yet. I get $5 to go home—car fare.

LEVI SNYDER, *sworn.*

I had a conversation with Simon Snyder. He came to my house on Sunday—after he came home from Carlisle. He said Mr. Kiehl was brought to Carlisle in evening. He told me he was in and saw him, that he had a conversation with Kiehl, and he told him that he had bought poison, I aint certain whether he said for rats or mice. He said he questioned him hard, and he said that he said he had bought poison for his wife. He said he could prove this if these other men wouldn't go back on him, and he told me that Myers was along with him. I told him he should be quiet about this, and let the men who were along with him make it known. Then he stepped out to church. On Monday morning I went past where he worked. He came out and told me not to say anything further about it. He said the sheriff was there.

Cross examined.

I am related to Kiehl; he is my cousin; so is Simon Snyder.

JACOB FAIR, *affirmed.*

Simon Snyder came to my house on Sabbath day; I asked him if he had been to see Kiehl; I asked him if it was true that Kiehl had told him so and so; he said he asked Kiehl what he was doing here; Kiehl answered that they put him there for poisoning his wife; that he then asked, did you poison her? that Kiehl said I bought rat poison; that then he said no sir, John, you bought poison to poison your wife, didn't you? and John Kiehl said yes; I asked if there was anybody present when he told him that; he said there was; I asked him who; he said Waltrick and the sheriff.

WILLIAM ADAMS, *sworn.*

I live in West Pennsborough township; Mr. Snyder lived on my farm 1st of April, 1869; John Kiehl was living on my farm in April, 1868; Mr. Snyder's family and Kiehl were not on good terms; I frequently heard such remarks as "there comes the thief and liar" from Snyder's children.

Cross examined.

Kiehl didn't steal corn; Simon Snyder did not; I think my son has been riding the county to find testimony for Kiehl; my son is reading law with Mr. Newsham; I never detected Simon Snyder stealing corn.

In chief.

John Kiehl's character as a worthy, well behaved citizen was as good as any man's in the county.

Cross examined.

I have lived 12 or 13 miles from Kiehl's the last year and a-half; I have heard rumors as to his character in the neighborhood in which he lives, since his arrest; I heard first rumor 3 or 4 days after his arrest; I have heard rumors of his intimacy with Kate Myers; heard this after his arrest.

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In chief.

My son is in Pittsburg; can't possible be here; I kept a book in which entries were made of all poison sold; don't know that Kiehl ever was in my store; Messrs. Maglaughlin and Sadler came to my store to see whether we had sold him poison; they looked over register.

JACOB CONRETY, *sworn.*

Between the 1st of August, 1868, until 26 May, 1871; I never sold defendant poison; Mr. Maglaughlin got me to go into the jail; I told Mr. Maglaughlin in the jail that I had never sold Mr. Kiehl any poison.

Cross examined.

While I was absent from store Dr. Cornman's son John, was there; he is 17 or 18 years old.

April. He came back with Mrs. Keihl, and then I prescribed for her; gave her from that compound, oranges and magnesia; this would last her till I came back again from California; all she would need to do was to take according to directions; the vial was 2½ and 3 ounces; my directions to her were about that time, she should increase it 1 drop daily until some unfavorable symptoms of vomiting, and then if she felt unpleasant to take 12 drops altogether; told Mr. Kiehl that she has causes which would lead to death if not arrested, either from the disease of the heart, or from ovarian tumor; he told me that he would pay me very well if I would cure her; I told him that I would do all I could for her; Kiehl was at my office very often; walked there; came in the morning generally before I was up; manifested great concern for her welfare; Mrs. Kiehl was under my arsenical treatment from 15 to 20 days in February, and in March the same, and in April; from the time those symptoms commenced until they stopped she could not change; that was the trouble; I administered this arsenic after the period of menstruation.

Letter of Sarah E. Kiehl to Dr. J. J. Zitzer, April 14, submitted and read; she told me she followed my directions in taking the medicine: as she generally got very sick she used the preparation of powdered solution; I gave her opium and then hydrate of chlorine; I told her she should not take around at every place but should take from me, and to use the powders they would relieve her from these spells; I gave her the arsenical pills once and was obliged to quit them; then gave her same pills, took the ferratrine from them; a man and his family are the first cases of arsenical poisoning I had; they looked like cases of acute arsenical poisoning caused by apple butter crocks. Mr. Line's family were the first I attended, and cured them, and the rest except one. Mrs. Line was sick for months and then recovered. The rest did not suffer quite as long as Mrs. Line. There are three stages. First burning, sudden pain, rash on face, cramps and vomiting. The patients in these cases did not reach the second stage.

Court adjourned until 2½ p. m.

Court met at 2½ p. m.

DR ZITZER, *re-called.*

In the cases I attended there was cramp, contraction of the muscles, vomiting, a rash; these patients got over their sickness; I had at the same time other cases from same cause; in the Line case I found the arsenic; the Dunlap family was the last case I attended; I had one case a man by name of Jacob Mountz; about 3 years ago; he had an affection of sciatic nerve; it was a very troublesome case; everything we tried failed; he could not rest; sometimes had to give him double doses of morphia, and then gave him pills of arsenic and extract aconite and ferratine; we commenced with one pill containing three-twentieths of a grain per day and increased it up to 1 grain per day; he got well; I gave him 24 powders which contained about 1 grain; they were partly used and then we changed the pills; about 8 or 10 pills were used of the 24; then gave him pills with ferratine out. We gave her 24 pills containing one grain in all: I gave Mrs. Kiehl one ounce of Fowler's solution, giving her 6 drops three times a day; this was in March; after this was used I gave her 2½ ounces Fowler's solution with two drachms of Hoffman's anodyne to keep it from fermenting; gave her opium to relieve her of second bottle; she was to increase from six drops three times a day a drop each day as long as she felt no inconvenience at her stomach; not to exceed ten or twelve drops each time; Kiehl came for medicine about half a dozen times alone.

Cross examined.

The first time Mrs. Kiehl came to see me was latter part of January. She came alone. The second time she came about second week in February, with Mr. Kiehl. The next time was, I think in about one week after. Kept no account of it. The fourth time, was the latter part of February, or beginning of March. The last time I saw her was on April, 18. Mr. and Mrs. Kiehl both came together. If it is not paid, I keep a record of medicine I give. I paid Line not.