MRS. KATE ZELL'S PERIL.

APPARENTLY NOTHING THAT CAN NOW SAVE HER FROM THE GALLOWS.

Yet Convicted on Evidence that Seems Ridiculously Flimsy and Incomplete—No Adequate Motive Given, No Testimony Adduced Concerning her With the Alleged Murder, except that of Another Person who is Suspected of the Crime; and Even a Strong Doubt whether there was a Murder at All.

CARLISLE, Pa., Jan. 17.—Unless there is political interference, Mrs. Catharine Zell, who is in jail here, will be hanged ere many weeks, for the murder of Mrs. Mary Kiehl, and, on Wednesday, her alleged accomplice, Justice of the Peace Wm. W. Wynkoop, was put on trial for the same crime. This quaint and charming old town, in the heart of the beautiful Cumberland valley, has enjoyed an honorable celebrity as the home of refinement, intelligence, learning, and honor. Here are the homesteads of some of the oldest, most prominent and aristocratic families in the Keystone State. Here, by reason of the presence of Carlisle Barracks, a favorite cavalry post, to which the graduates of West Point have been transferred regularly, a social element has sprung up, which is rare in country towns. Here, in venerable Dickinson College, graduated President James Buchanan, Chief Justice Roger B. Taney, Judge Grier of the United States Supreme Court, and many more whom States and even the nation have delighted to honor. Here, in their day, flourished Judge Reed, author of "Reed's Blackstone;" Judge Watts, Hugh Breckenridge, J. B. Gibson, Duncan, and many other eminent jurists.

Mrs. Mary Kiehl was a querulous and eccentric widow, 81 years of age. She had a daughter, married to Joseph Kutz, who lived in North Middleton Township, about 4½ miles from Carlisle, with whom she made her home until about four years ago. At that time she quarrelled with her son-in-law and daughter, and the differences were so serious that the old woman not only went from her home but did not again visit her daughter and the latter did not call to see her mother until she was dead. When she left the Kutz family, Mrs. Kiehl was in receipt annually, from Joseph Kutz, of $60, interest on a dower, and she owned some personal property, clothing and a small quantity of furniture which subsequently was sold for $100. She went to Mr. William Shaeffer and proposed that, if he would assume the responsibility of her maintenance while she lived, she would make over to him her $60 a year and at her death leave him all she had. He assented and gave her a home with his daughter, Mrs. Waller, with whom she remained several months. Then she became dissatisfied and went to Mr. William H. Wynkoop, a Justice of the Peace in North Middleton Township, to whom she made the same proposal that she had made to Shaeffer. He also accepted, but with better security than Shaeffer had, for she made him her attorney in fact, and executed a will devising all her possessions to him. That arrangement was continued until April, 1879. Then she became dissatisfied again and wished to transfer her annuity scheme to Mrs. Rebecca Reed, but before the latter change had been made the old woman was dead. Mrs. Reed had agreed to accept, but had not yet entered into possession of her trust, and it is a matter of conjecture how far she may have supposed Mrs. Kiehl had gone in breaking the bargain with Wynkoop by the making of a new will. That the Wynkoop bargain had been violated she at least knew, from the fact that Mrs. Kiehl in April last, for the first time in four years, herself collected the $60 payment from Kutz, instead of letting it pass to her guardian.

When Wynkoop assumed the responsibility he bought a house for her accommodation, a deed of which he had made out in his wife's name. That house is a story and a half frame building, one of a row on the northern edge of a muddy lane in the suburbs of Carlisle. The other houses in the row are inhabited by one or two white and several colored families. Black women with children in the adjacent doorways to stare at the adventurous stranger who visits the place, and jolly pickaninnies roll and riot in the mud of the lane. It isn't a pleasant region now, but there are deep, fertile garden lots in the rear of the houses, and in summer time it may be really pretty.

On the evening of May 26, 1879, Mrs. Kiehl had a severe fall into her cellar, breaking no bones, but shaking her up so violently that she was more than ever dependent upon the kind neighborly offices of Mrs. Zell, who lived four doors away. She had known Mrs. Zell from Mrs. Zell's childhood, and was very fond of her, always calling her "my Katie," and visited nobody else than her. Mrs. Zell was greatly attached to the old woman, and did much for her, but could always find some one poorer than she, to whom she did some charitable deed.

THE AGED WOMAN'S DEATH.

On Friday, May 30, four days after her fall, Mrs. Kiehl died. Her symptoms had not been such that so sudden a death was expected. The day before she had been in the yard, and that very morning sat up to have her hair combed by Mrs. Zell. Before daybreak the next morning Jo. Kutz and his wife went to Mrs. Kiehl's house. Mrs. Zell met them when they came, for she had been summoned the evening before by Mr. Beales, a next door neighbor, who told her that the old woman was worse, and she had remained all night in the house. When Jo. Kutz came she offered him the key of the house, telling him that Mrs. Kiehl desired, in her last moments, that it should be given to him, and that all her clothing and other personal belongings should go to her daughter. Joseph Kutz told her to keep the key until after the funeral, which was to be on the next day, and by his direction she did retain the key until the succeeding Monday. Then he took possession, nailed down the windows, and locked the doors. These two facts, her communication of the dead woman's wishes and her retention of the key, are important for remembrance, in view of later developments in the case.

A few days after Mrs. Kiehl had been buried, Mrs. Rebecca Reed, who is a cousin of the wife of Hon. District Attorney, George S. Emig, told the District Attorney that she had visited Mrs. Kiehl on the Wednesday before her death, and that they both drank coffee which had been prepared by Mrs. Zell at her house and brought up for the old lady, in consequence of which they both became violently sick, and she believed that they were poisoned. The District Attorney requested the Coroner, D. S. Smith, to have the body of the dead woman exhumed. Five days after interment the body was taken up, and Dr. S. B. Kieffer found it in an advanced state of decomposition, except the stomach, liver, and intestines. These organs were confided for analysis to Mr. W. F. Horn, a young man who was an apprentice in a drug store in Carlisle. He professed to be skilled in them, by a qualitative analysis, although he made no quantitative analysis. On the witness stand he admitted that he was not prepared to swear that the one-hundredth part of a grain of arsenic might not have afforded all the results he obtained. The jury's verdict was "to the effect that she came to her death by poison administered by some person unknown to the jury."

Two months went by after Mrs. Kiehl's burial, during which time Mr. Wynkoop offered for probate the will made by her in his favor. The Kutz family made an endeavor to set aside a subsequent will, on the strength of Mrs. Zell's information of the intent expressed by the old woman on her deathbed, but the law of Pennsylvania requires two witnesses to establish a verbal bequest, and as Mrs. Zell was their only one, their attempt failed. The written will was admitted to probate, and Wynkoop entered into possession. While he, his wife, and one or two other persons were ransacking Mrs. Kiehl's house, they found, in a bandbox under her bed, a package, which bore the label of S. A. Haverstick, a Carlisle druggist, the specified name of "Mrs. Reed," and the contents of which were subsequently declared by Druggist Horn to be arsenic. Mr. Wynkoop gave the package to the District Attorney.

Mrs. Zell testified at the inquest that she was not at Mrs. Kiehl's on the day Mrs. Reed said she was so sick there, and did not on that day take anything to the house. She also said that Mrs. Kiehl did not drink coffee, but chocolate and sage tea. After the inquest Mrs. Reed, by direction of her counsel, Mr. Leydig, whom she had engaged before the inquest, called upon the Coroner and desired to correct her testimony in several particulars, one of which was that she thought she was mistaken in saying she drank coffee that Wednesday morning, and believed it was chocolate. This she subsequently denied on the trial of Mrs. Zell, but her denial was contradicted by Coroner Smith, who produced a written memorandum of the conversation with her. The District Attorney made complaint against Catherine Zell and W. H. Wynkoop, the Grand Jury found indictments, and the two were arrested. The theory of motive was that Mrs. Zell had been hired by Wynkoop to do the deed in order that he might get possession of Mrs. Kiehl's property before the old woman slipped through his fingers to Mrs. Reed's care.

In November the trial of "Mrs. Catherine Zell alias Windowmaker" was begun. Twenty odd years before Mrs. Zell had married a Windowmaker who was subsequently sent to prison. The marriage was annulled under Pennsylvania law relating to convicts and she resumed her maiden name, and twenty-one years ago married her present husband with whom she has lived ever since here in Carlisle. But the Windowmaker family had a bad reputation. The name Windowmaker appeared on the criminal calendar at nearly every term of court. They were a gang of petty rascals, pilching farm produce, sometimes stealing horses, suspected of robberies, and the burning of barns and hay stacks of those who prosecuted them. People got a horror of the Windowmaker boys, and at length the disposition to imprison them became so strong that it was only necessary to charge one of them with anything to have him convicted and sentenced. The action of the District Attorney in attaching the name of Windowmaker to Mrs. Zell, after she had been married to another man for twenty years, has been severely commented on.

Judge M. C. Herman, who presided at the trial, has been on the bench about five years. In that time one capital case only, before this one, has been tried by him. Before he was elected to the judgship, his practice was in the Orphans' Court. Mr. G. S. Emig, the District Attorney, had associated with him—assigned by the County Commissioners—two able lawyers, Messrs. S. Hepburn, Jr., and E. W. Biddle. For the defence appeared Messrs. John Cornman and W. J. Shearer. The following is a condensed résumé of the testimony taken:

THE EVIDENCES OF POISON.

W. F. Horn said that he served three years in the laboratory and attended lectures on chemistry one year in Dickinson's College. Was employed afterward for several months in an ironmaster's laboratory in Philadelphia. Since then has been a druggist. Analyzed iron ores in Philadelphia. Never found any arsenic in them. Does not know whether arsenic is found in iron ore or not. Tested the contents of the stomach, intestines, &c., from Mrs. Kiehl's body by Marsh's and Reinsch's tests, and found that they contained arsenic. Found arsenic octohedral crystals in his test tubes and arsenical discolorations on porcelain plates. Didn't count the crystals; might, if he could live five million years to do it. Was certain there were hundreds of them. Knew they were arsenic simply by looking at them in the tubes with a microscope. Did not remove any of them for purposes of examination. Did not know whether one-hundredth of a grain would produce all the evidences he had obtained of the presence of arsenic. Did not know whether one-millionth of a grain could be detected by the Reinsch test. Pronounced arsenic in solution so nearly tasteless that it would hardly be noticed without a person was tasting for it. Was confident he had thoroughly purified all his reagents. Had found arsenic in the sediment of Mrs. Kiehl's two coffee pots—lots of it, but none in Mrs. Zell's. Did not think any of that arsenic came from scrapings of the tin.

Mrs. Rebecca Reed, sister of Jos. Kutz, cousin of the wife of the District Attorney, testified: I went to Mrs. Kiehl's on the evening of May 27, with a cure for the wild fire; the cure consists of a silk string and some words. Mrs. Kiehl told me she had fallen down cellar that morning or the evening before and hurt herself inwardly. I went to market that evening, and on my return met Mrs. Zell coming away from Mrs. Kiehl's, and she turned back and we had a talk. She had a little tin cup in her hand, and said she had been taking up some beef and coffee and crackers to Mrs. Kiehl. I stayed there that night; went to market at 4 o'clock the next morning, and returned between 8 and 9. Mrs. Kiehl said that Mrs. Zell had started breakfast for her, and brought her up some coffee which she had made at her own house, and said it was such good coffee. I finished getting breakfast, frying some liver, and we drank the coffee. Then we got sick and vomited. It was only five minutes after I drank the coffee that I vomited. I was so sick. I only drank two swallows of the coffee. I went out into the yard and down through the yard and out through a hole in the fence into the lane, and there I vomited. [The yard is 45 paces deep, from the kitchen door to the back fence.—Ed.] When I came back I told Mrs. Kiehl I had been so sick I had to throw up, and she said she had to, too. She said she believed we were poisoned. I went up stairs to lie down, but fell on the floor. All appeared black before my eyes. I felt so sick. I said I wished I had a doctor, but Mrs. Kiehl said she would get better soon. I said I would go home. I was to sweep and blacken the stove, but I wasn't able to do it. I started home. I saw Mrs. Beales as I went out, and told her I was so sick I didn't know if I could get home. I fell down a couple of times in going home. The next time I saw Mrs. Zell was on the Tuesday after Mrs. Kiehl's death, and I told her we had both been sick from the good coffee she made. Mrs. Zell said that Mrs. Kiehl had been so sick on Thursday she didn't know what to do, and had given her some salts. She said she made the coffee that Wednesday morning, and took home in the evening what was left in the coffee pot, and she and her husband drank it the next morning, and it didn't make them sick. I don't know whether it was coffee or chocolate we drank that morning, but it wasn't good.

On the cross-examination she denied that she had blacked the stove on that Wednesday morning; denied that she had ever seen the package of arsenic with her name on it, which was found in a bandbox under the bed in Mrs. Kiehl's house; denied that she went to the Coroner's office and requested a modification of her counsel, to correct her testimony, and then said it was chocolate that she drank that morning; denied that she had then told the Coroner that Mrs. Zell and a Mr. Ebright—brother-in-law of Mrs. Kiehl—had informed her that they had seen Mrs. Kiehl pay out $40 to a strange man on an order from Mr. Wynkoop; denied that she had met Frank Wolf and Abraham Nisley on that Wednesday as she went home, and had told them she had stopped to clean house and blacken the stove for Mrs. Kiehl; but she admitted that she had asked Wolf afterward what she told him on that occasion of meeting him; admitted that her brother, Jo. Kutz, had told her after the Coroner's inquest that she was "in a tight place," which she did not ask him to explain; and admitted that John and Ella Kutz had told her that Mrs. Zell charged her with taking things from the house of Mrs. Kiehl, but affirmed that she had no feeling against her on that account.

THE MONEY, THE KEY, AND THE ARSENIC.

John Kutz, grandson of Mrs. Kiehl, testified that, on the morning after the old lady's death, Mrs. Zell told him that his grandmother said that she had wax to give to his mother.

Joseph Kutz testified that Mrs. Zell when he got to Mrs. Kiehl's house, the morning after the old lady's death, offered him the key and told him that Mrs. K. had said that all her things were to go to his wife; that he told her to keep the key until the succeeding Monday, which she did; and that on the Monday he received the key from her and fastened up the doors and windows, which remained so fastened until the question of the ownership of the property was decided. He also testified to Mrs. Zell's voluntary and zealous aid in the establishment of a verbal will in behalf of him and his wife, against Wynkoop's interest.

Mrs. Joseph Kutz and her children, George and Ella, testified that they looked through Mrs. Kiehl's bandboxes on the day of the funeral to get the key until after the funeral, which was to be on the next day, and by his direction she did retain the key until the succeeding Monday. Then he took possession, nailed down the windows, and locked the doors. These two facts, her communication of the dead woman's wishes and her retention of the key, are important for remembrance, in view of later developments in the case.

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