

## PIKE COUNTY COURTS.

### Herman Paul Schultz on Trial For Murder.

John Shields and Ticket Sampling—Bridges Over Big Bushkill and at Mast Hope—Notes of the Shohola Murder Case and Evidence Witnesses Who Testify Against Schultz.

The regular term began June 7th with Hon. G. S. Purdy, president judge, and associates, Houck and Klaer, present.

Constables made return as follows: Lehman, W. S. Van Aukon; Milford Borough, Almer Terwilliger; Milford Township, C. Hermann; Westfall, B. C. Totten; Shohola, George K. Englehart; Lackawaxen, Frank Kelly; Palmyra, Alva Quick; Delaware, Jas. D. Brooks; Blooming Grove, Elisha M. Pierson.

The court appointed W. S. Van Aukon to wait on Grand Jury. E. W. Pierson, Almer Terwilliger and Frank Kelly to wait on the Court.

The Grand Jury was called, Fred Dryer, of Westfall, was selected foreman and the usual charge given them by the Court.

On calling the trial list all civil cases were continued except that of Marvin vs. Conking, ejectment for land in Westfall.

The case of the Commonwealth vs. Herman Paul Schultz was called and the defendant being brought in Court and arraigned pleaded not guilty. A motion was then made by his attorneys to quash the panel of jurors on the ground that the venire issued by the Court directed 350 names to be placed on the wheel, and in fact but 340 were placed therein. The motion was held under advisement and Court adjourned until 2 o'clock p. m. On reconvening the Court overruled the motion on the ground that to sustain it would largely affect the finances of the county and also jeopardize cases now before the Grand Jury which is drawn from the same wheel. A jury composed as follows was then selected: Robert Vennie, John M. Decker, Alfred Kellam, Edward Shepherd, Peter Mager, Jr., Jacob Rose, George E. Hoffman, M. B. Pitney, Walter H. Warner, B. F. Schoonover, B. F. Holbert and James Logan.

Hon. D. M. Van Aukon then opened the case for the Common-

wealth, and outlined the evidence of the prosecution.

Meta Wohlfarth was the first witness called and she testified substantially as follows. In the summer of 1896, we had Lizzie Smith to work for us at our boarding house in Shohola. She came July 5th and remained until September 20th. The last time I saw her alive was that evening about 8 o'clock p. m. The first time I ever saw Herman Schultz was September 18th in the afternoon when he came in the house and asked if he could stay a few days and I said he could. In a few moments Lizzie Smith, who had been picking grapes in a field near by, came up and said to him, "What the hell are you doing here, it seems you folks follow me wherever I go." Schultz replied, "I came to bring good and bad news." His wife said, "Come let us go up stairs and hear it," and they went up together. In the evening he said he would not take a room in the old house where a room had been given

him, he wanted to be near her so a room was prepared opposite hers. The boy Paul occupied the room with her. I saw her Saturday she came down stairs as usual, and he came down to breakfast. She did not appear the same as usual, was down hearted, and did not eat. Saturday he went to Shohola with my husband and Paul. In the evening they all went up stairs and Sunday Lizzie Smith came down as usual to her work. He was around the house in the forenoon, and in the afternoon he and Lizzie took a walk together. During the afternoon some friends came in and Schultz was in the sitting room. His wife entered and introduced them to him as her husband. He said, "I am not her husband, wait until to-morrow morning a good many things can happen before to-morrow. That night I retired after 11 o'clock, a few moments before 12, I heard an unusual noise over in the new part, my room was in the old part on first floor. Did not know what it was and went to sleep. The Schultzes had all gone up stairs that night about 8 o'clock. She told me that evening they were going to New York in the morning to get married, and asked if my husband could take them to the station.

Monday morning, Mrs. Haas knocked against the ceiling under the room she was in but getting no response went up stairs and soon returning I sent her up again. I heard her rap but heard no reply, until I heard a voice saying, "Folks come up, help, Lizzie has shot herself."

That was Schultz's voice, I went up stairs to the room where he was and saw him standing at the foot of the bed and the woman lying on it, rather on her left side with her head turned to the left, a revolver in her right hand which lay on her breast, the clothes were nice and smooth. The quilt was under her arm. Schultz said to me, "Liz has shot herself," and I said, oh the deuce she didn't do it herself where did she get the revolver. He said it

was his, he had it in his satchel and she told him to take it out and put it in his pocket which he did. I had a conversation with him later in the day and told him Wohlfarth was going for the coroner and to get a coffin and wanted money. He said he had none he gave it to his wife Friday night. I again went up to the room where he was and asked if he did not want to send a dispatch to the boys, said he had no money and I told him I would give him some. He said, "What is the use of it. I have to go down to New York Wednesday and will tell them." He said he slept in the back part of the bed that he was her husband and they had been married 19 years.

Carrie Haas testified that Lizzie Schultz came there July 5th, and Herman September 18th. She related in substance the same transactions and conversations as the previous witness, except that Schultz and his wife took supper together both Saturday and Sunday evenings. Monday morning I went up stairs to call them after having rapped on the ceiling, looked in the room where I thought she was and saw Paul in bed and I went down stairs again, but soon returned and rapped on the door just across the hall. Heard some one call, "Help, Liz has shot herself." I ran down stairs and then went up again with my mother and went in the room where Schultz was. I saw a little blood on the woman face and a revolver in her right hand lying on her breast. The bed appeared smooth. Schultz said in reply to my mother's question as to



where she got the revolver that it was his, that his wife told him to take it out of his valise and put it in his pants pocket. He said they were awake until 4 o'clock. He took hold of her hand and said it was cold. Wednesday morning, Schultz told me he wanted to go to New York, but had no money. I told him I had a ticket which I would give him. His wife had given me the ticket the Saturday previous. He said he wanted to go to New York to get clothes for Paul and to straighten up with us, and he left Wednesday morning. John Wohlfarth saw Schultz around the place at various times and took him to Shohola with him Saturday. Monday morning went to his room and saw him there with dead wife. The revolver in her hand pointed over left shoulder, saw the wound in her temple, but did not examine it particularly.

George P. Haas corroborated the above as to position of body, but did not examine the wound.

Paul, the 13-year-old son was then called and related a very straight forward story. He said that on September 18th he was with his mother in the field picking grapes that she first saw his father coming down the lane and told him to go and tell his father that he must say at the house he was an uncle to him. That he went and said, "Papa, mother says you must call yourself my uncle to which he replied I'll do nothing of the kind." The boy saw little of Schultz around the place, but on Friday at Shohola he gave Paul 25 cents with which to buy candy. He did not know whether his mother slept with him Saturday night as he retired before she did and was not awake in the morning when she went down stairs. Sunday night Paul retired about 9 o'clock, his mother went in his room lit a lamp put him to bed, blew out the light and went back to her room leaving both doors open. His father wished to change his room and the mother made no objection or protest. They did not quarrel or appear to be angry at each other. Monday morning the boy heard his father call and went in the room and saw his mother lying dead on the bed. The father did not go down to his meals that day and took nothing but a cup of coffee which Paul carried to him. Paul sat crying in the room and Schultz walked the floor from one room to another. Once he took hold of his wife's hand and squeezed it closer over the revolver. He also shed tears and said if the Coroner did not come soon he would shoot himself.

Henry L. Canne made plans of the house which were introduced in evi-

Lorenz Geiger Coroner testified that he held an inquest on the body of Lizzie Smith September 18th or 19. The body was on the bed lying somewhat on the left side. A revolver was in the right hand clasped around the barrel with the muzzle pointing over the right shoulder. The thumb was under the revolver.

On the right temple a little wound and streak of blood. The hair stuck fast and was not burned. Had great difficulty in getting the revolver out of the woman's hand her fingers and arm were so stiff. Examined the room very carefully for money looked over every thing but found none.

Josiah F. Terwilliger who accompanied the coroner to the place stated that the woman was lying as described and her hand with a revolver in it pointing over her left shoulder. The hair on temple was so matted with blood could not tell if it was singed or if there were powder marks. The thumb was just above the pistol and fingers all around the guard. The covering was ruffled about the woman but smooth in rear part of the bed. The body was not cold or rigid, the arms were slightly so from being exposed.

Geo. P. Haas one of the coroners jury testified to seeing the body lying as described but did not make close examination and did not notice where her thumb was on the pistol or any powder marks or singeing of hair.

L. J. Swayze one of the jury saw the bullet wound in right temple, hair clotted with blood. Body was warm in bed. Hand on stock of revolver. Helped put body in coffin.

Kate Haas was at Wohlfarths and heard Lizzie Smith introduce Schultz as her husband. He said I am not your husband I am your intended husband and many things can take place between now and to-morrow morning. This was about 2 p. m., Sunday.

John Wohlfarth testified as to the burial of the dead woman on Tuesday afternoon. Said he was instructed by the Coroner if no Doctor or lawyer came by 4 o'clock to bury her.

Wm. J. Sadler a jury man testified in corroboration as to position of the body and hand.



Milford Court House Built  
1875





## SCHULTZ CONVICTED.

Found Guilty of Murder in the  
First Degree Sunday  
Morning.

Continuation of Testimony Taken in the  
Case—Arguments of Counsel, Charge  
of the Court and Seen at Rendering  
of the Verdict.

In last week's Press the story of the events occurring in the terrible affair in Shohola township last September where Lizzie Schultz lost her life was broken off with the evidence of the coroners jury. This was the same story repeated with slight variation as to her position when viewed by them on the evening of the 21, and was not contradicted.

She was lying on the bed slightly on her left side with her face turned toward the left the pistol in her right hand lying across her breast the fingers clasped around the guard and the muzzle pointing toward her

New York lawyer who was at Wohlfarth's at the time testified as to conversations with Schultz subsequently to finding the dead body, and also as to the position of the woman.

He examined the wound closely in the morning and saw no traces of powder or burning around the wound. There was a small clot of blood around the bullet hole and a streak of blood toward the eye and one down over the cheek. In a conversation with Schultz that day he stated that they remained up until 3 or 4 o'clock when he went to sleep.

J. F. Terwilliger stated that the prisoner told him that he parted with his wife in June 1896 after living with her 19 years, that they were hugging and kissing until 4 o'clock when he retired. He said he took the revolver out of the satchel at the request of his wife and put it in his pants pocket. They hung on a nail by the window opposite the bed. Schultz said he would produce the letters and papers before the jury to show that his wife had been unfaithful and to show her motive for committing suicide.

Wohlfarth also testified that Schultz said the same to him and in presence of the jury. Said she said as they had considerable money it would be better to have the revolver convenient.

Geo. J. Haas one of the jurymen fired the pistol in the dining room in presence of the jury. It made quite a loud report. Do not know how many chambers were empty when I fired it. It was subsequently fired by Terwilliger in the wash house.

L. J. Swayze testified that Schultz said his wife cried and said she was not good enough for him. He did not want to produce the affidavit made by her because it might reflect on the dead woman's character.

The pistol had two empty chambers after it was fired down stairs.

Lorenzo Geiger the coroner related as to position of the body, the firing of the pistol in the dining room and wash house, and loudness of report, his search for the alleged \$350, and that there were but four chambers to the pistol, this statement however he subsequently corrected, but did not correct the declaration perhaps inadvertently made that he held the inquest the 18 or 19 of Sept.

Julia Dannenfels a sister of the dead woman testified that in 1896 Schultz came to her home in Brooklyn looking for his wife. That Mrs. Schultz had left only a few hours before, that she told Schultz she did not know where his wife was and that Schultz said if I see Lizzie and she wont go with me I'll kill her in sight, but did not show any pistol. The time of this conversation the witness could not definitely fix, but said it was between the spring and fall. There was at the same time a conversation regarding some money which we supposed might be coming to us from Russia.

Jacob Dannenfels, a son of this witness, said he was present at the time, but paid little attention to what was said and did not know about whom they had been talking when Schultz said, I'll kill her. Witness also testified that Schultz said to him in March, Oh, I'll find her yet, and that he was present when Schultz came to his son's home three days after the crime was committed. Schultz said he had

cried and prayed for her to come back.

Dorothy Wooley, who was at the farm house at the time of the affair, had a conversation with the prisoner after his return from Milford and that he told her the District Attorney said it was a shame to keep him away from his dead wife. That he was sorry, but was better off.

Pauline Wert, of Long Branch, was also there and related the same in substance, and that the defendant said they quarrelled and that his wife drank.

Mrs. Johanna Thoden was the first person the prisoner addressed on his arrival at Wohlfarth's on Friday, mistaking her for a landlady. That after enquiring of Mrs. Wohlfarth if he could stay, his wife Mrs. Smith as she was known then came up and said, what the hell are you doing here. He replied that is a nice way to talk.

The same evening, Lizzie Smith came in and said in his presence, that is my intended husband, to which he made no reply. She looked scared. Next morning at breakfast time she told me a man was after her but she did not want him. That witness teased her about

it. That she saw them together at dinner time Saturday, and that during the day the woman was around doing her work as usual. On Sunday she saw them take supper together. Did not see the woman alive again. When Schultz came back from Milford he said he had come to the conclusion it was the best thing she could have done, he never got along with her and she was no good to him anyway. This was also stated by Mrs. Wohlfarth who further said that Schultz told her he had no money to buy a coffin or to send telegrams to the boys, but that he would go down to New York get some money return and pay up everything. This was satisfactory to her, but he did not come back he was locked up.

Charles Edmond Schultz a son of the dead woman and the prisoner said he lived at 177 Avenue B New York and was 20 years of age. That he had also passed by the name of Smith. He testified as to the various places at which they had resided in New York, that his father had threatened to kill his mother several times, had attempted to do so with a razor and had on various occasions beat her with anything he could get in his hands. That he had said she would die under his hands, that his father had been locked up on various occasions and that his mother several times had pleaded for him and got him out. That in Septem-

death the defendant came to his room on Thursday night and said he had bad news for me, mother was dead, that she had an insane feeling toward me. and that he wanted to shoot himself but Paul would not let him.

Willie A. Schultz, a younger son, related in substance the same as above as to the threats and beatings.

Testimony was here introduced as to the burial of the body in the Woodtown cemetery on Tuesday afternoon, and also as to exhuming it subsequently for the autopsy and to identify it.

George G. Lawyer described the autopsy on the body, its decomposition and the tracing and finding of the bullet under the scalp back of and a little below the left ear.

Dr. R. G. Barclay also admitted that the arm might fall in the position described had the woman shot herself. Much depended on the point at which the elbow in falling met with resistance.

The commonwealth rested her case at this point, and Hon. John A. Kipp opened for the defense. He briefly outlined the points which would be made in behalf of the prisoner, and called the defendant to the stand.

said she was anxious for his company and after the separation in 1895 when he was sent to prison for one month on a charge of larceny preferred by Charles and afterwards

That in September 1896 he casually overheard two men talking about his native town in Germany, and making enquiry of one of them learned that his father was very sick and a longing possessed him to return to the father land, and the thought occurred to find his wife and take her with him. That if she was away from her former associates and the influences of his son Charles she might become a different woman. His purpose was to take Paul and Willie and leave Charles here. With that intention he sought Charles who gave him the address of his wife at Shohola and he came up. His history of the meeting and subsequent conduct at Wohlfarth's was in substance the same as detailed by witnesses for the prosecution. He stated that in order to satisfy his wife of his sincerity of purpose he first showed her the \$250 he had and then at her request gave her the money for safe keeping, and never saw it again. Sunday night they retired to the room she occupied, Paul remaining with them until nearly nine o'clock, that from that time until 4 a. m., Monday morning when he fell asleep his wife was crying and upbraiding herself for her past conduct and was despondent.

remained all day in the room with his dead wife, caressing the body and wishing her back and that Paul dissuaded him from taking his own life. His return to New York and the meeting with his sons was also described. He denied emphatically that he knew any thing of his wife's death and said that he did not kill her.

### JOHN A. KIPP'S PLEA.

"After addressing the court and jury and extending his sympathy

He then started at the tragedy on the Wohlfarth's farm, and spoke of the prisoner approaching the house, little Paul running to meet his father and what the son said to him. Then he spoke of the prisoner at the first meeting with his wife and of their happy associations for the first, second and third days, of their friendly relations of the introduction by Mrs. Schultz of her husband to several persons at the farm house. Then mentioned the morning when the woman was found dead, the prisoner being in the room, his dressing, his manner, doings during the day, that it was nothing more than any man would do. His pressing the hands of his dead

He next assailed the coroner and gave his manner of performing his duty as a county official. He said the coroner knew nothing about the subject he was called to view nor



prisoner had given his wife on Saturday morning. He said the people of Pike county ought to be proud of such an officer. He then gave the close inspection of the manner in which the jurors performed their duty at the coroner's inquest.

Then in a sarcastic tone of voice he spoke of the witnesses from New York, said their appearance upon the witness stand should satisfy the jurors to what class of people some of them belonged. He then referred to the prisoner's son Charles, who was the instigator and founder of all this trouble in the family that when Charles was away from home, harmony was in the household. Then referred to the policeman from New York of the false swearing as to the number of loaded chambers in the revolver, and as to his educating Willie to swear against his father, closing with an urgent appeal to the jurors to weigh all the evidence carefully and render such a verdict as would in future satisfy their consciences.

#### J. H. VAN ETTEN'S PLEA.

Mr. Van Etten followed at the beginning of the afternoon session with the closing address for the defense. In the course of his argument, he said:—

"The instigator of this conspiracy is the unnatural son Charles, the boyish villain with the snaky, vindictive eyes, the tongue of Aunias and the heart of Cain. Against the father who has cared for him all these years he becomes a prosecutor and yet if this boy lives twenty years longer he will look back upon this work with the bitterest regret of his whole existence. The boy, Willie, was taught his lesson by this detective from New York, this hiring whose business it is to send men to the gallows and prison by hook or by crook. Willie swore a dozen times that the detective did not furnish him with dates and names to make his story straight. Yet this Krauch later admitted that he had furnished Willie with one date.

"Again this scoundrel, Charles, denies that he furnished his father with the mother's address in Pike county. Yet we have shown you a specimen of Charles' handwriting, in which he has trapped himself. For the writings are unmistakably by the same hand. In both Shohola is misspelled, and in the test this boy pretended that he couldn't spell his mother's name, and wrote 'Lithier' for 'Lydia.'

"Preposterous, when he had been writing of her. He feared the test. He knew that his lie would be found out, and he tried to make a clumsy escape. A story that is false in one particular is false in all things. If we take away the story of this proven liar, Charles, there is nothing left of the threats and outrages. The threat of killing which Mrs. Dannenfeltzer told about was conditional and was distorted. Her son overheard part of it, but thought it of so little importance that he didn't stop to hear it out."

Mr. Van Etten read the letters published to show that the wife did not fear the prisoner, that she begged him to come back to her.

"It was a cunning scheme to bring the sick child in the balance to in-

duce the beloved husband to return to her. Is this the language of a beaten, ill-treated, almost murdered woman asking for a chance to be a good wife and mother? Does she not say that she is the cause of all the trouble? She writes here: 'I cannot live without you any longer, Herman. Herman, do not think I do not miss you. Now I ask you once more to come home.'

"Is this the tone and feeling of an injured woman? Do not these letters show that the stories of wrong and outrage are the baseless fabrication of prejured witnesses upon the stand? The husband came back and lived with his wife without trouble, until this immaculate son, Charles, procures an officer and puts his father out of the house.

"The defendant makes no effort to find his wife until September, although she had come up here in July. Then he learned that a fortune was waiting for him in Germany, and it was the humane inspiration of an affectionate husband and honest man to seek out his wife to share his fortune with her. He desired to take her and Paul and Willie with him, but to leave behind the withering, blasting, blighting curse of the family, the son Charles, that oceans might roll between them.

"This boy gave his mother's address to the father because he began to see the glimmer of German gold. He wanted to make a recon-

share the riches. This fellow, behind all his villainy and rascality, is no fool. He is a cunning scoundrel. He says to himself, 'I'm her favorite son. I'll show my mother that my father and I are friends again. I'll bring her back to him. Then I'll get a finger in this money. There's the motive.'

"The little boy, Paul is susceptible to this devilish influence, although he is a fine, good-hearted lad. Yet he took an oath on the stand to swear to the truth against his father's life. When last September he set his father with a lie on his lips at the mere prompting of his mother and called him 'Uncle,' he is told what to say and he goes and says it."

The speaker, after using his efforts to demolish the credibility of the witnesses in the family, followed the course of events at the farmhouse claiming that no signs of hard feeling had been shown.

"If that woman had been afraid of this man she need only have informed the people around her and asked them to send him away. Would she have spent night after night with him at Shohola and have planned to go to New York with him? The woman was pictured as remorseful, hysterical, on that fatal night, reproaching herself for her past infidelity and wrongdoing toward her husband, fearing a return of her old habit of drink, worrying about the evil influence of her son Charles over her. This culminated in a hasty resolve, in a fit of temporary insanity, to take her own life. The pressure of a trigger while her husband slept and her soul faced its Maker.

"Why Schultz did not hear the report of the revolver I do not know. It is strange, but not impossible. Have you not slept soundly through

#### VAN ETTEN'S CLOSING WORDS.

In his peroration Mr. Van Etten said:—

"So far as the testimony of the son Charles is concerned, upon which the case of the Commonwealth largely rests, I know, and you know, who has sworn a life away, if a life has been forfeited. I tell you that I would not hang an Indian dog upon such evidence as that."

#### ACCUSED HUSBAND WEEPS.

During this speech the pale, slender boy Charles sat and looked at the speaker who had hurled blasting epithets at him, but the alleged juvenile "arch villain" did not move or change color. His face was without emotion, but his father, the prisoner, was apparently hard hit. His eyes were red with weeping and he followed every word and gesture of the man who very ably fought in the finishing engagement of the struggle for a life.

#### DISTRICT ATTORNEY'S ADDRESS.

District Attorney Van Auken began his address at 3.30 o'clock and spoke for an hour and a half. His argument, in substance, was as follows:—

"Did this man on the witness stand deny that he had ever threatened to kill his wife? No. He did not repudiate the evidence of his son Charles. He made these threats and then he comes to Pike county, the serpent in another Paradise, and within sixty hours this cheerful, contented woman was dead by his side. She expressed horror and surprise at seeing him. He said he brought bad news. She was afraid of him, she couldn't eat and on the first night she slept with her little son Paul. She became despondent and never again was like herself in life."

Very carefully and slowly the District Attorney established the weight of the evidence which showed premeditation and then spent much time in illustrating the alleged impossibility of the woman having shot

herself with the revolver and body in positions described.

"You jurymen know a good deal more about firearms than I do," said he, and with the skull and the revolver made his meaning clear. He judged it improbable that the woman rose from her bed, procured the revolver, lay down beside her sleeping husband, composed herself and put a bullet through her brain. The hard pull of the trigger and the natural recoil were against the arm falling across the breast, and the expert medical evidence was construed to back up this theory.

"The story of the missing \$250.00, which Mr. Van Auken said was a "Logus roll," shown to effect a reconciliation that Schultz might accomplish the murder, the conduct of the man after his wife's death and the contradictions of the prisoner upon the stand were dwelt upon particularly.

Pike County Homicide Case

Wednesday Morning. Sept. 23<sup>d</sup> 1857.

Judge Barret, Broadhead, & Keller all present —

Defendant arraigned; the several counts in the indictment being read to him, he pleads to each not guilty.

Clerk. Are you ready for your trial? Prisoner answers Yes! — ~~you~~

Clerk. You must know that you stand indicted for murder, and that you are to be tried upon the indictment which has been read to you and to which you have pleaded not guilty. How will you be tried?

Prisoner. By God and my country!

Clerk. The good men who will be called are those who are to pass between the Commonwealth and you. They have been named to be drawn from the whole Panel of Jurors for this term. You have a right to challenge twenty of them presumptively, and without cause shown, and as many more as you can show sufficient cause therefor. If you will challenge them or any of them, you must do so, as they come to the Box and before they are sworn, attend to your challenges?



Clerk. Proceed to Call a Jury, and the following Jurors answered?

Defendants counsel ask the Jurors to be sworn to make true answers &c - which is granted.

Sworn,

Chal.

1.

John Hagleton - no challenge.

Anthony Vanan Ruy - Excused.

Ephraim Rumble - Excused.

Calvin Crane - Excused.

Moses Van Graen - Excused.

1. William Lancaster - challenged.

2. Andrew B. Kugman - challenged.

Cornelius Suttelhoff - Excused.

3. Joseph Holbert - challenged.

2.

Charles Wolf - no challenge.

John Sawyer - Excused.

3.

Andrew Lake - no challenge.

James Becker - Excused.

4. Harvey Bishop - challenged.

Rufus Bingham - Excused.

Gabriel Crane - set aside - 1.

5. Levi T. Quick - challenged.

4.

Jesse Clark - no challenge.

5.

Jacob Klare - no challenge.

6. Jacob Perbaker - challenged.

Henry Schuyler - Excused.

Benjamin Drake - Stand aside 2.

Edward A. Ferguson - Excused.

Royal Becker - Excused.

Henry Smette - Excused.

7. Jacob Bull - challenged.

Powell C. Kellum - Excused.

Sworn.

Chal.

8. - Moses Brink challenged.  
9. - Joel Shannon - challenged -  
Alexander Wilson - Excused -  
Samuel Kirkham - challenged?  
Rosenrance C. Ball - Stand aside - 3.  
James Edwards - no challenge.  
Abel B. Becker - Excused -  
James Selaeu - challenge -  
John N. Brink - Excused -  
Solomon H. Dingman, 37, Excused -  
Jonathan Rosenrance, Excused -  
Robert Bortey - Excused -  
Eze Kid Schoonwer - Excused -  
7. - Gabriel Crono - no challenge,  
8. - Benjamin Drake - no challenge,  
9. - Rosenrance C. Ball, no challenge,

Here the Panel being exhausted a special venire was issued to the Sheriff to Summons 24 Jurors, who returned the venire with the Panel of 36 Jurors Summonsed from those in attendance at Court & residing in the Town, whose names were placed in the Box & drawn from it in the usual manner -

10. - Jacob C. Cortfall - challenged,  
Benjamin H. Ross - Excused -  
10. - Frederick C. Elmer - no challenge,  
11. - Daniel Burrell - challenged,  
Emanuel B. Quirk - Excused -  
12. - Richard W. Hoffmann - challenged -  
William Watson - Excused -  
John Van Gans - Excused -  
Daniel Becker - Excused -  
11. - Samuel Puster - no challenge  
Levia Sewell - Excused



sworn -

Chal.

	Thomas J. Ridgway,	Excused,
13.	Leanne Demme -	challenged
	John Slack -	Excused -
	Thomas Cortright -	Excused,
	Abraham Westfall -	Excused,
14.	William Westfall -	challenged
	George Stetzel -	Excused -
15.	Henry Beane -	challenged
	David Van Graw -	Excused,
	John W. Genge -	Excused -
	Joseph L. Godley -	Excused -
	Peter A. L. Duck -	Excused
24	Franklin C. Sage -	Excused
	Janna Walker -	Excused,
	James L. Pelton -	Excused
	Thomas B. Taft -	Excused -
	John C. Sage -	Excused
	Cornelius McCarty -	Excused,
	John Greening -	Excused
16.	Thomas Preston -	challenged
	Gregory, Lorcum -	Excused
	Peter Be with -	Excused
	John Cortright -	Excused
	Bradner C. Wood -	Excused
	Simeon Westfall -	no challenge.

12. -

The Jury being full, two constables were sworn to take charge of and wait upon the Jury during the trial of the cause, and the Sheriff was directed to find lodgings for the Jury where they will be private and can have their meals by themselves.

The Court here instructed the Jury as to what was expected of them, and admonished them of the necessity of keeping

themselves above suspicion during the trial.

A. 6. o'clk. P.M. the Court adjourned untill  
2. o'clk. P.M.

The Clerk read the Indictment to the Jury.

Clerk. Gentlemen of the Jury the Prisoner stands  
arraigned in the following error—  
(Here the Indictment was read by the Clerk)

Clerk. Gentlemen of the Jury. Is the Indict-  
ment the Prisoner has pleaded not guilty &  
for trial puts himself on God and his Coun-  
try of which country you are? You will  
therefore look upon the Prisoner and hear him  
to his cause?

Mr Van an Ken opens.

John C. Westhook S. I knew James & Wadell.  
he was living last winter in his Father's  
House in Bloomington Pike County. It stands  
2 1/2 or 3 miles from my House; no improvements  
between my House & his. At Wadell's house  
there is a acre of clear land. It is about 1 1/4  
miles from the mill race & George Tump's. It is  
over a mile from any improvements. There is  
a road from my place to his House that thirty  
do drive with a wagon, but it is a ~~poor~~ <sup>poor</sup> road  
through the woods. There are two other neigh-  
bors about as near as myself. Michael  
Grady and wife lived in Wadell's House  
up to about the first of February. The left  
Ma Grady went there to live some time in  
December not far from Christmas. Mr



was all him in Brooklyn. After Gady left the deft. Ma Guinb and young Samu wad-  
dell were the only occupants of the House. I was  
in the habit of seeing Samu every two or three  
days. He was about 16 or 17 years old. He  
was in the habit of coming to my House for his  
letter. He received a letter every week from his  
Father and sent one. The letters were carried to my  
care. The Post office is at Lords Valley and the  
Post Master always sent the letters by the mail car-  
rier. I was generally at home on mail days,  
I never knew McGuinb come for the letters before  
the 9<sup>th</sup> of February. I saw Samu wadell  
on Saturday the 7<sup>th</sup> of Feb. 1857. He came to my  
place for feed and took away two loads. I  
saw him last on that day at the mill. I  
did not see him leave. On the Wednesday  
morning following, I saw Ma Guinb. He came  
to the mill. I saw him going towards Waddell's  
farm. I called to him and he stopped. I asked  
him where Samu was. He said he did not  
know. I asked him when Samu went away.  
He said he had run away. I asked him when.  
He said he must have gone on Monday night  
or Tuesday morning. He said he had gone  
away while he was away. I asked him how  
he (deft) had come to leave the House and stay  
away over night. He said Samu told him  
to go and he might stay all night and wait  
until the mail came and bring his letter down.  
When I met the deft I was returning from Leroy  
and had not yet reached my House. I told  
him to wait until I went to the House. I went  
in and found two letters there for Samu.

Waaacell. The kama writing was his Father's. I took the letter out to give to him to send to James? When I returned to him I had the letter in my hand, but encluaaa not to send them. I told him when he went down to tell James that the letter were at my house and to come up for them. I said to him if he is not then you do not want the letter! He went on toward Waaacell House? He said he did not know when he had gone? He said that when he left the House James was washing his shirts. He did not tell us that James had threatened to run away.

I saw him again at noon the same day in my mill. I had no conversation with him at that time. I started after dinner to go to Waaacell. I went to my brother Moses House, and he and Dr. Allen went with me to the house of Waaacell. We examined the House - nobody there? The draft is correct as to the ground floor of the House. There was a Pig in what was called James room laying on the table? It had been killed & dressed. It would weigh 75 or 80 lbs. It was roughly and badly dressed. We examined the head? There were no clothes upon it. A chest in the room, Book Case &c were locked up. The stair door was locked. There is a fire place in the room. We made no particular discoveries of anything at that time. The House was dirty and looked bad. There was snow on the ground. The snow had fallen the day before on Tuesday afternoon. The draft came there after we had been there about 1/2 an hour. We asked him how the Pig came there and he said James had shot it on Sunday. He said it got out of the Pen and they could not get it back, and that James

went into the House, got his gun and shot  
it. He said him and James Arneson the Pigeon  
Mr Gunk, returned with me to my House and staid  
all night. Stayed there the next night. Though  
the day he went to Wadell's place to feed the  
things. I went away? When I returned  
at 8 o'clock in the evening he was there. He left  
my House again on Friday morning to go to  
the Wadell place. I did not see him again  
until Monday. On Monday morning I saw  
him again before John Rice a Justice of the  
Peace. He was then under arrest, and in the  
hands of Edwin R. Quirk a Constable. I did  
not hear him say anything then. I overtook  
him and the Constable at Shohola Hall where  
they were on their way to Milford. Had a  
conversation with him at that time about  
James. I afterwards saw him in Jail  
at Milford and had conversations with him  
two or three times. The first was about the time  
they arrested Quirk, Grady & McGowan.

The Commonwealth proposes to ask the  
witness the conversation had with Prisoner in  
Jail and to give his recollections.

Left counsel objects and proposes  
to prove that they were obtained under  
unlawful means held out to the Prisoner and  
they call witnesses to prove it.

James Smith, J. I am the Keeper of the Jail and have  
been since Ma Gunk has been in Jail. I have  
heard several men tell him that he ought to  
confess. James Adams was acting at that time  
as deputy constable. He told Ma Gunk he



had better confess, it would be better for him." This was before the examination? He was in the habit of going in the Jail, and had been in several times? I have heard him speak so to Duck more than once. He was not in the Jail the night of the examination. Adams after that on one occasion came to the Jail with a bottle of Whiskey? It was the night Gady was not down to enter into recognizance - I cannot fix the time exactly. I was in bed one evening. Adams came and said he wanted to go in the Jail - I let him in. I went in with him. He had a bottle of Whiskey with him. Adams said Thomas I have got you a drink of Apple Whiskey, but you must never tell the Sheriff of it, nor let any one know it. We all took a drink of the Whiskey. Then I came out of the Jail & left Adams and him alone. Adams called me in. I went. I did not hear Adams that evening advise him to make a confession. No offer to furnish more liquor in the morning? Adams had several times told him he had better confess. I heard him tell Duck several times, it may be a dozen of times. I do not know of my own knowledge that Adams took the Prisoner out of Jail.

X. Jeff was not to Jail as the 18<sup>th</sup> of July. He told him he ought to confess it would be better for him. He told him if he told the truth Michael & Ed. would be punished and he would go clear. Ma Gady made us confessions. This was before Duck and Gady had been arrested.

Almira Smith. I am the wife of the Jailor. I know Adams went out walking out of the

Laila with Adams, went out once in the afternoon - They were out about two hours - It was after the other men were arrested - Adams was not in often in the winter but was in the spring -

John C. Westbrook. Recalled - I was again at the Waadell House shortly after Quirk and Brady were arrested - There were three or four others with me - John, Vanauken & several others were with me - I then saw blood on the Paper behind the bed - The paper was scratched 2 feet up and down and 18 inches wide - It was scratched - On the edges there was blood on the Paper - On the wall near the head of the bed there was blood and is yet - There was a dark spot on the floor under it like blood - I took off some of the Paper off and took it with me and gave it to Waadell - I saw a bullet hole in the Post in the Corner, 4 inches above the level of the bed - Under the bed there was an incantation in the Board - The Bed stood 10 inches from the wall - I was then with Mr Waadell when he opened the chest and we found the clothes that had been on the bed locked up in it - I was present when Mr Waadell opened a good many of the things - I found nothing unusual that day among the things - We did not find his clothes - We found bones in the fire place and some in front of the door and some around in the edge of the cradle - They were all in small pieces - They had been burned.



Those in the creek had been burned. They were in the creek in front of the house. There were some Buttons in the ashes in the fire place and some in the creek.

X. I was at the bed at the 11<sup>th</sup>. There was a tick & bed just no sheets or pillow. The sheets were in the chest. I did see the paper torn off that way. At the next visit it was plain to be seen that the paper was torn off. I cannot say whether it was torn when I was there or the 11<sup>th</sup> or not. I saw no blood on the paper at the 11<sup>th</sup>. Saw a little blood under the table where the Pig lay. I think if I understood him right the Pig was shot and put in the Pen, and died. He said the Pig was shot on Sunday and they carried it on Monday morning. The hair off the Pig was out down in front of the house. They had 5 or 6 Pigs, a cow, a calf, yoke of Oxen & some Chickens. We turned up the tick on the 11<sup>th</sup> of July. I did not see the black spot at the head of the bed. I did not see the bullet hole on the black on the wall. I think the blood as the paper could not be seen without moving the Bedstead. We had to move the bed out when we did see it to have a fair sight of it. It was a foot from the lower blood on the wall to the top of the bed. Did not air cover any blood on the head of the bed at any time. I judged it to be blood from its appearance. Good many spots of blood on the paper. I think the highest blood on the wall was about as high as my head. The stains of blood were wider than the table. Could see a good deal on

the wall and can get - A Tea cup full of blood would make all the marks I saw -  
Lamin & waddell was about 5 feet high perhaps a little more - I did not see any blood on the bed - Bedstead about 4 feet wide - The hole in the post I think was a bullet hole - It is an indentation about the size of a bullet and I think made by one - a round Iron Truck with a hammer would not make just such a hole - I could see the lead round the hole - 8 by 10. post of Oak. Smooth - The hole was nearly straight into the post - 4 inches higher than the top of the bed - The ball I think crossed the bed diagonally & struck the post - We took out the bedstead and took it away - The blood on which the Paper was scratched off was 2 1/2 feet from the ball-hole - He had not chopped a wood for me on Thursday - I now think he did say they dressed the Pig in the House - When I was there with Dr. Allen I did not see any blood in the fire place - Saw bones in the fire place; Saw no bones outside of the door at that time - One or two of the sheets had a spot or two of blood on - One a little streak - There were 5 or 6. Sheets in the chest - They were not folded and looked as if they might have been used since they were washed - It was blood I saw, if I knew what blood - You could see specks clotted in it - There was ash in the fire place when I was there on the 11<sup>th</sup> - The same time I was there I hunted the <sup>bones</sup> ~~ashes~~ out of the ash - Only got some particulars - What Bones I found, I took home with me

and give them to Mr Wadwell.  
Chief - I did not look for Bond on the 11<sup>th</sup>. Mr Guirk  
while at my house told me that James had given  
him \$500 and that he was to use \$400 of it &  
give the balance back to the Bay. I asked  
him where he got his money & that was his  
reply? He said he had the \$400 for James.

Dr. John Allen - I went with Westbrook to Wadwell  
House. It was on Wednesday. There was  
no-body in the House. We went into the  
two rooms. One room on the right hand  
side was as neat, with no bed clothes. On  
a table was a dead Pig - not completely  
dressed. Mr Guirk came then while I  
was there. I asked him when he last saw  
James and he said he left him on Mon-  
day washing. I asked him what had  
become of the bed clothes. He said he did  
not know that he found the room just  
so when he returned. We removed  
the lock from the door of the stairs and  
went up. Saw nothing but some chickens  
and some feed. I talked with the Pri-  
soner once since in the Jail - either in  
March or April? I think it was in  
March.

"The outer door was not locked.

Dr. J. J. Woodward, Jr. I am a Physician and Sur-  
geon. I have been an operator with the  
microscope for several years, and for the  
last year have been lecturing upon it.  
During last Spring Dr. Wain told me several



several chips of wood, and several pieces of wall paper for my examinations? It was before the May term of Court. They with a parcel of bones was in a package sealed & the seal was broken in my office. I think Dr. Wilson broke the seals. I did not examine the seals. I subjected the stain to a careful microscopical examination, after being soaked out & reduced to liquid. I ascertained beyond a doubt that it was blood and that it was by the blood of a mammal. That constitutes a large class of animals are distinguished by giving milk to their young. The size limits the number of animals. In this instance the evanescent and size of corporals indicated that it was human blood. It was by the best of my judgment and the best of attention, within the range of human beings. From my own experience I would say that it was quite impossible for it to be the blood of a Pig. The corporals of a Pig would have been much smaller. Dumas & Prevost make the corpuscle equal to that of a man - same size of a man. They are old authority - my own experience and the recent authorities do not agree with them. Dumas & Prevost's measurements are at least 15 years old. The mode of manufacturing micrometers has improved since and the accuracy of measurements depends on them. The corpuscles of the blood of a Pig are now ascertained to be so much smaller than those of a human being that a mistake is out of the question. If made by the same person and same instrument, it is out of the

question to make a mistake. Even when made by different persons and different instruments I cannot conceive how a mistake could be made. It was not the blood of a Pig? I would not like to say it was human blood, because the blood of a dog, a hare, a rat, a monkey and many foreign animals have the same sized corpuscles. I knew no two authorities that agreed as to the precise limits of the corpuscles of human blood. I have never compared my micrometer with any other! I would not pretend to say whether this was venous or arterial blood. Both the sheep & cat would present smaller corpuscles. Calf smaller than ox, or cow the same. Herb. eating animals have small corpuscles. The only way to be certain of the presence of blood is to subject it to chemical test.

Bones The Bone was handed by Dr. Wilson to Dr. Morely of Phil<sup>a</sup> for examination. Dr. Morely has been here this week. He left on Monday afternoon. I have not seen him since. Dr. Morely examined the bones in my presence. He afterwards removed the Bones to his own house for a more thorough examination. The doctor called my attention to a number of Bones or particles of Bones. I cannot say to which of the lower animals <sup>they</sup> belonged to. I knew that those I examined did not belong to the human family. Dr. Morely did not retain the bones. They were given back to Dr. Wilson. I was not present when Dr. Morely made his official examination.

7. I saw one bone which must have belonged  
to some kind of Bird.

James Wallace - I am the Father of James A.  
Wallace - I was at the House the latter end  
of December last. I then left my son in pos-  
session - Michael McGady & wife & McGink  
were in the House. The two men were working  
for me - On the 7<sup>th</sup> of Feby. following I received  
I received the last letter from him. It was  
dated the 4<sup>th</sup>. I left New York on Wednesday  
and arrived at the farm on Thursday the  
12<sup>th</sup> of Feby. - When I arrived at the House  
I found no one there. I took two men &  
a boy up with me to take charge of the place  
in the room of McGady & McGink. The men  
did not stay & I do not recollect their names.  
I went out and searched about the premises  
for my son. I returned at night, and we  
stayed all night in the House. As soon  
as it was light I started in search of my  
son. I went to Moses Westbrook, and then  
learned for the first time that my son was  
missing. I then went to John C. Westbrook,  
and we went part way toward the Har-  
rison and returned. I stayed Friday  
night at Westbrook's. I did not see McGink  
on Friday. On Saturday I went to LaRa-  
waxen and telegraphed to my home. I re-  
turned to Westbrook's and stayed all night  
did not see McGink. that night. On Sun-  
day, myself, J. C. Westbrook, and two or  
three others went down to the farm House.  
Then I saw McGink for the first time!



He was in the stable? I asked him what had become of my son - He said he did not know; I said you have much to answer for, for your conduct towards that Boy? He said he knew not, that he had done nothing towards him - I said to there are more murders committed in this country by Irishmen than by all other countrymen put together. He said he had not murdered my son or any one else - I asked him how he came to have \$5.00. I knew he had no money when I hired him. He told me so - I hired him in New York, for Moses Westbrooke. He stayed there two nights. Westbrooke would not have him and then I let him go to my place. He got no money from me but a dollar to pay his Pass<sup>age</sup> over at Hawley at Christmas time - When I asked him how he got the money he said he asked my son for change to pay for a letter, and he gave him \$5.00 and he was to return \$4.00 - I asked him how he got the change he had above the \$5.00? At one time he said he got it from Mr. M. Brady and at another time that he had it left from the \$6.00 on Christmas. I had sent my son \$20 - First sent him \$12, then on the 17. January I sent him \$8.00 - a five dollar and small bills - It was marked "I & L. S. 17/1" I have since seen the bill in the hands of Cyrus Christman. I do not recollect any further conversation. He said he left I am at the house on Monday night and that he returned on Tuesday & he was not there. I asked him how he

Came to say he had gone to New York. He said  
he supposed he had gone. Can't recollect any  
more conversation on Sunday. I examined  
the premises carefully on Sunday. The back  
room was locked, and I made my way in  
through the window. Lookt at draft spoken of  
by Westbrook. There is a back building not laid  
down on it and is the one I speak of. I found  
my son's gun then injured. The bands were loose  
from the stock. My son's carpet bag was not  
there. I also missed clothing that I had sent  
up to the Bay. Saw nothing up stairs but  
some of the bed clothes. Saw some spots of blood  
but nothing that alarmed me at the time. I  
came down stairs and proposed to open the large  
chest or trunk. Could not find the key,  
broke it open. Found there a few sheets thrust  
in. Some small spots of blood on the sheets. Some  
as the bolster. The trunk was in James' room.  
I saw some spots of blood on the floor about the  
fire place. There was a Pig in the room partly  
by accident. I did not examine what was  
in the fire place. Don't recollect of seeing any-  
thing in particular that day. There were  
several persons there that day. Ma Guirk was  
there. He said James had been out that  
day shooting squirrels about the Barn &  
shot the Pig. He said the Pig after being shot  
was put in the Pew and remained all night.  
He said it died in the night or blew to death  
and that the next day Monday they boiled  
water and dressed it. We returned  
to Westbrook for dinner and took Lou-  
isette with us. I had him arrested on Monday

morning and taken before Justice Hyco. On Sunday I charged him with having opened and read my sons letters. He said he had never opened any of my sons letters. He said they were opened before he read them. There was a chest that had 3 Pints of Whiskey in it, but I had locked it up myself and had the key with me in New York. I found the lid forced open and the whiskey gone and water in the place of it. I never heard a threat made to him, nor any intimation to confess or reveal the facts. He said nothing in particular before the Justice. He was committed and sent to Jail in charge of Edward Quick the Constable. I did not again see him until I was called up in the month of March by a Telegraphic message. In March I made a further examination. I then saw the Paper rubbed off the wall, at about my sons height from the floor. The space where the paper was rubbed off was about 2 feet square and below it on the wall was splatters of blood and <sup>near</sup> ~~on~~ the floor considerably more splatters of blood. At the head of the bed there was very considerable of blood marks near the floor. They extended from 6 inches to a foot from the floor. I did not see anything on the floor. I went with several others to the creek near a big rock. On searching round found pieces of bone and ash, and brass buttons. The Iron portion of Buttons remained. The buttons were flat and were the size of those on my sons coat. The buttons on the coat were covered buttons. It was



the only coat about the House that had  
 that kind of Buttons on. There were three  
 or four of the Buttons. They had evidently  
 been carried across a short way and lodged  
 in an Eddy or still water about 1 1/2 feet  
 deep. Westbrook gave me a package. I  
 took it with me to New York and took a  
 portion of the contents to the Census Office  
 in New York. I left them there for couple of  
 days. The balance I kept at my own  
 house until I sealed them up and sent  
 them to Mr. Demme. I took them to the Mer-  
 chants Hotel in Cortlandt Street. I left them  
 there sealed up. I think it was in the month  
 of March. They were directed to S. Demme  
 Esq. I put the address on in my own hand  
 writing. The Paper on the wall was ~~black~~  
 with dark brown through it. The place the  
 marks were was not open to be seen  
 until the lead was removed. I scuffed  
 the piece of paper off the wall. It had  
 been on the wall better than a year.  
 A Package shown to the witness, has my own writing  
 on it and the seals put on by myself. Do not  
 recollect anything further. I have since made  
 every effort I could think of to find my son  
 but could find no trace of him.

Advice No. of above statement for 1882

" I went to Pine Creek New Jersey to look  
 after my son. I received a letter from John  
 C. Westbrook, enclosing me a copy of a letter  
 from a Mr. Shiner at that place, to the Sheriff of  
 the county enclosing a card that had been  
 at his House, who said his name was War  
all, and who said he was going home

to his Father who lived either in New York or Brooklyn.  
The letter described him as being about 16 years  
of age. It was in consequence of the letter &  
the facts stated in it that I went there. It was  
I think about 3 weeks after my son had been  
missed that I went. I found no trace of him  
in there. I first saw the note in Christman's house  
when I came across, at the time Ma Guirk was taken  
to Prison. I saw the mark. I did not know  
or recollect of putting "Hb" on it until I saw it.  
"I & I S. Hb" means "I & Stewart Hb". I marked  
it to identify it if lost, or to know who I received  
it from if not good. Can't say whether I marked  
the money I sent to Westbrook or not. I think  
the upper part of the wall where paper was off  
about 2 feet above the bed. Found no part  
of the paper that was torn off. Rubbed off  
with a brick or stone. The wall was Plaster,  
not Plastered. I think the Buttons were taken  
charge of by Westbrook. I did not measure  
the size of the Buttons; had never measured the size  
of the Buttons on James' Coat, only judged by my  
eye of size. I let the Coat and sent it up  
to James. The Buttons were covered and I think  
had an Iron rim inside. I only judge from  
the appearance of the Buttons. Same style of  
Buttons as on my other sons' Coats. The Package  
I did not take to the coroner's office is put up  
by myself. Very little blood on the sheets; not  
enough to alarm me at the time. They were  
stains, the largest half the size of my hand.  
I did not pay particular attention to it.  
He told me my son had shot the Pig. I think  
he said the Pig was dead and scraped

in the Bureau. I will be 57 years of age next Christ-  
mas. My Boy was 17 last February. I think  
he was about 5 feet 2 or 3 inches high. On  
Sunday I told McGuirk he must go along to West-  
brook. He went with us.

Chief - I left a portion of the back bone and several of  
the larger pieces. I firmly believe they were  
the same I left with the Coroner which I re-  
ceived back again. I left us wall Papers  
there. The money I sent to Westbrook was in  
checks. I put no mark on the Bones I left  
at the Coroner's office. I did not measure  
them.

Mrs. Elvira Smith S. - I called Mr Thrall into the  
Jail. It was a few days before Duck was  
arrested. My husband & Mr Cornelious  
had been in Jail and about half an  
hour afterwards Ma Guirk called me  
to the door. He wished me to tell my  
husband or some one not to be looking for  
James Watson. He wished me to listen  
to something and I refused. I started  
to the door to call James Watson. I  
saw Mr Thrall and called him. He  
came and stood at the door and talked  
to McGuirk. -

James ~~McGuirk~~ Swann. I am jailed! I cannot  
fix the time when Thrall had a conversa-  
tion with him. Adams had not said any-  
thing to Ma Guirk about confessing before  
the conversation he had with Thrall. The  
day ~~that~~ Thrall was there and read the letter  
was ~~therefore~~ the arrest of Duck. I




think Duck was true the same day he was arrested - Ma Guirk had been in Jail quite a while before Adams went in to see him - Adams had been in the Jail different times before the examination. The night that Lemmick took the information of Ma Guirk, to issue the warrant for Duck was the first time I heard Adams tell Ma Guirk that it would be better for him to confess - ~~I think Adams~~ Adams had been in 4 or 5 times before that to see Ma Guirk -

Henry S. Mott. S. I got a sealed Package at the merchants Hotel in the City of New York, and took it to Samuel Lemmick, and delivered it to him - This has the appearance of being the Package.

J. Van Camp Coolbaugh. give it to me. I am confident it was one of the Clerks in the Office. It was I think in March last.

S. S. Trace. S. A short time previous to the arrest of Duck perhaps 8 or 10, or 12 days, I was called into the Jail by Mr. Smith.

Now the depts except to the evidence proposed to be given by the witness - Over ruled and bill sealed for depts. G. R. Barrett, 

S. S. Trace. S. I went to the Jail door, and found Thomas Ma Guirk reading a letter. He had it in his hand. He said it was the happiest morning he had seen since he had been in Prison. He asked me to read it for him. I done so. He seemed to be affected. His wife was urging him to come home. I

said your wife little know your trouble -  
One was hot on another, until Thomas said  
that the boy was murderer, but he was  
innocent". He said Edwin Quick and  
some man of the name of Michael had done  
it. I asked him how he knew they had  
murdered him. He said he knew it, that  
he stayed at Quick's all night and Quick  
went out and was away all night. He  
said Quick had sent him for a bottle of Li-  
qua in the morning. I asked him if he  
had come in a lay road to Westbrook Mill  
with the team. It was either Sunday night  
or Monday night he said he was at Quick's.  
That is all I recollect of that conversation.  
After I asked him about coming to the mill he  
seemed to decline saying anything more a-  
bout it.

+ I think Mrs Smith and Mrs Van Graen stood  
on the opposite side of the door. They stood  
there during part of the conversation and I  
think during the whole of it. They left when  
I said. They were within 2 or 3 feet, I stood  
in the hall. He said he had just received the letter.  
I do not know whether Adams had been in that  
morning.

Mrs. Elvira Smith recalls. Thomas Ma Gunk told  
me the morning I called. He said that he had  
just received a letter from his sister-in-law,  
that he wanted me to tell my husband or  
some other one that James Wadell was mur-  
dered but that he was not the man. He  
said Ed Quick was the man - he had

Shot him and then burned him.

Samuel Sumner Esq. S. Henry Mott brought me a sealed package in March last. That is the package I received of Mr Mott. I delivered it to Dr. Wilson. I did not break the seal. Dr. Wilson returned it to me, and I believe it to be the same package. Thomas Ma Guire the Prisoner made a complaint before me on or about the 14<sup>th</sup> day of March 1857. I think it was taken in the Jail - and I do not remember whether it was in the evening or not - whether day light or candle light. My impression is that it was in the evening I took the information. It is in Vanauke's handwriting? -

Chief - Quick was not before us for a hearing and Ma Guire was sworn and testified before me.

I was up at Waddell's House after the hearing of Quick - I went to make an examination. I saw blood against the wall - There was no bed then at the time. I saw blood on the wall and some paper rubbed off in the corner of the room.

Edward R. Smith Esq.

Dr. John W. Wilson Esq. I received a sealed package from Squim Sumner last Spring and carried it to Dr. Woodward's Office. I delivered it there. Dr. Mosely opened the package and broke the seal in the presence of myself and Dr. Woodward. Dr. Woodward got strips of paper and chips of wood out of the package. This was the



other drink. We took another! Then he saw Grady coming to Nye's Store which was right opposite or about 4 Rods distant. He called in Michael and treated the 4 of us which included John Becker. They was six cent drinks! He had not changed enough to pay for the last, and he give the bar-keeper a five dollar bill & he changed. The next thing was he wanted a bottle of Mr Nye's and wanted it filled with Siquor. Nye told him he had none for him! Then I started towards home! Thomas Ma Gunk followed me! Going across he said Jimmy had sent him up to get his letter & to stay all night at Grady's, but finding that Grady's wife was sick & Dr. Stevens was there he could not stay. He had not been to Grady's, he heard this from Grady at the Tavern. This was at this time between 8 & 9 o'clock at night. He said Jimmy had sent him up to stay all night at Grady's and get his letter and the next day bring them across. He said that Jimmy said as soon as he seen what his Father would write to him he intended to run away. I asked him what Jimmy was going to run away for? He said he had shot a Pig and some other things that he could not stand before his Father for. He said Jimmy was going to drive away the Oxen and wanted him to go along until he could sell them. He wanted me to come down on Sunday! He said there were some things there that I might as well have as any body. He said there was Bacon, Box of herring &c. I said Tom you can't get me into that Speculation! He said he found a little Box there; he took his Knife and Sprung the Lock and drank the liquor. He said the

Tuesday he came back to my house. He came in & sit down with a whip in his hand. He said Jimmy is gone. I asked him which way he had gone if he saw any tracks. He said no. It had snowed and he could see no tracks. I asked him if he had taken anything with him that he could see, and if he had taken his gun? He said no. I asked him if he had taken his little dog? He said no the dog was lying on the bed. I asked him if he had taken his shirt with him, and he said no. I then started to Ayer after my papers. He went with me? after I got the papers I started home. He started back with me, and I told him he could not stay with me. I left him near Ayer? and did not see him again until the 15<sup>th</sup>. This was Thursday night.

On Sunday the 15<sup>th</sup> Feb I went to Waadell's house with Moses Westbrook, John Young & Isaac Carthuff. I think John C. Westbrook was along but not certain. Me and Isaac Carthuff was standing on the stoop when I saw Tom come out. The others were at the brook. He saw them? He said Waadell thinks I murdered Jimmy but they won't find him round here. We were about in the house then all of the company. This clock is about 8. Room from the house. Thomas was asked in the house by Mr Waadell who he got the money from. He said he got the change from Michael Gady's wife, and the \$5.00 from Jimmy? too found a shirt, did not look like a man's shirt. There was blood on the back of it - it looked as if a man had laid his hands on it. In one corner of the room was a boy lay a pig - it was badly dressed - it had

been shot behind the fore shoulders - It lay in the  
North corner of the room in a Post Box - We  
all started away from there together. He was  
put in my charge? I took him home with me;  
I spoke with George McKewen to stay with me that  
night. About sun down Thomas asked me  
where my gun was? I showed him where it lay  
on the hook and said I could get it whenever  
I wanted it. He went to bed with his hat &  
clothes and boots on. I stayed up all night.  
He lay very uneasy all night? I don't think  
he slept any all night. On Monday morning  
he was arrested at Byes. I took him there.  
Don't remember of him saying anything there. He  
was committed and I started with him to Mil-  
ford. I walked him to John C. Westhookers.  
I went from there to Shakola Falls in a wagon.  
Myself, Isaac Car Raff and the Prisoner. At  
Simeon Lads he said if they cannot find  
Johnny they cannot hang me. After we  
left Simeon Lads he said he would rather  
it was old waddle that was missing than  
Johnny. From Shakola Falls to Milford we  
and Tom. went a foot to Milford. Going  
up Shakola hill he said he wished he had  
his clothes with him. I asked him where his  
clothes were. He said he had them hid in the  
woods. I asked him why he hid them in the woods.  
He said Johnny is a Jew and he did not like  
to leave his clothes in the house. We went on  
until we got within half a mile of Milford. He  
then asked me how long waddle was going to  
keep him in jail? I told him it was likely  
he would be kept there until they heard some-



thing from Jimmy. He said they would not hear from Jimmy soon. I asked him why? He said if he would tell old Wadsworth would hang him? I said how you talk now as if you ~~would~~ had murdered that boy. He said if I know it is best known to my self? I said if you have murdered him, he will be found; he is round that place. He said I have fixed him so no man will find him.

4. I was sawyer at Westbrook's mill. I worked Tuesday afternoon. I went to get papers. I think about 7 P.M. after supper I started with him after paper. Never seen Mr. Lifen at Ayers Tavern. Never had much acquaintance with him at all. Never seen but twice before Monday night. Never spoke two words with him before. Had not dinner that day. Got breakfast Monday morning about day-light. Nothing to eat that day except breakfast. Supper was ready when I got home. Thos. slept in a room adjoining mine. Went out to chop wood after supper, I think. Am positive it was after supper when I chopped the wood. Was about 10. O. C. when I went to bed. Drank Rum at Ayers. Grady had started home a few minutes before we did. Left home Tuesday morning after day-light, and went to my work. Did not go up to Ayers. Tuesday night about 7 O. C. Thos. came again to my house and stayed half an hour. My wife was present Tuesday night when Tom, & I were talking. Wife was present Monday night when he (Tom) was repeating on what he told me on the road. He went on of his own accord to repeat the conversation. Wife asked him when Jimmy was? & he was buying himself there.

(my house)  
Tom never been there, before - was a stranger to  
my wife - never seen him before. Wife was  
sitting up Monday night when we came, waiting  
for us. ~~Tom~~ went to bed first - After supper  
he repeated our conversation - Told the conversation  
first to John L. Westbrook - Told him the conversation  
on Wednesday morning following - Told him the  
conversation of Monday & Tuesday as nearly as I can  
recollect - Told Mr. Waddell, John Lyce, (before he  
Lyce when I was sworn there) - Don't think I told  
Lyce the conversation had on Tuesday - Tom had a  
hearing before Lyce and I was sworn as a witness -  
can't tell any particular one to whom I told the  
Tuesday's conversation - Backus was by when the  
conversation was had at Lyce - No body else in hearing.  
Tho? was put in my charge at Moses L. Westbrook's  
on the 18th - Mr. Waddell put him in  
my charge - Mr. Waddell asked Tom to go along  
with us, in the way he spoke to him. I was  
at Waddell's house the last of Dec. or about that  
time - Geo. McGowan was with me, and we  
staid all night. Tom was there then - He had  
been hunting that day. Got there before dark.  
This was the only time I spoke or saw Tom  
before the 9th of Febry. Don't think I spoke or  
saw him that time - Tom, J. Waddell,  
Michael Brady, Geo. McGowan, and Brady's wife -  
Used to live at Waddell's - Somewhere about  
Christmas when then, think it was nearest New Year.  
Was there once before when Tom was there, think  
it was in Nov - Don't think I spoke to him -  
said never seen Tom but twice before he  
came to my house - Must forget what I did  
say about seeing Tom on the 9th of Febry.

Don't think I sd. I had not seen Tom before  
the 9th of Feb - I was then with White in  
Mr. Saw Tom there then - Don't think I  
spoke to him then - Staid all night - got there  
after dark - was dark when we got out of the  
woods - was after dark a little when we got there.  
Had our own provisions with us - we sat  
at the same table with them - Tom was  
in the room when we ate supper, and ate  
after we got dun - Slept in the same room  
when we ate our supper - Not the same  
room when we found the Pig - Tom went  
up stairs - In sec. when I staid there  
I slept with Lining Waddell - Tom went  
up <sup>stairs</sup> then - McGowan slept with Tom - In  
Mr. we slept together - Lining Waddell  
was about the size of you! (human) -  
Mr. Waddell saw the shirt then and the rest of  
them with us. We found the shirt in one  
corner of the house, in the room toward the  
brook where the Pig was - Think it was in  
that room - I think Waddell examined the  
shirt, and the rest of them - Think Dr. C. Westmore  
ex. the shirt - did not say it looked as if some-  
body had wiped their hand on it - I sd. it looked  
as if somebody had had their hand on it - Not  
certain, can't remember, if it looked as the fingers  
had been on it - It was the shape of a man's  
hand. Blood on it the whole size of a man's  
hand. Don't remember as one side of it  
looked shorter - I did not pick up the  
shirt first - ~~Waddell said~~ It was spoken  
amongst the company then, that it looked  
like a hand - The shirt was left there

on the floor in the house. Don't know why it was not taken along - Tom was in the room toward the woods, when the shirt was found in the room toward the Creek. Don't know as Tom was in the room when the shirt was examined - All that was there & the blood in the shirt, looked as if made by a hand - Maddell, & Westhorn, said so - and the others who went down with us said so - Don't remember on which shoulder the blood was. The shirt looked pretty dirty. The shirt not very new, looked as if worn some time, looked as if torn - Don't remember when it was torn. M. Gorvan sat up with me all night - Was in the room all night, except to carry in a little wood - M. Gorvan was out once a while. Maddell did not have any talk with Tom on our way to Nyces, on our way to Milford - Mr. C. Westhorn had not talk with him on the way. Had no talk in the Wagon about this matter on our way to Shickela. Simon Lord lives about 3 miles from Westhorn, between S. Falls & W. 2 - Me, backoff & Tom was standing in Lord's Stoop when we had this conversation. Maddell was in company with us all the way down from S. Falls to Milford - sometimes before us & then behind us - No conversation on the way down between Tom & Maddell - No con. between any one and Tom, but myself on the way down don't think any one was within hearing distance in our way down. Tom did not say what clothes he had hid. I think I first told the con. between S. Falls & Milford first to Nyces, then I told the con. at



Lord to Judge Nye. I think I told him Tom  
said so at Lord's. I think I told him  
I rather old Wardell was missing, than  
Jimmy. I am not certain I told Nye  
the Can. going up Shohola hill. Can't remem-  
ber I told Nye Tom did not want to loan  
Jimmy's clothes in the house. Have told it  
to several viz to Elias Brown, can't remem-  
ber told it enough - told it to Elias Brown for one.  
Told Judge Nye the Can. had about half a  
mile from Milford. ~~the Can.~~ Told Nye Tom  
had told this Can. half a mile from Milford.  
Can't remember when I told Nye. Brought  
Tom here 16<sup>th</sup> July, being Court week - Can't  
remember how long after this I told Nye -  
Cannot tell when I told him (Nye) all  
of 2 or 3 months ago I told him. Can't  
remember having told the Can. half a mile  
from Milford to any body before I was arrested.  
Made a statement before others of what I  
swore before Nye. I said after I was  
arrested, I w<sup>d</sup>. write down all I recollected at  
the time to help me remember it. Don't recollect  
whether I told Nye the conversation at Simonsdair.  
I cannot remember whether I told Brunswick of  
the conversation at the place near Milford. I was  
asked by some some person if I was sworn at Milford.  
I said I was not sworn. I was not asked by any  
person why I said not tell the conversation when  
sworn at Milford. I said not tell Mr. Klinkhantz  
that I was not sworn at Milford when he asked  
me why I said not tell the story. Judge Nye  
did not ask me the question that I recollect  
of - I don't remember that Judge Nye told

me he understood that I knew more than I  
had told him and if I said it was my duty to tell  
it. There was some things spoken of but cannot  
remember what. I said tell Judge Bryce some  
of the things told me on my way to Milford but  
do not remember when or where. Can't say  
whether after May Court or not. But remember  
whether it was at his house after returning from the  
may. Do not recollect of Blankenshaw being present.  
I do not recollect of telling Judge Bryce that Tom  
said he had made Jimmy Snell hell and if old  
Wasson had been there he would have served him  
the same way. Do not remember whether I told  
him or not. But remember of telling Bryce that  
Jimmy said if he had killed Tom it was best  
killed to himself. I presume I told Judge Bryce  
the conversation as the was more than once.  
I cannot remember when or where or who was  
present. I think Tom took the gun with  
him on Tuesday morning. Can't say posi-  
tively. I took a drink at Bryce's on Tuesday  
evening and Tom paid for it. He said not  
drink. I have had no conversation with  
any of the witnesses since I left the stand  
last night. I have spoke to Sam Adams  
last night, but not about this suit. I was  
talking with some man when Adams came  
up to us. I don't recollect of saying any-  
thing to Tom about coming up or telling the truth  
before we got to Milford. I once said I  
would give old Wasson hell. I calculated  
to sue him. I can't remember who I told  
it to. I follow hunting considerable. I  
am familiar with the wood. Perhaps I have  
told Webb Walker that I would make old

Waddell smell hell, or give him hell? I have said it  
and do not remember who to. Me & my wife have  
frequently talked about this matter. Michael Gady  
and me have talked about the matter frequently. I  
did not see any meat at the House except the Hog -  
I saw no Bacon. I did not call Gady into my cell.  
After Supper I did not go back to the ward with Tom.  
He said he opened the Box on Saturday and got  
the liquor. He said he was most drunk & drunk  
at night.

Chief. I never saw the bottle of Liquor after McGuirk left.  
I made as free a statement as I could at the  
time in the Court house. I could not recollect  
every thing. I was frightened. The conversation  
was below Simson's door in the wagon. I can't  
say certainly that Westbrook was there on Sunday.  
X. I wrote down a statement of it, but have not got  
it with me. Rarkuff and I have talked this  
over. Yesterday I said and thought that  
John C. Westbrook was there on Sunday?

Isaac. Rarkuff. Sr. I was at Waddell's with a  
company on Sunday. Now Westbrook was  
also. John Young Keys & Quirk. I was on  
the Porch with Quirk when McGuirk came out.  
He said they expected he had killed Jimmy, and  
were hunting for him, but they would not find  
him. I went from Westbrook to Shakola Falls  
with Quirk and McGuirk on the way to prison.  
A Lady Tom said they were going to look him up.  
He asked us how we would like to go in the  
place. I don't recollect the answer. This  
conversation was in the Ban-room. I heard  
a conversation on the Porch when I was water-  
ing my team. Tom said if they could not

find Jimmy they could not hang him - After leaving them about  $\frac{1}{2}$  a mile from Lewis Tom said Jimmy was east and he cried it had been the old man in place of Jimmy. He said old man would swim a hole through an Iron Kettle to have him hang.

- X It was in the forenoon we were at Waadess. The rest of the company had gone down along the creek - all gone down except us three. They were not in sight at the time. I was in the wagon when he said Jimmy was east. There had been other conversation but I do not recollect what it was. I do not remember of hearing Jack say to Tom, he had better run up in Duck and I have not talked about it - but recollect of telling any body what I heard him say. The team was standing right before the door. We talked all the way about something, but don't recollect it.

John Becker Sr On the 9<sup>th</sup> of last February I was at Nye's Tavern. A few minutes after I had been there Duck and the Prisoner came in. Duck sat down. Tom kept walking backward and forward on the floor. He asked for liquor. Nye set out the bottles and the Prisoner asked Duck & myself to drink. We all drank; Ma Guire said for it. He handed Judge Nye a five dollar bill to pay for it. The Judge did not want to ~~pay for it~~ ~~for it~~. He said to him perhaps he had change. Tom said he had not. That was all the money he had. Nye went to his room, got change and changed the bill. Michael McGrady was



not there - As I left they stood up at the Bar  
to take another drink -

\* The first drink they took I drank with them -  
They were standing up to take the Secma when  
I left - It was when we took the first drink  
he handed out the five dollar bill - I did  
not see him hand out any silver to pay for  
liquor - They were at the Tavern half an  
hour before I left - Duck sit down after  
the drink but I think the Prisoner did  
not - no person in the Bar-room but those  
I have named - I did not drink with Gady  
I am positive Gady was not in the Bar-room  
while I ~~left~~ there - I am positive no one drank  
when I did but Tom, Duck and myself -  
I did not see Gady that night -

Mon. Wm. W. S. I recollect of Mr. Guink com-  
ing to my House with Edwin R. Duck on  
the night of the 9<sup>th</sup> - They took a drink -  
cant say positively whether they drank alone  
or not - Mr. Guink paid for it in silver  
change - They remained awhile and  
called again for drink - Other may there  
have drank with them. Cant say? Mr. Guink  
paid for that drink in silver change. After  
that some one said there is Michael Gady -  
Either Duck or Mr. Guink called Michael  
Gady in and they took another drink -  
cant say whether besides them drank or not -  
Mr. Guink gave me a five dollar bill to pay  
for that drink - I give it to my son for  
small bills and changed it - Mr. Guink  
asked me for a bottle of liquor to take  
with him - I told him I had no bottle to

Sparrow. He did not get it? He and Duck went off together. The next morning M'Gunk came back and with a bottle, and asked for Leguena. I asked him if he got what he was going to do with it. He said he was going to take it home. I then filled it for him. I went down to Waddell House on Wednesday to make a search. Several things. We searched in the cellar, in the fire place and different places. We found bones in the fire place, in pieces. Some quite small pieces and some larger. We also found what I thought was blood on the side of the fire place and against the legs of the Table. There was a Hog laying in the room in a box. We then examined the bed ticks. I thought I saw some spots of blood on the ticks. We also saw a shirt that appeared to have some marks of blood on the shirt. We started off to search the woods in company and took distances apart. When we were going along I heard a hall, and I went to where Ben Reed was. I saw there an oil cloth carpet Bag under a Rock and a bush laid over it. We remained by it until the whole company came together. The Carpet bag was not far from the well; it was opened. On the top lay a pair of New Leather Buckskin mittens, common size; Two pair of New Pantaloon, in paper, as if they had not been opened or worn; Some Socks and some Shirts. There was Comfort that had been worn; a hair brush; Cant say positively whether rest or Arrows; would not open the Pantaloon. I cannot speak of the size; I cannot say who took charge of the Carpet bag. We continued the search. This lay not <sup>far</sup> from the road leading from

Waddell house to Westbrook. Two or three rods from the road we found nothing more. The corner of the room where the bear stood is a dark corner. There is but one window in the room and that is in the front. A. 12 light window.

X. I have been in the room since. It was Wednesday the 18<sup>th</sup> when I was first there. I think there was not much snow in the wood when we were there. I think the ground was not covered. The door was open when we were looking round. There was a young Irish Boy at the house when we came there. The said he had been there but a short time. The bones from the fire place were gathered up and put together, and where to be taken to Westbrook. I cannot say from any one's knowledge that they were. The spots were at the foot of the bear? Did not notice the Post. The spots were scattered over two feet. Saw no blood near the bear. Sitting at the fire place the bear would be on the right hand. The foot of the bear was near the fire place. The room where the bear is 15. or 16. feet by 12 feet. I think the shirt found in the house was a muslin shirt? Can't say positively. I think the blood was in one spot as the shirt? There was a hole there? I think there was more than one mark of blood. The hole was a tear or rip in the shirt; was past gone. I do not know what was done with the shirt. I think it was taken away. We searched pretty thoroughly the woods on each side of the Road for  $\frac{1}{2}$  each. I mean the road between Waddell's place and Westbrook. There was a bush in the carpet bag and may have been two.

Answered I by co. S. I exchanged a \$500 for my Father on the night of the 9<sup>th</sup> February. Some time

during the following week I give it to Cyrus  
Christman. It was on the Goskus Bank and the  
only tree I had of that kind, or the only five  
accedar tree I had.

(Defendants call Dr. John W. Wilmar by ex-  
pert and examine because he is obliged  
to leave.)

Dr. John W. Wilmar. I was present at the principal  
examination made by Dr. Mosely of the Bones?  
He took some of the larger pieces to his own house  
for another examination and at that I was  
not present. The Package was opened? Some of  
them contained bones & some chips of wood &  
wall paper. The Packages were examined  
separately. Dr. Mosely made the examination?  
each piece was examined separately? Dr. Woodward  
was present. I examined the bones very slightly?  
I did not see any bones, that I thought human bones?  
I think there were human Bones?

J. Many of the bones were so small and so much  
crushed and burnt that we could not tell what  
they were. Mosely took into him probably 20 pieces.

Elizabeth Duck. S. I remember of Thomas McGuirk  
coming home with my husband on Monday  
evening about the time the Boy was missing.  
McGuirk came in and lit a pipe between 8 & 9  
o'clock. Tom seated himself? I asked him  
how James was? he said he was well? I asked  
him what James was busying himself at now-  
adays? He said he was busy working his  
shirts when he left. He said he was going to  
run away and wanted his shirts clean to  
take with him? I said is he crazy or what?



told him that he is going to run away? He said he  
had done so many deeds he could not stand before  
his Father's face? I asked him what he had done?  
He said he had shot a Pig and shot at a calf and  
done several other things. He said Jimmy wanted  
him to go with him until he sold the sheep. Jimmy  
did not want Westbrooks to know it for about  
3 days after he was gone. Tom said he did not  
know why old Mr Waddell had a grudge against  
him. That he was always writing to James  
to be aware of Tom. He said at first he got  
the letters and read them without difficulty, but  
that James got more careful and locked them  
up but he searched the locks and got them &  
read them. He said on Saturday when James  
was at Westbrooks he found a box up stairs  
among some rubbish. He took his knife and  
opened the lock and got out the the liquor  
and drank it. He said there was two Irish  
quarts in it. He said "man, man  
dear I was crazy after drinking the liquor".  
He said after drinking it he went to bed.  
That when James came home he asked him  
to come down and help him feed the sheep.  
He said he refused and that James went  
and done it himself and when he re-  
turned a big drop of sweat hung down as  
big as the end of his finger. He said he  
came down stairs and asked Jim for his  
meat. Jim would not give it to him, but  
took up the canals and went into his own  
room and left him in the dark. He said  
Jim built up a fire in his own room. He  
said he got his meat for free that, and he  
fired James so that he would not hinder

another man from getting his meat. He said  
ala waadac was a ~~S~~ ~~D~~ old orange man  
and he wished the ship had sunk before he  
killed out to him. He said ala waadac had  
not sent him up any clothes but an old cap  
and amfutan. He said he had clothes enough  
for all that to last him a year. He said  
there was no use to look for Jimmy for his Fa-  
ther would never see him again. He said in  
the letter "Be ware of Tom, for I don't like his ap-  
pearance." He said Am waadac had sent the  
liquor up for his own use. He said he had the li-  
qua drunk and Am waadac had the key in  
New York. He said James had sent him up  
for his letters, and to stay up there all night; that  
he was to get the letter at Westbrook next morning  
and take them to him. He said he knew from  
the letter that waadac was going to send money  
up and air charged him. Tom stayed all  
night. My husband was not out of the house  
that night. In the morning Tom asked for  
a bottle. He got one and said he was going up  
to my ex. He came back when we were eat-  
ing Breakfast; as he said to Am B and  
he refused. He ate his breakfast and  
went off. He came back on Tuesday  
night and as soon as he opened the door  
he said Jim is gone. Edwin said where  
is he gone. He said he did not know. He  
said he take his gun and dog, and he  
said no! I asked him if he had his shirts  
any to take with him. He said no! They hung  
up in the house. I asked him why he did  
not stay down there all night. He said he  
would not stay there all night for \$500. Since

Jimmy was gone and missing. Edwin said to him why don't you go down to the muck hole below the house. It did not freeze up and he could have seen his tracks. He said he did not bother himself looking after him?

"I don't know the month. It was towards Spring. There was snow on the ground. The night was not very cold. I had supper ready when they came home. I did not know Tom until I asked my husband who it was that was with him? That was the first I said. My husband went out after a little wood and then we sat down to supper. He took the gun away with him. He told the story about the Bay after supper. My husband was not out cutting wood more than 1/4 of an hour. We were not quite half an hour eating. Tom was talking while I was washing and putting away the dishes. It was when he first came in I asked him a word about Jimmy. He said he was washing his shirt. He went on talking about it. I asked him if he was crazy - or why he was going. I asked what he said. The whole of the conversation was not before supper. I asked him how Jimmy was before supper but no more. Tom commenced the conversation after supper. We had no conversation while my husband was out cutting wood. It was after supper he told me ~~he wanted~~ about the shirt. When they came in I asked my husband who he was and he said it was Tom, the man who lived at Waadai place. Jimmy had lived with me; I thought a great deal of him and that was the reason I enquired for him. He did not say as I heard what

an' whiskey was in that I got. He said he was to stay at Gady's but his wife was sick. He did not say when Jimmy was going to start. I don't remember of him saying Jimmy was going to start as soon as he seen what was in the letter! My husband asked him if he had seen any tracks! He said it had sneaked at the house and he could not see any round the house. He asked my husband to come across and get some things. He said Jimmy was not there and he might as well have them as any body. He said there was a pig & a Box of Herring. He said Jim wanted him to bring the letter across to him. We have not talked of it more than once or so since it happened. Can't tell exactly how often - don't know of more than once since it happened. The time we said talk about was right away after it happened. I cannot say certainly that we have or have not talked about it. We have not talked about what we know within the last two weeks or two months. Have not talked my husband about what Tom said. I said not see my husband last night, nor before Court met ~~last~~ this morning. I walked across with him from the Court House. I do not know who I first told it to - I said tell it I suppose, but do not recollect when. When he said Jimmy would run away my husband said Mr Wallace would telegraph and find him. He said it would be no use to look for Jimmy he ~~never~~ would be found. When he told my husband to come up and get the things! He replied they are not mine; I don't want them; I won't take any thing that is not my own - I don't go into that speculation.



I don't think I said Tom told my husband to come down the next day and get the things. I think he told him on Tuesday morning to come down and get the things? I don't remember of saying that Tom said to my husband, come down and get some things. That Sunday was gone. I don't remember when he said to come down.

Jacob Klunkantz Sr. I went to Waddell's house about the 18<sup>th</sup> of Feb. There were 18 in number Westbrook, John Becker & others. We searched in the ashes; quite a number of bones picked out of the ashes in the fire place. I saw blood on the jam of the fire; on the legs of the table and on the leg of the bedstead. The bed was not disturbed at that time. The bed stood in the darkest corner of the room. I saw a skirt. There was blood on the skirt. They were as large or larger than a finger and looked as if it might have been made with a finger. I do not know what became of the skirt. I did not see it taken away. We searched outside of the house. There was an oil cloth bag found. I saw it opened. It was found about 200 yards from the house. Brush, Corn, 2 pair Pants, Pair of Buckskin mittens, and a Comforter were in it. I think John Becker took charge of it. The search took in half a mile of the woods. There was a Pig in the house!

4. The door was open. The room was not a very dark room. It was light enough to see

objects in the room. The house stood in a clearing! I think the day was clear when we were there! If my attention had been drawn to the bed I think I could have seen it! and anything about. It was as light as one window could make it. I could have seen any object in the room.

Moses C. Westbrook, Jr. I saw Ma Gunk on Monday evening of the 9<sup>th</sup> of February! He was going to ward Myer and Quick was with him. I asked him where he was going and he said he was going to the store. I asked him how him and Jimmy was getting along and he said very well. I saw him again on Tuesday following at my house. It was near sundown. I talked with him. He told me the Bag had gone off. He said he did not know where he had gone. Said he had lost the key to the Gust. mill. I told him to go back & put up the key, and stay at John C. Westbrook. I went down the next day to Wadswell with John C. Westbrook and Dr. John C. Allen. I don't think Tom was there when we went, but he came or was there while we were there. Don't remember of Tom saying anything that day. I saw the Peg on the Table. There was blood about the Table. I was there when the Carpet Bag was found. There was 1 or 2 pair of Pants in it, a pair of leather mittens & Comb & Brush and a necktie. Judge Myer and Mr. Reinhartz was along. After Quick had been arrested I was there. I found pretty plenty of blood against the wall. The back was

Scratched off. I mean the wall behind the bed. There were marks of blood on the paper round where it was torn off. There was but one window in the House! The bed was in the back corner just from the window. On the 18<sup>th</sup> I saw a Shirt. I had blood on it; on the Skirt. Can't say whether it was on the back part of the Shirt or front. I think the Shirt was taken away, but not certain. Quick was close by when I met him! The Pig was partly dressed. I am not positive about the tooth brush. Waadell got up two men and a Boy with him on the 12<sup>th</sup>. I think the two men and Boy were in the House when I was then in market. The blood I think was on what we would call the Tail of the Shirt. It was about the size of a man's finger. Saw no more of it.

Marion J. Jones, Jr. I measured Waadell's House on the ground floor. Adams was with me. I did not see him make this draft. It is a copy of the one made then. I recollect some of the measurements. I was at Waadell's House after the arrest of Quick. Vanan Ken, Mose Westhook, Edwin R. Quick were along. I found a ball-hole in the post about 4 inches above the bed. From the appearance of the hole the Ball had been shot from the corner of the fire place. About the middle of the Bedstead we found the paper torn from the wall and splattered round with blood. We found a stone lying under the bed, with sharp corners. We found an indentation in the wall near the foot of the bed. It looked as though it might have been done with a stone. We tried the stone in the mark.



we found blood at the head of the bed - 16 inches  
above the floor at the head of the bed the wall was  
stained with blood 2 to 3 feet long - There was  
nothing on the floor that excited our attention  
except the stone - we found some Bones and  
some buttons in the creck in a hole near a rock.  
The Bones were broke up in small pieces, and burned  
so that you could rub them up in your fingers - we  
found them handfuls of Bone ash and Buttons - we  
could find sprinkling of blood on the wall some  
where the Paper was torn off, and for 8 feet along the  
wall behind the bed near the floor - The  
room was very much upside down - it was  
dark and dirty - It was a dark room - we  
searched the clothes in the bed -

4. I live in Menard County at Coolbaugh's mill - I  
lived at White's Tanning 4 or 5 weeks before going  
to Coolbaugh's - Before that I lived at Jacob  
Peters - I follow mill-righting - I am not married -  
Adam and myself went there - I was at Moses  
Westbrooks and went at the instance of one of  
the Westbrooks - we went alone - When we  
got there, a family was in the house - The time I  
went there first was when I saw the blood - The  
paper was torn - It was right away, the next day  
after Quirk got home we first went - I mean  
after he got home from being arrested - It was  
two or three weeks after that when I went with  
Adam - The paper was torn above the bed, could  
see it without moving the bed - The room  
was light enough to see the Paper was torn off -  
Torn as much as two feet above the bed - could  
see it better when the bed was pulled away - we  
found a piece of paper in the whole - we



removed it and found the hole. It was a quarter  
an inch or more deep. But one side of the stone  
felt the incantation. Not perfectly, but ver-  
well. The incantation was  $2\frac{1}{4}$  of an inch, or  
 $\frac{1}{4}$  deep. Adams took the stone with him. We  
saw no blood on the floor. Found 2 or 3 Buttons. I am  
recollect whether I got any Buttons out or not. I saw  
others get them out. They were Buttons that had been cov-  
ered with cloth. Did not search the fire place. We  
took the Bones to John C. Westbrook & left them. We carried  
with us about what bones a man could hold on  
his hands. There was a bone looked like a piece of  
a Skull bone, large as my two fingers. Think this was  
the largest.

Michael Grady, S. I lived at Mr Waadels House. I  
left on the 30<sup>th</sup> of last January. Before I left  
Thomas McGuirk told me he had read one of  
Waadels letters. He said he had written to  
his son to go to Westbrook and see about a  
horse & some chickens that were there. He  
did not tell me how he got the letter. On  
the night of the 9<sup>th</sup> Thomas McGuirk called  
me into the Tavern. All I saw in the  
House was Thomas McGuirk, Edwin Duell  
and Ayer. I drank a glass of liquor.  
He asked me for Pipes. I said I had none.  
He asked where he would get one and I said  
at the Store. Thomas McGuirk stayed at  
my House on Sunday night. He came there  
about 8 o'clock at night. He told me James  
had gone away and he did not know  
where he had gone to. He said he went  
away on Sunday evening. He said

Jummy had shot Pigs & run away for it. I give him  
some butter. He said it was I—I mean stuff?  
He said he had a rank better come at Waddell  
House. Said he broke open the trunk and got it.  
I wanted him to go to bed but he would not he stopped  
round the kitchen all night. He left in the morning  
with breakfast about day-light.  
X. I had known Thomas about 8 or 9 weeks—never  
knew him till he come to the country?

Bridget Grady, S. I am the wife of Michael Grady—  
I formerly lived at Waddell House. Ma Guirk  
come to our House on Tuesday night. He said  
that Jummy Waddell had gone off. He did not  
say when. He said he killed a hog and was  
afraid to be before the Father when he come from  
New York. I did not at any time give him  
any money. He give me two Shillings at one  
time to keep for him and my husband give it  
back to him on New Year when he went  
to Post a letter for his wife.  
22 X. He came into the room when I was?

John O'Brien, S. I saw James Waddell last on  
Saturday afternoon between 3 and 4 o'clock—  
on the Saturday before James was missing.  
I saw him at Westbrook's mill. He started  
towards home. He had a load of feed on  
the Team. I saw Thomas Ma Guirk on  
the following Tuesday. He asked me if  
any letter had come for James Waddell?  
I told him there had. He said he was sent  
after them. I told him I had no right to  
give them to him. He said he would go and

asked Mr. Wadwell? He was round there for some time  
after —

John C. Westbrook was away — I told him so —  
I said not tell him when he would return? —

Devia Keys. S. John C. Westbrook sent me down to  
Mr. Wadwell on Wednesday morning. I saw where  
there had a basket set in the road — I saw a track  
which I had tracked all the way down. Thomas  
Ma Guirk had gone down from Westbrook just before  
me — A fresh snow had fallen — He was at West-  
brook about half an hour before I started. There  
was but one main track going down — I saw the  
print of the basket about  $\frac{3}{4}$  of a mile before I reached  
Wadwell House — The print of it was in the  
middle of the road. The print of the basket  
was about one foot in diameter — I followed  
the track to the House — I went to the House  
and when I had stepped about 2 steps on  
the stoop Tom came to the door — As near as I  
could tell he came out of Dunning's room — He  
said Gov. you have come down here? I said  
yes I have come down to take care of the cattle.  
I asked him if he had seen it. He said not.  
He then asked me if I had seen the print of  
the basket in the road — I said it was  
 queer to see the prints of a basket sitting on  
the road — I was there when they found  
the travelling bag — There were a pair of  
black mittens in it — Had never seen them  
before —

John C. Westbrook in the morning between 8 & 9 o'clock — I tracked him all the way down ex-  
cept one place where I cut across — I missed  
about a mile of the road by cutting across —

It was a shorter route. Could not see quite to Wed-  
nesday across from the Basket mark. Round bot-  
tomed basket. I do not know whether McGunk  
took a basket from last look. I saw one  
Tuesday afternoon. There was no track going  
across but his? ~~He~~ had come up with slight  
& open Tuesday evening? I was ~~not~~ specially  
looking for tracks. Saw none but what I have  
described? You feed the cattle that morning?  
The last snow was  $\frac{1}{2}$  an inch on top of the snow.  
Snow was 4 or 5 inches deep in the road? The im-  
pression went into the light snow only.

Sidney J. Pearson, Sr. I lived in Lower valley in July  
last. Thomas McGunk came and asked Mr. Lord  
for Waaah letter. He said he would take  
them. No one made any reply? He said nothing  
further. I went away and left him there?  
I think it was about 10 o'clock in the forenoon.  
My Father-in-Law was Post-master. It was a-  
bout the 10<sup>th</sup> of February? Cannot certainly fix  
the day? It might have been one day later or  
earlier? I suppose it was about that time in the  
month.

Chief - I don't remember the day of the week but think it was  
on Tuesday? It was on the Tuesday before he  
was arrested?

Cyrus Christman, Sr. This is the same note I got him?  
I received the note from Jackson Ayco -  
I think I received on Sunday morning before  
Sunday morning of July Court. I have had  
it ever since in my possession.



Simon Lord, Sr. I am Post master at Deer Valley,  
Thomas McGuire was at my House last winter. I  
think it was on the 10<sup>th</sup> day of Feb<sup>y</sup>. He came before  
the mail arrived. I said to him if you have come  
for an answer to the letter you sent to Ireland  
I think you will be two or three weeks too soon. I  
said no more until the mail arrived. He had  
said he came for Waddell's letter. I was pack-  
ing out the letter to send to Westbrook. There  
was one for Waddell. Tom either said he  
was to take it or he would take it. He said  
one or the other and I cannot say which. I  
said nothing to him but sent the letter to John C.  
Westbrook. I don't recollect of seeing him after  
the mail went.

✕ I think it was the 10<sup>th</sup>. It was the Tuesday before  
Waddell went to the mouth of the Creek. I saw  
him when he returned from the Creek. It was  
in the forenoon when Tom was there.

Elias Pharris, Sr. I was in Ayer's Store last winter  
or Spring. James A. Waddell bought a pair  
of mittens there. It was in Feb<sup>y</sup>. Some where  
about the 9<sup>th</sup> or 10<sup>th</sup>. not certain. It was  
on Saturday he bought them. I am positive  
of that. They were leather mittens. I think  
they were Buckskin. I have seen the mittens  
since. I saw the mittens 150 yards from Waddell's  
House in a Carpet sack. I was along when  
the Carpet Bog was found. I was about 4 Rods  
from the man that found it. I saw the sack  
opened. The mittens were inside. This was  
8 or 10 days after I had sold them to him. John  
Becker was along. 2 pair Pantaloon, a

Comforter, Blanket, Comb, & Shirt 20. It was a hickory  
Shirt.

7. 8. 9. or 10. of February? The mittens were marked  
a dollar - other marks on it? I knew the mittens?

John Beckles Recalled - I was in the wood when  
the Carpet Bag was found. It was put in  
my car - I took it to John C. Westbrook and  
took the things out. The hired Girl took the  
things and hung them out to dry? They were  
lost - (Look at the Bag) I think this is  
the Carpet Bag? (opening it and taking out  
the things) The contents are the same? I re-  
cognize the Pants. They are the same that  
was in when I found them.

8. The Carpet Bag was not locked when I found  
it - It was now tied with a string. It  
had a broken string? I never saw it since I  
left it at Westbrook until to-night. I i-  
dentify them from the general appearance of  
the articles.

Elias Burns recalled. I think these are the mittens  
I picked for Jimmy Wadden - I saw the  
mark and recognize it. The same Boy  
marked more mittens. I saw other marks.

27. 9. I picked them for him - picked the best  
pair, and think these are the ones.

John Young, Sr. James H. Wadden paid me  
\$14.16 in money on the day Michael Greedy  
left Wadden place.

10. I lived then in Bloomington Township  
Commonwealth, Va.

John C. Westbrook. Recalled - I was not at Waddell  
on Sunday? the 15<sup>th</sup> Feb. I think I was not  
then at any time when a bloody shirt was found.  
X I was then several times

James H. Wells, Sr. I was present in the Court room  
the night Quick made a statement in the Court room  
the night he was arraigned. I stood when  
I came here. I think Quick said he would  
tell all he knew about it. I think he did  
not tell anything that occurred or was said  
after he left Byers. He confined his state-  
ments to what he heard & seen from the time  
he first saw the Prunes going up passed  
the Saw mill until he left Byers. I heard  
him last night testify until he got to Shakola  
Hall and then I left. I did not hear  
him make the statement before that he made  
last night as occurring between Byers' office  
and Shakola.

X That statement was not under oath. It was  
late between 8. & 9. o'clock. Mr. Barnes said  
Quick would make a statement, but not un-  
der oath. Barnes may have said that Quick  
would write out a full statement when he  
had the time, but I do not recollect it.  
The trial must have lasted 3 or 4 hours.  
I have heard the part from Shakola Hall un-  
til I heard it read. He was about 10  
minutes making his statement - gave the  
outline - no one put any questions.

John H. Vincent, Jr. I was present when Edwin  
R. Quick made a statement on the 17<sup>th</sup> March,

I heard a portion of his testimony last night. not all. (The notes of his evidence is read to him as delivered last night) I think in his statement before the Justice on the 17<sup>th</sup> of March he gave no conversation or having taken place on the road.

✧ I think it was getting near 10.00 AM when his statement was made. He was excited and confused somewhat. There was something towards the end of his statement said about writing out a statement. There was no question put to him. His statement that night stops with the commitment of Ma Gunk.

Judge Myers recalled. I told Edwin R. Quirk at my house in the presence of Klinkhantz that if he knew anything now it was his duty to tell it or make it known. He said to me at that time that Tom said he had made Jimmy Small Hill and if Ola Waddell had been there he would have served him the same way. Klinkhantz said to him why didn't you tell this when you were sworn at Milford. He said I was not sworn and have not been since he told me this.

✧ I think that was the expression?

Ernest rest.

Evidence closed as both sides.



Commonwealth authorities

Sumner reports Webster case,

Left authorities

Wauau Res. Spoke, 1. Hour, for Comm<sup>rs</sup>

Wm Lewis — 4. " " Left,

## SCHULTZ BEFORE EXECUTION.

### Ready and Anxious to Meet his Fate.

Cool, Calm and Collected, Evincing No Trace of Nervousness or Fear — Inspects the Gallows and Makes Suggestions.

On the day preceding the execution of Schultz he talked freely regarding his incarceration and of the coming event. He did not seem at all cast down and was in fact in a very jovial humor, talking good naturedly and without the least apparent embarrassment or hesitation, and with not a tremor in his voice or the slightest shade of anxiety on

his face. His whole aspect was that of a man entirely unconcerned, and without a single dread of the fearful part he was to enact in the closing drama of the morrow.



HERMAN PAUL SCHULTZ.

His pulse was even his hand steady, and his face bright and cheerful. He spoke of the disposition to be made of his body and expressed great regret that he could not control its depository after the matter was over. His desire was that the body should be buried and to this end he sent a telegram Monday evening to his two sons, Willie and Paul requesting them to wire the Sheriff and ask for the remains, signing the dispatch "your father." Speaking of his alleged attempt at suicide some time ago, he said he never had any intention whatever of committing suicide, that on the occasion referred to he was perfectly conscious the whole time, and had used a strip from a woolen blanket which was very elastic and was careful not to draw it too tight, but kept the matter under his own control, as he had no intention to injure himself. His object was to frighten the officials into giving him better cell and to furnish him with some of the comforts of life, such as sheets, towels, combs etc. He had tried starving himself and used persuasion, but all that was not effective and so he studied out the last

While relating this affair he laughed heartily at the efforts made to revive him, the haste to obtain hot water, the nervousness of those with him, and treated the whole affair with the utmost levity.

He expressed himself as anxious to have the matter over, the confinement was irksome, and since the end had to come it could not come too quickly to suit him, as he was perfectly ready. He had just received a letter from Willie and Paul who are in New York, in which they expressed a wish that they could see him and say "good bye" but as that could not be they bade him adieu with the hope that they might all meet in the great hereafter.

Of the preceding events which led up to his present situation he did not speak, except to say "I went back to New York after the affair at Shohola because I had nothing to fear" repeating "certainly, why shouldn't I go back I had done nothing to be afraid of." While talking he lit his pipe and smoked in a complacent manner, presenting a more unconcerned and careless appearance than at any time while on trial for his life. In fact his demeanor was much the same as when he appeared on the stand at his trial.

During the afternoon he had been in the execution room to inspect the gallows and witness the manner of their operation. He suggested that the action was too slow and there was not sufficient weight, and that care should be taken that there were no kinks in the rope. Referring to this during the conversation he remarked that he wished a good job done and said he had made suggestions as to the conduct of the affair so that there should, if possible, be no delay or difficulty in the proceedings.

He expressed a desire that all papers connected with his trial which were in his satchel, particularly the accounts which he had written of his acts and difficulties with his wife and family prior to going to Shohola in September 1896, and the events there occurring should be destroyed, as he wished to leave nothing pertaining to his life, or former history.

It did not seem possible that a man on the evening before so dread a morrow could appear so indifferent and unconcerned as to his fate,

and speak so freely of his impending doom, without the movement of a muscle or a tremor of the voice. Standing in an easy position with a smile on his face he spoke naturally and even joyfully, and only when the question of the disposition of his body arose and he was informed that the law provided for that and he could not control it did he evince signs of impatience or irritation, and that only by one or two quick turns up and down his cell, when he cheerfully remarked: "Well, if it can't be helped I suppose I must make the best of it and dismiss the matter from my mind," and in a moment his former manner returned. The nerve he displayed was remarkable and the real or apparent unconcern marked him as a man either devoid of sensitiveness or a most consummate and skillful

Schultz did not sleep the night before his execution but passed the time writing letters and smoking. Once he laid down on his bed and requested the guard to awaken him in an hour should he be asleep but slumber did not come to his eyes and when called he quickly arose and resumed his writing. He did not seem nervous, but did not sleep because as he said there would be plenty of time for that after to-morrow and he might as well be awake the last night on earth. He ate a fair breakfast and changed his prison clothes for the suit of steel grey he wore at the trial. His hair was neatly combed and he presented a neat and dapper appearance.

Just previous to leaving his cell for the last time he placed a photograph of his dead wife in the inside breast pocket of his coat, and there it remained a slightly added weight when his body took the fatal rise.

#### THE EXECUTION.

The jury and deputies were admitted at 10 o'clock, numbering in all about one hundred and ten persons, and at 10.35 Sheriff Court-right in a brief request that order and decorum be preserved, announced that all was ready and he proceeded to Schultz' cell where the noose was placed around the neck of the condemned man and the black cap put on his head. Thus arrayed at 11.08 accompanied by the Sheriff, jailor Hissam and his spiritual adviser, Rev. B. S. Lassiter he entered the room with elastic steps, bright eyes and ruddy cheeks and took his place under the fatal rope. For a brief period he engaged in prayer and uttered one in German of his own composing as follows:

"Merciful and Gracious Father, I have cried to thee in my need and thou hast heard me in thy boundless goodness and hath comforted me. Thou wilt not forsake me even now for upon thy goodness I trust. Merciful Father be gracious to my soul through our Lord and Saviour, Jesus Christ, whose blood was shed for us for the forgiveness of our sins. Praise the Lord my soul; praise His holy name for ever and ever. Amen. Lord Jesus receive my spirit. Glory be to the Father, and to the Son, and to the Holy Ghost, as it was in the beginning is now, and ever shall be, world without end. Amen." He then in slow and measured tones and without any perceptible dread or tremor read in a low but perfectly audible voice, his farewell address which was as follows:

"My last wish and desire on this earth is that the skull of my wife, which I believe is in the possession of Dr. Wenner of this town, that that same skull shall be placed with my dead body in one and the same coffin shall get buried together. In case if the authorities of Pike county should dispose of my body in any other way, which would be completely against my wish and will, then I demand in the name of my dead wife that her skull shall be taken back to the place where she rests, and shall get placed in the same place where it was taken from. In regard of my trial, or about my own person I have decided to say no

It only remains for me now to assure every one of you that I am leaving this earth without any grudge or ill feelings towards any one and I heartily forgive everyone that has done harm to me in any which way or form, I refer especially to my three sons, it will be a comfort to them in their near future years to know that I have died without any ill feelings against them, and may our merciful father in heaven bless them the same as every one of you. I only wish that I could convince every one of the necessity to believe and trust always and under all circumstances our Saviour Jesus Christ. Act always according to his words and commandments and you will not fail in getting that peace—that rest—and that joy of which we all are so very much in need of, and which is through the grace of our merciful Father so fully bestowed upon me. I say now good bye to all and may I have the pleasure to meet every one of you up in our heavenly Father's mansion on that beautiful shore to which I am going now, and where I also hope to meet my poor dear wife."

During the reading the noose kept slipping forward and he several times adjusted it with his hand. The reading finished Sheriff Court-right and his assistants pinioned his arms and feet, quickly hooked the noose in the iron ring attached to the rope, pulled the flap of the black cap over Schultz face and at 11.18½ the Sheriff touched the spring, the three hundred pound weight descended and the body shot upward. It slowly settled back and hung motionless for the space of five minutes when there was a slight muscular contraction of the lower limbs and then all was still. At 11.40 the attending physicians, Drs. Howard of Lackawaxen Emerson and Wenner of Milford and Dr. Skinner of Port Jervis announced that life was extinct and the body was lowered to the floor. A close examination revealed that death had ensued by strangulation, the knot having slipped around to the back of the doomed man's head. It was no doubt instantaneous and painless. In death Schultz wore a peaceful expression and except for the pallor he appeared like one asleep. The body was placed in the box sent by the State board, and no telegram having been received from the sons in response to the one sent the previous evening requesting its burial it was shipped to Philadelphia.

A number of people assembled on the square but all seemed impressed with the solemnity of the occasion and the crowd behaved with proper decorum.

The first, and we trust last, legal execution in Pike county is past and no unusual occurrence has transpired to render it more than ordinarily dreadful. The Sheriff's jury which was present was composed of the following named gentlemen:

The Jury was George Dewitt, Aaron Courtwright, of Westfall Alvah Quick, Palmyra; Chas. W. Courtwright, Porter; J. B. Westbrook, Delaware; W. S. Van Auken, Lehman; Ellis Lewis, Milford township; Walter H. Warner Milford township; D. D. Newman Dingman township; Ross B. Van Auken; Hugh W. Brodhead, Milford Borough; Geo. W. Beck, Milford Borough.

Schultz gave some little mementoes such as his revolver to the Sheriff, his Bible on a fly leaf of which he wrote Died Dec. 7, 1897 H. P. S., to his spiritual friend who has labored faithfully and successfully to compose his mind and bring him to a realizing sense of his sinful condition and need of pardon, which he professed to have received, and to his counsel a letter written amid the gloom and darkness of his last night on earth, which is as follows:

MILFORD, DEC. 6, 1897.

J. H. VAN ETEN, Esq.,

DEAR SIR:—As this is my last night on earth I will for the last time thank you and Mr. John A. Kipp for your earnest and sincere effort in my behalf. I also wish you two gentlemen health and prosperity the remaining years of your life.

Respectfully yours,

HERMAN P. SCHULTZ.



SHERIFF H. I. COURTRIGHT.

As will be seen he gave no statement of the real truth, other than what he had previously disclosed, of the tragic event which occurred at the lonely farm house in Shohola Sept. 21, 1896, and for which he was convicted and has paid the penalty. The exact facts are now forever locked up in the two silent forms which were in life the actors in that drama.

#### BRIEF RESUME OF THE CRIME.

The story of the crime may be briefly recounted as told in the evidence. Schultz and his family had lived very unhappily together in New York, and had frequent quarrels in which he had threatened his wife's life. In June '96 he was driven out of the house and in July his wife took service at Wohlfarths, in Shohola, under the name of Lydia Smith, bringing with her the son, Paul. Friday September 18th Schultz, having ascertained her address, came up and the two remained together, he being reported by her as her husband, and also accepted lover whom she intended to marry. Monday morning when as she had stated they were going to New York, on being called she was found lying dead in bed with a bullet hole in her right temple. Schultz who was in the room with her during all that night claimed he did not hear the shot fired and that the act was her own. A Coroners inquest was held and he was exonerated by the jury, and returned to New York where he informed his sons of his wife's death. Soon after they caused his arrest on a charge of arson and he was incarcerated in prison where he remained until March when he was brought to this county indicted for murder, and placed on trial at June term. After a trial lasting a

week and in which his three sons testified most strongly against him he was convicted of murder in the first degree. A motion for a new trial was refused and sentence imposed.

The requirements of the law have now been fulfilled, and he has suffered the extreme penalty.

During the last trying ordeal he displayed the most phenomenal self control. His nerves did not palsy, and never for a moment did he exhibit the least tremor of fear. Inspecting the instrument of death, but a few moments before the final act he was almost jovial in speech, and amid all the crowd who witnessed the last scene he was the most self contained and seemingly disinterested spectator. As the black covering was drawn over his face a smile lit up his countenance which was not wholly dissipated after he lay stark in death. If his unflinching conduct was bravery, it was a magnificent exhibition; if feigned, then no more consummate actor then Schultz ever met death in a similar manner.

*Dec 3rd 1897*  
Schultz Execution.

Preparations are complete for the execution which is fixed for next Tuesday. The Sheriff has summoned the jury and appointed his deputies. We understand that about fifty people will witness the hanging.

The body will be claimed by the State board of Anatomy under the Act of Assembly, unless relatives demand it for burial.

The Sheriff has issued a summons to twelve men to act as jurors which is in the following form:

"Bring this summons with you and show the same at the front door of the jail not later than 10 o'clock a. m., on Dec. 7, 1897 and you will be admitted by Guard.

"H. I. COURTRIGHT,  
Sheriff."

The appointment of Deputies reads:

You are hereby appointed a Deputy Sheriff in and for the County of Pike to be present at the execution of Herman Paul Schultz on Dec. 7, 1897. Present this at the front door of Jail not latter than 10 o'clock a. m.

The condemned man preserves the same reticence, which has heretofore charactized his demeanor and occupies his time mainly in writing.

Such an event as that about to take place has never before happened in the county. It is a dreadful thing to contemplate, and we trust on that day there will be no unseemly conduct, in either speech or behaviour, to add to the disgrace which such events to some degree always reflect on the community. It is no holiday affair, but an awful tragedy in which a human being by the operation of the law, is launched into eternity. It is to be hoped that every propriety in conduct will be carefully observed and that especially there will be no intoxication or anything which can in any wise detract from the solemnity and fearful reality of the occasion.

*Pike County Press  
December 3, 1897*

*The Trial & Hanging of Herman Paul Schultz  
in the Pike County court house near the  
Pike Co jail Dec 7th. 1897  
Taken from the Pike Co. Press 1897* H.H.



*John Pherson*

You are hereby appointed a **DEPUTY SHERIFF** in and for the County of Pike to be present at the execution of Herman Paul Schultz on Dec. 7, 1897.

Present this at the front door of Jail not later than ~~10~~ o'clock a. m.

*10* H. I. COURTRIGHT, Sheriff.



Court House

# HUNTER'S RANGE HOUSE,

CHARLES W. CORTRIGHT, PROPRIETOR.

o o o

EXCELLENT HUNTING AND FISHING.

RATES \$1 per Day. Single Meals 50 Cts.  
~~Special Rates by the Week.~~

P. O. ADDRESS:  
FRUTCHEYS, MONROE CO., PA.

Porter Nov 30<sup>th</sup> 1897

Dear Sheriff:

In answer to your  
kind inquiry in regard to witnessing the  
Dispatching of Schultz I will try to be there  
by the time specified if nothing transpires  
to prevent me; and will always remember  
with gratitude your kindness in allowing  
me the privilege. With my best wishes for  
your welfare I remain as heretofore  
Your Sincere Friend  
Charles W. Cortright.

WINTERLY

Malford Pike Co Pa

July 22/94

Sheriff Courtwright

Dear Sir;

In case the Execution of  
Herman Schulz, should take  
place, I would wish that you  
would remember me, & give me, &  
a friend of mine a permit to  
witness the same,

yours very Respt  
G. J. Gebhardt.



# SCHULTZ HEIRS GET \$150,000!

Jan 16  
1913

## MURDER IN SHOHOLA TWP. YEARS AGO RECALLED

Three Sons of Schultz, the Wife  
Murderer, Who Was Hanged in  
Milford in 1897, to Divide the  
Legacy—Want Adv. Lucky

Through the publication of an advertisement in the "personal" column of the New York Deutsche Journal in which information was asked of the whereabouts of Herman Paul Schultz (the only murderer ever hanged in Pike county) or his heirs three families will receive \$150,000.

The advertisement also lead to the clearing of the mystery regarding the paternal ancestry of the three families, for until its publication they were in ignorance of the family of their father.

The families are those of Charles Edwin Schultz of No. 16 Russell Place, Brooklyn; William Schultz of No. 1584 Avenue A, Brooklyn, and Paul Schultz of No. 434 East 83rd street, New York city. Negotiations through the German Consul, New York city, and Herr Gerhard Hermann of Nowawes, near Potsdam, Germany, are about completed and soon the heirs will get possession of their property.

The \$150,000 is one half of the estate of Gottlieb Schultz, a felt manufacturer, who died in Germany in 1905. He willed his property to his daughter, Miss Clara Schultz, and his son, Herman Paul Schultz. The son had left home years before and since the manufacturer's death repeated efforts have been made to find him. The personal located the sons, and brought out the story of their father's base crime and his expiation on the gallows, and the grandchildren will receive his share of the estate.

### Schultz Murder Recalled

Herman Paul Schultz was a name that was notorious sixteen years ago, for he shot and killed his wife while the latter was living in Pike county. There was but little evidence to connect him with the crime until a New

York city newspaper investigated the case and Schultz was finally brought to justice. He was hanged in December, 1897, in the county jail here.

Schultz had been a prosperous tailor in New York, but his domestic relations were tempestuous. Once while living on Ninth avenue he tried to kill his wife by setting fire to her bed. She left him and went with her son to work at the High Point Farm House in Shohola township, then conducted by John Wohlfarth. The husband appeared one day in September, 1896, and murdered her as she slept that night. He never informed his sons of any facts in regard to his family.



Milford, Pennsylvania

Pike County  
Jailhouse  
circa 1815