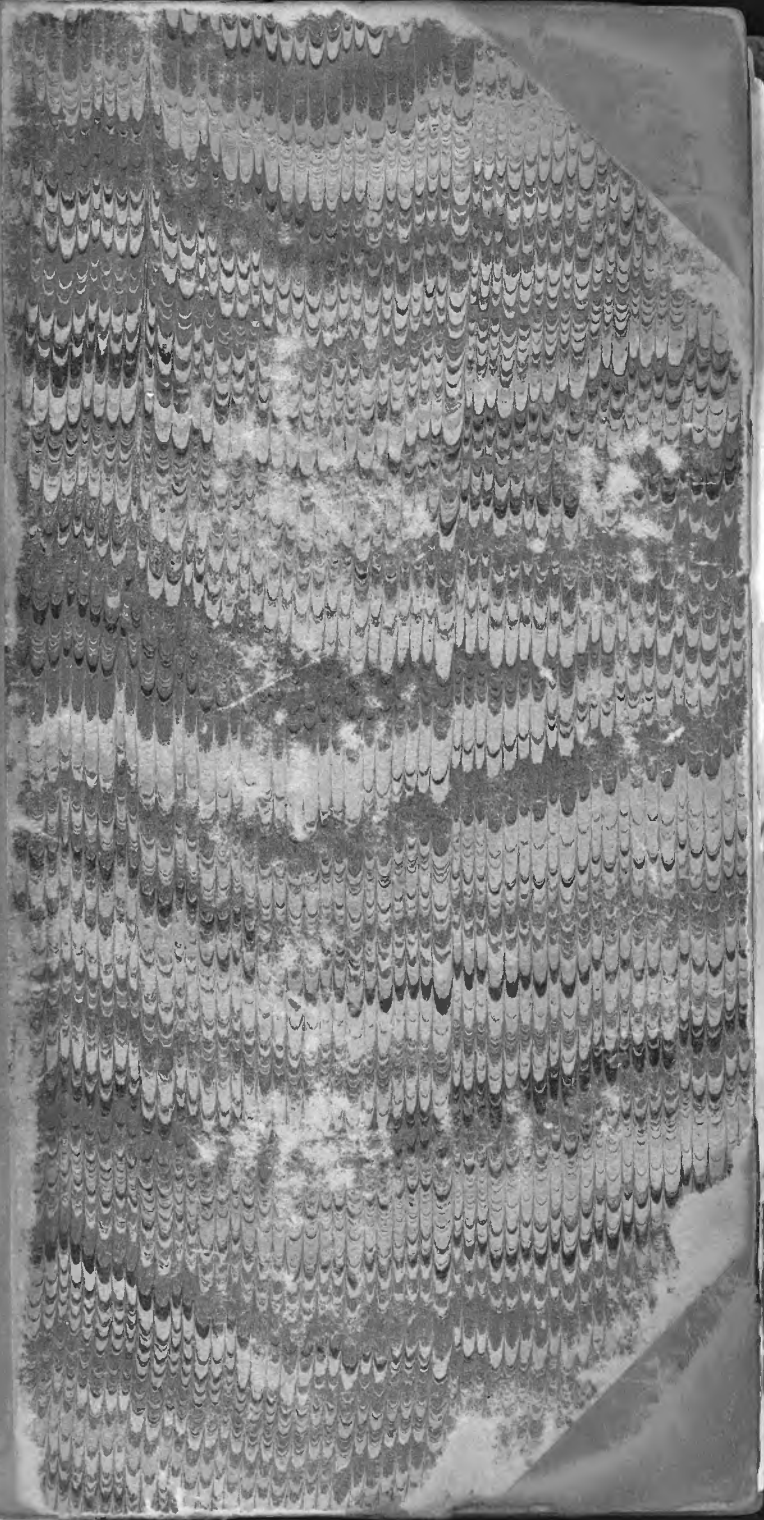


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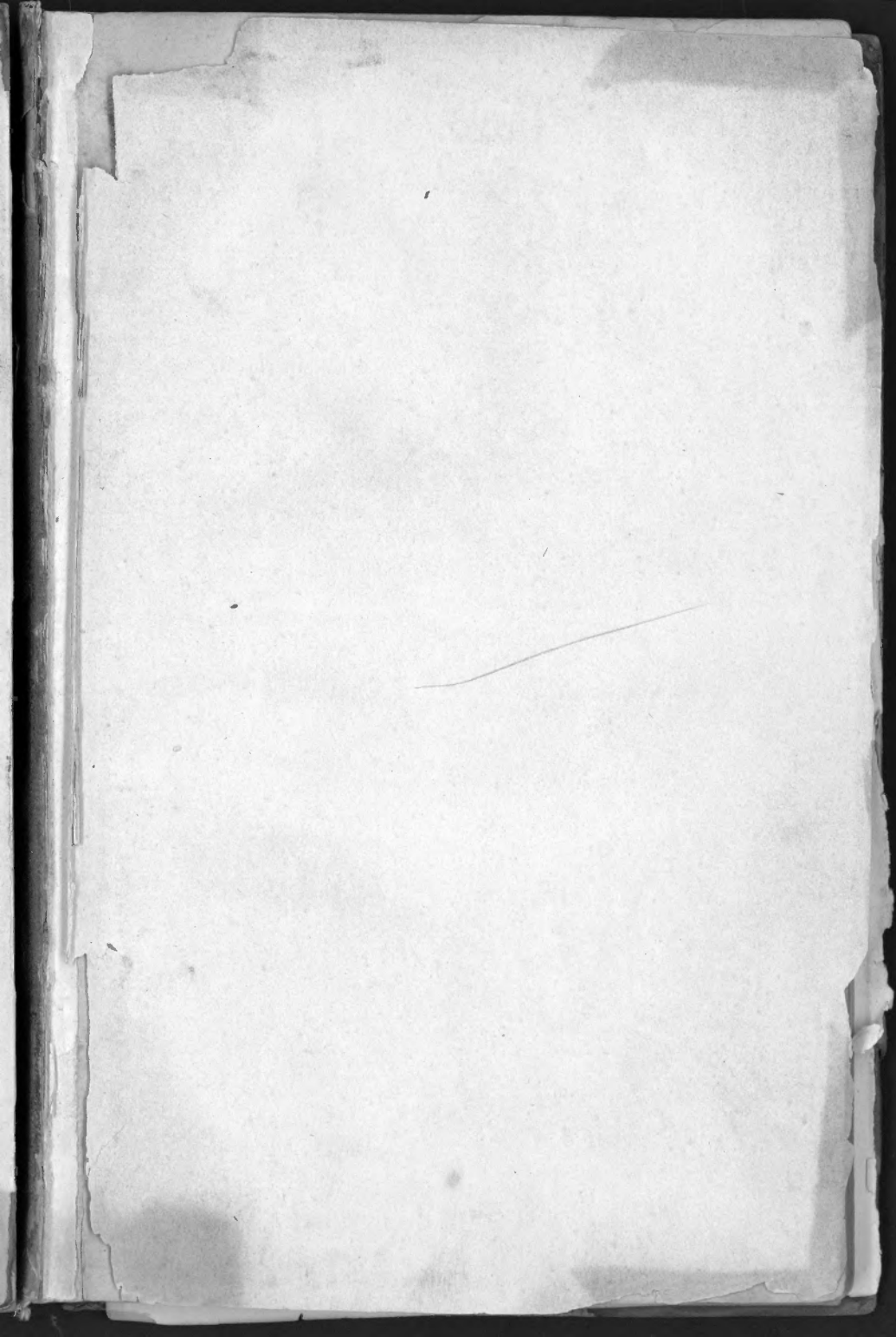
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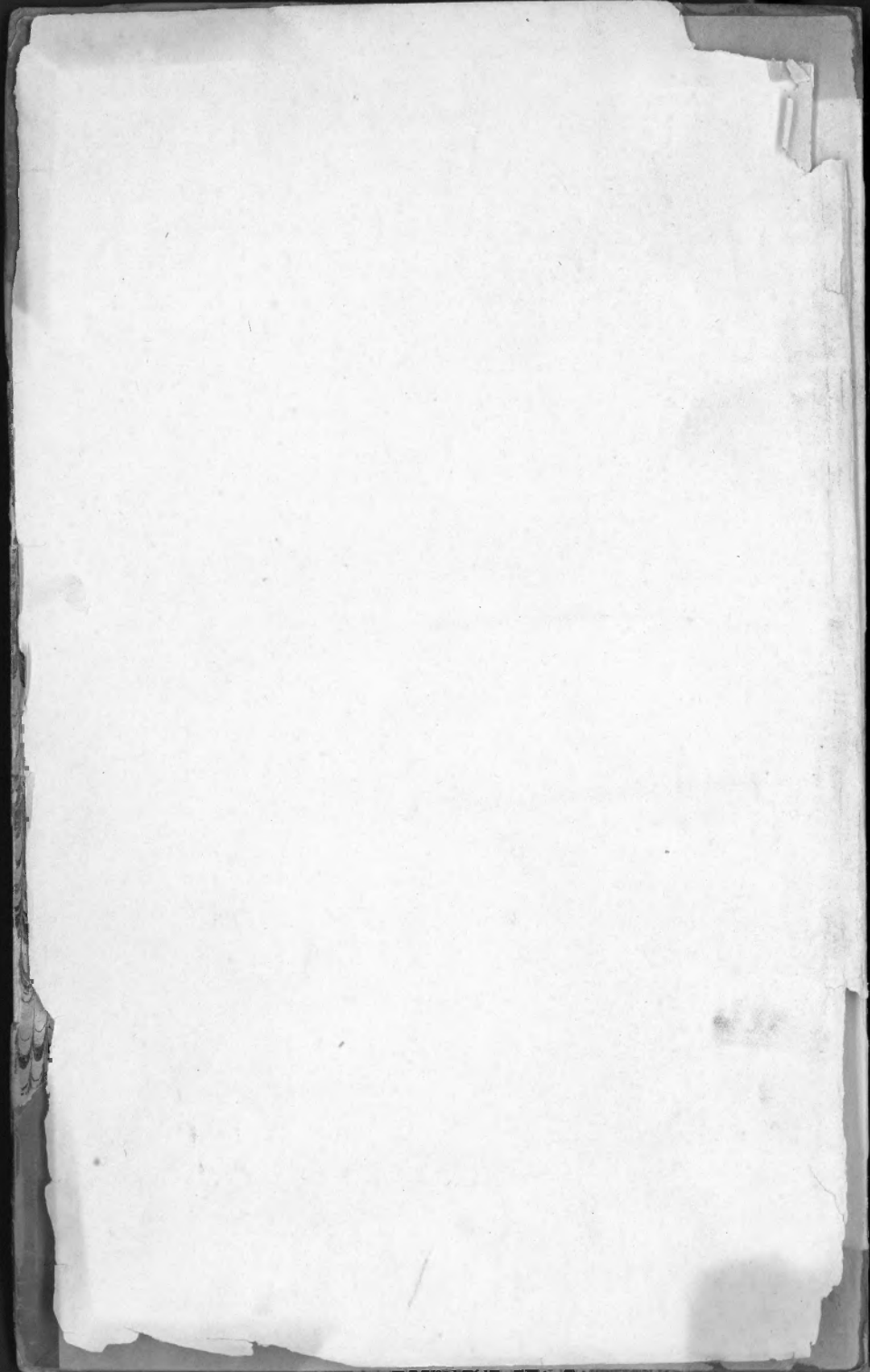
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UNITED STATES OF AMERICA.





4 *J. D. Plaine*

REPORT
OF THE
T R I A L

OF
LEVI WEEKS,

On an Indictment for the Murder

OF GULIELMA SANDS,

ON MONDAY THE THIRTY-FIRST DAY OF MARCH,
AND TUESDAY THE FIRST DAY OF APRIL, 1800.

William Coleman

TAKEN IN SHORT HAND BY THE CLERK OF THE COURT.

NEW-YORK:

PRINTED BY JOHN FURMAN,

AND SOLD AT HIS BLANK, STAMP & STATIONARY SHOP,

OPPOSITE THE CITY-HALL.

1800.

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"wells"

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Page 42, line 22, for the read I
47, line 30, after Elma read came up to me
alone, and

PREFACE.

THE public are at length presented with the Report of a Trial, which has awakened unusual solicitude among all classes of people. When it was promised at an earlier day, it was not foreseen what degree of labor and painful attention would be requisite to render it correct. A strong wish to make it minutely accurate and strictly impartial has necessarily protracted the publication to this time. No labor has been spared to obtain this end: five other note-books besides my own, have been examined and the whole have been carefully collated, and if there is any merit in the performance it lies in its correctness. The testimony of the principal witnesses is given in their own words, that the reader may better weigh their respective claims to belief: this is what he can never be fairly enabled to do when the reporter undertakes to state the amount of the testimony, instead of the testimony itself, thereby giving nothing more than the impressions it made upon his own mind. In the perusal of the following sheets, it is hoped, something more may be found than the gratification of a temporary curiosity. The critical observer of manners, and the philosopher who makes the human heart his study, will, it is believed, be enabled from the picture here presented, to catch a glance at some features of real life.—He will here see the advantage which truth possesses over prevarication and falshood.

PREFACE.

I cannot help noticing two pamphlets which have already appeared, both pretending to exhibit a correct report of this trial.

The first is published by one Longworth, and was in print a few hours after the trial was over. This man has seized with avidity upon the moment, when public curiosity was all alive, and if we may credit his own avowal without regard to any thing but remuneration, he has published just such an account as might naturally be expected from a man acting from such motives. I should not have descended to notice this paltry performance here, had he not put it off by the insinuation of a falsehood. It has been trumpeted round the streets as "*The whole Trial of Levi Weeks, taken in short hand by a gentleman of the bar.*" Although he may feel a present gratification from the success with which the artifice has been attended, yet it is hoped he will find, in the end, that the public will not easily forget so gross an imposition.

The other appears under the name of James Hardie, and is fairly suffered to find its sale in Bookseller's shops, without the aid of imposture. But in his statement of the testimony, he has involved some of the witnesses in positive and material contradictions, where in reality there were none. This may be accounted for from the unfavourable situation in which he sat to take his notes, as well as from some other circumstances not irreconcilable with the most innocent intentions; but surely a conscientious man cannot but feel some degree of uneasiness, that he has done a thing in the face of the public—at once, so injurious to truth, and to the individual who is affected by it. These remarks are made with some reluctance upon a man, who I am told, has a considerable share of literary merit.)

PREFACE.

On the question of the Guilt or Innocence of the accused, I shall say nothing, as I conceive it is not the province of an individual to re-judge his case or arraign the verdict of his peers. After a long and impartial trial, his country have pronounced him Innocent, and the language of that verdict must be conclusivé. A faithful exhibition of the facts on which that decision was built, is all that is assigned to me, and this duty I have endeavoured to discharge to the best of my ability.

WILLIAM COLEMAN.

April 12. 1800.

Court of Oyer and Terminer, &c.

Begun and held at the City Hall of the City of New-York, on
Tuesday the 25th day of March, 1800.

—PRESENT—

His. Hon. Mr. Justice LANSING,
His Hon. RICHARD VARICK, Mayor,
His Hon. RICHARD HARISON, Recorder, }

THE PEOPLE *vs.* LEVI WEEKS.

CADWALLADER D. COLDEN, Ass't. Att'y. Gen.

A. HAMILTON,
B. LIVINGSTON, } Esq'rs. { *Counsel for Prisoner.*
A. BURR, }

T R I A L, &c.

MONDAY, MARCH 31.

THE Court assembled at 10 o'clock in the forenoon, and Proclamation having been made in the usual form, the prisoner was put to the Bar.

The Pannel was then called, and thirty-four Jurors appeared and answered to their names. The Clerk then addressed the prisoner, "Levi Weeks, prisoner at the bar, hold up your right hand, and hearken to what is said to you.—These good men who have been last called, and who do now appear, are those who are to pass between the People of the State of New-York, and you, upon your Trial of Life and Death: If, therefore, you will challenge them, or either of them, your time to challenge is, as they come to the book to be sworn, and before they are sworn, and you will be heard."

The Clerk then proceeded to call the Jury from the Pannel, and the first having come up, and being desired to place his hand upon the book, he addressed himself to the Juror and the Prisoner; "Juror, look upon the Prisoner; Prisoner, look upon the Juror—and administered the following Oath: "You shall well and truly try, and true deliverance make, between the People of the State of New-York, and Levi Weeks the prisoner at the bar, whom you shall have in charge, and a true verdict give accord-

ing to evidence, so help you God." All the Quakers upon the Pannel, excepting James Hunt, as they were called, came up to the Court and requested to be excused from serving on the Jury, as they had scruples of conscience which prohibited them from sitting to determine on a case of life and death—and the court excused them accordingly.

The prisoner challenged eleven of the Jurors, who were set aside of course; the Assistant Attorney General also challenged one for some expressions which he had been informed had dropt from him, but finding it could not be supported, he gave it up.

(JURORS SWORN.

Garrit Storm,
Simon Schermerhorn,
Robert Lylburn,
George Scriba,
Richard Ellis,
James Hunt,

John Rathbone,
William Wilson,
Wm. G. Miller,
Samuel Ward,
William Walton,
Jasper Ward.

The Clerk then addressed the Jury, " Gentlemen of the Jury, the prisoner at the bar, stands Indicted in the words following, to wit.

(City and County of }
New-York, } s. THE Jurors of the People of the State
of New-York, in and for the city and county of New-York, on
their Oath present, that LEVI WEEKS, late of the seventh
ward, of the city of New-York, in the county of New-York, la-
bourer, not having the fear of God before his eyes, but being mov-
ed and seduced by the instigation of the devil, on the 22d day of
December, in the year of our Lord 1799, with force and arms at
the ward aforesaid, at the city and county aforesaid, in and upon
one GULIELMA SANDS, in the Peace of God, and of the
said people then and there being, feloniously, wilfully, and of his
malice aforethought, did make an assault, and that the said Levi
Weeks, then and there feloniously, wilfully, and of his malice a-
forethought, did take the said Gulielma Sands into both the hands

of him the said Levi Weeks, and did then and there feloniously, wilfully, and of his malice aforethought, cast, throw, and push the said Gulielma Sands, into a certain Well there situate, wherein there then was a great quantity of water; by means of which said casting, throwing and pushing, of the said Gulielma Sands into the well aforesaid, by the said Levi Weeks, in the form aforesaid, the said Gulielma Sands, in the well aforesaid, with the water aforesaid, was then and there choaked, suffocated, and drowned; of which said choaking, suffocating, and drowning, the said Gulielma Sands, then and there instantly died. And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Levi Weeks, her the said Gulielma Sands in the manner and form aforesaid, feloniously, wilfully and of his malice aforethought, did then and there kill and murder, against the peace of the said People and there dignity:—And the Jurors aforesaid, on their oath aforesaid, do further present, That the said Levi Weeks, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the same twenty-second day of December, in the year of our Lord 1799, with force and arms, at the same seventh ward of the city of New-York, in the county of New-York aforesaid, in and upon Gulielma Sands, in the peace of God and of the said People, then and there being, feloniously, wilfully, and of his malice aforethought, did make an assault, and her the said Gulielma Sands, then and there feloniously, wilfully, and of his malice aforethought, did strike, beat, and kick, with his hands and feet, in and upon the head, breast, back, belly, sides, and other parts of the body of her, the said Gulielma Sands, and did then and there feloniously, wilfully, and of his malice aforethought, cast, and throw the said Gulielma Sands, down unto and upon the ground, giving unto the said Gulielma Sands, then and there by the beating, striking, and kicking her, the said Gulielma Sands, in manner aforesaid, several mortal strokes, wounds, and bruises, in and upon the head, breast, back, belly, sides, and other parts of the body of her the said Gulielma Sands, of which said mortal wounds, strokes and bruises, the said Gulielma Sands then and there instantly died:—And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Levi Weeks, her the said Gulielma Sands, in manner and form aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did kill and murder, against the Peace of the said People and their Dignity.

Upon this Indictment the prisoner at the bar hath been arraigned, and on his arraignment, hath pleaded not guilty, and is now to be tried by his country.

which country you are ; so that your charge is, gentlemen, to enquire whether the prisoner at the bar is guilty of the felony whereof he stands Indicted, or is not guilty ; so sit together and hear your evidence."

The Assistant Attorney General then addressed the Court and Jury :

"In a cause which appears so greatly to have excited the public mind, in which the prisoner has thought it necessary for his defence, to employ so many advocates distinguished for their eloquence and abilities, so vastly my superiors in learning, experience and professional rank ; it is not wonderful that I should rise to address you under the weight of embarrassments which such circumstances actually excite. But gentlemen, although the abilities enlisted on the respective sides of this cause are very unequal, I find consolation in the reflection, that our tasks are so also. While to my opponents it belongs as their duty to exert all their powerful talents in favour of the prisoner, as a public prosecutor, I think I ought to do no more than offer you in its proper order, all the testimony the case affords, draw from the witnesses which may be produced on either side all that they know, the truth, the whole truth, and nothing but the truth. If I had the power of enlisting the passions and biasing the judgment, which those opposed to me possess, I should think it unjustifiable to exert it on such an occasion.

Levi Weeks, the prisoner at the bar, is indicted for the murder of Gulielma Sands. He is a young man of reputable connections, and for ought we know, till he was charged with this crime, of irreproachable character, nay of amiable and engaging manners, insomuch that he had gained the affections of those who are now to appear against him as witnesses on this trial for his life. These are circum-

stances greatly in his favour, and there is no reason to fear that they will not be urged with all their force. We are aware that you will not convict such a one of the horrid crime of which he is accused upon less than the utmost evidence that the nature of the case admits, and that you will not readily be convinced that one so young has already embued his hands in the blood of the innocent.

The deceased was a young girl, who till her fatal acquaintance with the prisoner, was virtuous and modest, and it will be material for you to remark, always of a cheerful disposition, and lively manners, though of a delicate constitution. We expect to prove to you that the prisoner won her affections, and that her virtue fell a sacrifice to his assiduity; that after a long period of criminal intercourse between them, he deluded her from the house of her protector under a pretence of marrying her, and carried her away to a well in the suburbs of this city, and there murdered her.—(*Here the Assist. Att'y. Gen. suddenly stopped a few seconds, as if overpowered with his emotions.*)—No wonder, gentlemen that my mind shudders at the picture here drawn, and requires a moment to recollect myself.

In order to enable you to direct your attention the better to the testimony that will be offered, I shall proceed to detail to you more particularly the proof which I expect will be made.

I will not say gentlemen, what may be your verdict as to the prisoner, but I will venture to assert, that not one of you or any man who hears this cause, shall doubt that the unfortunate young creature who was found dead in the Manhattan well, was most barbarously murdered.

Elias Ring, and Catherine his wife, keep a boarding-house in the upper part of Greenwich-street; the

deceased was a distant relation of theirs who lived with them. Hope Sands, a sister of Mr. Ring, and Margaret Clark, lived in the same house. In July last, the prisoner was received into the house as a boarder. Upon his first coming, for about a month, he shewed some attention to Margaret Clark, but soon after was observed to attach himself in a very particular manner to the deceased. Their conduct soon led to suspicions in the family, that there was an improper intercourse between them. In the month of September, Mrs. Ring fled from the fever, leaving the care of her house to her husband, and the deceased; and leaving in it also the prisoner and some other boarders. Mrs. Ring remained out of town about six weeks, and in that time it is certain that the prisoner and the deceased lived together in the most intimate manner. On the first of December last, the deceased disclosed to Hope Sands, that on the next Sunday she was to be married to the prisoner, but at this time, and whenever afterwards she spoke on the subject, enjoined on Hope the strictest secrecy, forbidding her to tell even Mrs. Ring, saying that Levi meant to keep their marriage a secret, even from her (Hope) and therefore that no one should go with them to see the ceremony performed.

Between this time and the time of her departure from the house, it will be seen, she frequently spoke of her approaching marriage, and always with cheerfulness and a lively pleasure. On Saturday, the 21st of December, the day before the fatal accident—Hope disclosed the secret to Mrs. Ring, informing her, that Elma was to be married the next evening. On the Sunday about dinner-time, Mrs. Ring discovered to the deceased, that she knew her intentions. The deceased, you will find, then confessed that she was to

be married, and that the prisoner was to come for her that night at 8 o'clock. Mrs. Ring pressed the deceased to be of the party—She said Levi would not consent, as he meant to keep his marriage a perfect secret from all. In the evening you will see, the deceased began to dress herself, in which Mrs. Ring assisted her; the deceased appeared perfectly cheerful all this time, she put on her hat and shawl, and went to a neighbor's and borrowed a muff, which she promised to return in a little time. She also took up a pocket-handkerchief belonging to one of the boarders, saying she should not make use of it, and would return it before it was missed. You will have evidence that the prisoner had left the house of Mr. Ring, about five o'clock in the afternoon, and that about eight o'clock in the evening the deceased stood leaning over the front door, looking out—that Mrs. Ring desired her to come in, saying, she did not believe Levi would come, to which she answered, she did not fear, it was not yet eight, but she left the door and went in with Mrs. Ring, and in a little time the prisoner returned, and came into the room where was Elias Ring, Mrs. Ring, the deceased, and two boarders, by the names of Lacey and Ruffel. Mrs. Ring set with them about five minutes, when she got up and went to the street-door, and leaned over it till Lacey and Ruffel went up-stairs to bed. She then left the street-door, and as she does perfectly remember, shut it after her; she went into the room again, and was hardly seated when the deceased went up stairs; Mrs. Ring immediately followed her, found her in her room above, pinned on the shawl for her, and after being with her not more than two minutes, left her in the room opposite the stairs, just on the point of coming down. Mrs. Ring returned to the room below where the prisoner was; in about a minute he

took up his hat, and as he opened the room-door to go out, Mrs. Ring heard somebody come lightly down the stairs, and as she supposes, meet him at the bottom; she then heard two voices whispering at the foot of the stairs for about a minute, she then heard the street door open and immediately shut, she took a candle and went to the door to look after them but it was dark and so many people passing, that she could not distinguish any one. The street door you will find, opens with a great and remarkable noise, in consequence of its being out of order. Gentlemen, it will be necessary for you to pay particular attention to this part of the evidence, for if you do believe that the prisoner, at this time, went out of the house with the deceased—I do not see how he can be acquitted. After Mrs. Ring shut the door, it was not again opened till the time when she supposes the prisoner and the deceased went out. We shall show you that there were no other persons in the house till ten or eleven o'clock, but Elias Ring, who remained in the common sitting room, and the two lodgers, Lacey and Ruffel, who we shall prove to you lodged together, and were not out of their lodging-room, from the time they went up stairs. From this time the deceased was never after seen till her corps was found in the Manhattan Well. She had the marks of great violence upon her, and great part of her cloaths were torn off.

We shall produce a number of witnesses, who, between the hours of 8 & 9 of the evening of the 22d of December, heard, from about the place of the well, the voice of a female crying murder, and entreating for mercy. It will be shown to you, gentlemen, that there was the track of a single horse sleigh, which we shall prove that at some time between the Saturday night before, and Monday morning succeeding,

must have come out of Greenwich-street, and passed in a very extraordinary manner near the brink of the well; that the snow round the edge of the well was much trodden, and that the sleigh after having made a curious turn or stop near the well, must have passed on to the Broadway road, and, in coming into that, turned towards town.

We shall proceed to shew you, that on the evening after the 22d of December, soon after the deceased left her house, she was met a few hundred yards from her house in the way towards the road that leads to the well, in company with two men. That a few hundred yards further on, and about the same time, a single horse sleigh was seen with two men and a woman in it; the horse of a dark colour and without bells, passing on towards the road or street which leads from Greenwich street to the well.

Our next testimony will be, to prove to you, that a number of young gentlemen riding for pleasure on the same evening, as they were coming into town, between 8 and 9 o'clock, on the Broadway road, when they were some distance nearer to the town than the place where the track of the one horse sleigh was discovered to have turned into the Broadway road, they were overtaken by a single horse sleigh, which passed them with the horse on a full gallop, and without bells; there were two men in it and the horse was dark coloured. We shall then show you that Mr. Ezra Weeks, the brother of the prisoner, was the owner of a single sleigh, and a dark horse, and that the prisoner had access to it when he chose, and we shall produce to you such testimony, as we suppose will satisfy you that this horse and sleigh was taken out of the yard of Ezra Weeks, about 8 o'clock in the evening of the 22d of December, and

was returned again into the yard in less than half an hour.

You will see, gentlemen of the Jury, that we have only circumstantial evidence to offer to you in this case, and you must also perceive that from its nature it admits of no other. I shall, however, reserve my remarks upon this subject, for a future stage in the cause; and shall, without delaying you longer, proceed to call the witnesses.

The Counsel for the prisoner moved the Court for permission to take the testimony of Elizabeth Watkins, who was now in an adjoining house, on the following affidavit of Joseph Watkins:

City of New-York, ss.

JOSEPH WATKINS, being duly sworn, doth depose and say, That Elizabeth Watkins, his wife, was brought to bed on the sixteenth day of March instant, and that she has been very unwell ever since, and still is so, and that she has never been down stairs since she was brought to bed, and that he verily believes it would very much endanger her health to attend court. And this deponent doth further say, That the said Elizabeth Watkins' breasts were very sore and festered. And further this deponent saith not.

JOSEPH WATKINS.

Sworn this 31st March, 1800, before me,

JOHN LANSING, Jun.

Mr. Assistant-Attorney-General said, that he should not now make any objections to it, as it appeared that the situation of the witness was such that her personal attendance was absolutely impossible. Whereupon, Mr. Justice Lansing went with the Assistant-Attorney-General and Gen. Hamilton, to take the deposition of the witness. After they had returned into Court, the first witness on the part of the prosecution was called.

CAI HARINE RING affirmed.—[It was now moved that the husband of the witness, being also a witness, should withdraw out of hearing during her

examination, which the court ordered, saying the prisoner had a right to it of course, if he requested it.]

The witnesses then proceeded :

In July last, Levi Weeks came to board in our family, soon after which he began to pay attention to Margaret Clark, till about the 28th of the 8th Month, when she went into the country. About two days after her absence, Gulielma Sands “*asked me*” —Here she was stopped by the counsel for the prisoner, who prayed the opinion of the Court, whether any declarations of the deceased were admissible as evidence. They contended that this was a case of hear-say testimony, and did not come within any of the exceptions in the books.—They admitted that the declarations of a murdered person were sometimes received as evidence against a prisoner, but it was only when they were made after the fatal blow, in his last moments and when he must be supposed to be under an equal solemnity with that of an oath.

The Attorney-General insisted that such testimony was proper to show the disposition of mind in the deceased, when she left the house on the night of the fatal accident ; that this was the only way to discover whether she was found in her intellects, or whether she was not under the impressions of melancholy—and that in reality, this was one of those cases, where evidence was to be admitted upon the necessity of the thing. To support his argument he produced 4 State Trials, 487, 488, *idem* 291, 298 ; Leech’s Cases, 399, *idem* 397, *idem* 437 ; 2 Bacon 563 ; Skinner’s Reports 402.

Mr. B. Livingston replied. He denied that State Trials was any authority. The case in Skinner he said was certainly not law ; and he read an authority from Hawkins, P. C. 447, and the case from Leech, 347, was in opposition to the principle contended for on the other side.

Col. Burr subjoined a few remarks. After stating what he thought ought to be the only exception to receiving hear-say evidence, viz. That it must be confined to cases *in extremis*, after the fatal blow given, he observed, that besides that the book is no authority in the first case read by the Assistant-Attorney-General, the witness was suffered to proceed without interruption, and no point was made to the Court respecting it. As to the 2d. case, it was in the court of sessions in Scotland, and could not be considered as any authority here. He affirmed that Woodcock's case, although produced on the other side, was perfectly consistent with the opinion which he held.

The Court unanimously refused to admit the testimony.

The witness then went on, being told to suppress whatever *Elmore had said* to her.—“*Elmore* lived in our house with us three years, as our child. After *Margaret Clark* had gone into the country a few days, *Levi* became very attentive to *Elmore*, to whom I mentioned it, and she did not deny it. She and *Levi* were left together with my husband either the 10th or the 11th of the 9th month.

Q *by the counsel for the Prisoner.* Which room did *Elma* sleep in while you were in the country?

A. In the front room, second story.

After I had been absent about 4 weeks, I received a letter from my husband, desiring me to come home as he was very lonesome. I at first determined to return immediately, but I always thought *Levi* a man of honor, and that he did not intend to promise further than he intended to perform; therefore I stayed two weeks longer, and I came home six weeks to a day. After my return I paid strict attention to their conduct, and saw an appearance of mutual attachment, but nothing improper; and always discovered sufficient in their countenance to convince me what was in agitation between them; and he was frequently in the room when she was sick. In a short time after my return,

she concluded to pay a visit to her friends in the country, though she did not seem very anxious to go as it was so late in the season; however, after she got ready to go, Levi accompanied her to the vessel, and she stayed about two weeks. During her indisposition he paid her the strictest attention, and spent several nights in the room, saying he did not like to leave her with Hope, (my sister) fearing she might get to sleep and neglect her; and in the night he wanted to go for a physician, but I discouraged him, thinking she would get better by the morning. One night, after she had got much better, chusing to sleep alone, she went to bed; and as I supposed, Levi was gone also. (*Here the counsel for the prisoner stopped the witness, to inform the court that Elias Ring, although ordered out, had returned and was standing behind his wife the witness; the court ordered the constable to take him out, and reprimanded him for his behaviour.*) In about two hours I thought I would step up into her room and see how she did—I slipped off my shoes, and going quick without making much noise, I partly opened the door, and saw him sitting by the side of her bed, and the door was shut against me, I took it to be by him, because she was in bed and could not reach the door.—The next morning he said he had made a fire just before day in his own room, and he discovered more concern than I expected.

Not a day passed but convinced me more and more that he was paying his attentions to her; I often found sitting and standing together, and once in particular I found them sitting together on her bed. On the 22d of December, my sister Hope went to meeting, and Levi went to his brother's; in a short time he returned, having fallen and hurt his knee, which circumstance, it struck my mind, would prevent their intentions for that time; Sylvanus Ruffel said, Levi you

won't be able to go out to-day—He answered, I am determined to, to-night. Elma then dressed his knee for him—it was not much of a hurt—I saw it—she got a plaister. After she had dressed it—he went up stairs a short time—she also followed him, and was gone I should suppose, considerably more than an hour, this was about noon. His apprentice came down to do something, and in a little time went up, but soon returned again; the thought struck me that they had sent him down to get him out of the way. Between 12 and 1 o'clock she came down into the room where I was preparing dinner, with a smiling countenance, and seemed much pleased. I spent the afternoon with her; her countenance and behaviour was calm and composed, and fully happy, as likewise her appetite remarkably good. I left her a short time, and went into another room; when I returned, I found Levi sitting by the fire with her, appearing fully composed and happy; but he soon left us and went up stairs—shortly after Elma went also; in about 20 minutes she returned not quite dressed, with her handkerchief in her hand, saying to me, “which looks best?” Then Levi came down, nearly dressed also, with his coat upon his arm, at which time, Elma stepped behind the curtain of the bed. “He said, “where's Elma?” I said, “she is hid behind the bed.” He said dont mind me—I want you to tie my hair. Elma came out and did so; Elias came in from meeting, and she went up stairs, and Levi after her: this was about sun-set, and she did not come down till after dark, and Levi I believe staid as long, for one of the family went up and found them together. I had got tea ready and waited some time for them to drink tea, thinking they would drink tea together; but he did not come. After tea I proposed borrowing a muff for her at one of our neighbor's—she said she would go herself, and she went and got it.

A while after she went to the front door and leaned over it, which I soon observed. I told her I was afraid she would take cold; she followed me in, where was two young men of the family, Ruffell and Lacy, with my husband—we all sat together till Levi came in—I then went to the front door, and leaned over it—soon after the young men came out and went up-stairs to bed, at which time *I heard the clock strike eight*. After they had gone up-stairs, *I shut the door*, and came in, saying, *the clock has just struck eight*. I sat down, and in the course of a minute or two after, Elma got up and went out, and I observed Levi's eyes fixed upon her, and I thought he looked at her for to go; in the course of about a minute, I believe not more, I took the candle and went up-stairs, she had her hat and shawl on, and her muff in her hand; I observed she looked rather paler than usual, but I thought it a natural consequence, and I told her not to be frightened. I went down, and left her just ready to follow—Levi took his hat—

Questions by Prisoner's Counsel. Pray how long was it from the time that Levi came in before Ruffell and Lacy went to bed?

Ans. About five minutes.

Quest. How long after Ruffell and Lacy were gone before you went up?

Ans. About one minute perhaps.

Quest. How long might you remain there?

Ans. About a minute.

Quest. How long do you suppose it was from the time Levi came in, till they went out?

Ans. Elma might have remained in the room two minutes; in the whole I don't think all the time from Levi's coming in till they went out exceeded ten minutes.

Quest. by Assistant Attorney-General. Pray, Mrs.

Ring, in what situation did you leave Elma up stairs.

Answ. I left her just ready to come down, just coming down, she came down almost instantly. I came down and left her in the room and came in where Elias and Levi were sitting; no other person was up in the house but we four. I set the candle down over the fire-place, Levi instantly took his hat and went out into the entry; the moment the door opened, I heard a walking on the stairs, and directly I heard a whispering near the door, at the bottom of the stairs for nearly a minute, but so near the door I thought I might understand what was said, and I listened for that purpose; soon I heard them step along, and the front door opened and the latch fell. I took up the candle and run to the door to see which way they went; it was moonlight, but having a candle made it darker.

Quest. by Prisoner's Counsel. Mrs. Ring, are you sure you shut the door before?

Answ. I am positive: it stuck much, and it was difficult to shut it; it was something out of order, which made a jarring noise, and it stuck a good deal. I then run up stairs to see if she might not be there, why I did it, I don't know, I can't say, but somehow I felt agitated on the occasion, but she was not there.

Quest. by Assistant Attorney-General. Were the steps descending the stairs loud or not?

Answ. The steps coming down were loud.

Quest. Did you or did you not hear the steps of one person only?

Answ. I heard the steps but of one person.

[The Assistant Attorney-General now produced a plan of the inside of the house and the witness being

asked to do it, explained it to the Jury.]

Quest. How far is it from your room door to the front door ?

Answ. About ten feet.

Quest. What kind of stair-case is it ?

Answ. It is a hollow, close stair-case.

Quest. Would not a person coming down such make a considerable noise ?

Answ. Any person certainly would.

Quest. How near is your door to the stairs ?

Answ. It is close to them ; it opens against them.

Quest. How far from the foot of the stairs to the outer door ?

Answ. Not more than four feet.

Quest. Are you sure about the sound of steps going out ?

Answ. I am very positive ; I heard the steps very distinctly.

Quest. As to the steps on the stairs, how was it ?

Answ. As he opened the door of our room, I heard the step on the stairs.

Quest. Could you not have been mistaken ? was there no noise in the room where you was ?

Answ. There was no noise at all, nor any body there but my husband.

Quest. by the Court. Did Levi return to his lodgings the same evening?

Answ. I was going to tell, about ten o'clock he returned, and his apprentice was there waiting for him as he had the key of the room, and the boy could not go to bed. The moment he opened the door I cast my eyes upon him, his countenance was pale and much agitated. His apprentice was standing waiting for him, he came to the fire, took the key out of his pocket and gave it to him, saying in a short tone, *go to bed.* He sat down and said, *Is Hope got home?* I answered, *No—Is Elma gone to bed?* I answered, *No—She is gone out, at least I saw her ready to go, and have good reason to think she went.* He said, *I'm surprised she should go out so late at night and alone.* I replied, *I've no reason to think she went alone,* to which he made no reply, but looked earnest and thoughtful and leaned down his head on his hand in this manner, [putting her hand over her left eye, and leaning her head upon it.]

Quest. by Assistant Attorney-General. Had any thing passed to lead him to believe that she went out alone?

Answ. No, there had not.

Quest. by the Court. Did you express any alarm to him?

Answ. No:—Feeling very uneasy and agitated, I thought I would speak to Levi more particularly than I had done, and I told Elias to go to bed, and I would

fix the child and bring it to him ; and he got up to go, upon which Levi instantly rose and went up stairs. I thought she had gone to one of the neighbours to leave the muff ; I was then determined to sit up until she should come in : I accordingly put out the candle and covered up the fire, supposing that perhaps he would come down after he thought us a-bed, and let her in ; after waiting till about 12 o'clock and nothing appearing, I lit the candle and searched the house, thinking perhaps that she had come in ; and went to every room excepting that where the two lodgers was a-bed, and to Levi's room ; I went to his door twice, but seemed as if I had not power to enter, I thought perhaps she might be sitting by Levi's stove. I then went to bed, and my husband was much surprized at my conduct in sitting up and searching through the house : I thought perhaps she had stayed at Henry Clements. The next morning the boarders breakfasted early, about day light, as usual, Levi came to breakfast.

Quest. by the Court. Was any thing said about Elma at breakfast, by any body.

Ans. No, nobody mentioned her :—After he had been out awhile, I heard some person enter the house and run softly up stairs, and expected it was her, and intended to go and see ; soon after which Levi came in, saying, *Is Elma got home ?* I answered *I have not seen her :* I felt provoked that he should ask me where she was, and thought that at least he might be silent. He then said, *I am surprized where she should be,* I answered *I expect she is up stairs,* I heard some one go up ; he replied, *it was me you heard :* I observed, *thee went more softly than ever before, and I'm*

sure I thought it her step. He immediately run up stairs, and instantly returned, saying, *she is not in the second story*; I did not believe him, and went up myself: when I returned he was standing at the front door but dont recollect his saying any thing; when I said, *I'm surprized where she should be*, but went away; some time after he came in again and said, *Is Elma returned?* I answered no. Have you sent any where for her? I answered no. He said, why have not you? I answered, I did not think of sending, expecting her in every minute. He said, I am surprized at her going out so late and alone. I said, indeed Levi to tell thee the truth, I believe she went with thee, she told me she was to, and I have good reason to think she did. He looked surprized, and said, if she had gone with me she would have come with me, and I never saw her after she left the room. He then went out.

Question by the court.—Was there any thing uncommon in his manner?

Answer.—There was to be sure, more than I can exprés.

Question by prisoner's counsel.—Do you mean that this was after you expressed your surprize?

Answer.—I had observed his looks fixed upon me before?

Question by court.—Did you tell him of this, did you observe to him that there was a difference in his look?

Answer.—I did not then.

In a short time after, the owner of the muff called

for it, as Elma had promised to return it the night it was borrowed, or early the next morning; I told her I would send for it, and the girl should fetch it home as I expected Elma was at Henry Clements, she answered she would sit with me, and sat down, during which time Levi came in, and sat until the girl returned, saying, Elma had not been there. I was struck with astonishment, although my uneasiness had been great, yet I fully expected she was there; the person immediately said, I guess she has gone to be married, and that made her borrow my muff; I answered, married or not I think it very ungenerous not to return it, and likewise to keep me in suspense and uneasiness; at which conversation Levi gave no answer, but set with his head down, and then he went out. Soon after this my sister returned; in a short time after Levi came in, she immediately attacked him, saying, where is Elma, I know thee knows, tell me ingenuously for Katy is very uneasy, and says Elma told her she was going with thee, and she is sure she did; he looked surprized, and said, *she told Katy so?* why if she had went with me, she would have returned with me; I never saw her after she left the room, and am surprized you would think of my keeping you in suspense. The day passed without much more being said, except my saying I had been to the door fifty times to look for her; he answered he had looked more than fifty times, he could not keep his eyes from the street. The next morning being Tuesday the 24th, after the boarders had breakfasted, none of the family up but them and myself, they all went out excepting Levi, who seeing me much distressed walked the room several times, appearing much agitated, came to me, and taking hold of my arm, said,

Mrs. Ring, don't grieve so, I am in hopes things will turn out better than you expect; to which I gave no answer, as I expected he was then going to tell me the whole matter. He soon however took his hat and went away. Nothing more was said until afternoon, when myself and sister being so distressed we determined to stand it no longer, and we were about to send for him when he again came in, laid down his hat; but on seeing our agitation, he turned round and was going out; I said, stop Levi, this matter has become so serious, I can stand it no longer; I then said it certainly lays upon thee, therefore thee must make the best of thy way to get clear of it; he said, he was willing to give what satisfaction he could, being sorry to see us so distressed, when I said if it had been many a person that I should have even been willing for her to have, I would not have waited one hour before they should have given an account of her, but my confidence in thee was so great, and fearing too to make her trouble, as she was bound not to disclose it, is the reasons why I did not immediately mention it. I then proceeded: On first day after 12 o'clock, she came down stairs after being with thee, and told me, that night at eight o'clock you were going to be married, that you did not go till 8 o'clock on account of its being froze. I had not proceeded much further, if any, before he turned pale; trembled to a great degree; was much agitated, and began to cry, clasping his hands together, cried out, I'm ruined—I'm ruined—I'm undone forever, unless she appears to clear me—my existence will be only a burden—I had rather die in credit, than live under it. Then he proceeded to clear himself, saying, he

never would attempt to marry without his brother's approbation. I replied, she told me, thee had talked to him twice on the subject; he said my brother can answer for himself. Thus he proceeded until we were hardly able to support it; as our dependence as to her, was intirely upon him, not having a thought short of his knowing where she was.

On Thursday, the 26th of December, about 10 o'clock, Margaret Clark and her sister Deborah Clark, being in the room with me, Levi came in; seeing us much distressed, he sat down and endeavoured to comfort and console us, saying, *Give her up, she is gone no doubt, and all our grieving would do no good.* With an earnest look I turned to him, saying, Levi, give me thy firm opinion from the bottom of thy heart, for I dont doubt thee has one; tell me the truth, what thee thinks has become of her. He replied, *Mrs. Ring, its my firm belief she's now in eternity; it certainly is, therefore make yourself easy, for your mourning will never bring her back.* I answered, why does thee say so? what reason has thee to think it? *Why from things I've heard her drop.* What were they I asked. *Why I heard her say she wished she never had an existence.* I replied, if thee recollects, I dont doubt thee has heard me say so, I acknowledge it's wrong and have reproved her for it.

Quest. by prisoner's counsel. Pray Mrs Ring, did you say you had wished that you had never had an existence?

*Ans. Yes:—*I dare say I have—in this very case, I might say, *I wish I never had an existence to witness such a scene.* I acknowledge it's wrong, but still I dont doubt I have often said so. I asked Levi,

what other reason has thee? *Why I have heard her threaten, if she had Laudanum, she would swallow it.* Why Levi! How can thee say so? as it was always easy for her to get that, it dont bear the weight of a single straw with me, and the circumstance thee alludes to, I believe I was present as well as several others, which he did not deny, nor mention any other time, which circumstance was this, my sister was unwell, the doctor had left a small phial with her, and she had it in her hand, clapped it up to her mouth, he said Elma dont do so, she replied I should not be afraid to drink it if full, my husband answered why the foolish creature it would kill thee, she answered I should not be afraid. I thought she spoke not thinking, tho' she was used to taking large quantities when sick, made her think light of it, but I supposed she did it only to teaze him.

I frequently conversed with him on the subject, always pointing out the impossibility of any other persons knowing it, all which he never resented. On the day of the procession he came to me saying Mrs. Ring, what objection have you to Hope's going with me to the alderman to say what she can in my favour: I answered yes, very great objections, if I even believed thee innocent, which I have no reason to think, and its publicly reported of thee, if she was even willing, which I'm sure she is not. Well then let her go with my brother. Indeed I've no choice in thee or thy brother, if the authority calls for her, she will answer I dare say to what's proper. He then said Mrs. Ring, you are not so much my friend as you have been? Indeed Levi, I shudder to think I ever indulged a favourable thought of thee.

Quest. How long was this before her death?

Answ. About three weeks.

Quest. by Assistant Att'y-Gen. Pray, Mrs. Ring, I wish you would be particular as to her temper and disposition on the 22d; pray, inform the court and jury, was it composed that afternoon?

Answ. Very much so, I never saw her pleasanter in my life—she was more so than usual.

Quest. What was her general temper of mind?

Answ. Very lively, open and free.

Quest. Was is not more so, than is usual among friends?

Answ. I always thought her disposition rather too gay for a friend, and she altered her dress and behaviour to please me.

Quest. Pray Madam, has she not always borne a good character, I mean that of a modest discreet girl.

Answ. Very much so, I have known her from an infant, but there are others that can speak of her, who had not that partiality for her that I had.

Quest. Let me ask you, would not the conduct between the prisoner and her have been esteemed improper, if it was not supposed they were soon to have been connected in marriage?

Answ. Yes.

Quest. How old was she?

Answ. About five years younger than myself, she was about 22 at the time of her death.

Quest. Was Elma one of the Friends?

Answ. She was not so, though we wished her to be.

Quest. Pray what relation was she to you?

Answ. She is my father's sisters daughter.

Quest. Had she parents living?

Answ. Her mother is alive at New-Cornwall; her mother never was married; she took her mother's

name of Sands ; her father is in Charleston, South-Carolina.

Quest. When was the body found ?

Answ. The 12th day after she left our house, or the 2d of January.

CROSS-EXAMINED.

Quest. What was the character of Levi Weeks, while he boarded in your house ?

Answ. It was such as to gain the esteem of every one in the family.

Quest. Was not his moral conduct good ?

Answ. I never saw any thing amiss in it, I should call it very good.

Quest. Did you observe whether the prisoner after this affair of the 22d, eat his meals as usual ?

Answ. I believe he did.

Quest. Was Elma considered as an associate for yourself and family ?

Answ. She was, I regarded her as a sister.

Quest. Did she walk out with your family ever ?

Answ. Hope and Elma walked out together, they were associates.

Quest. Did Levi ever walk out with her ?

Answ. No, not as I know of.

Quest. Did he ever walk out with your sister Hope ?

Answ. He went once to a Charity Sermon with her, and Elma was to have gone too, but the going was wet, and she was not very well, and I would not suffer her to go.

Quest. What was the appearance of Elma, the day she went out, the 22d of December ?

Answ. She looked rather paler than usual when I pinned on her handkerchief—It was her natural colour.

Quest. What was the state of Elma's health generally ?

Answ. For about a year past she was at times rather unwell.

Quest. Had she any habitual illness?

Answ. She was much troubled with the cramp in her stomach.

Quest. Where was her usual lodging room?

Answ. In the front room. She at first slept in the third story before she went into the country, but for three weeks before her death, she slept in the back room in the second story.

Quest. Was it not next to Mr. Watkin's bed room?

Answ. It was next I believe.

Quest. Was there any other female in the house, when you went to the country?

Answ. There was not.

Quest. Did you ever ask Levi whether he was engaged to Elma?

Answ. Never till Tuesday, after her death.

Quest. Nor said a word about it to him?

Answ. No.

Quest. Did Levi appear lame in consequence of the hurt in his knee, on the 22d?

Answ. I do not recollect.

Quest. Had you ever any reason to suspect that any other person but Levi had an improper intimacy with her?

Answ. Never.

Quest. Did you never say that Mr. Weeks was a person of a kind disposition?

Anf. Very likely, for I always thought him so.

Quest. Did you never say that Levi was very attentive to your children or any in your family, when they were sick?

Answ. I never did. I could not, for none of my children ever was sick while he was in the house.

Quest. (by A. A. Gen.) Do you know of what materials the wall between your house and Watkin's is composed?

Ans. I don't know.

HOPE SANDS, being asked if she had observed any intimacy between the prisoner and the deceased? She said, the first time I knew them to be together in private, was about two weeks after I and Elma came to town. I then found Levi and Elma together in her bed-room; I was there with Elma when Levi came in, on which Elma gave me a hint, I immediately went out, he followed me to the door and shut it after me, and locked it.—I went down stairs, left my shoes at the bottom of them, and went softly up to listen if I could hear their conversation, but could not understand any thing although I heard a whispering and staid at the door along time, more than an hour. Hearing some person come in below, I run down, where I found Doctor Snedeker; on my coming into the room, Peggy Clark took the candle and went up to the room where Levi and Elma were; on finding the door locked, she returned, much surpris'd at finding it fast, and asked me if I knew who was there, I answered I will go and see, she followed me up to the door; finding it locked, we went into the next room, when the door was unlocked, and Levi came out. I observed to Levi that he intended being very safe, having secured the door that Peggy could not gain admittance; he then said, where is Peggy, and looked into the room—but she stepped behind the door, so that he did not see her: he then left us and went up stairs. There was no light in the room when I left them, neither when he came out, therefore, I am positive they had not any. I then went in and found Elma sitting on the bed.

Quest. by prisoner's counsel. Did you ever tell Mrs. Ring of this?

Answer Yes, I told her the same evening.

On Monday, the next day after she was missing, about 10 or 11 o'clock in the forenoon, I met Levi up stairs alone. I attacked him about her—he denied knowing any thing of her, though from his looks I was confident he did. He soon began to use all possible means to convince me of his innocence. I replied it was hard to judge one I had so good an opinion of, but he was certainly the person who could give information of her if he chose. He said, do you think if I knew where she was I would not tell you?

The Sabbath evening after she was missing, he came to me saying, Hope, if you can say any thing in my favor, do it, for you can do me more good than any friend I have in the world to clear me; therefore, if you can say any thing, do it before the body is found, as after it will do me no good; but if the body is found a good way off, that will clear me, as I was not a sufficient time from my brother's to go far. He then pressed me very hard to go to the Alderman's and see him, I refused; upon which he gave me a paper he had drawn, wishing me to sign it: the purport of the paper was, That he had paid no more particular attention to Elma, than to any other female in the house—that nothing had passed between them like courtship, or looking like marriage. I took it from him, saying I supposed I might read it, and left him without saying any more on the subject till the day of the procession. He then came to me saying, Hope, will you accompany me to see the procession? I replied no, I have seen processions enough. He then said—Hope, dont you intend to sign that paper for me? I answered no, and drew it from my pocket; I then pointed out to him the inconsistency

of my doing it, saying—Levi, if I was to do it, thee knows it would be positive lies. He said it would be of no service to me, and reached out and took it from my hand, saying, Will you go to the police with me? I answered no. He said, Will you go with my brother? I replied no, what better would it be to go and say it, than to sign the paper? He then asked me if I would consult my sister upon it? I still answered no, for I was sure she would not consent to any such thing, if I was ever so inclined myself, which I am very far from.

CROSS EXAMINED.

Quest. Pray how long do you think it was, that Levi and Elma were locked up together at the time you mentioned?

Answ. About an hour, I should think.

Quest. Was not Levi as particular to you as he was to Elma?

Answ. No, he was not.

Quest. Was not Levi very much liked?

Answ. He was very much, all spoke well of him.

Quest. Did Levi ever walk out with Elma, or with you?

Answ. He went once to the Museum with me and Elma. He went once to church with me of an evening; Elma was to have gone, but she was sick. I never knew him walk out with her but that time: I heard him say one evening, That he believed she despised him, for she would never go in the street with him.

Quest. Did he never ask you to go, in her presence?

Answ. He once asked me to go, to his brother's but I could not conveniently; Elma was present—she said, Why don't you ask me? He replied, I know you would not go if I did.

Quest. Did you not stop at some house in the way to church?

Answ. Yes, we did; we stopped at Ezra Weeks', the brother of Levi.

ELIAS RING.—Levi Weeks, was a lodger in my house, and in the 9th month—

Q. by prisoners Counsel. What month is that called?

Anf. I don't know it by any other name, thee can tell.

Wit. At this time, when my wife was gone into the country, Levi and Elma were constantly together in private. I was alone and very lonesome, and was induced to believe from their conduct, that they were shortly to be married. Elma's bed was in the back room, on the second floor; the front room had a bed in it, in which Isaac Hatfield slept about three weeks. Hatfield during this time was occasionally out of town. I slept in the front room below; and one night when Hatfield was out of town, I heard a talking and noise in his room. In the morning I went up into the room and found the bed tumbled, and Elma's clothes which she wore in the afternoon, lying on the bed.

Quest. Did you see her in the room?

Anfw. No; I saw nothing, but I have no doubt she was there, for Hatfield was not there then, and there was no other person in the house besides Levi and his apprentice, and Elma and myself.

Quest. How late was it in the night, when you heard this noise?

Anfw. After 12 o'clock.

Quest. By one of the jury. Did Elma, do you suppose, get up from her bed, and go away naked?—You say she left her cloaths.

Anfw. She left part of her cloaths, she had two suits and this was part of the best, which she had on the day before, being First Day.

Quest. By the Att'y Gen'l. Did you see any thing

improper or immodest in the behaviour of Elma, until she was acquainted with the prisoner ?

Ans. No, never.

CROSS-EXAMINED.

Quest. Did you ever see any intimacies between Levi Weeks and Margaret Clark ?

Ans. I have seen, formerly, some familiarities between them.

Quest. Did you never hear any noise when Hatfield slept in the room over you ?

Ans. No.

Quest. Did you ever know that the prisoner and Elma were in bed together ?

Ans. No.

Quest. What materials is the partition made of between Watkin's house and yours ?

Ans. It is a plank partition, lathed and plaistered.

Quest. Could you hear the noise of children thro' ?

Ans. No ; not as I can recollect.

Quest. Is Mr. Watkin's a clever man and good neighbor ?

Ans. Yes he is.

Quest. Do you remember how Elma appeared on the 22d of December ?

Ans. She was as cheerful and gay, as I ever saw her.

Q. Pray tell what you remember particularly about that day.

A. On the 22d of December I had been to meeting in the afternoon ; I returned and found Elma dressing, and my wife helping her in dressing, and assisting her in putting on her gloves. About eight o'clock, Elma went out, I saw her go out of the room, and I heard the front door open, and shut about 3 or 4 minutes thereafter, and my wife took the candle and went out and was gone about 2 minutes. The two boarders,

Lacey and Ruffel came in, and one of them pulled out his watch and observed it was 8 o'clock.

Quest. What kind of gloves were they ?

Answ. White long gloves.

Quest. Are you certain they were white ?

A. Yes, I saw my wife tie them on and took notice.

Quest. Did you hear her go up-stairs ?

Answ. I am not certain that I heard any body go up-stairs.—When my wife returned, I asked who went out ? She said Elma and Levi ; I answered that it was wrong, she would get sick ; she replied, he will be more careful of her than I would be.

About 10 o'clock Levi came in. He asked if Hope had got home ; my wife answered no. He asked, Is Elma gone to bed ? She answered no, she is gone out. He observed it was strange she should go out so late and alone.—[He corroborated the testimony of his wife, respecting her own expression and behaviour in the night.]

Quest. Have you not threatened the prisoner at some time since this affair happened ?

Answ. I never threatened him that I know of—I had a conversation with him, in which he asked me if I had not said certain things about him, respecting Elma being missing, and he said if I told such things of him he would tell of me and Croucher.

Quest. by Att'y Gen'l. Did you not tell him you believed him guilty ?—How did he appear ?

Answ. I did ; and he appeared as white as ashes, and trembled all over like a leaf.

Quest. by Counsel for Prisoner. What was the character of the prisoner previous to this, and how was he liked in the family ?

Answ. His character was always good, for any thing I know, and his behaviour was such, that he was generally esteemed.

Q. Were you not the friend and protector of Elma?

Ans^w. Yes.

Quest. Did you ever speak to her about her improper intimacy with Levi?

Ans^w. I never did.

Q. Did you hear any whispering in the entry or any body come down stairs?

A. I did not, for I set in the corner and was not attentive to these things.

MARGARET CLARK —I lived at Mr. Ring's about six months before Levi Weeks came to board there, and Guelma Sands lived there. I went into the country on the 28th or 29th of August, on account of the fever; and returned about the 12th of November.

Quest. by A. A. Gen. Did you not observe a very particular kind of attention in the prisoner, to Elma?

Ans^w. I can't say I did. I can't say I thought there was any thing that looked like courting her.— After I returned, he and she appeared more intimate together, which I suppose arose from their having been together, and while she was in the country.

Quest. Did you never know of their being locked up together?

Ans^w. I knew once of their being locked up together in the bedroom. Afterwards he told me they were in the bed-room together. This was the Monday evening before she was missing. Another time I saw him standing in her room, when she was sick, but I thought nothing of this, because he was always attentive to any one that was sick.

Quest. Pray how long did you live in the house do you suppose?

Ans^w. I might have been absent half the time.

Quest. by Prisoner's Counsel. Did not Levi pay as much attention to Hope Sands, as he did to Elma?

Ans^w. Yes, I think he did and more too.

[She corroborated the testimony of the other witnesses with regard to the cheerfulness of temper of the deceased.]

ISAAC HATFIELD.—I lodged at Mr. Ring's, from the 14th or 15th of September, four or five weeks; I lodged in the front room, on the second floor; I observed a great intimacy between the prisoner and the deceased, such as to induce me to suppose he was paying his addresses to her, with a view to marry.—That the deceased was of a lively and cheerful temper.

RICHARD DAVID CROUCHER.—May it please the Court and Gentlemen of the Jury. I was a lodger but not a boarder in Mr. Ring's house; I remained at the house all the time of Mrs. Ring's absence, and paid particular attention to the behaviour of the prisoner and the deceased, and I was satisfied from what I saw, there was a warm courtship going on; I have known the prisoner at the bar, to be with the deceased Elma Sands, in private frequently and all times of night, I knew him to pass two whole nights in her bed room. Once lying in my bed, which stood in the middle of the room, and in a posture which was favourable to see who passed the door, and which I assumed on purpose. I had some curiosity; I saw the prisoner at the bar come out of her room, and pass the door in his shirt only, to his own room. Once too at a time when they were less cautious than usual, I saw them in a *very intimate* situation.

Q. Did you tell any one of this?

A. I never took notice of it to any one.

CROSS-EXAMINED.

Q. Pray what countryman are you?

A. An Englishman; I have been in this country since January, 1799.

Q. Where, sir, was you on the night of the 22d of December, 1799.

A. I supped that night at Mrs. Ashmore's but that's not her real name; it is 884 Bowery lane; it was the birth day of her son—she has had a good deal of my money, and I thot I would go and sup with her.

I went accordingly. In the course of the evening when the deceased was missing, I crossed twice or three times from Greenwich-street to Broadway and was once, at the Coffee-house; I went out to the Bowery and returned to Mrs. Ring's.

Q. What time did you return home that night?

A. It was my agreement with Mrs. Ring, to be at home at 10 o'clock a'nights, but on this occasion, I staid out till eleven or half past eleven.

Q. Do you know where the Manhattan well is?

A. I do.

Q. Did you pass by it that evening?

A. I did not—I wish I had—I might, perhaps, have saved the life of the deceased.

Q. Have you not said you did?

A. No. I might have said I wished I had.

Q. Have you ever had a quarrel with the prisoner at the bar?

A. I bear him no malice.

Q. But have you never had any words with him?

A. Once I had—the reason was this, if you wish me to tell it:—Going hastily up stairs, I suddenly came upon Elma, who stood at the door—she cried out Ah! and fainted away. On hearing this the prisoner came down from his room, and said it was not the first time I had insulted her. I told him he was an impertinent puppy. Afterwards, being sensible of his error, he begged my pardon.

Q. And you say you bear him no ill will?

A. I bear him no malice, but I despise every man who does not behave in character.

Q. How near the Manhattan well do you think you passed that night.

A. I believe I might have passed the Glue manufactory.

Q. Do you not know what rout you took ?

A. I do not ; I cannot certainly say, I might have passed by one rout or by another : I go sometimes by the road, sometimes across the field.

Q. Was it dark ?

A. I believe there was a little moonlight—the going was very bad.

Ques. by A. A. G. Mr. Croucher, have you ever heard any noise in the room of the prisoner at an uncommon time of night, since this affair happened ?

Ans. Yes, Sir, I have. The night the deceased was missing and the next night, and every succeeding night while he staid in the house, I heard him up whenever I waked at all times from 11 o'clock at night till 4 in the morning, and a continual noise almost. I thought then his brother had some great work on hand and that he was drawing plans ; but since I have accounted for it in a different way.

Q. *by Prisoner's Counsel.* What kind of noises were these ?

A. The noise of moving about chairs, throwing down the tongs, and such kind of noises.

Q. Were you ever upon any other than friendly terms with Elma.

A. After I offended the prisoner at the bar, who she thought was an adonis, I never spoke to her again.

HENRY REYNOLDS—This witness testified that he had known the deceased from a child, that they had been brought up together, and that her character had always been, that of a modest, discreet young woman, and of a lively and very cheerful disposition.

JOHN BENSON.—This witness had resided at Mr. Ring's some days, owing to the prevalence of the yellow-fever, but he never saw any thing very

particular in his attentions to her; he said she was a girl of a lively, cheerful disposition.

WILLIAM ANDERSON.—(*the Apprentice of the Prisoner.*) I never saw any thing to make me to suppose that my master was more particular in his attentions to Elma, than to the other two, Margaret and Hope. One day my master said to me, you must not think it strange of my keeping Elma's company, it is not for courtship nor dishonor, but only for conversation. One night I pretended to be asleep, and the prisoner undressed himself, and came with the candle and looked to see if I was asleep or not, supposing I was, he went down stairs in his shirt, and did not come back till morning.

Quest. Did your master always sleep with you?

Ans. Yes.

Quest. How did he rest the night Elma was missing, and the next?

Ans. He slept as well as usual the night Elma was missing, and Monday and Tuesday-nights, but on Wednesday-night, near day, he sighed out in his sleep, Oh! poor Elmore!

He agreed with the other witnesses as to her being of a lively, cheerful disposition, but he thought she appeared less so that day before she was missing.

SUSANNA BROAD, an aged and very infirm woman. I live opposite Ezra Week's lumber-yard, and on the night when the deceased was lost, I heard the gate open and a sleigh or carriage come out of the yard about 8 o'clock, it made a rumbling noise, but had no bells on it, and that it was not gone long before it returned again.

CROSS-EXAMINATION OF SUSANNA BROAD.

Q. How did you know it was 8 o'clock?

A. Because my son and daughter was gone to meeting and meeting is done about 8 o'clock.

Q. Had your son and daughter returned before the sleigh went out?

A. I don't know what they had, I believe they had not then.

Q. Had they returned before the sleigh came back?

A. They were abed.

Q. When was this, what month was it?

A. I don't know the month, I know it was so.

Q. Was it after Christmas or before Christmas?

A. It was after I believe, it was in January.

Q. That you are sure of, it was in January you say?

A. Yes; I am sure it was in January.

Q. Did you ever hear this gate open before?

A. No, gentlemen; do you think I came here to tell a lie?

Q. Nor since?

A. No, gentlemen, no.

Q. When did you first remember about this sleigh's being taken out?

A. When I saw this young woman at Mrs. Ring's and help'd to lay her out.

Q. by A. A. G. Did you observe any marks of violence when you laid her out?

A. I found no bruises except on the right shoulder where I felt and it was soft; but I thought her neck was broke.

CATHERINE LYON.—On the Sunday night before Christmas, being in Greenwich street, at the pump near the door of the new Furnace, I saw Gulielma Sands, a little after eight o'clock, myself was attending a lame woman who lay in the street, and Elma asked who it was; there was a good many people passing, and I could not say if they was with her or not; but I heard somebody say, "let's go," and the deceased bid me good night and went on; there was men passing before and behind, but whether in company with her I could not tell. About a half an hour or less after I saw Elma, I heard from the fields behind the hill at

Lispenards a cry in a woman's voice of "murder, murder, Oh save me!"

CATHARINE LYON, CROSS-EXAMINED.

Q Did you see the face of Elma?

A. I did not, but I knew her form and shape.

Q Did you see any sleigh at this time, when you saw the girl?

A. No, I did not.

Q Where were you when you heard the cry you speak of?

A. In the front of Lispenards.

Q How long after you saw this woman you suppose to be Elma?

A. About half an hour.

MARGARET FREEMAN.—On the Sunday-night before Christmas, in the upper part of Greenwich-street, as I and my children was coming home from Meeting, I was holding my boy by the arm, a one horse sleigh overtook me as I was walking in the middle of the road, with two men and a woman in it, all talking and laughing very lively, particularly the woman; I kept out of the way for it to pass. When I came in I ran up stairs, and looking at the watch, I saw it was a quarter past 8; the watch was rather slow.

CROSS-EXAMINED.

Quest. How long ago is it since you were first applied to, respecting this affair?

Answ. Four or five weeks ago—3 or 4 weeks after the sleigh overtook me.

Quest. Are you sure, Mrs. Freeman, that this was before Christmas?

Answ. I am positive it was.

Quest. What meeting was it you had been to?

Answ. The Methodist Church.

Quest. Did you ever see Ezra Weeks' sleigh any where?

Answ. I don't know as I ever did.

Quest. Was it a dark night ?

Answ. Not very dark, but the moon did not shine.

WILLIAM LEWIS.—On the Monday morning before Christmas, I and my wife was coming to town in a wood sleigh, and I discovered the track of a one-horse sleigh, about three hundred feet from the Manhattan Well, up the new road which Col. Burr had built, and I found the sleigh had drove so near the wall, that I observed it was a wonder that it had not turned over. I had passed that way the Sunday morning before, and there was no track there then; the sleigh appeared to have gone up towards the Balloon house;—I thought somebody had missed their way, for there was no road there, and this made me so particular in my observation. I observed that there was one board off the well, which left it open, it may be 12 or 13 inches—there was tracks of people round the well.

CROSS-EXAMINED.

Quest. Is not that road a very bad one.

Answ. Yes.

Quest. Is it not so bad that no body could drive there in the night, even slowly, without great danger ?

Answ. The road is bad, but I think I would have gone it.

Quest. Do you think you could have found the well in the night ?

Answ. I could have found it the darkest night that ever was; it would be only to keep along close by the fence.

ANN LEWIS, wife of the last witness, corroborated what was said by her husband.

BUTHRONG ANDERSON.—I was sent for by a neighbor to go to a christening; I had been to Mr. Pilmore's church; I live in William-street, No. 280, it was the Sunday night before Christmas; I

went out of meeting with company, up the Bowery, as far as the two mile stone, and down Broadway — On my return down the middle road, I was overtaken by a one horse sleigh, about half past eight in the evening, on a full gallop, with two or three men or women in it; I cant say whether they were men or women. The horse seemed to be dark colored.

Quest. Have you not, 'Sir, seen Ezra Weeks drive a horse that appeared to you of the same size and color with this?

Answ. I have seen him drive such a one, I think.

CROSS EXAMINED.

Quest. Do you pretend to distinguish the color of a horse in the night?

Answ. Not exactly—but I know that he was not light colored.

Quest. Can you determine the size of a horse when he is on a gallop, and as you say, on a full gallop?

Answ. I think he was such a sized horse as I have described him.

JOSEPH STRINGHAM, & JOSEPH CORNWELL — These witnesses were in the sleigh with Anderson, and corroborated his testimony. They fixed the Sunday to be after Thanksgiving, which was the 10th December. They added, that when the single sleigh passed them on a full gallop, they huzzaed, as is usual on such occasions, but the two men took no notice.

ARNETTA VAN NORDEN. — We live about half way from Broadway to the well. About 8 or 9 o'clock in the evening, my husband heard a noise, and he stood up and observed it was from the well. I then looked through the window, and we heard a woman cry out from towards the well, "Lord have mercy on me, Lord help me."

LAWRENCE VAN NORDEN, *husband of the*

last witness. On the Sunday night that the girl was missing, I found by calculation after she was found in the well, it was the same, I heard a voice of a woman cry out Oh Lord have mercy upon me! What shall I do? Help me! I got up and looked out of the window; it was a clear night, star-light. I got up out of bed to hear and see what I could, and I looked out of the window towards the well. I can see the well from my house, and I heard this noise that I tell you of, and I looked then to the well, and I saw a man walking near the well, about the well, in a little time the cries stopped and I went to bed again.

CROSS-EXAMINED.

Quest. How near do you live to this well?

Ans. About a 100 yards.

Quest. Was there snow on the ground?

Ans. Yes.

Quest. Did you see a sleigh at the same time?

Ans. No.

Quest. by A. A. Gen. Might there not have been a sleigh there which you could not see from your chamber window? I'll put the question a little more particularly—Is not the make of the ground such, that if a sleigh was standing near the fence at the well, you would look over it from your window, in looking at the well?

Ans. I don't know; I never minded.

Quest. by Prisoner's Counsel. Is there any house near your's?

Ans. There is one, a red house, about yards off.

Quest. Did you go to the well the next morning to make any examination?

Ans. No.

Quest. Did you mention this, or what you saw and heard to any body the next day?

Ans. Not as I can remember.

THOMAS GRAY and SAMUEL SMITH—two lads, were next called, the one 11 the other 13 years of age, but being asked by the court, if they knew what an oath was, they said they did not, and being asked, said that they could not read, and did not know what an oath required of them. They were rejected as incompetent.

JACOB CAMPBELL.—I know nothing about this affair of my own knowledge.

HENRY ORR —On the 22d of December, after dark, I went from my house near the Union Furnace, to a house near Mr. Benson's, and I staid there, I should judge about an hour, and then came down, and when I got near Lewis's fence, I heard a cry in the direction of the baloon house; it was the voice of a woman, towards the well in distress.—When I got nearer the well I heard another cry, but the second cry was not so loud as the first, but rather smothered.

CROSS-EXAMINED.

Quest. When was this—what time in the evening?

Ans. It was six or seven minutes before, or six or seven minutes after nine.

Quest. How do you know that this was the time?

Ans. I am sure it was near nine when I left Henry Luther's, the cartman, near Col. Benson's.

WILLIAM A. BLANCK. The witne's appearing very young, he was asked by the Court how old he was? he said about thirteen. He acknowledged he could not read, although he had been at school, but he sometimes said his prayers. Being asked if he knew what an oath was, he said he did not. He was set aside.

ANDREW BLANCK, father to the boy.

Quest. by Assist. Att'y. Gen. Pray sir, what is your son's age?

Ans. He is thirteen?

Quest. By the Court. Can he read?

Ans. No, I believe he cannot.

Court. Go on, sir.

One day my son brought home a muff which he said he got in the well. I went the next day to the well, and looked in, but I saw nothing. I discovered a sley track about eight or ten feet from the well, and I saw men's tracks to the well and about it, and a good deal of tracking on the lower side of it; one man's track I noticed from the well to the road.

Quest. by Attor. Gen. Will you describe the track—was it large or small?

Ans. The foot was large, with a heel to it, flat.

[Mrs. Ring being called, and asked what kind of shoes Elma wore, she said her shoes had no heels to them, and her feet were slim and rather long.]

CROSS-EXAMINATION.

Quest. What day was this, sir?

Ans. The muff was found the Tuesday before Christmas, and I went there on Christmas day.

Quest. by Attor. Gen. What sort of a sley track was it you saw?

Ans. A one horse sleigh.

[Here several of the Counsel made a request to the Court to adjourn till next day, as it was now half past one in the morning, and it seemed not very probable that the Trial could be disposed of till some time in the night following. The Court seemed disposed to sit, but some of the Jury informed them that it would not be possible to keep themselves sufficiently awake to attend, upon which the Court concluded to adjourn till 10 o'clock next day, and two constables

were sworn to keep the Jury together till morning, in some private and convenient place; and two more were sent to wait upon them and bring them what refreshments they might want.)

TUESDAY, APRIL 1.

PRESENT AS BEFORE.

RICHARD C. SKINNER.—

Ques. by A. A. Gen. Doctor Skinner, are you not a surgeon in this city, and did not you see the body of Elma Sands after it was taken out of the well, and examine it? Pray, Sir, inform the court and jury.

Ans. I follow a branch of surgery, but I do not pretend to be a professed surgeon. I am a dentist, but I have made the subject of surgery generally my study. I saw the corpse of the deceased twice. I had but a superficial view, however, of it, as it lay in the coffin, exposed to the view of thousands; I examined such parts as were come-at-able—Such as her head, neck and breast. I discovered several bruises and scratches, particularly a bruise upon the forehead and chin, and upon the left breast or near it.

Question, by the Court. How long was this after she was taken out of the water?

Ans. I do not know.

Ques. by the A. A. G. Will you describe those marks more particularly?

Ans. I think that the mark upon the neck had the appearance of a compression, but not by a rope or handkerchief. It was suggested by a number that the neck was broken, and I examined it and discovered that it was not.

Question by the Court. What was the colour of the spots?

Ans. Those on the neck were reddish, black spots. There were several small spots which might have passed unnoticed by a common observer. The ap-

pearance upon the breast was about as large as the circumference of a dollar; it was a small bruise, but it was more difficult to examine than the other: there was a number of women present.

Quest. Was the compression which you spoke of round her neck, such as might have been made by the hand?

Ans. My impression then was and now is that it was.

Quest. As to the scratches of which you speak?

Ans. They were small such as might arise from a nail.

A. A. G. Well sir, go on and describe what you saw.

On the forehead and chin the contusion was not very large, but the skin was broken.

Quest. by A. A. G. Were you acquainted with Mr. and Mrs. Ring.

Ans. I did not know any of the parties.

Quest. by the Court. Doctor Skinner, was the appearance such as might have been produced by the frost?

Ans. I do not think it was.

Quest. Would not the immersion in the water, or frost give the appearance that you mention, of those livid spots?

Ans. I think not, but am not certain.

Quest. by A. A. G. Were the spots in a chain round the neck?

Ans. There were several spots pretty much in a row on the neck.

CROSS-EXAMINATION.

Quest. Do you say sir, you are certain that the spots were in a ring round the neck?

Ans. I cannot say that they were in an exact circle, not particularly; I think they were regular, but cannot exactly say.

Quest. Were they, Sir, spots or lines ?

Ans. They were small spots, not lines.

Quest. May such spots not have happen'd from a different mode than that of strangulation ?

Ans. I am incapable of judging how they might have happened.

Quest. by A. Attr'v. Gen. Suppose, Doctor, a person had been strangled by the hand, would it not have left such an appearance upon the body.

Ans. I think it would.

JAMES W. LENT—On the 2d of January last, I together with Mr. Page, had some business to do in breaking a horse, and we went up to Andrew Blancks, and we dined there : Blanck insisted upon it. While we were dining two persons, Mr. Watkins and Mr. Elias Ring, came there to get hooks and poles to found the Manhattan well for the body of a young woman who was supposed to be drowned. We got the poles and nails and went all together to the well, which we uncovered. Page took the pole first and said he thought he felt her ; I took hold then and thought I felt her too. Watkins drove in the nails, I took the pole and hooked the nail in her clothes and drew her up carefully to the top of the water : as soon as Mr. Ring saw her callico gown he said it was she, he knew the gown. She was so heavy now we could not draw her out by the nail and the little boy went for a rope to the next house, while I held her still. I put the rope under her and drew her up gently, she flew'd round but there was not a thread of her clothes which touched either side of the well. When she was drawn up we laid her on a plank, and she appeared in such a situation as if she had been murdered.

Counsel for the prisoner. You are to tell what you saw, not what conclusion you made—That is for the Jury.

Proceed—Her hat was off, her gown torn open

just above the waist, her shawl was off, and her handkerchief and shoes were gone; her hair hung over her head. In lifting her up I found her head fell forward and when we lifted her a little back her head fell back again, and again it fell to the right, which caused me to suppose her neck was broke. She had a white dimity petticoat on. I discovered on her right hand something like a kick, there was the scratches of sand upon her skin, some of which was knocked off and seemed to have been drove forward. Her stockings were torn at the toes; the right foot was bare and somewhat scratched; the scratches were on the upper part of the foot, as if she had been dragged on the ground.

Quest. (by the Court.) Did you examine her body?

Ans. I did not—the stockings, as far as could be seen without lifting up the petticoat, was whole and good.

Quest. Were there any bruises upon the face?

Ans. I do not recollect, there might have been.

Quest. Might you not have injured the head with the pole?

Ans. Not at all—the pole did not touch her head. I was particularly tender with it—I hooked her in the skirt of her gown.

Quest. Were her limbs stiff?

Ans. Her arms were—her legs were strait, but her neck was remarkably limber.

Quest. How did her countenance appear?

Ans. It looked like a person who had been walking against the wind—flush, but not so much so as she appeared a few days after. Her appearance was horrid enough—her hat and cap off, her hair hanging all over her head, her comb was yet hanging in her hair, tied with a white ribbon; her shawl was off;

her gown was torn open with great violence, and her shoes were off.

Quest. Was the string of her gown broke or the collar torn?

Ans. I did not discover that they were—It appeared as if the knot by which they had been tied, had somehow slipped.

Quest. (by one of the Jury) Were the fingers bruised?

Ans. They seemed jambed, like a kick.

Quest. Did you see sand, and what kind of sand?

Ans. I did not see any sand, but the marks of sand as it seemed.

Quest. by Prisoner's Counsel How do you know the scratches were made up or down?

Q. It only appeared so to me. I went to the Police, and then with the officer to find the prisoner; we staid a little back till we saw the officer tap him on the shoulder; I then went up to him, he stood in the door; I says, is this the young man? he replies, yes. I told him I was very sorry for his situation—I felt affected—I expressed it to him—he turned about and said. It is too hard, and he dropped his head and said Is it the Manhattan well she was found in? I said I knew not what well she was found in; I did not then know the Manhattan well—this was about half past three in the afternoon; however, I dont know exactly the time but by calculation. I suppose the body was found about 15 minutes after we had left Blanck's house.

Q. (by one of the Jury.) Was there any mention made of the Manhattan well, in the presence of the prisoner before he asked the question?

A. I did not hear any, I dont believe there was.

Q. Was you present when he first saw the body—what did he say?

[An objection was made by the prisoner's counsel,

as to the propriety of this kind of evidence, but was over ruled by the Court.]

A. In proceeding to the well he asked for his brother as counsel for him—when we came there, we found a great number of people collected—I stepped before him, and said—Weeks, do you know that young woman that lies there a corpse? He said, I think I know the gown. My young friend, said I, that is not the question I ask you—is there no marks in that countenance you know? he turn'd himself and said, I think there is.

Q. Was she not a natural corpse?

A. It seemed so—she looked as if she was asleep, seemingly—I never saw her alive.

Q. *by one of the Jury.* How long after he was taken before he asked if she was found in the Manhattan well?

A. I don't exactly know how many minutes.)

Dr. JAMES SNEDECHER.—

Q. Pray, Sir, are you not a Physician and live in this city?

A. I am a physician and live in Barley-street, 28 years of age. I saw the body the 2d or 3d day after it was taken out of the well. I was informed that it was much injured and I examined it. There was many discolourations on the teguments of the skin. There was a dislocation of the clavericle from the sternum.

Assistant attorney General. Be so good, Sir, as to speak in less technical language, so that the Jury may understand you.

Witness. I thought the left collar bone was broke. Her fingers appeared to have been scratched from the knuckles down; there was many dislocations. I saw a mark upon her breast as large as a dollar, black and

blue. Hearing that her neck was injured I examined it, but I did not find it so.

CROSS-EXAMINED.

Q. Do you say the bone was broke, Sir?

A. The dislocations induced me to think the bone was broke and I run my thumbs one over another and I thought I felt that the bones were dislocated from the breast bone.

Q. *by the Court.* Is it not common for a body to assume such an appearance as this had, in the first stage of putrefaction where there has been no violence committed on it?

A. I do not think it is.

Q. Will cold or immersion in water, or sudden suffocation produce such an appearance.

A. I dont pretend to say whether it will or no.

Q. Does not a corpse exposed to the air put on a livid appearance?

A. Yes it does.

DOCTOR DAVID HOSACK.—Q. Did you see the body, Sir, and when and what was its appearance?

A. I do not recollect the exact day, but curiosity led me in common with many others to visit the body; it lay exposed in a coffin. I remember it was upon the same day the body was interred.

Q. How long was this, Sir, after it was taken out of the water?—Pray inform us what you saw?

A. The only appearance which attracted my particular attention was, an unusual redness of the countenance; and upon looking at the neck I observed three or four dark colored spots, of an irregular shape, but not in an exact line as if they had been produced by a cord, but rather the effect of a violent pressure upon the neck—the hands were exposed, and I observed upon the back of them several scratches.

Q. Did you examine the collar bone?

A. I did not.

Q. Could such appearances as you saw have been produced by suffocation merely?

A. I ascribed the unusual redness of the countenance to the sudden extinction of life, and the exposure to air. For in the many cases of sudden death by opium, lightning, poison, or a blow on the head, the florid appearance of the countenance have that appearance.

Q. Are you not fir, decidedly of opinion that the livid spots which you have described, were the effect of violence?

A. I am.

Q. Could any person, in your opinion, have committed such an act of violence on their own person as to have produced such effects?

A. I do not think it could be done.

Q. *by the Court.*—Could such a change have been produced by immersion in water?

A. I do not think it could.

Q. Suppose there had been this immersion, would it have required to be exposed any length of time in the air to produce the spots?

A. The appearance some distance of time after death, will be different from what it is immediately.

Q. *by prisoner's counsel.* Would the hand, by grasping the neck violently, produce such effects as you mention.

A. I believe it would.

Q. What was the bigness of the spots round the neck?

A. The largest spots, those near the wind-pipe were about an inch and an half, the smallest might be three quarters of an inch. I still think that the livid spots which I saw, were the effect of injury done.

ELIZABETH OSBORN —I had a slight acquaintance with Elma Sands: On the 22d of December, I lent her my muff, she came to borrow it herself, and I observed that she was very neatly dressed, and she seemed to be very lively and very happy.

Q. When was the muff brought home to you?

A. It was brought home the day that she was found, and it appeared as if it had been wet.

Q. Did you understand it was found in the well?

A. I did.

Some conversation arising, as to the time when the muff was found, it was admitted by the Attorney-General, that it was found some days before the body was discovered.

Mr. WILLIAMS testified that at the request of the Attorney-General, he had made an experiment in what time a man might drive a horse the most usual rout from Ring's to the Manhattan well, and from there back again to Ezra Week's down Barley-street, and that although the roads were bad, he performed it once in 15 minutes and once in 16, without going out of a trot.

SYLVESTER BUSKIRK was with the last witness at the time he spoke of, and corroborated what he said. He testified that Ezra Week's horse had stood in his stable for sale, and was a good horse to appearance.

Mr. CROSS testified that he is acquainted with Ezra Week's horse, and calls him a very good one, thinks he will go a mile in 5 minutes.

The evidence being closed, the Assistant Attorney-General addressed a few words to the jury on the nature of circumstantial evidence, and read the following passage from Morgan's Essay, p. 208.

Circumstantial evidence is all that can be expected, and indeed all that is necessary to substantiate such a

charge. The prejudice entertained against receiving circumstantial evidence is carried to a pitch wholly inexcusable. In such a case as this it must be received, because the nature of the enquiry, for the most part, does not admit of any other; and, consequently, it is the best evidence that can possibly be given. But taking it in a more general sense, a concurrence of circumstances (which we must always suppose to be properly authenticated, otherwise they weigh nothing) forms a stronger ground of belief than positive and direct testimony generally affords, especially when unconfirmed by circumstances. The reason of this is obvious: a positive allegation may be founded in mistake, or, what is too common, in the perjury of the witness; but circumstances cannot lie; and a long chain of well connected fabricated circumstances, requires an ingenuity and skill rarely to be met with; and such a consistency in the persons who come to support those circumstances by their oaths, as the annals of our courts of justice can seldom produce. Besides, circumstantial evidence is much more easily discussed, and much more easily contradicted by testimony if false, than the positive and direct allegation of a fact, which, being confined to the knowledge of an individual, cannot possibly be the subject of contradiction founded merely on presumption and probability.

The TESTIMONY on the part of the prosecution being closed, one of the Counsel for the Prisoner then opened the defence, and addressed the Jurors to the following effect :—

Gentlemen of the Jury,

THE patience with which you have listened to this lengthy and tedious detail of testimony is honorable to your characters. It evinces your sollicitude to discharge the awful duties which are imposed upon you, and it affords a happy presage, that your minds are not infected by that blind and indiscriminating prejudice which had already marked the prisoner for its victim.

You have relieved me from my greatest anxiety, for I know the unexampled industry that has been exerted to destroy the reputation of the accused, and to immolate him at the shrine of persecution without the solemnity of a candid and impartial trial. I know that hatred, revenge and cruelty, all the vindictive and ferocious passions have assembled in terrible array and exerted every engine to gratify their malice. The thousand tongues of rumour have been steadily employed in the fabrication and dissemination of falsehoods, and every method has been taken to render their slanders universal. We have witnessed the extraordinary means which have been adopted to enflame the public passions and to direct the fury of popular resentment against the prisoner. Why has the body been exposed for days in the public streets in a manner the most indecent and shocking?—to attract the curiosity and arouse the feelings of numberless spectators. Such dreadful scenes speak powerfully to the passions : they petrify the mind with horror—congeal the blood within our veins—and excite the human bosom with irresistible, but undefineable emotions.

When such emotions are once created they are not easily subdued.

It has happened in this case, that there have been attempts made to call up public sensibility, to excite resentment against this unfortunate man; in this way, gentlemen, the public opinion comes to be formed unfavourably, and long before the prisoner is brought to his trial he is already condemned. It is not to be supposed that these rumours can have any weight with a Court of Justice, but no man is altogether above being moved by such reports—and it requires some fortitude to withstand them; but now having heard the whole which can be said, you are prepared to determine whether the witnesses have always spoken with candor, or whether they have not spoken from temper, hatred and revenge.

We rely on it at first that there is nothing from which a discreet Jury can condemn the prisoner; in the very commencement of the business it is involved in doubt. Notwithstanding there may be testimony of an intimacy having subsisted between the prisoner and the deceased, we shall show you that there was nothing like a real courtship, or such a course of conduct as ought to induce impartial people to entertain a belief that marriage was intended; for it will be seen that she manifested equal partiality for other persons as for Mr. Weeks. It will be shewn that she was in the habit of being frequently out of evenings, and could give no good account of herself; that she had at some time asserted that she had past the evening at houses, where it afterwards appeared she had not been. We shall show you that if suspicions may attach any where, there are those on whom they may be fastened with more appearance of truth than on the prisoner at the bar. Certainly you are not in this place to condemn others, yet it will relieve your

minds of a burden. There will be two modes of giving a solution—first, that the deceased sometimes appeared melancholy, that she was a dependant upon this family, and that a gloomy sense of her situation might have led her to destroy herself. As to the incident of the sleigh, we shall account for his whole time during that evening, except about 15 minutes, which was employed in walking from one house to another; and we shall show you, that the whole of his conduct has been such, as totally to repel the idea of guilt. It will appear, that at ten o'clock the same evening, he supped at his brother's perfectly tranquil. The story you will see, is broken, disconnected, and utterly impossible.—We shall show you that the sleigh of Ezra Weeks was not out that evening, indeed the testimony of the good old woman was such, as could not gain the least belief, especially when you see that in matter of date and time she was totally lost: It will be shown you that on this occasion there have been violent attempts, to inflame the public mind against the prisoner, and if we shall bring these home to some of the witnesses, we hope you will pronounce them altogether unworthy of credit—for a man to forestall the public opinion, is to arrest the hand of justice and deserves the severest reprehension, and such conduct we shall fix on the witnesses.

We shall show you that the prisoner has been uniformly well spoken of, more highly esteemed than one of his years, not only for his deportment, but for his morals. That a man of such a character should be impelled, without motive, to the commission of so horrid a crime, cannot be believed. Much has been said about the appearance of guilt and terror in the prisoner when charged with the crime. But, gentlemen, no man is armed with so much firmness of nerves that when charged with a crime, he will not disco-

ver great emotion; when, therefore, persons of little discernment come forward and say that they saw emotions of alarm and terror, no man however innocent as an angel, is safe; the emotions of surprize may be construed by the ignorant or the malicious into those of guilt. A man charged with a heinous crime may even prevaricate; we shall show you the case of a young man, who, being charged with the crime of murder, even brought a young woman dressed to resemble the one he was charged with murdering—this was supposed to be a circumstance so conclusive of his guilt that he was convicted and executed, and afterwards the young woman was found to be alive. Even in this very city a case had occurred, not many years ago, a young man had been charged with the crime of rape. It is yet fresh in the minds of every body. The public mind was there highly incensed, and even after the unfortunate man had been acquitted by a verdict of a jury, so irritated and enflamed were the people, that the magistrates were insulted, and they threatened to pull down the house of the prisoner's counsel. After that a civil suit was commenced for the injury done the girl, a very enormous sum given in damages, and the defendant was ignominiously confined within the walls of a prison. Now it has come out that the accusation was certainly false and malicious.

If this doctrine of presumptive evidence is to prevail, and to be sufficient to convict, what remorse of conscience must a juror feel for having convicted a man who afterwards appeared to be innocent. In cases depending upon a chain of circumstance, all the fabric must hang together or the whole will tumble down. We shall, however, not depend altogether on the weakness of proof on the part of the prosecution, we shall bring forward such proof as will not leave to

you even to balance in your minds, whether the prisoner is Guilty or Not—from even that burden we shall relieve you.

But before we come to the testimony, on the part of the prisoner, it may be well to examine a little more into the nature of the evidence on the part of the prosecution. It may be material to discover how much of this testimony which we have heard, is the effect of a prejudiced imagination; in cases, people relate first with an honest zeal to relate as an opinion, next as a matter of fact. The only material facts on which I would observe here, is the expression ascribed to the prisoner, of the Manhattan Well, but that circumstance will be satisfactorily accounted for, by proving to you that he had been previously informed that the muff had been found there, and it was therefore natural to enquire if the body was not found there also—If, gentlemen, we show you all this, you will be able to say, before leaving your seats, that there is nothing to warrant you in pronouncing the prisoner Guilty.

DEMAS MEED, *first witness for prisoner sworn* —

Q. Do you live with Ezra Weeks, and did you the 22d of December last? Relate all you know.

A. I live with Mr. Ezra Weeks, as an apprentice, and take care of his horse and sleigh. I lived with him in December last; I remember perfectly well taking care of the horse that night, and I either left the key after locking the gate as usual, on the mantle-piece, or I put it in my pocket, I cant say certainly which.

Q. (*by one of the jury*) Was it a week day or on Sunday?

A. On Sunday. I lock the gate every night—I

locked it that night a little after dark, and before 8 o'clock.

Q Did you miss the key in the morning?

A I did not.

Q (*by the prisoner's counsel*) If any body had taken out the horse and sleigh for half an hour, should you not have known it?

A I dont know certainly as I should, the stable is some way from the house.

Q Did you see any thing mislaid?

A Nothing.

Q Has the harness bells?

A It has 8, tied on in 4 places—there was no harness without bells.

Q Where was you that evening?

A I was the whole evening in the kitchen, except a little while, when I was in the yard getting some wood.

Q *by the Court.* Were the bells tied on so that they could be taken off if you chose?

A They were so.

Q You observed nothing unusual about the horse in the morning, you say—he did not appear as if he had been used hard?

A I did not.

Q (*by one of the jury*) When you saw the bells next day, were they tied as you left them?

A They seemed to be tied as I left them.

Q *by A. A. G.* Did you take notice, do you remember whether they were tied by yourself or not?

A I did not.

Q How many minutes would it consume to take the bells off and put them on?

A Five or six.

Q *by A. A. G.* If you had laid the key upon the mantle-piece, and some person had taken it off and

put it there again after keeping it half an hour, might it not have been done without your knowledge ?

A. I don't know but that it might, but I don't think it could, for I was on y once out of the kitchen to fetch an armful of wood.

Q. *by the Court.* Were the sleigh and harness kept together.

A. Yes.

Q. How long would it take you to harness the horse and tackle the sleigh ?

A. About ten or fifteen minutes.

Q. Did you see Levi Weeks that evening ?

A. Mr. M'Combs and his wife were there—I don't exactly know what time they went away, but after they were gone a little time, I heard somebody go up stairs, about half an hour afterward.—A little before 9, I went up stairs and there I saw Mr. Levi Weeks sitting.

Q. Are you sure that no other person were in ?

A. Not to my knowledge.

LORENA FORREST.—

Q. Do you live near Mrs. Ring's Ma'am ?

A. I live next door.

Pray tell what you know about this affair.

It was about 12 o'clock, as near as I can recollect, on the 2d day of January, the day when she was found, that Levi Weeks came into our house to buy some tobacco—I asked him if there was any news of Elmore—he answered, no. I told him that I expected Ring's family had, for they seemed much agitated. He went away, and in about half an hour he came in again while we sat at table, about one o'clock—I had heard before this about the muff's being found ; Mrs. Ring had informed me—and I told him that Mrs. Ring had mentioned to me that the muff and

handkerchief had been found in a drain near Bayard's lane

Q. Did you take any particular notice of his countenance ?

A. I did—I did not perceive any change or alteration in it.

Q. (*by one of the jury*) Was the Manhattan well mentioned ?

A. There was nothing said about the Manhattan well.

Q. Did you not hear Mr. Croucher say, that he came near the well the evening when she was missing ?

A. Yes, he told me he did, and said that he generally came that way.

JOSEPH WATKINS.—This witness was present at the finding of the body, and he gave pretty nearly the same account with the other witness, excepting that when he came to describe the marks of violence appearing on the deceased, he said her socks and stockings were worn out on the ball of her foot, and were entirely whole on the upper part—this he was positive of.

Q. Do you remember any thing in the conduct of Mr. Ring that led you to suspicions of improper conduct between him and Elma ?

A. About the middle of September, Mrs. Ring being in the country, I imagined one night I heard a shaking of a bed and considerable noise there, in the second story, where Elma's bed stood ; the bed stood within four inches of the partition. I heard a man's voice and a woman's. I am very positive that the voice was not Levi's.

Q. *by one of the jury.* Could you hear through the partition ?

A. Pretty distinctly,

Q. Did the noise of the bed continue any time ?

A. It continued some time and it must have been very loud to have awakened me. I heard a man's voice pretty loud and lively, and joking; the voice was loud and unguarded. I said to my wife, it is Ring's voice, and I told my wife that girl will be ruined next. I felt a good deal hurt at the time, but never mentioned it or any thing about it to any body afterwards, till after Elma was lost.

CROSS-EXAMINED.

Q. When did you last see the front room in Ring's house, of which you speak?

A. I do not know when.

Q. Have you been there lately?

A. No.

Q. Were you there any time last fall?

A. I cannot say I was.

Q. Have you ever seen the bed that stands there?

A. I don't know that I have.

Q. You have said the bed was next to your room, how do you know this?

A. I have seen the bed placed so.

Q. What kind of partition is it which divides the houses?

A. A plank partition, lathed and plastered both sides. I made it myself.

Q. Are you certain it was Ring's voice, Sir?

A. I took it to be Ring's.

Q. Could you distinguish the other to be a woman's voice?

A. I could not certainly, because it was so low.

Q. Did you ever hear any thing before, that induced you to suspect that there was an improper connection between Mr. Ring and Elma?

A. I will not undertake, expressly, to say.

Q. When was this?

A. A little after the middle of September.

Q. How often have you heard this noise of the bed?

A. From eight to fourteen times, in the time of the sickness.

Q. When did this occur of which you have particularly spoke?

A. Possibly from the 20th of September to October.

Q. Was this ever mentioned do you say?

A. Never out of the house till after the girl was missing?

Q. *by Prisoner's Counsel.* Did you ever hear this noise after Mrs. Ring came from the country?

A. I never did.

Q. Do you remember that Mrs. Ring came into your house one morning, and what did she say?

A. She came into our house one morning, and said Elmore was so sick since she was at your house last night, that we have all been employed to take care of her; my wife said she was not here. Mrs. Ring said aye, she told me she had been.

Q. What character did Mrs. Ring give of the prisoner.

A. I heard her say, the Thursday after she was missing, that he was very kind and friendly to all the family, particularly when sick, but not more so to this girl than to the rest, he was more like one of the family than a boarder.

Q. *by A. A. G.* Did you ever tell any body that you thought the persons whom you overheard was Mrs. Ring and Elma?

A. No.

Q. Did you ever speak of this noise which you and your wife heard in the night to any body else?

A. I dont know but I once said to Croucher that I believed he had a hand in it.

Q. Did you ever converse with Croucher about where he was the evening Elma was missing?

A. I asked him once where he was that evening, but do not know what answer he made.

Q. (by Prisoner's counsel.) Did you ever see Croucher busy in spreading suspicions against the prisoner?

A. The day she was laid out, in the street, I saw him very busy in attempting to make people believe that the prisoner was guilty.

Q. by (assist. att'y. gen.) When did you first mention to Croucher what you heard in the chamber?

A. At the Coroners' jury.

Q. How could you distinguish between the voice of Mr. Ring and Mr. Weeks?

A. Ring's is a high sounding voice, that of Week's a low soft voice.

ELIZABETH WATKINS. Her deposition was read, in which she corroborated the testimony of her husband; and a supplementary deposition was next produced, which follows.

[ELIZABETH WATKINS. Her testimony is contained in the following Deposition, taken by consent.]

DEPOSITION OF ELIZABETH WATKINS.

Q. Did Mrs. Catharine Ring inform you any thing respecting Levi Weeks's character and his behaviour in the family, and especially as to any person sick?

A. On Thursday evening, after Miss Sands was missing, Mrs. Ring came to see this deponent, and in conversation, said that Levi Weeks was one of the best, most civil, and kind hearted boarders that she ever had, and if any of the children were sick, he was as kind and attentive to them as if they were his own, and was remarkably affectionate and kind to them on the slightest complaints they made; and that his behaviour was invariably that of an amiable and obliging person.

ELIZABETH WATKINS.

Sworn this 31st day of March, 1800,
before me,

Wm. JOHNSON,
One of the Justices of the Peace.

CAPT. A. RUTGERS.—I remember very well meeting Mr. Ring one day, on Sunday afternoon; he asked me if I had heard of a muff's being found any where? I replied it was an odd question. He said they were looking for a young woman who was missing, a relation of his wife's, and she had been gone a week. I asked him what he supposed had become of her; either he or some person with him, said they had reason to believe she was drowned, and they supposed it was a love fit. I advised them to employ Mr. G. Walgrove, who was an expert person at sweeping the river on such occasions. From what passed at that time I had no idea that Mr. Ring then thought she was murdered.

LORENA FORREST, called again.

Q. *by Prisoner's Counsel.* Have you had at any time any conversation with Croucher, and what was it?

A. A day or two after Elma was found, he was at our house, and he said it was a very unfortunate thing that he had not come that way just at the time, as he might have saved her life. He said he had come by that night.

Q. You are very well persuaded that he said this?

A. I am, very well.

A. A. Gen. Repeat the terms of the conversation.

Witness. After the young woman had been found and after the Jury had sat—

A. A. Gen. That is 15 days after she was lost. Give us the very terms, Ma'am, if you please.

Witness. Upon my telling him what he had sworn before the Grand Jury [*You mean the Coroners Jury.*] he said he did come along there that evening, but not at that hour.

Q. Did he then say any thing about Mrs. Brown, or Mrs. Ashmore's house?

A. He did not say any thing about any house.

BETSY WATKINS.—Q. Did you know Elma Sands ?

A. Yes, I knew her very well, for we live next door.

Q. Do you know which was her bed room ?

A. She had a front bed chamber which was against my mother's ; I know because I used to sit out upon the stoop late at night, and when she went to bed, she frequently used to hold the candle out of the window.

Q. Do you remember Mrs Rings' coming into your house and speaking about Elma's being out at nights ?

A. I remember that Mrs. Ring came into our house one morning and said her boarders had gone out without breakfast, that Elma had been sick all night, ever since she came from our house, and she thought it arose from her sitting over our stove. My mother replied that she had not been at our house—then said Mrs. Ring, perhaps she has been at Mr. Forests.

Q. Have you ever heard Mrs. Ring say any thing of the prisoner's behaviour in the family ?

A. I heard her say one day, I think it was Wednesday, after Elma was missing, that he was very kind and attentive to the family ; if any of the children had the least complaint in the world, he was very attentive to them.

Q. Did Mrs. Ring say any thing about the appearance of Elma the day of the 22d, and what was it ?

A. She said that in the evening Elma went up stairs, and she followed her up with a candle, or went up, I cant say which, she fixed her handkerchief at the glass ; she said that Elma looked pale, and she told her not to be frightened—no, she said, and she came down and leaned her head upon her hand—she said

she thought she afterwards heard a whispering in the entry.

DOCTOR PRINCE.—I was called upon by a constable to attend the Coroner's Jury which was sitting on the body of Elma Sands : when I came in I saw the body lying on the table before the Jury ; I proceeded to examine it ; I saw some scratches, and a small bruise on the knee. The body was then dissected—I saw no extravasations of blood—I saw no spots about the neck—I saw a little spot upon the breast, which I could cover with my thumb—I saw no marks of violence—I saw no appearances but what might be accounted for by supposing she drowned herself.

Q. Did you particularly examine the neck ?

A. Not more than any other part.

Q. If there had been any very remarkable spots would you not have seen them ?

I should—I examined particularly—I was called for that purpose.

Q. (*by the court*) Did you see no bruise on the breast ?

A. I saw a small contusion.

Q. Was the neck broken ?

A. It was not, nor was there any dislocation.

Dr. MACKINTOSH.—I was called upon together with Dr. Prince, on the 3d of January last to attend a Coroner's inquest on the body of Elma Sands, and I was desired particularly, by the jury, to examine and see if she was pregnant. There were no marks of violence—and we discovered, to the satisfaction of the jury, that she was not pregnant. It was suggested by some of the jury that her neck was broke : I examined and found it was not, neither was the collar bone dislocated. The scarf skin of the face was scratched as with gravel—near the instep there was a small spot

like a blood blister. It seemed as if the knee had been injured by falling upon coarse gravel—there was a spot upon the breast, but there were no marks of violence upon the belly—I think there were not marks of violence sufficient to occasion her death.

I have been in the custom of seeing numbers of drowned people who have been brought to the Alms-House, and have often seen livid spots of the skin, much such as I saw in this instance. I took it to be the effect of suffocation rather than of any thing else.

Q. by assist. att'y gen. Would that produce a row of spots round the neck?

A. Why if the body was gangrened it would be no matter, it might or it might not.

Q. by the court. If the hand had been hurt by a blow, would you have seen and noticed it?

A. Undoubtedly I should.

Q. Was there any water in the body?

A. A small quantity, but very little is sufficient to drown—there might have been a quart.

Q. by one of the jury. Would a spoonful drown?

A. Yes, unless it could be thrown up by the effect of cough.

Q. Suppose she had been killed first and then thrown into the well, would the body have any water in it?

A. I might.

Q. by Prisoner's Counsel. Is it your opinion Sir, from all you saw, that the death was occasioned by drowning?

A. It is.

Dr. ROMAYNE.—In answer to several questions put to the witness, he said, I can not undertake to give any decided opinion upon appearances without seeing the body. Persons will vary extremely in the accounts they give, as well as in the conclusions they draw from appearances. The impressions upon the senses, are

in many cases remarkably nice and cannot be described, from the poverty of language, so as to convey correct ideas to others. An experienced person of good judgment, might perhaps discover, upon inspection, whether bruises made upon the body were done before or after death. A body which had been taken out of the water would assume a different appearance from what it had at first, in ten minutes after it was exposed to air, and every day the appearance of injury done, would acquire more visibility as it advanced in putrefaction. I have examined many bodies after death, by hanging, and never could discover that the red colour of the countenance was materially changed from what it was in life, or just before sudden death. Pressure upon the veins, so as to interrupt the circulation will give a blue or black tint or florid appearance; pressure upon the arteries is likely to produce paleness.

DOCTOR HOSACK—Called again.

Q. Is there any way in which the testimony we have heard can be reconciled?

A. I think it may in either of two ways. First, the spots might not have been, and I presume were not as visible at the time the body was first taken out of the water, as after it had been exposed to the air for some days. This change of color in bruises is not uncommon in the living body, and I presume somewhat similar colors may occur by the process of putrefaction after death. At first there may be very little change of color in the injured part, but, after some time, it undergoes a very considerable alteration. Secondly, it occurs to me, that as it was supposed that the neck and collar bone were broken, when she was first taken out of the well, and as I did not see her until the day of interment, it is possible that the frequent turning and bending the head and, the frequent examination of the neck to ascertain the in-

jury done to the collar bone, may have produced the appearances on the neck I before mentioned, especially as the body had been dead for several days, and the vessels had become tender; in which case, very little violence might have produced an effusion of blood under the skin. These circumstances I did not advert to in my examination in the morning, not knowing the injury done to the neck and collar bone, which have been since related.

Q. How much water will the lungs take in after death?

A. Only as much as the windpipe will hold can be received. The lungs collapse at the last expiration, and a very inconsiderable quantity of water can be received afterwards. But this I do not assert from my own knowledge of the state of the body after death by drowning, but upon the authority of Dr. Coleman, of London, who asserts that he frequently observed this fact upon dissection.

After the body has lain a long time under water, it is not unusual to find water in it.

DAVID FOREST.—Having been questioned if he knew any thing about Croucher the witness he said, on the 26th of December last, Croucher came to my store to buy a loaf of bread, he said Ring's family was in great distress, and it was nothing strange to him, after what his landlord had said, and being under the same roof it gave him great uneasiness. His own opinion he said was that the girl had made way with herself. On Friday last Croucher came running into the store and said, what do you think of this innocent young man now? there is a material evidence against him from the Jerseys, and he is taken by the High Sheriff, sir, and carried to jail, he will be carried from here sir, to the court and be tried, from there he will be carried back to jail, and from thence to

court again, fir, and from thence to the place of execution, and there be hanged by the neck till he is dead.

Q. Did he say this in an angry tone ?

A. I can't say it was anger or not, he has a quick way of speaking.

Q. Had he any particular business with you at this time.

A. He did not seem to have any but to tell me this.

EZRA LACEY.—I was a lodger in the house of Mrs. Ring, and was there the night she was missing. Levi Weeks was there about 8 o'clock in the evening I felt unwell and I came in about eight o'clock ; I remember Ruffel who was with me, took out his watch and said it was two minutes before, or two minutes after eight, I can't say which. We sat a while, and he then took out his watch again and said, it was ten minutes after 8 ; after this, not long, perhaps 5 or 6 minutes, we got up and went to bed and left Mr. Ring, and this young man and Elma there together—I don't know whether Mrs. Ring was there or not.

Q. Did you observe any change in his countenance or behaviour after Elma was missing.

A. None, not the least.

Q. Did you observe any very particular attention by the prisoner to Elma ?

A. I had lodged in the house only 5 or 6 days before the 22d of December, but I thought he was more attentive to Hope than to Elma.

Q. Did you ever hear any threats against the prisoner by Ring ?

A. I was once in company one evening, and Ring was there, and I heard somebody say if Levi Weeks should get clear by law, it would not be safe for him.

to appear in public, and Ring said he thought so too.

Q. Did you not hear threats from Ring himself?

A. I heard Ring say that if he should meet him in the dark, he should not think it wrong to put him a'one side if he had a loaded pistol, if he thought he should not be found out in it. I went to the door pretty soon after, and Mr. Van Alstine followed me. I told him I was really surpris'd that Ring should express himself in this manner, he said he thought so too.

WILLIAM DUSTAN.—Last Friday morning, a man, I don't know his name, came into my store, (*here one of the prisoner's counsel held a candle close to Croucher's face, who stood among the croud, and asked the witness if it was he, and he said it was.*) he said "Good morning gentlemen, Levi Weeks is taken up by the High Sheriff, and there is fresh evidence against him from Hackensack."—He then went away and as he went out he said, "my name is Croucher;" and this was all the business he had with me.

HUGH M'DOUGALL.—I have been acquainted with this Mr. Croucher for some time, but I never liked his looks. On the 2d of January, the day when the body was found, he was extremely busy among the croud to spread improper insinuations and prejudices against the prisoner, who was then taken; and among other things he told a story about his losing a pocket book. This conduct I thought unfair, and I told him so plainly. O but says he, there's the story of the pocket book, and stopped there.—He used to bring several articles of wearing apparel, such as shawls, &c. to dispose of, but I noticed that he always managed so as to come just at dinner time—I told my wife that I did not like the man, and desired that she would tell him, that in future if he wanted any thing of me, that I would call on him. Last Monday,

while I was busy in my garden, he came again ; now says he, the thing has all come out, the thing is settled, there is point blank proof come from the Jerseys of a new fact. I told him I thought it wrong and highly improper that he should persecute Weeks in such a manner when he had a difference with him ; that for my own part, I wanted some further evidence before I should condemn the man.

TIMOTHY B. CRANE.—I lodged at Mr. Ring's a fortnight—about a week or eight days before the girl was missing.

Q. Did you observe any particular attentions from the prisoner to Elma ?

A. I thought he paid as much attention to Hope as to her—I left the house on the 14th of December.

Q. What was Elma's temper when you was there, was she unusually gay ?

A. She seemed of a melancholy make ; sometimes she would pass a joke, but it seemed forced.

Q. Had you any opportunity of examining the countenance and conduct of Levi ?

A. On Wednesday after she was missing, I was told that Levi was suspected, and that it would be his ruin. I observed particularly after that, his countenance and behaviour ; I could not see that there was the least difference in either. He laid out the work of the shop as usual. I inquired of my friends every day, and was told that things grew worse and worse, suspicions rose higher and I watched him closer, but I never discovered the least alteration.

CROSS EXAMINATION.

Q. How long was Elma sick while you were there ?

A. Nearly half the time.

Q. Was not her melancholy owing to her sickness ?

A. No.

Q. by Prisoner's Counsel. Did you never see her take unusual quantities of Laudanum ?

A. I was there one evening and Dr. Snedecher was present ; she asked him for Laudanum, and he offered to give her some if she would let him drop it into her mouth, which she consented to, and he dropt a number of drops into her mouth which surprised us all, she said she wished she had a phial full she would take it.

Q. Did Mrs. Ring ever tell you that she never saw Elma after she went up-stairs ?

A. I understood her that she never saw her after she went upstairs ; I will not be very positive, but it is still my belief.

Q. by the court. Did she speak of her adjusting her shawl ?

A. I think she said she put it on below.

JOHN B. COMBS.—*Q.* Do you remember any thing that happened the evening that Elma was missing ?

A. Between six and seven o'clock on the 22d of December, my wife and myself went to the house of Ezra Weeks ; when we came in we found Levi sitting there, and he remained till eight o'clock ; he conversed as usual, and when he got up to go away, he stood leaning for a minute upon the back of a chair, and then bid us good night. He appeared in no hurry to go at all.

Q. by one of the Jury. How did you know it was 8 o'clock ?

A. We went from Ezra Weeks' to Henry Clements, where we stayed about twenty minutes.

Q. How far is that ?

A. A few minutes walk only—It was eight o'clock as near as I can judge.

Q. How long did you remain at Ezra Week's ?

A. About twenty or twenty-five minutes.

Q. What time did you get home ?

A. It was little after nine.

Q. Why are you so particular in your recollection ?

A. Because Henry Clements came to me the Wednesday after she was missing, to ask if I could remember who was at Ezra Weeks' with me that Sunday evening, for altho' it might seem odd, yet I should hear more of it.

ELIZABETH WEEKS—The Deposition of this witness was taken and read by consent, and is as follows :

City and County of New-York, ss.

ELIZABETH WEEKS, wife of Ezra Weeks, of the city of New-York, being duly sworn, saith, That on Sunday, the 22d day of December last, she and her husband were at home. That about candle light, or a little while after, Mr. John Mc Combs, and his wife came in, that Levi Weeks, (the person charged with the murder of Julianna Elmore Sands), was then in the room, and remained with the company till after the house clock struck eight, and then went away ; that to the best of this deponent's knowledge and belief, Mr. and Mrs. Mc Combs left the house about twenty or twenty-five minutes after eight by the house clock ; that after her husband had lighted Mr. and Mrs. Mc Combs out, and had returned into the room, before he had time to sit down, the said Levi Weeks came in, and remained with them, conversing on the business to be performed the next day—appeared cheerful, eat a hearty supper, and went off to his lodgings, as she believes, about ten o'clock ; and, that he appeared as cheerful as usual—she saw no particular difference in his conduct or behaviour.

ELIZABETH WEEKS.

Sworn, this 18th day of January, 1800. }

before me RICHARD HARISON, }

Recorder of New-York.

DEMAS MEED, called again.—Q. Do you remember any thing about Mr. Mc Combs and his wife being at Ezra Weeks' on the 22d of December.

A. Yes, I remember very well that I heard Mr.

Ezra Weeks say at the door, 'hand a candle.'—After Mr. Mc Combs was gone, I heard somebody go upstairs, and in about half an hour I went up and found Mr. Levi Weeks sitting there.

◁ EZRA WEEKS, On Sunday the 22d of December, my brother Levi came to my house about nine o'clock in the morning, I went to Church and left him there, I dined that day at my father-in law's, and did not return home till about 5 o'clock in the afternoon. Just as we had drank tea and were yet sitting at the table before we lit candles, my brother came in, and I believe in about half an hour afterwards Mr. and Mrs. M'Combs came in, and my brother tarried till about 8 o'clock, whether a little before or a little after I cannot say. Mr. M'Combs and his wife sat about 20 minutes as near as I can judge after my brother went out, I lighted them down stairs and held the candle to light them all the way to Mr. Rhinelander's corner, it being very slippery and dark cautioned them to take care. I came up again, just as I sit down the candle, before I had time to sit down myself, Levi my brother came in to enquire about the business of the next day, as he had the charge of my shop, understanding the business as well as myself, and very attentive to it, I am seldom at the shop more than once a day. I attended to the business abroad, took dimensions of work on my memorandum, and gave it to my brother in writing, his business was to give directions to the journeymen for execution—Here is eight doors on my memorandum, (producing it to the Court and Jury) of different dimensions for Mr. James Cumming's house, which he took down that evening on a piece of paper as I called them off: he gave directions to the journeymen for their execution—the doors was made without any mistake, fitted for their designed places, and without any further direc-

tions from me. It was a general practice of my brother's to call on me of an evening to consult me about business of the next day, and if company happened to interfere, if he did not stay till the company was gone, he seldom failed to come in again before he went to bed. That night he came accordingly, he eat a hearty supper, he was as cheerful as ever I saw him, tarried till about 10 o'clock, and I suppose, went home as usual.

Quest. by Counsel for Prisoner. Did your brother inform you that the muff and handkerchief were found prior to his arrest?

Ans. On the 2d day of January last, about two o'clock in the afternoon, I was sitting down to dinner and Levi came and told me that Mrs. Forest had told him that the muff and handkerchief was found in a well near Bayard's lane, I told him that I supposed it must be the Manhattan well.

Quest. by the assistant att'y Gen. How came you to mention the Manhattan well?

Ans. The reason why the Manhattan well came so first to my recollection, was that I had furnished the wood materials for that well, and as my business often called me that way I rode past the well almost every day.

Q. Did your brother know where the Well was?

A. I believe he knew the situation to the Well.

Q. Had he not been there before the arrest?

A. Not to my knowledge. I do not think he was there until his arrest. I understood him that he was never there before the officer took him there, but I am not certain.

CHARLES THURSTON.—Q. Are you acquainted with Mr. Levi Weeks?

A. It is about two years since I first worked there, first, in the capacity of a journeyman, then as a fore-

man. I was there about Christmas. There was a rumour in the shop that Miss Elma Sands was missing. Mr. Levi Weeks then kept the books, and they were kept just as well as they had been before, and his conduct was as usual. From the time the girl was missing I never saw any difference in his conduct.

PETER FENTON, & JOSEPH HALL.—These witnesses were produced to shew the distance from Ring's house to the Manhattan well, by Greenwich-street, and they testified that it was 79 chains, that is, a mile wanting 22 yards. The distance by Broadway and Barley-street is greater. The last witness added, that he had made the experiment to see in how short a time a horse might be drove from Rings' to the Manhattan well, and back again, and found it fifteen minutes. He gave the prisoner a good character.

The Assistant Attorney General addressed the court a second time, on the propriety of admitting the expressions of the deceased to be given in evidence. He said he had no idea of attempting to question the former decision of the court, but the cause had now assumed another complexion; it had now been made a point of defence, that the mind of the deceased was melancholy and deranged—he thought the words as well as the look and behaviour of the deceased, should be given in evidence, it being equally an index of the mind and disposition and that in his opinion, this was the only way to arrive at truth.

Col. Burr was about to reply, but the Court told him it was unnecessary: they said the distinction taken by the Assistant Attorney General, was not such as to induce them to change their opinion.

Mr. RING was called up again and examined by the Court.

Q. What time did you direct the docks to be dragged?

A. I believe it was the first Sunday after she was missing.

Q. What induced you to do this?

A. I looked in the nearest dock, because I heard that Ezra Weeks had declared that his brother had not been absent above 15 minutes, and therefore I supposed her drowned. We swept near Rhineland-er's battery, because I thought it was the handiest place, and being a bye-place, I thought it the most likely.

Q. Is it a noted place?

A. Pretty much so behind the battery.

FREDERICK RHINELANDER.—

Q. Do you know the prisoner at the bar, and what character does he bear?

A. I have known him some time, and have always considered him an industrious, active young man.

The witness said, that at the request of David Hitchcock, on behalf of the prisoner, he had walked on Saturday last from Ring's to the Manhattan well, and it took him 20 minutes: He had done it a second time, when it took him 20 minutes to go and 15 to return.

Q. *by prisoner's counsel.* Is not the road to the well a very rough and dangerous road?

A. Yes.

Q. Should you suppose that any person could drive a sleigh or carriage there in a dark night at all?

A. No, I should not.

EZRA WEEKS, called again.—Do you know whether your horse and sleigh was out that evening?

A. I had no charge of my horse, my apprentice took care of him, I did not see him once a fortnight, I do not know as he had him that night.

JONATHAN BURRAL, Cashier of the Bank.—
This witness said, the Directors of the Bank had em-

ployed Mr. Ezra Weeks to erect a house for the Bank, (which he at present lived in) the summer before last; that he was seldom there and the charge of the work fell upon Levi Weeks, the prisoner. He had always considered him as a very industrious, prudent, civil and obliging young man. His conduct impressed the witness with a favourable opinion of his morals and his temper.

PHILIP ARCULARIUS—Said he had known the prisoner for five years past, and agreed with Mr. Burrell, in the character he gave of him.

THOMAS ASH.—This witness had known him for four or five years, and always remarked him for his modest and prudent behaviour.

Mr. Mc Combs had always considered the prisoner a man of a very tender disposition.

WILLIAM PLIMART, added that he had a very favorable opinion of him, he was of a very mild temper.

The evidence for the prisoner being closed, the Assis't Att'y Gen'l called up a few more witnesses in behalf of the People.

MATHI W MUSTEE.—I saw a young man the Sunday-week before the girl was missing with a pole in his hand (*interrupted by counsel for prisoner.*)

Q. Do you know Levi Weeks? Should you know the person you speak of if you saw him?

A. I dont know as I should.

Q. A. A. G. Take the candle and look round and see if you can pick him out. He went nearer the prisoner. and pointing to him said that was he.

Q. *by P's Counsel.* Will you undertake to swear that is the man you saw at the well?

A. I cannot swear to him.

Q. *by A. A. G.* Well, sir, tell what you saw—

A. The Sunday before the young woman was mis-

sing, I saw a young man sounding the Manhattan well with a pole. I went up to him and asked what he was about, he said he made the carpenter's work, and that he wanted to know the depth of the water. He measured it in different places, and found it 5 foot 5 inches, 5-8 and 6 foot.

Q. How was this man dressed?

A. He had on a blue coatee, red jacket, blue breeches and white stockings.

Elias Ring being called and asked if the prisoner wore such a dress, he said he never saw him wear a red jacket.

A. A. G. If the court please we give up this point.

GEORGE FLEMING.—The witness said he had known Elias Ring 5 or 6 years at W st-Point, and while he lived in his neighbourhood, he bore the character of a man of credit.

RICHARDSON UNDERHILL.—He gave Elias Ring a good character, and he said Elma was of a cheerful disposition and good company, but he had not seen her for 6 months past.

HENRY CLEMENI.—Gave Ring a good character, and he said he was respected as far as he knew among the Friends, and he joined in giving Elma the character of a lively, cheerful disposition.

Q. Do you recollect any thing about Mr. M^c Combs' coming to your house one Sunday evening.

A. Yes, I remember his coming in on a Sunday evening which I found afterwards was the same on which Elma Sands was missing. He and his wife came in, and he observed it was rather late to visit a neighbour, he said it was 9 o'clock, or about o'clock; at any rate 9 o'clock was somehow mentioned.

Q. Do you know what time it was yourself?

A. I do not.

Q. How long did they stay ?

A. Not half an hour I am sure, and I don't think it was half the time.

MATTHEW VAN ALSTINE.—

Q. Did Ezra Lacey ever ask you, or say any thing to you about an observation of Ring, respecting the prisoner ?

A. One evening Ezra Lacey asked me if I did not hear Mr. Ring say he would shoot Weeks ? He related the circumstances, I made no answer ; he said he thought it very wrong in Mr. Ring, I said I thought so too, but to say that I heard Mr. Ring say so, I never did. It is possible it might have been said and I not hear it.

JOHN WILLIS—Said he had known Elma 18 months or 2 years, and always found her cheerful and lively ; he had known Ring some time and never heard any harm of him.

ELEASER BELL, JOHN BURK, NATHANIEL RING.—These witnesses united in saying that they had been for some time acquainted with Guelma Sands, and that she was of a lively, cheerful disposition.

Mrs. RING *again*.—Being asked if Elma was in the habit of being out of nights ? She said she never was to my knowledge, never so as to alarm me ; and as to his kindness to my children, I must contradict that, as to the rest it may be true, for he ever appeared of a tender disposition.

Q. Did you not say that you went to the front door that evening ?

A. The moment Levi came in, I got up and went to the front door that he should not suspect me of knowing what Elma had told me.

ANN BROWN or ANN ASHMORE.—On the 22d day of December, being my little boy's birth-

day, I invited some of my friends to come and sup with me, and among the rest Mr. Croucher. This was between 12 and 1 o'clock, accordingly between 4 and 5 o'clock in the evening he came and remained there till 4 or 5 minutes after 11.

Q. Could he have been absent 20 minutes during the time?

A. No, he was not.

MARY SEARING, ANN FARREL, JACOB HOPPER, JEFFREY MEEKS.----These witnesses all testified that they supped with Mrs. Brown on the occasion of the birth-day of her son, and that Croucher was of the party, and that he came between 4 and 5 o'clock, and that he remained there till after 10, some of them said after 11 o'clock.

When questioned as to time, they could none of them remember exactly the day of the month, some said it was after Christmas, and some in the holy-days. They all agreed, however, that it was on a Sunday, and that it was the birth-day of Mrs. Brown's child.

RICHARD DAVID CROUCHER *called again*.---

Q. How many times was you at Ring's on Sunday evening of the 22d of December?

A. Three times, and the latest about three o'clock.

Q. Did you ever publish the handbills about apparitions, murder, &c.?

A. No, I never did, nor do I know who did, I was at a Mrs. Wellham's, and I saw one there which I asked leave to bring it to Ring's, but I was not permitted, and that is all I know of them or ever saw of them.

At 25 minutes past 2 o'clock, in the evening, the examination closed. Seventy-five witnesses having been sworn.

Col. Burr, read to the jury, the following pas-

fages from Hale's Plea of the Crown, v. II, p. 289, 290.

In some cases presumptive evidences go far to prove a person guilty, tho' there be no express proof of the fact to be committed by him, but then it must be very warily pressed, for it is better five guilty persons should escape unpunished, than one innocent person should die.

If a horse be stolen from A. and the same day B. be found upon him, it is a strong presumption that B. stole him, yet I do remember before a very learned and wary judge in such an instance B. was condemned and executed at Oxford assizes, and yet within two assizes after C. being apprehended for another robbery and convicted, upon his judgement and execution, confessed he was the man that stole the horse, and being closely pursued desired B. a stranger to walk his horse for him, while he turned aside upon a necessary occasion, and escaped; and B. was apprehended with the horse, and died innocently.

Another that happened in my remembrance in Staffordshire where A. was long missing, and upon strong presumptions B. was supposed to have murdered him, and to have consumed him to ashes, in an oven, that he should not be found, whereupon B. was indicted of murder, and convict and executed, and within one year after A. returned, being indeed sent beyond sea by B. against his will, and so, tho' B. justly deserved death, yet he really was not guilty of the offence for which he suffered.

The Counsel for the prisoner, now proposed to submit the cause to the charge of the Court— he Assistant Attorney-General wished that the Court would adjourn, as they had done the preceding night; he stated that he had not slept since the morning that the cause was opened, and had then been without repose forty-four hours; that he found himself sinking under this fatigue, and considering that the prisoner's counsel, who were to precede him would probably take several hours, it would be morning before he could begin his address to the Jury—that really he had not strength to proceed further that night, and should therefore lie under the necessity of attending to the proposition of the other side, unless the Court would adjourn—He was anxious that the

Court should do this, because he thought it important that the Jury should hear observations on the testimony.

The Court however, said it would be too hard to keep the Jury together another night without the conveniencies necessary to repose, and they therefore could not think it proper.

The CHIEF JUSTICE in charging the Jury observed,

That from the manner in which the trial had been conducted, he had been led to suppose that the arguments of the counsel would have afforded him sufficient time to adjust and arrange the mass of evidence, which, in its progress, had been brought into view—that it had, unexpectedly, become his duty to charge them immediately after the testimony was closed—but that he submitted to this with less reluctance from a persuasion that a minute detail was not essential to enable them to determine on the case according to its justice, as the evidence applying to the points on which it ought to be decided, in his opinion, lay in a small compass—that the question they had to decide involved considerations of great moment, both to the public and the prisoner.—To the public as deeply interested in the detection and punishment of crimes of the atrocious nature of that with which the prisoner was charged.—To the prisoner, as on their verdict depended his life and every thing dear to the human mind.—That these observations were only pertinent so far as they might operate to stimulate their attention and prompt to a dispassionate estimate of the evidence—but that they ought not to be permitted to influence them from pronouncing the result of their investigations according to the impressions they had made on their minds, regardless of the consequences attached to their determination—that

their path of duty was clearly and distinctly traced for them *to find the prisoner guilty if in their consciences they believed him so from the evidence—to acquit him if they thought him innocent*—That previous to his considering the nature and effect of the evidence, it might be well to observe that this matter had, in a considerable degree, excited the public attention—that it had interested the passions of many, and that a variety of reports respecting it had been circulated, some of which must, unavoidably, have been communicated to them—that by whatever motive prompted, they did not deserve attention, and that they ought not to have attached to them the least consequence, or to mingle with the facts disclosed by the witnesses—that the obligation they had incurred when they became Jurors, limited them to the evidence produced on the trial, and that *that* only could justify the verdict they were called upon to give on this occasion—that in this case it was not pretended that positive proof of the commission of the murder by the prisoner was attainable, but that it had been attempted to prove his guilt by circumstantial evidence, and that if it could be established by a number of circumstances so connected as to produce a rational conviction that he was the perpetrator of the crime, it would be as much their duty to find him guilty, as if it was made out by direct and positive testimony—that there were points in which the circumstances attempted to be combined were not so satisfactorily connected as to enable them to pronounce the prisoner guilty.—That it was doubtful whether Gulielma Sands left the house of Elias Ring in company with the prisoner so as to impose it on him to account for the manner in which he had disposed of her—that the testimony respecting the one horse sleigh, did not appear to be such as to justify a presumption, that

been examined & had given of the state of the Corpse
 Governor, who had

the prisoner had personally any agency in them, for that if the relation of Susannah Broad did not satisfy them, that the sleigh was taken out of the lumber yard of the prisoner's brother at or about the time Gulielma Sands disappeared, it must be evident that the relations of the other witnesses respecting a sleigh and the cries of distress heard near the Manhattan Well could have no application to the prisoner- that Mrs. Broad's testimony was confused as to the time, and indistinct and unsatisfactory as to circumstances -that the prisoner appeared to be a young man- that it was fully proved that he had sustained a fair character, and that he was of a mild disposition- that it was difficult to discover what inducement could have actuated him in the commission of the crime with which he was charged- that the declarations made by the prisoner after he became an object of suspicion did not appear to be inconsistent with innocence- that the witnesses produced on the part of the prisoner had accounted for the manner in which he spent the evening, excepting a few minutes- that from the account the medical gentlemen, who had been examined, had given of the state of the Corpse

*Imperfect writing all after p. 96,
probably only a few pages.*

of Guilelma, soon after it was taken out of the well, it was very doubtful whether she had been exposed to any other violence than that occasioned by the drowning- that intimation had been given in the course of the trial, tending to question the credibility of some of the witnesses- but that it was not necessary to examine this point, for admitting all the circumstances related by the witnesses on the part of the prosecution to be stated without any disposition to discolour them to the prejudice of the prisoner, the court were unanimously of opinion that the proof was insufficient to warrant a verdict against him, and

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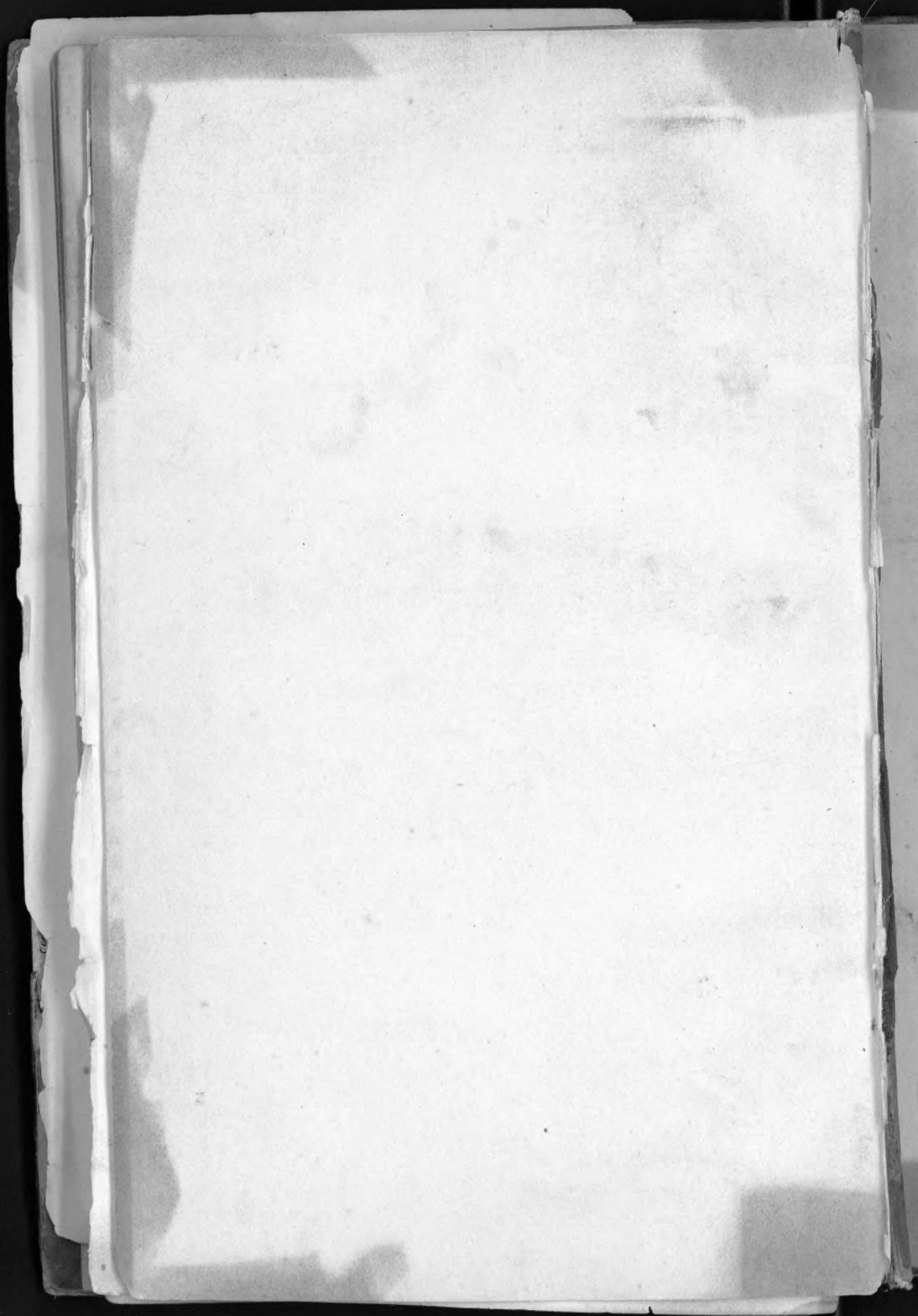
that with this general charge they committed the prisoner's case to their consideration.

The Jury then went out, and returned in about five minutes with a verdict-- NOT GUILTY.

THE END

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