

What I perhaps understand as your definition  
Does intellectual insanity consist in such a  
disturbance of the mind as we commonly  
understand when we say that a person is  
subject to an insane delusion believing that  
which is in its nature impossible, or which  
is utterly incredible under the circumstances,  
Ans. I think my idea would not be con-  
sidered in that manner. It would perhaps  
be as well for me to give the two classes of  
cases.

Ques. Just convey that idea by illustrations

Ans. In a case of simple intellectual insanity  
the operations of the mind and the conclusions  
of the mind are wrong, the processes of reason-  
ing are absurd, the person is perpetually  
saying foolish and ridiculous things; it  
is apparent to anyone who hears him  
speak that he is crazy. This the most open  
palpable form of insanity is intellectual in-  
-saneity, which a person acts out in the gestures  
of the body, it is his fate controlling his body  
while all his moral sentiments emotions  
and affections are natural and undisturbed  
he shows no extreme jealousy, no hatred, no  
animosities, no hostile or begrudging feelings  
towards others.

Ques. Then I think I understand you, from

the illustration you made yesterday, the person was suffering under insane delusions. his insanity consisted in the delusion did it not  
Ans. Yes Sir.

Ques. For instance you said yesterday that if a person imagined himself to be an apostle he would act in accordance with that idea and the delusion is intellectual. This intellectual insanity and the operations of his mind proceeding from that delusion are all regular and he reasons correctly upon that subject.

Ans. Yes Sir that is it.

Ques. In a person afflicted with moral insanity, is there any derangement of the mind.

Ans. Yes Sir, because his moral perceptions grow out of his disordered mental operations.

Ques. I understand you that moral insanity is a species of intellectual insanity, that being the case how does it happen that a person who is not under any delusion with regard to the thing he is doing when he knows it is wrong and criminal and punishable by law how do you account for the impulses under which he proceeds to do the act which he knows to be criminal.

Ans. It proceeds from an aberration in the mind which justifies the act.

Int. But if there is no delusion with respect to the act itself.

Ans. I should regard that as a permissible act.

Int. A person who is laboring under a delusion but knows the act he is doing to be wrong, how do you regard that?

Ans. I regard that as a permissible offence.

Int. Is that what is called moral insanity by these Physicians?

Ans. It was the view taken in the *Huntington* case.

Int. Then it is that he is moved by a deformed impulse.

Ans. I can not see any difference between that and an act committed under ordinary motives. I cannot regard it as insanity. It is when a man's naturally free emotions and character does a despicable act from the operation of a delusion, then is when I draw the inference of delusion.

Int. - Will you define more clearly in order that we may understand perfectly this matter, how you arrive at the existence of delusion when the mind of the person seems to be entirely rational with respect to the act he is doing or has done, when he is under the belief that the act he is doing is permissible by law and is wrong in itself if he knows at

the time the moral quality of the act.

Ans- That leads me again to a definition of delusion: a delusion is a confessedly erroneous opinion, erroneous in the minds of other persons, one that could operate upon no other man to sufficiently influence his mind to establish a justification for the act which follows.

Ques- I think I have gathered this, that if a person knows the quality of the act he is doing or does, that in that case he is punishable, but he may be laboring under a delusion with respect to the moral quality of the act itself though he may know the act itself is criminal.

Ans- That is my position.

By Mr. McCormac

Ques- When a man has intellectual delusions <sup>in some delusions</sup> from a disease of the mind, is it not <sup>usually</sup> an ordinary accompaniment of that delusion to involve the corresponding moral faculties with regard to it and to obliterate the sense of right and wrong as to acts done under that delusion.

Ans- That is the effect.

Ques- Are there not cases in which men who have been of good character made idiot to any crime whatever, from some sudden blow sickness or other misfortune, or exciting cause of insanity, to become so diseased

in their moral propensities without any perceptible intellectual derangement that they would do most horrible acts under impulses which were clearly beyond their control and for which they had no motive, and which they would regret, and even beg of their friends to restrain them, <sup>and keep them</sup> from doing them, if a person from disease and not from original bad motive but purely the result of disease is so deranged that a mother of the most tender & affectionate nature would be impelled from irresistible impulse proceeding from disease of the brain to attempt to kill her young offspring and would repeatedly flee from it; and would at last do it, and feel all the remorse possible what would you regard it as.

Ans. I should regard it as not permissible.

By Mr Knox

Ques. Do you believe Jeff Davis is carrying on this destructive war against the United States owing to a strong prejudice or delusion he has against the Yankees, that he is laboring under an insane delusion and is not permissible.

Ans. I do not think he is laboring under this delusion.

Ques. You think he is permissible then

Ans. - Yes Sir

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Int. And that he ought to be hung if caught.

Ans. Yes Sir.

Dever Examined  
By Mr. McComas

Int. Where do you reside

Ans. I live at Lake View 4 1/2 miles above the city limits on Clark Street.

Int. What is your business.

Ans. I have been a practicing Physician in this city for about 20 years - it is now 6 years since I practiced

Int. Do you know Mr. Hopps

Ans. Yes Sir

Int. How long have you known him

Ans. About 2 1/2 years -

Int. State whether during that time whether any change has taken place so far as your observation of the man goes as his character mentally speaking.

Ans. I can not say that I did. I knew him casually used to meet him at various times through the country. I practiced in the country some but never knew him very intimately, any more than to have conversation with him. Some time anterior to my removal from town in 1856. It must have been when I lived where the Post Office now is. he used to meet me and stop and

course; and then I thought he was a little crooked in the head.

Qut. State his manner of acting and what struck you.

Ans. There were 2 or 3 instances of the kind and they were made a very strong impression upon me at all, perhaps they were would have been recollected by me at all but for circumstances that transpired subsequently. For instance, once he stopped to talk politics he stopped me on the sidewalk in Dearborn St. He pitched into the opposite party in so severe a manner as to strike me as rather inconsistent with his handling them with the Ballot Box. I should say that it struck me he was a little crooked in the head.

If I were a Physician I should say it was a variation of intellect.

Qut. Had you other conversations with him when he would pretend to have important business & stop you.

Ans. Twice - once before & once after that time I have spoken of - He met me and seemed to be very glad to see me, and as fast I thought he was mistaken with the man, and he said he had some business with me, and then he would go along with me and slip into some place and

when he came out not name any thing about the business, and he treated me after-wards in the same way. During the time I was building the Court House I should think it must have been in 1854 however it was during the time. Jos. Filkins and I were associated in the building of the Court House. We were some 3 years I should think as agents of the County in building it with other gentlemen. Mr Everett was with us one year or perhaps 2 in conversation with Filkins the conversation turned on a gentleman with whom he had come into town (I have just been told the Court House was finished in 1853)

Objection as not being proper to state what passed between the Witness & Filkins.  
Int - Had you a conversation with Joseph Filkins as to the mental soundness of Mr Hopps -

Ans - I had one in which this was alluded to casually, it did not come up directly. There some things I told Filkins on that occasion.

Int Did you ever see Hopps after the conversation with Filkins -

Ans - Yes once after that.

Int How did he impress you after that

Ans - It was a little more remarkable then because my attention was turned to it - by the conversation with Filkins.

Int. Was it Joseph Filkins

Ans. Yes Sir.

Int. What was the impression made upon you still more remarkable.

Ans - The only impression was that he was probably a little crooked in the head and when he left me I followed him down - street - with my eyes and I thought he acted like a man who was not quite clear in his intellect.

### Knop Examined

By Mr Knox

Int - You are not intimately acquainted with Mr Knops

Ans - No Sir -

Int - He is not a patient of yours -

Ans - No Sir -

Int - How -

Ans - I don't think he was ever a patient in early times he might - have consulted with me. I think he has -

Int - Do you not stated that none of these interviews made any particular impression upon you at the time?

No Answer -

Q. - Do you know anything of his condition  
as to temperance when you have occasionally  
met him and have you means of know-  
-ing whether he had been indulging in  
liquor prior to meeting

A. - I have not - I never suspected him  
of it - and I never heard it.

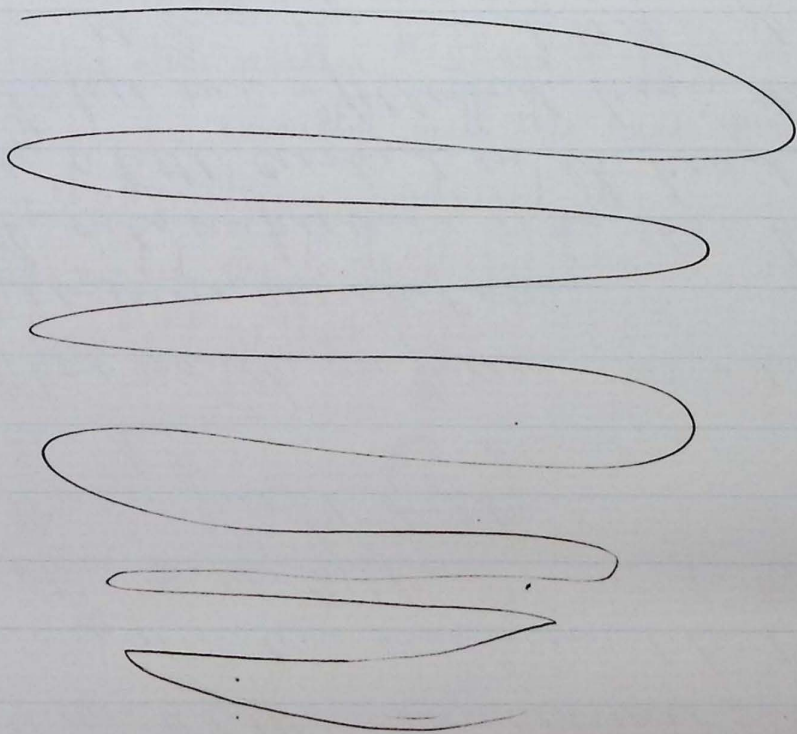
By Mr McComas -

Q. - Was his manner such as to impress  
you that it was liquor.

A. - My attention was not called in  
that direction at all - and it never struck  
me that he was in liquor.

Q. - Was this third interview after the two  
first - was it before or after you had conver-  
-sation with Filkins -

A. - After - it was just before I left Dearborn  
Street.



Henry Merrill called & examined by Mr. H. G. Combs

Int. - Where do you live? Ans. At Whiting.

Int. - Do you know William and Ralph Woffs?

Ans. Yes Sir.

Int. - Were you party to the petition to have Ralph Woffs declared an insane person.

Ans. Myself and Van Vlaack got up a petition to secure something for the livelihood of Mrs Ralph Woffs.

Int. - Was it from the estate of William you expected to get it.

Ans. Either from the estate of William Woffs or from some other parties because I understood that William had received something from England belonging to Ralph.

Int. - Who first started that idea of having a Conservator appointed.

Ans. Van Vlaack and myself. He thought first was entitled to something but he did not know anything how to do it.

Int. - Will you state whether William Woffs or any of his counsel or any one connected with this case gave you any advice in that instance, advised it.

Ans. Ralph wished me to do it for him.

Int. - You have told us that before, did William Woffs, or his counsel in this case, ask, request, or advise you to get up that proceeding.

Ans. No Sir.

Int. - The object then was simply to secure Ralph's interest whatever they were.

Ans. Yes Sir.

By Mr Knox

Int. Then you and Van Macker got up the petition to have a conservator appointed to enable Ralph to get what William Coppo owed him.

Ans. Yes Sir.

Int. - And Ralph requested that you would do it.

Ans. Yes Sir.

Int. - Stating he was insane of course.

Ans. No Sir.

By Mr McComas.

Int. - Did Ralph Coppo ask you to have him declared insane.

Ans. No, he did not, he did not say anything about his insanity whatever. What he said was, he wished I would speak to his brother upon the subject of securing something to him that belonged to him.

Int. - Was that before William was arrested.

Ans. - Yes Sir.

Int. - He had been talking about doing this before William was arrested.

Ans. - Yes Sir.

By the judge

Int. - About doing what.

Ans. - About getting this money from his brother.

By a juror.

Int. - When was this.

Ans. He had asked me several times, and the time I spoke to William Coppo was at the April Election.

Int. - Had you spoken to William Coppo at the April

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Election.

Ans. Yes Sir,

Int. After William was taken did Ralph do anything more than he had done.

Ans. Well, he thought that was the time if ever he was to have anything, to have it before the trial came off.

Int. - Afraid he would lose it.

Ans. - Yes Sir.

Int. - Why did Ralph Wapps not go himself.

Ans. - Because his brother and him had had some little difficulty and he did not want to go.

Cross Examination

By Mr Knox.

Int. - As far back as last April Ralph expressed a wish to you to see William Wapps to see if you could not get a settlement.

Ans. - We spoke to me several times.

Int. - After William was in jail he came again and expressed the same wish.

Ans. Yes Sir.

Int. - Did you know whether Ralph was owing him.

Ans. - Yes Sir, I heard William say so.

Int. - Then Ralph had a lucid interval at that time.

Ans. - Yes Sir.

Int. - I asked whether he did not seem more anxious after William was in jail that measures should be taken to secure that debt.

Ans. - He did.

Int. - Did he not ask you to go to the County Court to take some proceedings in this case before the trial came off.

Ans. - Yes Sir.

Int. - Did you know he was insane.

Ans. - No Sir I did not.

Int. - What was the matter with him.

Ans. - We know there was something the matter with him. We thought he was not exactly right.

Int. - He was simple, was he not?

Ans. - Yes Sir.

Int. - You have lived near him.

Ans. - Yes Sir.

Int. - How long.

Ans. - Between twenty two and twenty three years.

Int. - You have worked with him.

Ans. - Yes Sir.

By a juror.

Int. - Is there a general understanding around the neighborhood that William Noapps is a deranged man.

Objected to. Sustained.

By the Judge

Int. - Why did not Ralph Noapps institute proceedings by suit against his brother himself.

Ans. - He is a man, who apparently was never capable of doing business himself and I always understood that he lived with his brother from a boy and after he became weak minded and soon his brother

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always did the business, and when he left him he requested me to do it and I did it.

Int. - What made you take proceedings about a conservator.

Ans. - Well I went to Mr Eldridge and he suggested that me should take him before the Court and examine him and have two doctors examine him.

By Mr Knox

Int. - Did you say the Doctors pronounced him insane.

Ans. - No Sir, they did not.

Int. - Who were these doctors.

Ans. - One Doctor Fisher, the other I don't remember, but his office was at the corner of Randolph & Clark Sts.

By Judge

Int. - Was it Doctor Blain.

Ans. - I don't know who it was, I forget the name.

Int. - They did not pronounce him insane.

Ans. - No Sir.

Int. - Did they have an examination in the County Court before Judge Bradmill & a jury.

Ans. - Yes Sir.

Int. - Was Mr McComas present.

Ans. - Yes Sir.

By Mr McComas.

Int. - Are you & William Wapps on friendly terms

Ans. - We always have been except some little trouble on the recent case.

Int. - Of late years.

Ans. - Yes Sir.

Int. - Was there not been unkind feelings about this transaction of Ralph.

Ans. - I never saw any.

Int. - You say the relations have been friendly on this matter of Ralph Wapps.

Ans. - Well, I have never said anything to William Wapps about it, only at the Spring Election, and then he did not feel very well about it, and he said if there was any settlement to be made, Ralph might come and settle it.

Int. - Did he not charge you with having induced Ralph to leave him.

Ans. - No Sir.

Int. - What was he doing when you first knew him.

Ans. - Working for his brother on the farm.

Int. - How long did he do so.

Ans. - That I could not say because he went into Indiana & stayed there 2 or 3 years.

Int. - What was he doing there.

Ans. - I was told he was farming.

Int. - When he came back, what did he do.

Ans. - I believe he run a threshing machine.

Int. - Was he then in the condition he is now.

Ans. - No Sir.

Int. - How long after was he changed.

Ans. - About the time he quit running it, we saw

the change in him,

Int. - Did you not discern a change in his character and manner, also his doing business, and as to his intercourse between his fellow men.

Ans. - Yes Sir, I did discern a distinct change in his character, not doing business as he formerly used to

Int. - Was he ever done any business for himself since that.

Ans. - I dont know,

Int. - Would you ever know of his doing,

Ans. - I dont know any more than that he has hired himself out & has made his own bargains,

Int. - Would you go to your house and to others, and served as a hand,

Ans. - Yes Sir.

Int. - Did you owe him any money.

Ans. - Yes Sir, for the work he done,

Int. - What did he say to you when he had got some money and how did he dispose of it.

Ans. - He took a part, he was owing some little money for tobacco in the village, he went & paid it & the remainder he gave to me.

Int. - Did he not say that he had no use for money & ask you to keep it.

Ans. - No Sir.

Int. - Do you say that you did not state that in the County Court.

Ans. - I dont recollect it.

Int. - How much did he get at that time,

Ans. - I think he got \$31.<sup>00</sup>

Int. - How much did he keep at that time,

Ans. - \$1.<sup>00</sup> I think. I gave him \$30. Before he had any need for this money, he had a guardian appointed and I supposed I had no need to give it to him,

Int. - When you came to town what did you say to your lawyers, <sup>and</sup> what was the matter,

Ans. - I said he was weak minded, insane or I did not know what.

Int. - The doctors did not declare him insane,

Ans. - No Sir.

Int. - Did they examine you before the jury.

Ans. - Yes, they examined me & Mr Van Nlack & Mr. Mc  
Matt

Int. - What did they find Ralph No apps.

Ans. - They found him distracted.

Int. - You mean the jury.

Ans. - Yes Sir.

Int. - Was there a Doctor on that jury.

Ans. - Yes Sir.

Int. - Did the Doctor pronounce him insane

Ans. - He said he was neither insane nor a lunatic, but weak minded.

Int. - What Doctor was that,

Ans. - Doctor Fisher I think,

By Juror.

Int. Did Ralph use tobacco to excess.

Ans. - No Sir,

Int. - Limited

Ans. - Yes Sir.

By Mr McAllister,

Int. - You used liquor,

Ans. - Not to excess, he would occasionally take a glass of beer, or anything else that came in his way, but I never knew him to take any to excess.

By Mr Dexter,

Int. - Did you swear to the affidavit in the case on which the proceedings were had in the County Court.

Ans. - I believe I did.

Int. - No and you any doubt about it,

Ans. - I believe I did

Int. - As far as you know were the statements you made in that affidavit the truth,

Ans. - I suppose it was, I don't swear to anything else if I know it.

Int. - Who made out that affidavit, did you,

Ans. - No Sir,

Int. - Who did.

Ans. - Mr Eldridge

Int. - Do you know what there was in it,

Ans. - I don't recollect,

Int. - Did he tell you it was all right

Ans. - Yes Sir.

Int. - And you swore to it.

Ans. - Yes Sir.

By Mr. McComas.

Int. - Was it read to you before you swore to it.

Ans. - It was read in the Court I believe.

Int. - And you heard it.

Ans. - Yes Sir, I came into town with Ralph Wopps and I came to Mr Van Vlaeck and he advised me to go to Mr Eldridge.

By Mr. Dexter.

Int. - Where does Mr Van Vlaeck reside.

Ans. - In the City I think, he is in the Court House now. He was a few minutes ago.

Int. - What is his name.

Ans. - Egbert Van Vlaeck.

Thursday, Morning, 25<sup>th</sup> Dec 1862

John Little. Called and Examined.

By Mr. Dexter.

Int. - Where do you reside.

Ans. - Kaukaee County.

Int. - Where did you live at the time of the death of Mrs Wopps.

Ans. - In Braughton, Vermilion County, about two miles from where I now live.

Int. - Where were you at that time.

Ans. - At Mr Schicks.

Int. - Were you present on the day of the killing.

Ans. - Yes, Sir.

Int. - How came you to be present, state where you were

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Ans. - I was in Scheuck's back yard between the house and barn. I heard a good deal of noise at Mr Hoff's.

Int. - State the relation of Scheuck's back yard to Hoff's house.

Ans. It was probably about forty rods from Mr Hoff's house in a westerly direction on the same side of the road.

Int. Did you go up then.

Ans. I went up when I heard it a second time, after I heard the first there was silence perhaps for five minutes.

Int. What time was it.

Ans. I don't know the hour, it was between sundown and dark.

Int. Were you examined before the coroner.

Ans. Yes Sir.

Int. - Is that your sworn statement in the case and is that your signature Read it through  
Mr Knox.

No, he cannot even read it.

Judge

Ruled he should read it through to himself and then he would  
upon it.

Mr Dexter.

Int. - Name how read it.

Ans. - Yes Sir

Int. - Were you able to read it

Ans. - Yes Sir.

Int. State what you then heard Mr Mcoppo say in regard to killing his wife after you got there.

Ans. He said he did it because it was right. He was not sorry for it.

Int. - Did he call upon any particular persons to take notice of it:

Ans. - Mr Chas Schenk and Little.

Int. - Was it said in their hearing as well as yours.

Ans. Yes Sir.

Int. - Did he say anything and if so what in regard to his being drunk.

Ans. - He said he was not under the influence of liquor.

Int. - Did he call upon these same persons to take notice of that fact.

Ans. - Yes Sir.

Int. - How long was that after you got there.

Ans. - Probably half an hour.

Int. - How long was it after the stabbing of Mrs Mcoppo before you got there.

Ans. - I don't think it was ten minutes.

Int. - Did he say anything about being in his right mind.

Ans. - He said he was not under the influence of liquor as Mr Schenk said but he was in his right mind and knew what he was doing.

Int. - When you talked with him what was your impression as to his being under the influence of liquor.

Ans. - He talked pretty rational when I talked with

him, as though he knew what Thomas talking about.

Chief Examination

By Mr McAllister.

Int. When you went there who was there,

Ans. There was no one only Mary and the younger children in the house.

Int. You began to say something a while ago, what were you going to say.

Ans. I was going to say, I think very likely he was because he was in the habit of going home

so.

Mr McComas.

Objected to this character of evidence. It is clearly wrong. The witness is stating no fact nor giving impression from any fact. Now thinks it very likely he may have been drinking because he was in the habit of doing so. Is that proper testimony.

Judge

No that is not proper evidence.

By Mr Dexter:

Int: After you got there had anybody else come,

Ans: Yes Sir: Peter O Schneck came and I think Mr Luce, Mrs Luce and Mrs Nancy Mc Matt came next. Mrs Schneck, they came about the same time I should guess.

Int. - Were there any hired men there.

Ans. - Yes Sir: No is hired men were there.

Int: What part of the house did you first

go on.

Ans; Kitchen

Int: What did you see.

Ans. - Mr No apps was the first man I saw.

Int - What was he doing

Ans: - Sitting just inside the door.

Int: Was it a warm evening or otherwise.

Ans: - A very pleasant evening very still and warm

Int - Had he his coat on or off.

Ans - Off and sitting in his shirt sleeves.

Int - Was it dusk.

Ans. Well it was not dark, it was between sun-  
down and dark

Int. - Did you speak to him.

Ans. - He spoke to me first and said "good evening  
Mr Little" I said "good evening Mr No apps!" and passed  
the time of day with him and he asked me to take  
a chair. I asked him what the trouble was. I said  
there was almost too much noise to have things going  
on smoothly.

Int. What did he reply.

Ans - "Not anything of any consequence". was the  
answer he made me.

Int. Did you say anything further to me

Ans. No but not then, I saw Mary in the other room  
and asked her where her mother was.

Int. Where did you go then.

Ans. - I went to the bedroom where her mother was.

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Int: What did you do then.

Ans: - She shamed me her wounds I did not see any other cuts upon her at that time.

Int: Did she say anything to you then.

Ans: She did not until I asked her if they had sent for a doctor.

Int: Did you ascertain whether there had been.

Ans: Yes Sir.

Int: Had there

Ans: No Sir

Int: What did you do then.

Ans: I went into the kitchen and sent Warren Finch for Doct Webster

Int: Where did you go to them. Were you in the kitchen

Ans: Yes Sir.

Int: Was Wapps there.

Ans: Yes Sir

Int: Did he say anything to you then or you to him

Ans: No Sir. No words passed between us then.

Int: Where did you go to them;

Ans: I went back to the bed room where Mrs Wapps was and staid there until some other persons come some woman.

Int: Some women to take care of her:

Ans: Yes Sir.

Int: Where did you go

Ans: I left the room supposing the women would <sup>examine</sup> her and went into the kitchen:

Int: Was Wopps there still:

Ans: Yes Sir

Int: How did he appear during this time.

Ans: He appeared to be perfectly cool about it as though he did not care much for what he had done.

Int: Did he hold his head up high then.

Ans: He moved his head up as he answered.

Int: How did he appear as to whether he was sober or not otherwise.

Ans: He appeared to me as though he was sober. I did not hear him say much.

Int: Did you see him more.

Ans: No Sir:

Int: Were you near enough to smell his breath:

Ans: No I guess not: I did not smell his breath

Int: After you went back into the kitchen and the ladies came, did you then say anything to Wopps or Wopps to you.

Ans: I asked if he was not ashamed or sorry for what he had done.

Int: What did he say

Ans: How said No, he could not say he was sorry if they were to take him right out and execute him:

Int: What did you say to that:

Ans: I cannot hardly recollect what I did say.

Int: Were you with him alone.

Ans: No Sir

Int: Who was there then

Ans: Mr Schenk was then there.

Int: What other conversation followed that if anything

Ans: I think I told him there would not be any thing of that kind done there. Mr Luce then came from where his horse was tied. Now said he wanted us all to understand that he was not under the influence of liquor, as Mr Schenk had said. Now knew what he was doing. It had been on his mind for ten years.

Int: Did you have any conversation with regard to man that made the choice.

Ans: No Sir I was not then there.

Int: Did you stay through the night?

Ans: Yes Sir

Int: Who else did

Ans: No one but me and Mr Merrill.

Int: Did you stay where you could see him

Ans: Yes Sir

Int: Did he set up all night

Ans: He did not take off his clothes but lay up on the lounge. I think it was about twelve o'clock he came from the kitchen

Int: He slept.

Ans: He slept pretty soundly a part of the night

Int: Did he lay until morning.

Ans: Until some eight or nine o'clock in the morning. He got up once about day light and lay down

Int: Did he go out of doors.

Ans: No Sir he went into the bedroom to see his wife

Int. Did he go voluntarily or did some one call him.  
Ans. Mr. Merrill asked him to go.

Int. Did you see him.

Ans. I did not go into the bedroom with him.

Int. No or did he appear.

Ans. - About same as before.

Int. And did he lay down again.

Ans. Yes Sir.

Int. Did he say anything to his wife.

Ans. I did not hear him speak to her. I was not in the room.

Int. - How long was this before she died.

Ans. - I should think likely about half an hour.

Int. - Were the family all up.

Ans. - That I could not say, they were not all around.

Int. - You did not take notice of that.

Ans. No Sir.

Int. - How did his conduct taking it all through the night and after you saw him then impress you as to his being sober.

Ans. - I should think from his actions through the night that he was either a very hard hearted man or else under the influence of liquor.

Int. Was there anything in his sleep that indicated it.

Ans. He slept sound and snored. You could hear him in any part of the room.

10  
Q. Now long have you known Kopp?

A. It is about five years since I first saw him.

Q. Now frequently have you seen him in that time?

A. I have seen him often five years till last spring I lived on the next farm.

Q. Now near was that farm to his house?

A. About forty rods between my house and his.

Q. Now frequently in that time were you in a habit of seeing him?

A. In the Winter I saw him perhaps every day. In the Summer I would not probably see him so often.

Q. Did you know anything about his habits as to his intemperance?

A. I have seen him often under the influence of liquor. Seen him drink in the Winter when he was hauling his wood. It was a common thing for him to be <sup>intoxicated</sup> ~~intoxicated~~ before he got home.

Q. Describe his appearance when sober, and when he was under the influence of liquor.

A. When sober he was a very good hearted man, upright in his business, attended pretty close to it, sometimes he speaks to his neighbors and sometimes he don't, but after he begins to drink he is a very friendly man, after he gets drunk enough to have an effect upon him very friendly, very talkative, I noticed that.

Int. Is he - man how does he appear.

Ans. I never saw him when away from home under the influence of liquor, but that he appeared to be very friendly.

Int. Have you seen him at home under the influence of liquor.

Ans. Yes Sir.

Int. What was his conduct then.

Ans. I was rather rough.

Int. What do you mean by rather rough.

Ans. Abusing his wife in particular. I never knew him abusing any of his children.

Int. Have you ever seen him at home sober.

Ans. Yes Sir.

Int. How did he appear then.

Ans. Very friendly towards all.

By a juror.

Int. Did the witness ever see him abuse his wife when sober.

Ans. No Sir.

By Mr McAlister.

Int. Have you been in his family often when he was sober.

Ans. I have not been many times when either way, but I presume so often when he was sober as when he was drunk.

By a juror.

Int. What was the noise you heard.

Ans. It was loud talk.

Int. - Could you recognize a voice?

Ans. - Yes Sir.

Int. - Whose voice.

Ans. - Mr. Woff's, the family voices I could not recognize I was not sufficiently acquainted with their voices.

Int. - of his voice.

Ans. - Yes Sir.

By the Judge

Int. - What did he say.

Ans. - He called her a damned whore a God dam bitch.

By a Juror

Int. - How long was this before the stabbing took place.

Ans. - Perhaps ten or fifteen minutes before I got there. There was quite a silence after this before the stabbing I should think because this was out in the yard and I could see.

Int. - Did you see his wife.

Ans. - I saw three persons. There was then a time of quiet and I saw them pass into the house. - I saw no more for a few minutes and then I heard women yell two women.

By the Judge

Int. - What was that calling.

Ans. - No one was saying "you have killed my mother" and Mrs. Woff's was calling some men

in the yard.

By Mr Mc Allister,

Int. What temper did the tone of voice indicate

Ans. I should judge it shamed anger.

You spoke in a loud tone of voice.

Int. Had you ever heard any disturbance before,

Ans. - Yes Sir.

Int. From where you were.

Ans. - Yes Sir

Int. How long before

Ans I cannot say the exact time, I have heard it frequently, I never meet there before.

Int. Was that the reason you did not go till you heard

Ans. Yes Sir because I heard it before.

By

Int Did you ever hear a screaming before.

Ans. No

By Mr Mc Comas.

Int. How often have you been at Wapps house and heard him abuse his wife.

Ans. Only once before this.

Int. When did you go there at what time of the day or night.

Ans I should judge about seven or eight in the evening, on that occasion.

Int. Was Wapps there when you went.

Ans. Yes Sir.

Int. Was he abusing his wife then.

Ans. No Sir.

Int. What time was it then.

Ans. Probably eleven or twelve o'clock, there was a party at his house that night.

Int. How long did the party remain there.

Ans. Perhaps till one or two o'clock.

Int. - Did he abuse her before the party left.

Ans. Yes Sir.

Int. How many were there.

Ans. - I cannot tell.

Int. - Was there a good part.

Ans. - Yes Sir.

Int. - What was the character of abuse he gave her then.

Ans. - He called her a damned whore just as he was in a habit of doing. That was the character of the language he used.

Int. - How long ago was that.

Ans. - It is either two or three years ago last winter.

Int. - In which room was it he said this.

Ans. - It was in the parlor.

Int. - In the East room.

Ans. - Yes Sir.

Int. - Was his wife there.

Ans. - Yes Sir. And she went up stairs and he followed her up stairs keeping up the abuse there.

Int. How was his treatment of other people on that occasion

Ans. He appeared pretty friendly to the rest of the company that were there.

Int. Did he talk to the rest of the company,

Ans. Yes Sir

Int. Was he different to the rest of the company from what he usually was.

Ans. No, I don't think he was any different from what he was when he was intoxicated.

Int. What acts of intoxication did he do except abuse his wife

Ans. - He did not do anything except he was rather more friendly than common.

Int. You never had been to a party before had you at his house.

Ans. - No Sir

Int. - You do not know what his treatment of friends was on such occasions.

Ans. - No Sir

Int. Would he walk straight

Ans. No Sir. No could not.

Int. Did he talk rational to other people.

Ans. Yes Sir. He talked rational enough, but he did not talk so sound as when he was sober

Int. - So that in speaking of never seeing him abuse his wife, except when he was drunk, you mean that time

Ans. I mean that time and the time he committed murder.

Int. You found no evidence of his drunkenness on that occasion except the effect of abusing his wife.

Ans. No Sir.

Int. You stated that he must have been either drunk or either hard hearted.

Ans. Yes Sir.

Int. Did he give any other symptoms of drunkenness that night except that he looked hard hearted.

Ans. That is all.

By Mrs Mee Allister.

Int. What time was it he began to show signs of drunkenness that night.

Ans. It was about ten o'clock.

Int. What time did you go there.

Ans. Seven or eight o'clock.

Int. How was he then.

Ans. - He was sober then.

Int. - How did he treat her then.

Ans. - I did not see anything at all.

By the Judge

Int. How many persons were present when he abused her.

Ans. - There were several in the room several in other rooms.

By Mr McE Allister

Int. Not talking sound what did you mean.

Ans. I meant he did not speak as sober or sound Mr Knapp is a pretty sound when he is sober in a business way.

By a jurymen.

Int. Did you ever know yourself or hear the neighbors say that Mr Knapp was crazy.

(Question objected to)

By Mr Knox.

Int. - Had ever anything come to your knowledge during the time you have known the defendant to induce you to believe or suspect that he was insane if so state what it was.

Mr Dexter

Objected to the question. It is a leading question upon new matter. It evades and violates the rule established by the Court.

Mr McE Comes.

If a man never heard anything which causes him to suspect a man's insanity every body knows he believed he should be insane, on the contrary if they have formed any act of this man, word manner, conduct, it will be right. The idea is to settle this witness up as an expert - and it is in direct violation of the rule as it stands and agreed upon and made by counsel of the opposite side  
(Question withdrawn?)

By Mr McE Allister

Int. - State whether in the course of your acquaintance or intercourse with defendant, he ever manifested any conduct which attracted your attention as peculiar or singular except when he was under the influence of liquor and if so state what it was.

Ans. - I never saw anything very peculiar in his conduct unless when under the influence of liquor.

Int. - Never say anything peculiar or singular.

Ans. No Sir.

By a juror

Int. - Witness said when sober he would notice his speaking to him and sometimes not speaking.

Ans. - We did not show anything very particular that I know of, I have often met him in the road when going back and forth to timber and he would not pay any attention to me at all, not appear to notice me, At other times for instance as in the morning he would just say "good morning Peter"

Int. - It did not attract your attention

Ans. No Sir.

By the Judge

Int. - Was that a characteristic of him.

Ans. - Yes Sir.

Int. - Sometimes in this year.

Ans. - Yes Sir.

By Mr. McAllister

Int. - Was he in the habit of buying cattle and dealing pretty largely in business.

Ans. - I never knew him to buy many cattle,  
Int. - Was he engaged in heavy business affairs,  
Ans. - He was engaged in making butter,  
Int. - Did he carry on a large farm,  
Ans. - Yes Sir - 300 acres I think  
Int. - How many men has he,  
Ans. - Four or five men seven perhaps,  
Int. - He made money  
Ans. - I dont know,  
Int. - He built a large house,  
Ans. - Yes Sir,  
Int. - Is his farm well managed  
Ans. - It is well managed  
Int. - At all times  
Ans. - Yes Sir.

Rebutting Testimony  
of Mr. Muninger  
Called and examined.

By Mr. McAllister

Int. - Where do you reside.  
Ans. - West Wheeling,  
Int. - How far from where the defendant lived  
Ans. - About a couple of miles it may be three  
miles  
Int. - How long have you known him.  
Ans. - About seven years,  
Int. - What is your occupation,  
Ans. - Keeping Tavern.

Int. Did you keep one last June.

Ans. - Yes Sir.

Int. - At what place

Ans. West Wheeling

Int. - Do you recollect the circumstances of Hoop's stabbing his wife

Ans. - Well I heard something about it,

Int. - Did you see him that day.

Ans. - Yes Sir.

Int. - Will you tell us about what time of that day you first saw him and when.

Ans. - I saw him early in the morning perhaps between eight and nine o'clock in the morning.

Int. - Where

Ans. - Right in my house

Int. - Do you know where he was going then.

Ans. - He went up to mill with a load of grain

Int. - Did he stop at your house, before he went to mill or after

Ans.

Int. - Did he drink at your house in the morning

Ans. - Yes Sir.

Int. - How many times did he drink before he went to the mill.

Ans. - I cannot tell exactly. It might be once or twice I am sure he drank something.

Int. - What did he drink

Ans. I believe he took whiskey first in the morn-

ing.

Int. Did he call at your house afterward that day.  
Ans. - He had his grain to mill and then came back

again

Int. - Did he stop there when he came back.

Ans. - Yes.

Int. - Did he drink anything there.

Ans. - Yes Sir.

Int. About how many times

Ans. He drinks it is probable five or six times may-  
be more or less.

By the Judge

Int. What time of day

Ans. - A long time in the afternoon. He hitched his  
horses on the sign post and stayed there for some time  
I left between three and four I went up upon the  
prairie.

By Mr. McArthur

Int. - And you think he drank five or six times before  
you left

Ans. - Yes Sir I am sure he did. He had drunk during  
that day I mean.

Int. - How many times after he came back from  
mill.

Ans. Probably about three or four times.

Int. Before you left.

Ans. Yes Sir

Int. - You mean he drank five or six times in all

Ans Yes Sir.

Int What did he drink

Ans - I believe he drank some beer in the afternoon  
maybe a glass or two more beer and whiskey

Int - Do you recollect anything about Mr  
Moutson getting whiskey at your place.

Ans Yes Sir

Int How much.

Ans A Gallon.

Int That afternoon

Ans Yes Sir

Int State whether and defendant  
were gone

Ans - Well I understood before I went out upon  
the prairie

Objected to

Mr told Mr Wapps if I dont get a chance  
to ride I have to walk home. Mr Wapps said  
that he does not walk home - If he does not get  
a chance he would carry him home.

Int. Did he carry him home

Ans - I did not see them start

Int. Was the way to Moutsons home the way  
to Wapps or in a different direction.

Int

Int - When he was at your house in the afternoon  
did he or go to.

Objection overruled.

Exceptions taken then by the counsel for the defendant.

Q. This is for the purpose of rebutting insanity  
 Judge  
 and how did he act when he had this difficulty  
 with the smith was you present.

A. I was present that was before I left on  
 the Prairie

Q. How did he act, and what did he say.

A. He acted a little crosser than he had some  
 other days

Q. What was the difficulty between him and the  
 black smith

A. It was about the wagon.

Q. How was he talking about the wagon

A. You and Waffs said you cannot make  
 a wagon good enough for me, and  
 said I make

one for you you could not pay for it.

Q. That was what the blacksmith said.

Q. What did Waffs say to that.

A. I cannot recollect what he just said.

Q. They had some cross words between them after  
 that

Q. What were they

A. They commenced talking and I thought

they would have a fight and I told them to keep quiet and they to keep quiet as far as I know.

By the Judge.

Int. - What hour was it.

Ans. About 2 o'clock probably.

It was in the afternoon

By Mr. Hep Allister

Int. What made you think they were going to fight.

What motions did they make.

Ans. By his talking

Int. How.

Ans. They talked pretty crafty both of them

Int. Did they swear any.

Ans. No I don't think they swore.

Int. What do you mean by saying crafty words

Ans. They was talking so I thought they would have a fight and I said I said I want you to

and they did sit still afterwards

Int. How near were they together when you thought they were going to fight.

Ans. They were pretty close together.

Int. What was No. 10's manner.

Ans. Well No. 10 was pretty awful crafty.

Int. Was he noisy

Ans. Yes and so was.

Int. Can you recalled - what they said

Ans. No I dont recalled what they said.

Int. Was any thing said about fighting something

Ans. They both looked as if they were ready to commence fight and then I stopped it in time.

Int. Did you hear him say anything that afternoon about

Ans. I did not hear anything about that.

Int. Did you see Mr Bladgett there.

Ans. Mr Bladgett was there after I had gone

Int. Did you that see him.

Ans. Not as I recalled. He might be there but I dont recalled seeing him.

Int. Did you see him again that day.

Ans. Sir

Int. Where.

Ans. Near a little ways from his house.

Int. Did you meet him

Ans. I met him right on the road.

Int. About what time.

Ans. Probably it was <sup>about</sup> between five and six it must be.

Int. Did you speak to him or did he speak to you

Ans. I drove right by him shook my head at him and said "are you going home" and he did not answer me.

Int. Any body with Neapps.

Ans. No Sir

Int. Anybody with you

Ans. - Yes Sir

Int. - Who

Ans. My wife's Sister

Int. State whether you noticed anything in  
Mr Wapps that afternoon aside from influence  
of liquor that was peculiar or different from  
any other time.

Ans. - I saw he was a little crazier that day as  
he was some other days

Int. Was that all you noticed.

Ans. - That was all I noticed.

Int. You have known him for about eleven  
years.

Ans. Yes Sir

Int. - How often have you been in a habit of seeing  
him

Ans. Every week atleast sometimes every day.

Int. - Did you ever in the course of your acquaint-  
ance notice anything that attracted your attention  
as strange about him.

Ans. - I don't know I can say that I saw much  
strange upon him

Int. - Did you ever say anything:

Ans. Not as I recollect.

Int. When he was entirely sober.

Ans. When he was sober. It made no difference

if he was sober or if he was drunk. He always dealt every thing fairly and every thing right with me. Sometimes he might have some drink and not pay me for it, and when he would come next he would say I owe you so much, and I would not know anything about it, and sometimes when he has been drunk he would not know and I would say Mr Wapps you owe me so & so much and he would pay me.

Int - You never say anything else  
but straight in  
his business.

Objected to by Mr Mc Allister,  
Judge.

It is not proper if objected to.

By Mr Mc Comas

Int What time did you leave him that day

Ans Between three and four.

Int. Was he at your house to the time you did leave.

Ans Yes Sir

Int. When you saw him on that evening on his way home between five and six o'clock as you saw him approach, you was it light enough to see him distinctly

Ans Yes Sir

Int. How did he sit in his carriage.

Ans He did not have a carriage

Int. What did he.

Ans. - A two horse wagon

Int. - What was he doing

Ans. - He was sitting in it and driving right home

Int. - Was there anything in his manner that struck you as peculiar then.

Ans. - I thought at the time

I told that lady that was with me, "I guess Mr Wapps is pretty sober <sup>I thought he was, on you apply to day</sup> the day" <sup>he drove slow that day</sup> and when he was drunk he drove like every thing.

I was afraid he would go home with Matteson that day and get on an awful spree.

I know him and know his peculiarities and I told Lit "I guess Wapps is pretty sober. I was afraid he would get on an awful spree with him."

Int. Did you pass close to him

Ans. - Yes Sir, I drove a little faster because there was a little bridge there and I drove a little faster so that I might not meet on the bridge. I just shook my head and said "are you going home"

Int. Would you speak very loud

Ans. - I did not speak very loud and the noise of the team might have prevented his hearing.

Int. Did he recognize you at all.

Ans. No Sir

Int - You have known him for many years.

Ans Yes Sir.

Int - What he drinks in the millage he drinks at your house.

Ans Not all

Int - That is his principal place of resting.

Ans - He drinks at some other places too.

Int - You say he drives very fast when he is in liquor.

Ans Yes Sir.

Int - Were you satisfied he was not drunk.

Ans - That is what I said at the time.

Int - When he is drinking does not a little more tend to make him more humorous and pleasant.

Ans - Generally keep him in good humor sometimes along with me any way.

Int - He had not left your house before you left.

Ans No.

Int - He was there when you left.

Ans - He left after me.

Int - And you left between two and three o'clock.

Ans Between two and four.

Int - Do you know of his going to Ayres that day.

Ans. I dont know anything about it.

Int - In going to Ayres would he go in the direction this man wanted to go.

Ans No Ayres lies right by the mill.

Int - Who was the man he was talking to

then.

Ans - Mattison

Qnt - Did he live West of Wheeling

Ans - No he lived South of Wheeling

Qnt - How far.

Ans. Probably about two and a half miles from Wheeling.

By Mr Mc Allister.

Qnt - You said sometimes liquor would make him good natured

Ans - I never saw him very croft when he had liquor I have seen him pretty fight so that I had to take care of him and put him to bed.

I remember once last Winter in the evening Mr Woff was down at my other place and that wagon maker was along with him. The wagon maker came into my house and he told me I shall fetch the lantern out, and I took a light, and went out and I know what was the matter when he came and asked me to bring a lantern.

I knew what was out, and when I went out the wagon maker was there with the team and I said what is up, and he said Woff fell off the wagon there, and I went and looked for Woff I was afraid he would have his neck broken.

I said to him to stop and then I went out to take care of the horses.

Qnt - What ailed Woff then

Ans - No. was sitting around the Stone but my woman,  
the Wagon Makers wife and some others were in  
I did not say his I kept still about that

Int - State whether at that time he was intoxicated

Ans - No. was pretty drunk at that time.

Int - No or often how you see him drunk.

Ans - Different times

Int - No or often.

Ans - I cannot tell I could not guess near  
how many times.

Int - Did he make any noise or disturbance.

Ans - Sometimes he appeared happy singing  
Noe generally appeared a pretty happy man.

Int - Did you ever know much about his  
~~gambling~~ quarrelling.

Ans - I did, <sup>not</sup> you know much about his ~~gambling~~ <sup>quarrelling</sup>  
except that time with the

Noe always felt pretty happy generally.

By a juror.

Int - Did you put him to bed that night.

Ans - Yes Sir, Noe said in the morning that he  
never slept better upon the best bed he ever had

Int - You were speaking of the jug that Blodgett  
had, Did he drink out of that.

Ans - No Sir.

By Mrs. Mee Thomas.

Int - Did he sit pretty straight, <sup>in his wagon</sup> that evening

Ans - Yes Sir Noe sat pretty straight in the

wagon.

Archy Blodgett  
called and Examined  
By Mr Wm Allister

Int - Where do you live,

Ans - I have lived in Wheeling

Int - Do you know any thing of the defendant Hoapps

Ans - Yes Sir / Did you live in Wheeling in June and July last Ans I was <sup>not</sup> there

Int - Did you

know at the time of the killing of Mrs Hoapps, Ans Yes Sir.

Int - Did you know the messenger,

Ans - Yes Sir.

Int - Were you at his house the day Mrs Hoapps was  
stabbed

Ans - I was.

Int - What time of day were you there

Ans - I should think about four o'clock. I cannot  
say exactly.

Int - Did you see Hoapps there,

Ans - Yes Sir, I saw Mr Hoapps there,

Int - Four o'clock in the afternoon

Ans - Yes I think

Int - What was Hoapps doing then.

Ans - He was just about drinking when I went in  
about going to drink, stepping up to the bar  
I think

Int - Was that after the messenger had gone

Ans, I did not see him Mrs Hoapps messenger was  
tending the bar.

Int - Did he say any thing to you when you came

in:

Ans. He invited me to drink and I called for a glass of lemonade, Mrs. W. Munsinger said they had no lemonade, I then called for a glass of orange and white she was filling it Mr. W. Coffe said I had better drink whiskey that was <sup>the</sup> best.

Int- What did he take.

Ans. He took whiskey I believe, I supposed so.

Int- Did he call for whiskey

Ans. I don't know as I heard him call.

Int- Did you see him drink again after that.

Ans. Yes Sir I saw him go to drink to Mr. Mattison.

Int- At W. Munsingers did you see him drink

Ans. Not at that time I believe.

Int- Did you hear him make any declarations there that day about how whiskey made him feel if so what did he say.

Ans. When he told me to take whiskey that was the best I made reply that I did not want any and I did not care about drinking whiskey.

Int- What did he say to that

Ans. He said he had not smoked any for two or three weeks and whiskey made him feel ugly. He felt sometimes like killing everybody.

She was lame.

W. Munsinger

By Mrs. M. M. Omay.

Int- Did he tell you he had been unwell and

what was the matter with him, what part of him was lame.

Ans I think he spoke of his arm his shoulder being hurt some three or four weeks before I knew of that, I had heard of it.

Int Did he say anything of his being worse or unable to sleep since he had that.

Ans I think not at that time. I dont know as I ever heard him say he was unable to sleep.

Int Do you know of your own knowledge what he did drink at that time.

Ans I do not.

Int At what time of day was it you left Aban Augers

Ans I was there but a few minutes perhaps not more than five.

Int Did you go away with him

Ans I went away with him.

Int Where to

Ans To Mrs. Matthews

Int What was he going there for

Ans, To take her <sup>the</sup> name

Int Did you return with him from Mr

Ans I did to Wheeling?

Int State whether on your return you observed

anything that was singular in Hoffa,  
 And Mr Hoffa was very anxious I should go  
 to Mr Ho's with him,

I put before yourself to the question I put you  
 And, Now said he wanted to talk on business  
 and after we started back he commenced talking  
 on business and he talked for the first of the time  
 very regular, then I thought he  
 a little mild but to Bronsingers I did not notice  
 there was anything very unusual about him, I  
 thought then there was,

Objected to

The examination was only as to what was seen  
 at the particular place. You are taking him  
 away from that. It is not a cross examination  
 for that reason.

Mr Ho's bonus,

I understand it to be upon the same subject matter  
 It is upon the effect of this man's mind.

Judge.

They may get all they can from him in  
 regard to this case; they can introduce any  
 fact on any subject connected with the case.

Objection overruled  
 Examination Resumed

Witness, He talked some as I said on business as  
 usual and then he would fly off and talk rather

mind and his words were at one time "No one cared for nobody and why should he"

I had seen him when he was in liquor and when he was sober, but I did not consider him drunk at that time, I supposed it was from the effects of liquor, he was a little delirious, I suppose from the effect of liquor, he had drunk, not that day but before, I don't remember of any thing in particular he said when talking in that way except he cared for nobody and why should he etc.

Int. - State to us whether his mind had a tendency to fly off from one subject to another without any connection!

Objected to

Now can state whether the conversation impressed him in that way.

Ans. In his conversation he spoke something about his family, No one wanted to take care of his children. As to his wife, she did not care anything for him she had told him so lots of times.

Sometimes No one talked as usual and then would fly off from one thing to another. After conversing on any subject he would fly off on something that I did not.

Objected to

Int. State whether he would start off from one question and change directly and mildly,

from any other question without regard to connection.

Ans. I said before that was a fact.

But state what his manner was with regard to connectedness of conversation: and describe his manner upon that subject - and whether it struck you as a peculiarity.

Ans. As I told before he would fly from one man to another very quick!

Int. Was his manner different from his manner at any time you had seen him before whether drunk or sober.

Ans. I think it was.

Int. At that time you did not <sup>think</sup> he was drunk.

Ans. I did not consider him drunk.

I had seen him drunk and I was acquainted with him enough to know when he was drunk.

By Mr Knox.

Int. Our examination left him at the tavern at Wheeling. Whether you saw him drunk once, this was about four o'clock in the afternoon: and no business had gone and his wife was tending bar. You found him there, and he asked you to drink.

How saw him drunk but once there.

Ans. No Sir.

Int. Would he take along any jug of

whiskey with him did he get on;

Ans. He had a peg of whiskey where, I suppose it was whiskey she called it whiskey but: Was there any drinking between

Ans. Not any, He drank after he got there I suppose whiskey

Int. Ok.

Ans. No W'offs.

Int. How many times

Ans. He went to drink three times, the third time I noticed it and it was very small, I did not notice it the other times

Int. How long were you there

Ans. Perhaps 15 or 20 minutes

Int. You did not know of his having drunk half a dozen times or any number of times during the day did you

Ans. No Sir

Int. Did you start right off and right back.

Ans. Yes Sir

Int. And it was on that ride back you thought him a little inebriated

Ans. Yes Sir

By Mr. McComas.

Int. In the opinion you have given us did you form your opinion from the number of drinks or from the knowledge of the man

and his manner and appearance  
Ans. From his manner and appearance and  
what I had known of him.

By Mr Knox

Int. At that time you did not know he had  
drunk ten times before that day.

Ans. No Sir

Joseph Spinkier

Called & Examined

By Mr Mc Allister

Int. Do you know Mr No apps.

Ans. Yes Sir

Int. Are you the person who made cheese at  
his house last summer.

Ans. Yes Sir

Int. Do you recollect the day Mrs No apps  
was stabbed:

Ans. Yes Sir

Int. Do you recollect the fact at the time  
not answered.

Int. Were you there in the evening after she  
was stabbed

Ans. Yes Sir

Int. Did you do any business with Mr No apps  
that night <sup>and if so how long after he stabbed his wife</sup> after he ~~stabbed his wife~~

Ans. About ten o'clock

Int. What was it

Ans. I spoke to him in the morning and

gave him some money, He was going to wheel  
up and he was to bring me some remitt  
with 10 or much money

Ans three dollars

Int But He went to Mill

Ans Yes Sir

Int Same Morning

Ans Yes Sir

Int Remitt is an article used in making shoes

Ans Yes Sir

Int That took place about ten o'clock after  
he had started his wife

Ans Mr Wapps, Mr Luce and myself were  
together in the kitchen. Nobody said any  
thing. I no say anything, Mr Wapps no  
say anything, Nor Mr Luce not say anything  
Nobody say Mr Luce I guess I'll go a little while  
into bed

By a juror

Int Did you lone there

Ans Yes Sir I make his chaise and brought  
his milk

Int How long

Ans I came out I guess about the eighth of  
April

By Mr. Mc Allister

Witness - Mr Wapps said had on for I have got some  
money in charge and the remitt you will find

in the wagon and Bunsinger gave me fifty cents you  
 will find them too on that paper I had given Bun-  
 singer two times for fifty cents and he ~~had~~ <sup>had</sup> paid it to  
 Mr. Woffp and the money was exactly right.  
 The hired man had brought the receipt in the house  
 but you had sent two times to Bunsinger and  
 loaned that.

Ans Yes Sir

Int. Were there fifty cents just right.

Ans Yes Sir

Int. And the change for these three dollars just  
 right.

Ans Yes Sir

Int. Did you board in his family.

Ans Yes Sir.

Int. What time did you go there

Ans. The eighth of April or the ninth I did not  
 know the exact date.

Alanzo W. Ambs,  
 Called of Eyewitness  
 By Mr. McAllister

Int. You have already stated you were there the  
 night of the killing

Ans. In the morning.

Int. Next morning.

Ans. Yes Sir

Int. At what time

Ans. Not till about nine o'clock.

Int. Did you see Woffp that morning.

Ans. Yes Sir,

Int. That was the morning after

Ans. Yes Sir

Int. Before Bonner's inquest,

Ans. Yes Sir

Int. Before he was brought into town,

Ans. Yes Sir

Int. Did you have any business transaction with him that morning.

Ans. Yes he got some oats from one in the Spring and the bargain was he should pay me what I got for my oats when I marketed mine, or drove them to Station.

Int. Seed Oats.

Ans. Yes Sir, when I went in he was on the lounge or sofa and he asked me to come to him and sit. He said I guess I had better pay you for those oats, you aint got a note and you may have trouble about it, He asked me then if I knew what they weighed, I told him I did.

They fell short about eight bushels to the hundred

He said that was right, he weighed them.

He took his pencil and figured up the oats and paid me.

Int. Did he figure correctly.

Ans. Yes Sir.

Int. Any thing else said

Ans. He said he did not get quite as much for his

when he marketed and I surmised he wanted I should give him something back in change but he did not say anything.

I hesitated a bit and then finally he said never mind it is all right;

Int. What is your occupation.

Ans. A farmer

Int. How long have you known W. opps

Ans. Fourteen Years.

Int. How near have you lived to him during that period of time.

Ans. Sometimes further off and sometimes nearer at no time further than two and a half miles.

I think about one and a fourth now and have for seven years past <sup>of</sup> all.

Int. How often have you been in the habit of seeing him.

Ans. - Sometimes I see him quite a number of times a week, and then again I might not see him for a month. I see him quite often.

Int. You consider yourself well acquainted with him

Ans. Yes Sir so as any that live within that distance

Int. What are his characteristics as far as you have discovered as to his being <sup>prudent</sup> & concerted  
Chastise or otherwise

Ans. Well I dont hardly know how I can tell.

I should not consider him proud in appearance but  
always more to carry an idea of liking to  
have a good reputation.

But as to business is he a man likes to have his  
own way

Ans. I should think he was a man that had  
his own way pretty thoroughly.

But. He appeared to like to make a show  
of one kind or another either as a <sup>farmer</sup> <sup>in his house</sup> or  
any thing of that kind.

Ans. Yes Sir I think he was a man that did  
not - At the time you settled with him for the cat  
was there anybody else there that called upon him  
if so what was said.

Ans. Yes Sir, just as he settled with me there were  
two or three men came up and presented notes for pay-  
ment, and he says to them gentlemen you have got your  
notes, when they are due they will be paid.

But. Did you ever hear him state what was the cause  
of abusing his wife.

Ans. I never heard him assign any reason, except  
that morning from what he said to me there  
was some difficulty.

But. Were you aware of it the time his wife  
went to Parr Parr Greene.

What did he get you to write.

Ans. He said liquor was the cause. He <sup>had</sup> got her

Michell to write.

By the Judge.

Int. When was that?

Ans. It was when his wife was gone.

Int. How long before.

Ans. I dont recollect exactly.

Int. Where was she.

Ans. She was at P or P or Green I understand by him.

Int. Was it a long time ago.

Ans. It was several years ago.

(Witness resumed) He said he would sacrifice his thumb his finger or his hand to get her back.

Int. State the cause that he told.

Ans. Well I said it was drinking.

Int. Nothing else.

Ans. No.

Int. Have you ever heard him make that statement more than that time or anything to that effect as to liquor being the cause.

Ans. No Sir I dont think I have.

Int. Did you have any conversation with him next morning after he stabbed his wife and if so what was it.

Ans. After he settled up for the rent, the constable came and arrested him.

Int. What constable.

Ans. I think his name is Johnson.

Int. Did he make a formal arrest in your presence.

Ans Yes Sir.

Int- What did he say.

Ans. Johnson asked him if he would go with him and he said <sup>he would</sup> if it was necessary.

Int- Johnson then asked him to go into the other room and asked me and I think Mr McNeill to go in he want to search him.

Int- Did you go in.

Ans Yes Sir. Woffe took a seat and I sat down by him. I asked him how in the world he could do such a thing, and he said he had done every thing for her, built a house and furnished it and she had gone off and said bad things about him, and it was no good woman that would do so. He then said she is a big strong woman nearly as strong as I am, <sup>and</sup> had seized him by the throat.

Int. You are giving his language.

Ans. Yes Sir And that she caught him by the throat pulled down his collar and showed the marks.

Int What did you see.

Ans. There were some marks that looked like finger marks, three or four in repetition. I had no further conversation with him.

Int In the course of your acquaintance with him have you ever discovered anything singular or peculiar that attracted your attention.

Ans. Nothing more than the effects of liquor.

Int. Never heard anything suggested to you.

Ans. No Sir.

Judge to Mr. Allister,

Do you mean by his observation.

Mr. Mr. Allister, certainly.

John Rickett.

Called and Examined.

By Mr. Mr. Allister,

Int. Do you know the defendant W. app.

Ans. Yes Sir.

Int. By Mr. Mr. Barnes.

Int. Have you been summoned.

Ans. Yes Sir.

Int. By whom.

Ans. Mr.

Int. On the part of the prosecution.

Ans. Yes Sir.

Int. Have you not been sitting in the room whilst evidence has been going on.

Ans. Not to day, I believe I had yesterday.

Int. Did you know the Court had ordered you not to stay here.

Ans. No Sir.

Int. How long have you been here.

Ans. Since Saturday.

Int. Did you not hear.

Ans Not before Yesterday  
but What time of day yesterday were you ordered  
to leave

Ans During the time of Little  
but did you leave there

Ans Yes Sir

Allowed.

By Mr Mc Allister,

but How long have you known Mr Mc Apps

Ans. I dont know exactly how long I should think  
in the neighborhood of ten years or so.

but What is your business and where did you  
live in June last.

Ans. I lived in Whiting and worked at black-  
smithing

but Did you see Mr Mc Apps on the day he stabbed  
his wife What time and where.

Ans. I saw him that day towards evening  
but Where

Ans. I saw him in Whiting pretty middling well  
towards evening

but About what time.

Ans I dont know exactly what time I think  
somewhere in the neighborhood of six o'clock. I  
should think somewhere there.

but did you do any work for him

Ans I done a little for him.

but What did you do.

Ans Put a shoe on his horse

But Was that after he had been to Batterons

Ans I think not, I dont know but I would not be positive.

but do you think it was before.

Ans. I think it was just about the time he started to go down.

but did you have any conversation with him

Ans I had a little

but upon what subject,

Ans. He was talking about bad money. He said the progress of Banking would break down the state or something to that effect. They would run down Eastern money, & would then buy it up at a large discount, and then they would pronounce it good again that was it about the time when some Eastern money was around town.

but are you done his work as Blacksmith:

Ans No not always. I have seen him  
I have done for five years, perhaps

I dont know exactly.

but did you do all his work,

Ans No Sir:

but did he ever tell you what was the cause of abusing his wife

Ans. He never told me directly exactly but I have heard him make a statement that

he had abused his wife

Qut Who was he talking to

Ans. - He was directing his conversation to the  
Jodges,

Qut Mcneils Jodges

Ans Yes Sir

Qut Did he state what was the cause of it.

Ans. He said he abused her and it may liquor  
that done it, He said he did not think he would  
have done it if it had not been for the whiskey  
and liquor.

Qut. Was he sober when he made the statement.

Ans. I think he was.

Qut Did he profess he had any other cause.

Ans Not to my knowledge.

Qut Have you ever in the course of your acquaintance  
ever seen anything which struck you as  
peculiar or singular.

Ans Not when he was sober.

Qut When he was intoxicated was there any  
thing different from what any other man  
might be when intoxicated.

Ans. I think not he would act silly same as most  
people when he was drunk.

Brief Examination

By Mr McComas.

Qut Are you son in law of George Strong

Ans Yes Sir

Int. Are you about this  
of exclusion of witnesses Have you not heard  
anything <sup>talked</sup> amongst witnesses.

Ans. I heard some one say pretty much all  
the witnesses were in here and I thought I had  
as much right as any one else.

Int. You did not go out when the other witness came  
in.

Ans. Not till you spoke.

Int. Had he not been examined for half an hour

Ans. Yes sir, I stayed in till he got pretty much  
through I guess.

Int. Would you not know they were excluded.

Ans. I heard you say so.

Int. Did not you know as a fact.

Ans. I did not know that any one told me I was  
to be there, I heard some one say that they were to  
be there. I did not know it was wrong to be  
there at that time. I hear that the witnesses  
were to be in that room when they were called.

Int. Are you a free mason.

Ans. Yes sir.

Int. What degree.

Ans. I am in the third degree.

Int. And you get up and swear what oc-  
curred in the free mason's lodge.

Ans. I don't swear to any secrets at all I don't  
swear to any secrets.

By Mr Dexter:

Qut Did you say you had not been informed by witnesses that they were to remain in that room and not allowed to set in Court

Ans. Not at that time,

Qut - Previous to the time Mr Lee Comas said this  
Ans. I heard some witnesses say that that was the room they wanted to be in

Qut Did you not hear them say they were not allowed to be in the Court.

Ans. I heard them say they were not to be in the County when the witnesses from the County were being examined.

Qut. Did you not say that you had been told that you had no right here when the witnesses were being examined

Ans. Yes Sir

Qut Who did you see.

Ans. I saw Strong, Sparks, Luff, Kunsinger. I think I saw Mcwill and that is whilst Little was examined.

Peter W Schenk

Called and Examined

By Mr Lee Allister.

Qut Where do you live.

Ans. I live about forty or fifty rods west of Woffs in this County.

By Mr Lee Comas.

Qut Have you been in this room whilst testimony was given.

Ans No Sir, Only passed right through.

Qut Have you not been before to day.

Ans No Sir. I have heard some doctor's evidence but nothing else.

By Mr Mc Allister

Qut How long have you lived there

Ans. I think it will be seven or eight years next April, I don't by positive which.

Qut How near most of the time.

Ans. Forty or fifty rods it may be so little over that.

Qut How you much acquainted with him.

Ans. Oh yes Sir since that time.

Qut. What is your occupation.

Ans. I am Farmer

Qut Did you go there the evening he stabbed his wife.

Ans. Yes Sir

Qut What time did you get there.

Ans. I was there I think it was in the neighborhood of half past seven o'clock in the evening.

Qut Was it dusk.

Ans. I think it was quite sun down very near it.

Qut State whether you found anything in the yard and if so what.

Ans. I went into the house in the first place and as I entered the kitchen where Mr Waffs sat, I says to Mr Waffs as he came in at the door, "What on earth have you been doing". Says he nothing more than I intuded. Then I passed through into the sitting room, and I met Mary and she said and she said "Oh Mr Scheyek Papa has killed Mother", I passed into the bedroom and she took hold of my hand, and she said something but I have no recollection of what it was. I returned back to the kitchen I dont know but that he might <sup>try to</sup> make away with himself, or make his escape.

I went back as quick as she left loose of my hand And I asked if any one had gone after a Doctor, and they said there was none and I sent a boy and told him to get him as quick as he could.

But did you ask Mr Waffs.

Ans. No Sir.

But was it in his presence

Ans. Yes Sir.

But did he say any thing after that

Ans. No Sir.

But you sent a boy immediately after the Doctor.

Ans. Yes Sir

But was the Defendant there

Ans. Yes Sir

Int. Would he say anything.

Ans. No Sir

Int. What did you do next.

Ans. I made observation to Mr. No apps. It was through whiskey he had done this. He said not, "It is not through the influence of liquor not at all. for the time had been long coming on.

By the Judge,

Int. What had been long coming up.

Ans. What I talked for was what he had done "for this has been contemplated for the last ten years". That was all the conversation I had with him. Mr. Little, Mr. Luce came into the room and I was walking out waiting for the Doctor to come and walking through the yard and walking between the kitchen door and Piazza which was between the upright part of the house and the kitchen part.

I walked up upon something that was hard and I stopped to know what it was and I found a knife.

Int. Is that the knife you found and is that the condition it was in.

Ans. That looks like the knife it was open. Int. Anything on the blade if so describe how it was.

Ans. There was blood on the blade and clear up to the middle part of the handle. It looked

like blood that day. I took it up to my place  
and locked it up in a bureau drawer. I tied  
it up in papers.

Q. Did you go into the house with it.

A. Yes, Sir.

Q. Who did you give it to.

A. The coroner.

Q. Did you go into the room where he was

A. Yes, Sir I was in the room where he was.

Q. Was it brought in view of his sight.

A. I am not able to say whether it was.

Q. He had it in the sitting room looking at it

Q. Did you give it to Max James.

A. I suppose that was his name. He was  
a stranger to me.

Q. Where you found it were there any weeds  
or grass.

A. There was grass.

Q. Could you have seen it without stepping  
on it.

A. I don't think I could because it was get-  
ting pretty well dark at that time.

Q. Were you there next morning in the house

A. It must have been nine or ten o'clock  
I cannot say as to that it might have been  
later.

By Mr Dexter.

Q. When did you get back there

Ans. Yes Sir.

By Mr. Med. Allister

Qut. Was any such arrangement made as that some one should be kept around there watching him

Ans. I think I suggested that myself before I went off to get the authorities.

Qut. Whom did you leave there when you went off.

Ans. There was Mr. Little there and Benjamin Dyer and the Doctor there and his hired man and I think a man of Merrill's was there, I went to position there was two or three of his men there and I think there were two or three others. Mr. Merrill's man was there. There was some seven or eight.

Qut. What time did you leave.

Ans. At eleven o'clock or thereabouts.

Qut. You are a farmer and have lived there seven years.

Ans. Yes Sir.

Qut. Will you state to the jury whether in all your intercourse with Wapps, you ever discovered any thing in his conduct or appearance that appeared to you as singular especially when he was sober.

Ans. No Sir. I have always taken him to be a very nice man when he was sober.

Qut. There was nothing suggested this to you

Ans. Nothing at all, Never saw anything wrong about him at all.

But Did you ever know of his abusing his wife or family when he was sober or talking against her.

Ans. No Sir;

But When he was drunk was he different from other men

Ans I dont know that he was from other men at all

But Did you ever hear him state the cause of abusing his wife prior to that time

Ans No Sir.

But How did his talk differ during those periods when his wife was absent and when he was kept sober and at other times when he was drinking

Judge.

You had perhaps better first ask if he had any difference in his conduct when sober and when drunk.

And state whether there was any difference.

Ans. When sober he was generally very still and when in liquor he was generally pretty talkative, but in the absence of his wife he kept pretty sober all the time

But, When his wife had left him you mean.

Ans. Yes Sir

But What kind of a business man was he.

Ans. A good business man.

Qut Did you consider him a capable business man.  
Ans Yes Sir

By a juror,

Qut - It has been stated Mr Wapps called certain persons to see he was not intoxicated, Did you see any thing of that kind:

Ans. There was something said about that in the kitchen but I am not positive myself.

Direct Examination

By Mr Mc Comas,

Qut Have you had unfriendly relations with Mr Wapps

Ans. I can say not really unfriendly but not very serious.

Qut - Never had any quarrels or jams,

Ans - I have never caused any quarrels but he came one Sunday to quarrel with me, I dont know whether he had been to Church but it was after Church hours.

Qut Did he say he had been to Church.

Ans. No.

Qut - Did he come from Church.

Ans - I could not say.

Qut How long has that been.

Ans. I suppose three and a half or four years.

Qut - What terms have you been on,

Ans The hired neighbors to one another lived on

By Mr Dexter

Qut. You dont recollect about his calling people to witnesses that he was sober.

Ans. I could not say positively as to myself.

Qut. Did he say anything on your hearing at that time about the act he had done being wrong?

Ans. Yes Sir, I think he said so.

By Mr McComas,

Qut. Have you visited at his house often during the past five years.

Ans. Never visited at his house but once.

By Mr Dexter (with evidence before coroner)

Qut. Is that your signature,

Ans. Yes.

Qut. Was the oath administered to you when you were examined before the coroner.

Ans. - I was called upon to swear and my testimony was not sworn to at all.

Qut. The oath was administered

Ans. - Yes Sir,

Qut. - When that oath was administered to you, did you not say you had heard the statement Mr Little had made

Ans. Yes Sir I guess I did.

Qut. - Did you not say that Mr Hoops called upon you, yourself and Little to understand that he was <sup>not</sup> under the influence of liquor and did you not testify to that.

Ans. I mean to say that my inducer and Mr

Little corroborated

Q. Now mean to say that if Mr Little said so, then you heard it also.

A. I have no knowledge of that.

Q. But if Mr Little made a statement of that kind did you hear it?

A. I have no remembrance of hearing that.

Q. Did you hear Mr Wapps say I want you and Little and there to witness I was not under the influence of liquor?

A. Yes I heard him say that.

Q. Do you mean you heard Mr Little say he was not under the influence of liquor but did not hear Mr Wapps himself call them to witness?

A. Yes I heard him say he was not under the influence of whiskey at all.

Q. That is not the question I ask you. Did you hear him say Mr Behuck, Mr Benjamin Large and Mr Little I don't wish you to understand that I am under the influence of liquor at all.

Q. Now you are not sworn in this statement that you did hear that Mr Wapps called upon these gentlemen to swear he was not under the influence of liquor at all.

A. I heard him say it.

Q. At the immediate time of this conversation what impression did you have in your own mind about Mr Wapps being under the influence

of liquor

Ans. Now showed a little resemblance of liquor  
but did you not remark that at the time of this  
conversation he talked natural and rational.

Ans. I did, I think he talked natural and ration  
al, Now had liquor and yet he was rational enough  
to do business I think he did too I might be  
mistaken

By Mr McAllister

but what did he do when he came over to your  
place on Sunday.

Ans. Now said he came over to talk about synd-  
ing his hands away from his work, about this  
fine fence. This was on the Friday I think, I had  
been to his men and asked them if they had  
not something to do and they said they had  
not. He was in Chicago

Objected to,

Mr McAllister

I dont want you to give conversations with hired  
men.

Witness Now came into the house and said he had come  
to see me about stopping his men to work, I said  
"Where", and he said on the line fence. Now questioned  
me a long time and finally I turned on him. We had  
a little spat and finally I left him and the fence  
stands there yet,  
but what was his manner.

Ans. He abused me in very good language, nothing  
 laugh about him, at all. It was Sunday, The  
 pray got on to the woman, He accused me of  
 circumventing her away and I told him she had come  
 there for protection, I would have carried her so  
 far that she never would have got here again  
 He never would have caught up with her again

By Mr McComas.

Qut Did you tell him why you would remember,  
 why you said that.

Ans. Yes Sir Because I told him he intended to kill  
 her.

Qut Did you tell him so and she a good woman  
 Ans I did Sir, I told him she was a good woman

Qut How long was this ago.

Ans. It must have been I think five years ago.

By Mr McAllister

Qut Was this before or after she left last time

Ans. It was before and I dont know it was  
 after she left first time I wont swear positively  
 as to that. It was after one of the times,

Qut Was he intoxicated then

Ans. No Sir He was sicker then if he ever was  
 sicker.

By a juror.

Qut How far was the knife from the place where  
 Mrs Waffs stood.

Ans. I think about twenty feet from the door

By Mr McComas

Q. It was so dark you could not have seen it.

A. It was so dark I don't think I could see it. But in daylight you could.

Q. I presume I could.

Q. It was short grass.

A. Yes Sir Only about three or four inches high.

By a Juror.

Q. Was the slapping in the house or out of doors.

A. I could not say.

By Mr McAllister.

Q. From stoop to door how far was that.

A. I should think about six feet.

By Mr McComas.

Q. And you say it was between the piazza and kitchen door and yet was twenty feet.

A. It was not in a direct course to piazza. It was thrown towards the road more.

Q. Where was you going.

A. I was walking around the yard waiting for the Doctor to come. It was thrown from the kitchen door over the path that led to this piazza.

George Strong

Called and examined

By Mr McAllister

By Mr. McE Cascas (preliminary)  
 Q. Did you not hear the order of the Court repeated from time to time with regard to witnesses sitting here and hearing evidence?

A. No Sir, I never heard the order of the Court with regard to it.

Q. Did you not hear witnesses ordered to leave repeatedly?

A. I heard witnesses ordered to leave at one time and I left.

Q. When was that?

A. I think it was day before yesterday.

Q. Are you not a sort of lawyer?

A. No Sir, I don't claim to be a lawyer, I sometimes attend a court for some of my neighbors.

Q. Were you not aware that the witnesses were excluded from the Court?

A. No Sir, I was not.

Q. Did you tell the Sheriff you were a witness?

A. Why he knows that

Judge:

I ~~know~~<sup>now</sup> recollect that Mr. Everett came to me and asked if there would be any objection to Mr. Strayer's remaining and he asked me whether I would permit him to be present and I said there was none, I got the impression it was not important.

Q. Was that answer communicated to you at all.

Ans. I asked him if there was any objection to my being present and he said there was not.

And I staid in the room until that time

It was the time Mr \_\_\_\_\_ was there

Int. Who was there in the Court at the time

Ans. I think Mr Nokes was there.

By Mr Lee Allister

Int. What is your occupation

Ans. Farmer

Int. Where do you reside

Ans. In the town of Wheeling Cook County about three and a half miles from Mr Nokes

Int. How long have you known him.

Ans. I have known him ever since he came in to the town. I think he came there in the fall of 27, I think it was about twenty five years.

Int. How often have you seen him frequently during that period of time, and been well acquainted with him or otherwise.

Ans. I have seen him sometimes two or three times a day and sometimes two or three times a week and sometimes two or three weeks I would not see him.

Int. You consider yourself well acquainted with him

Ans. Yes Sir

Int. Are you Supervisor of that Township

Ans. Yes Sir

Qut. State whether there is any difference between his conduct when he is sober and when he is in liquor.

Ans. All the difference I have ever seen in his appearance was when I saw what I judged to be the difference in the different kinds of liquors he had drunk from the times he was sober.

Qut. Did you ever see any thing in his talk during your acquaintance which led you to suspect there was any thing the matter with him except liquor.

Ans. I never did.

Qut. Have you been friendly with him,

Ans. I have never had any difficulty with him at all.

Qut. Have you known any of those instances when his wife has left him and seen him during the periods of her absence.

Ans. I have seen him during the time spent was when his wife had left him. I do not know whether it was so or not.

Qut. At these times did you have any conversation with him.

Ans. I have about various things not in regard to his family.

Qut. Do you recollect of going into jail, <sup>to see him</sup> in September last, if so state precisely under what circumstances you went.

Ans. I went to the jail to see defendant, by

this request on the first of September. It was during  
the meeting of the Board of Supervisors  
Q. Will you state whether you discovered any  
thing with reference to his being under <sup>the influence of</sup> liquor  
at that time in jail.

A. I don't think he was at that time.  
Q. Did you discover anything with reference  
to his having access to any liquor or having had  
A. Either at that time or another time  
I went into his cell and I saw some bottles there  
some ten or fifteen I should judge, and Defend-  
ant says to me, I don't know Mr. Strong but you  
will think by the look of the bottles I saw  
keeping a grocery here.

Q. What did you say to that?

A. I told him I did not think it was a  
very good <sup>location</sup> situation for that and he replied  
he kept a little to take himself, it was some-  
times well to keep some. I could not tell whether it  
was a little or some.

Q. You stated he sent for you to come down  
there.

A. There was a gentleman came and told  
me Mr. No apps wanted to see me.

Q. Did he tell you he had sent for you August 28th? <sup>Mr. No apps told me he was glad to see me - he had sent for me</sup>

Objection overuled and exception taken in this  
regard by Superior Council.

Q. For what purpose did he say he sent for

you.

Ans. He said he wanted to see me about his affair he had had. He expected to have a trial soon and so I was a man of considerable influence in the town he needed to put me right upon the question which came up. I then told him I was sorry the affair had ever happened. That I believed that if he had never drunk any liquor, murder never would have taken place.

He told me he never was not under the influence of liquor but was crazy at the time. He did not know what he was about. He stated that he was rational at that time. I then told him that I had understood recently that he had charged his wife with infidelity, I then asked if it was any one in the neighborhood and who it was. And he said the person was dead. He did not like to mention the name.

I then told him it was nearly two o'clock and the board would meet and I should have to leave him. He parted on that.

Int. This you think was in September.

Ans. It was at the September term of the Meeting of the Board. I was in the room at the time.

I was sent for the Superior's Room.

Int. Did he say any thing about having counsel at that time

Ans. He did not.

Qut Did you know whether he had caused  
Ans - I dont know whether he had or not -  
Qut - Nothing said upon the subject.

Ans, Nothing at all,  
James Nichol  
Called and examined  
By Mr Knox.

Qut - How long have you known deposed out.

Ans - I have known him over twenty years.

Qut How long have you known him well or often met him

Ans - I met him ~~some~~ <sup>some</sup> years ago after than of  
late years. I have met him of late years but not  
so frequently as formerly.

Qut - You have no extended acquaintance.

Ans - I never had any dealings with him, I was  
very well acquainted with him during  
part of that time over twenty years, but  
of late years not so much as formerly. He  
was then a companion of

Col Davis, Joseph Filkins and several  
men and I met him very frequently then  
with them and sometimes alone.

Qut. During all that time and up to the con-  
fession for this offence did you discover  
any thing singular or out of the way with  
him or ever any thing ever suggested.

Ans. No Sir, I dont know I ever did

Qut. Such a thing was never suggested to

to you by anything you had seen in him, up-  
to the time of his confinement

Ans No Sir It was never suggested to my mind  
that there was any thing peculiar about him  
I might have seen something in his character  
different to other men but nothing peculiar  
but What is your occupation and what has  
it been during the twenty years past.

Ans I was a farmer on a small scale nearly  
all the time

E. F. Bally.

Called and Examined

By Mr. Quay.

Q. What is your occupation.

Ans. Law.

Q. You are a lawyer.

Ans. Yes Sir

Q. How long have you been in practice in  
this State.

Ans. In the State some five years or more now.

Q. You have been in practice before you  
came here.

Ans. Yes Sir Nineteen years this fall.

Q. Do you know the defendant No. 100,

Ans. I do.

Q. How long.

Ans. I think first time I saw him was nineteen  
years sometime last fall

Int. You became acquainted with him nineteen years ago.

Ans. Yes Sir.

Int. Have you done business with him since that time

Ans. Yes Sir We have. The firm of Bradmell & Bally done business three and four years ago, the firm of Ellis and Bally last year

Int. You were a partner of Judge Bradmell

Ans. I was and now a partner of Mr. Ellis.

Int. - How long all the time

Ans. I was in partnership with Judge Bradmell from the first of January 1858 to August 1859. We did business with defendant, some business of his

Int. During these periods of time how often have you seen the defendant

Ans. - I could not answer that question. I saw him when he came in town.

Int. But you had known him all the time since your first acquaintance nineteen years

Ans. I think it must have been in the neighborhood of eighteen or nineteen years, since I first saw the man.

Int. State his character.

Ans. I always considered him a common good business man, a good financier and a good farmer.

Qut Did you do any business with him about the time of his slitting his wife recently before that evening.

Ans. We were attending to a case in Court for him. I guess one or two men in Court to dispose of and I guess and I guess, the first time before this one had collected about (\$1500) fifteen hundred dollars for him.

Qut. Did you have any interviews with him with relation to any of this business recently before this event.

Ans. A short time before I did in our Office. The last was at the time of paying money and remembers that must have been the very last of May or very first of June. about that time in this year.

Qut- State the circumstances of his coming <sup>to</sup> your Office or where did you see him.

Ans. He was there two more times, the last time I remember was when he came to receive the money and went down with me to the bank to receive it. He sat down and talked on that occasion.

Qut. It was the last time.

Ans. I will not say it was the last, it was the last I recalled.

Qut- Did you make any settlement with him

Ans. I did not only with reference to that

case No general Settlement.

Int. In which you had collected \$1500

Ans. Yes Sir. It was something over \$1500.

Int. Did you make settlement about that?

Ans. I don't know that he did.

Int. You had quite a conversation with him at that time, and you have had frequent interviews with him during your business relations,

Ans. Yes Sir.

Int. State whether in your <sup>business</sup> intercourse you discovered anything peculiar, singular or suggested in his mind as different to other men.

Ans. I can say I have as different to those in those of other men I have conversed with.

Int. What do you mean by common good business man?

Ans. A good common farmer, a good common financier, that is he would not excel every one, good common ability.

Int. Was there anything singular or peculiar about him?

Ans. I did not discover anything.

### Draft Examination

By Mr. McComas.

Int. Do you live near Mr. Mapps?

Ans. We lived on a farm a little South West of where he lived, not a near neighbor, but some <sup>short</sup> distance from him.

Int. Was he one of your special clients or Judge Bradmell's client.

Ans. - He was Judge Bradmell's client when I was in partnership with the Judge.

By Mr Knox,

Int. Did your answer refer to the business done by Bradmell or by yourself.

Ans. The firm of Ellis & Gully did the business.

Int. Did he go to the bank with him.

Ans. I did.

Int. And talked with him.

Ans. I did.

Peter Olinger

called & Examined

By Mr. McAlister

Int. Did you line Mrs. Noapps last Summer.

Ans. Yes Sir.

Int. How long did you line there.

Ans. I have worked six months.

Int. Prior to the time he had killed his wife.

Ans. I had worked two months pretty near.

Int. Did you work out on the farm.

Ans. Yes Sir.

Int. Where was you at the time he stabbed his wife.

Ans. I was out in the yard milking.

Int. What was the first you heard.

Ans. The first I heard, I heard Mrs. Noapps on

the outside of the house standing right in the door giving his wife bad names, and his wife stood up on the inner side of the door.

Qut. How far were you from that place.

Ans. About ten or fifteen rods from the house.

Qut. What did you hear him call her,

Ans. He called her a damned whore or bitch such as that.

Qut. Tell all about it.

Ans. I heard some noise from the mornens and I thought nothing wrong and I went into the yard and went into the hog house, to take some two pails of water to the hogs, and the second time I heard some noise, and I heard the woman call my name "Peter" and I went down to the house and soon Mrs Wapps standing right by the fence little gate that goes out into the yard. Then Mrs Wapps stood at the little gate with one hand and then she held of the gate with the other one, and Mary Wapps she cried so badly and then she said "never mind Mary I go to W. caren." I did not know then of her being stretched, and I went back to get some drink for the hogs.

Qut. When did you come back to the house again.

Ans. One of the hired men came and told me Mr Wapps cut his wife with a knife.

Qut. Which one was that for.

Ans. No, It is a man that is a soldier he has gone to the army.

Int. Up to this time you did not know only you went back to your work.

Ans. No.

Int. What did you do then Peter

Ans. I did not do anything then I went around doing my chores.

Int. When you went up to the house the first time was he in sight.

Ans. I could not say anything about him.

Int. Do you recollect anything that happened Tuesday night before this, This was Monday.

Ans. Yes Sir I believe it was Monday.

Int. Did anything happen on the Tuesday night of the previous week.

Ans. Mr. Wolfe was <sup>think</sup> then a little milder than he was when he came home and killed his wife

Int. Can you give the night

Ans. It was at night

Int. That night of the week before.

Ans. It was Tuesday night

Int. What took place then, what did you do and what did he do.

Ans. He came out of the house that night and when he came out of the house after he had abused his wife He says, Louis "I will fight you, Louis answered, "You are not stout enough

to night to fight me, You are not stout enough to night," and then he went to another hired man and said I will fight you.

Q. Who was he?  
A. His name was Gattlieb. He went to the army too.

Q. What did he say to him.

A. He said I will fight you and this man says if you want to fight go and fight Peter that was me. He answered, that is fair if you say so, I will and he came at me.

Q. How did he come at you.

A. He came at me with "I fight you".

Q. What did he do.

A. He did not do anything.

Q. Did he have any

A. Only for fun.

Q. What did you do.

A. I told him he can and he asked me "why" and I said "I would run away from you," and he said "I catch you" and I said "try it" and I started and he followed me and I went a couple of times around the house when I was tired I came and set down but Mrs Wapps came and I said Mrs Wapps I got fun enough. I will go to bed, and he said that is right Peter, I will do so too and

and I told him again Mr Hoapps you will go to bed, and he went into the hallway and thank mee, and I and then I went to bed.

Int. Was Mr Hoapps when in jail sent for you to come, and see him.

Ans. Yes Sir he did.

Int. When.

Ans. It was in the month of October.

Int. When did you see him in jail.

Ans. I saw him in his own room, when he is locked in.

Int. You mean Cell.

Ans. Yes Sir.

Int. What did he want to see you for.

Ans. The reason he asked me to come was about that story, he said that folks from Wheeling told him that I had said he followed me with a butcher knife on that occasion.

Int. What did you say in reply to that.

Ans. - I told him that those who had told him that some folks told you a lie.

He asked again 'what for did I follow you' I told him you done it for fun, to get you away from his wife and children.

Int. What did he say to that.

Ans. Says he "fun dont save much life."

Int. Did he say anything else.

Ans. Noe says Peter you tell me a different

story from other folks, that helped me a good deal,  
he says my lawyer wanted that. If you will  
tell me the same story these other folks  
tell me, it will help me a good deal.

By a juror,

Int. Had he been quarrelling with his wife  
and children that night,

Ans. With his wife and children together.

By Mr McComas

Int. Was he quarrelling with his children

Ans. I was not there I did not hear it.

(Recalled)

By Mr McComas.

Int. Where have you lived since you left  
Mr Waffs.

Ans. At George Strong's,  
Mehad Waffs.

Called and examined

By Mr McAllister

Int. Do you know the defendant William  
Waffs.

Ans. Yes Sir

Int. Are you any relation

Ans. I am a cousin of his

Int. How long you seen him write

Ans. Yes Sir.

Int. Look at these two signatures and state  
if they are his hand writing

Ans. I should rather doubt it myself  
 other hand writing I should not  
 swear it was his hand writing  
 Qut Do you not recognize it?  
 Ans. I don't recognize it as his hand  
 writing  
 Mrs Mc Matt.

Called and Examined.

By Mr Mc Allister

Qut - Are you a daughter of the defendant

Ans. I am.

Qut. Do you know his signature

Ans Yes Sir.

Qut Have you seen them often.

Ans Yes Sir.

Qut Look at these and say if they are his

Ans. Yes Sir.

Qut - You think they are.

Ans Yes Sir.

Mr Mc Allister

Offered papers in evidence dated 25<sup>th</sup> of November  
 and the record of judgment

Mr Dexter

Objected to the giving the same in evidence  
 The paper seems to be a note executed by defend  
 ant here to my associate in the case. We are  
 not desirous of concealing transactions be-  
 tween our selves and defendant or between

ourselves but we take legal ground in a case of life and death we conceive it does not affect the ~~practical~~ <sup>partial</sup> insanity. We have another objection that is that if the defendant were not partially insane or entirely so a contract of this kind would be good and therefore would prove nothing as to his condition.  
Mr Mc Thomas.

There could be

There could be but one object in view of this that I could attribute to gentlemen and that is as to the insanity, because surely as to our business it is a thing between ourselves and they would not bring such a thing in as evidence in this case. It is not to be expected that gentlemen will

and ~~will~~ without being paid for but in this case it is a question of life that is at stake.

Of course this is at stake, we is to be expected to pay and to pay what the services were worth.

In what respect can it <sup>again</sup> William B opps. As to its influence against me that is a matter of

only make me feel that it is right

If he signs that note it is evidence of his sanity at all.

If there has been any fact which has been demonstrated the clearness of his life it was his money business, We admit that he is so far competent to do ordinary business as to know his interests and to understand his interests,

Whenever the party gets what is necessary for him you can deal with them for necessities, as well as you can with anybody else. That is the way in which I understood it after having read the laws in reference to insane I know that in some cases you can I was to labor. And I looked to my interests as well as to my clients. I trust there is nothing to interfere in it, Nothing unhesitant in it, <sup>the only thing</sup> that I have done wrong when I base my fee.

Mer Know.

It is always pleasant to know that a professional brother is able to say that everything he do is done with perfect fairness and nothing disguised. Certainly nothing other than that has been imputed to them more than that.

The question is as to the admissibility of this statement, It is a note of \$1500. given by defendant to Mer Lee Thomas

begin the 22<sup>nd</sup> day of November 1862 which we expect to follow up with a confession of judgment on the first day of December

It looks like an extremely rational act when he has acted with those who now set up as his defence that he is a crazy man. That he has entered into a contract with them and assigned the note and a power of attorney. So much about his condition as they did when they consulted the doctors did not know to what he was competent to exercise this. I may be more obtuse in intellect than my friends, I don't know what kind of insanity these doctors make out. I have heard of it being a disturbance of the emotional center of the brain. I have heard that it is insanity of the exterior surface of the brain. I have heard it was on the mirror side and I <sup>have</sup> heard it was an insanity which should affect more or less all the faculties. It does not become my friend to say that he is sane in giving in the bill for \$1500 or more on any thing else. If there is any act or declaration of his life tending to show his insanity they are at liberty to prove it.

Her Hon. Allister

So as no notice in asking for a rule that would be erroneous. The Court has no right to say that is a particular insanity, which

does not affect other organs. The note is Admissible as evidence tending to show that the prisoner is not indifferent to his situation equally if fore of money is his ruling passion as he cannot admit

Judge.  
That is the ground upon which I admit it. The objection was overruled and exception taken by the Counsel for the prisoner.

Mr Mc Allister.

Read certain documents  
these allowed to

Judge.

When I say I admit it on the ground stated in Mr Mc Allister's remarks, I do not say there is any pertinency in it, I merely say it may have a bearing on the point of insanity.

Wm L Greenleaf  
Clerk of the Court.

But, Are you Deputy Clerk of this Court?

Ans. Yes Sir

But look at the papers containing a judgment entered and state whether they are on the records of this Court.

Ans. Yes they are

\$ 15 00

Chicago Nov 25<sup>th</sup> 1862

One day after date for value received I promise to pay to E M Mc Comas or order the sum

of fifty hundred Dollars with interest.

William Koffe.

Know all men by these presents that whereas the subscriber William Koffe justly indebted to E W McComas upon a certain promissory Note bearing even date herewith for the sum of Fifty hundred Dollars and cents made payable to the said E W McComas or order and due one day after date. Now therefore in consideration of the premises and of the sum of one dollar to me in hand paid by the said E W McComas the receipt whereof is hereby acknowledged I do hereby make constitute and appoint Murray Tuley or any Attorney in any Court of Record to be my true and lawful Attorney in and for me and in my name place and stead to appear before any Court of Record in term time or vacation or in any of the States or Territories of the United States at any time after maturity to receive service of process and confess judgment in favor of the said E W McComas or his or their assignee or assignees upon the said note for the above sum or for <sup>as much</sup> ~~such sum~~ as appears to be due according to the tenor and effect of said note with the interest thereon together with costs also for usual attorneys fees to be added to the amount due on entering up judgment also to file a cognovit

for the amount that may be so due with an agreement therein that no writ of error or appeal shall be prosecuted upon the judgment entered by virtue hereof nor any bill in equity filed to interfere in any manner with the operation of such judgment and to release all errors that may intervene in the entering up of such judgment or in the execution thereon and also to consent to immediate execution upon such judgment, hereby ratifying and confirming all that my said Attorney may do by virtue hereof.

Witness my hand and seal this 25<sup>th</sup> day of November A.D. 1862

In presence of  
John L. Carter.

William W. Coffey (Seal)

J. J. Beardsley  
 Called and examined  
 By Mr Knox,

Q. Now you know the defendant, of whom where, and for what period of time  
 A. I knew William Waffs in Vermont from 1832 to perhaps till some three or four years afterwards the William Waffs I refer to resided at that time in the Town of Fairfield Franklin County Vermont.

By Mr McComas,  
 Q. Is this the man.

A. Without my attention being particularly directed to that man I should not recognize him as a person I had ever seen before though I have some faint remembrance of his acquaintance but it is very faint indeed.

Mr Mc Comas

Objected to any evidence of this man in any thing

Judge.

I could not allow this evidence to prove the other facts which the Counsel for the defence alleges can be brought to bear upon this question until such proof had been adduced.

By Mr Knox,

Q. What was your employment at that time

Ans. From the Spring of '32 to the Spring of '37 I kept Custom House on the town of Franklin, Franklin County Vermont, and at the same time I had just begun to practice law, but do you know Rollins, Phelps,

Ans. I did.

but where did he live

Ans. In the same County in the town of Fairfield

Judge.

I saw Mr Phelps a few days ago in the Court room, and I asked him if he was instructed and he said "yes" and he said, "I know Mr Moffe in Vermont and being thus informed that Mr Phelps may testify upon the subject I think I will allow the motion to proceed"

The testimony objected to, Objections over ruled and exception was then taken to the following to the testimony of this witness. Objections was then made by counsel for defendant.

Over ruled by the Court and <sup>exception</sup> ~~objection~~ recorded by defendant's counsel.

but can you tell the business, that William Moffe was engaged in

Ans. During the first year of my knowledge of him and perhaps during the entire time I knew him he was engaged particularly as I should suppose, from the observation I took

of him in carrying merchandise and produce to Canada and bringing similar articles back teaming and trafficking.

I think he and the family also owned a farm on the Town of Franklin. Fairfield which I have some idea they carried on. How extensive it was I don't know and whether he owned it or not I don't know. I saw him particularly at this town of Franklin when I there resided.

Q. You speak of his keeping articles and teaming, did he carry with a team.

A. The transportation was land transportation entirely. My remembrance is that he had several teams employed at one time and another of this period to which I refer.

Q. Where you acquainted with him.

A. I was acquainted with him.

Q. Did you in the course of your acquaintance with him or from any thing which came to your knowledge regard him as different from other men discover any thing peculiar, at all.

A. I regarded him as a shrewd resolute persevering man in the line of business which he followed.

By the Judge.

Does the Canada line run over land there

Ans. Yes Sir, It is an imaginary line  
Qut, Where is Fairfield with reference to Rouse  
Point.

Ans. Rouse Point is further North, Fairfield  
was just eight miles South of St Albans, or  
St Albans Bay. Fairfield center where Mr Hoff  
lived was about sixteen miles from the Canada  
line and the Town of Franklin on the Canada line  
and my Office was about two miles South of the  
line on the Town.

Qut, What was the business of his line, what was  
he engaged in.

Ans. As far as I know it was transportation of  
merchandise backwards and forwards from Canada  
to the United States and from this side to that,  
and perhaps at different times carrying produce  
of different kinds but mainly merchandise.

Qut, Did his business go through your Office

Ans. He usually called at my Office and paid  
duties if I remember rightly.

Qut, Why do you say usually.

Ans. Well, I saw him often there at the Upatels  
or Tamers when he had no business of this kind  
I know him in these days very well as a Vermont  
passer by one way or another.

Qut, Did he call at your Office at all <sup>these</sup> times

Ans. He was passing

Ans. No Sir

All the above evidence was objected to, and admitted subject to objection and exception reserved by the Defendant's counsel.

No Cross Examination  
Saturday Morning 27<sup>th</sup> December 1862

William Phelps,  
called and examined

By Her

Int. Do you know the defendant?

Ans. I do

Int. How long have you known him?

Ans. About 31 years. I think I became acquainted with him in the Fall of 1831

Int. At what place did you become acquainted with him?

Ans. In the Town of Fairfield Franklin County Vermont.

Int. Are you acquainted with J. P. Beardsley?

Ans. I am.

Int. Where did you know him if you knew him at all in 1831 and where did he reside?

Ans. I think he resided in the Town of Franklin same County.

Int. Was this defendant living in that County at that time?

Ans. Yes was.

Int. Augustus William Kapp living in the  
County that you know of.  
Ans. Not that I know of.

Int. What was defendant's employment.

Ans. He was engaged in trade, rather a  
speculating trading man, his business was  
a good deal of it in Canada.

May Dexter.

Your Honor will understand that this is  
taken under objection and exception reserved  
thereto

Exception Allowed

As testimony of a similar character was  
yesterday.

By Mr Knox

Int. Was he doing an extensive business  
and if so what kind was it.

Ans. He resided with his parents who kept  
a Country Village tavern, connected with it  
was some farming and he took part with  
the rest of the family in that. The balance  
of his business was back and forward  
into Canada and back dealing in Merchand-  
ize. He kept no store of goods but he was deal-  
ing in merchandise generally purchased in  
Canada and brought over into the States.

Int. Did you know him well.

Ans. I resided near to him four years or

the same street and eight opposite to him,  
 Int. Did you know his parents, father and mother  
 and the whole family.

Ans. - I did

Int. Had you removed from there to Illinois before  
 he came.

Ans. - He came first

Int. How long after did you come.

Ans. Two or three years, in that neighborhood

Int. With the exception of that period of time have  
 you known him all the time since 1831,

Have you known him since he has been here.

Ans. Oh yes, I have known him here for the  
 last twenty three years and upwards.

Int. During all that long and intimate  
 acquaintance with him, have you ever dis-  
 covered anything peculiar to that man or  
 has it ever been suggested to you.

Ans. Nothing.

Int. Describe his conduct down there,  
 What were his prominent traits of character.

Ans. His conduct was unexceptionable as  
 far as I know. He was regarded as a very  
 shrewd energetic business man. Speaking of any  
 thing against him I know nothing against  
 him except his being engaged in the violation  
 of the United States law in smuggling  
 Her McComas

All the examination of these two witnesses has been for the purpose of getting at that fact, and proved that all the testimony of the two witnesses Phelps and Beardsley upon that point be excluded from the jury.

Judge,

I don't think the evidence is objectionable and therefore I shall not throw it out.

Motion to exclude Over ruled

(Exception taken there & there By counsel for the Prisoner.)

Q. Now did he conduct himself in this business and how extensively.

A. My own observation is that he managed the business very shrewdly and seldom got caught. In fact I don't remember that he ever got caught. He was at it for several winters I don't say positively but I know from him and others told me.

Q. Did he have several teams

A. He owned during that time several horses.

Q. Describe one of the spans.

A. He had a pair of large black horses used in the printer.

Q. What were they distinguished for.

A. For their great speed and endurance.

Q. Did he ever say anything to you

as to what these teams could do or had done in that or any other particular branch of business if so what.

Ans. I don't recollect <sup>difficultly</sup> that any conversation I had with him was in reference to these horses. I know of my own knowledge and from him that he fed them very high in the winter. They rested in the summer generally. That he said he could run them twenty five miles upon the stretch without feeding if it was necessary.

Int. Defendant said.

Ans. Yes Sir.

Int. Was this passage always upon land

Ans. Oh sometimes upon ice, generally upon land.

By a juror,

Int. Was not the road over ice in the winter time at Bay.

Ans. Yes it was.

By Her Honor

Int. Did these horses of his have speed and endurance.

Ans. So said to be and <sup>they had</sup> the appearance

Int. Did you ever see the defendant feed these horses in the winter

Ans. I don't know as I did

Int. Did <sup>not</sup> you ~~not~~ say you know of your

knowledge that he had fed them high in the  
Winter

Ans. Yes Sir

Int. What do you mean by it from the  
appearance of the horses.

Ans. They had the appearance of being well  
fed and well taken care of

Int. Then you don't know of your own  
knowledge that they were high fed.

Ans. Only from seeing the horses.

Int. What is your profession.

Ans. Law. I am not.

more much though I have not retired from  
it

Int. Where did you commence the practice  
of Law.

Ans. Int. the Town of Franklin State of Ver-  
mont in the year 1831

Int. How long there

Ans. About a year

Int. Where next.

Ans. In the Town of Fairfield

Int. How long there.

Ans. About five years

Int. Where did you go to then

Ans. I came to Illinois

Int. Where did you practice in Illinois

Ans. Chicago

Int- But you have practiced ever since  
 Ans. Yes Sir

Int. You know Mr Beardsley

Ans. Yes Sir

Int. Do you know where he came

Ans. I dont, I understood that he came to  
 Rock Island

Int. Do you know that he and the State  
 Attorney were partners there.

Ans. Of my own knowledge I did not

Int. Of the kind of knowledge you know about  
 the houses did you know

Ans. I think I have heard that they were

Int. Had Coffey ever told you that he  
 was engaged in the smuggling business

Ans. He has.

Int. He did directly.

Ans. I dont think he did directly because  
 sometimes they were very severe on parties  
 who were caught smuggling and it was his  
 business to keep things to himself. I know  
 only by misgude.

Int- If you know anything it was your  
 duty to tell was it.

Ans. Well Sir, it is a

I dont say that everybody smuggled but  
 a great many did.

Int. Did you ever go with him when he

about on these excursions.

Ans. - No Sir

Qut. Did you ever make journeys on similar enterprises?

Ans. Yes Sir

Qut. <sup>How</sup> Did you go on land or water?

Ans. I recalled once I went upon ice.

Qut. - Did you not meet me on the stairs going out of the Court House and remarked by me, I mean that you could tell something <sup>or that</sup> would be beneficial to the defendant?

Ans. I did not.

Qut. You did not say that you could say something and be a good witness for the defendant.

Ans. I don't recalled. I am very sure

Qut. Did you know me before?

Ans. No Sir.

Qut. Did you not come up to me?

Ans. Yes Sir

Qut. Were you ever indicted for forgery in Vermont?

Ans. Yes Sir And I was acquitted

Qut. In what Court?

Ans. I was acquitted in the Circuit Court

Qut. Were you not first convicted in the Circuit Court

as an appeal on the point of Law

Ans. Yes Sir.

By Mr Knox

Int. Then you had some smuggling experience

Ans. Yes Sir

Int. And it was of that kind you know so much about defendant.

Ans. Yes Sir

Int. He was very shrewd in the business

Ans. Yes Sir

Int. Is not that business attended with great hazards and has to be managed with great shrewdness

Ans. Yes Sir

Int. What living man ever told you that I was engaged with J. Beardsley as partner or any thing else.

Ans. I don't recollect it was some member of the profession.

Int. Was it Mr. Winter

Ans. It was not.

Int. Mr. McComas.

Ans. Not either.

Int. Do you know that any body ever said any thing like that to you.

Ans. I really could not say. My first thought I heard any thing about it was I think about the time he was elected in this State. I could not be very positive about

It being acquainted with him for many years I was in curiosity to know how he was engaged and somebody told me that -  
Q. Was it not Smith who you heard was his partner.

A. It might be.

By Mr. Dexter.

Q. Do you know whether Mr. Beardley is father of Mr. Reed's wife the State's Attorney, partner.

A. No was.

With reference to the indictment against me. On the second trial I was acquitted. They brought in the brother in law of the man who did the writing and I was acquitted by the jury upon that testimony of that second trial.

By the Judge.

Q. Did you commit the crime of forgery.

A. I did not. It was done by a man named Johnson, His brother in law came into court and said it was to had for me to suffer.

A. J. M. M. M.

Called and Examined.

By Mr. McAllister.

Q. Are you Justice of the Peace.

A. I have been. My time has expired now.

Int. Expired this Fall.

Ans. Yes Sir The first of November

Int. Where do you live.

Ans. In the town of back county

Int. Do you know defendant,

Ans. I do.

Int. How long have you known him

Ans. Since the Fall of 1855, seven years since last Fall.

Int. How well have you known him.

Ans. I have done considerable painter work in his house and subsequent to that done other work.

Int. How long did the painter work take.

Ans. I could not say. At different times my work amounted to two or three months.

I also built a picket fence for him. One or two years after I had done the house I think

Int. Have you had any relations with him or opportunities of seeing him from day to day since that.

Ans. We have visited back and fo. at his house and he at mine until a short period before this affair.

Int. Do you call yourself well and intimately acquainted.

Ans. I do Sir.

Int. Did you ever have any conversation

with him any of these previous during the time of  
your acquaintance in reference to the business  
he was engaged in down East.

Objected to. by Depts Counsel.

Objection Over ruled

Exception as before by Depts Counsel.

Ans. I never had any particular conversation  
I have heard him in conversation state that  
while living in Vermont he had some deal back  
and forward to Canada and the States west,  
Q. Explain what kind of business.

Ans. I dont remember now. I think he once  
told me he lost a good deal of money that  
is the most I ever heard about it.

Q. Did he ever say anything as to profits he  
had gone through in that business.

Ans. My memory is not sufficient to warrant  
me speaking of any particulars about that  
Q. Do you recollect of hearing him speak  
of having been shot at in his trade.

Ans. I think I heard him say once that  
he run some narrow chance.

Q. When you were at work on the house  
state whether he gave directions of his wife  
as to the manner in which work should  
be done.

Ans. Was and them himself as far as I  
know. The contract for the house was given

to Van Naeck, and I worked under him. But some other work I did for Mr No of my self afterwards.

Qut. What kind of a man was he as to having his work done well.

Ans. Noe was always very particular that was his particular request at all times. Qut. State any instances of that particularity and tell what you mean by it.

Ans. At the time I was putting up a fence rail the following summer I remember there was one screen not proving joyful with. and he said he

did not want it - but in jules it was perfect; and I said we should be under the necessity of getting another.

Noe said he should do it. After dinner he put his team in and came to Chicago to get another and returned the same evening.

Qut. In the course of your acquaintance and intercourse with the defendant will you state whether you ever discovered anything that attracted your attention as peculiar or suggestive of the condition of his mind.

Ans. I never did. Qut. How did he appear to you as a

man of business capacity

Ans. He appeared to me a very fine business man who took particular care about his business and was very firm in the execution of it as far as I can discern.

No Cross Examination.

Herts Marshall

Called and Examined

By Mr Mes Allister

Int. Where do you reside

Ans. In the Town of Northfield this County.

Int. Do you know defendant.

Ans. Yes Sir

Int. How long

Ans. I have known him somewhere between twenty or twenty-five years I am not positive

Int. What is your occupation

Ans. A farmer.

Int. Are you \_\_\_\_\_ as master of the lodge out there.

Ans. Yes Sir

Int. It was at \_\_\_\_\_ I believe

Ans. Yes Sir it was located at \_\_\_\_\_

Int. Was the defendant a member of that lodge at one time

Ans. Yes Sir

But can you tell about what time he became a member.

Ans. It must have been about 50 or 51 I think as near as I can recollect.

But. Was he afterwards expelled and if so what for.

Ans. He was expelled for intemperance and abusing his family.

Objected to

Mr. Dexter

They are seeking to show this defendant was expelled <sup>from the Lodge</sup> for certain reasons. He might have been expelled from the Church and one cannot see how it bears upon the question in this case. As far as one can see it is not material.

Ex cept.

Judge.

I think the act of expulsion is not competent to be stated - I will exclude the fact of expulsion.

Mr. Mr. Thomas.

After they have got so far I would almost prefer that they would go on to require all about it. You may say exclude it but it is on the mind to the day of judgment.

Judge

Would rather have consent, I will exclude

it and if they like to cross-examine they may do so.

Excluded.

Q. When did the fact of his abusing his wife come to your personal knowledge?

A. I have no personal knowledge whatever of the abuse of his wife or family. I have seen him at times of intemperance and I have seen him and he has acknowledged it <sup>of liquor & he always acknowledged to me that</sup> he had abused his wife and he said that it was for liquor I have talked to him myself at different times about his drinking and abusing his family and he always promised to do better never would drink anymore. It was no trouble to do without it and he would do without it.

Q. When he made these declarations to you did you understand where his wife was at that time?

A. He has made these declarations to me at different times, the most of it while she was away. He was talking to me wishing me to assist in getting his wife back.

Q. Did you know where she was?

A. I knew where she was when she was away the first time.

Q. Was this at the first?

A. He has talked to me at different

he was the name

times, In other they both came to me to assist them. He to assist her, and him to assist him in getting her back again, but - At the time she was absent and he made these declarations was he sober.

Ans. I took him to be so, and he said that he could not live without her.

By the Judge.

but What time was that

Ans. I could not say the exact conversation was when she first left - but I could not say what year it was. It was about Harvest time I think it was about four years. It might have been four years last harvest.

Letter Produced.

but do that your hand writing

Ans. Yes Sir. This relates to the last time she was away.

but What is its date.

Ans. May 4<sup>th</sup> 1858. It must have been longer than I calculated about it. This first time that she was away at her folks, he came to me to get me to assist him in getting her back and wished me to write and advise her to come back. I told him plainly that I would not wish to advise her to come back. I had got disgusted again and I told him I should write to her and say

that if she did come back to have him taken care of if <sup>she</sup> he did anything again but. Where was that letter sent to.

Ans. It was sent to her father's residence at Pom Pom Grove. The County. It rather strikes me I directed it to her. I am not positive.

but. Did he say anything to you about his wife threatening to get a divorce.

Ans. I could not say positively whether he ever did so or not.

but. Did you not know it was contemplated.

Ans. I could not say I have no personal knowledge of it at all. though I have heard it talked about here and elsewhere. at the time.

but. He did not say anything to you.

Ans. I don't recollect anything.

but. Have you heard him make statements in reference to his abusing his family.

The cause of it and his promise to reform. in the Lodge.

Ans. He has always acknowledged his faults whenever he was rebuked with <sup>as has been</sup> <sup>stated</sup> by different members of the Lodge.

Ans. They kept him in when they should have turned him out and he has always promised to do better.

but. What did he say was the cause.

Ans. He said he just was the fault always.

and his wife was perfect as far as a human being could be perfect. Never blamed her for anything but through what period of time has it been she had been making these promises and been lashed, with.

Ans. Oh it commenced about eleven years ago but did you ever discover anything in his conduct that suggested to you there was any thing wrong except the use of liquor.

Ans. No Sir. I never did. I always thought that it was all right, if he never touched liquor I could not say whether he was wise or not only for a liquor, such a thing never entered my mind that he was different from other men when he would leave liquor alone.

Graps Examination

By Mr. McComas.

Q. When was Mr. Graps turned out of the Masons Lodge.

Ans. It was since he committed this act but, You mean since the slapping of his wife.

Ans. Yes Sir

Q. How long have there you been a member of that Lodge.

Ans. I have been a member of the Lodge ever since it was established.

Q. Was there anything in that Lodge to your knowledge that

or could have excited a suspicion that the masons  
there would take his life or his life was in danger

Ans. No Sir,

Qut. When did you hear of his jealousy of his  
wife

Ans. Since this act he never intimated to me, I  
never heard of it.

By Mr. Rues

Qut. You said <sup>that</sup> you wrote that letter to Mrs  
Noapps at her last absence at Port Pownance,  
at her husband's request.

Ans. Yes Sir, I merely wrote this letter as much  
as anything to get rid of it because I got  
bored of it.

By Mr. Mac Cormac,

Qut. Did Mr Noapps ever see that letter or  
know of its contents,

Ans. He never saw it - unless since it has passed  
of my hands

Qut. Did he tell you what to say

Ans. I will state again he wished me to  
write to her to get her back and I felt him  
if I <sup>to write</sup> I would not advise her to  
come back any way. I said she knew him  
better than I do and she can act as she pleas-  
es, but there is one thing if she does make  
up her mind to come back I will advise

not to leave you again, but if you otherwise  
 her, to have you taken care of, because she is better cal-  
 culated to take care of the family than you are.

By Mr. Knox.

Q. Did you go on and say to him what you  
 would write to him if you wrote at all, and  
 was that what your letter contained and after  
 you had stated so did he tell you to write in  
 that way.

A. He told me I was right, he did not tell

Q. Did he tell you to write after that for the first time  
 A. He told me I was right, he did not tell  
 Q. Did you frankly tell him that you  
 would write to that effect

A. I did.

Q. Did he still tell you to write.

A. Yes he did.

The Judge.

Asked a repetition of the conversation before  
 detailed

Given in substantially the same  
 words

By Mr. Knox.

Q. Did he ask you to write what his prom-  
 ise of referen. were.

A. Well I don't think he did.

Q. Is there anything there that you should  
 not disclose to him if you write at all  
 " if there is anything there that you  
 did tell him you would write, then point

it out. Is

I, there anything in this letter that you  
'did not inform him you should write if you  
write at all.

Ans. No Sir

By Mrs Mee Thomas.

but You say not stated that he wanted you  
to write differently to what you did write

Ans. I know what he wanted but he did not say  
so in so many words, but he wanted me to ad-  
vise her to come back

but, did he say what you should write

Ans. He never said what I should write at all  
but still he said that he wanted me to write  
to her to get her back.

By the Judge.

but What you did, did you do with a view  
of helping him to get her back.

Ans. I felt a good deal of delicacy in med-  
dling with their affairs at all.

but You write with a view to prevent her coming  
back.

Ans. No Sir I did not.

Letter Offered in evidence

Judge.

Would examine the witnesses <sup>first</sup> and then they  
would take up this letter.

Genl. Alt

"We must not insult me" but says I. "I don't insult you. Then Wafers says you come and hold my horse and I will get off and kick him with one hand" that was about all I guess and then I told him not to trouble with him and he says  
right and went off drove right off.

Int No one did he appear as being in earnest  
Ans, I should think he was a little mad  
Q. <sup>but the alleged mad.</sup> What did he look like

By a furor.

Int. He did not get out.

Ans, No Sir He did not. - I did not go to hold his horse and he did not get out.

No Wafers Examination

O R Beech.

called & Examined

By Mr McComas

Int. When were you summoned

Ans About a week ago

Int Have you not been sitting in this room hearing testimony of witnesses

Ans, I heard the testimony of some doctors

Int None else

Ans, I think not

Int Are you sure of that

Ans, Yes Sir, I am sure for I have been home two days, I came back last night

By Mr McAllister

Qut. Where do you live,

Ans. I am Wheeling,

Qut. What is your business

Ans. I used to be a blacksmith

Qut. How far have you lived from the defendant.

Ans. 7 or 8 miles

Qut. How long have you known defendant

Ans. Fifteen years last June

Qut. How are you done work for him

Ans. Yes Sir

Qut. State whether you had been intimately acquainted with the family or otherwise

Ans. I suppose I have I have often seen them

Qut. Visited backwards and forwards,

Ans. Yes Sir, I have.

Qut. Do you recollect any circumstances of his wife coming to your house at any time

Ans. I do.

Qut. How long ago was it

Ans. I think it was August 1857 She first came there July or August - somewhere about that time

Qut. What time of night did she come.

Ans. I don't exactly know but between eleven and three o'clock I should think. It was in the night.

Qut. Describe the manner of her coming Mr. Beach

Ans. She came on foot to my house  
but Alone was she,

Ans. Alone

but What was her appearance.

Ans. She was pretty well attired

but. Did you learn from conversation when  
defendant was present, what was the cause of  
her coming to your house.

Ans. Well he said it was liquor that caused  
the trouble.

but, What did he say he had done to her

Ans. He said he had abused her.

but. How long was it after that he called

Ans. I should think it was about a week  
He had been out to Port Parr before  
she came to see me.

but Where did she go.

Ans. She went to Mrs Minchells.

but How long did she stay at your house

Ans. About an hour or one and a half hours

but How carried her to Minchells

Ans. I did by <sup>her</sup> request.

but.

Ans. Yes Sir

but Do you know for what purpose he went  
to Port Parr before

Ans. He told me he went to look for his wife

but could not meet with her

Qut. Did you say anything about her coming to your house.

Ans. Yes. He asked me if I knew where she was but, did you tell him.

Ans. I did not, for I did not know. I supposed her to be gone to Chicago.

Qut. Did you tell him about her coming to your house and where you took her.

Ans. I did.

Qut. What did you say in reference to her coming and the cause of her coming.

Ans. I told him that she said he had been taking liquor, that he had abused her, she could not live with him any longer, she was afraid he would kill her.

Qut. What did he say.

Ans. He acknowledged that he had, that he had abused <sup>her</sup> liquor was the cause and he was going to quit it.

By a juror.

Qut. What time of year was it.

Ans. I think in the month of August.

By the Attorney

Qut. Was she ever come to your house on other occasions.

Ans. She came there afterwards another time but when was that.

Ans. I cannot, I cannot tell exactly what

time it was.

Qut. How long afterwards.

Ans. Well it was next season some time.

Qut. Under what circumstances did she come there in the day time or night time.

Ans. It was in the night.

Qut. What time.

Ans. I could not tell what time it was.

Qut. Late or Early.

Ans. Something like eleven or 12 o'clock I think.

Qut. How did she come.

Ans. She came a foot.

Qut. Nobody with her.

Ans. No Sir.

Qut. How long did she stay.

Ans. She did not stay but a short time.

Qut. About how long.

Ans. She might have stayed an hour or an hour and a half.

Qut. Did you take her anywhere then.

Ans. I did not take her I sent her.

Qut. Where to.

Ans. To Mr. Mitchell again.

Qut. Did you tell you the cause of her coming.

Ans. No Sir.

Qut. How soon after did you see Koppes again.

Ans. I could not state how long. It might have been three or four days. It might not have been as long.

Qut. Did you see him soon after

Ans. No Sir.

Qut. When you saw him  
Mr Dexter  
Exception

Mr except to the declarations given with the qualifications named  
Qut.

Qut. Was there anything said to him about his wife coming to your house this second time  
Ans. I dont know whether there was or not. I think very likely as I talked with him and his family considerable

Qut. You speaking now of some other occasion  
Ans. Well it is the time that she first went away that he came to ask where she was, and I told him I had taken her up to Mr Michells.

Qut. When he came this second time did you have any conversation with him about his family

Ans. I dont know that I did. I dont recollect.

Qut. You had a talk with him before he went to Mr Michells

Ans. No. After he had been to Minchells, just the day before he had got her back, the day before I think.

Qut. What did he say in reference to the cause of his treatment of his family?

Ans. He said it was drinking.

Qut. What was the talk?

Ans. The talk was he had abused his wife shamefully, and he was not going to take any more liquor. I advised him to as I said it was going to ruin his family and him to.

Qut. What did he say was the cause of abusing his family?

Ans. He said it was because she was under the influence of liquor, and when he had no drink he never abused his family and he was not going to do so any more.

Qut. He said he was sorry.

Ans. Yes Sir. He said that his wife was as good a woman as the Lord ever made, there could not be a better woman.

Qut. Were you in the habit of seeing him usually upon such occasions?

Ans. Yes Sir.

Qut. State whether you ever discovered any thing in his conduct or appearance that indicated anything wrong about him.

Ans. I never did.

Int. Or singular

Ans. I never did

Int. What kind of a man for business,

Ans. A good upright man for business  
as I ever dealt with,

Int. What his capacity

Ans.

Int. Did you ever see him when under the  
influence of liquor

Ans. Yes Sir

Int. Was he <sup>any</sup> different from what other men  
would be when under the influence of liquor

Ans. Not that I know of. I never saw him  
any different from other men.

No Cross Examination  
Rebecca Jones

Called and Examined  
By Her M<sup>r</sup> Atties

Int. Where did you reside in June last or first  
of July.

Ans. In the town of Wheeling.

Int. Near the defendant

Ans. Yes Sir about eight rods I should judge

Int. Were you there the night Mrs. Hoapps  
was stalked

Ans. Yes Sir about half an hour after  
it happened

Q. Did you stay with her during the night or any part of it.

A. Yes Sir, All night.

Q. Do you know whether she was aware in the course of the night of her condition, whether she was going to die.

A. Yes Sir perfectly.

Q. From the wound do you mean.

A. Yes Sir

Q. What did she say to you if anything in reference to where he had the knife with which he stabbed her.

A. She told me about an hour before she died she was not aware of his having the knife, that he had it concealed with his sleeve and his hand till he struck her.

Q. What else did she say about him.

A. She said she never knew why Mr. Hoff treated her so cruelly.

Q. Did you notice any wound on one of her hands.

A. Yes Sir.

Q. Where was it.

A. The fourth finger was severed clear off and the third was cut to the bone.

Q. On her right hand.

A. Yes Sir

Q. Did she say whether she had any

struggle with him or not.

Ans. No Sir, she did not. She said she would like to see Mr. Wapps but that she was so faint, so excited, she could not.

Q. Did you ever have any talk with Mr. Wapps with regard to abusing his wife prior to this time.

Ans. Yes Sir.

Q. Frequently.

Ans. Not but once in particular.

Q. Where was that

Ans. It was last time that she left.

Q. Went to the last time.

Ans. Yes Sir.

Q. March's case

Ans. I think he was, it was quite early in the morning.

Q. What did he say as to the cause of his abusing her.

Ans. He came over to our house quite early in the morning and wanted to know if she was at my house. I told him she was not. He said he thought if she was any where in the neighborhood he thought she would be at our house. I did not say much to him then but after breakfast I went over to the house to see the children

and him too, it was just before harvest time  
and he said when he went out the men told  
him there was a woman coming across the  
field that looked like Mrs. Hoff, and he  
says "Oh it is you I thought it was ma".  
He sat down then and had quite a con-  
versation, he wanted to know what he  
should do to get her back and what course  
he should take, I told him he must  
leave off drinking and not call her <sup>the</sup> names  
he usually did.

Q. What did he say was the cause.

A. He said it was nothing but the liquor  
and that he never would drink any more  
if he could only get her back and that he  
would sacrifice every penny of property  
he had in the World to get her back.

Q. He said it was nothing but the liquor  
and his own ugliness. There was no  
blame on her side.

Q. Are you acquainted with Martha  
Ann, I have been acquainted with her  
since her childhood.

Q. Did he say anything to you whether  
he could stop drink.

A. He said he intended to stop and had  
stopped, and did not intend to drink  
any more, unless physicians ordered it.

for medicine

Qut. How are you known her intimately and well

Ans. Yes, Sir I saw her every day for a number of years, they visited my house and generally called on as they went to school.

Qut. What kind of a girl is she.

Ans. She is a very quiet & peaceable girl.

Qut. State what you know of her capacity and condition

Ans. She has been out of health now I think for two years, she was taken with a sore throat or diphtheria and she has not been very healthy since that.

Qut. How is she mentally & rationally

Ans. Yes Sir perfectly so.

Qut. She has had some feminine difficulties - has she not

Ans. Yes Sir

Qut. What is her age.

Ans. I think her age must be about sixteen now as near as I can recollect

Qut. How long since she had

Ans. It was two years ago about this present time

Qut. Were you present that morning then

Wapps and he gave directions about his business affairs,

Ans. Yes Sir,

but state how he appeared then,

Ans. I did not see any particular difference in him, but he appeared just as he always did but, what did he say to Mrs. Mc Nabt or any of his children about his money or accounts

Ans. Just before he left the house he wanted to settle up some of his business,

He left ~~some~~ money for the deposit of \$12.00 and of his own of \$2.00 and 100 was to go to the

at Whaling and the other hundred to George his laborer. Now said that he had not paid his laboring men I don't know his name I know he came onto the house and he was told it was ready for him now any time

\$10. and had not charged him with it till that morning and he put it down, also about the milk account. He did not enter that for some days and he did so and wished her to go to the milk man, and get it correct like his own but, he appeared just as he always did.

Ans. I did not see any difference to what I ever saw him

Q. He said there was two hundred dollars  
of this money was borrowed money and  
the borrowed money was to be paid first,

By a juror.

Q. Did you ever hear him say anything  
that indicated he was jealous of his wife?  
A. Never did me.

Henry Merrill  
Recalled and Examined

By Mr. McAllister

Q. Were you there the morning Mr. Koop  
died?

A. Yes Sir.

Q. Do you recollect the time the family  
were going in to see her die?

A. I do Sir.

Q. Where was defendant at that time?

A. Laying on the lounge.

Q. Was there anything said by anybody  
indicating that the family were wanted?  
A. Somebody went and informed the  
family their mother was about dying.

Q. When the family were proceeding to go  
into the room for that purpose, state  
whether defendant said anything and  
if so what it was.

A. Some one mentioned the name of  
Martha and said she was very sick.

Q. He said there was two hundred dollars  
of this money was borrowed money and  
the borrowed money was to be paid first,

By a juror.

Q. Did you ever hear him say anything  
that indicated he was jealous of his wife?

A. Never did me.

Henry Merrill

Recalled and Examined

By Mr. McAllister

Q. Were you there the morning Mr. Koff  
died?

A. Yes Sir

Q. Do you recollect the time the family  
were going in to see her die?

A. I do Sir.

Q. Where was defendant at that time?

A. Laying on the lounge.

Q. Was there anything said by anybody  
indicating that the family were wanted?

A. Somebody went and informed the  
family their mother was about dying.

Q. When the family were proceeding to go  
into the room for that purpose, state  
whether defendant said anything and  
if so what it was.

A. Some one mentioned the name of  
Martha and said she was very sick.

Q. Mr. Hoff raised his voice and spoke very sharp not to take her into the room.

But can you give his words.

A. He said "don't take Martha there" "Don't take Martha in the room three times one or the other I don't know that I can exactly say which but that was the manner of saying it as to learn-  
-edness.

Q. He raised his head from the lounge and spoke sharp, rather sharper than usually. Now thought it was wrong to take Martha in the room.

Q. Now how long have you known him

A. Between 22 and 23 years

Q. How often you see him frequently

A. Yes Sir

Q. You consider yourself well acquainted with him

A. Yes Sir.

Q. What is your occupation

A. A farmer

Q. Did you ever discover anything in the defendant or his conduct which attracted your attention as peculiar

A. I believe I have seen him in all stages of drunkenness, when sober and in health, and sickness but I never discovered anything in him more than in any other man

But how near has you lived to him during this period

Ans. A trifle over a mile  
but No one you ever heard him say the cause of abusing his wife

Ans. I have  
but No more than once

Ans. Several times

but. What did he say was the cause,

Ans. He said it was nothing but liquor or whiskey, that when he had liquor the devil was in him

By Mrs. Examination

By Mrs. Mc Omas

but. How did you come to talk about this

Ans. The last time his wife left him two or three weeks he sent for me to come to his house and have a conversation with him

By Mrs. Mc Allister

but. Did he say anything about her desiring to get a divorce from him.

Ans. I dont think he did at that time  
but. Did he ever

Ans. I dont think he ever mentioned a divorce, he mentioned his troubles and said the whole cause of this abusing his wife was the liquor. when he was not on liquor he thought as much of his wife

As any one would further He said  
he could not live without his wife. He would  
sacrifice everything if he could get her back  
It was no use his living on the earth. He  
could not enjoy himself without her  
but was he sober when he was making these  
remarks to you

Ans. When his wife was off he told me he  
had not taken anything for two weeks and  
his family told me the same.

but This was when he told you that.

Ans. Yes Sir.

Benjamin O. Luce  
Called & Examined  
Big Merilee Allister

Qut. Are you the person appointed conservator  
for Ralph Mc Apps

Ans. Yes Sir.

Qut. How long have you known Ralph

Ans. I have known him since the fall of  
1837.

Qut. Knows the defendant that long too

Ans. Yes Sir.

Qut. Will you describe to the jury what  
kind of a person Ralph is as to conduct  
and habits

Ans. They seem rather simple and meek  
minded

Qut. Where is Ralph now.

Ans. I dont know where he is now

Qut. Is he around at liberty

Ans. Yes Sir

Qut. How has he behaved

Ans. Not to my knowledge

Qut. Has he been <sup>over</sup> at court

Ans. Yes Sir he has been here

Qut. Is he able to do work

Ans. He was the last time I saw him

Qut. Was he worked all summer

Ans. Yes Sir

Qut. State whether you have seen well acquainted with the defendant and how long

Ans. I have lived close by him that length of time

Qut. Within what distance

Ans. For the last twenty years within 160 rods between our buildings.

Qut. How are you better acquainted with him as any body during that period of time keep him go after.

Ans. Yes Sir

Qut. What is your occupation

Ans. Farmer.

Qut. State whether you have ever discovered any thing which attracted your attention as being singular

peculiar or different from other men.

Ans. No Sir I never did except when he was in liquor,

but was he different from other men in liquor then.

Ans. No Sir

but Was there anything ever suggested to you by anything you ever saw or discovered in him.

Ans. No Sir

but No one you know about his troubles - his family difficulties

Ans. Yes Sir

but Did his wife ever come to your house when she left

Ans. No Sir

but Was you ever talked with him on the subject of abusing his wife

Ans. Yes Sir

but. More than once

Ans. No Sir I never did till since he was on Jail

but When was that

Ans. It was next to the last time she left him and went off.

but. What did he say was the cause of his abusing her

Ans. He laid it all to his whiskey, he

said there never would have been any trouble if it had not been for this cursed whiskey but Ma is perfectly sober when he told you so.

Ans. He had been drinking some enough for me to notice it but not so that a stranger would notice it.

but Ma there was it you had that conversation.

Ans. It was right before my door he came there in the morning. he thought she had come over there.

but at the time he said had this conversation did he say what was his purpose.

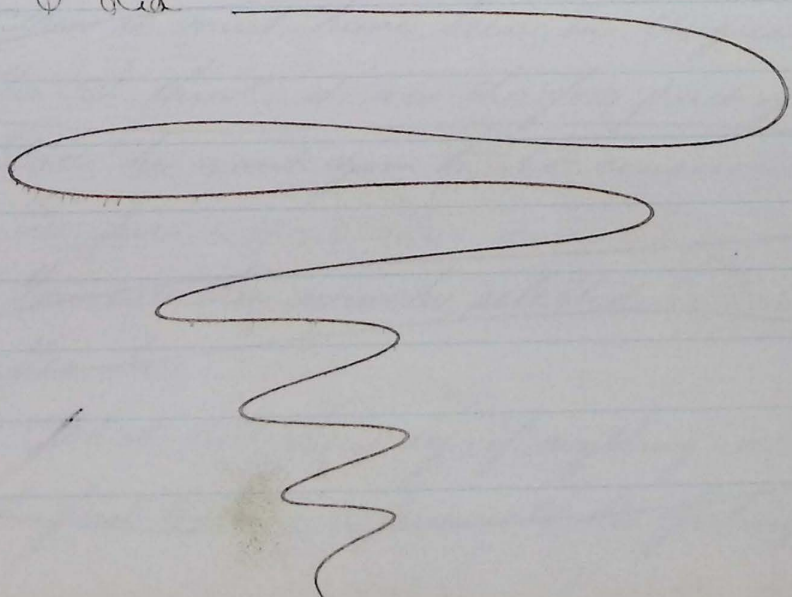
Ans. He advised him to let liquor alone and he said he would and he would never drink another drop.

but did he say whether he could.

Ans. He said he could leave it off as well as any other man.

but Ma says you visited him in jail.

Ans. I did.



Benj. C. Luce: Examination continued.

Int. - You saw him in jail

Ans. - Yes Sir.

Int. - When was the first time

Ans. - I cannot recollect the time but I think it was about 3 or 4 weeks, 3 weeks perhaps, perhaps it might be 4.

Int. - Did you have any conversation with him then

Ans. - Yes Sir, I did.

Int. - In what part of the jail was it.

Ans. - In the hall.

Int. - What was his condition as to being sober or under the influence of liquor at that time.

Ans. - The first time I was in I thought he was perfectly sober.

Int. - When was you in again.

Ans. - I was out and in 3 or 4 times during the 2 days I was here about the business of this conservatorship.

Int. - Then it must have been in August

Ans. - Yes I think it was the fore part of August

Int. - Did he want you to be conservator.

Ans. - Yes Sir

Int. - You are the man he selected.

Ans. - Yes Sir

Int. - What did he say, if anything, when you saw him the first time, in reference to his feelings on this

subject.

Ans. We talked about it considerable and he seemed to think -

Int. State the whole conversation as near as you can

Ans. I was in so many times, I might get a great deal mixed up as to what took place first time.

At the first interview - the first business was I wanted to see if I could not settle between him and Ralph and get some security for some money and make a final settlement and then from that we talked of his affairs at home, about his children, his wife and how he felt and he said he regretted it very much and he would give a world or even 100 worlds if it could be recalled, so that he could go home with his family.

Int. Were you talking about his killing his wife?

Ans. Yes Sir, then

Int. You think this was the first time you were in.

Ans. It might have been the second time I was in.

Int. State your impression, as to whether he was sober

Ans. Yes Sir, I thought he was perfectly sober the first interview I had.

Int. Did you see him any time when you thought he was not sober

Ans. Yes Sir I did.

Int. When

Ans. When this Mortgage was brought, I could smell his breath and I could see by his looks that he had been drinking.

2  
Int. That is the Mortgage to you for Ralph

Ans. Yes Sir.

Int. What did you smell in his breath.

Ans. I could discover by the smell he had been drinking whiskey or some other intoxicating drink.

Int. Some other ardent spirit.

Not answered

Int. Did you settle with him.

Ans. Yes Sir I did and I would state a little further, he requested me to see Mr. McComas & I did so.

Int. Did he in any of these conversations say anything to you with reference to the sincerity of his conduct when he pretended to be friendly to his wife.

Ans. Yes Sir.

Int. What did he say upon that subject.

Ans. He said all his seeming kindness before people was all hypocrisy and he did not mean it.

Int. Kindness to whom.

Ans. To his wife.

Int. Have you always been on friendly terms with him.

Ans. Yes Sir.

Int. Were you inside his cell in jail.

Ans. Yes Sir, I just stepped into the door.

Int. Did you notice whether there were any bottles there

Ans. Well, one time I was there, he was filling up some bottles out of a gallon measure. It was nothing but beer.

Int. You were one of the persons there the night he stabbed his wife

Ans. I was there in a short time afterwards.

Int. Were you in the room with Skunk & Merrill, when he was there

Ans. Yes Sir.

Int. Did you hear him make any declaration as to the influence under which he did it.

Ans. Yes Sir, I did.

Int. What was it.

Ans. He said, he did not wish us to understand, that he did it under the influence of liquor, for he did not, he knew what he was doing.

Int. What else did he say

Ans. He said he had contemplated or intended to do it for the last 10 years

### Cross Examination

Int. You say Ralph Hopps is foolish, who he always foolish.

Ans. No Sir.

Int. How long is it, <sup>since</sup> ~~said~~ he had that change of character, how many years.

Ans. I could not state exactly.

Int. As near as you can.

Ans. To the best of my recollection I should say, it was 15 to 16 years or from 12 to 17.

Int. Was you one of the persons, who were called in at the time that Mr. Hawks spoke of as having

3  
been there when he was alarmed about masons.

Ans. I was there before Mr. Hawks

Int. How long is that since.

Ans. I should say it was 10 or 11 years ago.

Int. You say your first visit to Hopps in the jail was in reference to settling matters as to Ralph and his conservator with William.

Ans. Yes Sir.

Int. You dont know whether it was at that time or a subsequent one, he told you these things.

Ans. I could not say with certainty.

Int. You spoke of his talking of his children and family and his anxiety to get back to them. Did he not express to you the greatest affection and interest and kindness for his children.

Ans. Yes Sir. That is what he always has done. At all times when I saw him in jail, he always spoke of them with kindness, inquired about their health, particularly Martha and the little ones.

Int. Did he speak what he told you about his getting out, in connexion with his wanting to get home and be with his children.

Ans. I could not say certain whether it was at that time or whether it was sometime after.

Int. Are you prepared to say at this length of time, what was the exact connexion of his language or what his exact language was.

Ans. I cannot tell exactly word for word.

Int. Not the exact order.

Ans. No, because I was in so many different times and talking so many different times.

Int. How did he come to say to you that his talking before others was all hypocrisy.

Ans. While we was talking about this affair, <sup>then</sup> he told me.

Int. Had you said anything that drew it out of him.

Ans. I was talking about what a good woman his wife was and how he had pretended to love her &c. and that he had always claimed she was a virtuous good woman and he told how it was all hypocrisy, that is before people.

### By the Judge

Int. How many glasses could a person, say Mr. Hopps take before there was any perceptible effect upon his conduct.

Ans. It would take considerable to make a stranger notice it.

Int. How much do you call considerable

Ans. I should think 5 or 6 glasses.

Int. Of what, Rum, brandy or gin.

Ans. Some ardent spirits; any ardent spirit, he is a very strong constitutioned man and being used to it he can take considerable.

### Re examined by Mr. McAllister.

Int. - Do you recollect the circumstance of Hopps

4  
being thrown out of his wagon.

Ans. - I recollect the occurrence, but I was not there, I was at his house when he was brought home.

Int. How long after the accident did you understand that was.

Ans. I understood he stopped at Wheeling for a few minutes before he came home.

Int. What time was it you saw him.

Ans. It was a little after dark.

Int. Did he know you when you saw him.

Ans. He knew me as quick as I spoke, for he called my name.

Int. What condition was he in then.

Ans. He was as bad off as I ever saw him.

Int. What do you mean by bad off.

Ans. He was drunk and his arm bruised, his shoulder or just below it, he was badly hurt.

Int. How drunk was he.

Ans. He was so drunk, he could not walk without help at any rate, he did not, we led him into the house.

Egbert B. Van Mack examined by Mr Allister.

Int. - Do you live in Chicago now.

Ans. Yes Sir

Int. Where did you use to live.

Ans. At Wheeling

Int. When did you commence living there and when did you quit.

Ans. - I commenced by 23 years ago.

Int. Up to what time did you live there.

Ans. I was there some 3 or 4 years and then moved away again to Chicago. I finally returned and went back.

Int. How soon did you return.

Ans. I think I was in Chicago about 6 years.

Int. When did you live there last.

Ans. In the spring of 1856.

Int. What business are you now in.

Ans. Sash and door manufacturer.

Int. Did you have any trade at Wheeling, if so what was it.

Ans. Joiner and carpenter.

Int. At that time as well as now

Ans. Yes Sir.

Int. How long have you known defendant

Ans. About 23 years.

Int. Did you take a contract to build his house.

Ans. Yes Sir.

Int. How well acquainted were you with him.

Ans. As well as I should ordinarily be.

Int. Did you live near to him

Ans. I lived next farm, my house and his were about 50 or 60 rods distant.

Int. Well acquainted with him

Ans. Yes Sir.

Int. State, whether in the course of your acquaintance you ever discovered anything in his conduct or

5  
appearance, which attracted your attention as peculiar or singular, even to excite a suspicion.

Ans. I should say not more than in common men.

Int. - Was there anything that suggested to your mind that there was anything wrong with his mind.

Ans. I never felt so in my acquaintance.

Int. In reference to the building of his house, state what his conduct was in regard to giving directions, whether he was very particular or otherwise.

Ans. Well he wanted a good house, he wanted a good building and was somewhat particular about it; he said he should not build but once probably and he wanted to build a good building.

Int. - Do you know how expensive a house it was.

Ans. It cost about \$6000.

Int. Did he say anything about how he was going to furnish it.

Ans. I think not.

Int. Did he say anything on the subject of furniture.

Ans. I think not, he did not get far enough along when I left it. I did not quite complete the house.

Int. You paid him in full

Ans. Yes Sir

Int. When

Ans. On the 4<sup>th</sup> July last

Int. How did you come to go there

Ans. I could not hardly say, I was passing by the

square. I was at leisure that day and the thought overtook me, I would go in and see him and spend the 4<sup>th</sup> of July that way.

Int. You went in of your own accord

Ans. Yes Sir.

Int. You went in

Ans. Yes Sir.

Int. Did you have any talk with him.

Ans. We talked about perhaps a couple of hours I was with him about that time.

Int. What subjects did you talk about.

Ans. The most of it was past events, our old acquaintance and circumstances that had happened long before nearly 20 years.

Int. How did he talk on these past events.

Ans. He seemed to talk quite free.

Int. State how he did talk what he talked about, the tenor of the conversation.

Ans. The general tenor was about past events, I felt delicate about approaching the subject of killing his wife and I did not say anything about it. I went in as a friend to visit him.

Int. Did he talk consecutively and regularly.

Ans. I thought so.

Int. He seemed to have a correct memory of what had taken place in times past.

Ans. I thought so. He sometimes called my attention to things I had not thought of for years.

6.  
Int. Did the subject of killing his wife come up at all, if so, how?

Ans. - It was spoken of. I think I asked if he had noticed the reports in the daily papers and he said he had.

Int. Did he say anything as to how he felt about what he had done and what was it.

Ans. I think all he said upon that subject was merely. I asked him, if he had seen the reports and he said he had. I asked him then, if they were correct and he said, they was in the main, one thing was wrong, that was as to his premeditated design. He said he stated that there had been difficulty with him and his wife for 10 or 12 years but he did not say that he intended to kill her, he had not told any one that.

Int. In that respect the report was incorrect.

Ans. Yes he thought so and so he stated.

Int. - It was all correct except that part which stated that he had ~~stated~~ said he intended to kill her for 10 or 12 years, they had misunderstood him in making reports.

Ans. Yes Sir - I asked him if he had any regrets in the case and he said, yes he had, he said "I would give a world to put it back yes 100 worlds, if I had them, to undo it again."

Int. Did you ever see him at any subsequent time.

Ans. Yes Sir.

Int. Are you the person, that introduced Mr. Merrill to Eldridge and Tontellotte.

Ans. Yes Sir.

Int. Which one did you introduce him to.

Ans. To Mr. Tontellotte I think.

Int. — It was with reference to Ralph Hopps.

Ans. Yes Sir.

Int. About what time was that

Ans. I could not state positively

Int. How long was it before the petition was drawn up

Ans. I should think about two weeks, I should think about the middle of July, I could not tell exactly.

Int. Did you converse with him in reference to this case

Ans. I think we did talk a little about it, but not much, I merely introduced Mr. Merrill and told him his business.

Int. After that did you see either of them upon the matter.

Ans. I saw Mr. Eldridge afterwards and Mr. Tontellotte afterwards.

Int. Did you have any conversation with them as to what was the matter with Ralph

Mr. McComas objected

the Judge. You can state what you thought about Ralph's case

7.  
Mr. Mc Allister. We want to prove, that he told them that Ralph was not insane and that he did not want that word in the petition and that they put it in afterwards.

The Judge. I will admit it, subject to objection  
Objection renewed & exception by prisoners counsel then and there taken.

Ans. - Mr. Merrill says "He is an insane or crazy person" Mr. Foutellotte was about to draw a petition and I corrected him, I said "He is not insane, he is merely simple and lost his powers of mind" I did not think he could be considered a crazy person by any means. They wanted to know why I should object to it. Mr. Foutellotte said it amounted to the same thing, if a man was not of sound mind, it implied an insane mind, insanity. I said that might be so in substance, but it was different in my opinion. I said, the man was not insane in my opinion and I protested against it being done so. He said "very well" and I thought they complied with my suggestion.

Int. What time was that.

Ans. Near the middle of July, I should think about the first week. I think Mr. Foutellotte said he was very busy about army arrangements Mr. Eldridge was up at the camp ground.

Int. Do you know at what time Col. Van Arman's regiment left, or at what time he left this County

Ans. - I could not tell

Int - Nor about what time.

Ans. No. Sir, I could not tell. The petition was some 2 weeks, I think, in getting out.

Int. Had you understood, in any way, that the defendant William Hoops proposed to set up the defence of insanity.

Ans. I do not know that I could say, but I rather think I was impressed with that idea from some source and I believe I said to Mr Joutellotte that I thought it would prejudice justice in the future trial of William Hoops, if Ralph was insane.

Int - Can you give the words.

Ans. I cannot, I merely said it just at that moment and I thought no more of it.

Int. What did he say when you suggested that.

Ans. I think he said it would be as well to leave it that way, that would please Mr Merrill, in the petition. I think he said it would make no difference in that way.

By Mr. McComas

Int. How did you use the name of Mr Merrill

Ans. Well only as being together at that time.

I don't think he said anything. When we were coming out of the jail Mr. Merrill and I had been in and Mr Joutellotte went in to see William Hoops

and when he came out this was talked up and Mr Jontellotte said it would be as well to arrange it in that way and I said "as Mr Merrill wished" but I had only that in my mind at the time. He said nothing I think.

By Mr. McAllister

Int. Were you present at the time of <sup>the trial of</sup> Ralph's case.

Ans. - Yes Sir.

Int. Were either of this defendants Counsel there at that time.

Ans. I think so.

Int - Which one.

Ans. I think Mr McComas was there.

Int. What are your opinions about Ralph

Ans. The same I expressed to Eldridge & Jontellotte

Group examined by Mr McComas

Int. How long have you known Ralph Hoggis

Ans. About 23 years

Int. Was he always foolish

Ans - No sir.

By Mr Knox.

Int. Did you ever hear William say anything as to the cause of Ralph's intellect being impaired, as to his taking medicine or anything like that

Ans. I never have.

## Resumed Cross Examination.

Int. As I understood you, the part you took in this matter was merely to introduce Mr. Merrill to a lawyer you knew and the language you used after was merely advisory in a matter in which you were not engaged.

Ans. Yes Sir.

Int. When you went into jail with Mr. Merrill and Mr. Joutelotte what did you go for.

Ans. I went in to see him about the arrangements.

Int. Had William Hopps had anything to do with it up to this time.

Ans. I think not, I think I went in with Mr. Merrill.

Int. The matter was new to William then.

Ans. Yes Sir, it was.

Int. What did he pay about it.

Ans. He said there was a morsel of right in the case, or to that effect, that there was some \$500, I think about \$500 or \$600. he had used of Ralph's portion of the money that was sent to him from England.

Int. — Did he show any anxiety to have a man appointed as guardian of Ralph, did he take any part in it, other than to pay it was true he owed him something.

Ans. I don't know that he did, only he paid that he would like to have it arranged, only he did not like Mr. Merrill to do the business.

9.  
Int. When Mr Merrill went to Mr. Jontelotte he told Mr Jontelotte, Ralph was an insane man.

Ans. Well I dont know, but I think likely he did.

Int. Did you not state so in your direct examination.

Ans. I think not, but the word was mentioned.

Int. When you left the jail Mr Jontelotte seemed to consent to put it in the way you suggested.

Ans. Yes Sir.

Int. Did you not say, that either you or Mr. Jontelotte said it would be satisfactory in any way Mr Merrill said. I think it was among the last things you said, that you said it would be very well in that way or in any other way Mr Merrill suggested.

Ans. I think it was leaving out the name of Merrill.

Int. You had no further consultations with them about it.

Ans. No Sir, I dont know that I did. I might at the Court on the day of the trial.

Int. And you say I was there.

Ans. Yes Sir, I heard you make objections.

Int. Was not the part I took, to object to Mr. Merrill's being appointed conservator.

Ans. You made that objection.

Int. Did I take any part before that jury.

Ans. Not further than that

Int. That was before Judge Bradwell, was it not?

Ans. Yes Sir, I think it was.

Int. Was not the history of Ralph gone into before that jury by his friends and acquaintances?

Ans. Yes, it was brought before the jury.

By Mr. Knox

Int. Was Mr McComas there when this question was being tried before the jury, whether he was insane or not?

Ans. He was in the room.

Int. There was not any question before the jury as to who should be conservator.

Ans. No Sir

Resumed Cross Examination

Int. Was it not at the same time, the same sitting

Ans. Yes Sir.

By Mr. Knox

Int. Did you try to explain before the jury whether this man was insane?

Ans. Yes Sir.

Int. Was he there then

Ans. I think he was

Int. It was not till after that, that a conservator

10  
was talked about, was it.

Ans. No Sir

Jonas Johnson examined by Mr. McAllister

Int. Where do you live.

Ans. On the corner of West Lake and Clinton Streets

Int. What is your business

Ans. I keep a Farmers Hotel.

Int. Do you know the Defendant Hoppers

Ans. Yes Sir.

Int. How long have you known him

Ans. I think for about 7 years

Int. Did he call at your house on his way to jail  
on the first of July last

Ans. No Sir, not that I know of

Int. Have you furnished him any beer or liquor  
since he has been in jail and if so how much.

Objection Overruled

Ans. 10 Gallons altogether.

Int. How much beer and how much whiskey.

Ans. There was whiskey put in it 3 times.

Int. In the beer

Ans. In the beer

Int. Can you tell when this was.

Ans. <sup>I believe</sup> It was in the month of September,

Int. How much whiskey was put into the beer.

Ans. Twice there was a pint each time, the third  
time I could not pay for the jug was not quite full

of ale and it was filled up. I think there was more  
the third time. I could not be positive but I think  
so.

Int. Through what period of time did this run.

Ans. The first gallon he had, was on the 14<sup>th</sup> of  
September.

Int. When was the last.

Ans. The last was on the 30<sup>th</sup>.

Cross examined by Mr. McComas

Int. What kind of ale was this

Ans. It was Lill's XXX Ale

William Hopps jun. Examined by Mr McAllister.

Int. Were you there at the time your mother was  
stabbed.

Ans. Yes Sir.

Int. Did you see your father do anything with the  
knife, if so, just tell the jury what he did.

Ans. He throwed it away

Int. How soon after was it he did so

Ans. It was in about 1/2 a minute

Int. He threw it out in the yard

Ans. Yes Sir.

Int. Did he turn about and go back into the  
house as soon as he throwed it away.

Ans. Yes Sir.

11.  
Int. Where was your father, when he threw the knife  
away

Ans. Out in the yard.

Crop examined by Mr. McComas.

Int. Where was he standing.

Ans. On the walk.

Int. What walk.

Ans. The walk from the kitchen door.

Int. To the piazza or towards the gate.

Ans. Towards the gate.

Int. And he threw it down.

Ans. Yes Sir.

By Mr. Knox.

Int. Did he throw it out on the grass.

Ans. Threw it on one side.

By the Judge.

Int. Where was your mother struck.

Ans. In the house

Int. Did you ever see the knife before.

Ans. Yes Sir.

By Mr. Knox

Int. So that the knife

Ans. Yes Sir.

By Mr. McAllister

Int. How long did you know your father to have that

Ans. Since last winter.

Thomas Fullager examined by Mr. Knox

Int. Do you know the defendant.

Ans. Yes Sir.

Int. How long have you known him.

Ans. 25 or 26 years

Int. How near to him did you live

Ans. A mile west.

Int. How long did you live that near to him.

Ans. About 21 years.

Int. Did you ever have any conversation in reference to Hopps wife, if so, go on and tell what passed between you and him.

Ans. It was in the early part of July 5 or 6 years ago. Mr. Thornton said, he wished me to go and see him, for he thought he would kill his wife and I found Mr. Hopps in the garden house and he offered me his hand and I told him that I should not shake hands with him, for Mr. Thornton had told me, that he thought he would kill his wife.

Int. Did you repeat to Hopps what Thornton said.

Ans. Yes Sir. He told me he thought he would kill his wife, he had beat her shamefully in front of the house and he was so scared, that he would not sleep in the house.

12.  
I told him, I had that charge against him and if it was false, I would meet Mr. Thornton face to face.

He told me to go home and mind my own business and manage my own wife, for he should manage his and he should do it as he had hitherto done. Hopps got up and left the room and in a few minutes his wife came in with him and I told him, that I did not come to try him, I would give him some good advice and then I asked his wife "Does Hopps abuse you and threaten to kill you?" and she says "I have asked him many times, what it was for and I ask him again now: William what do you abuse me for?"

for I never gave you a cross word, nor a cross look in my life?" said I, "Hopps you are a brute" he said "You insult me, draw that word back" so I drew that word back and said I, "You are ten times worse than a brute, and I shall not draw that back"

Int. - Did he make any reply to her, when she asked these questions.

Ans. No, he said nothing and then I called him a brute.

Int. What did he say then.

Ans. He did not say anything.

Int. Of what nation are you.

Ans. English.

Int - Was there any further conversation <sup>at</sup> that time.

Ans. Yes Sir.

Int. - Go on.

Ans. - Then I told his wife, that he said, he should do as he had hitherto done and I said that if she wished it I would go and I would have him arrested and she said, she was in hopes, he would mend and said I: If he abuses you, come to my house and I will put him where the dogs cannot bite him.

Int. Any further conversation.

Ans. Yes Sir

Int. Go on.

Ans. Suppose Hopps, said I, you go on in this way, and in angry blood you killed her and she was laying in the room and sacrificed and then was the jailor and the constable come with the handcuffs, what would your feelings be? You would have to leave your interesting family and your fine house and they would take you to Chicago jail and hang you up as they have done other brutes.

Int. What did he say to that.

Ans. He did not say anything

Int. Anything else said at that time.

Ans. Yes Sir

Int. Go on

Ans. I cannot recollect, what I said last.

Mr. Knox repeated it

Cont<sup>d</sup> Ans. I asked Hopps, who built that new house and who was the cause of its having such a fine dairy. Said I: It's your wife, it is along of her industry and economy and

the reward is kicks and thumps and damn you I'll kill you, this is the reward that woman has for her industry.

Int. What did he reply to that.

Ans. We made no reply. I got up to go out and says I, Mrs Hopps, I repeat, come to my house at any time night or day and I'll protect you and if he abuses you again, I'll get a warrant and arrest him. Hopps said, I wanted to part man & wife, I said, no such thing, I wanted to get a good woman away from a brute, that was all.

Int. Have you had any personal quarrels or law suits

Ans. Never any law suits and not much quarrels.

Int. Did you leave them.

Ans. I left them in the house then. About the 3<sup>d</sup> morning after that I met him in the road between his house and mine, he was in his carriage and stopped his horse and put his hand out to shake hands and I said no, not yet and he said, he thought, I had come with a good intention, he had not abused his wife since, nor he never would again.

Int. Did he allude to your previous conversation with him.

Ans. - Yes, he said, I came with a good intention, a good friendly intention.

Int. Was he sober then.

Ans. I should think, he was

Int. What did you tell him.

Ans. - He says, now do shake hands with me; I told

him no, for I had no faith in such a short time and I would wait for 6 months, says I Christmas that will be and if you wish to shake hands with me, I will do so then, if you have not abused your wife and if you have, I will get a warrant and have you before the authorities, he said his wife was one of the best women in the world.

Int- Did he state what caused the difficulty between them, if so what was it.

Ans. He said it was drink, but I was not quite come to that.

Int. Relate it, just as it occurred.

Ans. He said, he could not bear, for any one to speak a word against his wife. I never heard any one speak a word against her said I, now I'll speak against her. It's a pity, says I, she has not got spirit enough, to defend herself and also she works too hard by half. Hopps said that was her own fault, for he had offered to get her help and she would always do the work herself. I said, if your wife is such a good woman, what do you abuse her for, and he says "its drink" I am told you abuse her when you are sober, he says "its drink" says I, then damn the drink, what do you drink it for " That was all before shaking hands: that come after that about 6 months.

Int.- Did it come round about Christmas.

Ans. I saw him about Christmas and I told him,

14  
I had not heard of his abusing his wife and there is my hand, if he liked, we would shake hands, please himself and please me.

Int. Did he shake hands

Ans. Yes Sir.

Int. Was there any conversation then.

Ans. No, only what I have told you

Int. You had known him a great many years.

Ans. Yes Sir.

Int. During that time has there been anything singular as between him and other men, when he has not been in liquor.

Ans. Nothing, only sometimes in the morning he would hardly speak and I would say "Ain't you well Hoppo" and he would say yes. In the middle of the day he would be full of talk and at night, he would talk very lively.

Int. When he is sober, is there anything to distinguish him from other men.

Ans. Nothing that I ever see.

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No Cross Examination

Benj<sup>n</sup> C Luce recalled by Mr W Allister  
Int. In the course of your conversation with  
Mr. Hopps in jail was there anything said about his  
employing counsel.

Ans. Yes Sir there was

Int. What was the conversation

Ans. I asked him, if it was true, that he had employed  
counsel and agreed to give them \$2000. to defend his  
law suit and he said he had not agreed upon any  
price. After that he said, what was \$2000 compared  
with a man's life.

Int. The same conversation.

Ans. Yes Sir, if he could get back on his farm, he  
could soon make it again.

Int. Did he say anything about the character of  
counsel he wanted.

Ans. He said he would not have any unless he  
could have the best he could get.

Int. Did he suggest any.

Ans. He spoke of Van Auman & McComas and  
asked me my advice and I told him, that I thought  
those were two as good ones as I was acquainted  
with or knew anything about.

By the Judge.

Int. Do you know how many years the prisoner has  
been married.

Ans. To the best of my recollection he was married in 1839.

Int. Where did he find his wife, where did he marry her.

Ans. At Paw Paw Grove

Int. What was his family name

Ans. Smith

Int. How long had the family lived at Paw Paw Grove.

Ans. I don't know, I never saw them.

Int. Do you know what country they were of

Ans. They always claimed to be of Scotch descent.

By Mr. Mc Allister

Int. Do you recollect any instance of your going near a door, where he was abusing his wife and then entering into the room.

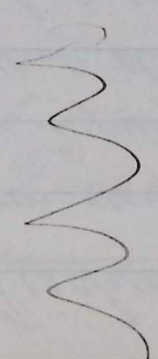
Ans. Once and only once. I went there on business and I heard quite loud talk in the other room, I stopped and listened at the door, but the house being brick I could not hear what they said and then I rapped and went in and then I could not see by his looks or actions that there had been any difficulty. When I had done my business I returned.

Int.- All was perfectly pleasant when you got inside the door.

Ans. Yes Sir

Int. Did you hear anything when you went out again.

Ans. No Sir I did not stop.



Gustavus Fischer examined by Mr. McAllister

Int. What is your occupation.

Ans. I have been Deputy Sheriff for 2 years

Int. Do you recollect the circumstance of taking defendant from jail back to Wheeling for the Coroners inquest last July.

Ans. Yes Sir. There were several neighbors came into the Sheriff's Office and said that a murder had been committed at Wheeling and they had better send some one and have the man brought in. I then started with Mr. James and when we got there we found that he had come in. At the request of Mr. James I came back to Chicago for Hopps. Mr. James objected to go on without him present. I then started back on the next freight train, arrived here about 9 o'clock, went to the jail took Mr. Hopps out and to his place.

Int. — Who was he brought in by.

Ans. By a man named Johnson

Int. What time did you start with him to go back.

Ans. a little after 9 o'clock

Int. In the evening.

Ans. Yes Sir.

Int. Did you go by a carriage or cars.

Ans. I took a carriage to the Depot, I only had 15 minutes to go there and back.

Int. Were you detained

Ans. I was detained at the Wells St. Bridge, the bridge was open.

26.  
Int. Did you have any conversation with him.

Ans. I did not say anything much to him; he asked me if there was any chance of getting something to drink there. I told him there was not. Nothing occurred when we got to the depot, as soon as we got thru the train started.

Int. - What occurred about that time, after you got into the cars.

Ans. After we got aboard the train I spoke to him about the case, conversed with him.

Int. Did he ask you any question, if so, what was it.

Ans. He asked me, after we had taken our seats in the car, who the attorneys had been for Sumperty. I told him Van Aman and McComas.

Int. That was true, was it not.

Ans. I thought it was.

Int. Did he ask any further questions about them.

Ans. He asked — me, if they were good criminal attorneys, I said, they had the reputation of being the best.

Int. Was that all the conversation.

Ans. Oh, we spoke about one thing or another.

Int. Was that all on the subject of Attorneys.

Ans. Yes Sir.

Int. State what occurred, when you arrived there.

Ans. We got to Duntun Station, we stopped there and got out of the car and he asked me to go over to Williams

577

Int. He keeps a tavern there.

Ans. I don't think it is a tavern. It is a saloon or a boarding house. We went there to take something to drink.

Int. Did you get something -

Ans. Yes Sir.

Int. What did you let him have.

Ans. I let him have a glass of ale.

Int. Did he ask for whisky.

Ans. I told the man at the bar not to let him have anything stronger than ale.

Int. Did you go to his house.

Ans. Yes Sir, there was a horse and wagon there, it is about 6 or 7 miles from Duntov Station.

Int. What did you do with him.

Ans. I took him into the house and into the parlor where the inquest was being held.

Int. The inquest was being held at that time.

Ans. Yes Sir.

Int. State, what you observed him to do there, after you had got him into the house.

Ans. He sat down on the settee & lounged & fell asleep a short time after I got him there.

Int. Did he go to any other part of the house after he woke up.

Ans. After a short time (he did not sleep very long) the coroner asked him to step into the bed room, he stepped in, there to identify his wife, the coroner asked if that was his wife, he said yes.

17.  
Int. - After that, what occurred, did he go in the direction of the buttery.

Ans. Not at that time, that was after the jury retired. They were getting up some supper and I told him, he had better take some before we started again, he said he did not feel like it. After we had retired from the parlor, we were all in the kitchen and he went into the buttery next to the bedroom, I went in with him, he seized a gallon or 1/2 gallon jug filled his glass with it and drank it, it was a tumbler glass.

Int. - With what, beer?

Ans. No it was liquor.

Int. Did he do it again.

Ans. I would not be positive about it, whether he drank once or twice.

Int. - What size of tumbler was it.

Ans. A pretty good sized tumbler.

Int. - Do you mean to say he filled it.

Ans. I think he did.

Int. You say you are not positive whether he took another.

Ans. No I am not positive.

Int. Did you start back for Chicago that night.

Ans. Yes sir, we left there about 3 o'clock.

Cross examined by Mr. McComas.

Int. - Did you hear Wm Hopps sworn at the inquest.

Ans. Yes Sir.

Int. Did you hear him state whether jealousy was the cause of the act he had committed.

Mr. Knox objected      Overruled

Int. Was he called by the Coroner to give testimony.

Ans. Yes Sir.

Int. Did he state what was the cause.

Ans. I think he did say something about jealousy.

I won't be positive, I think he did though.

Int. What was said upon that subject.

Ans. I don't remember.

By the Judge

Int. What do you recollect, that he said.

Ans. The Coroner asked whether he committed the act, he said yes he done it, the knife was shown, he said, that was the knife, I think he said the cause was jealousy.

By Mr. Dexter.

Int- He rode back with you.

Ans. Yes Sir.

Int. How did he behave.

Ans. Like a gentleman.

Int. Was he sober.

Ans. He seemed to be sober. Worn out he seemed to be.

Int- Who rode out with you from Dunton.

Ans. One of his men was there, Mr Mab, I think was his name.

By the judge

Int. You arrived there at night.

Ans. Yes Sir, between 11 & 12 o'clock.

Int. The jury was then in session.

Ans. Yes Sir.

Int. You started back when.

Ans. About 3 o'clock the same morning.

Mr. Knox offered in evidence an Affidavit<sup>made by deft</sup> as to drinking dated May 11<sup>th</sup> 1858

John J. Everett examined by Mr. Knox

Int. Are you acquainted with the writing of W. N. Davis, former lawyer & Notary Public.

Ans. I am Sir.

Int. Look at that and see if it is his handwriting.

Ans. It is.

Mrs. McStab examined by Mr. Knox

Int. Is that your fathers hand writing

Ans. It is

Abel Smith examined by Mr. McComas

Int. Are you related to Wm. Hopp's wife.

Ans. Yes Sir.

Int. Are you a relation of hers

Ans. Yes Sir.

Int. Have you not been sitting here for the last 2 or 3 days.

Ans. Yes Sir.

Int. Were you not aware that the witnesses were to be excluded.

Ans. Yes Sir, but I did not know, I was to be a witness.

By Mr. Knox

Int. Look at that and say if you did not see it in her possession about the time of its date.

Ans. Yes Sir.

Int. In Mrs. Hopps possession.

Ans. Yes Sir.

Admitted in evidence

Michael Hopps examined by Mr. Knox

Int. What relation are you to Defendant.

Ans. I am cousin.

Int. How long have you known him.

Ans. 8 1/2 years.

Int. When did you come from England.

Ans. In 1854.

Int. Do you know any relatives of Wm. Hopps in England.

Ans. Yes Sir

Int. You knew them all did you not.

19.  
Ans. I knew them all I believe, all that I ever heard spoken of.

Int. Did he have any under insane delusion or affected with insanity.

Ans. No Sir. I never heard such a thing mooted as any insanity in the family.

Int. When did you first hear of insanity in the family.

Ans. I never heard of it till William committed this murder.

Int. Were you familiar with any of these occurrences of his abusing his family.

Ans. Yes Sir.

Int. Where did you live at the time.

Ans. Part of the time in the same house with him and the rest, for a good 2 years in an adjoining house, close by.

Int. How long in the same house.

Ans. I don't know exactly the time, it was some 2 or 3 months, I believe.

Int. State whether or not he ever abused his wife except he was in liquor.

Ans. I never saw him abuse her except he was under the influence of liquor.

Int. How many instances have you known.

Ans. There was so many it would be difficult to enumerate them.

Int. What did he do.

Ans. - He would knock her about pretty bad, pull her around and abuse her in abusive language; what I call using her pretty rough.

Int. - Do you mean that he struck her.

Ans. He struck her, I have known him strike her a good many times.

Int. Were you there the last time she left home.

Ans. - No Sir.

Int. - Were there instances before or after that time.

Ans. - This was before she ever left home at all Sir, my observation on the subject.

Int. Do you know whether his beating left marks.

Ans. Yes Sir several times.

Int. Where.

Ans. I have seen her several times with black eyes.

Int. Do you recollect writing a letter to her when she was away at her fathers in 1858.

Ans. I wrote a letter to her father William Smith.

Int. Do you know the time of her 4<sup>th</sup> absence at her fathers at Paw Paw Grove for 3 or 4 months.

Ans. I am aware she was there at that time.

Int. Did you write to her father at or during that time.

Ans. I am not certain whether it was during her last visit or during the second time she went away.

Int. How came you to write that letter.

Ans. It was entirely at my own responsibility.

20.  
I wrote, not at the request of defendant at all.  
Int. Was it for the purpose of having her return  
or to prevent her returning.

Ans. It was to induce her not to return.

Objection to both question and answer  
Sustained

Int. - What were the facts upon which you wrote  
was he making any professions at that time and if  
so, what were they.

Ans. - He was making great professions of reform.

Int. What professions were they.

Ans. That if he could only get her back again, he  
would never abuse her, &c.

Int. What reform was he professing to have  
accomplished.

Ans. He said he would never abuse her any more,  
be always kind and leave off drinking.

Int. Was he not pretending he had left off  
drinking at that time.

Ans. - I believe he was, but I did not live with  
him at that time. He did pretend it to me  
because I had an interview with him.

Int. What did he pretend.

Ans. He said he would never abuse her any more  
be always kind and he expressed great regrets  
he had abused her at all. I believe he laid  
the blame to drink and he said that he was going  
to leave off drinking.

Int. What about the blame.

Ans. He said it was all through drinking he abused her.

Int. Was it after this conversation that you wrote the letter.

Ans. Yes Sir.

Int. Do you know, Mr Hopps, whether he was making any profession of seeking religion.

Ans. - I heard he was.

Int. - He did not say so to you.

Ans. I think he did, I don't recollect he did.

Int. In all your acquaintance with defendant, did you ever discover any thing in his conduct, that attracted your attention as being peculiar or singular, as to his state of mind.

Ans. No.

### Crop examined by Mr McComas.

Int. You had not heard of insanity in the family of the prisoner, did you never hear of any peculiarity of his mother's mind.

Ans. Never heard such a thing.

Int. Did you never hear of anything peculiar.

Ans. Not to call insane, no Sir.

Int. Did you never hear about her nervousness, weakness of mind.

Ans. No.

21.  
Int. What did you hear.

Ans. I never heard anything wrong about his mother.

Int. What did you tell me.

Ans. I never heard anything, that I know of, and I never admitted it.

Int. You say you did not.

Ans. I do say so.

Int. Did you never hear of Ralph Hopps having anything to do with his mind.

Ans. I always knew Ralph was simple minded this last 10 or 15 years.

Int. You do not regard that as anything at all do you.

Ans. I do not understand the meaning of your question.

Int. You said you never had heard anything about this matter in his family, but you had heard about Ralph.

Ans. Yes Sir.

Int. You speak of the bad treatment of this man to his wife, will you state to us, how long at a time would he abuse her in this manner and at what times of the day or night.

Ans. He would abuse her at all times, whether day or night.

Int. I am asking how long at a time would he keep this up.

Ans. He would sometimes keep this up for 2 or 3 days.

Int. Night and day.

Ans. Pretty much.

Int. Did he keep liquor in his house.

Ans. Almost invariably had liquor in his house.

Int. Did he drink every day more or less as a rule.

Ans. As a general rule he did.

Int. Have you not seen him at times when he was abusing his wife go about his ordinary business attend to all other relations of life and treat every body else perfectly properly.

Ans. Yes he would always do that.

### By the Judge.

Int. What kind of disposition did Mrs. Hopps exhibit on these occasions.

Ans. She exhibited all the forbearance, kindness and mildness a woman could do, she would sit and stand there for hours during this time, the most I could hear her say would be "Don't William, don't, you hurt me" and advise him to take medicine. He was bilious sometimes and she would frequently advise him, to take calomel, a thing which he took a great deal of.

### By Mr. McComas.

Int. Did he take large quantities of mercury.

Ans. He took very strong doses of calomel.

Int. Did he take very strong doses.

22.  
Ans. More than a dose for an ordinary man, more than I should like, a good deal.

Int. Was that habitual with him.

Ans. He used to take a good deal of it.

Comad Tolly Examined by Mr. Knox

Int. - Are you the turnkey of the jail below.

Ans. Yes Sir.

Int. Were you during last summer, July and August and have you been up to this time.

Ans. Yes Sir.

Int. Tell the jury as near as you can, when Mr. Van Aman of Messrs Walker, Van Aman & Dexter, com. commenced his professional intercourse with the defendant in jail.

Ans. I don't know exactly. I think it was about 3 or 4 weeks after Hopps came in, before 3 or 4 weeks, I guess.

Int. He came in on the 1<sup>st</sup> July

Ans. Yes Sir.

Int. By the way when did Mr. Van Aman leave here.

Ans. I don't remember exactly.

Int. How often did he visit the prisoner and how long did he continue his visits.

Ans. He came round about once a week I guess

Int. For how long.

Ans. In the first place Mr. McComas was not there.  
In the first place I saw Mr. Van Arman. He only came  
in twice or 3 times I guess and then I understood he  
went to the Army.

Int. To Camp Douglas.

Ans. Yes Sir.

Int. Do you not know he remained in this County  
up to November, that his regiment left one Sunday  
and he followed on the Tuesday after.

Ans. I don't remember, I did not take notice.

Int. When did Mr. McComas commence his calls  
on defendant.

Ans. I guess he came around about 2 weeks  
after Van Arman's first visit.

Int. - How frequent has his intercourse been with  
defendant, how often has he been there.

Ans. He did not come around very often, sometimes  
Mr. Hopps has sent for him.

Int. - How often did he come.

Ans. He would come around I think about  
once a week, may be once in 2 weeks in the first place.

Int. - He has continued his visits, I suppose, up  
to the present time.

Ans. I cannot tell that.

Int. You don't know whether he has been there or  
not.

Ans. I know when he was there.

Int. Did that cover the time from July up to

the time the trial commenced.

Ans. Yes Sir, from the time when he commenced at first (I dont remember exactly) may be it was about 6 weeks after when he came into jail and from that time he has kept coming up to the last.

By Mr. McComas

Int. Was this man Hoppes a room mate in the jail, who stays in the same cell and eats and drinks with him.

Ans. Yes Sir.

Int. Up to the time when the doctors commenced visiting him did I ever see him in any other place, than in the public hall.

Ans. Yes you saw him in the public hall.

Int. No where else, except when the doctors were with me.

Ans. No Sir.

Int. Was Mr. Van Arman ever there after the time he and I came there together.

Ans. No I guess not

Int. The other times he was there he was there with Judge Bradwell.

Ans. Yes, that was before I saw you.

By Mr. Knox.

Int. You say he never saw him except in the hall till the Doctors came. Did he have them by himself?

The hall is 100 feet long is it not.

Ans. - It is about 200. He see me & he says I want to see Mr. Hopps and he asked if he could go into the hall, I told him it was against the rules, he has got to stay in the entrance hall.

Int. He wanted to see him and have conversation with him alone.

Ans. Yes of course.

### By Mr. McComas

Int. When was that.

Ans. (You remember, it was the first time when you come in.

Int. That is when Judge Broadwell, Mr. Van Arman and myself came.

Ans. - It was after.

### Wm. F. Tourtelotte recalled by Mr. Knox

Int. Your partner Mr. Eldridge belongs to the same regiment as Mr. Jno. Van Arman.

Ans. Yes Sir.

Int. When did it leave Camp Douglas.

Ans. On the 9<sup>th</sup> day of November.

Int. Did Mr. Van Arman go until the following Tuesday

Ans. He did not.

Int. That was the 11<sup>th</sup>.

Ans. I believe so.

Elizabeth Hopps examined by  
Mr. Mc Allister

Int. Are you a daughter of the defendant.

Ans. I am.

Int. How many sisters are there older than yourself

Ans. I have one.

Int. Who is that.

Ans. Mrs. Mc Nab.

Int. Do you recollect what month it was Mr. Mc Comas came out to your house

Ans. I think it was in August

Int. Do you recollect the circumstance of your father having trouble with Mr Merrill about a horse.

Ans. Yes Sir, I do.

Int. Was that the subject of talk in the family after the trouble commenced.

Ans. I remember once, that Pa told Ma that Mr. Merrill was intending to see him for the horse and he says "let him do it and see how much he can get by it."

By the Judge

Int. Who was that

Ans. My father.

By Mr. M. Allister.

Int. What reply did your Ma make

Ans. She told him, she thought he had better go and see Mr. Merrill and try have him settle it some way rather than go to law about it.

Int. Do you recollect anything more.

Ans. I do not remember what Pa said, I only know, he was displeased, when she spoke.

Int. Do you remember the circumstance of Mr. Fullager coming to talk with him.

Ans. I remember he came but I did not hear anything he said.

Int. Did you know from <sup>anything</sup> what your father said what business he had come upon.

Ans. My father was not in the house, but he came in to take mother to Michael Appys; but I dont remember what he said.

Int. Did he say for what purpose he wanted her to go over there.

Ans. I dont remember

Int. Did he say anything about Mr. Fullager being there when he came back.

Ans. When they came back I heard my mother say he was there.

Objection to Mothers words

Int. What were your fathers relations with Fullager as to being friendly before that happened.

Ans. I think they were always friendly, I never

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heard to the contrary.

Int. What kind of feeling did he manifest towards Fullager after that.

Ans. He always acted as if he thought very well of him, when he saw him, but he used to call him names.

Int. Behind his back.

Ans. Yes Sir.

Int. Do you remember any name he used to give him after that transaction.

Ans. He used to call him "an old dough gun"

Int. Do you know his feelings towards Merrill after this transaction.

Ans. He never spoke as well after as he did before I never heard him speak well after.

Int. Did he appear to speak unfriendly towards him.

Ans. Yes Sir.

Int. What were his feelings towards Merrill for several years.

Ans. He seemed to dislike him too: I have heard him call him "A damned old rascal"

Int. How far back can you recollect your father abusing your mother.

Ans. The first time I ever saw him strike her was, I think, about 10 years ago.

Int. Was that after this horse matter.

Ans. Yes Sir, I think it was.

Int. Where was that

Ans. At my father house.

Int. State whether it was in the evening.

Ans. It was in the evening, in summer time, after dark.

Int. State where he struck her and how.

Ans. It was in the bedroom, she was sitting on the lounge. I don't know how many times he did strike her.

Int. State the circumstances, so that the jury can hear.

Ans. In the first place I was up stairs and I heard father hollering, talking and swearing and I came down stairs, my eldest sister went down with me.

Int. That is Jane.

Ans. Yes Sir. When we got down there he had hold of her by the hair of her head and knocked it against the wall.

Int. What position were they in.

Ans. She was sitting down and he were standing up, she was sitting on the lounge.

Int. What was he doing

Ans. He had hold of her hair then and was knocking her head against the wall with his hands. He struck her several times after, but I don't know how many times.

Int. Where in the bedroom.

Ans. Yes Sir

Int. Were you present

Ans. Yes Sir,

Int. Where did he strike her

Ans. On her head.

Int. What did you do.

Ans. My sister and I tried to part him away from her.

Int. Did he say anything to you or do anything

Ans. He told us to go away. I do not remember anything else he said, he pushed us aside.

Int. Did he stop abusing her.

Ans. No Sir, he struck her several times after that.

Int. How did the affair close up.

Ans. He scolded for some time and then he retired.

Int. He went to bed

Ans. Yes Sir.

Int. Could you tell afterwards whether your mother was hurt or not.

Ans. She had bumps on her head next morning

Int. How was her face.

Ans. I don't remember.

Int. State whether she left him then or whether she continued at home.

Ans. No Sir, she stayed, it was when we were living in the old house.

Int. Did he have liquor in the house.

Ans. Yes Sir, he had been drinking hard that day.

Int. Do you recollect of his pounding her any time after that.

Ans. No Sir I don't remember any particular time.

By the Judge.

Int. Was anything paid on that occasion during the beating as to the cause.

Ans. I remember of his saying, she had turned against him and was mean to him, that was about all I heard him say.

By McAllister

Int. That is all you heard him say.

Ans. Yes Sir.

Int. When, after that did they have any difficulty.

Ans. He was cross several times that summer, but do not remember any particular time; he was worse that time than any time I remember.

Int. How many times have you known of his abusing her since that.

Ans. I could not tell, it has been so many times.

Int. Was he ever struck her again since

Ans. Oh yes; a great many times since.

Int. You have known of her leaving the house in the night time and going to neighbors.

Ans. Not at that time.

Int. Have you since that time, within 10 years

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Ans. Yes Sir.

Int. Do you remember the particular occasion of his abusing her just before the time of his taking her over to Michael's?

Ans. No Sir, I do not remember any time in particular. I know he was scolding in the night and Mr. Thornton slept in the room next to him. I believe he was the man that went to Mr. Fullager and told him.

Int. State whether you have known him on any of these occasions to beat or abuse your mother except he was in liquor.

Ans. I never did unless that he was in liquor.

Int. Do you know <sup>as to</sup> his feelings of superiority over her.

Ans. I have heard him say, he never did anything wrong in his life, that she had and she was mean to him, that it was not in him to do anything wrong.

Int. Do you know whether he required her to do drudgery for him, to black his boots.

Ans. Yes Sir, she always had to black his boots and clean them.

Int. He did that when he was sober.

Ans. Yes Sir.

Int. What was his disposition as to being overbearing or otherwise in his family; proud.

Ans. - He was always overbearing to her.

Int. Have you ever heard him say anything in reference to her origin, her situation in life being inferior to his.

Ans. I have heard him tell her often that she was proud and that he took her right from the wash tub and that he had made her just what she was. He told her, she had no reason to be proud and that he was the one who obtained everything they had.

Int. Was you at home the night he stabbed your mother.

Ans. I was not.

Int. I want to know whether during any of these times he ever left marks on her face.

Ans. She has had black eyes several times.

Int. How would she manage about going to Church or away from home, when she had these marks upon her face.

Ans. She would stay at home when they looked bad.

Int. Did you ever hear him say anything in reference to her going out among folks in that condition.

Ans. There was one time when my aunt was sick and they got a letter from them, she was not expected to live, she was living at Paw Paw Grove, it is my mother's sister.

Int. How was your mother's face at that time.

Ans. She had a black eye at that time.

Int. Was that from his beating her.

Ans. Yes Sir it was, she urged him to take her and he took her.

Int. To take her there.

Ans. Yes Sir.

Int. Did you ever know anything about that subject coming up subsequently.

Ans. I don't know as I do.

Int. Did you ever hear him say anything to her about compelling him to go.

Ans. I have heard him scold her, because she had him take her out there in such a situation, when she had a black eye.

Int. Since.

Ans. Yes Sir, I have heard him a great many times since.

### Crop examined by Mr. McComas.

Int. you said that after the first cruel treatment your father had one or two quarrels with your mother during the preceding summer.

Ans. Yes Sir

Int. Is he in the habit of keeping liquor in the house

Ans. Yes Sir, he has always kept it, except while my mother was away and then there was a while he did not keep it. Sometimes he would drink but a time or two in the day and at other times he would drink very often.

Int. Do you remember what time of the day this beating was.

Ans. I don't remember the time, but it was before

dark, it was early, it was not late.

Int. What time did he come in from his work.

Ans. He was in at supper time.

Int. Do you know what he had been doing that day.

Ans. No Sir.

Int. Do you know what he did next day.

Ans. No Sir.

Int. Do you know what time in the morning he went out next day.

Ans. No Sir, I do not remember.

Int. You don't remember what kind of work, so as to indicate the season.

Ans. I don't remember what he was doing.

Int. Had you heard anything of his quarrel with your mother before you went to bed.

Ans. No Sir, I heard him then swearing & hollering and my sister and I came down.

Int. But you heard him then.

Ans. Yes Sir, he had been drinking hard that day.

Int. What time did he drink.

Ans. He drank during his meals and several times in the afternoon.

Int. Was he working in the house.

Ans. No Sir, but he came in and drank several times that afternoon.

Int. How many times do you suppose.

Ans. I could not tell for certain.

Int. Two or three times.

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Ans. Oh, more than that.

Int. How many times.

Ans. Why I could not tell how many.

Int. During this summer how often did you see him under the influence of liquor.

Ans. He was not, so that he was very bad but 3 or 4 times that summer, but he drank more that summer, than I had ever known him do before.

Int. There was a marked increase in his drinking.

Ans. Yes Sir.

Int. Do you remember when your mother came back upon one occasion, of your father running out to meet her and help her out of the carriage.

Ans. I believe he went out when Mrs Winchell brought her home. I don't know how far he went.

Int. He went to meet her.

Ans. Yes Sir.

Int. - And brought her in.

Ans. Yes Sir, she came with him.

Int. What time of the day was it.

Ans. I don't remember whether before dinner or after. I wish you would try to remember.

Ans. Why I cannot tell for certain.

Int. - Do you know where they had come from that day.

Ans. I believe they came from Chicago.

Int. How far is it from Chicago.

Ans. I believe it is about 24 miles.

Int. What kind of vehicle did they come in.

Ans. I think it was our carriage they came in, I think Pa sent the carriage down that morning I think it was our carriage but I wont pay for certain.

Int. Do you remember that that evening at supper your father quarrelled with your mother.

Ans. No Sir, I dont.

Int. There was nothing passed at supper.

Ans. Not that I remember of.

Int. I wish you would say if you remember anything about that supper.

Ans. Why I dont remember.

### By the Judge

Int. What sort of disposition had your mother for meekness and patience.

Ans. She was very mild and patient.

Int. Do you recollect the state of your fathers health at the times that he drank most. Did you hear him say how he felt.

Ans. No Sir, Not that I remember.

### By Mr. McComas.

Int. Do you know what his health was at that time.

Ans. Why, he was not sick.

Int. Did he complain of any disorder such as dyspepsia or anything of that sort.

Int. What kind of vehicle did they come in.

Ans. I think it was our carriage they came in, I think Pa sent the carriage down that morning I think it was our carriage but I wont pay for certain.

Int. Do you remember that that evening at supper your father quarrelled with your mother.

Ans. No Sir, I dont.

Int. There was nothing passed at supper.

Ans. Not that I remember of.

Int. I wish you would say if you remember anything about that supper.

Ans. Why I dont remember.

### By the Judge

Int. What sort of disposition had your mother for meekness and patience.

Ans. She was very mild and patient.

Int. Do you recollect the state of your fathers health at the times that he drank most. Did you hear him say how he felt.

Ans. No Sir, Not that I remember.

### By Mr. McComas.

Int. Do you know what his health was at that time.

Ans. Why, he was not sick.

Int. Did he complain of any disorder such as dyspepsia or anything of that sort.

Ans. I believe he did use to have dyspepsia.

Int. Do you recollect of his taking calomel.

Ans. Why he used to take it sometimes, but I don't remember whether it was when he had been drinking hard.

Int. I would like you to remember whether it was at the time he complained of dyspepsia or when.

Ans. I don't know as I could tell you.

Int. What did he say about his dyspeptic feelings or the state of his health.

Ans. - He used to come in and want some soda sometimes.

Int. Did he keep soda in the house.

Ans. Yes Sir.

Int. Soda in the powder

Ans. No Sir.

Int. Common Soda, was it

Ans. Common soda, it looked like saleratus.

Int. What did he take it for.

Ans. He used to say he had dyspepsia and heartburn.

Int. He took it then for the acidity of his stomach.

Ans. I don't know what he did take it for.

Int. - State what quantities and how often.

Ans. I don't know how much he did take, he used to come and ask mother to prepare it and she did.

Int. Did he show more temper at these times.

Ans. I dont know that he did.

Int. Did you ever recollect your mother telling him to take calomel when he was displaying irritability of temper.

Ans. I have heard her tell him she thought he required to take some kind of medicine, she thought he was bilious.

Int. What was his general temper when not under the influence of liquor as to being in good humour or otherwise.

Ans. He was very quick tempered.

Int. With whom did it manifest itself.

Ans. Why with my mother and he would be with us children sometimes.

Int. What was his treatment towards your mother before the time you saw him first strike her some 10 year ago.

Ans. Why I dont remember, he had not been cross before that I remember of.

By Mr. Knox

Int. How old was you then.

Ans. I think I was about 10 years old

By the Judge

Int. How old are you now

Ans. I am 20.

By Mr. McAllister

Int. Did you ever hear your mother say anything about getting a divorce from him.

Ans. I never heard her tell him she was going to, but I have heard him talk to her about her applying for one.

Int. What did he say.

Ans. I have heard him say, he thought it was mean for her to do so.

Int. Did he ever allude to it more than once.

Ans. Yes I have heard him several times.

Int. With what temper did he allude to it, pleased or displeased.

Ans. He seemed to be displeased about it.

Int. Were you there when he sent for Hawks to come to the house.

Ans. I was there I think. I remember when Mr. Hawks came and I think I was there when he sent for him.

Int. Had he been in Chicago or away from home.

Ans. I don't remember.

Int. Do you remember hearing him say whether he had disclosed the secrets of Masonry.

Ans. No Sir I do not.

Int. You did not hear the conversation that passed between them.

Ans. No Sir.

By Mr. McComas

Int. Have you not often heard your father complain of being bilious.

Ans. Yes Sir.

Int. And take calomel for it.

Ans. Yes Sir he has taken calomel.

By Mr. Knox

Int. Was his beating of your mother confined to the times when he was sick or bilious.

Ans. No Sir.

Int. Not at all confined, was it

Ans. I don't remember.

By Mr. McComas.

Int. Do you know whether he was or was not bilious at those times.

Ans. No Sir I do not.

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A. D. Partridge examined by Mr. McAllister

Int. Are you a relative of defendant

Ans. I married his sister.

Int. How long ago did you marry into the family.

Ans. 24 years ago last March.

Int. Do you know the precise time defendant came into this State.

Ans. It was in the year 1837, forepart of September.

Int. Were you here then

Ans. No Sir I was in Indiana at that time.

Int. How long have you known Defendant.

Ans. Since I became acquainted with him was  
24 years on the last of October or first of  
November.

Int. Where did you first know the family.

Ans. I first knew them in the Town of Fairfield  
Franklin Co. Vermont.

Int. Did you ever know of any insanity in the  
family.

Ans. I never did till Ralph had a little time.

Int. Are you acquainted with Ralph

Ans. Yes Sir I am, I did not see Ralph till  
I think it is 19 years this fall that I saw him.

Int. What do you refer to about Ralph.

Ans. I did not see him for some time for it was  
supposed he was insane, or said he was insane.

Int. What is it you refer to as being the condition  
of Ralph since you have known him.

Ans. I have always supposed that this time of  
insanity was a spell of love sickness, love cracked  
some might call it.

Int. Do you know whether he had any affairs of the  
heart affecting him.

Ans. I do not know, not to my knowledge

Int. How does he appear

Ans. He appears very well now, he appears differently

to what he did 15 years ago, 14 years ago.

Int. What has been his condition, his appearance for a long time back.

Ans. That I am unable to tell you, I have not seen him for 11 years.

Int. You say you have known Wm. Happs for about 24 years.

Ans. Yes Sir.

Int. Did you ever see or discover anything in him that struck your attention as being singular or peculiar to his mind.

Ans. I don't know I ever did.

Int. What <sup>sort</sup> kind of man is he as to capacity & ability

Ans. I always considered him very good.

Int. Nothing of the kind of insanity in him was ever suggested by your own observation.

Ans. No Sir, I never heard of it till since he has been in prison.

By Mr. W. Comas.

Int. You had known Ralph for 11 years

Ans. I have not seen him for 11 years till August last

Int. Have you been intimate with William during that time.

Ans. No Sir I had not seen him for nearly 11 years

Int. You told me Ralph looks well enough now, but different from what he did after that love sick spell.

By Mr. McComas

Int. You dont remember his name.

Ans. No Sir.

By Mr. Mr Allister

Int. Do you recollect the circumstance of this man coming to your house.

Ans. Yes Sir he came at night.

Int. Have you seen him here as a witness

Ans. I have.

Int. State what condition your father and he were in that night.

Ans. The first night he came he kept saying "Work, work" Father was laying on the lounge in the dining room. I told father there was an old fellow out there who, I guessed, wanted work. He asked me who it was. I said I did not know, I guessed it was the womans husband who peddled hair oil, and he told me to send him in there.

Int. Did you do so.

Ans. Yes Sir. I did not hear anything they said but this old man stopped all night.

Int. Stayed there the night.

Ans. Yes

Int. Was he there next day.

Ans. Yes Sir and the next night they had a real drinking spree.

Int. Who.

Ans. My father and this John.

Int. Both.

Ans. Yes Sir.

Int. Do you know he drank.

Ans. Yes Sir I saw them both.

Int. How often.

Ans. About every 15 minutes I should think.

Int. What condition was your father in

Ans. He was quite intoxicated.

Int. How was the German.

Ans. I should think that he was the same

Int. Did he afterwards work 5 days for your father binding grain.

Ans. He was there several days, I dont remember how many, about that time.

By a Juror.

Int. Was this John Ermischer

Ans. I guess that's the name, I never heard him say his name, but I think that was the name.

By Mr Mc Allister

Int - Did they sit up very late that night.

Ans. Yes Sir.

Int. The evening they were drinking.

Ans. Yes Sir.

Int. Do you know Miss Thornton the sewing girl.

Ans. Yes Sir.

Int. Did she work at your house at any time.

Ans. Yes Sir, she has sewed there 2 or 3 different times, several weeks in all, one time I think she was there 4 weeks.

Int. How long ago was this.

Ans. It is either 4 or 5 years, I don't remember which.

Int. Do you remember at any time she was there your father abusing your mother in reference to this matter of compelling him to take her over to your grandfather's.

Ans. Yes Sir.

Int. State what it was

Ans. I cannot remember all that was said

Int. State the substance of it.

Ans. I know he used often to scold about her compelling him to go out there when she had a black eye.

Int. What can you recollect that he said, what was the abuse and what did Miss Thornton pay to him.

Ans. She told Pa she was sorry to see him act so.

By a juror

Int. Did she complain of him.

Ans. She told him she was sorry to see him act so.

By Mr. McAllister

Int. This was whilst your father was going on.

Ans. Yes.

Int. Miss Thornton did speak to him during that time.

Ans. Yes

Int. Whilst the abuse was going on.

Ans. Yes Sir

Int. Did your father become displeased with her about that.

Ans. - He was not angry with her then, when she told him she was sorry to see him act so, he said he was sorry she should but Ma compelled him to do it.

Int. What did he allude to.

Ans. It was talking about compelling her to go out there, when she had a black eye, my aunt was sick then.

Int. You say he did not appear to be offended with Miss Thornton at the time; spoke pleasantly to her.

Ans. Yes Sir.

Int. How was it after a while.

Ans. After she went away he thought she had been telling about it.

Int. Who.

Ans. Miss Thornton.

Int. Did he say anything to your mother about suspecting Miss Thornton to have been telling about it.

Ans. Yes, and she came up there once & he scolded Ma for letting her come, when she had tried

to injure his character.

Int. Did he see Miss Thornton himself.

Ans. I dont think he came into the room where she was.

Int. Did he ever speak to her.

Ans. I never saw him.

Int. Did he pass her by

Ans. I dont remember. At that time, if he came into the room I dont think he did.

Int. Did she come at any other time afterwards  
Was she ever there afterwards and if she was, did he ever speak to her afterwards.

Ans. It seems to me she was there once but I dont remember whether he spoke to her or not.

Int. Did he speak to her afterwards and if so, how.

Ans. He spoke of her telling about him.

Int. What did he say and how did he say it.

Ans. He seemed very angry at her.

Int. Ever after that.

Ans. Yes Sir.

### By Mr McComas

Int. Were you in here when this man was testifying of whom you have spoken.

Ans. Yes Sir.

Int. You were present and heard his testimony

Ans. - Yes Sir.

Int. Was it while you were sitting here with the prosecuting Attorney.

Ans. Yes Sir.

Int. When did you first tell the prosecutor about these things.

Ans. I told him then.

Int. What was you doing when he came.

Ans. The first night he came, I was out at the back door washing the children.

Int. It was the second night they had this drinking bout.

Ans. Yes Sir.

Int. What were you doing.

Ans. I was washing dishes, sweeping up the kitchen, then I washed the children.

Int. What did you do after that.

Ans. I dont remember what I did do, I was in the kitchen, I guess I was sewing.

Int. In the kitchen.

Ans. Yes.

Int. What time did you go to bed.

Ans. Either at nine or a little after.

Int. This was summer time.

Ans. Yes

Int. Where was your mother during this time.

Ans. I dont know, I guess she was down in the cellar, skimming milk.

Int. What makes you think so.

Ans. Because she used to go down there every evening and skim the milk.

Int. How long did it take.

Ans. Sometimes  $\frac{3}{4}$  of an hour and sometimes not more than  $\frac{1}{2}$  an hour.

Int. What did she do after.

Ans. I think she went to bed.

Int. Where were the other children

Ans. They were around playing.

Int. How long ago has this been.

Ans. It was a year ago last summer, my eldest sister was living at Mrs McNabs, my next sister was at Paw Paw.

Int. What time was supper over.

Ans. About 6 o'clock I guess

Int. Did you sup by daylight

Ans. Yes

Int. How is it you can say how often they drank when you were after your ordinary occupations and they were in the dining room.

Ans. They was in the kitchen but they had their jug there.

Int. They were sitting with you in the kitchen then.

Ans. Yes Sir.

Int. Did you eat there

Ans. Yes Sir.

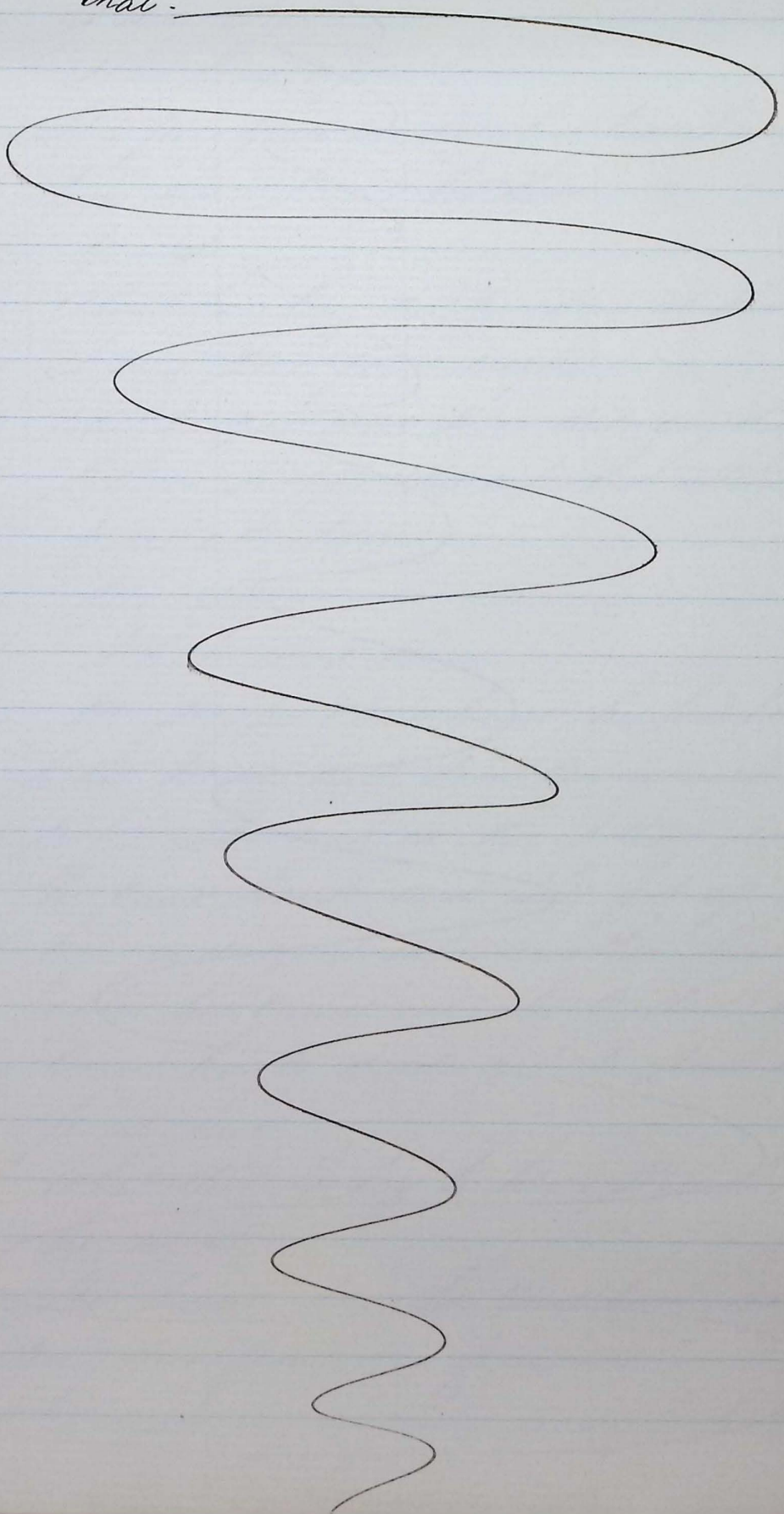
Int. Where is your table set.

Ans. In the kitchen, when we had company we

eat in the dining room, but ordinarily in the kitchen.

Q. You left them about 9 o'clock

A. Yes Sir, I should think it was about that.



1  
Hannah Horton, Exd. by Mrs. McAllister & Son

Int. Did you ever do any work at Mr. Hopps' house

Ans. I did Sir.

Int. How long ago.

Ans. It is five years ago. Since last time I was there sewing

Int. You were sewing for them

Ans. Yes Sir.

Int. About how long did you stay at that time

Ans. I was there four weeks

Int. Whilst you were there did anything occur  
between Hopps & his wife that attracted  
your attention

Ans. Yes Sir.

Int. What was it.

Ans. Mr. Hopps came home, he had been away  
to the Mill, and soon commenced at his  
wife. She was in the sitting room when  
he came home and she got up and  
left and went into another room. Soon  
after he came in; he called her to  
come back and not to run away  
from him

Int. What did he say to her. State what words  
he used.

Ans. He said "Martha come back, why do  
you run from my presence?"

Int. Did she say anything in reply to that.

Ans. She said "William I don't run from your presence; I went into the other room to finish my hair". She was dressing ~~her~~ her hair at the time; he then got up and went into the butlers and took a glass of whiskey I believe; he called it Whiskey, and then he followed her out and made her come back. He then commenced and asked her "why she refused to talk with him;" and he struck her also.

By the Court.

Int. How much time elapsed from the time he spoke to her to the time he followed her out.

Ans. A very few minutes.

Int. Did they sit down before these words passed.

Ans. When she came back she took her seat upon the lounge.

Int. Did he sit down as well.

Ans. He took his Chair & set it by her and then he took another drink of Whiskey.

By Mr. McAllister

Int. Go on

Ans. He then asked her "why she should shun his presence when he wanted to talk with her on a subject of so much importance, when she had disgraced

2  
him so, and he called her several <sup>pretty</sup> hard names.

Int. Did he state what the subject was.

Ans. He did not.

Int. What did he say.

Ans. He called her "a damned bitch" and "a whore" he then struck her again pretty hard, and I arose and spoke to him for it, and told him I was sorry to see any such thing, and he said he would rather have given \$500 than for me to see any such thing; that she compelled him to do so. While he was going on thus, saying very high very boisterous, and while speaking to him, I looked out at the window, and I saw a gentleman coming and I said there is some one coming, and he got up and looked out at the window and soon quieted down, in a minute, in a second. - He went to the door, met the gentleman, and brought him in: he met him very politely, very friendly. The gentleman asked "have you any butter to sell?" and he turns to his wife, and says he "my dear have you?" She said "they had": they then went down into the cellar and bought

up the butter.

By the Coach.

Sub. who went down.

Ans. Mr. Hopps, Mr. Hopps, and this gentleman, this gentleman, after they had brought it up, concluded to take it, took it, and paid Mr. Hopps the money - I think it was \$50 - Contracted for more, Mr. Hopps took the money and handed it over to his wife and said "here she's my keeper"; she got up and took the money in the room and put it in a trunk.

Sub. Who did Mr. Hopps address that remark to.

Ans. To his wife.

Sub. Did he speak of his wife to you, or to whom.

Ans. I should think it was to the gentleman  
By Mr. McAllister. Proceed.

Ans. This gentleman left the house, and Mr. Hopps went in the buttery and took another drink and then commenced to abuse his wife again.

Sub. How soon was after this gentleman left the house.

Ans. I could not say just how soon, but it was right directly. He went in the buttery and filled a good sized glass.

By a Juror.

23  
Was it a wine glass or a tumbler.  
Ans. A tumbler - he filled it about this  
high (indicating nearly full), drimled it  
and come and sat down by the stove:  
and he had hardly sat down before he  
sprung up and says he "Martha I cannot  
stand it, I cannot endure it". She then  
went out, and he followed her, into the  
Wood shed, and I know nothing of what  
transpired there. She did not come back  
into the room for perhaps an hour, or more.  
She then went clear to the barn, and  
I could hear them from the barn, to the  
house, several rods, I was very much  
alarmed and tried to get the men to go  
to them. It was near dark when she came  
in. He went into the buttery again, I did  
not see him drink then, but I presume he  
did, and he says to her "we must go  
into the farrow, and have this settling"  
and I told her to prevail upon him to  
tell her what she had done, and she  
asked him, and he says "Martha you  
know, you damned bitch, you."  
and he says "you know the disgrace you  
made me carry you to your father's in.  
And she said "it was not my fault was  
it?" and he says "Yes it was", and he

talked upon that till they went into the parlor, he kept going on in the same way till 2 o'clock in the morning, he came out of the parlor and took his jug of whiskey in with him: she says "you know that eye was not my doings, you caused it" and he said, "your conduct compelled me to do it"

Sub. Do you know anything as to the defendant having hard feelings against you after this period of time, how did he treat you.

Ans. I never knew anything about it till I was there a short time afterwards, I was at my brother in law's, he was a brother of Mr. Kopp's, Mr. Kopp's came to the door to come into the room I supposed, & then he turned and went back, and then I heard him talking about her allowing me to be there after I had tried to injure him, he never said anything to me about it.

Sub. Did he speak to you or turn right about

Ans. He did not speak to me.

Sub. Tried to injure him, or injure his character

Ans. He said I had tried to injure him.

Sub. How long was it after he struck his wife in your presence.

Ans. I could not say just how long; it might

have been a week, but not over 2 weeks.

Int. Did you & Mr. Hopps be on ordinarily friendly terms prior to this time.

Ans. Very

Int. Conversed together

Ans. Yes Sir.

Int. Has he ever spoken to you since

Ans. I think not; I think I was only there once after this time, I was there twice after this difficulty, somebody told him that I had told this affair of beating his wife.

Int. How long did you stay there on these subsequent times you were there.

Ans. Only one afternoon.

Int. Are you related to Mr. Hopps?

Ans. My sister married Mr. Hopps brother, there is no relationship whatever.

Int. Which brother: what is his name.

Ans. Robert Hopps.

Int. Did they live near at the time

Ans. Yes Sir, they lived at Wheeling 2 1/2 miles from Mr. Hopps.

Int. Where does he live now

Ans. Nebraska City.

Int. Has the town of Wheeling always been your residence.

Ans. For a number of years; 14 or 15 years, although I have not stayed there all the time

Sub. Did you see how Mr. Hopps treated his wife on other occasions except that.

Ans. I never saw anything only perfectly kind, only when he had been drinking: he was a very kind man.

Cross Examined by Mr. McClelland

Sub. How often did you ever see Mr. Hopps abuse his wife.

Ans. Never, only that time, I saw him then strike her twice.

Sub. Had you ever been out at Mr. Hopps when his wife was sick at any time.

Ans. No Sir, I don't know she ever was sick very often.

Sub. Did you ever be there when she had any of her children born.

Ans. No Sir, I never was there only when she was there around the house, when I would go out to my brother-in-law, I always went there, I always respected the family and Mr. Hopps very much.

Sub. Did you stay there very long.

Ans. I stayed there 4 weeks, I said did I not? At those particular times after I had seen him beat his wife, I only went & stayed the afternoon: at other times I have been there and stayed all night, several times.

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5  
Mr. Jane M. Mab Examined by Mr. W. C. Allister

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Sub. You are a daughter of the defendant's

Ans. Yes Sir.

Sub. How old are you

Ans. 22.

Sub. Are you the oldest of the family

Ans. Yes Sir.

Sub. Do you remember the Circumstance of your  
Father having trouble with Mr. Merrill in  
regard to a horse.

Ans. Yes Sir.

Sub. How much time have you lived at  
home since that.

Ans. Nearly all the time till within a year  
& a half.

Sub. Were you not off teaching School part  
of the time.

Ans. I boarded at home.

Sub. Did you ever know of your Father striking  
your Mother before that transaction about  
the horse

Ans. No Sir.

Sub. Do you remember your Father & Mother  
having some Conversation about this transaction  
before it was settled.

Ans. A short time after the occurrence Mr.  
Merrill & Father agreed that they should

each decide on our man, and that these two should choose another & these 3 men were to settle it.

Int. Do you recollect hearing any conversation between Father & Mother on the subject.

Ans. When Father told her what Merrill & him had agreed to do she said she thought that was the best way they could have done. And after that Mr. Merrill sued Father & she said she thought it would be better for Father to see Mr. Merrill than to go to law about it.

Int. How did he take that piece of advice

Ans. He did not seem willing to do it, though I believe he afterwards sent either the Sheriff or the Constable to see Mr. Merrill and try to settle it.

Int. About how long after this affair was the first time he struck her according to your recollection.

Ans. I cannot remember just how long ago this was, but it was 10 years last Summer since the first time I ever saw him strike her.

Int. Where was that.

Ans. It was under a tree which stood near the house.

Int. What were the circumstances: how did

6.  
it Commence.

Ans. I cannot remember, I know Father had been drinking, but I dont remember anything that was said.

Int. You dont remember anything that was said.

Ans. I do not.

Int. State what was done.

Ans. He had been staying in the house & drinking all day: this was in the afternoon he struck her.

Int. Did she go out there first or was she there & he went out.

Ans. She was there when he went out.

Int. What was she doing.

Ans. She had been washing

Int. Whereabouts did he strike her.

Ans. In the face.

Int. Did he strickle her more than once

Ans. He did not.

Int. Did he strike her with his fist, or flat hand.

Ans. With his fist.

Int. Did he knock her down

Ans. No Sir.

Int. Did it leave any marks

Ans. It did not.

Int. Did he stop of his own accord.

Ans. He did not strike her again but kept on talking.

Int. What other occasion do you remember of his striking her.

Ans. He struck her a great many times.

Int. State some of those you best recollect.

Ans. The first time I recollect of his striking her & abusing her very badly was, —

I don't remember whether it was 9 or 10 years ago last summer. He had been drinking considerably that day & we had all gone to bed. I could hear him making a great noise down stairs & she made a great noise. I looked down a hole where the stove pipe was & saw him choking her. I awoke and ran down stairs & Elizabeth went down & just as we went down into the bedroom, he was pulling her hair, and knocking her head against the ceiling; she was gasping for breath & was nearly choked. As soon as she could speak she told me to bring her a drink of water; I went & brought her a drink & she drank a few swallows. She said she would go where there was more air; and either my sister or I moved the rocking chair to the front door & opened it. when she came I set her in it.

Int. Was it in the summer time

Ans. It was.

Int. Did she take the Chair.

Ans. She sat down in it.

Int. Did you say he had been drinking that day?

Ans. He had.

Int. Anything else?

Ans. In a short time, we all went to bed; I don't remember whether he stopped talking or not.

Int. Did she have any marks next day?

Ans. Her head was covered with lacerations.

Int. This you think was 9 years ago last Summer.

Ans. I think it was.

Int. Can you state any other instance?

Ans. There was once, I think it was 8 years ago this winter, that he struck her several times very hard, and she fell down.

Int. Repeated the blows do you mean?

Ans. Yes Sir.

Int. Did he strike with his fists?

Ans. Yes Sir.

Int. Whereabouts was that: in the house, or out?

Ans. It was in the house.

Int. Do you remember the Circumstances, how it commenced?

Ans. He had been drinking & it commenced as usual.

Int. Whereabouts did he hit her then?

Ans. On her head, shoulders & back & anywhere that it happened.

By a Juror

Int. Do you know whether he has ever kicked her.

Ans. He has.

By Mr. McAllister

Int. Did he at this time

Ans. I don't remember that he did

Int. He struck her till she fell

Ans. Yes Sir

Int. What did he do then

Ans. He stood there till she got up again:

She did not move for 2 or 3 minutes.

Int. How late in the night was this

Ans. This was in the day time

Int. Did she leave home at that time, or soon after.

Ans. She did not.

Int. She had not left home

Ans. She never left home till, I think it was, 5 Years last Summer.

Int. What was the transaction immediately preceding her leaving home at that time

Ans. He had been drinking very hard for some time and been very abusive.

Int. Had he used any violence, struck her, or anything.

Ans. Yes Sir, very often.

Q. When was it you saw him kick her, have you more than once.

A. I have, but I cannot recollect any particular time, I can remember once that he had been striking her, she started & run towards the door, she kicked her just as she went through the door, I don't know where it was.

Q. Do you know of her having to leave the house at nights and go to neighbour's

A. Yes Sir, she never went to neighbour's till she went to go to her Father's: she has gone out of doors sometimes & stayed a good part of the night

By the Judge.

Q. You say she never went to neighbour's only when she had made up her mind to go home

A. No Sir, she never did

By Mr. W. Atwater

Q. Was that in the winter of 1858 she left.

A. The first time she left was in the Summer of 1857.

Q. When was the next time.

A. It was some time the same Summer. I do not remember how long it was after the first time.

Q. How long did she remain away here, several times

Ans. The first time I cannot remember what day it was she went away, but she came back the next Saturday, No, it wasn't the next Saturday, I don't think; I won't be sure about that.

Int. Tell about how long it was she was gone,

Ans. She was not gone far from a week.

Int. Do you speak now of the first or the second time

Ans. Of the first time; I cannot remember how long she was gone either the second or third times.

Int. Did she leave 3 times

Ans. She left 4 times

Int. How long was she gone the last time.

Ans. She was gone over 3 months.

Int. How long at the 2<sup>nd</sup> & 3<sup>rd</sup> times.

Ans. I don't think she could have been gone more than 2 or 3 weeks at the outside.

Int. The 4<sup>th</sup> time how long.

Ans. She left some time in January & came back in May.

Int. That was the 4<sup>th</sup> & last time.

Ans. Yes Sir.

Int. What year

Ans. 1858.

Int. Can you recollect the occasion of her leaving ~~the~~ <sup>last</sup> time; what had occurred.

Ans. I was not at home ~~the~~ <sup>last</sup> time

Int. From the time she returned that last

9.  
time, up to the time you were married & went  
away, did he treat her with more or less  
severity after that time.

Ans. I don't think he was quite as bad  
Sub. For what time.

Ans. Any time.

Sub. How long had she been back before  
he commenced to beat her again

Ans. Not but a short time

Sub. About how long

Ans. It was longer the last time than it  
was any time before. He commenced to  
beat her & strickle her every time she left,  
and the last time I don't remember, I  
was not at home.

By the Judge.

Sub. What did you say about this stricking  
& beating her.

Ans. He commenced beating her again before  
she left again.

Sub. How soon after she did return did  
he recommence the same plan.

Ans. I cannot remember how long.

Sub. About how long did he forbear after  
she returned last time

Ans. I cannot remember.

Sub. Can you state whether weeks or months

Ans. I should think it was more than a month

Int. He generally beat her within about a week after. The previous times  
Ans. Yes.

By a Juror

Int. I understood you to say that between these times she had to go out in the night  
Ans. Yes Sir.

By Mr. McAllister

Int. During the time he did not beat & abuse her, will you state whether he did not also keep sober.

Ans. When he commenced to drink he did not abuse her as much, but he beat her more the more he drank.

Int. Well, did he drink when he commenced

Ans. Yes Sir, he drank some, but it grew upon him gradually in proportion as he drank.

Int. Did he pretend whether he was drinking or was not drinking during these months he kept tolerably sober.

Ans. He did not pretend to drink for some time.

Int. Did he pretend not to drink.

Ans. Yes he did.

Int. Will you state how you discovered he was drinking.

Ans. There was one time I don't remember whether it was the last time or not, he

had pretended not to drink, and we had known that for some 3 or 4 days he had been drunk.

Int. How did you know it?

Ans. From his appearance & manner of conversation, and at last we happened to think of a demijohn which he had in his clothes-dress in his bedroom: we measured it & next morning my sister Mary went into the bedroom & saw him drinking the gin, and he went & told my mother that he had drank a swallow of that gin, because he did not feel well. I then took the gin & measured it & I found there was a pint less than the day before.

Int. From noon the day before?

Ans. Yes, until next morning. I believe mother told him it was less, and then he said it was Mary who drank it & she denied it, & then he said it was Lizzy, and she denied it, but he still stuck to it it was her.

Int. How soon after that was it he resumed his old appetite for drink?

Ans. He commenced from that time to drink harder.

Int. How long before he began to abuse & beat

Your Mother.

Ans. I cannot remember

Sub. Can you remember in connection with his drinking.

Ans. He always did commence to appear cross as soon as he commenced to drink.

Sub. Cross to others as well as your Mother

Ans. Sometimes. Several years ago he used to say that I had turned against him and was just as bad as my Mother.

Sub. Did you do anything to relieve your Mother at the time he had her by the hair.

Ans. No, he let go soon after we came into the room I think.

Sub. Had you not taken sides with your Mother in these affairs, at the time he made this accusation against you.

Ans. Yes I had.

Objection to Sub. & Ans. by Mr. McComas Sustained

Sub. What was the cause of his making this accusation against you

Ans. It was sometimes when I was trying to still him, and sometimes I would not be saying anything to him at all nor paying any attention to him in any way.

Sub. In what condition was he as to being sober or intoxicated at those times when he was abusing your Mother.

11.  
Ans. He was always intoxicated, that is when he was so very abusive; he was often very passionate; he was quick tempered & it would soon be over.

Int. I mean when he beat her

Ans. Always intoxicated at such times

Int. Have you or have you not shown him to strike her or threaten her with violence when sober.

Ans. I never did

Int. Was there anything said between your father & mother, after she had left there one of these times, on the subject of a divorce, if so what.

Ans. Yes Sir; before Mother had come back he used to speak of it & say it could not be that she did intend to go through with it & really try to get it; that she had only applied for the bill of divorce to frighten him & make him beat her better & after she had come back he used to ask whether she intended to get one & she said she did, and he said it would bring a severe disgrace upon him, he did not want her to do it.

Int. Do you know what his feelings were towards Mr. Merrill for many years.

Ans. He never has liked him very well

Since the disturbance about the horse.

Int. Do you recollect the time of Gullager being sent for & coming to Michael's to talk with him.

Ans. I remember he came there.

Int. Had your Father been friendly with Gullager before that.

Ans. Always very friendly with him before this time.

Int. What were his feelings towards Gullager after that.

Ans. He never spoke well of him when he spoke of him at home: but he always seemed very friendly when I saw Gullager with him.

Int. What were his feelings towards Winchell.

Ans. I think he disliked him worse than any other man.

Int. What makes you think so.

Ans. He always talked harder about him than any one else.

Int. When Winchell was away.

Ans. Yes Sir

Int. Did he appear friendly when he met him.

Ans. He was always very friendly to him when he came to the house.

Int. How strong were his feelings of dislike against Winchell: how did he manifest them.

Ans. We would call him "a damned old rascal" and such names as that, say that he told him if he did not do better he would enter a Complaint to the Mason's Lodge if no one else did it; he said no man need think he could control him

Spt. Did he say anything further.

Ans. Yes he used to say considerable

Spt. What was your Father's natural disposition as to being overbearing.

Ans. Yes, he was overbearing.

Spt. Did you ever hear him use any language with reference to his being controlled by any one

Ans. Yes, he often said no one could control him; he would not submit to God Almighty himself.

Spt. Have you ever heard him say what was the cause of his abuse of your Mother.

Ans. When she was gone & he would get perfectly sober he would say that liquor was the cause of the disturbance, if he had left that alone there would have been no trouble.

Cross Examined by Mr. McComas.

Spt. When did your Father strike your Mother the first time.

Ans. It was 10 years last Summer since my

Father beat my Mother first time: he had been drinking about the house all day.

Sub. About 8 years ago when he struck her what had he been doing.

Ans. He had been at work in the field that day, but had come in often all the day to get drink.

Sub. ~~What~~ was <sup>it</sup> his habit.

Ans. Yes he would sometimes take liquor to the field & sometimes come in to drink.

Sub. But it was his habit.

Ans. Yes Sir.

Sub. Do you remember your Father having any bilious sickness.

Ans. I remember one

Sub. How long ago.

Ans. I cannot remember how long: he had the ague, & just after or before he had intermittent or bilious fever.

Sub. But you know how long ago it is.

Ans. I should think it was perhaps 12 or 15 years ago.

Sub. Do you not know he was a constant sufferer from dyspepsia.

Ans. No Sir, I never heard of him saying anything about it.

Sub. You never heard him ask for Soda

Ans. Yes Sir.

160  
Int. What did he say then.

Ans. He said he had heartburn, & I suppose that was the same thing.

Int. He never complained of indigestion

Ans. I never heard that word

Int. Did he ever complain of his liver

Ans. Yes Sir

Int. A great deal

Ans. Yes Sir, he used to say his liver was affected

Int. Did he take a good deal of Calomel.

Ans. Yes Sir, he did a number of years ago, but he has not done for some years, for at the time he sent Mr. Winchell for my mother, I have heard him say he never would take any more, and I think he never did, he thought it injured him, He took some pills once in which Calomel was & it made his mouth sore & his teeth loose, & after that I don't think he took any.

Int. Whilst your mother was sick in Childbed did your father stay with her.

Ans. Yes Sir

Int. Did he stay with her & nurse her.

Ans. Some: not very much

Int. Do you remember of his drawing her breast with his mouth,

Ans. Yes Sir

Int. It appears that your mother suckled your

Yather boots sometimes.

Ans. She always did when she was at home.

Int. Was it a work of kindness that she did voluntarily.

Ans. He used to ask her to do it, & she would rather do it than have him complain.

Int. Did you ever see him make her do it.

Ans. Yes Sir, I have. When it was not done he always found fault.

Int. How often did she do it.

Ans. She always did it as long as I can remember, and when it was not done, she said it was because she had not time.

Int. Do you remember her coming back with Mr. & Mrs. Winchell.

Ans. Yes Sir.

Int. Do you remember his coming out to meet her.

Ans. Yes Sir.

Int. Do you remember his quarrelling with her that evening.

Ans. I do not.

Int. I ask you now whether it was not then, that same day she came home, he quarrelled with her at supper.

Ans. I don't remember, I only remember he quarrelled on our time.

Int. You don't remember whether it was

that time or some other.

Ans. Yes spoke cross to her.

Int. Do you remember your mother telling you that on the road home on one of these occasions he had abused her.

Ans. Yes Sir.

Int. Do you remember when that was.

Ans. I do not.

Mr. Knox. I suppose that is not legal evidence

Mr. McComas. Well Sir, you did not object.

By the Judge.

Int. Had he periods when he abstained from drink.

Ans. Yes Sir

Int. How long did they continue: during a period of years?

Ans. There was once several years ago, that he quit drinking and did not drink for several weeks: I cannot remember just how long. There once about 8 years ago, & he did not drink any to speak of after my mother left.

Int. During the last 5 years, how long a time, on the average, month to month, did he abstain from drink.

Ans. Sometimes not but a short time, & sometimes several weeks.

Int. How short a time.

Ans. A few days, or a week perhaps.

Sub. And then again several weeks.

Ans. Yes Sir.

Sub. How many weeks.

Ans. Perhaps 4 or 5 or a little longer, I don't remember he did any longer than that.

Sub. During these times what was his conduct towards your mother & family.

Ans. He was kind when he did not drink.

Sub. Was his manner any different towards her to what it was towards you at such times.

Ans. No I don't know that it was.

Sub. Could you detect, from observation, when he re-commenced drinking.

Ans. I could.

Sub. In what way.

Ans. By his looks & by his appearance, He always kept liquor in the house & I could tell what effect it had upon him.

Sub. What was its effect.

Ans. He would begin to be cross.

Sub. How long would that be.

Ans. That would depend upon how often he drank. Perhaps he would not drink often; at other times he would drink 2 or 3 times every hour, & if he drank often he would get worse & worse till he began to appear helpless as soon as he got in that state he would be still

Sub. How many days would be occupied in passing from a state of Sobriety to a state of drunkenness.

Ans. There has been times when he has not got much intoxicated for a month or so.

Sub. But would continue to drink a little.

Ans. Perhaps 2 or 3 times a day.

Sub. What was his Conduct then.

Ans. He was not always bad then. Sometimes he would get drunk & then he would be kind.

Sub. Then he was not always violent when he drank.

Ans. Occasionally he was not; perhaps once in 2 or 3 years.

Sub. How often during the last few years, did it break out in violence to your Mother.

Ans. He always had spells of having a very hard spree of drinking; he was not always drinking alike, he would perhaps have a spell 8 or 10 times a year of drinking very hard.

Sub. How many times, during the last 10 years, did he beat your Mother.

Ans. Oh. I could not tell.

Sub. What was your Mother's treatment of him after these beatings.

Ans. She was always kind to him.

Sub. Was the Subject ever overhauled by her with him.

Ans. Very Seldom.

Sub. What was his Conduct after the influence of liquor had left him.

Ans. He was sometimes kind & sometimes he would appear to be just as bad as if the effects of liquor were going on.

Sub. What has been the State of your Father's health during the last 5 years.

Ans. It has been pretty good. After a hard spell of drinking he would not feel well, but would soon be well again.

Sub. Has he taken any medicine since he left off Calouel.

Ans. He has taken bitter apple & Mandrake & sometimes pills.

Sub. Has he ever complained of Constipation

Ans. I never heard him.

Sub. Has he ever taken blue pill or anything of that kind.

Ans. I never heard of it.

By Mr. McLowias.

Sub. How did drink affect him.

Ans. After he had drank a great deal his eyes would look dull & Sleepy, but he would take a great quantity to make him appear that way.

Sub. How often do you say he had beat your Mother in the last 10 years.

Ans. I could not tell.

Sub. etc

Int. About how often.

Ans. I could not do it.

Int. Has he beaten her 5 times

Ans. A great many more times than that.

Int. 10 times.

Ans. More than that

Int. 15 times

Ans. I should think more than 100 times.

Int. How often did he quarrel with her in the violent & agitated manner.

Ans. Sometimes every day, sometimes he would not for a week, and there have been times when he would not for a week perhaps.

Int. How many times during a year did he have these abusive conversations & agitated conduct with your mother.

Ans. I could not tell.

Int. 5 times

Ans. It was oftener than that.

Int. 10 times

Ans. Yes Sir

Int. 50 times

Ans. I could not tell

Int. 100 times

Ans. I don't know

Int. You cannot give me any idea

Ans. No Sir.

Int. Was it every day.

Ans. No Sir Sometimes it would be every day, then it would not be for a week.  
Int. How long have you known him sit up continuously and go on with this kind of conduct.

Ans. A number of years ago - 7 or 8 - he has gone on for 3 or 4 days at a time: not without stopping.

Int. How long did he continue without stopping

Ans. 3 or 4 hours, sometimes more.

Int. How did you know

Ans. I kept awake at nights

Int. Have you known him do so at night.

Ans. I have sometimes.

Int. Would he go on most days to any extent

Ans. Sometimes he would fast of the day.

By the Judge.

Int. While your mother was absent last time, what was his conversation with regards to her, was it kindly or otherwise

Ans. Yes, he always spoke very kindly & appeared very anxious to get her back

Int. Let me ask if the prisoner was attached to your mother, and appeared to regard her with affection when he was not in liquor.

Ans. Yes, I think he did

Int. Do you think there was any pretence about him.

17.  
Ans. No; as a general rule I don't think so: he was naturally very high & a little thing would offend him. I sometimes doubted it.

By Mr. McLomas.

Lat. What was it made you doubt it when he was sober.

Ans. He would get angry at her so easily.

Lat. So quick.

Ans. Yes Sir.

By Mr. Snow.

Lat. He was a very passionate man.

Ans. Yes.

Letter from Miss Murchell to Mrs. Poppo.  
May 4/58. admitted in evidence by consent.  
Northfield May 4 1858.

Mrs. Poppo  
Mr. Poppo has requested me, two or three times and urged me very strongly to write to you he seems very anxious that you should come back and of course makes all the fair promises possible but you of course know as well as I what they are worth. I would not presume to advise you one way or the other you know as well or better than I do what those promises are worth, but there is one thing I would say

to you if you should come back, and he  
should commence his abuse again that  
you will stay and leave him to talk  
of.

Milo Winchell

Letter (the same identified by W. W. Drummond)  
from W. H. Davis to Mr. Hopps May 4<sup>th</sup> 1858.  
admitted in evidence by Consent.

Chicago 6<sup>th</sup> May 1858.

R. Smith Esq.

Pan Pan Grove

Dear Sir Yours of April 24<sup>th</sup> recd.  
& contents noted, in regard to Hopps vs Hopps  
for Divorce. Bill has been drawn some  
time & filed, but did not issue process at  
the suggestion of Mr. Hopps as stated in  
our last to you, he then believing matters  
in regard to his future conduct could be  
arranged, on your request to us to im-  
-mediately proceed was attended too yet  
for Samuel Kern next & your last requesting  
us to defer the application, was very cheerfully  
done & must now stand over until Sept.  
Kern, believing as a friend to both parties,  
that a separation should be avoided if  
possible, I have not seen Hopps since I  
received your last.

Respectfully Yours &c.

Drummond & Davis

Close of Rebutting Testimony on behalf of  
the Prosecution

Atty. Chicago

## Rebutting testimony for the Defence.

Edward Martin, Examined by Mr. McComas.

Sub. Do you recollect the prisoner at the bar.

Ans. Yes Sir I do.

Sub. State whether, for a short time prior to your hearing of the death of Mrs. Kopp's you met the prisoner, & any fact you noticed about that occasion.

Ans. A short time before I heard of this homicide —

Objection by Mr. Rust. Over-ruled, I met Mr. Kopp's on Randolph St. I think it was near the Sherman House: I cannot state precisely the time, I think it was a week or 2 weeks, it was but a short time before. He was walking along with his arms stretched out in this manner, (here witness showed how) & he says to me "how do you do, will you take a drink," and then he walked on & took no further notice of me. I had known Mr. Kopp's for several years and the occurrence took me as being very strange.

By Mr. McComas.

Sub. Did you ever take a drink before that time.

Ans. I don't think I ever did.

Int. He asked if you would take a drink & passed along.

Ans. That is what I said Sir

Int. You don't know whether he had been drinking before do you.

Ans. I do not.

By Mr. McConas.

Int. Did you think, from what you saw, that he had been drinking -

Ans. I did not Sir

By the Judge

Int. Was it before this trial

Ans. Yes Sir

By Mr. Knox.

Int. Did you ever see him drink

Ans. I don't think I did.

Int. Did you ever hear he drank

Ans. No Sir

Int. And your attention was not called to the subject whether he had anything on board or not.

Ans. No Sir.

Int. P. Bradwell examined by Mr. McConas

Int. The turnkey states that ~~you~~ Mr. Van Orman was in the jail twice, before you & he & myself were there, & that you were with him both times. State whether, at the time you went in & came out, & was with him

all the time he was there. Was he alone or were you there with him while talking with the prisoner.

Ans. We were both together while talking with Mr. Hopps: as to saying I was right by him I could not say positively. Because it is some time since, but my recollection is I went with him and came back with him.

Int. Was any plan, claim or suggestion made at that time with regard to having Hopps's brother declared insane.

Ans. No Sir, nor at any other time that I know of.

Int. When you were in with Mr. Dan Arman & I, was Ralph Hopps name mentioned in the long conversation that occurred there.

Ans. I don't recollect that it was. It might have been, but I could not say positively. But there was nothing said about declaring him insane at any time. Mr. Hopps spoke to me sometime, it was either the 30<sup>th</sup> or 31<sup>th</sup> day of November 1861 that he was afraid Mr. Merrill

Objection to what was said. Sustained  
No cross examination.

Mr. McLowas asked permission to examine D. Henry Schmidt, which, after explanation was granted.

Henry King M.D. Examined by Mr. McQuaid.

Int. State whether there was any appearance of spirituous liquor about the prisoner when you examined him, at any of the times you did examine him.

Ans. I think not.

Int. State what effect liquor would have upon the pulse of a man.

Ans. Perhaps I could not correctly give an absolute answer to that question, because the effect of liquor upon the pulse would be modified by disease of the brain. Unless the person was laboring under the influence of very decided disease of the brain, it could not be possible that he could be at the same time under the influence of liquor, and <sup>have</sup> the small, soft, nervous pulse which he had when I examined him.

Int. What is the effect of Stimulants in such cases.

Ans. The effect of Stimulants is known to be that of increasing the force & fulness of the pulse, when the subject is in ordinary health.

Int. Does it increase the speed & frequency of the pulse.

Ans. It does sometimes, but that increase is not so marked the other.

Int. And that increase is marked by a

full high pulse.

Ans. Yes Sir.

Int. Which is the very opposite in this case is it not.

Ans. It was very small & soft. Take a pulse which is feeble, and a heart which is feeble, and administer alcohol; by increasing the force of the pulse it would diminish its frequency. The ordinary law would be changed in that respect & the tendency of liquor would be to equalize that relation between pulsation and respiration, which I stated before was very much disturbed.

My attention to it was not drawn to whether he was under the influence of liquor at the time, but in putting my ear to his chest, & examining his abdomen & pulse, my impression is I could hardly have failed to know it if he had had any liquor.

Int. Did you not examine his chest minutely

Ans. Yes Sir.

Int. Did you not do it when he was laying down, when Dr. Davis was with you.

Ans. We did then, for the purpose of examining the abdomen.

Cross examined by Mr. Knott.

Int. Did you have your attention called to the matter at all.

Ans. I stated that I did not.

Sub. Which could you most easily smell about  
your patient, Beer, or Clear Whiskey, or Whisky  
& Beer mixed.

Ans. I have not had much practice in that  
way & cannot give an opinion.

Andrew M. Garland Examined by Mr. McComas.

Sub. Have you heard all the evidence given  
in this case since you were last examined.

Ans. I have heard it all I think.

Sub. State whether that evidence has tended  
to make any change in the opinion you then  
formed or to affect it in any way; if so,  
whether it has tended to confirm & strengthen  
that opinion or to weaken it.

Ans. I have heard nothing in the testimony  
inconsistent with the opinions I advanced  
when on the stand upon a former occasion.  
My opinion is the same.

Objection on the ground that this is Cross Examination  
Over-ruled.

Sub. Is your opinion weakened or strengthened.

Ans. My opinion is unchanged, I think by  
the testimony presented. I am better able  
than I was before, to arrive at the history  
of the case. I see the commencement of  
it better than I did, the causes which  
have led to it, and the manner in

which the disease was developed. Those facts did not appear so well in the former testimony as in that last offered.

Sub. State whether it is an usual or unusual occurrence for persons who are laboring under delusions or illusions, in the presence of strangers or persons with whom they should desire not to be intimate with their failings, to conceal or deny that delusion.

Objection: question had been asked before  
Sustained.

Sub. State whether it is usual or unusual for persons who are insane, upon a sudden interruption, or the presence of third parties, to quiet down from whatever manifestations they may make.

Objection, same ground  
Sustained.

Cross Examined by Mr. Knott.

Sub. I understood you were paid by the State for your services at the State Lunatic Asylum: what do you receive.

Ans. The sum of \$1800 per annum

Sub. You receive nothing additional for the time you have been here, attending to this trial.

Ans. No Sir.

Sub. Your Services are very important among  
the insane are they not.

Ans. Yes Sir.

X Ernst Schmidt, Examined by Mr. McClelland

Sub. Where do you live.

Ans. In the City of Chicago.

Sub. What is your Occupation

Ans. A Physician.

Sub. Have you ever had any Connection with  
an insane Asylum.

Ans. Yes Sir.

Sub. Where.

Ans. In Europe, in Germany.

Sub. For how long a time.

Ans. Four years.

Sub. Have you examined the prisoner at  
the bar.

Ans. Yes I have

Sub. With a view to ascertain his Condition  
of Mind.

Ans. The short time I spent with him is  
not sufficient to give an opinion upon  
it, but of course I have made up some  
opinion.

Sub. How the examination you made at what  
opinion did you arrive.

Ans. I had a Conversation with Mr. Stopp  
for about an hour and tried to find out

how far he understood what he had done,  
 to find out if he was responsible for his  
 acts &c. and know the full moral power  
 of it. It is my opinion, after that conversation  
 that I had with him, that he is insane  
 in some degree; that is my full & true  
 opinion. It was not possible for me to  
 have a conversation with Mr. Hopps upon  
 a special point because he is wandering,  
 for instance he began to talk, I ask him  
 about his wife, and he began to talk about  
 his spring wagon, and then from that he  
 springs on to the horse, and then he stops  
 and looks in my face, and does not  
 know what he has told me, I have  
 asked him twice about his wife, & then  
 he do the same. Well, that is a very  
 usual thing with insanes. If they seem  
 to be very clever, you will always find  
 that they cannot keep to it. They go to  
 other things. Then, what he told me,  
 it would not be reliable, because it  
 is possible that he simulates. I don't know  
 and I don't think. He does not deny  
 the fact; when I ask for reason he says  
 'yes, I had to save the honor of my family.'  
 I ask him for the reasons, because the  
 first thing I thought if there is some-

proportion between the reason & between the fact, for if a man burns his house to destroy bed-bugs, he is insane no doubt because he takes means out of proportion with the evil. If a man kills his wife in such a cruel manner as Mr. Hopp did, there is, for a physician, something about that, there is not the proportion between the act itself and between that reason; because that the second question is, if that reason is a true one, or not. If that man has only a fiction, only an illusion, of course that can be proved. I asked him if he had any proof against his wife: he made <sup>me</sup> a talk of about  $\frac{1}{2}$  an hour and he did not give me one single fact, and so it is a fiction, and so it seems that his mind is deranged. I am not fooled about him, if that he drank some, but I don't know that he drank a good deal, it seems that he did, but it is very possible that drink is the effect of insanity too. It had to be proved in my opinion that the drink is the effect of insanity, or insanity the effect of the drink, because in some cases it is the drinking that is the effect of insanity. When I was at the

jail, I could not see that Mr. Stopp's had  
 drunk at that time. His breath did not  
 smell at that time. I made an examination  
 of his heart and his pulse and I saw that  
 that he is not quite healthy in that respect.  
 He has some enlargement of the heart;  
 his pulse was about 96 at 10 O'clock in  
 the morning; the pulse was very high  
 for that time in the morning. He told  
 me further that he generally was bilious,  
 and at that time he looked some yellow,  
 but I did not examine particularly about  
 that.

Sub. Was your physical examination of  
 the heart very careful, or only casual.

Ans. It was careful, with the ear and  
 pipe.

By Mr. Root.

Sub. When did you examine him doctor.

Ans. It is hard to recollect; may be it  
 is about 3 or 4 weeks ago; I cannot state  
 that.

Sub. You had no other examination of him.

Ans. No.

Sub. You had no opportunity of making  
 an examination such as would be necessary  
 to form a perfect opinion.

Ans. My idea about that is, that it is

never possible to form a perfect opinion in 2, 3, 4 or 6 hours. But I think the Examination I had at that time was -----

Sub. Who introduced you

Ans. Mr. McLomas

Sub. Did he remain there with you

Ans. Yes he did

Sub. Was you introduced as Dr. Smith.

Ans. Yes I was.

Sub. Should you expect a man while on trial for Murder, who had put in the plea of insanity, when he was introduced by his own Counsel to a man as a Doctor after having been put in that situation very many times, would be very anxious desirous of appearing natural, and keeping all the while on the same story.

Objection overruled

Ans. Yes, of course, I should not think he would be desirous.

Sub. Was you paid anything or promised anything for your Services.

Ans. No Sir, I was not; it was my wish to see him.

Sub. Are you pretty well fixed in your opinion that his disease is disease of the heart

Ans. Yes Sir, that he has an affection of the heart.

Sub. You feel very well satisfied of that  
 Ans. Yes Sir

Sub. Would that affect his Circulation  
 Ans. Of course it would.

By the Judge.

Sub. Does an affection of the heart increase  
 the frequency of the pulse.

Ans. Yes, generally it does.

Sub. What effect does it have upon the strength  
 or weakness of the pulsations of the pulse.

Ans. Well that depends upon the kind of  
 affection of the heart, some make it  
 stronger and some weaker; for instance  
 if it be an affection of the Valves of the  
 heart it makes the pulsations softer and  
 weaker.

Sub. Does it have any effect upon the respiration.

Ans. Oh Yes.

Sub. What is its effect

Ans. The Circulation of blood throughout  
 the lungs is stopped in some degree,  
 from the action of the heart.

Sub. Does it make respiration quicker.

Ans. Yes Sir it does.

Conclusion of the Evidence

And thereupon this being all the evidence given to the Jury in said Cause or prosecution. And the Counsel for the People & the prisoner having argued the Case before the Jury the following instructions were asked for on behalf of the people as follows,

1. Murder is defined by the law of this State to be the unlawful killing of a human being in the peace of the people, with Malice aforethought, either express or implied.
2. Malice shall be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.
3. The Jury are instructed that every man is to be presumed to be sane and to possess a sufficient degree of reason to be responsible for his Crimes, until the contrary be proved to their Satisfaction: and the jury are further instructed, that to establish a defence on the ground of insanity, it must be clearly proved, that, at the time of committing the act charged in the indictment in this Case, the defendant was laboring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was

doing, or if he did know it, that he did not know that the use of the instrument described in the indictment upon the person therein described in the manner therein alleged was wrong.

06  
4. Insanity, produced immediately by intoxication does not destroy the responsibility of the defendant, if the jury believe from the evidence that the defendant when sane and responsible made himself voluntarily intoxicated.

5. If the jury believe from the evidence that ~~the~~ defendant when free from the influences of intoxicating drinks was uniformly sane and rational and forbore all violence towards his wife, and that for a series of years prior to the commission of the act in question in this cause, the defendant when in fits of intoxication was accustomed to use violence upon her and knew that such violence was the immediate result of such intoxication and that having such knowledge he voluntarily made himself intoxicated on the day of committing the act of sticking his wife, with the instrument charged in the indictment and that such act was the immediate

Result of such intoxication, then the defendant is responsible for the crime although he might have been laboring under some insane delusion at the time.

The Court then gave to the jury upon its own motion and as in behalf of the people, the following instructions,

A crime is defined as a violation of a public law, in the commission of which there shall be an union of act and intention or criminal negligence.

Intention is manifested by the circumstances surrounding the act indicating its motive or object and the sound mind and discretion of the accused. A person shall be considered of sound mind who is neither an idiot nor lunatic, nor affected with insanity, who has a knowledge and consciousness of the distinction between good and evil. In this case the homicide is admitted but the accused alleges that at the time of the commission of the act his mind was so affected with insanity that his moral sense and will were subverted by it and he was oblivious to the moral quality of the act. The law presumes the sanity of every person charged with

Chambers

Even

a criminal act and that such act is the result of ~~volition~~ and will influenced by motives acting upon the mind. Hence the burden of overcoming this presumption rests upon the accused; but when insanity is satisfactorily shown it is the duty of the jury to acquit, as in such case there is an absence of intention which is essential to a Criminal Act.

Even

Insanity is generally classified into Moral and intellectual, and is either general or partial. Moral insanity consists in a disorder of the moral affections and propensities without any symptom of delusion or error impressed upon the understanding. Intellectual insanity on the contrary is a disorder of the intellect and is characterized by delusion or hallucination of mind, manifesting itself either in the belief of things naturally impossible, or of facts so improbable when considered in connexion with the evidence upon which the belief is formed that no person in his senses could believe them. But these general definitions do not afford to an un-professional mind a sufficiently char-

and comprehensive idea of insanity thus  
classified and defined, to enable it  
to apprehend those distinctions of Science  
and Law which are necessary to the  
formation of a judgment in this case.  
And it is the duty of the Court where such  
tremendous issues are involved as here,  
that those distinctions should be marked  
and defined with the utmost care and  
exactness.

The mind in its more general in its  
more general sense includes not only  
the powers of the understanding, as perception,  
reflection, imagination, memory, will &  
judgment, but also the moral sense  
or conscience, the disposition, propensities,  
affections and passions. The passions in-  
clinations and propensities indicate the  
state or impulses of the mind and con-  
stitute what are termed the moral powers  
as contradistinguished from the intellectual.  
The action of the intellect can only manifest  
itself to the observation of others through  
the action or conduct of the individual.  
All actions proceed from the passions or  
from motives acting upon the mind and  
influencing the judgment and will, we  
judge of the character of a man by his

Given

Conduct and as that is regulated by just or evil impulses we determine the Moral Constitution of his Mind. When therefore we speak of the moral powers we are understood to refer to the propensities, Dispositions or Temper of the Mind; whilst on the other hand when we refer to the intellectual powers, we refer to the faculties of judgment, will and Conscience.

Thus Constituted man is regarded by law as a free moral agent endowed with the power of Volition or Choice among different motives presented to the Mind, and of determining whether his Conduct shall be good or evil. It also assumes that every man has the power of determining whether an act is right or wrong, and it is upon the existence of this Moral Sense and freedom of will that all laws, human and divine base its Authority and its Sanctions. If a man were obliged to do exactly what he does, — if in other words he has no liberty of Choice between good and evil, and his judgment and will must yield to any motive, impulse or Passion acting upon it, then the whole System of Criminal Jurisprudence is founded upon an error both fundamental and

Law

irradicable. Free or moral agency implies  
the future subordination of the passions and  
propensities or moral powers, to the will,  
and the power of the will to control them,  
and assumes that all the outward acts  
and conduct are directed or suffered by  
the will - and hence that they are  
voluntary. On this principle Society in  
all its relations reposes. It is applied  
without regard to the moral training of  
the individual in youth, or to irritability  
of disposition arising from disease, or from  
temper or passions habitually indulged.  
However perverted the moral sense or  
strong and uncontrollable the passions, the  
individual is nevertheless presumed to be  
possessed of a sense of right and wrong,  
and the power to control the will and to  
act from choice, and this presumption  
cannot be rebutted by any evidence,  
which falls short of proof of insanity.

We may now perceive more clearly  
what is meant by insanity both mental  
and moral. And first of intellectual  
insanity. The characteristic mark of  
this affection or disorder of the intellect,  
is delusion or hallucination and is either  
general or partial. In general mania

Lawson

Lawson

The hallucination extends to all kinds of objects and subjects, and generally manifests itself in frenzy or paving madness. In monomania or partial insanity, the hallucination is confined to a single object or a small number of objects. This is the species with which we have here to do. Its true legal characteristic is delusion or that state of the mind which is indicated by a belief in something in itself morally impossible; — as that trees walk, Statues nod; or in the belief of a state of facts in their nature morally ~~impossible~~ but of the existence of which there is an entire absence of all reasonable grounds of belief. It also sometimes manifests itself in a belief of a direct revelation and a controlling and irresistible sense of obligation to obey the revealed will.

This state of the intellect indicates the existence of a disease which in its effect subjects the will, judgment and conscience to the imagination with respect to the subject of the insane belief. The influence of such belief or delusion over the mind is much greater than the power of any conviction or belief in the mind

Green

Green

of a sane person; and directs and controls  
the will, judgment and moral sense  
with inconceivably greater force. The  
individual thus affected may be able in  
most other respects to reason correctly on and  
subject beyond the range of his hallucination  
and be not unfitted for the intelligent care &  
oversight of his business. Nor is the power of  
judgment and reasoning disturbed in any per-  
ceptible degree even with respect to the subject  
of the delusion, as his conduct and reasoning  
are as logical and rational with respect to  
it as if the facts constituting the delusion were  
real and not imaginary.

The law as well as medical science recognizes  
all these forms of mental insanity, and has certain  
established principles applicable to the subject.  
For obvious reasons a higher degree of insanity  
must be shown to absolve a party from the  
consequences of criminal acts than to discharge  
him from the obligation of his contracts. A  
man is not to be excused from responsibility  
if he has capacity and reason sufficient to  
distinguish between right and wrong as to  
the particular act he is then doing: - a  
knowledge and consciousness that the act is  
wrong and criminal. But in these cases  
it is not deemed sufficient that the

individual has a general knowledge that the  
 act is wrong in its nature, because this  
 general knowledge may well consist with  
 delusion as to the moral quality of the act  
 when considered in reference to the person  
 and to the circumstances believed to exist  
 and which in themselves constitute delusion  
 or insanity. There may be insane delusion  
 with respect to one's moral duty under  
 such circumstances as well as in the belief  
 of facts which is the primary evidence of  
 unsoundness of mind. Even whatever  
 cause the power of the will and conscience  
 may be subjected or perverted by an insane  
 affection, self agency ceases and acts done  
 under the influence thereof are neither  
 criminal nor punishable, because they are  
 not considered voluntary. For this reason  
 the law will excuse homicide on the  
 ground of partial insanity, in the following  
 cases:

First; Where the accused takes life under  
 circumstances where the act would be  
 excusable if the facts constituting the delusion  
 had an actual existence and were not  
 mere hallucination: - as in defence of  
 life or habitation.

Second; - Where the act is done under

*Storven*  
a delusive belief of a divine Command and  
overruling necessity or under a Controlling  
sense of moral duty by which the under-  
standing and Conscience are deluded with  
respect to the Moral quality of the act.

*Storven*  
Third; Where the delusion is only that a  
wrong has been done him in a matter -  
which if true would not excuse homicide,  
yet at the time of the Commission of the  
act his mind is so affected by the  
disease or to incapacitate him from knowing  
that he is doing wrong, and he is un-  
conscious of wrong. But where this  
knowledge exists at the time, the accused  
cannot be acquitted on this ground, as  
in such case the act will be treated  
as one of revenge.

*Storven*  
Secondly of Moral insanity  
As defined by those medical writers who  
treat this disease, it consists in the existence  
of some of the natural inclinations, dispositions,  
or propensities in such violence that it  
is impossible not to yield to them. It is  
attended with no delusion or disorder of  
the intellectual faculties in any notable  
degree and the mind is conscious of  
right and wrong while under its influence.  
And yet notwithstanding this consciousness

the mere violence of the inclination to commit the act is so great as to overthrow all the power of resistance which the mind may be able to oppose to it.

Under its influence the individual ceases to be a moral agent. When manifesting itself in the homicidal form the inclination and desire to kill is often indiscriminate in its violence, some times directing itself against the lives of persons indifferent to the accused as well as against objects of affection and friendship & it is impossible for him to restrain the uncontrollable fierceness of the impulse or desire. The act is never influenced by revenge or any of the passions or a desire to gain temporal advantages from the homicide.

It is said to overcome the power of self control and to act without motive of any kind and frequently without premeditation and consists in the mere violence of the propensity or disposition by which the will is overcome.

Most certainly if this form of insanity has any existence the doctrine of free agency can have no application to one affected with it. It is at least of exceedingly rare occurrence. Its manifestations

Guerr.

Guerr.

as it has been observed bear a striking resemblance to Crimes. Nevertheless it is recognised by the medical profession though it has been rejected by the English Courts of justice as apocryphal. Yet it ~~is~~ has been adopted by some Courts of very high authority in this Country, and what is of more consequence to us it is implicitly recognised by our own. It is true it was not adopted by our own Court in the Case referred to (*Fisher vs People 23 Ill*) upon solemn Consideration. Yet it must be regarded as the Law for the purposes of this Trial. But in saying this it is my duty to add that it was regarded as so perilous in the administration of Criminal justice by the Court which first promulgated it as a principle of legal science as to induce the observation. "That the doctrine which acknowledges this Mania is dangerous in its relations and can be recognised only in the plainest Cases. It ought to be shown to have been habitual or at least to have evinced itself in more than a single instance," or from its circumstances to bear unmistakable marks of instinctive and uncontrollable impulse. "Where this affection" says Dr. Ray

Storn.

whose authority is one of the Chief Supports of this opinion, "is alleged in excuse for crime it must be proved, first, that it was really present; Second, that it had arrived to that stage in which its impulses are irresistible; Thirdly, it should be the exclusive cause of the Criminal act."

Governed by these rules there can be but little difficulty in determining the presence or absence of this disorder as the Cause of the Criminal act. It may be said that there can be no reliable case of Moral insanity where any strong motive or passion, or other exciting and adequate motive is found in the Evidence. Since where the Criminal act can be traced to a desire of gain, or to hatred, revenge, or jealousy or any strong passion excited by drunkenness, the act must be ascribed to such motive or impulse and not to that irresistible impulse which is said to constitute the distinguishing characteristic of this disease.

In applying the principles of the Law of insanity as thus defined to the particular circumstances of this Case, the Court withdrew the jury on the part of the people, and in their behalf, that if they believe from

the evidence.

First. That the mind of the accused was affected with insanity only while in a state of drunkenness, and that with a knowledge of this predisposition and of right and wrong the accused voluntarily put himself in that state and committed the act <sup>with</sup> which he is charged, the act in that case is criminal in the same degree as if there had been no predisposition to insanity when under the influence of drunkenness.

Second. That even though the jury should find that the accused was affected with insanity by reason of a delusion in regard to his wife's fidelity, yet if they further find that at the time he committed the act he had a perfect knowledge of right and wrong with respect to the act itself and was under no delusion with respect to its moral quality, then the law regards him as a moral agent in the commission of the crime and subject to its penalty.

Third. That insanity, produced immediately by intoxication does not destroy the responsibility of the defendant, if the jury believe from the evidence that

The defendant when sane and responsible made himself voluntarily intoxicated.

Fourth. That if the jury believe from the evidence that the accused when free from the influences of intoxicating drinks was uniformly sane and rational and forbore all violence towards his wife. And that for a series of years prior to the commission of the act in question he was accustomed in fits of intoxication to use violence upon her and knew that such violence was the immediate result of such intoxication and that having such knowledge he voluntarily made himself intoxicated on the day of committing the act, and that such act was the immediate result of such intoxication, then the defendant is responsible for the crime although he might have been laboring under some insane delusion at the time.

Fifth. That if the act was done by the accused under the influence of passions excited by drunkenness, or jealousy or hatred, without provocation on the part of the deceased or any danger to life or limb, that in that case the accused is not entitled to be excused from the consequences of the act on the ground

of moral insanity, however strong or irresistible the passion may have been under which the act was perpetrated.

Sixth. That if the jury find that the accused was actuated by malice, jealousy or other feeling of hatred, or from passions excited by drunkenness; at the time of the killing, then he is guilty of the crime of murder though the jury may find that he was affected with insane delusion with respect to his wife's chastity.

To all and each of which instructions the prisoners counsel then and there objected which objection was by the Court overruled and the prisoners counsel then & there excepted to such ruling. And thereupon the prisoner by ~~his~~ <sup>his</sup> counsel asked the Court to give the following instructions to the jury.

1<sup>st</sup>. That after legal insanity is once proved to exist prior to the act of killing, the burden of proof is then upon the prosecution to show that the act was committed in a lucid interval.

2. That if the jury believe from the evidence that the prisoner at and before the killing, was laboring under an insane delusion in regard to his wife's infidelity

Given

Given in  
Another

Given in  
Another

and that moved by the promptings of that insane delusion he killed his wife, then they should acquit him.

3. If the jury can reconcile the facts and evidence tending to show drunkenness in the case, with any theory of innocence, such as insanity or any other theory, it is their duty to do so, and exclude the theory of drunkenness from the case.

4. If the jury can reconcile the facts & evidence tending to show drunkenness in the case with any theory of innocence, it is their duty to do so, and exclude the theory of drunkenness from the case.

5. 3rd That if the jury believe from the evidence that the prisoner killed his wife by reason of an insane and diseased mind, and that he would not have killed her but for such insanity, then they must acquit the prisoner.

6. 4th That if the jury believe from the evidence that at the time of killing, the prisoner was laboring under such a state of mental disease or insanity, as not to comprehend the true moral quality of the act he did in relation to its being right or wrong, then they should acquit the prisoner.

7. 5th That if the jury believe from the evidence that the prisoner at the time of the

Given in  
Substance,  
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Substance,  
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Substance,

Given in  
Substance

Killing, was subject to laboring under the disease of insanity to such an extent that it overbore his reason conscience & understanding in relation to the act he did, that, then they should acquit.

Given in another in  
Substance

5<sup>th</sup> That if the jury believe from the evidence that the prisoner at the time of the killing was insane and laboring under a fixed and insane delusion as to his wife's infidelity and want of virtue, and that such insane delusion operated so powerfully upon his reason understanding and will as to render him incapable of perceiving or being guided by the ordinary principles of right and wrong in relation to the act he did, that then they should acquit the prisoner.

Given in another

6<sup>th</sup> That if the jury believe from the evidence that the prisoner at the time of the killing was insane and laboring under a fixed and insane delusion as to his wife's infidelity and want of virtue, and that such insane delusion operated so powerfully upon his reason understanding and will as to completely master & overthrow the power of the prisoner to do the deed charged that then they should acquit him.

7<sup>th</sup> That if the jury believe from the evidence

That the prisoner at the time of the killing was insane and laboring under a fixed and insane delusion as to his wife's infidelity and want of virtue, and that such insane delusion operated so powerfully upon his reason understanding & will as to render him incapable of perceiving or being guided by the ordinary principles of right & wrong in reference to the act he did or so operated on his reason understanding & will as to so overthrow them that he was irresistably impelled to the deed, that then it matters not what were the causes which led to, created or excited the said insanity & that they should acquit the prisoner.

Refused

9<sup>th</sup> That if the jury believe from the evidence that the prisoner was insane at the time of the killing, and was impelled to do the deed by an insane impulse beyond his power of control that then they should acquit.

Given in another

10<sup>th</sup> That drinking ardent spirits is not unlawful, and that although the law does not excuse the acts of crime merely because they were committed while the party is under intoxication, yet that insanity caused and stimulated either in whole or in part by liquor, is a

Refused

good a defense for alleged Criminal  
action, as insanity caused & stimulated  
by anything else.

11<sup>th</sup> That if the prisoner had been for some  
time prior to the killing laboring under  
insanity, and an insane delusion in regard  
to his wifes infidelity, which in law would  
render him irresponsible for the act of killing  
Charged against him, and in fact did  
kill his wife under and by reason of  
his said insane delusion, That then  
the fact that the prisoner habitually and  
even on that day drank liquor which might  
have or did excite his said insanity &  
delusion, will not operate to destroy or  
overthrow the defence of insanity, but  
the jury should acquit the prisoner,  
notwithstanding such fact.

12<sup>th</sup> That if the jury believe from the  
evidence that the act of killing Charged  
was the offspring & consequence of insanity  
in the prisoner, and that he would not  
have committed the act at all but for  
his insanity, they should acquit the  
prisoner.

13. If the jury shall believe from the  
facts given in evidence taken in  
connection with the opinions of the

Refused

Given in Substantia  
in another

Given in Substance

Professional witnesses, that the accused had at the time of the alleged offense been for a considerable time laboring under a monomania attended by delusion - creating and indicating such a diseased state of the prisoner's mind that the act of killing was but an outbreak or paroxysm of that disease which for the time being overwhelmed and suspended reason and judgment then the accused was not an accountable agent and the jury must acquit him.

Given in Substance

14. If the jury shall believe from the evidence that the respondent at the time of the alleged offense was laboring under a partial insanity accompanied by that state of delusion the known tendency of which is to cause the mind suffering under it to break out into sudden paroxysms of violence venting itself in homicide and other violent acts towards friend or foe and that the outbreak in this instance was of such a character that for the time being it must have overborne memory and reason then the act of killing was the result of disease and not the act of a mind capable of choosing, and they

must find the respondent not guilty.  
15. The jury will acquit the respondent if they shall believe from the evidence that the act of homicide was not the act of a person acted upon by motives and governed by the will but was the result of an uncontrollable impulse and that that impulse was the outbreak of a diseased mind for a long time previous laboring under a monomania accompanied by delusion.

16. If the jury shall believe from the evidence, that the accused at the time of the act alleged, was in a diseased and unsound state of mind, that such disease existed in so high a degree that for the time it overwhelmed reason conscience and judgment, and that in committing the homicide he acted from an irresistible and uncontrollable impulse then they will acquit the respondent.

That the drunkenness which the law speaks of as not excusing crime is the drunkenness of a sane mind and does not refer to the drinking of a man who is already insane.  
That if at the time of the killing

Given in substance

Given in another

Given in other  
in substance  
with proper  
qualifications

Given in substance

Charged, the prisoner was insane within the law and was laboring under an insane delusion whose probable tendency was to induce the prisoner to commit the homicide, and that under the influence & by reason of the said insane delusion he killed his wife as charged. The prisoner should be acquitted, notwithstanding the prisoner may or did drink liquor on the day of the killing.

But the Court refused to instruct the jury as asked by the prisoners Counsel in either instruction. But gave in lieu thereof the following instructions,

And the Court on the part and behalf of the accused, further instructs the jury: First: That if they believe from the evidence that the accused was, at the time of the killing not drunk but laboring under a fixed and insane delusion as to his wifes infidelity and want of virtue and that such delusion operated so powerfully upon his understanding & will as to render him incapable of perceiving or being sensible of the moral quality of the act or knowing ~~act~~ and acting upon the principle of right and wrong in relation to the act. then such insanity

Given

Entitles him to an acquittal on the ground  
that he was not a free moral agent.

Second. That if they believe from the  
evidence that the act of killing was the  
offspring and consequence of insanity in  
the accused and not induced or stimu-  
lated by Arunkennep's hatred or malice;  
and that such insanity was the offspring  
of delusion with respect to his wife's  
Chastity and so great as to overcome  
the will and obliterate all consciousness  
of right and wrong with respect to the  
act, or ~~to~~ induce a fixed and insane  
belief that its Commission was one of  
duty, then the jury should acquit although  
they may believe that the accused was  
capable of reasoning correctly and impressed  
with clear perceptions of right and wrong,  
with respect to the act of killing in general.

Third. That if they believe from the  
evidence that the accused was laboring  
at the time of the alleged offense, under  
a partial insanity the known tendency  
of which is to impress the mind with  
the belief of facts which if true would  
excuse homicide - as that it was necessary  
in defence of life, and overcome the reason  
and will; and that such insanity was

Given.

Given.

Not the direct effect of drunkenness, then the act of killing must be considered as the effect of disease and not the act of a mind capable of volition or choice, Fourth. That if they believe from the evidence that the homicide committed by the prisoner was not the act of a man operated upon by motives and governed by the will but ~~was~~ the result of a mere uncontrollable impulse communicated to his mind from insanity of the moral power and not by motives of hatred, jealousy or drunkenness or other passion acting upon the mind and impelling to the act, then the act was one of moral insanity, But in determining this question the jury should have reference to the more exact definition of moral insanity given in previous instructions on this subject.

Gurney

Fifth. That if they find from the evidence that the accused was affected with insanity at the time of the killing and that his mind was not affected with any passions caused by voluntary drunkenness and was only impelled by insanity, then the defendant stands excused on the ground of insanity, And in determining this question, the jury should carefully

Gurney

Consider the evidence bearing upon it.  
Sixth. That if they find that he  
was affected with mental insanity oc-  
-casioned by fast excesses of drunkenness,  
and was not under the influence of  
drunkenness at the time of the homicide,  
then the act is excusable on the ground  
of insanity. Where a person is insane  
he is not punishable as a murderer  
although such insanity be remotely  
-caused by undue indulgence in spirit-  
-uous liquors. But it is otherwise  
if he is intoxicated at the time and  
his insanity be directly caused by the  
immediate influence of liquors.

Seventh. That if the jury are convinced  
from the evidence that the killing was  
the direct and immediate effect of  
an insane delusion concerning his  
wifes want of Chastity so operating on  
and affecting his mind as to control  
the will and obscure all perceptions  
of right and wrong with respect to the  
act, and that such state of mind was  
not the effect of passions excited by  
ardent spirits, the act is excusable  
on the ground of insanity, though  
he may have been drinking. But the

Seven

Seven

Conviction of the mind should be clear and strong, and care should be taken not to Confound passions excited by liquor with those which are the natural effects of insanity. For if insanity existed but would not have manifested itself in homicide, if it had not been Stimulated by excitement caused by liquor, then the act is not excusable on the ground of insanity. But if the jury can reconcile the evidence tending to prove Drunkenness with a Conviction of mind drawn from the evidence that the act was one of insanity and not the effect of liquor it is their duty to prefer the act to insanity and acquit the prisoner on that ground.

Rightly: That if the jury should find that the accused before the Commission of the act was affected with insanity of a nature to obscure and overcome his moral perceptions with respect to the act committed, then the burden of proof is upon the prosecution to show that he was not affected with such insanity at the time of the killing.

In Conclusion the Court instructs the jury that it is their duty to give a careful Consideration to all the facts and opinions

Foreman.

in proof throwing light upon the question of  
 insanity. On this subject medical opinions  
 and evidence are entitled to attentive  
 and respectful consideration. And if the  
 act is proved to the satisfaction of the jury  
 by the weight and preponderance of the  
 evidence to have been one of insanity  
 only the prisoner is entitled to an acquit-  
 -al though the defense should not be proved  
 beyond all reasonable doubt.

To which refusal to give the instructions  
 asked by the prisoners Counsel & each of  
 them, as also to the giving of those & each  
 of those so substituted for them, the prisoners  
 Counsel then and there objected, but  
 such objection was overruled by the Court  
 & to such ruling the prisoners Counsel  
 then and there ~~objected~~ except.

And thereupon the jury retired to con-  
 -sider of their verdict, and after being  
 out some time returned into Court,  
 with the following verdict,

We the Jury find the defendant guilty  
 in manner and form as charged in  
 the indictment

Reuben Taylor.  
 Foreman.

Whereupon the prisoners Counsel moved the

Court to set aside the verdict & award a new trial in the case & filed the following motion & reasons.

Circuit Court of Cook County  
Decr Term 1862.

The People of Illinois vs  
William Hoffs Indict. for Murder

The defendant William Hoffs comes & moves the Court to set aside the verdict rendered in the above Cause and award him a new trial therein, for the following among other reasons.

First. Because the verdict is contrary to the law & evidence of the case.

Second. Because the Court misdirected the jury as to the law of the case, and failed to properly instruct them, and for failing and refusing to instruct as requested by the prisoner, in the various instructions which were refused.

Third. Because the jury were permitted to separate (after they were sworn) im-  
-properly.

Fourth. Because the jury were allowed to have improper communication with others than their fellows, by letter, and otherwise.

Fifth. Because evidence, was improperly allowed to be given, & improperly withheld, from the Jury, Among others that allowed to be given touching defendants smuggling.

Sixth. Because evidence was given to the jury during the trial, in the absence of one or more of the jurymen.

Seventh. Because the jury were permitted improperly to separate, in the custody of officers, who were not sworn properly to keep & observe &c.

Eighth. Because the jury when not in the presence of the Court, and while consulting & while separated at various times were not in charge of an officer properly sworn.

Ninth. Because of the newly discovered evidence disclosed in the affidavits filed & to be filed on this motion.

Tenth. Because the instructions of the Court were calculated, to Confuse & mislead the Jury.

Eleventh. For various reasons appearing from the affidavits on this motion.

Twelfth. Because of the surprise & misfortune of the Sickners & absence of one the defendants Counsel during the trial & argument of the Cause.

McLewas & Dexter

And in support of such motion filed  
the following affidavits,

Circuit Court of Cook County  
The People of Illinois vs. William Stoppes  
December Term 1862.

Wm Stoppes upon Indictment for Murder.  
E. W. McComas being first duly sworn de-  
poseth & saith, that he was of Counsel  
for the prisoner William Stoppes in this  
Case, before and at the trial thereof.  
That shortly after his engagement as  
Counsel for the prisoner, and as well as  
he remembers sometime in the latter part  
of August or first part of September 1862,  
he met Dr. J. A. Gore, the County Physician  
of Cook County in the jail of said County,  
and requested the said Gore, to observe  
and occasionally examine the said William  
Stoppes as a physician as to the personal  
& mental condition of the said Stoppes  
& from the statements of the said Gore  
relied upon him to do so. And that so  
relying upon said Gore, he felt it  
unnecessary to take further steps in  
that behalf with other physicians until  
some month or two afterwards. That  
the said Gore afterwards went as a  
Surgeon in the Army of the United States

to the State of Tennessee; But of this fact  
affiant had no knowledge or information,  
until long after he had left the State  
and about the time the Case was set  
for trial during the first part of December  
1842. That so soon as he did learn  
of the absence of said Gore, he wrote  
two letters to him directed one to Columbus  
Kentucky & the other to Memphis Tennessee,  
urging him to come to the trial if possible  
and if not at least to send the substan-  
-tial facts which he knew & would swear  
to in the Case, in a sworn Statement,  
That during the trial of the said Poff's  
& after the trial had progressed for some  
days, he for the first time, received  
word from the said Gore, through a  
letter which he received by Josh, which  
letter is hereto attached marked A.  
as part of this affidavit & was partly  
-written in ink & part in pencil as it  
now is. That at the time of the Com-  
-mencement of the trial, he was not aware  
of what he could prove by the said Gore  
But that he is now satisfied and believes  
that he can prove the facts and opinions  
stated in said letter as therein stated  
by the said Gore, if a new trial of said

Cause is granted, and that he had no knowledge that he could so prove them until the receipt of said letter as aforesaid and that he regards said evidence as most material to the prisoners defence, and that he never communicated the fact of his said request in the jail to the said Gore to the said Hopps or the fact that he had received said letter other than to state the fact to the Court during the trial in his presence.

Sworn to & Subscribed E. W. McLowas.  
 before me this 2<sup>nd</sup> day  
 January 1863.

Julius Rosenthal, Not. pub.

(A) Memphis Tenn. Decr 14<sup>th</sup> 1862  
 E. W. McLowas Esq In Camp.

Dear Sir I returned to Memphis last evening with 127<sup>th</sup> Regt. after a march on foot of 120 miles out and return, and have since received two letters from you requesting my attendance and also that of Col. Van Arman on the trial of Mr. Hopps on the 18<sup>th</sup> Inst. I am sorry to inform you that the Col is very sick with Pneumonia at one of our Hotels and we are under marching orders for the vicinity of Vicksburg. The time set for our embarkation by boat

is 18<sup>th</sup> of the present month. Consequently a  
member of us can comply with your wish  
and our own inclinations to be at the trial.  
He tells me to request you to get if possible  
the trial postponed, I join him in the  
request and hope it may be done.

You request me if I can not attend in  
person to send you a statement of all I  
know of the case. This I find almost as  
impossible at the present moment as to attend  
in person. The many sick on hand and the  
hasty preparations for such a Campaign  
as this promises to be; down the River  
so absorbs my mind that I can not  
now recollect and detail all the incidents  
of my observation for three months following  
the first of July when I think the inquest  
was held and my acquaintance with  
Hopps commenced. — At that time  
I distinctly remember he said he wished  
all the facts to be shown Confessed the  
deed and the knife with which he  
did it. He regretted the necessity  
for the deed and said he had foreseen  
it for several years and had tried to  
avoid the necessity. He had built a better  
house than he wanted worked harder  
than any man. And furnished his house

more expensively than he wished, to gain  
 back the affection of his wife which was  
 always running after other men. But  
 all he could do had no effect on her.  
 He said any dispute or Cross word -  
 from any person except her he could  
 bear without resentment. But any thing  
 unkind from her enraged him beyond  
 control. He said she was one of the  
 best women in the world in every way  
 but this, and this he first found out -  
 from a man who drank a toast to him  
 on the birth of his boy. The toast he related  
 I do not recollect it but it was some  
 vulgar thing. This he believed an intima-  
 tion, and then he noticed for himself  
 and found it true. I rode with him  
 I think 9 miles that night in a wagon  
 he seemed as unconcerned and talked  
 as freely on any subject as a man could  
 do travelling on business matters. But  
 sometimes would commence a history of  
 some event and get on a different subject  
 before finishing his story. I saw him pour  
 out and drink from a jug before he left  
 home and he drank largely at a saloon  
 of whiskey I think when we arrived at the  
 depot. I saw no evidences of intoxication

As to his pulse I never found them less than  
90 in a minute during my acquaintance with  
him, and when enquired of as to his health  
he always said he was better. Frequently  
said his affliction was great but hoped he  
~~would~~ should be able to bear up under it,  
and felt as though the worst was passed  
through with. I do not mean that all this  
Conversation was connected or at the inquiry  
I regard him as laboring under a Delusion  
that amounts to unsoundness of mind or  
Morumania

J R Gore

At the Post Office

I have tried and failed to find an official  
to administer an oath and send this as  
the substance of my testimony if could  
give it, J R Gore.

People of Illinois

vs

William Popp

} Circuit Court of Cook County... 52

Wm Popp being duly sworn  
says that he was one of the Counsel for the  
Defendant in the preparation and trial of  
the above entitled cause, that he was em-  
ployed by the Defendant, personally, about  
four weeks before the commencement of

said trial, and has every reason to suppose that the Defendant relied to some extent at least upon the Services of this affiant, in the trial of said Cause.

That in pursuance of said Employment this affiant went into the preparation of said Cause together with E. W. McComas Esq. who had for some time been connected with the same. That they soon found that the Case was taking them into new - and, to a lawyer, somewhat unusual departments of Science, and therefore it became necessary to divide the various matters to be investigated, the which so far as practicable was done.

That in arranging for final argument in the case, the same course to quite an extent was agreed upon - that is - Certain points were to be prepared and presented to the Court and jury by Mr. McComas, and to which this affiant gave little attention, and certain other points necessary to a full understanding of the defence were to be presented by this affiant, and to which this affiant is informed Mr. McComas gave only a general attention.

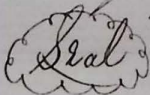
That on Sunday preceding the termination of said trial, and at least a day before the conclusion of the evidence this affiant states that he was suddenly

taken sick with fever accompanied by diz-  
ziness and being unable to walk was carried  
to his house where he remained confined  
to his bed, until the following Wednesday  
and was unable to leave his house until  
after the trial was concluded.

That during the argument in said Cause,  
this affiant expressed a strong wish to  
attend the Court, but was forbidden by  
his physician to entertain the thought, and  
upon trying to leave his bed for the purpose  
of sitting up a few moments was satisfied  
that his strength was utterly unequal to  
any presence at the trial. That on  
Monday the day after this affiant was taken  
sick he sent word to Mr. McLomas, that  
he should probably be able to speak in the  
Case, and it was not until Mr. McLomas  
had commenced his argument, that he  
contradicted this impression, thus giving Mr.  
McLomas no time to prepare an argument  
on the points which were to be argued  
specially by this affiant.

Wm. Dexter

Subscribed and sworn to  
before me this Seventh  
day of January - A.D. 1863.

A circular notary seal with the word "Seal" written inside in a decorative font.

William J. Whitehouse  
Notary Public

Circuit Court of Cook County

The People of Illinois }  
 vs }  
 William Poppo. } Indictment for Murder.

George Buckley, being duly sworn deposes & saith, that he was present during the trial of the above prosecution and was present during the giving in of evidence to the jury, on the trial on one occasion - when one of the jurors was absent, that he remembers the juror leaving the jury box, and that subsequently his attention was called to the fact that evidence was going on before the jury in the absence of the said juror; how much of such evidence had been given at the time his attention was so called to the fact he cannot say, but he knows that after his attention was so called to the fact, and before the said juror returned into Court considerable evidence was given, chiefly touching a conversation which the prisoner had with the witness concerning the wife of the prisoner and that the witness was both examined and cross examined during such absence to some extent, and further saith not

George Buckley

Subscribed and Sworn to before me this fifth  
day of January A.D. 1863.

Seal

William J. Whitehead  
Notary Public.

In the Circuit Court of Cook County  
of January Term A.D. 1863.

The People

William Hays } Indictment for Murder  
State of Illinois } Edward Martin being  
Cook County } first duly sworn maketh  
oath and saith that he was present in  
the Court Room on one of the days while  
this trial was in progress that on that  
occasion one of the Jurymen named -  
Reuben Taylor asked leave to go out  
which was granted and thereupon said  
Taylor left the jury box and was absent  
some little time that during the absence  
of said Taylor as aforesaid the prosecuting  
Attorney Mr. Knox called a witness on  
to the stand and examined him and  
after said witness had testified upon Mr.  
Knox's examination he was cross examined  
by Mr. McQuinn of counsel for the defence  
that such examination and cross examination  
occurred during said Taylor's absence from  
the jury box as aforesaid and it is the  
Deponent's best impression and belief that

Said witness was about being discharged from the witness stand as Mr Taylor returned to the jury box  
Sworn to & subscribed Edward Martin before me this 3<sup>rd</sup> day of January A.D. 1863.

Julius Rosenthal. A.P.

Circuit Court of Cook County

The People of Illinois

vs  
William Hopps.

} Indictment for Murder

State of Illinois

Cook County

} S.D.

Stuart Harvey being duly sworn deposes & saith, That he is a lawyer practicing in Cook County aforesaid. That he was present during a good portion of the time the above indictment and cause was being tried before the jury. That on one occasion during the trial, one of the jurors in the cause was absent from the Court-room for some time, and that during his absence evidence & testimony was given to the jury, by a witness for the prosecution.

Subscribed & Sworn to before me this

Stuart Harvey.

9 day of Jan'y 1863

Wm L Church Clerk.

Circuit Court of Cook County -

People of Illinois

vs.

Wm. Hoppes

Indictment for  
Murder.

State of Illinois

Cook Co

J.S.

Patrick Allen being  
duly sworn deposes & saith, That he is  
a Lawyer, residing in said County, & was  
present during the trial of the above Cause  
before the Jury, part of the time. That he  
remembers distinctly that on one occasion  
during the trial, one of the jurors in the  
Case, was absent from the Court room  
for some time & that during his absence  
as aforesaid, a witness was examined  
& evidence given to the Jury in the said  
Cause by the prosecution, & further saith  
not.

P. Allen.

Subscribed & sworn to  
before me this 9th

Day of January 1863

Wm. Church, Clerk.

Circuit Court of Cook County

The People of Illinois

vs.

William Hoppes

Indictment for  
Murder

State of Illinois

Cook County

J.S.

Bernard A. Stampoffski

46  
being duly sworn deposes & says he was present during the trial of the above named Cause against William Hopp's for Murder - that during the trial one of the Jurors in the Case, left the Court Room and was absent for some time & that during his said absence the prosecution gave evidence to the jury & examined a witness for the prosecution.

Subscribed & sworn J. A. Stumpffski  
to before me this 9th  
day of January 1863.

Wm. Church, Clerk

And the prosecution filed the following  
Counter Affidavits

Cook County Circuit Court  
The People of the State of Illinois  
vs  
William Hopp's

State of Illinois }  
County of Cook } s.s. Reuben Taylor of the  
City of Chicago being duly sworn deposes  
and says that he was one of the jurors  
on the trial of the above entitled Cause  
at the last term of this Court, and deposes  
further says that he was absent from the  
jury box whilst said Cause was being  
tried before said Court upon only one

occasion. That deponent being under the necessity of stepping below, waited until the witness who was on the stand had finished his testimony and was leaving the stand, whereupon deponent asked permission of the Court to step below for a few minutes. That the Court gave such permission, and in the Company and under the immediate charge of an Officer, deponent went below but was not absent to exceed three minutes. That deponent did not leave the said jury box on any other occasion during the progress of said trial, except at the regular adjournments of the Court. That at one time during said trial deponent by the permission of the Court and in the presence of an Officer, spoke to Ed Evans, Esq only on matters of business and again in the same way under such permission and in the presence of an officer deponent stepped to the west end of the seat occupied by the jury, and spoke a word or two on business matters with our J P Brooks. That in neither of the last mentioned instances, was there any testimony given whilst deponent was speaking to said persons. That in the first instance last

47.  
Mentioned Deponent stood up in his  
place in the jury box, and spoke to said  
Evans; in the other instance when he  
spoke to said Brooks's deponent did  
not leave the platform of the jury box  
and occupied only a moment or two.  
That in neither of said instances was  
there any thing said or done which had  
any reference whatever to the case on  
trial directly or indirectly by this  
deponent or either of the said persons  
above mentioned

Subscribed & Sworn      Ruben Taylor

this 9<sup>th</sup> day of January

A.D. 1863 before me

Wm L Church, Clerk

Cook County Circuit Court

The People of the State of Illinois

v.

William Hopps.

State of Illinois }  
County of Cook } ss. John B Rice & Arnold  
Bigelow, being severally duly sworn  
depose and say, that they were res-  
pectively members of the jury on the  
trial of the above entitled cause and  
deponents each for himself says that  
he has heard the affidavits of William

A Downes Bradley B Regole John Gay Thomas Shrigold &  
Robert Scott also that of Reuben Taylor read &  
know the Contents of the Same, and deponents each  
for himself says that he recollects the instances  
of the said John Gay and Reuben Taylor leaving the  
jury Box to step below as therein stated and that  
such absences are the only ones which occurred  
whilst the Court was in Session in the trial of  
said Cause according to the best of his re-  
collection and belief. And deponents each  
of them for himself says that it is his best  
impression that no testimony was taken in  
said Cause during the absence of either said  
Gay or said Taylor. That being aware of  
the absence of the said Gay and Taylor at  
the time it occurred, and being conscious  
and aware that taking testimony in the Cause  
whilst a juror was absent, would have  
been highly improper deponents each for  
himself says that he verily believes that if  
any testimony had been taken during the  
absence of either of said jurors it would  
have attracted deponents attention at once  
And further says not.

Sworn this 9th day of John B Rice  
January A.D. 1863 Arnold Bigelow  
before me  
Wm L Church  
Clerk.

Cook County Circuit Court

The People of the State of Illinois

vs. William Hopps

State of Illinois }  
County of Cook } ss.

William R. Downs Prady

vs. B. Regole John Gay, Thomas Shergold Robert Satt  
being severally duly sworn and each for himself  
deposes and says that they were and each of  
them was drawn sworn as jurors and set  
upon the trial of the above entitled cause  
at the last term of this Court. That the only  
persons who left the jury box during the progress  
of said trial were, depouant John Gay &  
Mr. Reuben Taylor. And these depouants &  
each for himself says that upon one of the  
witnesses in the cause closing his testimony  
the said Reuben Taylor asked permission of  
the Court to step below for a moment. That  
such permission was given and the said  
Taylor went out in charge of an officer and  
in a very short time returned to his place  
in the jury box. And depouant each for him-  
self further says, that he can with confidence  
and positiveness say, that no witness was  
was examined in said cause whilst the  
said Taylor was so absent from the jury  
box, and the said Gay says that before leaving

the said jury box as aforesaid he asked permission of the Court to step below, which was granted and deponent went in Company and under the Charge of an Officer was absent only three or four minutes and returned to his place and the said William R Drows Bradley P Pegole Thomas Shergold and Robert Scott and each of them for himself Says - that he knows that no testimony was taken in said Cause during the absence of the said John Gay. And the said Robert Scott further Says that during the whole of the trial of said Cause, his place in the said jury box was next to the said Reuben Taylor on the right and deponent knows that no testimony was taken in said Cause during the absence of said Taylor from said jury box as aforesaid.

And further Says not  
Sworn this 9<sup>th</sup> day of January A.D. 1867.  
before me  
Wm L Church Clerk  
Wm R Drows  
Bradley P Pegole  
John Gay  
Thos Shergold  
Robert Scott  
Cook County Circuit Clerk  
The People of the State of Illinois  
vs  
William Hopps.

State of Illinois }  
 County of Cook } S.S. Alexander H. Heald  
 being duly sworn deposes and says that  
 he was one of the jurors on the trial of  
 this Cause that he has heard the fore-  
 going affidavit read and knows the contents  
 thereof. That deponent fully concurs in  
 the statements therein contained and says  
 that he can state with confidence and  
 positiveness that no testimony was taken  
 in said Cause during the absence of  
 either the said Reuben Taylor or Johnson  
 from the jury Box, or in the absence of  
 any other of said jurors.

And further says not.  
 Subscribed & Sworn to A. H. Heald,  
 before me this 9th day of  
 January A.D. 1863.

Wm L Church, Clerk }  
 The People of the } Cook County Circuit Court  
 State of Illinois }  
 vs }  
 William Hoppes }

State of Illinois }  
 County of Cook } S.S. Joseph Meeker of the City  
 of Chicago, being duly sworn deposes and  
 says that he was one of the jurors on the  
 trial of this Cause and that deponents

Seat, during the whole of the said trial, was  
next to Mr. Reuben Taylor on the left. That  
deponent remembers the instance of said  
Taylor leaving the jury box to step down  
below under the permission of the Court.  
during the progress of said trial also the  
instance of Mr. John Gay, who had permission  
of the Court to go below. That both said  
Taylor and said Gay left the Court under  
the charge of an officer, were gone but  
a very short time, and that those two  
instances were the only ones in which any  
of the jurors left the jury box whilst  
said Case was in progress of trial.  
And deponent further says that he very  
clearly distinctly and positively remembers  
and can state that the examination of  
witnesses was suspended upon the said  
jurors leaving the jury box as aforesaid  
and was not resumed in either Case  
until the absent juror returned, that  
such suspension occurred by the direction  
of the Court, and in each Case when  
the absent juror returned the Counsel for  
the people only proceeded upon it being  
openly suggested that the juror had re-  
turned.

And further says not. Joseph Meeker

Sworn this 9<sup>th</sup> day of  
January A.D. 1865.  
before me.

Seal  
H. H. Hamilton Notary Public  
The People of Cook County Circuit Court,  
the State of Illinois  
vs

William Hopps.

State of Illinois }  
County of Cook } ss. Which Lochbilen being  
duly sworn deposes and says that he was  
present at the trial of this cause and being  
bailiff in said Court attended the jury  
during the whole trial. That he went  
with Mr. Reuben Taylor down stairs at  
the time he left the jury box. That the  
said Taylor went directly and as speedily  
as possible down to the basement of the  
Court House and after a moment or two  
went immediately back. That such absence  
could not exceed three minutes. That de-  
-fendant was present with said jury when  
Mr. John Gay went below in charge of another  
bailiff in charge of said jury, and deposes  
knows that when said Gay left the jury  
box all examination of the case was  
suspended until his return.

And further says not. Which Lochbilen

Sworn this 9<sup>th</sup> day of  
January A.D. 1863.

before me

Sub.

W. H. Hamlin, Notary Public  
Cook County Circuit Court.

The People of the  
State of Illinois

vs

William Hopps.

State of Illinois

County of Cook } S. C. Rossa

Deponent of the  
City of Chicago being duly sworn deposes  
and says that he attended the trial of  
this cause most of the time and sat within  
the bar of the Court where he had a fair  
view of the jury. That he recollects dis-  
tinctly of two of said jury going from  
the jury box under permission of the  
Court and the charge of an Officer. That  
one of the said jurors who went out was  
Mr. Reuben Taylor whom deponent knows  
well that the other was John Gay. That  
neither of the said jurors was gone but  
a very few minutes. That deponent  
had his mind upon the subject at the  
time of the absence of each of said jurors  
and questioned whether counsel might  
not overlook the absence of such jurors

51  
And deponent states with confidence and  
positiveness that no evidence was taken in  
said Cause during the absence of either of  
said jurors or any other juror to deponents  
knowledge.

Subscribed & sworn to      Hosea Hooper.  
before me this 9<sup>th</sup> day  
of January A.D. 1863

Wm. Church, Clerk.  
Cook County Circuit Court.  
The People of the State of Illinois  
vs.

William Hoppes.

State of Illinois }  
County of Cook } S.S. William Greenleaf  
being duly sworn deposes and says that  
he is and for a long time has been  
deputy Clerk of this Court and as such  
attended the trial of this Cause, that when  
the juror John Gay left the jury box in  
the progress of the said trial to go below  
by permission of the Court, deponent had  
his attention called to the fact, and knows  
that the examination of the case was sus-  
-pended during the absence of the said  
-juror, which was brief, and was not  
resumed until said juror returned again  
to his place in said jury.      And

further says not  
Sworn this 10<sup>th</sup> day  
of January A D 1863  
before me

Wm L Greenleaf

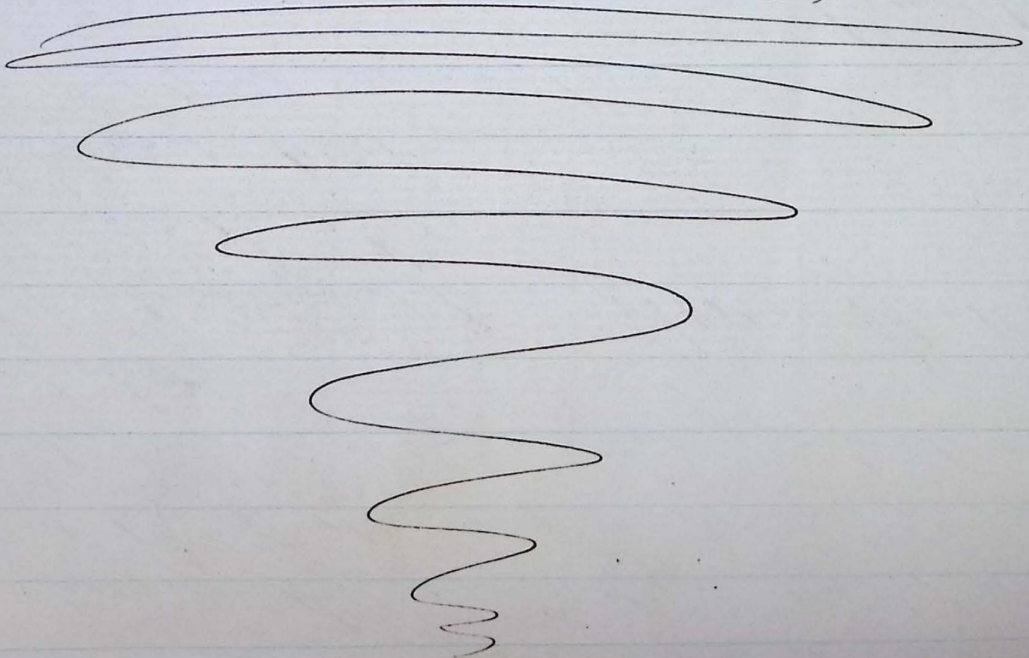
Obadiah Jackson Jr

Notary Public in & for Chicago in Cook County

And thereupon the Court after talking  
time to deliberate overruled said motion  
for a new trial, to which ruling of  
the Court the prisoners Counsel then  
& there excepted.

And thereupon the prisoner by his Counsel  
prayed the Court that all of his afore-  
said exceptions be signed sealed and  
made part of the record, which is  
accordingly done

George Manierre (Seal)  
Judge of 7<sup>th</sup> Judicial Circuit  
Illinois



I, WILLIAM L. CHURCH, Clerk of the Circuit Court of Cook County, in the State aforesaid, do hereby certify the above and foregoing, to be a true, perfect and complete copy of the record of proceedings had & papers filed in a certain cause pending in said Court, on the Common Law side thereof, wherein The People of the State of Illinois were Plaintiffs and William Hopps was Defendant.

In Witness Whereof, I have hereunto set my hand, and affixed the Seal of said Court, at Chicago, this Fourth day of March A. D. 1863.

Wm L Church Clerk.



I, George Manierre Judge of the  
Seventh judicial Circuit of the State of  
Illinois, do hereby certify, that in my  
opinion the foregoing record in the case  
of the People vs. Wm. Hoppes contains a  
full and true history of the proceedings  
on said trial.

Given under my hand and  
seal at Chicago, this 12<sup>th</sup> day  
of March A.D. 1863.



George Manierre, Seal  
Judge of 7<sup>th</sup> Judicial  
Circuit, Ill.

Let a supersedeas issue in this case.

March 14. 1863.

J. S. Catron

The People of Illinois

vs  
William Hopps } Upon an Indictment  
} for Murder in the  
} Circuit Court of Cook  
} County.

To the Supreme Court of Illinois.

The Petition of William Hopps, defendant in the above prosecution, would respectfully represent, that he is deeply aggrieved by the final judgment & sentence of the Circuit Court of Cook County in the above Cause, as will appear at large by the record thereof herewith accompanying, and prays that the said Hon. Supreme Court, or some one of the Judges thereof will order & direct that a writ of Error with Supersedeas may forthwith issue in due form of Law to the said Circuit Court, and that the said judgment & sentence may be superseded & suspended upon final hearing reversed &

And for Cause of Error in the said record & judgment, the said William Hopps assigns the following, among others apparent on the record—

1<sup>st</sup> The Court erred in refusing to permit evidence to go to the jury, to prove the general character & general moral character of the said Hopps, also in refusing to read the record on the part of said Prisoner



and form aforesaid whereupon they  
may that the said judgment  
may be in all things affirmed &c

Jo: Knox State att.  
W. K. M. Wallcut  
of Council