

No. 12825

Supreme Court of Illinois

Jumpertz.

vs.

People.

71641  7

13 - 100

Henry J. Jerns-party
v

The People vs.

13 PA -

12823

1859

State of Illinois
Supreme Court

The People
vs
Henry Pumphrey

Argument on the
Merits

John Van Arman

United States of America

STATE OF ILLINOIS, COUNTY OF COOK, S. S.

Pleas, before the Honorable George Manum

Judge of the Seventh Judicial Circuit of the State of Illinois, and Solo' Presiding'
Judge of the Circuit Court of Cook County, in the State aforesaid, and at a term thereof
begun and held at the Court House in the City of Chicago, in said County, on the
third Monday, (being the twenty first day) of
February in the year of our Lord one thousand eight hundred and
fifty nine and of the Independence of the said United States the
Eighty third

Present, Honorable

George Manum Judge of the 7th Judicial

Circuit of the State of Illinois.

Charles Haven States Attorney.

John Gray Sheriff of Cook County.

Attest;

Wm. L. Church Clerk.

[12825]

Be it Remembered, that heretofore, to-wit: at
the June Special Term of said Court, to-wit: on the
30th day of June in the year last aforesaid, the following
proceedings, among others, were had and entered of
Record therein, to-wit:

The Sheriff this day returned unto Court the
return issued by order of the Board of Supervisors of
Cook County, commanding him to summon twenty
three good and lawful men of this County to serve
as grand jurors for the June Special Term of this
Court, duly executed by summoning the following na-
med persons, to-wit: William E. Stone, L. Barber,
S. B. Siskett, William Long, E. Peck, J. C. Wilson, Wm
H. Gallup, E. Bennett, Peter Sharp, George H. Miller,
J. Scoville, William Steadman, E. C. Peck, S. Lee, William
Seyforth, John Stryker, L. O. Castle, S. Salomey, C. A.
Allen, S. H. Kingsley, Alva Bushnell and George A.
Kiddell: And on motion and for cause shown
thereon, it is ordered J. C. Wilson, William H. Gallup,
E. Bennett and E. C. Peck be, and they are hereby
excused from serving as such grand jurors for
and during the present term of this Court, and
the others of said jurors being called, the following
persons answered to their names and gave their
attendance, to-wit: L. Barber, S. B. Siskett, E.
Peck, William Steadman, William Seyforth,
S. H. Kingsley and S. Lee: Whereupon the Court
ordered the Sheriff to summon from among the
Lycstaunders such good and lawful men to

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as at the time of the present term of this Court, and until discharged by the Court; Whereupon the sheriff summoned the following named persons, to wit: H. Danks, S. Hurd, W. S. Cunningham, D. J. Wood, S. W. Rositer, M. S. Nichols, R. J. Dodge, S. S. Duffee, A. Blinston, L. Saint, J. H. Barnes, H. W. Horton, H. H. Woods, L. Hall, R. E. Hicks, and J. M. Cumber, who, on being severally called answered to their names and gave in their attendance, And thereupon the said persons were duly sworn as a Grand Jury in, and for, the County of Cook, and the Court having appointed H. Danks Esq. foreman of said grand jury, the jury aforesaid, after hearing the charge of the Court, retired to consider of their presentments;

And afterwards, to wit: at the same term of said Court last aforesaid, to wit: on the 30th day of June in the year last aforesaid, the following proceedings, among others, were had and entered of record therein, to wit:

This day came into Court the grand jury and made the following presentments, endorsed "True Bills", to wit:

The People of the State of Illinois

Henry Jumper

Indictment for Murder

And the said Grand Jury having no further business before them

are discharged by the Court.

And afterward, to wit: on the day and year last aforesaid, there was filed in the Court aforesaid a certain indictment which is in the words and figures following, to wit:

State of Illinois
Cook County ss:

3 Of the June Special Term of the Circuit Court of Cook County in said State and County in the year of our Lord One Thousand Eight Hundred and fifty Eight:

The Grand Jurors chosen, selected, and sworn in and for the County of Cook and State of Illinois, in the name and by the authority of the People of the State of Illinois upon their oaths swear that Henry Jumper late of said County on the tenth day of March in the year of our Lord one Thousand eight Hundred and fifty eight, in the City of Chicago in the County and State aforesaid in a certain building known as Pomeroy's building there situate ~~and~~ being in and upon one Sophia Kerner in the face of the said People then and there being feloniously, wilfully and of his malice aforethought did make an assault and her the said Sophia Kerner in some way and manner and by some means instruments and weapons to the said

jurors unknown did then and there feloniously wilfully and of his malice aforethought deprive of life so that she the said Sophia Werner then and there died -

And so the

4. Grand jurors aforesaid chosen selected and sworn as aforesaid in the name and by the authority aforesaid upon their oaths aforesaid do say that the said Henry Jumperly her the said Sophia Werner in the manner and by the means aforesaid to them the said Grand jurors unknown then and there feloniously wilfully and of his malice aforethought did kill and murder contrary to the Statute and against the Peace and dignity of the same People of the State of Illinois.

And the Grand Jurors aforesaid chosen selected and sworn as aforesaid in the name and by the authority aforesaid upon their oaths aforesaid do further present that the said Henry Jumperly late of said County on the tenth day of March in the year aforesaid at the City of Chicago in the County and State aforesaid in and upon one Sophia Werner in the peace of the said People then and there being feloniously wilfully and of his malice aforethought did make an assault and that the said Henry Jumperly a certain

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rope about the neck of the said Sophia
Werner then and there feloniously wilfully
and of his malice aforethought did fix
tie and fasten and that the said Henry
Jumpsitz with the rope aforesaid her the
said Sophia Werner then and there ~~the~~
feloniously wilfully and of his malice
aforethought did drag, pull choke stran-
gle and dislocate the neck, of which said
dragging pulling, choking, strangling and
dislocation of the neck she the said Sophia
Werner then and there instantly died, and
so the Grand Jurors aforesaid do say that
the said Henry Jumpsitz on the said tenth
day of March in the year aforesaid at the
County of Cook aforesaid in manner and
form aforesaid feloniously, wilfully and of
his malice aforethought her the said
Sophia Werner did kill and murder
contrary to the Statute and against the
peace and dignity of the same People
of the State of Illinois.

And the Grand Jurors aforesaid in the
name and by the authority aforesaid upon
their oaths aforesaid do further Present that
the said Henry Jumpsitz on the same tenth
day of March in the year aforesaid in
the City of Chicago County and State afo-
said is and upon the said Sophia

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Kerner in the peace of the said People
then and there being unlawfully feloniously
wilfully and of his malice aforethought
did make an assault and that the
said Henry Jumperitz a large quantity
of poison, to wit, half an ounce weight,
of some kind of deadly poison to the
Grand Jurors unknown feloniously wilfully
and of his malice aforethought did then
and there give and administer unto the said
Sophia Kerner with the intent that she
should take and swallow the same down into
her body (He the said Henry Jumperitz then
and there well knowing the same deadly
poison aforesaid to be a deadly poison)
and the said Sophia Kerner the deadly
poison aforesaid so given and administered
unto her as aforesaid did take and swallow
down into her body by reason and by means
of which taking down and swallowing
into her body the deadly poison aforesaid
^{she} the said Sophia Kerner became and was
mortally sick and distempered in her body
of which said mortal sickness and dis-
temper of body she then and there in-
stantly died - and so the Grand Jurors
aforesaid upon their oaths do say that
the said Henry Jumperitz has the said
Sophia Kerner on the said tenth day

of day of March in the year aforesaid
at Chicago in the County of Cook aforesaid
in manner and form aforesaid feloniously
wilfully and of his malice aforesought
did kill and murder contrary to the
Statute and against the peace and dignity
of the People of the State of Illinois.

Charles Haven, State Attorney

On the back of said Indictment appears the
following endorsements, to wit: - "The People
vs Henry Jumpsutz - Indict for Murder: A true
Bill," Henry Danks, Foreman, - Witnesses, - Doct.
J. H. Doer Dr. S. P. Cheaney, Dr. R. Deham, Michael
Daugney, George Kemmer, Ira Coleman, Jacob
Rehm, Le. P. Bradley, Ernest Ridel, George
P. Upton, John D. Johnson, Jared L. Edwards
Michael Holzgeardt, Geo. C. Hansen, George
Anderson,

And afterwards, to wit: on the second
day of July in the year last aforesaid, the said
Henry Jumpsutz filed in said Court his certain
motion to quash said indictment, which is
in the words and figures following to wit:

Cook County Circuit Court.
June Term 1858.

Henry Jumpsutz
ad.
The People of the State of Illinois

} Indict for Murder

And the above named

Henry Jumper, by John A. Thompson &
E. W. McComas his attorneys and moves the
Court to quash the indictment in this case,
and each count thereof for the following reasons, viz:

1st The first Count is informal and
insufficient in law,

2nd The second Count is informal and
insufficient in law,

3^d - The third Count is informal and
insufficient in law,

And the said defendant prays that said
indictment, and each Count thereof may
be quashed, - Thompson & McComas

Attys for Jumper

And afterwards, to-wit: at the same
term of said Court last aforesaid, to-wit:
on the second day of July in the year
last aforesaid, the following proceedings,
among others, were had and entered of
record therein, to-wit:

The People of the State of Illinois

Indict for Murder,

Henry Jumper

This day came
the said People by Charles Haven State
Attorney, and the said defendant, as well
in his own proper person as by Thompson &
McComas his Counsel, also came, and
the said defendant having been furnished with

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Copy of the indictment presented against
him, a list of the jurors and witnesses
and being now duly arraigned and forthwith
demanded of and concerning the crimes
alleged against him in said indictment
how he will acquit himself thereof; Whereupon
the said defendant by his Counsel
moves the Court to quash the said indict-
ment, which motion is resisted by the State
Attorney, and the Court having heard argu-
ments of Counsel on said motion as well on
the part of the said People as of the said
defendant, and being fully advised in the prem-
ises, now orders that the said motion be, and
the same is hereby overruled; And thereupon
the said defendant for a plea to said indictment
says, that he is not guilty in manner and form
as charged therein, and of this he puts himself
upon the Country &c, and the said People do
the like; Whereupon the said defendant is remanded
^{by the Court} into the Custody of the Jailor; and on motion of
the State Attorney, said Cause is continued
And afterwards, to wit: on the 10th day of September
in the year last aforesaid, said indictment, together
with a copy of all proceedings had and entered of
record in this Court in said cause, were certified
by the Clerk of this Court, to the Cook County Court
of Common Pleas within and for the County of
Cook in the State aforesaid, and which certificate

is in the words and figures following, to-wit:
State of Illinois
County of Cook

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I William L. Church, Clerk
of the Circuit Court in and for the County of Cook
in the State aforesaid do hereby certify, that the
above and foregoing is a true copy of the proceed-
ings had in the above entitled cause as the same
appears of record in said Court, and that the
paper marked "A" and herewith transmitted
is the original indictment presented against
the said defendant by the grand jury of our
said Court; and the said defendant being in
custody of the Sheriff of Cook County. I do
herewith transfer said indictment to the Cook
County Court of Common Pleas in pursuance of the
Statute in such case made and provided,
Witness my hand and the seal of said Court at Chicago
in said County, this 10th day of September A.D. 1858,
W. L. Church, Clerk

And afterwards, to-wit: on the 15th day of November
A.D. 1858, said indictment, with a transcript of
the records of the Cook County Court of Common
Pleas, ^{in said cause,} duly certified by the Clerk thereof was
re-filed in said Circuit Court, which transcript
& certificate are in the words and figures following, viz:
State of Illinois, County of Cook, &c.

Pleas before the Honorable John
M. Wilson, Judge of the Cook County Court of

of Common Pleas within and for the County
of State aforesaid, held at a regular term of
Said Cook County Court of Common Pleas begun
and holden at the Court House in the City
of Chicago in Said County & State on the Second
Monday being the Thirtieth of September
in the year of our Lord one thousand eight
hundred and fifty eight, and of the
Independence of the United States of
America the Eighty third,

Present. The Hon John M. Wilson Judge
Charles Haven State Attorney
John S. Wilson Sheriff

Attest Walter Kimball Clerk

Be it Remembered that on the twentieth
day of September Eighteen hundred and fifty
eight the said day, being one of the days
of the September Term of the Cook County
Court of Common Pleas, in the year afore-
said, the following among other proceedings
were had and entered of record, to wit,
The People of the State of Illinois

^{vs} Indictment for Murder
Henry Jumper

And now on this day
came the said People by Charles Haven their
attorney, and on his motion It is ordered
that this cause be continued to next term,

State of Illinois
County of Cook

I Walter Kimball, Clerk
of the Cook County Court of Common Pleas
in & for the County of Cook in the State aforesaid
do hereby certify that the above is a true copy
of the proceeding had in the above entitled cause
as the same appears of Record in said Court,
and that the paper, marked "A" and herewith
transmitted, is the original Indictment heretofore
transmitted from the Circuit Court of Cook County
to said Cook County Court of Common Pleas; and
the defendant being now in the custody of the
Sheriff of Cook County, I do herewith transfer
said indictment to the Circuit Court in & for
the County of Cook in pursuance of the Statute
in such case made and provided,

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Witness my hand and the Seal of
said Cook County Court of Common
Pleas at Chicago in said County this
15th day of September A.D. 1858

Walter Kimball, Clerk

And afterwards, to wit: on the sixth day of January
A.D. 1859, the said defendant filed in said Circuit Court
his certain motion which is in the words and
figures following, to wit:

Cook County Circuit Court, Jan'y. Term. 1859.

State of Illinois
Cook County

The People of the State of Illinois,

^{vs}
Henry Jumper,

} Upon Indictment for
Murder &c

The defendant Henry Jumper being present in open Court here moves the Court as follows, to wit:

1st That he set him at liberty and discharge him from further imprisonment under and by writs of any process or proceedings in the prosecution now pending against him in ~~this~~ Court for the murder of Sophia Werner,

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2nd, To set him at liberty and discharge him from further prosecution on the charge and indictment now pending in this Court against him for the murder of Sophia Werner.

Among other reasons apparent on the record why these several motions should be granted, the said defendant assigns the following.

That he was imprisoned in the Common Jail of Cook County Illinois on the said charge and prosecution as early as the 26th day of May 1858, and has been continued in such imprisonment ever since without bail being allowed or given and is still so imprisoned, That since he was since he was so imprisoned he has been at all times ready for ^{his} trial & that the said cause was put to issue at the June term 1858 of this Court, That the prosecution aforesaid was never delayed or continued

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by him said defendant; But that at the said
June Term of this Court and at the regular
trial term of the Cook County Court of Common
Pleas at its September term 1858 the said
prosecution and cause was continued on the
motion of the prosecuting attorney on behalf
of the People of the State of Illinois - and that
the same again by law stood for trial at the
November term of this Court ~~for trial~~ 1858.
That each of said Courts at the three several
terms aforesaid had full power and jurisdiction
to try and determine the cause or prosecution
aforesaid and that each of said terms of
said Courts have finally adjourned without
giving him said defendant a trial on said
charge and prosecution,

2nd. Because three terms of Courts having and
taking jurisdiction of said cause and prosecu-
tion have been held and finally adjourned
without the said defendant ever at any time
having either delayed or moved to continue
said cause, and the said defendant has
been and remained in prison during all
the said time of holding said terms of
said Courts on by virtue of said prosecution &
still remains in prison, without ever being allowed
to or having ever given bail or having ever been
tried on said cause or prosecution - Jan 6th 1859

Henry J. Humphreys

And afterwards, to wit: at the January Special Term of said Court, to wit: on the sixth day of January in the year last aforesaid, the following proceedings, among others, were had and entered of Record therein, to wit:

The People of the State of Illinois

vs

Indict. for Murder.

Henry Jumperdy

On motion to discharge

15- And now come the said People by Carlos Harbo, State Attorney, and the said Defendant as well in his own proper person, as by E. W. McComas his Counsel also comes, and moves the Court here that he be discharged from imprisonment under the indictment pending against him in this Court for reasons stated and set forth in his motion in writing on file, and after hearing Counsel on said motion, the Court, not being fully advised in the premises, takes the same under advisement, and the said Defendant is thereupon remanded into the custody of the jailor, —

And afterwards, to wit: at the same term of said Court last aforesaid, to wit: on the 10th day of January of said year, the following proceeding, among others, were had and entered of record therein, to wit: —

The People of the State of Illinois

vs

Indict. for Murder

Henry Jumperdy

On a motion to discharge

And now again come the

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said People &c by Carlos Haven Esq State Attorney
and the said defendant, as well in his own
proper as by E. H. McComas of Counsel also comes,
and the Court, having had the said defendant's
motion for a discharge under consideration, and
being now fully advised in the premises, doth
overrule the same, and to the said ruling of
the Court in overruling his said motion the said
defendant by his said Counsel here excepts:
Whereupon the said defendant is remanded
into the custody of the jailor, -

And thereupon, on the same day and year last
aforesaid, the said defendant by his said Counsel
filed in the Court aforesaid. his certain bill of excep-
tions, in the words and figures following, to wit:

Cook County Circuit Court

Jan'y Spl. 2. 1859

The People of the State of Illinois

vs

Henry Jumperitz

Indictment for Murder

Be it remembered that
the motion for a discharge, heretofore filed in writing
in this cause came on to be heard before the Court
on this 10th day of January 1859. - and thereupon
the Attorney for the People in said cause and
the defendant, agreed the facts upon said motion
by written stipulation, as follows, to wit: - The
undersigned Carlos Haven, the Attorney for the
People in the above cause; and E. H. McComas

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the Counsel for the prisoner Henry Jumperitz
agree & stipulate - That on the hearing of
the written motions for a discharge filed
in the said Cause by the said defendant,
the following facts shall be, and are admitted
to be true, and shall be evidence on said
motions, To-wit: - That the defendant
Henry Jumperitz was arrested in May 1838.
That he was indicted and pleaded thereto
at the June term of the Circuit Court of Cook
County 1838. - That the Cause was continued
on the motion of the People's attorney at the
said term in opposition to the request of the
prisoner - That the Cause was then trans-
ferred to the Cook County Court of Common
Pleas & was called for trial at the regular
September term thereof in 1838, and that
the Cause was then again continued ag-
ainst the request of the said defendant
and on the motion of the said attorney
for the People. - And that the Cause
was then transferred back to the
said Circuit Court, and stood for trial
therein, at the regular trial term thereof
in November 1838. - That at the said
trial term last aforesaid, the said Circuit
Court continued the said Cause with all the
other criminal business until the January
term 1839. - a term specially called for

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criminal business - that at the ~~issue~~ of
the said last continuance of the cause
neither the prisoner or his counsel were
present, or had at the time it was made any
knowledge of the order. But that they learned
soon afterwards and during the term that
such continuance had taken place & made
no application for a trial during said last
mentioned November term, and expressed
to the Court no dissatisfaction with said
order.

Charles Hason, State atty,

E. W. McComas

Counsel for prisoner

and agreed that the facts in said stipulation
were true, and that they together with
the record of the cause should be in evidence
before the Court on the hearing of the said
motion, and this being all of the evidence
on said motion the Court upon the
hearing thereof overruled the said
motion in writing of said defendant
To which opinion & ruling of the Court
the defendant then and there excepted
at the time and prayed that his said
exception might be signed sealed
& made part of the record which
is done accordingly -

George H. H. (Seal)
Judge of the Judicial Circuit, 5th,

And afterwards, to wit: on the 11th day of the month
year last aforesaid the said People by their said Attorney
filed in said Court a certain notice in the words and
figures following, to wit:

People } Circuit Court
Indt. Master
Henry Jumperetz } Jan'y 2. 1839
To Henry Jumperetz, Deft. M. Comas &
Van Buren Deft. Counsel,

Gentlemen, please to take
notice that the People will call on the trial
of the above Cause the following witnesses whose
names are not on the indictment viz-

19 James A. Hahn, M.D. Wm S. Searles, George
Anderson, Alexander Siller, Joseph Mohr - Chicago:-
Mina Raabe, August Herzberg, Catherine Herzberg.
Eliza Raabe, Frederick M. Raabe Anna Dapfus,
Elizabeth Dapfus, Mina Feitenheimer Edward
Pollert, Nicholas Kessler - Milwaukee:-

Maester Beach, M.D., Hugh Masterdon, Samuel
A. Hills, M.D. Coroner, John O'Brien - New York City:-
Chicago Jan'y 11. 1839 Charles Haven, State Atty.

A copy of this paper was on this day handed to me
Jan'y 11. 1839

E. M. Comas for Prisoner
Charles Moerkel, John C. Miller

Gives Monday money 24th Jan'y 59

E. M. Comas

And afterwards, to wit: on the 24th day of the
month & year aforesaid to wit: at the prison

Special Term of said Court, the following proceedings,
among others, were had & entered of record therein
& wit:

The People of the State of Illinois

Henry Jumper

} Indict. for Murder

20 This day again Court
the said People by Charles Haven State Attorney,
and the said defendant as well in his own proper person
as by McComas & Van Allen his Counsel also
came and now moves the Court on affidavits
filed, for a continuance of said cause, which
motion is resisted by said State Attorney, and the
Court, having heard arguments of Counsel thereon,
and being fully advised in the premises,
doth order that said cause stand continued
until Wednesday morning next to allow
the said defendant time to procure the
attendance of certain witnesses named in
his affidavits filed in support of his motion
for a continuance: and thereupon
the said defendant is remanded by the
Court into the custody of the Jailor, —

And afterwards, to wit: on the 26th
day of January, in the year last aforesaid
and at the same term of said
Court last aforesaid, the
following further proceedings
were had therein in said

cause to wit: -

The People of the
State of Illinois

Henry J. Campbell

Indictment for Murder

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This day again
came the said People by
their said attorney, and the
said defendant, as well in
his own proper person as by
McComas & Van Arman his
counsel also comes, and
the Court, being satisfied from
the statements of the said coun-
sel for the People, made
here in open Court, that
he will be able, and will
produce upon the trial of
said cause, the witnesses
named in the affidavits
filed therein by the said
defendant in support
of his motion for a con-
tinuance of said cause,
doth order that said motion
be, and the same is hereby
accorded, to which ruling of the
Court the said defendant
by his counsel now here excepts. -

And thereupon afterwards to wit:
on the same day & year last aforesaid the said defendant
by his said Counsel filed in the Court aforesaid, his
certain bill of exceptions, in the words and figures
following, to wit:

Circuit Court of Jan'y Spl. 1839

The People of the State of Illinois)

Henry Jampentz

Indictment for murder

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Be it remembered that on the
24th day of January 1839 this cause was called for
trial, and thereupon the defendant moved the Court
to continue the same & filed in support of his
said motion the affidavits of E. M. Comas
& Henry Jampentz as follows:

State of Illinois

County of Cook

The People of the State of Illinois)

Circuit Court of Cook County

January Special T. 1839

vs

Henry Jampentz

Ind. for murder

This day Henry Jampentz
being duly sworn according to law, maketh oath & saith
that he is the defendant in a prosecution now pending
in this Court in the name of the People of the State of
Illinois. @ Henry Jampentz for murder, that he was
imprisoned on said charge in the month of May 1838
that a bill of indictment was found against him at the
June term 1838 of this Court at which term he in good
faith urged for a trial of his cause. - That said cause again
stood for trial at the September term of the Cook County

Court of Common Pleas, when affiant again urged in good faith for a trial of said Cause but that the same was continued at both of said terms on the motion of the People &c, that said Cause again stood for trial at the November term following of this Court at which affiant was again willing & anxious for trial. But affiant is informed and believes that this Court without consultation with, or in any form with the knowledge or consent of affiant or his Counsel to defer the calling and trial of affiant's said Cause until in January 1839 and that the said determination became public to the world and through that publicity and not otherwise affiant as he is informed and believes his Counsel first became aware that said Cause was so postponed. That affiant has been compelled to rely wholly on the advice and assistance of his Counsel in said Cause in everything owing to his situation, and that he was & as he is informed by his Counsel believes, his Counsel were wholly ignorant at the time of said postponement, that a new or special term was to be held in January 1839 for the trial of said Cause, and that the said Court had a right if it chose so to do, to postpone the said trial to any time during the said term and

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That affairant had no remedy for such delay, affairant made no effort to change the resolution of the Court in regard to said postponement as it had been done without the knowledge or consent of himself or counsel, he had no hope that it would be changed at their suggestion, affairant states that this was his only reason for not directly urging a trial during said November term 1838 at which time he was anxious as he at all times before had been for a trial. Affairant further states that since his confinement his property, what very small money he had has been in possession and control of the prosecution, part until about last Monday and part until last Friday the result of which was that he had not had the smallest means to prosecute his defence. That just previous to the death and last visit of the alleged deceased Sophia Mesmer to Chicago he affairant received a letter from the said Sophia Mesmer, which as affairant is advised by his counsel & fully believes will greatly aid in acquitting him of the crime of her murder. That said letter was taken from his possession when he was first arrested and has been kept in the hands of the prosecution ever since, That soon after this prosecution affairant's counsel applied to the officer who held the

possession thereof to permit them to see it which was refused. This refusal was continued up to the September aforesaid when affiant's Counsel moved the Court to place the said letter in the possession of the Clerk of the Court or some officer with instructions to permit affiant's Counsel to inspect it, But the Court refused the application, and that for a long time thereafter defendant's Counsel could not get to see said letter, that when they did so get to see it, the Attorney for the People declined to allow the same to be examined in the absence of the prosecuting Attorney or representation of the State by witnesses for affiant for the purpose of identifying the handwriting of deceased. Affiant states that it was not until the 18th day of January 1839 that an order was made to place the said letter in hands where it could be used in affiant's defence. That promptly after it was so placed affiant's Counsel went to Milwaukee in company with the Sheriff & letter where Sophia Wesner had lived and was known to ascertain if her acquaintances could identify said letter, and did not return until Friday last and that the Sheriff did not return to Chicago with the letter until Saturday last. That so soon as the Sheriff did return affiant's Counsel went forthwith to various persons

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(as directed) by affiant / residing in Chicago who knew Sophia Berner well. to see if said hand writing could be identified. Affiant states that on the 11th day of Jan'y 1889 his counsel were served with a notice of a large number of ~~extra~~ additional & with two others on this day witnesses which the prosecution would examine on his trial, among which were, a large number from Milwaukee, that it was not known to affiant or his counsel until said service of notice that an attempt would be made to throw discredit on the genuineness of said letter, or that other facts would be attempted to be proved against him by witnesses from Milwaukee.

Affiant also states that he has had a subpoena J. J. Mezlehn & his wife sent to Grundy County, Illinois, as soon as he possibly could after he ascertained that he was to be tried, and in sufficiently time for the same to be executed & the witnesses to be present here on today, that his counsel were unable to see several of the persons in Chicago as he is informed whom he verily believes would prove the genuineness of the said letter for want of time after said Sheriff returned from Milwaukee as aforesaid,

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Affiant is informed and believes that his Counsel who went to Milwaukee ascertained by the assurances of the persons themselves that affiant can prove by Minna Kaucher who resides in Milwaukee, that the said letter is a genuine letter of said Sophia Werner that said Minna Kaucher, who lives in Milwaukee in Wisconsin well know the same that said Minna Kaucher is perfectly willing to come and testify in affiant's behalf on his trial and gave free & full assurance to affiant's Counsel that she would do so the moment her health would permit, but that she is daily expecting to be confined to child bed & is and will be unable to come and testify for some weeks to come. affiant is informed & believes that the statements of said Minna Kaucher are true. Affiant is further informed & believes as last aforesaid that he can prove the said letter to have been written by said Sophia Werner, and that said Sophia Werner was of the disponding temper indicated in said letter, and expressed herself verbally & confidentially in the same tone & to the same effect indicated in said letter before she left Milwaukee, by Eliza Darbe, and affiant states that both the said Eliza & her husband as he is informed by his said Counsel positively

assured him that she would come to said trial at any time when she was not prevented by sickness of herself or child, but that her child was then quite young & quite sick & that unless it got better she could not come. - That said Eliza Raabe lives in Milwaukee, Wisconsin.

30 Affiant further states that he is informed and believes as aforesaid that he can prove that the said Sophia Mesner was of a most disponding temper and expressed her conviction that she should not be long in this world, by Mr. - Davis who resides in Milwaukee, and expresses her ^{readiness} ~~willingness~~ to come ~~and~~ testify in his trial, but has just been confined in child bed and as yet cannot leave her room.

Affiant further states that he fully believes that the said Hegler & his wife would prove if present at his trial that Sophia Mesner was a married woman, and that her husband still lives, that her husband treated her most cruelly and kept a strumpet in his house as mistress over his said wife, and finally that the said wife was driven from her ~~said~~ home by the inhuman treatment of her husband, that previous to the said Sophia Mesner

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leaving her said husband that she actually attempted to commit suicide & to poison herself - That said Sophia was acting as a washerwoman, at the time that said affiant first knew her & that this acquaintance commenced at said Hegler's house. That affiant's illicit intercourse with her was not commenced or solicited by him, but was the result of accident and the action of the said Sophia herself.

And that said Sophia was of a most desponding temperament & said often that she would destroy herself and that she had been often at the river to drown herself but was deterred by fear of the water. Affiant expects to prove these things back by said Hegler and Margaret his wife - That they both live in Grundy County, Illinois, and that affiant gave directions to his counsel from the very commencement of his prosecution to have them summoned & his counsel assured him it should be done & that he has not only relied but been compelled to rely on this assurance - Affiant states that he is informed and believes fully that he can prove all the facts stated above by the said witnesses indicated. That he fully believes that he can procure their attendance

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by another turn; That he is advised by his Counsel and believes that the said evidence is most material to his defence and that he cannot go safely to trial without the said witnesses, and that he has been anxious to prepare at all times for his trial & has done everything in his power to do so. That he made a specific statement of his whole connection with Sophia Wesner on his arrest, and that with that statement before them the prosecution has been preparing for his conviction elaborately as he is informed and believes, and that he and his Counsel have been unable to know what direction they would give to the case, or what they would attempt to prove, or what was their hypothesis of the crime, except as they were notified of the witnesses to be examined on the trial and vague rumors in public & that so soon as he has been in any condition to know what witnesses were to appear as evidence against him he has promptly prepared to meet it. That he is advised, that none of the witnesses hereinbefore mentioned are present.

Henry J. Murphy
Subscribed & sworn to before me

this 24th day of January A.D. 1839

Wm L Church Clerk

Illinois
Cook Co. ^{2d}

Circuit Court of Cook County
Term Spl T. 1859-

The People of the State of Illinois,

Henry Inamperty

} for murder
}

This day C. W. McCormick made oath in due form of law that the moment the letter mentioned in the affidavit filed this day in the above cause by Henry Inamperty was gotten and ready by the Sheriff of the County under the order of Court. He as Counsel for said Inamperty took the case for Milwaukee and in company with said Sheriff examined and conversed with sundry witnesses and persons in relation to the alleged crime of defendants, among others he examined and talk to Mrs Eliza Raabe, Minnie Raabe and a Mrs Davis. at least these were the names given him, and to which they answered. That they all expressed a willingness to attend the trial and agreed to do so positively if it were possible. But they rendered the following excuses respectively. Mrs Raabe's child was sick. Mrs Raabe was expecting daily to be confined to child bed, and Mrs Davis had just been confined and was yet to unwell to come. The evidences of these apologies were present & manifest to affiant as well as others,

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Mrs Raabe stated in substance that she
had lived with Sophia Meener in Milwaukee
(in the same house) knew her well, was
satisfied that the said letter upon
seeing it was the writing of Mrs Meener
and was confirmed by its contents which
breathed the same tone & stated matters
as she always had done verbally to
her.

34 Mrs Kaucher stated that she knew
the deceased well, that she had seen
her write frequently & that she believed
that the said letter which was shown
her was genuine & in her handwriting

Mrs Davis stated in substance (as
interpreted to her by a German) that the
said Sophia was of disponding temper
& spoke of not expecting to live long
&c - E. H. McComas

Subscribed & sworn to before
me, this 24th day of January, A.D. 1859

J. L. Church Clerk

~~And thereupon, on the day and year last aforesaid
the following order was made and entered of record
in said Court in this cause, to wit:~~

~~The People of the State of Illinois~~

~~Henry J.umpert~~

~~Indictment for Murder
This day again come the
said People by Carlos Haven, State Attorney, and~~

And this was all on said motion, And thereupon
the Court took time to consider of said motion
until next morning, - & thereupon on the said
next morning, the Court gave the attorney
for the People until the morning then next
following to procure the witnesses mentioned
in said affidavits or admit as uncontested
true the facts to be proved by them.

35 And thereupon on the then next morning
to wit: on the 26th day of January 1839,
the said attorney for the People said that he had
heard from said witnesses and expressed his
conviction that he could have the said witnesses
present and would agree to do so. The Court then
overruled the defendant's ^{said} motion for a continuance,
but did not require the prosecution to make
any admissions whatever. but stated that if the
prosecution should fail to produce said
witnesses the Court would consider ^{it} on the
motion for a new trial on the ground of
surprise.

At the overruling of the defendant's said
motion for a continuance the defendant
then and there excepted at the time, and prayed
that his exception might be signed, sealed, & made
part of the record which is done accordingly

George Manierre Seal
Judge of the Judicial
Circuit, Ills

And afterwards, to wit: at the January Special
term of said Court last aforesaid, to wit: on the
26th day of January in the year last aforesaid,
the following proceedings, among others, were had
and entered of Record therein, to wit:

The People of the
State of Illinois

Henry J.umpertz

} Indict for Murder

37 And now again comes the
said People by Carlos Harris State Attorney, and
the said defendant, as well in his own proper person,
as by McComas & Van Alumen his attorneys, also
comes: And, the said parties being now ready to
proceed to the trial of said cause upon the issues
joined therein, the motion of the said defendant, her-
etofore entered for a continuance of the same, having
been overruled: And the said defendant being
now furnished with a list of the names of the
jurors and witnesses, it is ordered that a jury
come: Whereupon come the jurors of a jury
of good and lawful men, to wit: Benjamin
Chase, William B. Miles, Lester D. Castle, Stephen A.
Shepherd, Edward H. Wheaton, George H. Bliss,
David H. Howard, William White, and Thomas
Carbine, who were duly elected, tried and sworn
well and truly to try the issues joined aforesaid,
and a true verdict render according to law and the
evidence: And the panel being ^{now} exhausted by

selection and challenge, it is ordered that a Special
venue issue commanding the Sheriff of Cook
County to summon twenty four good and lawful
men of said County forthwith to be and appear
before this Court to serve as tales jurors; And the
said Sheriff having returned said writ executed
by summoning the following named persons, to wit:
James A. Bogen, James P. Brintnell, B. R. Watson,
James R. Meury, William Mitchell, W. H. Clark, J. P.
Cook, William M. Dunn, James Flood, J. S. Blair,
Samuel Barbons, James M. Loomis, William
Gould, Charles Eaton, E. H. Waight, J. P. Dalton,
O. S. Nough, H. C. Cole, H. S. Ruger, Orrin Dodge, ~~Orville~~
Oranville Kimball, and J. B. Johnson, who on
being called answered to their names and
gave their attendance; And the said defen-
dant having been furnished with a list of the
names of jurors summoned as aforesaid, James
R. Meury and James M. Loomis were duly elected,
tried and sworn as jurors in said case, well
and truly to try the issues joined aforesaid,
and a true verdict render according to law and
the evidence; And the aforesaid panel being now
exhausted by selection and challenge, it is further
ordered that the Sheriff summon from the
Lystanders ten good and lawful men of this
County to serve in this Court as tales jurors;
and the said defendant having been furnished
with a list of the names thereof, Richard S

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L. Chapman, one of the persons so summoned as aforesaid, was duly elected, tried and sworn as a juror in said cause, well and truly to try the issues aforesaid, and a true verdict render according to law and the evidence, and the panel in said cause being now complete, and the hour of adjournment having arrived, it is ordered, that the Sheriff of Cook County, or some other officer of this Court duly authorized, take charge of the jury so empanelled and sworn as aforesaid and keep them together in some convenient place to be by said officer provided, and return them to the bar of this Court at 9 o'clock tomorrow morning, to which time said cause is now adjourned; And it is further ordered that said defendant be remanded to the custody of the jailor:—

And afterwards, to wit: at the same term of said Court last aforesaid, to wit: on the 27th day of January in the year last aforesaid, the following proceedings, among others, were had and entered of record therein, to wit:

The People of the
State of Illinois

Henry Jumpert

} Indict for Murder

This day again come the said People &c. by their said attorney, and the said defendant, as well in his own proper person

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as by McComas and Van Arman his Counsel,
also comes, and the jury aforesaid, having
been returned to the bar of this Court by the officer
having them in charge, and ~~they~~ having answer-
ed to their names and heard a part of the
evidence in said cause, - the evidence not being
closed, - it is ordered that they be kept together in
some convenient place, and returned to the
bar of this Court at 9 o'clock tomorrow morning,
to which time said cause is adjourned. And it
is further ordered that the said defendant be
remanded to the custody of the jailors;

And afterwards to wit: at the same term of
said Court last aforesaid, to wit: on 28th day of
January in the year last aforesaid, the following
proceedings, among others, were had and entered
of Record therein, to wit:

The People of the
State of Illinois

Henry J. Jansperg

} Indict for Murder

This day again come the said
People &c by their said Attorney, and the said
defendant, as well in his own person, as by Mc-
Comas & Van Arman his Counsel, also comes, and
the jury aforesaid, having been returned to the bar
of this Court by the officer having them in charge,
and having answered to their names and heard
further evidence in said cause, - the evidence

not being closed. - it is ordered that they be kept together in some convenient place and returned to the bar of this Court at 9 o'clock tomorrow morning, to which time said cause is adjourned, and it is further ordered that said defendant be remanded to the custody of the jailor, -

41 And afterwards, to wit: at the same term of said Court last aforesaid, to wit: on the 29th day of January in the year last aforesaid, the following proceedings, among others, were had and entered of record therein, to wit:

The People of the
State of Illinois } Indict for Murder
Henry Jumperdy }

This day again come the said People &c by their said Attorney, and the said defendant, as well in his own proper person, as by McComas & VanNaman his Counsel, also comes, and the jury aforesaid, having been returned to the bar of this Court by the officer having them in charge, and having answered to their names and heard further evidence in said cause, - the evidence not being closed, - it is ordered that they be kept together in some convenient place and returned to the bar of this Court at 9 o'clock on Monday morning, to which time said cause is adjourned: And it is further ordered that

said defendant be remanded to the custody of the jailor;

And afterwards, to wit: at the same term of said Court last aforesaid, to wit: on the 31st day of the month and year last aforesaid, the following proceedings, among others, were had, and entered of record therein, to wit:

The People of the
State of Illinois

Murphy Jumper

Indict for Murder,

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This day again come the said People &c. by their said Attorney, and the said defendant, as well in his own proper person, as by McComas & Van Aerssen his Counsel, also comes; And the jury aforesaid, having been returned to the bar of this Court by the officer having them in charge, and they having answered to their names and heard further evidence in said cause, - the same not being closed - it is ordered that they be kept together in some convenient place, and returned to the bar of this Court tomorrow morning at 9 o'clock, to which time said cause is now adjourned; And it is further ordered that said defendant be remanded to the custody of the jailor, -

And afterwards, to wit: at the same term of said Court last aforesaid, to wit: on the

first day of February in the year last aforesaid the following proceedings, among others, were had and entered of record therein to-wit:

The People of the
State of Illinois

Henry Jumperly

} Indict for Murder

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Then day again came the said People vs. by their said Attorney, and the said defendant, as well in his own proper person, as by McComas & Vawter their Counsel, also comes; And the jury aforesaid, having been returned into Court by the officer having them in charge, and having answered to their names and heard further evidence in said cause, - the same not being closed - It is ordered that they be kept together in some convenient place and returned to the bar of this Court at 9 o'clock tomorrow morning, to which time said cause is now adjourned; and it is further ordered that said defendant be remanded to the custody of the jailor: -

And afterwards, to-wit: at the same term of said Court last aforesaid, to-wit: on the second day of February in the year last aforesaid the following proceedings, among others, were had and entered of record therein, to-wit:

The People of the
State of Illinois

Henry Jumper

Indict for Murder

44 This day again come the
said People &c. by their said Attorney, and the
said defendant, as well in his own proper
person, as by McComas & Van Arman. His Counsel
also comes, and the jury aforesaid, having been
returned to the bar of this Court by the Officer
having them in charge, ~~and~~ ~~having~~ answered
to their names, and having now heard all the
evidence offered in said Cause and arguments
of Counsel, - the arguments not being closed - it
is ordered that they be conducted from the bar
of the Court to some convenient place and kept
together, and returned into Court at 9 o'clock
tomorrow morning, to which time said
Cause is adjourned: And it is further ordered
that said defendant be remanded to the custody
of the jailor.

And afterwards, to wit: at the same term of
said Court last aforesaid, to wit: on the 2^d day
of February in the year last aforesaid, the following
proceedings, among others, were had and entered
of record therein, to wit:

The People of the
State of Illinois

Henry Jumper

Indict for Murder

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This day again come the said People vs. by their said Attorney, and the said defendant, as well in his own proper person, as by McComas and Vandamm his Counsel, also comes, and the jury afore said, having been returned into Court, answered to their names, and having heard further arguments of Counsel in said cause - the same not being closed - it is ordered that they be conducted from the bar of the Court to some convenient place, and kept together and so returned into Court at 9 o'clock tomorrow morning, to which time said cause is adjourned, and it is further ordered that said defendant be remanded to the custody of the jailor.

And afterwards to wit: at the same term of said Court last aforesaid, to wit: on the 4th day of February, in the year last aforesaid, the following proceedings, among others, were had and entered of record therein to wit:

The People of the
State of Illinois

Henry J. Jumper

Indict for Murder

47 This day again come the said People &c. by their said attorney, and the said defendant, as well in his own proper person, as by McComas and Van Arman his Counsel, also comes, and the jury aforesaid, having been returned into Court, in answer to their names, and having heard further arguments of Counsel in said cause, - the same not being concluded - it is ordered that they be conducted from the bar of this Court to some convenient place and there kept together, and returned into Court at 9 o'clock tomorrow morning, to which time said cause is adjourned: And it is further ordered that said defendant be remanded to the custody of the jailors.

And afterwards, to wit: at the same term of said Court last aforesaid, to wit: on the 5th day of February in the year last aforesaid, the following proceedings, among others, were had and entered of record therein to wit:

The People of the State of Illinois

Henry Jumperstz

} Indict for Murder

This day again come the said People &c. by their said attorney, and the said defendant, as well in his own proper person, as by McComas & Van Arman his Attorneys also comes, and the jury aforesaid, having been

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returned into Court, and answered to their
names, and, having now heard all the evidence
offered in said cause, arguments of Counsel
and instructions from the Court, retire to their
room in charge of a sworn officer of the
Court to consider their verdict: And afterwards
return to the bar of the Court in like charge,
having agreed upon their verdict, and say,
"We the jury find the defendant guilty;"
Whereupon the said defendant by E. H. McComas,
of counsel, here demanded that the jury be
pollled, and the jury aforesaid, being separately
called and enquired of, whether the foregoing
verdict by them returned, was, and is now, their
verdict, severally answer, and say, that it was,
and is now their verdict; It is therefore ordered
that said verdict be accepted & entered of
record, and that the jury aforesaid be discharged,
Whereupon the said defendant by his said
Counsel here moves the Court for a new
trial of said cause, and in arrest of judgment,
which motions are here entered of record
by order of the Court and said cause continued
to the next term of this Court for hearing
upon said motions, and it is further
ordered that said defendant be remanded
to the custody of the jailor.

And afterwards, to wit: on the 24th day of February
AD 1859 the said defendant by his aforesaid Counsel
filed in the Court aforesaid his motion for a new trial
of said cause, in the words and figures following
to wit: -

Cook County Circuit Court

The People vs

Feb. 2, 1859 -

Henry Dumpert

Indictment for Murder & Verdict of Guilty

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The defendant Henry Dumpert moves
the said Court to set aside the verdict of the Jury in the
foregoing and above ~~stated~~ cause named cause, and to
award a new trial thereon for the following among
other reasons

1st Because the defendant when arraigned and was
asked to plead, moved the Court to quash said
indictment against him, and filed his written
motion was never acted on by the said Court or
overruled,

2nd That said prisoner never plead to said
indictment nor was called upon to do so, otherwise
that by the said motion to quash &c

3^d Because of the absence of the witness Mary
Disher, as shown by the affidavits filed with this
motion,

4th Because of the absence of the witness
Sherbold at the trial under the circumstances
shown in the affidavits filed in this cause -

5th Because the Jury were not kept together, as
the law directs, but were permitted by the

Court and also by the officers in charge of them to separate.

6th Because the Jury did separate, and because they so separated without having an officer with them, and because one or more of the Jurymen were permitted to, and did separate from their fellows, & while so separated were not with or under the charge of an officer. & Because while thus separated as last aforesaid they conversed with persons not of the Jury and about this cause,

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7th Because the verdict of the Jury is contrary to the evidence & not warranted thereby.

8th Because the Court permitted illegal evidence to go to the Jury & refused to permit legal evidence offered by the prisoner to go to the Jury.

The evidence which was permitted by the Court to be given to the Jury & which the Deft. alleges to be illegal & inadmissible is as follows.

1st Evidence of the statements & declarations of Sophia Wernier, the deceased made by her to different witnesses between the time when the prisoner left Milwaukee in Dec. 1837 and the time when said Sophia Wernier left Milwaukee for Chicago on or about the third day of March 1838 and in one case a statement of the 2^d Dec. & before she went to Milwaukee —

2nd Evidence of the statements & declarations of said Sophia Wernier of the contents of

letter which it was only proved, she said
she had received during the same period
from said deft -

3^d That the Court permitted, & directed certain
experiments to be made with a door & various
hooks & screws & weights by the jury & other persons
in the presence of the jury -

4th That another door with various hooks &
screws driven into it & bent or broken down
on which other experiments were stated by the
att'y for the People to have been made was
exhibited to the jury, both before & after the Court
was opened & consequently both in and out of
Court & inspected & examined by several of the
jury -

5th The Court allowed & permitted a certain
receipt proved to have been signed & given
by the sd Sophia Imppertz - to

for the sum of
proved to have been given by her for a portion
of the rent of certain premises which she
occupied in Milwaukee & which was
paid back to her at the date of said receipt
by said

to be given in evidence to the
jury, - the receipt above described were in
fact offered and given in evidence to the jury
for the sole purpose of enabling the jury to pass
by comparison of hands of the genuineness of a
certain letter introduced by the People in evidence

purporting to be written by the said dec'd to
the deft & which the People's Atty. alleges
or attempted to prove to be a forgery -

9th That the Court permitted a mass of evidence
consisting of statements of the deceased Sophia
Merner partly purporting to give the contents
of letters said by her to have been written by
Imperetz & partly giving her reasons for coming
to Chicago & for selling her goods & dresses and
stating her future intentions & tending to show
that Imperetz (the deft) had persuaded her to
sell all her goods & dresses & come secretly to him
& then after the same had been considered & weighed
by the Jury and at the end of the trial instructed
them that the said Ev. was only to be considered
in determining the state of mind of deceased
10th Because the Court misdirected the Jury.
11th Because the Court refused to grant a continu-
ance of the case to the defendant improperly -
12th Because the Court decided to force the defen-
dant into the trial upon the positive assurance
of the Attorney for the People that all the
witnesses from Milwaukee mentioned in the
affidavits filed on the motion for a continuance
would be brought on the stand as witnesses
by the prosecution & that unless they were
so brought that all the facts that were alleged
by the prisoner or his Counsel in their said
affidavits could be proved by said absent

witnesses should be taken as an uncontradictable fact, on the trial, that upon this condition the motion for a continuance was overruled, that upon the trial the prosecution failed to produce the said witnesses and that the Court notwithstanding permitted evidence touching & about the matter stated in said affidavits as proposed to be proved by the absent witnesses to wit: Mrs Davis, and also instructed the Jury that they might consider the said evidence touching said matters to be proved by said Mrs Davis, which the prosecution brought to disprove the same.

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13th. The officers in charge of the Jury during the trial were not sworn —

14th. Because State attorney was allowed to argue defendant's guilt in concluding argument from his countenance & demeanor on trial & also that he believed in no God, which was not in evidence.

McComas & Daubman

for Deft.

And afterwards, to wit: at the February term of said Court, to wit: on the 25th day of February in the year last aforesaid, the following proceedings, among others, were had and entered of record therein in said Cause, to wit:

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and the said defendant, as well in his own proper person as by Messrs McCormack Van Allen his Counsel also comes, and the Court, having had the said defendant's motions for a new trial, and for arrest of judgment under advisement, and the same having been carefully considered, and the premises being now fully understood, doth order that said motions be, and each of them are hereby overruled; And to the ruling of the Court, in overruling his said motions and each of them, the said defendant by his Counsel now here excepts, and the said defendant, nor his said Counsel for him, saying nothing further why the judgment of the Court should not now be pronounced against him upon the verdict of the Jury aforesaid.

It is therefore Ordered and Considered by the Court that the said defendant Henry Jumper be taken from the bar of this Court to the Common Jail of Cook County from whence he came, and confined therein in safe and secure custody until the sixth day of May next, and that he be then and there on the said sixth day of May, between

the rising of the sun and the going
down thereof, hanged by the neck
until he is dead. and that a warrant
issue therefor,

And afterwards, to wit: at the same time of said
Court last aforesaid, to wit: on the 5th day of March
in the year last aforesaid, the following proceeding,
among others, were had and entered of record therein
to wit: -

The People of the State of Illinois

vs

Henry J. Lumpkin

} Indict for murder
on motion

This day again
comes the said defendant by McComas
& Van Arman his counsel, and on their
motion, no objection being made
therein, it is Ordered that the
time for the defendant to
file his bills of exceptions herein
be extended to the 5th day of
April next

And afterwards, to wit:
on the first day of April
in the year last aforesaid
the said defendant by his said
attorneys, filed in the court
aforesaid, his certain Bills of ex-
ceptions in the words & in the following, viz:

Circuit Court of Cook County
Feb 3. 1859

The People of the State of Illinois

Indictment for Murder
Henry Jumperitz

57 Be it remembered that on this the day of February 1859 the motion for a new trial in this cause heretofore filed by the defendant Henry Jumperitz came on to be heard by the court, and thereupon the said defendant filed in support of his said motion

The following affidavits, to wit:

Illinois Cook Co ss., Cook County Circuit Court
Feb Term 1859

The People of the State of Illinois

Indictment for Murder
Henry Jumperitz

This day Henry Jumperitz came personally before me the undersigned and made oath that from the time of finding the Indictment in the above named cause up to the present time E. W. McComas has been his counsel. That he this affiant being closely confined in jail during the whole of that time has been forced to rely solely and entirely upon his counsel to find and procure the attendance of the witnesses necessary to his defence. That he is informed and believes that his said counsel conversed with one Theobald in

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Milwaukee who promised if sent for to come to the trial of affiants that the said Sherbold stated that he would prove on said trial that just before the deceased Sophia Warner left Milwaukee she spoke in a most desponding tone and told him she would not be long in this world or words of the like import that money was provided to send for the witnesses of affiant to Milwaukee in time to get their evidence on the trial and sundry witnesses were so brought who were then sent for. that he is informed that one George H Kennedy was sent as an agent after said witnesses. that during the trial great haste was made in the progress of the cause and that affiants counsel were kept busily engaged during the whole of the day and to a late hour of the night (or most nights) that he is informed and believes that without the knowledge of the said E W McComas who was the only one of affiants counsel who knew the Milwaukee witnesses the said Kennedy was started to Milwaukee without getting a full list of said witnesses or the name of the said Sherbold as one that the said McComas was not aware of the mistake until the said Kennedy had returned with the other witnesses that said Kennedy returned from Milwaukee on Tuesday evening and that affiants counsel did not

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see the said Kennedy until after dark on that day and that the evidence was closed on the next day. Affiant also states that he is informed and believes that some time previous to the time of affiant's trial his counsel Mr. Cornas was told that one Mary Fisher knew matters important to the defence of affiant that the said Mr. Cornas called with an officer of the city to see the said Mary Fisher in order to ascertain what she would prove and that the said Mary Fisher informed and stated to him substantially as follows. That she did not know affiant, and had never seen him but that she knew the deceased Sophia Werner well and that an occurrence had taken place in her house, which she had supposed might have a bearing on his guilt and she had not felt at liberty to keep it secret that she had no further interest in affiant than to have justice done him that she then stated that while Sophia Werner was living with her husband she had become from a certain train of circumstances very intimate with the said Sophia Werner that the said Sophia Werner told her her sorrows and that for some time she had not seen the said Sophia Werner but that on one Sunday morning between nine and ten o'clock in the month of March 1855

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the said Sophia Werner came to her (the said Mary Fisher) house in the city of Chicago and seemed greatly depressed in spirits and stated her troubles and sorrows and spoke of being desirous of putting an end to her existence and also stated that she had bought a bottle of Sanderlun with which to destroy her life and asked if she (the said Mary Fisher) thought it was sufficient to kill her showing the bottle that the conversation was then turned upon the subject of the best mode of committing suicide. and that after some conversation upon the subject, some young woman who was present and had heard the conversation remarked that if she the said Sophia Werner wanted to commit suicide she had better not take Sanderlun as they might find her and pump it out of her stomach and bring her to and she would have failed to accomplish her object that if she wished to die the easiest way was to put a rope round her neck and after fastening it to the wall just to slip her foot forward and let herself slip down and to not attempt to recover her position for a moment. and that after that she would never want to that the said Mary further stated that the said Sophia cried a good deal and left. Affiant further states that

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he is informed and believes that a subpoena
was issued and served on said Mary Fisher
to attend said trial. that during the trial
affiant's counsel learned that the said
Mary Fisher was about to leave the County
of Cook and City of Chicago that affiant's
counsel thereupon moved the Court toward
an attachment against said witness which
was done. and that said witness was after
wards brought into the Court room by an
officer under the said attachment. affiant
further states that he is informed by his
counsel and believes that they, seeing this rested
satisfied that he is informed and believes
that before the time came for said witness
to be examined she had by some means gotten
out of the custody of the officer and upon
inquiry it was ascertained that she had
left the City and her whereabouts was
unknown to affiant and so far as he
knows or believes to either his counsel.

Affiant further states that he had and
as far as he knows or believes his counsel
or either of them had, no knowledge of, or agency
in in the leaving or absence of the said
Mary Fisher. Affiant further states that
he is informed and believes that since
the rendering of the verdict in the said
cause affiant's counsel have made

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diligent efforts to ascertain the direction
or present place of abode of said Mary
Fisher that they have as affiant is
informed by them or believes they have
satisfactorily traced her to Cincinnati and
have also ascertained the number of the
House in which she lives. and that this
was only communicated to McComas
on the 22nd of February 1859 and that no
opportunity has been had or could have
been had since to get her affidavit on
this motion. Affiant further states that
he has never plead to the indictment
against him. nor has he ever heard his
counsel do so. Affiant further states that
he had no agency in and gave no consent
to any repetition of the jury upon and
during his trial

Subscribed & Sworn. Henry Jumper
to before me this 24
day of Feb 1859

Wm L Church cler

State of Illinois.

The Cook County Circuit
Court Feb Term 1859.

The People &c

Henry Jumper

} Indictment for Murder
Cook County ss John

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The members of the said County being duly sworn says that he was one of the counsel of the defendant on the trial of the above entitled cause and E W McComas was also of counsel for said defendant. That no other persons appeared or acted as counsel or attorneys for said deflt on or during his trial to the knowledge of deponent. That neither the said defendant or this deponent or his associate said McComas at any time after the empannelling of the jury or before then ever consented to the separation of the jury or that any one or more of them should separate from the rest to visit his or their homes or for any purpose to the knowledge or according to the belief of this deponent nor was such consent to the knowledge of this deponent ever asked nor was such consent ever given by the Court in the hearing of this deponent. And this deponent further says that on the day before the commencement of the trial of said cause according to the best recollection of deponent ^{a motion} ~~an order~~ was made by the counsel for defendant for a continuance which was founded on the affts of said defendants and said McComas alleging the absence of certain witnesses whose testimony as stated in said affidavits was alleged to be material for the defendant

among the witnesses named in said affidavits was a Mrs Davis of Milwaukee by whom as the said affidavits stated the defendant expected to prove that the said Sophia Wenner was of a most desponding temper and expressed her conviction that she should not be long in this world (by Mrs Davis)

64 And this deponent says that the atty for the People in opposing the said mo. stated that he could and would procure the attendance of all the said witnesses named in said affidavits including the said Mrs Davis. The court decided to continue the said cause until the next day for the purpose of enabling the Peoples atty to procure said witnesses when as the court stated if they could not be procured the continuance would be granted on the next day the atty for the People stated that he had heard from the said witnesses and they would all be in attendance in season to be examined on the trial. Upon this assurance the court overruled the motion for a continuance. And this deponent says that no witness by the name of Davis was produced by the People atty nor was any such witness in attendance or sworn on the said trial.

And this deponent further says that

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notwithstanding said order & direction of the said Court & that Mrs Davis was not produced by the People's atty & was not in attendance. the said Court did allow the prosecution to prove by various witnesses that the deceased Sophia Werner was during the time when she lived at Milwaukee both before and after she deft left there of a gay and cheerful temper & not melancholly or dispondant and the court did not hold or decide that the facts which as shown by said affidavits for a continuance the deft and his counsel ex^{ec}pted to prove by said Mrs Davis were true but allowed the same to be disproved in evidence & disputed in argument by the prosecution.

And this deponent further says that on one morning while the said trial was progressing and before the evidence for the prosecution was closed he this deponent came into the Court room before the Court was opened and found the Jury in their seats and that standing directly behind the seat occupied by the Jury and but a few feet from them and in a convenient position for inspection by them was a door with divers hooks & screws driven or screwed into it some or all of which screws were broken or bent down. that while the door was so

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placed this deponent saw some of the jury turn around and examine the said door this occurred both before and after the opening of the court according to deponents recollection. that after the court had been opened and the names of the jury called deponent called the attention of the court to said door and screws and enquired for what purpose the same was placed there whereupon the attorney for the People replied in substance that the screws and hooks had been driven into the door & experiments tried on them with weights for the purpose of showing the impossibility of the dec^a Sophia Werner having hung herself in the manner alledged by Jumperitz in his confession & that he had brought in the door with the hooks and screws in it to exhibit the result of such experiments in evidence. This deponent then moved the court to exclude the said door hooks &c from the presence of the jury which the court directed to be done.

And this deponent further says that the attorney for the People then proposed to bring into court the door of the room occupied by Jumperitz (the deft) at the time of the alledged murder and two hooks & a quantity of screws found in said room

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at the time of the arrest of the defendant and make and allow the jury to make experiments by driving said hooks and screws into the door and hanging weights on them for the purpose of enabling the jury to determine by such experiments the question whether the deceased could have hanged herself on a hook or screw as stated by the defendant in his confession to this proposition the defendant by his counsel objected and contended that such or any experiments to be made by or in any presence of the jury were inadmissible this objection was overruled and the court directed that the experiments proposed were legal and admissible and directed them to be made to which ruling and decision the defendant by his counsel excepted Experiments were then made by several persons with said door screws hooks and weights in the presence of the jury.

And this deponent further says that no evidence was offered on the trial on either side tending to ^{prove} ~~clear~~ the possibility or impossibility of the said Sophia Werner hanging herself on a hook or screw in the manner in which the said defendant in his confession proved in said case stated and alledged she did hang herself and the counsel for the People were permitted

to argue and did in summing up said
case to the jury argue from the experiments
so made by and in presence of the jury
that it was impossible that the deceased could
have committed suicide by hanging herself
on a hook or screw in the manner stated
by said Jimpertz in his said confession
Subscribed & sworn to, John Varnaman
before me this 24 day

of Dec 1859

Illinois

Cook Co } P.P.

Wm Lechuck C.D.

Cook County Circuit Court

Dec. 5, 1859

The People of the State of Illinois

Indictment for Murder

Henry Jimpertz

This day E. W. McComas
came personally before me the undersigned
and made oath that he has been from
the time of the finding of the indictment
in the above named cause up to this time
the counsel of Henry Jimpertz the defendant
that he conversed with one Theobald in
Milwaukee who promised if sent for to come
to the trial of said defendant that the said
Theobald stated in substance, that he would
prove on said trial that just before the deceased
Sophia Werner left Milwaukee to come to
Chicago that she spoke in a most desponding

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tone and told him that she would not be
 long in this world. or words of a like import
 that money was provided to send for the wit-
 nesses of the prisoner to Milwaukee in time to
 get their evidence on the trial and sundry
 witnesses were to be brought who were then
 sent for. That one George Kennedy was sent
 as an agent after said witnesses. That during
 the trial great haste was made in the progress
 of the cause and the prisoners counsel kept enga-
 ged the whole of the day & to a late hour of the
 night (on most nights) engaged in the cause.
 That without the knowledge of affiant who
 was the only one of prisoners counsel who knew
 the Milwaukee witnesses. The said Kennedy was
 started to Milwaukee without ^{getting} a full list of said
 witnesses or the name of said Theobald as one
 that affiant was not aware of this mistake
 until after the return of said Kennedy with the
 other witnesses. That said Kennedy returned from
 Milwaukee on Tuesday evening & affiant saw
 him not till after dark on that day that the
 evidence in the case was closed on the next day.
 That some time previous to time of the defendants
 trial. he was informed that one Mary Fisher
 knew matters of importance to the defence of
 the accused. That he went with an officer
 of the city to see the said Mary Fisher in
 order to ascertain what she would prove. that

the said Mary Fisher then informed and stated to him substantially as follows that she did not know the defendant Jumperitz & had never seen him. But that she knew the deceased Sophia Werner well. and that an occurrence had taken place in her house that she had supposed might have @ bearing on his guilt and she had not felt at liberty to keep it secret. & that she had no further interest in the man than to have justice done him she then stated that while Sophia Werner was living with her husband she had become from a certain train of circumstances. very intimate with the said Sophia Werner & that the said Sophia told her, her sorrows & that for some time she did not see the said Sophia. But that on one Sunday morning between 9 & ten O'clock in the month of March 1858, the said Sophia Werner came to her witnesses house, in the City of Chicago. and seemed greatly depressed in spirits & stated her sorrows and troubles & of being desirous to put an end to her existence. and also stated that she had bought a bottle of Saurdan to destroy herself and asked if the S^d Mary thought it was sufficient to kill her showing to S^d Mary the bottle that the conversation was turned then upon the subject of the best mode to commit suicide. and that after

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some conversation on the subject some young woman who heard the conversation remarked if she said Sophia wanted to commit suicide that she had ~~not~~ better not take Laudnam as they might find her and pump about of her stomach & bring her to & she would have failed to accomplish her object that if she wished to die the easiest way was to put a rope round her neck & after fastening it to the wall just to slip her ^{feet} forward & let herself slip down & to not attempt to recover her position for a moment & that after that she would never want to. That she said Mary further stated that the said Sophia cried a good deal and left.

Affiant further states that a subpoena was issued & served on said Mary Fisher to attend said trial. That during the trial affiant learned that the said Mary Fisher was about to leave the County of Cook & City of Chicago. and that affiant thereupon moved the Court to award an attachment against said witness which was done and the said witness was afterwards brought into the courtroom by an officer under the said attachment. That affiant seeing this rested satisfied. But affiant states that before the time came for said witness to be examined, she had by

some means gotten out of the custody of the officer and upon inquiry it was ascertained that she had left the City and her whereabouts was unknown to affiant & so far as he knows or believes to the prisoner or his other counsel. Affiant further states. That he had and so far as he knows or believes the prisoner & his other counsel had no knowledge or agency in the leaving or absence of the said Mary Fisher. and also states that he as counsel for the prisoner fully intended to examine said witness if she had have remained. That since the rendering of the verdict in said cause. affiant has made diligent efforts to ascertain the direction or present place of abode of said Mary Fisher. That he has as he believes satisfactorily traced her to Cincinnati, and also the number of the house in which she lives. but this was only communicated to him on the 22nd of July 1859. and that no opportunity has been had since. to get her affidavit on this motion. affiant further states that he was present during the whole trial of Henry Jumper. That by order of court & while the evidence was being given to the jury the court ordered the clerk which was said to be the one on which Jumper had said that deceased had hung herself

to be brought into court and allowed experiments to be made before the jury as to the capacity of various hooks and screws to hold the weight of a man on the jury with a new hemp cord & that this was done against the objection of the prisoner. And further states that he & so far as he knows or believes the prisoner and his other counsel never consented to any separation of the jury during the trial.

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Affiant further states that he believes that he has been at all times present in Court and acting for the prisoner whenever he has been brought into Court during the progress of the case from the beginning. That he is satisfied that no order or action could have taken place in the case without his knowledge. That when the prisoner was brought to the bar of the Court and arraigned. That a motion to quash the indictment was filed by affiant and Mr. Thompson who was then one of his counsel that the prisoner was then remanded to jail. That if the Court ever overruled the said motion to quash he was, and is unaware of it, and if ever the said property plead to said indictment he has never known or seen it & that he verily believes that the said motion to quash has never

been acted upon by the Court.

Subscribed & Sworn to } E W McComas
before me this 24th day }

of Oct 1859 Wm Lechman CCR

State of Illinois, The Cook County Circuit
Court. Held Term 1859,

The People

Henry Jumperitz } Indict^d for Murder
Cook County, Ill.

Thos Dexter of the said

County being duly sworn says that he
was present at the trial of Henry Jumperitz
in the Cook County Circuit Court for
the murder of Sophia Werner. That he
conducted some of the experiments that
were made by order of the Court on a door
taken from the room occupied by Jumperitz
in Pomeroy building that he put seven
screws into said door being inch & a half
and two inch screws which deponent pur-
chased at a hardware store on Lake street
in the city of Chicago. That this deponent
also put into said door two hooks with
screws one of which he purchased at a
hardware store in the city of Chicago the
other he took from a box said to be found
in Jumperitz room. That one of the jurors
who gave his name as Wheaton & who
said he thought he weighed about one

75- hundred and forty five pounds, but whom
this deponent did not see weighed nor was
this deponent informed nor did he hear
that said Wheaton was weighed. Some
forward. a number of experiments were
then tried by suspending said Wheaton by
a rope fastened around his body on each of
the said screws and hooks with screws. Some
times by said Wheatons being simply suspended
on said screws & hooks with screws without
any fall. sometimes by said Wheatons falling
or stepping suddenly off from an arm chair
after said rope was fastened around the body
of said Wheaton & suspended from said screws
& hooks with screws & sometimes by said
Wheatons falling from a pile of Books on
which he stood. That other and further exper-
iments of a similar character were made
in which this deponent did not participate
but which he saw. That all of said exper-
iments were conducted in the presence of
the jury empanelled to try said cause
& this deponent was assisted in making
said experiments by the said Jurors that
other experiments were made by the said
Jurors in which this deponent took no part
That this deponent was not a witness in
said cause nor was this deponent ever
sworn in said cause that while this

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Deponent was conducting said experiments
 he conversed with the jury & they with him
 in regard to said experiments. That during
 the trial of other experiments in which
 this deponent did not take part he both
 saw and heard instructions given by
 various persons as to the manner of making
 said experiments none of which said persons
 he now remembers excepting C. Haven
 the Prosecuting atty & one C. P. Bradley
 Subscribed & Sworn to by Wirt Dexter
 before me this 24th day of
 Feb 1859. Wm. Church c. 1859

State of Illinois. Cook County Circuit Court.
 The People

Feb. Term 1859,

Indicted for Murder
 Henry Jumpertz.

Cook County ss.

Wirt Dexter being
 duly sworn says that although not one
 of the counsel he voluntarily assisted in
 collecting the testimony on the part of the
 defence in the trial of Henry Jumpertz
 for the murder of Sophia Werner that
 among other persons he talked with one
 Mary Fisher whom the defence intended
 to use as a witness that during the progress
 of said trial some person whom this deponent

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supposed to be an officer of this court told
this deponent that the said Mary Fisher
was in the witness room adjoining the
Circuit Court Room. That this deponent
there talked with the said Mary Fisher
& told her that the prosecution in said cause
had not yet finished their case & that it
would be impossible to put the said Mary
Fisher on the stand until the prosecution
had thus finished, but that the first hour
the defence got the case the said Mary
Fisher should be put on the witness stand.
That said Mary Fisher there stated to this
deponent, that it was extremely inconvenient
for her to remain in the city of Chicago as
she intended to go elsewhere out of the city
and was then ready to go. That this deponent
then told the said officer that it would be
impossible to put said Mary Fisher on the
witness stand at present but that this dep-
onent did not intend to nor did this depone-
nt direct the said officer to release the said
Mary Fisher. That this deponent has never
seen the said Mary Fisher since nor did
he know that she had left the city until
the evening before the defence in said cause
intended to put the said Mary Fisher
on the witness stand. Then he was informed
by a person that the said Mary Fisher had

left Chicago & was seen by the informant
of this deponent to take a carriage for the
cars for the purpose of leaving.

Subscribed & Sworn to Wirt Dexter
before me this 24 Feb
1859. Wm L Church

State of Illinois, Cook County Circuit Court.
The People &c

Henry J. Jumper
County of Cook

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Abner Sutton of said county
being duly sworn deposes and says that he
is a Deputy Sheriff of said county and was
one of the officers who had charge of the jury
during the trial of the above entitled cause
That at noon of the first day of the trial
after the jury after the jury was empanelled
& the testimony was commenced I was
directed by John Everetts ^{another} Deputy
Sheriff to take one of the jury by the name
of Loomis (whose first name this deponent
does not know) to his own house to see a
member of his family who was sick &
accordingly took said Loomis separately
from the rest of the jury from the court
house where the other jurors were
& took him to his own house in Edina
Place from one half to three fourths of a

The People of the State of Illinois

✓ An indictment for Murder
Henry Jumpsitz

Ira Snow being first
duly sworn deposed & said. That during
the trial of the above named cause and
during the time the cause was being argued
by counsel One Bliss one of the jury
man trying the cause was separated from
the rest of the jury and left in the Court
Room while the jury went to the Hotel.
To get their dinner perhaps for the space
of one half hour or more. That the said Snow
as Deputy Sheriff remained with the said
Bliss during the time up to the time that
the Court room doors were to opened. That
he then put the Jurymen aforesaid in a
room adjoining the Court room and let
the crowd into the Court room. That a woman
purporting to be the wife of the said Jurymen
Bliss remained in the Court Room and
stood and conversed with said Jurymen
during the said time, that he did not hear
them speak of the case aforesaid then on
trial except as to how long it would probably
last but that the said Jurymen Bliss &
said woman talked a good deal together
in a whisper which was not heard and

understood by affiant and further
saith not, Ira Snow

Subscribed and Sworn

before me this 24 July

1859, J. M. L. Church

State of Illinois. The Cook County Circuit
Court.

The People

Henry J. Jumper

Cook County Ill.

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Dimeon Y. Prince of said
County being duly sworn says, that he is a
Deputy Sheriff of said County and was one
of the officers who had charge of the Jury
during the trial of said above entitled Cause
That on the evening of the second day of said
trial at the direction of Chas. Everett's anno-
ther deputy of said County he accompanied
one of the Jurymen by the name of Soomis
whose first name deponent does not
know from the Court House to said
Soomis's own dwelling in Edina Place
in Chicago about from $\frac{1}{2}$ to $\frac{3}{4}$ of a mile
from the Court House no one but myself
went with him when we arrived at the
House I remained in the Parlor and
said Soomis went up stairs out of my
sight and remained absent about

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ten minutes and then came down with his wife as I was told. I do not know whom he saw up stairs as I did not go up there. after the S^d Loomis came down he and I remained & conversed with this woman whom I supposed to be his wife some ten or fifteen minutes and then Loomis and I returned to the Court House & rejoined the other Jurymen. On the next evening the deponent again accompanied the same Juror to his house in the same manner & he again went out of deponents presence up stairs and remained just about the same length of time and again came down with his wife or a woman he called his wife as before. During the trial the Jury were lodged at the Sherman in two different rooms five in one room and seven in another the rooms being in different ~~rooms~~ ^{stories} of the House. On one morning while said trial was in progress I accompanied the whole Jury to the House of said Loomis and left him said Loomis there in company with the balance of the Jurymen went on about the distance of a Block beyond to the House of another Jurymen and there waited in front of the House while said last named Jurymen went into the House and was there

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some five minutes then we all returned to the House of said Soomis when he came out and joined us & I then returned with all the jury to the Court House on this occasion ^{the} said Soomis was absent from my sight and presence some fifteen minutes & the other Jurymen who went into his own House was out of my sight and presence some five minutes during the time when said Soomis & the said other Jurymen were so separate from the rest of the Jurymen & absent from me no officer was in attendance upon them or either of them. This deponent further says he was never sworn to take or keep the charge of said jury & took no oath in relation to said duty.

Sworn & Subscribed J. Y. Prince
before me this 23 Feb^y
1859, Wm L Church cl^k

And also referred to the evidence in the cause as set out in full in a former Bill of exceptions taken by defendant and the attorney prosecuting said cause filed for the People filed the following affidavits in opposition to said motion to wit:

People

County of Cook
February Special
1859

Henry Jumper
State of Illinois
Cook County

John C. Miller being duly

84 Sworn deposed and says that he is acquainted with Mary Fisher and has known her since this affiant was city attorney and afterwards prosecuting atty in Police Court being some two years or all that during this time the said Mary Fisher lived most of the time on Clark Street South of Van Buren in the City of Chicago. this affiant further saith that about one week previous to the commencement of the trial of said Henry Jumper this affiant was present at an interview in the Marshalls office between the said Mary Fisher. this affiant the district attorney & Jacob Rhem at which said interview the said Mary Fisher was interrogated as to her knowledge of Sophia Werner and in substance the said Mary Fisher stated that she was well acquainted with the said Sophia Werner that she became acquainted with her while living with her husband Werner at Young America and that at the time

she said Fisher was living with one George
Holmes at said Young America, but that
she had no acquaintance with the said
Henry Junpertz that said Mary Fisher
further stated that said Sophia Werner
stopped at her house on Clark street one
Sunday that she had a book in her hand
and that said Sophia stated that she
had just come from Church and that she
had a cold and said that she had caught
it in waiting for the bridge to shut that
it was about twelve o'clock and that she
could not tell with any certainty as to
the time whether it was within one or two
years. that she could only tell by reference
to other matters that transpired about that
time that there was at that time a girl
sick in her house called Molly Coleman
and that about the same time the officers
were after a young fellow for robbing an
express company and your deponent know
all about that that said Sophia Werner
said that she was satisfied that Junpertz
would not marry her & that she did not
know what to do that she had a vial in
her hand and said she was good mine to
take poison or kill herself that she then
told her she had better not do it
but get girls and open a House that

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Sophia said she was to old and men would not fancy her and she would not do it. Molly Coleman then spoke up and said you God damn fool I'll tell you what to do if you want to kill yourself I'll tell you how to do it just go out on the pier and look around and watch & when there isn't anybody looking at you just give @ dive and you won't never come up Sophia said that she had tried that but every time she came to the water she was afraid. Molly Coleman then said put up a hoist in the door and hang yourself she further stated that during said conversation they were all laughing and talking. that if she took poison they would take a pump and pump it out of her this affiant further saith a witness by the name of Mina Dabus from Milwaukee was produced by the People and examined and was as this affiant then and there believes to be the same person called by the defence Mrs Davis and further says not. Subscribed and sworn John C. Miller to before me this 24th day of February A D 1889. Wm L Church clerk

People

In Circuit Court Feby
Term A D 1859

Henry Jumpsatz
State of Illinois
County of Cook } ss.

87
Simeon Y Price being duly sworn deposes and saith that he is a constable of said county, and was deputized by the Sheriff of said county to take charge of the jury who were empannelled to try the cause of Henry Jumpsatz for murder at the January Term of the circuit Court of Cook county in company with John Everetts an officer of said Court. This deponent further says that during the progress of said trial one Mary Fisher a witness for the said Henry Jumpsatz was brought into court on an attachment and this deponent placed said witness in the jury room adjoining the said Circuit Courtroom where the said Mary Fisher then being in custody under an attachment issued by the said Court and this affiant further saith that having placed said witness in said room he locked the door of said room and put the key thereof in his pocket that soon afterward this deponent was applied to by one Whit Dexter who was assisting the counsel of said Jumpsatz in procuring testimony for said Def^t to be admitted into said room

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to converse with said witness and thereupon this deponent unlocked the door of said room and said Wirt Dexter went in when this deponent locked them in said room and left the key in the door and soon after said Dexter rapped on the door and this deponent then went and unlocked said door and Dexter came out and this affiant again locked the door and left the key in said door and this affiant further saith that afterwards said Dexter visited the said witness in said room some two or three times this affiant having charged the said Dexter to keep the door of said room locked so that said witness might not leave while under the attachment and this affiant further saith that in about an hour after said witness was put into said room he this affiant went to said room in company with James Taylor the officer who brought said witness into court on said attachment and found said witness had gone and thereupon this deponent went to Wirt Dexter who was then sitting with Van Arman & McComas the counsel of said Henry Jumpsert and asked him said Dexter why he left the door of said room open or unlocked she is gone to which Dexter replied "is she" well I having been talking

with her and we dont want her if we
do we can send for her and thereupon this
deponent went to said Taylor who was
standing near the passage leading from the
bar to the jury room and told said Taylor
in substance the same that said Dexter
had just told this deponent as aforesaid
and further this deponent saith not.
Subscribed & Sworn S. Y. Prince Const
to this 26th of February
A. D. 1859 before me

Wm L Church CR

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People

3 Circuit Court City Term
1859

Henry Jumpsitz

State of Illinois County of Cook SS.

James Taylor of
the County aforesaid being duly sworn depo-
sith and saith that he is Deputy Sheriff of said
County and as such served a writ of attach-
ment on one Mary Fisher a witness for the
def't Henry Jumpsitz that this affiant brought
said witness into Court on said writ and
placed her in the jury room in charge of
S. Y. Prince Constable. This affiant further
saith that ~~James~~ Wirt Dexter went into
said room with said witness Fisher and
was with said Fisher when this affiant left
this affiant further saith that he was informed

by said Prince that said Fisher was permitted
to leave the custody of said Prince by said
Dexter. that the said Fisher was then witness
and that when they wished her they would
send for her. This affiant further saith
that according to his best recollection and
belief this was on Saturday the first week
of said trial and further saith not
Subscribed & Sworn James Taylor
to before me this 24th Deputy Sh
July 1859. Wm Church CLK.

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And this being all the
evidence on said motion on either side except
that which is contained in a certificate of
the Judge filed herewith and by consent to
be incorporated herein

The People

In Circuit Court Of Iowa
Henry J. Jumper Special C. 59

The Judge certifies that on the
trial of this cause it having been brought
to his knowledge that there was an extreme
necessity for the presence of one of the jurors
named Loomis at his own house on account
of serious illness of one of the members of
his family ordered one of the officers in
charge of the jury to attend said juror
to his house during the hours of adjournment

whenever it should be necessary. This order was not made in the presence or hearing of the defendant or his counsel and was made without his knowledge or consent.

George Monnier Judge
7th Judicial Circuit Ills

91
The court on argument by counsel on both sides overruled the said motion of the defendant for a new trial of said cause. to which opposition and action of said court in so overruling said motion the defendant Henry Jumperitz then and there at the time excepted and prayed that his said exception be signed sealed and made part of the record. which is done accordingly.

George Monnier Seal
Judge 7th Judicial Circuit
Ills.

Circuit Court of Cook County
January Special Term 1859
The people of the State of Illinois }
25 Indict for Murder
Henry Imperts

93 Be it remembered that
afterwards and at the Term
of said Court the above entitled Cause
came on to be tried before a Jury Em-
panelled therein, and thereupon the following
proceedings were had in said Cause.

The following objections and exceptions
to the action and rulings of the Court, were
made and taken, by the Defendant
during the trial thereof, at the times when
the several rulings orders and actions
of said Court were made, and took place
respectively and the following testimony
was given to the jury to wit:

Carlos Haven the Attorney for the
people, introduced the following witnesses,
who were sworn in said Cause and testi-
fied respectively as hereinafter set forth.

The People to sustain and prove the
issue on their part called as witness Anna
Kache who being duly sworn and ex-
amined testified as follows:

I know Henry Imperts (the Prisoner)

I knew him from June till March last year & year now, since they left Milwaukee, he was a barber, I knew Sophia Werner, Imperio and Sophie lived in the house next to me in Johnson Street in Milwaukee, I can't tell how many months. I didn't go to their house at all I saw them every day. Imperio said she was his sister from him I never heard anything she never spoke to me at all after they left Johnson Street they lived in Market Street, they occupied the cellar & another story of the house, the upper story of the house was occupied by one Raabe I was at the house in Market Street, I can't say how often perhaps eight or ten times I don't know anything further about her situation didn't get there when her child was born she has told once about the birth of the child; told me after the birth I don't know when it was born, it was Sunday morning don't know what month it was after they came to Market Street perhaps two or three weeks I can't say certainly I don't think it was a month, I have seen Sophia Werner write, I saw her write

95-

the last letter she sent away; that was a few, two or three days before she sent the last letter to Imperio it was two or three days before she left Milwaukee I can't say certain it was a few days before, I was in her dwelling I was visiting her - I think I would know the writing - tho not with certainty it was on blue paper a Common Letter Sheet, the usual letter Sheet (Letter shown to Nittig) I can't say for certain if it is this, she wrote smaller and closer, she wrote a smaller & closer hand otherwise she might write two hands - That letter was on two pages, a double Sheet, on the letter I saw two pages written and a small portion of another page - it was written on paper the same size as letter shown by two pages I mean there was another half sheet to it. I saw her after that before she left Milwaukee. She came to bid me good bye - I purchased some property of Sophia before she left Milwaukee - two Stoves and one bed Stead, I paid eleven dollars that was on the same day she left. I can't say how much money she had when she left Milwaukee; She had a good deal - I estimated it at Sixty or Seventy dollars I think she left

on the third of March - she went
on the last train at three o'clock
P.M. One Mattress she took and
one barrel with bedding in it she had
sent before Also she took with her a
looking glass a clothes basket, the
bedding was in the barrel - she took
besides a pair of boxes or chests - they
were light travelling boxes - I don't
know of any other property she brought -

The Attorney for the people then proposed
to the said witness the following question

96 State what if anything Sophia Hermer
said to you at the time she was leaving
Wilwaukee? to which question the Ans-
wer by this Counsel then & then objected on
the grounds & for the reason that the
Statements made by Sophia Hermer to the
witness were not admissible in Evidence
against the Prisoner which objection
was then and there overruled by the Court
on the grounds that any statement made
by the deceased at the time of leaving and
while making her preparations to depart
Subsequent to the recd of Defts letter telling
her to come, were competent as res gestae
and the witness was permitted to answer
the question to which decision of the

97
Court overruling said objection the
Prisoner by his Counsel then and there object
excepted - She returned in reply to
said question said she (Sophia Tremor)
said she wanted to go now that Gimpert
had written her to come that she was
to sell everything, if not to put it up
at auction and if she was not get more
than eight or ten dollars, she should sell
it & bring nothing with her. That he had
written her that she should come in the
night train. Should closey veil herself
and should not speak to any one on
the train. That they would not stay in
Chicago, That Gimpert had written
to her that he intended to go to St. Louis
that he, for the present had hired but one
room - That Gimpert didn't wish
to stay in Chicago with her. he had
written so - She said she would visit
it once more and would go to him, but
if he didn't treat her better, she would
not remain with him any longer - She
said he had written her not to bring
on her clothes, he would buy everything
new. I don't know anything further.

I didn't ask her what money she had.
she did not show it to me - she put it
in her night bosom. It was at the

Last interview she said she had money
she made a remark about the money.
Sophia started on the third of March
I think it was Wednesday I have never
seen her since.

98 The witness was then Cross examined
by Counsel for the Prisoner and stated
(The letter before shown her being again exhib-
ited to her) I can't say with any certainty
if it is her letter from appearance she
wrote much finer & closer together. I can't
say with any certainty if it is her letter
I can't say if I believe that letter to be
the hand writing of Sophia. I never
I can't insist upon it. I believe it is not.

At this time W^m W. Comas one of the
Counsel for the Prisoner moved the Court
to strike out & exclude all the testimony
of this witness relating to conversations with
the deceased Sophia. Orner or purporting
to give the contents of letters which she
said Sophia had received from himself
the Prisoner or which she had written
to him which motion was not then dis-
posed of by the Court that Judge stating
that he would take the same under ad-
visement and dispose of it in the morning.
(Letter again shown to witness) I think this

letter has been twice shown to me
already in Milwaukee, once in Mr
Beck's Office & once in my house.

I know Mr Miller (one of the Comm.
for the People) it was shown to me in
his presence in Mr Beck's Office, it
was shown to me before that, the other
time in the summer, there was one Po-
liceman from Chicago there I think
Mr Keiser was present, I don't re-
member ever seeing it again,

99
Do remember seeing W Comas, think
it was two weeks since. Have seen the
Sheriff at same time with W Comas
letter was presented to me then,

Havent read much of it, It was
handed to me, but I did not look over
it carefully, had it a few minutes,
I havent read the whole of it only here
& there a word they asked me if it
was her hand & I said I would not
insist upon it, Cant now understand
W Comas when he speaks in English

Did you not say that the letter me
then showed to you, you believed to
be the hand writing of Sophia Stomas?

I did not say so. I did not say
so to the German Interpreter then.

I said to the Interpreter that the

inner (Meaning contents" C + D W) might
be hers, but as to the hand writing
I could not say with certainty, as to
my opinion then expressed, I could
not say as it was written in good deal
larger than she wrote, I did not give
my opinion then as to whether that was
the hand writing of Sophia Werner,
I could not understand German the
Interpreter spoke, I was asked the
question then as to whether it was the
handwriting of Mrs S Werner, I was
asked distinctly if I believed it was her
hand writing I said then could not
very certainly say it was her hand writing

100
I did not indicate to the Interpreter
to say it was the hand writing of Mrs
W, as to the hand writing I could not
tell, The contents, I am sure that
I never saw the letter you showed me
then, before or since, Mr Beck took
me from the Court House this noon

I have talked to nobody except my
boys since I saw the Sheriff & McComas
then, Have not seen Mr Hertsberg,
A Policeman came with me here,
Mr Kaufman, Jungsitz & Mrs Werner
while they lived in Milwaukee,

didn't hear anything about them
I have not seen them ^{often together} in the house there
only on Sunday when they were ~~at~~ taking
supper together. I did not read the
letter I stated she sent to Jumpsertz.
I did not see a word of it. I have
not read the letter from Jumpsertz to her
only what she said out of it. During
my talk with her about the letter from
Jumpsertz she told me a German was
going back to Germany & she had given
him four little gold dollars to take to
her sister, this was not said at the
same time deceased told me of the other
things but at another time. One letter she
got ~~from~~ of Jumpsertz she got after that
the four dollars were sent. Sophia told
me she had sent to Jumpsertz \$10 & she
was to send Germany to get some jewelry
that was there. The four gold dollars
went to her sister. Can't tell when the
four dollars were sent. I first heard
her say it when she was writing a
letter to her sister & had the dollars
lying by her. Can't say when. Might
be in February before she left. She said
she wanted to send her \$5 but she
could not at present send but \$4. That
her Mother was dead. In Germany

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She had pawned her Jewelry or her
likeness. Cant say if she pawned it
to her sister, she said that it was good
that her Mother was dead & that she
did not know that she was not living
with her husband & was together with
Jumpsertz she said if she wrote to her
sister that she was not living with
Jumpsertz very soon then her sister &
husband would come here & she would
live with them, In the talk with

102 Mrs Menner she gave me no information
about her life with her husband or the
sorrows of her married life, she seemed
anxious only to win back the good
opinion of her sister in Germany, of
her other friends she did not speak

I never heard anything about her making
up hand towels in Milwaukee.

Direct resumed

Withup shown trunks the large one
she recognized, The little one she
dont recognize, dont know what
was in it, know the brown dress
& a striped dress & a jacket is hers
havent seen all the things, a shirt have
seen, There some silk she remembered
a green one, She had sent \$10 to

Impertz before she went away
that was about a month before
She said if she had money together
she would send it over. That Impertz
had bought a lot in Milwaukee &
he wanted to pay it off all the time
said nothing further about the money
but was going to write to Impertz
to have him get her things from Europe
Cross Examined

103 Question - What did you mean by saying
the "inner" part of the letter was hers
but she couldn't say as to the hand
writing? As to the contents that were in
that letter, she had spoken to her once
about it before. The contents of the letter
were like what Sophia had said before
(Letter shown It says that prosecution has)
have seen it twice once at my house
and once at Mr Beck's, saw it no often
er, saw the letter that Mr Thomas showed
me only once, have never seen it
since

Direct resumed
As to the letter that Mr Thomas showed
me I said then that the contents of
that were like what Sophia had said
but I was not certain as to the writing.
I was asked if I could tell if it

was Sophia Werner's hand writing.
but the contents was hers. The letter
Mr Comas showed me was double,
The letter now shown me is double

It describes letter shown her by
Sheriff & Mr Comas as different in ap-
pearance from this one. I only read
some words of the letter Sheriff showed
me. I never looked with attention
at either letter.

104 This is not the letter Mr Mr Comas
showed me. I have said twice already
that the letter these gentlemen showed
me was on a whole sheet of paper, this
is not the letter. Mr Comas & Sheriff were
in my house in afternoon about a quarter
of an hour. The part read out of the
Mr Comas letter that sounded like the
talk of Sophia Werner was about her
sister. further I said nothing.

Eliza Raabe (D & P fuhle interpreter)

I live in Milwaukee know property
& know Sophia Werner, knew her when
they first lived in the house in Market
St. think it was in August in last
year. I mean in 1857. Last year
she came here, I lived then in the
same house. I lived in the upper

Story, they the lower part (Jimmiepert & Sophia Werner) in the beginning Sophia said he was her brother & after he came she said the child she gave birth to was his, at the time she was confined I was present & the said wife & no one else, Jimmiepert was at home at work in the Shop.

105- Question - Was the child born dead? (or how long did child live?) (objected to, sustained if to be followed by showing the death was caused by Jimmiepert) Did not see properly day child was born, It was born in the morning.

Question - How long did child live?

Ans. It was still born (answer objected to by Defendant as irrelevant to ^{the} issue, objection overruled & exception to Judges ruling by the defendant at the time).

Question - What was the appearance of the child at its birth?

(Objected to, objection sustained)

Sophia left Milwaukee for Chicago 3^d of March, Defendant left before Christmas, Cant tell the day, Immediately previous to her leaving for Chicago, I did not talk much with her, last time I saw her to talk was a month before she left, but nothing particularly,