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Record.

1863

1863

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Now, before the Honorable George Manierre Judge of the Seventh Judicial Circuit of the State of Illinois, and sole 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 twentieth Monday, (being the seventeenth day) of November in the year of our Lord One Thousand Eight Hundred and Sixty two and of the Independence of the said United States the eighty seventh,

Present, Honorable George Manierre Judge of the 7th Judicial Circuit }
of the State of Illinois. }

Joseph Knox States Attorney.

Anthony C. Meigs Sheriff of Cook County.

Attest, W. L. Church Clerk.

Be it Remembered that at the Term of said Court aforesaid, to wit: on the 21st day of November in the year aforesaid, the following proceedings, among others, were had and entered of Record in said Court to wit:

The Sheriff of Cook County, this day returned into Court the venire for a grand jury, issued by order of the 17th day of November inst. and made returnable this morning, duly served by summoning the following named persons, to wit: A. G. Throop, Edward Reinbolt, Henry Fuller, Charles Bryer, Robert Bishop, W. W. Taylor, Henry Batterman, B. Born, William Hansen, Robert A. Stevens, Charles Brand, Andrew Nelson

D. B. Stevens, E. Frankenthal, John D. Gould,
A. N. Miller, J. B. Briggs, W. N. Kreisinger, Charles
G. Wicker, J. W. Bushnell, J. M. Manly, Barney
Phillips and R. W. Everett; who, on being called
the following answered to their names and gave
their attendance, to wit: A. G. Throop, Edward
Reinbolt, Robert Bishop, W. M. Taylor, Henry
Batterman, William Hansen, Robert A. Stevens,
Charles Braud, Andrew Nelson, D. B. Stevens,
E. Frankenthal, John D. Gould, A. N. Miller, John
B. Briggs, William N. Kreisinger, Charles G. Wicker,
and R. W. Everett. whereupon on motion and for
cause shown, it is ordered that E. Frankenthal,
J. W. Bushnell and J. M. Manly be excused
from such grand jury for the present term
of this court, and thereupon the court
ordered the Sheriff to summon from the
bystanders, seven good and lawful men
of this county to serve as tales jurors,
which is done, to wit: George Anderson, J. W.
Fendry, J. M. Myers, William Schnokel,
Robert Moore, Spencer Jennings and Andrew
Eisenbacker on being called severally answered
to their names and gave in their attendance,
whereupon the court appointed A. G. Throop
foreman of said grand jury,
And the said grand jury, after being
duly sworn as a grand jury in and
for the body of the County of Cook

retired under the charge of a sworn officer of the Court to consider of their presentments,

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

The Grand Jury this day return into Court and make the following presentments, endorsed true bills,

The People of the State of Illinois

^{vs}
William Napps

Indict for Murder

And the said grand jury having no further business before it is now discharged for the term -

Which said indictment, with the endorsements thereon are in the words and figures following, to wit:

State of Illinois
County of Cook

Of the November Term
of the Circuit of Cook County, in said

State and County, in the year of our Lord one thousand eight hundred and sixty two.

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 present that William Hopps late of said County, on the thirtieth day of June in the year of our Lord one thousand eight hundred and sixty two in said County and State aforesaid, with force and arms in and upon one Martha Hopps, in the peace of said People then and there being, unlawfully feloniously willfully and of his malice aforethought did make an assault; and that the said William Hopps with a certain knife which he, the said William Hopps then and there had and held in his right hand in and upon the abdomen of her the said Martha Hopps then and ^{then} unlawfully feloniously willfully and of his malice aforethought did strike and thrust, giving to her the said Martha Hopps then and there with the knife aforesaid in and upon the abdomen of her the said Martha Hopps one mortal

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wound: of which said mortal wound
the said Martha Hoppes from the said
thirtieth day of June in the year afore-
said until the first day of July in the
year aforesaid at the County aforesaid,
did languish and languishingly did
live; on which said first day of July
in the year aforesaid the said Martha
Hoppes at the County aforesaid of the
mortal wound aforesaid died; and so
the grand jurors aforesaid upon their
oaths aforesaid do say that the said
William Hoppes her the said Martha
Hoppes, in manner and form aforesaid
unlawfully feloniously willfully and
of his malice aforesaid did kill
and murder contrary to the Statute,
and against the peace and dignity of the
same People of the State of Illinois,
Joseph Knox, State's Attorney

Endorsed,

Indictment for Murder. - A True Bill -
Amos G. Throop, Foreman of Grand Jury -
Witnesses. - Dr Francis Mergler, Mary Hoppes,
William Hoppes Jr, Peter Oblinger, John Sidelle,
P. C. Scheuck, Wm James, -

Filed Nov. 22. A.D. 1862. - Wm L. Church Clerk

And afterwards, to wit: on the 21st day of November in the year last aforesaid, and of the term of said Court aforesaid, the following, among other proceedings, were had and entered of record therein to wit:

The People of the State of Illinois

591.

vs.

Indictment for Murder

William Hopper.

This day come the said People vs. by Joseph Knox Ely States Attorney, and the said Defendant, as well in his own proper person as by E. W. McComas Ely of Counsel, also comes and moves the Court to quash said Indictment, and Counsel having been heard as well in support of said motion as in opposition thereto, and the Court being now fully advised in the premises doth order that said motion be and the same hereby is overruled. And now the said Defendant having been furnished with a copy of the said Indictment, a list of the names of the Jurors and witnesses, and being now duly arraigned and forthwith demanded of and concerning the crime alleged against him in said Indictment, how he will acquit himself thereof, for a plea in that behalf. Defendant says that he is not guilty in manner and form as charged

H/

therein and of this he puts himself upon
the Country, and the said People &c, do the
like, whereupon the said Defendant is re-
manded by the Court into the custody of the
Sailor,

And afterwards, to wit: on the 18th day of
December in the year last aforesaid, and
at the same term of said Court last
aforesaid, the following further proceedings
in said cause, among others in said Court,
were had and entered of record therein,
to wit:

The People of the State of Illinois

591

vs

Indictment for Murder,

William Nopps

This day again come
as well the said People &c by Joseph Knox Eyr
as the said Defendant in his own proper person
and by E. M. McComas and Nirt Dexter his
attorneys, and the said parties being now ready
to proceed to the trial of said cause upon the
issues joined therein, 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:

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Thomas Shergold, John Gay, Robert Scott, Eli Whitney, B. B. Beale, Arnold Beelow, Joseph Meeker, Reuben Taylor, W. R. Downs, J. C. Williams, John P. Rice, and Alexander H. Meald, who being 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 after hearing a part of the evidence in said cause, the hour of adjournment having arrived, it is ordered by the Court that the Sheriff of Cook County, or some other officer of this Court, duly authorized by law, take charge of said jury and keep them together in some convenient place to be by him provided, and return them to the bar of this Court at nine o'clock to morrow morning, to which time said cause is now adjourned; and the said Defendant is remanded by the Court into the custody of the Jailor,

And afterwards, to wit: on the 19th day of December in the year last aforesaid, and at the same term of said Court of last aforesaid, the following further proceedings were had in said cause and entered of record in said Court to wit:

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The People of the State of Illinois

591.

vs

Indictment for Murder

William Happs.

This day again come as well the said People &c. by their attorney aforesaid, as the said Defendant in his own proper person and by his aforesaid attorney, and the Jury aforesaid having been returned to the bar of this Court having them in charge, and having severally answered to their names, and having heard further evidence in said cause, the same not being closed, and the hour of adjournment having arrived, it is ordered that said Jury be kept together in some convenient place and returned to the bar of this Court at nine O'clock tomorrow morning, to which time said cause is now adjourned: and the said Defendant is remanded by the Court into the custody of the Jailor,

And afterwards, to wit: on the 20th day of December, in the year last aforesaid, and of the term of said Court last aforesaid, the following further proceedings were had and entered of in said Court in said cause, to wit:

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The People of the State of Illinois

591.

(12)

Indictment for Murder.

William Happs,

This day again come as well the said People &c. by their attorney aforesaid, as the said Defendant in his own proper person and by his aforesaid attorney, and the Jury aforesaid having been returned to the bar of this Court by the officer having them in charge, and having severally answered to their names, and heard further evidence in said cause, the same not being closed, and the hour of adjournment having arrived, it is ordered that said Jury be kept together in some convenient place and returned to the bar of this Court at nine O'clock on Monday morning next, to which time said cause is now adjourned, and the said Defendant is remanded by the Court into the custody of the Jailor.

And afterwards, to wit: on the 22nd day of December in the year last aforesaid, and at the term of said Court last aforesaid, the following, among other proceedings in said Court were had, and entered of record in said cause, to wit:

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The People of the State of Illinois

591

(12)

Indictment for Murder.

William Mapps

This day again came the said as well the said People &c. by their Attorney aforesaid, as the said Defendant in his own proper person and by his aforesaid Attorneys, and the Jury aforesaid having been returned to the bar of this Court by the Officer having them in charge, and having severally answered to their names, and heard further evidence in in said cause, the same not being closed and the hour of adjournment having arrived, it is Ordered that said Jury be kept together in some convenient place and returned to the bar of this Court at nine o'clock tomorrow morning, to which time said cause is now adjourned; and the said Defendant is remanded into the custody of the Jailor;

And afterwards, to wit: on the 23^d day of December in the year last aforesaid, and of the term of said Court aforesaid, the following proceedings, among others in said Court, were had and entered of record in said cause, to wit:

(over)

The People of the State of Illinois

591.

(w)

Indictment for Murder)

William Happs.

This day again come as well the said People by their Attorney, as the said Defendant in his own proper person and by his aforesaid Attorney, and the Jury aforesaid having been returned to the bar of this Court by the Officer having them in charge, and having severally answered to their names and heard further evidence in said cause, the same not being closed and the hour of adjournment having arrived, it is Ordered that said Jury be kept together in some convenient place and returned to the bar of this Court at nine o'clock tomorrow morning to which time said cause is now adjourned, and the said Defendant is remanded into the custody of the Jailor.

And afterwards, to wit: on the 24th day of December in the year last aforesaid, and at the term of said Court aforesaid, the following proceedings, among others in said Court, were had and entered of record in said Cause, to wit:

7)
The People of the State of Illinois

591.

vs

Indictment for Murder.

William Hoppes

This day again come as well the said People &c. by their Attorney aforesaid, as the said Defendant in his own proper person and by his aforesaid attorneys, and the Jury aforesaid having been returned to the bar of this Court by the Officer having them in charge, and having severally answered to their names and heard further testimony in said cause, the same not being closed and the hour of adjournment having arrived it is Ordered that the said Jury be kept together in some convenient place and returned to the bar of this Court at nine O'clock tomorrow morning, to which time said cause is now adjourned. And the said Defendant is remanded to the custody of the Jailor.

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

The People of the State of Illinois

vs

Indictment for Murder

William Hoppes.

This day again come as

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well the said People &c. by their ~~said~~ attorneys
aforesaid, as the said Defendant in his own
proper person and by his aforesaid attorneys,
and the Jury aforesaid having been returned to
the bar of this Court by the Officer having
them in charge, and having severally answered
to their names and heard further evidence
in said cause, the same not being closed and the
hour of adjournment having arrived, it is ordet-
ed that said Jury be kept together in some con-
venient place and returned to the bar of this Court
at nine o'clock tomorrow morning, to which
time said cause is adjourned, and the said Defen-
dant is remanded by the Court into the Custody of
the Jailor.

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

The People of the State of Illinois

591.

vs

Indictment for Murder

William Hopp

This day again came
~~the~~ as well the said People &c. by their ~~said~~
attorney aforesaid, as the said Defendant

in his own proper person and by his aforesaid attorney, and the Jury aforesaid having been returned to the bar of this Court by the Officers having them in charge, and having severally answered to their names and heard further testimony in said cause, the same not being closed, and the hour of adjournment having arrived, it is Ordered that said Jury be kept together in some convenient place and returned to the bar of this Court at nine o'clock tomorrow morning at nine o'clock to which hour said cause is adjourned. And the said Defendant is remanded by the Court into the custody of the Jailor,

And afterwards, to wit: on the 27th day of December in the year last aforesaid, and at the term of said Court aforesaid, the following further proceedings were had and entered of record in said Cause in said Court. to wit:

The People of the State of Illinois
 591 @ Indictment for Murder
 William Hopps.

This day again come as well the said People &c by their Attorney aforesaid as the said Defendant in his own proper person and by his aforesaid attorney, and the Jury aforesaid

having been returned into Court by the Officer having them in charge, and having severally answered to their names and heard further evidence in said cause, the same not being closed and the hour of adjournment having arrived, it is Ordered that said Jury be kept together in some convenient place, and returned to the bar of this Court at nine o'clock on Monday morning next, to which time said Cause is now adjourned, and the said Defendant is remanded by the Court into the custody of the Jailor

And afterward, to wit: on the 29th day of December in the year last aforesaid, and at the term of said Court aforesaid, the following further proceedings in said Cause were had and entered of record in said Court, to wit:

The People of the State of Illinois

591.

(vs)

Indictment for Murder

William Napps,

This day again comes as well the said People vs. by their Attorney aforesaid as the said Defendant in his own proper person and by his aforesaid Attorneys and the Jury aforesaid having been returned to the bar of this Court by the Officer having them in charge and having severally answered

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to their names and heard further evidence
in said cause, and the same not being closed,
and the hour of adjournment having arrived
it is Ordered that the Jury be kept together
in some convenient place and returned to
the bar of this Court at nine o'clock tomorrow
morning, to which time said Cause is adjourned,
And the said Defendant is remanded to the
custody of the Jailor.

And afterwards, to wit: on the 30th day of
December in the year last aforesaid and of
the term of said Court aforesaid, the following
further proceedings in said Cause were
had and entered of record in said Court
to wit:

The People of the State of Illinois

591.

vs

Indictment for Murder

William Hopp.

This day again come
the said People &c. by their attorney aforesaid,
as the said Defendant in his own proper per-
son and by his aforesaid Attorneys, and the
Jury aforesaid having been returned to the
bar of this Court by the Officer having them
in charge and having severally answered to
their names, and heard further evidence

The hour of adjournment having arrived, it is ordered that said Jury be kept together, in some convenient place and returned to the bar of this Court at nine o'clock tomorrow morning, to which time said cause is adjourned. And the said Defendant is remanded by the Court to the custody of the Jailor

And afterwards, to wit: on the 31st day of December in the year last aforesaid, and of the same term of said Court aforesaid, the following further proceedings were had and entered of record in said cause in the Court aforesaid, to wit:

The People of the State of Illinois

591.

vs

Indictment for Murder

William Hoppes.

This day, come again, ^{in open} the said People &c. by their Attorney aforesaid, and ^{as} the said Defendant ~~was~~ in his own proper person and by his aforesaid Attorney, and the Jury aforesaid having been returned to the bar of this Court by the Officer having them in charge, and having severally answered to their names, and heard all the evidence and arguments of Counsel in said cause, and instructions from the Court, retire to their rooms under the

Charge of a sworn officer of the Court to consider of their verdict, and afterwards return to the bar of this Court in like charge, and having having agreed upon a verdict, say: "We the Jury find the Defendant guilty as charged in the Indictment," Whereupon on motion, it is Ordered that the Jury be polled, 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 verdict be accepted and entered of record, and that the Jury aforesaid be discharged, Whereupon the said Defendant is remanded by the Court into the custody of the Jailor,

And afterwards, to wit: on the 3^d day of January AD 1863, and of the same term of said Court last aforesaid the following further proceedings were had and entered of record in the Court aforesaid in said cause, to wit:

The People of the State of Illinois

591.

@

Indictment for Murder

William Hopp.

This day again come as well the said People &c. by their aforesaid

as the said Defendant in his own proper person
and by his Attorney aforesaid, and the said
Defendant by his said Attorney now here
moves the Court for a new trial of said cause,
whereupon, on motion of said States Attorney,
no objection being made thereto it is Ordered
that said motion stand continued to the
fourth day of the next ensuing January term
of this Court, by which time the said Defendant
is ruled to file in writing his points together
with affidavits &c. if any are to be offered
in support of such motion, for a new trial,
And thereupon said Defendant is remanded
by the Court into the custody of the Jailor,

And afterwards, to wit: on the 8th day of Jan-
uary in the year last aforesaid, and at the
January term of said Court, the following further
proceedings, among others in said Court, were
had and entered of record therein, to wit:

The People of the State of Illinois

591. @ Indictment for Murder,
William Hopps,

This day again come ^{as well} the
said People &c. by their Attorney aforesaid, as
the said Defendant in his own proper person
and by his aforesaid Attorneys, and by the

consent of said parties, and on motion, it is ordered that the hearing of said Defendant's motion for a new trial of said cause, be, and the same hereby is continued until the coming in of the Court at 2 o'clock P.M. tomorrow, with leave to the said People to file counter affidavits, and also to the said Defendant to file additional affidavits by said time, whereupon the said Defendant is remanded by the Court into the custody of the Jailor,

And afterwards, to wit: on the 9th day of January in the year last aforesaid, and of the same term of said Court last aforesaid, the following further proceedings were had and entered of record in said Court in said cause, to wit:

The People of the State of Illinois
 vs. ^(No) William Hoppes
 Indictment for Murder

This day again come as well the said People &c. by their aforesaid attorney, as the said Defendant in his own proper person and by his attorneys aforesaid, and on motion of said States Attorney, no objection being made thereto, it is Ordered that the hearing of said Defendant's motion for a new

trial of said cause be and the same is hereby again continued until the coming in of the Court at 9 o'clock tomorrow morning, with leave to the said People to file additional counter affidavits by said time, whereupon the said Defendant is remanded by the Court into the custody of the Jailor.

And afterwards, to wit: on the 10th day of January in the year last aforesaid, and of the term of said Court last aforesaid, the following further proceedings among others in said Court, were had and entered of record cause, to wit:

The People of the State of Illinois
591. @ Indictment for Murder,
 William Wapps.

This day again come as well the said People &c. by their attorney aforesaid, as the said Defendant in his own proper person and by his attorney aforesaid, and the Court having now heard the arguments of Counsel as well in support of the Defendants motion heretofore made for a new trial of said cause as in opposition thereto, and not being sufficiently advised in the premises takes said motion under advisement, and

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remands the said Defendant into the custody
of the Jailor,

And afterwards, to wit: on the 31st day of
January in the year last aforesaid, and
at the term of said Court last aforesaid,
the following further proceedings were
had and entered of record in said Court
in said cause, to wit:

The People of the State of Illinois
591. @ Indictment for Murder.
William Hoppis.

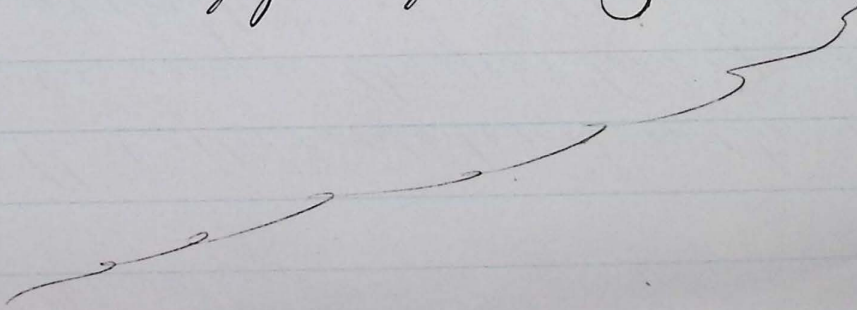
This day again come as
well the said People vs. by their said Attorney,
as the said Defendant in his own proper person,
and by his aforesaid Attorney, and the Court
having had the said Defendant's motion for a
new trial of said cause under advisement, and the
same having been carefully considered, and the
premises being now fully understood, doth order
that said motion be, and the same hereby overruled,
to which ruling of the Court, in overruling
said motion for a new trial, the Defendant by his
Counsel now here excepts, and on his motion
twenty days are allowed the Defendant in which
to file his Bill of exceptions in said cause,
And the said Defendant saying nothing further

why the Judgment of this 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, William Hopps, be taken from the bar of this Court to the Common Jail of Cook County, from whence he came, and confined therein in a safe and secure custody until the twentieth day of March (1863) and that he be then and there, on the said twentieth day of March between the hours of nine O'clock A.M. and five O'clock P.M. hanged by the neck until he is dead, and that a warrant issue therefor,

And it is further Ordered by the Court that the said People do have and recover of the said Defendant their costs and charges in that behalf expended, and that execution issue therefor,

And afterwards, to wit: on the 19th day of February AD 1863. the said Defendant by his said Attorney filed in the Court aforesaid in said cause his certain Bill of exceptions in the words & figures following to wit:



Cook County Circuit Court

The People of the State of Illinois

^{vs}
William Hopps

Be it remembered that
this cause came on to be tried before the Hon George
Manierre Circuit Judge and a jury at the November
Term AD 1862 of said Court.

And the People to sustain the prosecution on their part
called as a witness

William James, called and examined

By Mr Knot

Int - William James, is that your name

Ans - Yes sir.

Int - Were you Coroner of this County in June and
July last. Ans - Yes sir.

Int - Do you know the Defendant in this case.

Ans - I have seen him before

Int - William Hopps

Ans - Yes sir William Hopps I believe that is his name

Int - Did you know his wife.

Ans - I did not

Int - Were you called in your official capacity to
see the body of the person about the last of June or
first of July last, If so state who it was, when
it was, and how you found it.

Ans - I was called in my capacity of Coroner on the

first day of July last to hold an inquest on the body of a woman said to be that of Martha Hopps in the Town of Wheeling in this County.

Int. Martha Hopps was the name?

Ans - I think that was the name.

Int. Wheeling is in this County is it?

Ans. Yes Sir

Int. What did you do?

Ans - I went there and found a dead body said to be that of ^{Mrs} Martha Hopps in a bed room, I empanelled a jury and held an inquest on the body and returned the verdict rendered with the evidence there given to the Clerk of the Circuit Court as required by law.

Int. Did you find any marks of violence on the deceased, and if so what?

Ans - I took the County Physician with me.

Int. Who was he?

Ans - Doct Gore, He made a post-mortem examination and his evidence was before the jury.

Int - Did you find any wounds on the body?

Ans - Yes one on the abdomen, I believe a little below the ribs, I will not be positive however.

Int. Did you see any instrument with which you supposed the wound to have been made?

Ans. Yes sir, A knife was handed to me with which the wound was said to have been inflicted.

(Witness here produced a Knife)

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Int- Is that the knife per with which the wound was said to have been made

Ans- That is the knife

Int- Did you examine the wound and ascertain its depth

Ans- The Doctor did.

Int- What was the depth of the wound.

Ans- I dont remember

Int- Doctor Gow, the old County Physician is now in the army is he not.

Ans- Yes sir.

Int- From whom did you receive the knife.

Ans- I dont remember, The knife was identified at the time.

Int- That is the same knife.

Ans- Yes, this is the same knife I have kept it ever since.

Int- You did not examine enough to ascertain whether the wound was mortal or not.

Ans- No sir.

Int- Was there another Physician there and if so what was his name

Ans- I did not have any other there. There might have been one there

Int- Do you know Doct Mezger -

Ans- There was a Doctor Mezger there I believe and I remember now of seeing Doct Mezger there

Int- You stated that was in this County

Ans. Yes sir

Int. Where the Defendants house was

Ans. It was at the house said to be the Defendants where the body was found when I saw it

Cross Examined

Mr Dexter (Produces Minutes of the Coroners inquest)

Int - Are these the minutes you returned into Court
(Witness examines minutes)

Ans. Yes sir

Int - Did the Persons whose names are subscribed thereto make oaths of their respective statements.

Ans - Yes sir.

Mary Hopps called and examined

By Mr Knot

Int - Is Mary Hopps your name.

Ans - Yes sir

Int - Is the defendant your father

Ans - Yes sir

Int - What was your Mothers name

Ans - Martha Hopps

Int - Was she the wife of this Defendant

Ans - Yes sir

Int - This indictment charges the Defendant with having killed your mother, you can state to the jury the circumstances, when it was, how it was and where it was.

Ans - It was on the last day of June in the Town of Wheeling in Cook County. He came home from mill, he got home about seven o'clock in the Evening, he had been drinking some, he called names and scolded my mother some as he always did when he had been drinking.

Int - State whether he had been drinking before he went away from home.

Ans - I heard him go into the buttry once before breakfast and once after. He kept his liquor there, it was whiskey.

Int - He commenced this abuse after his return.

Ans - Yes sir.

Int - I ask you if from his breath or other cause you knew he had been drinking.

Ans - Yes sir I could smell his breath very plainly.

Int - May this be unpleasant to us all but you will have to tell all.

Ans - He began to swear at her and called her all kinds of names. He called her a God damn bitch and God damn whore and so on.

Int - State what she was doing.

Ans - She was washing, she kept on washing. He spoke of not eating anything since morning, she said if he wanted some pepped my sister Martha Younger than I am would set him down some, and she set him down some but he would not eat anything.

Int- Well after getting him supper
Ans- He said he would not eat anything and he kept on talking as he had done before. In a few minutes she went to empty the water out of the wash tub and he undertook to prevent her

Int- Up to that time had your mother said a word to provoke him.

Ans- No, nothing at all

Int- Well proceed.

Ans- I could hear what was said, I could see them. I was out hanging up clothes in the yard and he kept on talking and then he grabbed and got hold of her throat and she got hold of his throat I went and tried to get him away. He let go in a minute and he commenced talking to me the same as he did to her, I told him he need not talk to me so, I could see deeper than he thought I could, what I said seemed to strike him and he went into the house. He straightened right up and walked into the house, He came out in a minute and came up to mother and said Martha I am sorry. She said I dont want any to hear any of your stories. He had a way of pretending to be sorry and right afterwards in a minute or two talking and going on as before.

Int- Proceed

Ans- And when she told him that he got angrier than before and she left him and went

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into the house and he went in after her. He went towards the dining room, going near to the dining room door and then directly turned round and came right back up to her and stabbed her.

Int - Where was she standing.

Ans - Right before the kitchen stove in the kitchen.

Int - Look at that knife and see if you have seen it before.

Ans - That is the one, the one with which he stabbed her.

Int - What did she do then.

Ans - She called out doors out towards the yard where the men were working. Pet and Joe to come quick.

Int - Were the men employed on the farm.

Ans - Pet was and Joe was a man that stopped there making cheese and doing some other things but both were at work then.

Int - This was after she was stabbed.

Ans - Yes sir.

Int - What did she say then.

Ans - There was two men came but I don't think they were either Pet or Joe. She told them that Pa had stabbed her and her inward was all out.

Int - What did she say to you.

Ans - I kept persaming - He has killed my mother. She said never mind Mary I will go to Heaven. We both came along into the house and just as we

90- there Mr Liddle came up she laid on the bed and she told me to raise the windows that she felt faint. He asked what was the matter and my mother told him. He asked if we had sent for a doctor, she said no it was too late, He said there must be one sent for, we sent for Doct. Mesgler
Qnt - Mrs Riddle came

Ans - Yes sir

Qnt - It was at your house in this County.

Ans - Yes sir

Qnt - Was you there at the time the Coroners inquest was held

Ans - Yes sir

Qnt - Was the body there at the time the Coroners inquest was held

Ans - Yes sir

Qnt - When did she die

Ans - The next morning about six O'clock the first of July

Qnt - Coroner James was there and the jury of inquest.

Ans - Yes sir.

Qnt - Did you ever hear your father threaten your Mothers life before

Ans - Yes I have heard him before say that he would kill the God dam bitch, blow her brains out rip her open or such

Qnt - How shortly before this did you hear him make

such threats

Ans - On Tuesday before.

Int - He had then threatened her before to rip her open, blow her brains her out &c

Ans - Yes sir.

Cross examined

By Mr McComas.

Int - Were you examined before ^{at} the Coroner's inquest

Ans - Yes sir.

Int - How far were you from the house.

Ans - In the house.

Int - You mean in the yard.

Ans - ~~In the yard~~ No sir. In the kitchen

Int - Did he commence abusing her before she left the kitchen

Ans - Yes sir.

Int - Did he commence his abuse soon after coming home.

Ans - Yes. He commenced in two or three minutes after he came home.

Int - How did he come home.

Ans - He came in a wagon

Int - What did he do with the wagon.

Ans - I don't know

Int - His first commencement was about her being unfaithful to him. That was the burden was it not.

Ans - Yes sir.

Int - What was he charging your mother with.

Ans - He called her a God damn ^{mother} whom said told ~~her~~ about her being intimate with mean characters.

Int - Did he name any persons.

Ans - No sir.

Int - But called them a low character of people.

Ans - Yes sir.

Int - Did your mother make any reply.

Ans - No sir and kept on at her work.

Int - Did he take hold of the bucket to take it away before you went to hang out the clothes.

Ans - It was not a bucket - I said, washtub.

Int - Was she talking loud as well as him.

Ans - No sir.

Int - What did he talk back to your mother about if she did not reply to him.

Ans - I said she kept on washing and he was angry because she did not stop to listen to him.

Int - Was it after he took hold of the washtub that you took hold of him.

Ans - Yes sir.

Int - Did he make any reply to you.

Ans - No sir he made no reply.

Int - He did not say anything until afterwards when he ^{accused} called to her.

Ans - No sir.

Int - Calling her all kinds of names.

Ans - Yes sir.

Int - How long was he gone before your mother

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went towards the house.

Ans - She stayed by the house. He goes about a rod from the house at the time he went out

Int. She did not go out before he came in and he said I am sorry, she said I don't want to hear any of your pitiful stories

Ans - If she said anything back he would pretend to be sorry and if she did not say anything to the contrary he would commence swearing at her same as before

Int. - She did told him she did not want to hear any of his stories and that excited him again. Did he say she was a whore again.

Ans - Yes sir - He followed her into the house in a few minutes and stabbed her

Int - Where did you see her next

Ans - I saw her next in the kitchen

Int - How long after.

Ans - Two or three minutes.

Int - What was he doing.

Ans - Setting in the rocking chair near the dining room door.

Int - In what position was he rocking himself or sitting still

Ans - He was sitting still.

Int - Did he look up at you.

Ans - Yes sir

Int - Did he say anything to you

Ans. No. I said O Pa, O Pa, He never said anything in reply - I left the room then.

Int. - When did you see him again.

Ans. - I saw him next morning lying on the lounge in the dining room

Int. - Was he asleep

Ans. - No

Int. - Was your mother dead then

Ans. - No. It was when she was dying, one of the men called me in and I saw him as I passed through the rooms on going to the bed room

Int. - Did he say anything to you as you passed through the room.

Ans. - Nothing.

Int. - Was he doing anything.

Ans. - No

Int. - Did he look at you

Ans. - I don't know. I think he did

Int. - When did you see him next

Ans. - When he was going away, just before they took him off.

Int. - You did not see him when at any time look at the corpse

Ans. - He came into the room when she was dying

Int. - Who was there.

Ans. - Mr Little, my sister, my brother & Mrs Luce

Int. - Did he say anything

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Ans- He came up patted me on the shoulder

Int- How long was he there.

Ans- I think he was there a minute and a half

Int- Do you know how he came to go in.

Ans- No I do not. He patted me on the shoulder
I think he said never mind. I dont remember
anything else he said.

Int- How old are you.

Ans- I was eighteen the seventeenth of last March

Int- Your father is an Englishman

Ans- Yes sir

Int- Has he been living at that place in
Wheeling ever since you was born.

Ans- Yes sir.

Int- How long has it been since your father
took up this jealousy against your mother.

Mr Knot

That enquiry is not very definite
Government.

Men McComas

Tell how long have you seen
this seeming jealousy - How long is it since you
first knew of your father and mother having these
quarrels you have spoken of

Ans. I think it is as much as ten years.

Int- You cannot speak with positiveness

Ans- No sir

Int- How often would these quarrels take place on

The part of your father

Ans - He would talk so every time he drank

Int - Do you mean to say he never talked so when he did not drink.

Ans - No Sir I never saw him talk so except when he had been drinking.

Int - Did he drink every day.

Ans. Yes sir - except before she left him - he at one time signed the pledge and did not drink for some time

Int - How long did that last.

Ans - I dont know - I think it was some eight years ago. he signed the pledge and did not drink for some time

Int - Do you mean to say that your father never had these quarrels except when he had been drinking so as to make it perceptible

Ans - No Sir

Int - How often did he have these quarrels

Ans - I dont know how often.

Int - Well as near as you can remember

Ans - He did not have them so often four or five years ago as for four or five years back

Int - Well for four or five years back how often would that occur.

Ans - Sometimes for as much as a week he would not be cross much, and then again he would be two or three times a week

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Int - Would there not as many as two weeks pass and he would not have quarrelled.

Ans - I dont know but there might have been two weeks sometimes, but not often.

Int - How would he commence.

Ans - He would commence calling her the names I have mentioned

Int - Her unchaste conduct and so forth

Ans - Yes sir.

Int - At what time of day or night would these be most frequent.

Ans - More by night.

Int - Are you sure of that.

Ans - He was generally more so at night

Int - How long would he keep it up at night

Ans - Sometimes until ten and sometimes half past eleven o'clock

Int - Have you ever known him to keep it up later than that.

Ans - He would most always go to bed but I would hear him talking, some nights he would keep it up nearly all night.

Int - Did not you know sometimes that he would keep it up nearly all night.

Ans - I have heard Mother say that he would do so.

Int - Have you not known of his keeping it

up next day

Ans - No - generally he would sleep the next day

Int - I want to know if sometimes he did not keep it up ^{as long as} two or three days at a time

Ans - No he has scolded at night and then again the next night and sometimes three or four nights in succession.

Int - Do you mean to say he has not kept it up nights and days one succeeding the other.

Ans - No he never did

Int - Would he stay in his room after going to bed at night

Ans - Sometimes he would get up and drink, sometimes I would hear him get up three or four times

Int - How did you know of his drinking

Ans - I would hear him go into the battery I did not know of his going there for anything else

Int - How old was your mother when she died

Ans - She was forty two.

Int - How many children had she.

Ans - She had had thirteen, ten living

Int - At the time of her death

Ans - Yes sir.

Int - Would your father get so intoxicated as to stagger in his motions.

Ans - Yes sir, so that he could scarcely walk

Int - How often would that occur

Ans - For two or three years back it has been often

Qnt - That does not answer my question, About how often did this occur, Suppose we go back some four or five years. How often would he be drunk so that it would be manifest to anybody

Ans - Three or four years ago he would be so three or four times during the winter - He did not drink as much in the Summer as in winter

Qnt - How often in the Summer would he get drunk

Ans - Six or eight - sometimes - He was so three or four times this last summer

Qnt - Was that so that it would be perceptible to anybody.

Ans - Yes Sir it was

Qnt - Say four or five years ago how often would your father get drunk in the Summer.

Ans - I don't know, he would drink some and yet not be drunk.

Qnt - I want to know how often he would get drunk so as to be perceptible

Ans - Three or four times during a summer

Qnt - You are positive of that

Ans - It would be so three years ago, I don't know as he would four or five years ago

Qnt - Take it in the winter, did he so often than in the summer

Ans - Yes Sir.

Qnt - How often would you see him in that state

during in the winter

Ans - I should think six or eight times

Int - What do you mean by his being under the influence of liquor

Ans - He was so that any one would know that he had been drinking

Int - Did you ever see him drunk in that way at home and from drinking his liquor get in that condition

Ans - No but I have seen him so that when he had been away and had been drinking after coming home he would more and more get so

Int - Did his drinking increase about ten years ago

Ans - I cant remember

Int - Was it of late years been steadily increasing

Ans - Yes Sir

Int - Did your father ever say who he was jealous of

Ans - Yes Sir

Int - Who

Ans - Joseph Filkins, Edward Cassell and Peter Schenck

Int - What were the habits of your mother about leaving home - Was she a person who went about much

Ans - No Sir. she would go and see the neighbours once in a while

Int - How often would this be

Ans - Sometimes at some neighbours, not once a year

Int - Was she what would be called a stay at home body

Ans - Yes Sir.

Int - Would she go out to the neighbours as often as once a month

Ans - Oh no she would go over to Mrs Lucas perhaps as often as twice a year, but to the other neighbours not ~~as often~~ often than once a year

Int - Was she a hard working woman.

Ans - Yes sir.

Int - How often did your mother leave your father

Ans - I believe four times

Int - Why did she leave him

Ans - For treating her so that she could not live with him

Int - Did it arise sometimes so that he would beat her and pull her out of bed

Ans - Yes. I think he pulled her out of bed once

Int - How often did he beat her

Ans - I have seen him beat her a good many times.

Int - What would he say

Ans - He would say ~~What~~ ^{What} I have said

Int - Describe what you have heard of that

Ans - Sometimes he would pretend he was sorry He had not for a good while until that night

Int - How long would he stay sorry -

Ans - Sometimes ~~he would~~ not for two or three minutes he would turn right to abusing her again.

Int - Did you ever hear him try to persuade her to reform her conduct.

Ans - I think I did some time ago but not for

a long time

Int. What did he say

Ans. He said he had tried to reform her

Int. Would he when he used to talk to her tell her to be good and.

Question objected to on account of its being a leading question

Objected to sustained

Int. When your mother left home and would leave your father where did she go to.

Ans. - To her father at New Fair Ground

Int. How did she come to come back

Ans. - He would go after her and make all kinds of promises, that he would not abuse her and so on

Int. How long after she left home before he would go after her.

Ans. - The first time I think two or three days, I don't remember it was somewhere within three days at most.

Int. Tell them since that time

Ans. - I can't remember it would be only a few days

Int. How long would your father be gone when he went for her

Ans. - There was one time he was gone four or five days, the last time he went after her three or four times before she would come. I think it was three times

Int. How long after she came back before he would

commence his abuse.

Ans - Mr + Mrs Winchell brought her back the last time

Int - Who sent them for her.

Ans - She sent in Chicago she sent the five masons to see to him

Int - At whose instance did these parties go

Ans - Mrs Winchell was Master of the lodge at

Int - How long ago has that been

Ans - I think five or six years ago

Int - Where did Mr Winchell live

Ans - In West Northfield

Int - At whose instance did he go. Did your mother send for him

Ans - No sir

Int - Was your father a kind and indulgent father to his children

Ans - He was generally kind

Int - How often was he unkind

Ans - Hardly ever

Int - How was he with the younger ones

Ans - He was always kind to them

Int - Was he affectionate towards his children

Ans - Yes sir.

Int - Was he not a good provider for the wants of the family

Ans - He was and got everything wanted for the house but for the last two or three years he

would sometimes scold, he did not want to get so much sugar or something of that kind

Int- Did he show a disposition for any other female company besides your mother

Ans- No sir he was nothing more than usually sociable

Int- Did you ever hear anything against him in particular or know anything against him in that way or in any form

Ans- There was something when he lived East.

Int- That was before you were born

Ans- Yes sir.

Int- That we don't want to know. Was there anything since his marriage to your mother

Ans- No sir not that I know of

Int- What was the character of your mother in her manners towards men - Was it such as to ^{excite} ~~create~~ _{any} remarks - not one word

Ans- Yes sir

Int- Did she ever go about with gentlemen riding or walking, or dress up when she knew they were coming to the house

Ans- No not at all

Int- Your house is on the Prairie

Ans- Yes sir.

Int- No barn near it

Ans- No

Int- The other children at home.

Ans. - Yes Sir.

Int- Did you have servants about

Ans - Yes Sir

Int- What was that mans name who you said was making cheese there

Ans - Joseph Spunkhys

Int- You mentioned that when your father came home that night had you gone inside the house at any time after you left the kitchen before the time of his stabbing your mother.

Ans - No

Int- Had your father drank anything after his return and previous to stabbing your mother on the night of the 30th of June?

Ans - I was in the kitchen and heard him go into the buttery where he kept his liquor

Int - where is that buttery

Ans - Right north of the dining room.

Int - Do you enter it from the dining room

Ans - Yes Sir

Int - You knew nothing of his drinking after he came home unless he drank there

Ans - No

Int - How did you know he had been drinking when he came home

Ans - I could smell his breath.

Int - Was you close to him

Ans - I was near him when he came in

Int You stated that he was kind and affectionate

to his children was he kind to the men and servants.

Ans - Yes - sometimes he would scold them.

Int - What time did he ever get angry at any of his children

Ans - Some three or four years ago he swore at me some. I had one of the children with a tick shawl wrapped around it - He wanted to know why I put it on. I said I was afraid it would take cold - He said I had no business to do so and swore at me.

Int - Was that all he said to you

Ans - He called me a God damn bitch

Int - Did he get suddenly into a fit of anger

Ans - No - not very slow or very quick, about ten minutes then he was mad because I said that to him.

Int - What did you say then.

Ans - I cannot remember - I commenced crying and mother said something to him and then he said to me he was sorry and that he did not remember anything about it -

Int - What other instances

Ans - I can remember his whipping my oldest sister when she was small, he whipped her with a horse whip

Int - What else

Ans - That is all I can remember

Int - How old was she

Ans - I dont know - I dont think it was over four or five years ago and I guess she was about nine years old

Int - You stated before the Coroner inquest that your father was always kind to his children

Ans - Yes Sir I did

Int - Was there nothing in the battery that your father would want to use besides liquor, Wasnt there a hammer or nails or something of that kind for which he might go

Ans - No

Int - Was your father a hard working man.

Ans - Sometimes he would work real hard, but in the winter not so hard.

Int - In the summer would he work right straight along same as a laboring man.

Ans - Yes - but sometimes he would come in and lay down on the lounge.

Int - But he made a regular thing of going out and working regularly in the summer, same as other men hands on a farm

Ans - Yes Sir

By the Judge

Int - You say that while your mother was dying, your father came into the room, where were you

Ans - I was in the room

Int - Where did your father go

Ans - He went up to the bed side and looked at her

Int - What did he do.

Ans - He came up to me and patted me on the shoulder

Re Examined

Sy Mr Knox

Int - You stated that your father swore at you and called you a God dam bitch and all such names - He did not call you the other names you mentioned which he called your mother

Ans - No sir - he called other names but I cant remember what names.

Int - You say that your father and mother separated some few times

Ans - Yes sir.

Int - And he would promise not to abuse her any more

Ans - Yes sir

Int - How long would he keep that promise

Ans - I cannot tell

Int - During this time would he be sober occasionally

Ans - Yes sir

Int - When he was sober he never abused your mother in that ^{this} way

Ans - No Sir

Int - Can you tell pretty nearly how long he observed the pledge he took

Ans - A few weeks

By Mr McComas.

Int - Do you remember on one occasion ^{that} after having had a quarrel he got up out of bed and he was gone two or three days without your knowing where he was.

Ans - No

Int - Did you live at home when Barber White Midner was at your house.

Ans - yes

Int - How old was you when Barber Midner was there

Ans - Six or seven I guess

Doct Francis Mergler called and examined
By Mr Knox

Int - You are a physician and Surgeon in this County

Ans - Yes Sir

Int - Residing where

Ans - In the Town of Wheeling

Int - Do you know the Defendants.

Ans - Yes Sir.

Int - I wish to enquire if you were called in at the house of the defendant professionally on the last day of June last and who you saw and what you

Saw

Ans - I believe it was the last day of June last. I was called to see Mrs Hopps the wife of the defendant

Int - How did you find her.

Ans - When I arrived at the house I found her in a pitiful condition, she was screaming and apparently in great distress her general appearance being that of one very near dying, her extremities were cold. It was at the edge of evening and she was suffering severe pain

Int - Were there any wounds and if so where were they

Ans - She had a very long wound about two inches in the abdominal wall very near the navel. The wound ran upwards and a little outward I think

Int - How deep was it

Ans - Through the wound was protruding the bowels and guts in a great mass, a quite large heap on the outside - The bowels protruding shows that the knife had penetrated the whole abdominal wall

Int - Did you say there was a large mass.

Ans - Yes perhaps as large as the head of a child

Int - Did you attend upon her until she died

Ans - I did what I could under the circumstances and when I had dressed her wound

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advised them to send immediately for another Doctor and I told the relatives I had no hopes of her recovery. My reasons for thinking so were in the first place, that the wound was large and there was evidently bleeding internally and then again some of the guts were cut in two and out of that was running the contents.

Int - Did you see any other wound on her person

Ans - On the right hand I believe there was a cut, I may be mistaken, but I think it was the right hand.

Int - What caused her death in your opinion

Ans - First the great shock upon the nervous system and secondly the large bleeding there was.

Int - Was it the wound that caused her death.

Ans - My conviction is she died in consequence of the wound inflicted

Cross Examined

By Hon McComas

Int - Was you ever called into that family before

Ans - Never before, that was the first time I was called as a physician

Int - Was you not called one time when he was thrown out of a wagon

Ans - Yes sir but that was not at his house, it was in the public road afterwards he was carried to his house and I did not see him there

Int - Was the wagon broken

Ans - I don't know, I was not near when it was done

Int - Where was he struck

Ans - I think he had fell on the head and shoulder. He was not seriously hurt although he was insensible for a short time

Int - How long was this before the occurrence of the stabbing of Mrs Hopps

Ans - About four weeks

Int - How long after the accident to Mrs Hopps before you saw him

Ans - Perhaps ten minutes or a quarter of an hour

Int - You examined him and gave him advice

Ans - Yes I advised him to bathe his shoulder in cold water after he got home, and what happened afterwards I don't know

Int - Are you certain it was four weeks after this accident that the tragedy occurred

Ans - I cannot say exactly

Int - Are you certain it was twenty days

Ans - I am not certain but my impression is that it was about four weeks

The People here rested their case

Mary Happs recalled by Mr M^cComas

Int. I think you said there were 11 children living

Ans. Yes.

Int. How many girls and how many boys

Ans. 7 girls and 3 boys

Int. How old is the Eldest daughter

Ans. My Eldest sister was 22 last July

Int. How old is the next one

Ans. 20 last may

Int. How old are you

Ans. 18 last march

Int. How old is the next one

Ans. 15 last March

Int. How large is she

Ans. She is a very little taller than I am, but ^{thinner}

Int. Very light

Ans. Yes Sir

Int. Is she indurposed

Ans. She has not been well for 2 or 3 years. I don't know which

Int. Is she very pale

Ans. Yes. Quite pale

Int. What is the matter with her

Ans. I don't know what is the matter with her
we were afraid she was going to have a cons-
-umption

Int. There have been no symptoms broke out

Ans. She has real hard pain in the lungs
sometimes

Int. Does she go into society and come down to meet company as the other sisters

Ans. Yes she is very bashful and dont come to see strangers

Int. Timid.

Ans. Yes-

Int. Does she not stay in her room most of the time

Ans. Oh no! she stays in the sitting room with the rest of us-

Int. Except when company are there

Ans. Always does when company are there except strangers

Int. Is she very nervous

Ans. Yes she is quite nervous

Int. Has she had spells at which she is worse than at other times

Ans. She did after mother died, she used to twitch every night in bed, but she is got over that now

Int. What kind of a twitching was it

Ans. Starting

Int. Any twitching of the nerves of the face

Ans. Yes Sir.

Int. Now say it happened since your mothers death

Ans. Yes Sir.

Int. Did it not happen before

Ans. No Sir, she would sometimes start but never twitch before.

Int. I ask you to call to remembrance a conversation which passed in your fathers parlor when I was present.

Ans. She started but she never twitched so
Int. was there no motion in the muscles of her face before her mothers death

Ans. Not that I know of. We had Dr. Mergler to her and I believe he told my oldest sister it was symptoms of St. Vitus dance
Int. That disease has been on from 2 to 3 years. has it.

Ans. I think it was 2 years this winter

Int. She was about 14 when it first showed itself.

Ans. No she was 13.

Int. That would make her between 13 & 14

Ans. Yes.

Alongo Hawks. Examined by Mr McComas

Int. Where do you live

Ans. Wheeling

Int. How far from Hopps

Ans. About 1/4 miles

Int. How long have you known Hopps

Ans. About 14 years. I think

Int. Were you some years ago called upon by

Mr Hopps to defend him in some matter. If so I want you to state all you know about it it was about Masons.

Ans. I had a note from him. I had been to a shooting match that day; it was just before Christmas; returning home I got as far as Jess Mc Nots and I received a line from a young man who was working for Mr Mc Nat

Int. Who was the letter from

Ans. Mr William Hopps

Int. Have you the letter now

Ans. I have not

Int. Has it been destroyed

Ans. I could not say, I think it has.

Int. Did you put it away

Ans. I think I ~~showed~~ it to my father and what became of it I don't know.

Int. Do you think it is in existence

Ans. I do not think it is

The prisoners Counsel have offered to prove contents of the letter

The Judge - I could not allow the contents to be introduced

Mr Dexter - Defendants Counsel - excepted to this ruling then and there

Int. This was a note from Hopps to you

Ans. His name was signed to it.

Int. Did you act upon that note

Ans. Yes Sir.

Int. What did you do

Ans. I went there to Mr Kopp's, and went in there, and there were some neighbours there, I think 5 or 6, or perhaps more, and he was in the room and I talked with him: he had a lot of cudgels in the room he said to defend himself

Int. What do you mean by cudgels

Ans. Well, sticks, hard wood sticks, he read some I think he read some in the Bible, he had been to Chicago and I think he said he stayed at the Sherman Home

Int. When was this about

Ans. Eleven years ago, I think.

considerable discussion here arose on the admissibility of the evidence relating to the deliberations and conduct of the defendant. The judge ruled that any act any declaration of a defendant from the time of his birth to the day of his trial was competent evidence in order to enable the jury to decide this question of insanity, for this was the alleged defence and when it was alleged the jury have a right to have his conduct and these declarations

and pass upon them whether they be small or great, and it is not the duty of the Court to exclude any of it. I have nothing to do with it except to admit the evidence. And it is for the jury to see, under the instructions of the Court,

whether it supports the alleged insanity. Mr Dexter - prisoners counsel - was entirely satisfied with this, and under the present ruling, asked to have the contents of the letter introduced

The Judge refused this and prisoners counsel then and there again excepted. Int. state what he said about the Shuman house Ans. I think that was the house, he said he went there to stay all night, and when he went to bed he said he thought they had put him in a different room to what they usually did, rather rougher, the door shaking. He went to bed and afterwards some persons came into the hall, they rapped at the door and he said he thought the measures had come to kill him and I think he said that he thought they pulled the bed into the hall and rung a triangle which he said was the signal of death and he heard a females voice which he thought was Miss Winter. He thought he would holler and then

he thought he would not do so.

Int. Did he say anything in reference to going through a ceremony

Ans. I think he said they went through the ceremony of knocking him down and killing him

Int. During this ceremony he heard the voice of Miss Winster

Ans. That is what he took it to be.

Int. Was that the only woman

Ans. I think it was

Int. Who was she

Ans. She lives below Whelby on the east side of the River

Int. How far from here

Ans. About 20 miles I should judge

Int. What did he say then

Ans. He came home and wrote this note I received

Int. Did he say why he had written it

Ans. In the letter he said he had revealed the secrets of masonry and his life was at stake and he expected them to come that night and kill him

Int. Did he ask you to bring any weapons with you

Ans. I think he said I should come armed

Int. Did you do so.

Ans. Yes Sir, I did.

Int. What did you take

Ans. I took a rifle

Int. How long did you stay in that room

Ans. Perhaps 1 1/2 or 2 hours, not longer than that

Int. Did Hoppa go out during the time

Ans. No Sir,

Int. Did he give any reason for not doing so

Ans. No, except that when I went home I wanted him to go with me, he said he was afraid to go, and I said I can protect you against all the Masons that choose to come to sight

Int. Did you take him home

Ans. I took him to my fathers house

Int. Did he talk to you

Ans. Not much, he said he wished to get to Chicago

Int. What was his manner

Ans. He appeared to me to be very much under the influence of Liquor

Int. Describe that,

Ans. Well the best way I can describe it is that I thought he had been drinking hard and had Delirium Tremens

Int. You see you are giving me a medical opinion; describe his appearance

Ans. Well Sir, as he went home with me he staggered and stumbled a good deal as a

5.
man would who had drunk

Int. How often.

Ans. I could not say how often, a good many
times

Int. How did his eyes appear.

Ans. I dont know that they appeared any dif-
ferent to what they always did when he
was in Lignor

Int. How are they when he is in Lignor

Ans. They are wild and sharp

Int. Did he stay at your house that night

Ans. He staid at my fathers house

Int. Returned home next day

Ans. Yes Sir.

Int. At what time of the day or night did
you get there

Ans. Well it was between 12 & 1.0^oclock I should
think. I should think. I dont recollect exactly

Int. In the day.

Ans. No, in the night. It was nearly dark
when I received the note, and I had
to go some 3/4 mile with my team then

Int. What time did you start

Ans. I think about 1/2 hours after I got
to my fathers

Int. What time was it you got to your
fathers

Ans. I think it would be about 3.0^oclock

Int. What kind of a night was it

Ans. It was not so dark but what one could see about 20 rods -

Int. Was it a bright night do you think

Ans. I don't think it was, I think it was rather hazy clouds remaining

Int. Did he drink any Liquor at your father's

Ans. I don't recollect he did

Int. What time of the year was it

Ans. Somewhere about this time I think it was, the day before Christmas

Int. Winter time

Ans. Yes Sir

Int. Did you sleep near Hopps that night

Ans. I did not go to bed at all I think

Int. Did Hopps sit up all night

Ans. No Sir, I think he went and lay down a spell.

Int. Do you know whether he slept or not

Ans. I do not

Int. How long you have known Hopps about
14 years

Ans. I think it is about that

Int. What has been Hopps general character as a man in the community, as a citizen, Mr Mc Allister objected to it as immaterial, the Judge ruled that the witnesses knowledge of what his character was would alone be

Admissible -

Sub. I ask if you know the general moral character of this man, and if so what is it. -

The Judge. He can state that so far as he knows, if they do not object,

Mr Knox, we want the inquiry to be confined to the fact of violence or kindness

The Judge - I allow it in that manner

Exception taken by Mr Dexter Counsel for Prisoner then and there as to the ruling of the court excluding the evidence to prove the general character of a man and the general moral character of the prisoner.

Cross examined by Mr McAlister.

Sub. Do you know the circumstances of Defendants wife leaving him.

Ans. Yes Sir, I know she did leave him

Sub. Do you know anything in relation to Defendants abstaining from drink about the time of her return.

Ans. Yes I had a conversation with him at the time she was gone

Sub. You know the fact that he did abstain

Ans. I know what he told me

Sub. During the time he was abstaining from drink as you understood it, how did he appear

Ans. He appeared like all other men; Rational -

Int. A rational as any other man.

Ans. Yes Sir.

Int. At the time you saw him 11 years ago did you go to his house

Ans. Yes Sir

Int. You stated on your direct examination that you thought he was intoxicated, that he staggered.

Ans. Yes Sir

Int. Had you any other evidence that he had been drinking, that you were enough to smell his breath

Ans. Yes Sir.

Int. What did you ascertain

Ans. He had been drinking liquor of some kind I should say, from the smell of his breath.

Int. State how he appeared with reference to being sober or intoxicated at that time

Ans. As far as my knowledge extends, he was ~~was~~ a man, who after drinking a few drinks is stiller, and after he drinks considerable he talks with almost any one.

Int. He became very chatty.

Ans. Yes Sir.

Int. Was he sober or intoxicated

Ans. Well I judged him to be near delirium tremens that was the reason I asked him to

go home with me

Int. Do you know whether he made any attempt to drink that night,

Ans. I do not,

Int. Did you have any care of him in reference to preventing him,

Ans. No sir

Int. When had he returned from Chicago

Ans. I think that day.

Int. You have known him 14 years

Ans. Yes sir

Int. Have you known his habits during that time, if so, how often did you see him,

Ans. Sometimes weekly, sometimes twice a week, and sometimes daily

Int. Apart from this time of his abstaining how often did you find him in liquor when you met him

Ans. Well I think the man drank liquor almost all the time except the time his wife was gone, and then I don't think he drank any, from what I saw of him

Int. Was his appearance different at this time when his wife was gone

Ans. Yes sir, it was,

Int. He appeared rational as any other man

Ans. Yes sir he did

Int. You say Hopp's wife left him, and he

Quit drinking

Ans. Yes Sir

Int. Do you know yourself that he quit drinking -

Ans. I never saw him drinking and never smelt his breath during that time

Int. How long did that last

Ans. I could not say exactly how long; I perhaps saw him some ~~times~~ 10 or 12 times during the time he did not or I judged he had not taken a drop of drink

Int. You judged from his appearance

Ans. Yes Sir.

Int. Did you always smell his breath

Ans. No Sir

Int. You say that when his wife ^{was} ~~was~~ ^{was} at home he drinks all the time

Ans. I think he has always been a man who has generally kept liquor in his house

Int. have you any other means of knowledge than that

Ans. I know that when I have gone there he has generally brought it out

Int. when you have met him; have you any time found him having had drink

Ans. I could not say that any time; I could see he had had drink that day.

Int. Have you never seen him as calm & ~~at~~

collected when his wife was at home as when she was away

Ans. Well I think I have,

But when you have met him at the neighbours your house or on the road or at home you supposed him to have been drinking

Ans. I said ~~that~~ he was a man that generally drank. Constantly I think.

But is he always staggering when you see him

Ans. No Sir.

But is he generally

Ans. Not generally

But how often did you see him staggering

Ans. Sometimes oftener sometimes less

But well on the average taking a year and say how often you have seen him staggering

Ans. I could not say exactly, perhaps 1/2 dozen to a dozen times that he did not walk naturally

But what do you mean by walking naturally

Ans. I mean that he could not do it without swaggering around

But you say you have seen him a great number of times when not in that staggering condition what do you see then

Ans. I see the man himself

Ans. By his language

Int. What language

Ans. When he is not under the influence of liquor he is a man I never heard take an oath in my life, when he has drunk he is quite profane

Int. At what period is that

Ans. Well, as I said before, when he gets talkative

Int. Can you ^{then} see any effect on his walk.

Ans. Sometimes I can but he is a man who does not stagger till he has drunk a good deal, afterwards he will stumble around considerably and he is ~~not~~ a man who does ^{not do} that for a ~~considerable~~ ^{considerable} time.

Int. His manifestation is that of jolliness

Ans. Yes Sir.

Int. not disposed to be quarrelsome ^{with} those around him

Ans. No Sir.

Int. At what time of the year does he drink most is there any difference

Ans. Well I cannot say I should rather think winter because I know that a year ago this winter he was drinking wood & I thought he drank more than than I had ever seen him

Int. When you first saw him was he a hard drinker then

Ans. the first time I saw him was before I moved

into the country about 16 years ago

Int. Was he drunk then;

Ans. That I cannot say, because I only worked one day for him. He had liquor on the table then, there was liquor on the table and the hands had liquor & I understood from that that he always drank some. I do not think he drank as hard when I first knew him. I did see him once or twice under the influence of liquor, but not so often as of late years. The first I perceived of his increase in drinking was about 3 or 4 years ago,

By Mr Dexter.

Int. How far is it from Mr Hopps house to your fathers

Ans. About 1 1/2 miles

Int. did you walk over there

Ans. Yes sir. It might be a little over that, I cannot say.

By a Juror.

Int. Have his habits of intemperance been gaining on since you first knew him.

Ans. I think they have.

Eva Widner, Examined by Mr McComas.

Interpreted by Mr Blauke

Int. Where do you live, & did you ever live with Mr Hopps

Ans. I live in Buffalo Creek & did live with Mr Hopps

Int. How long ago.

Ans. 7 years ago.

Int. How long did you live with Hopps.

Ans. two years and 5 months

But did you commence 7 years ago, or quit 7 years ago.

Ans. 7 years ago I left him.

But did you ever hear ^{of} Kapps abusing his wife, if so how often in a week or month or so.

Ans. He abused her by calling names & beating her frequently cannot say ~~how~~ how often

But, describe the way he acted & the way he did when he had these words with her.

Ans. When he was intoxicated he beat her & called her names he called her a God damned bitch

But, how long ^{would} ~~and~~ he continue these quarrels at one time

Ans. Sometimes it was for a day, or one or two days, and on one occasion continued to do so for a week

But, has she heard him abuse her ^{at} ~~in~~ the night and wake up in the morning ^{still} finding abusing her.

Ans. Till about 9 o'clock in the evening I heard him abuse her, but afterwards I was sound asleep & did not hear him.

But, have you not waked up and her him in his room before he came out of the room, still going ahead

Ans. I only heard him when I was up out of bed.

But, when you got up, before he did, did you still hear him going on.

Ans. Yes at times, not always.

But, did his wife quarrel back any

Ans. No she never did.

But did he talk loud and stand when he was doing this

Ans. Sometimes he talked fast, sometimes not.

Int. Sometimes loud & sometimes low again

Ans. When visitors were there he used to stop and when they were gone again he commenced ^{again} talking loud

Int. When he would stop, would he go and treat the neighbours friendly and go and talk and chat with these as usual

Ans. He was very friendly & polite to the neighbours when they called at his house; treated them as people are treated when they pay visits.

Int. On these occasions when he was quarrelling with his wife did he do so.

Ans. He did just as well as before.

Int. Would ^{the} his wife when he was quarrelling go about her business, or sit still & hear it all.

Ans. Happs used to order her into the sleeping room when he quarrelled with her. Called her from her work into the sleeping room

Int. Did she not frequently follow her about from room to room & follow her up stairs, abusing her.

Ans. He did follow her up

Int. Where have you seen him follow her, to what place about the house, for the purpose of quarrelling

Ans. Out of doors where she went for wood, to the water chest and other places

Int. How often during a year, did you see Happs was drunk that a neighbour when he came in and would talk to him could recognize it, he either

Q. He either talked so thick or staggered
 Ans. It was at least once a month, but it might have
 been oftener

Q. But during these times you state of once a ^{month} ~~week~~, what
 evidence had you from the manner and talk of
 Wapps that he was drunk

Ans. She did see him drink the Whiskey

Q. But, Was it likely that a neighbor, or anybody, could see
 from his manner, that he was drunk.

Ans. I could tell by his face which ^{used to} looked red, but
 cannot tell whether the neighbors could tell. I am no
 judge about the neighbors knowing it.

Q. But could he walk as well as other people, did he
 stagger

Ans. Mostly, he walked straight. Sometimes when he had
 taken very much, he staggered a little

Q. But when these neighbors came in and he was quarrelling
 with his wife would he turn round and talk to
 them as kindly as usual, did he then do anything
 that looked drunk in talking to his neighbors

Ans. I believe the neighbors could see it, I could see
 it & I believe they could.

Q. But, What did he say or do that looked like intox-
 ication

Ans. I could tell it from his being flushed.

Q. But anything else.

Ans. No, he spoke kindly to his neighbors & knew
 well enough what he was talking about

By the judge.

Q. Did he look cheerful at those times, as if nothing had happened.

A. He acted cheerfully, & as though nothing had occurred
Eva Weidner, recalled & examined by Mr McComas.

Q. How did this man treat his children, servants & neighbours

A. He was very kind to all there except in case his
elder daughters tried to interfere with him abusing his
wife then he pushed them back

Q. But ask what his general conduct was as to honesty
good & bad behaviour & peaceable conduct to everybody except
his wife

A. So far as I know he behaved as a man of
honesty and kindness to all people.

Q. Did he go to Church pretty regularly,

A. He frequently went to Church with his people,

Q. With his wife & daughters,

A. He frequently drove his family wife and ^{children} ~~daughters~~
to Church

Q. What was ^{his} conduct to his wife before other people
at home and abroad.

A. When he was in his good humor, he treated her
kindly in the presence of other people at home & abroad,
but if he was in a bad humor he abused his wife
regardless of the presence of other people

Q. To the interpreter - It seems to me you must have
misunderstood her, or she misunderstood you, because

a while ago she stated that when other people were there he treated her as if nothing had happened
 Ask her attention,

Interpreter - He acted in this way the last year she was there; that before, he had been particular about showing it in company, but in the last year he did not regard it,

By the Judge,

But she is not speaking of last year, but of the last year of her being there

Ans. It was last year of her being there

Cross Examined by Mr Knox,

But, How did he behave during ^{any of} these times ^{when} he had not been drinking any liquor

Ans. Usually he behaved well to her. But occasionally he found fault with her & scolded her some.

But never charged her with anything wrong when not under the influence of liquor

Ans. I think not

Re Examined by Mr McComas

But, At the time you lived with Happs. at this early period did you know any thing particular charge he made against his wife.

Ans. He used to tell her that she had abused him 13 or 14 years.

But did he come out so as to show it before people. at that early period, that he suspected her virtue before the servants even

X

Ans. No. I did not hear anything of that kind.
Barbara Weidner, Examined by Mr Mc Comas.
Interpreter as before.

But where do you live, do you know Happs, & how long, have you known him.

Ans. I live in Langrone I know Happs. I have lived in his house 2 years, & I left him 11 years ago, have known him 12 years since

But, do you know if this man Happs left home at any time & staid away 3 or 4 days, if so tell the circumstances and all about it

Ans - On one occasion he left home and staid away 2 days without his wifes knowing of his whereabouts neither did I know where he was

but at what time of the day or night did he leave & under what circumstances

Ans. He left at 11.0'clock in the evening.

but, at night

Ans. Yes at night

Cross Examined by Mr Knox.

But, were you there and up when he left

Ans I was in bed when he left

but then you did not see him when he left

Ans. No.

But, did you see him that night

Ans. Yes just before I went to bed

But, in what part of the house

Ans in the middle room.

Qut, had he been drinking that day or evening

Ans. He had not drank much.

Qut, Was it one of his drinking days

Ans. I did not see him drink anything

Qut, Do you know whether he was on a bender that day - from his breath, or actions, or any other way.

Ans. It is 11 years since and I cannot tell whether he had or not

Qut, Have you related any of these facts recently to any one, if so to whom.

Ans. I did not converse with anybody about these facts, recently, I was summoned to appear.

Qut, by whom.

Ans. By a man sitting there

Qut, Mr Stampofsky.

Ans. Yes Sir he came to see me twice

Qut. Have you talked this over with him did you tell him

Ans. He enquired what I knew of this affair

Qut, And you told him

Ans. Just what I have said now

Qut, And then he subpoenaed you

Ans. Yes Sir.

Qut How do you recollect ^{that} Kapps went away for two or three days. And yet you say that neither Mrs Kapps nor herself knew where he was & did not know whether he was drunk or sober.

Ans I did not know & Mrs Kapps did not know.

To the interpreter; How did she know that Mrs Happs did not know
butrefuter. That's what I have been trying to get out of
her, but I cannot get it.

X

John Ermischer, Examined by Mr McComas
Same Interpreter.

Q. Do you know Mr Happs how long have you known
him & have you ever lived with him.

A. I know him. I worked 5 days for him a
year ago. I was 7 days ~~at~~ⁱⁿ his house.

Q. During that time was Happs quarrelling with
his wife. if so say how long he quarrelled &
at what hours in the day or night.

A. The first time I went to Happs's house it
was in the evening & then I found Mrs Happs &
I asked her if there was any work there for
me. She said Mr Happs was in the room.

I went and asked him & he told me roughly
to go out & milk the cows. I told him I could
not do it. and then he told me to go out &
feed the hogs.

Q. While you were there what passed between
Mr Happs & his wife

A. Happs was very noisy the first night I was there,
I did not understand what he said but he was loud
in his speech & very noisy all night. The second
night Happs said "Johnny sit down here, & I sat
up till about 2 o'clock at night & during all the
time Happs was using language such as "Whore" and

"bitch" and going to kill her. the rest I did not understand
 but was he sitting in his Chair by your side when he
 said this & if so describe what he did.

Ans. He was sitting opposite to me near the table on a
 Chair. he looked passionate & wild from time to time
 he was laughing & smiling & looked like a Crazy man
 but did he move his Chair about & if so how did
 he do it

Ans. he kept moving his Chair to & fro never was quiet
 never sat still

but, where was his wife

Ans. In another room

but, what did he do about his food at the table did
 he say anything about it

Ans. He jumps up from his Chair from time to time
 and said to me. Shes a bitch & I am going to kill
 her and she is the reason of my building that
 palatial building

but, while he was sitting at the table, eating, at any
 time did he have anything particular in his actions

Ans. He was always murmuring speaking to himself
 saying "thats good eating" "thats fine potatoes" &c.
 but, describe exactly what he did,

Ans. The first time I was there he made these
 motions (showing them) when he was speaking at the
 table looked at one fixed point & gazed at his
 plate. as it appears to me he did not look like a
 sane person. and the last days I lived there

he looked like an ordinary man
Int. Did he say of every dish on the table, this is
good, and that's good.

Ans. He made the same motion at every dish he
tasted & said that's good & so on

Int. Did he keep at that the whole meal.

Ans. Yes Sir, during the whole time on the
first day I was there

Int. Did he seem to be talking to any particular
person, or muttering and talking to himself

Ans. He was muttering and did not address any
particular person.

Cross Examined by Mr Knox,

~~John Bramister~~

Int. Where do you live.

Ans. Lynn Grove

Int. How long have you lived there

Ans. About four years, nearly four years.

Int. Are you a man of a family.

Ans. Yes.

Int. Who came to fetch you here as a witness

Ans. I know the Gentleman when I see him, he read law
to me

Int. Do you see him here.

Ans. Yes Sir, Mr Stimpson is the man.

Int. He came, did he ask you if you if you did not hear
Mr Stimpson call his wife.. a bitch, a whore, etc.

Ans. Stimpson came to my house and told me I had

to go to Chicago & had to give my testimony in this Hoppers case. He ^{asked} called me my name, and asked what I knew about Hoppers. I told him what I knew about him.

Int. Did not Steinhilber enquire if you had not heard the defendant call his wife these names.

Ans. He did not enquire that of me.

Int. You spoke of there being a great difference the first day or two you were there. Then he was boisterous noisy and abusive. The remainder of the time, he was civil and courteous. Was he drunk those two first days.

Ans. In those first days when he was boisterous and noisy he worked very hard & I do not think an intoxicated person could do that. I could not keep pace with Hoppers.

Int. What was Hoppers doing. What was their work.

Ans. He was craker taking in in grain, harvesting.

Int. How many men had he

Ans. He had three men besides me

Int. Did they have any liquor any of them

Ans. They had liquor on the field, but I did not see Hoppers take any.

Int. They had liquor in the field and you do not know whether Hoppers drank or not.

Ans. I did not only see it but I am certain he did not take any liquor. It was the custom for the hands to have liquor out there and of course they had liquor out there. It was the custom there & that was

the reasons they had it.

Int. Who were the other men working with you

Ans. I never asked their names. I did ~~not~~ my work and did not pay any attention to the others.

Int. Have you ever seen them since

Ans. One of them I saw ^{to day} here in town. The others I did not see.

Int. Did you drink any whilst you were there.

Ans. Yes I did.

Int. What did you do.

Ans. I was binding the sheaves.

Int. What were the others doing.

Ans. They were doing the same.

Int. What was Kopp's doing

Ans. The same.

Int. What day was that; the first-day you were there

Ans. Yes Sir. The first day.

Int. Binding all day.

Ans. All day.

Int. How was the grain cut with a reaper.

Ans. Yes. With a reaper.

Int. Commence binding early in the morning.

Ans. Yes.

Int. Bound all day.

Ans. Yes.

Int. Any dew on the grain, in the morning.

Ans. Yes Sir. There was dew on the grain. That is the best time for binding.

Sub. Continued it all day.

Ans. Yes Sir.

Sub. Sticks any up or shocks it,

Ans. Left it all down.

Sub. Not gathered together,

Ans. No.

Sub. Will you swear. Steinfossy did not enquire of you whether Kapps did not call his wife a bitch and a whore.

Ans. Yes I am willing to take my oath.

Sub. Did he come to see you before, once.

Ans. He was once with me at my place & once he passed my house

Sub. How many conversations have you had with him either there or here

Ans. I converse with him only once

Sub. Did you tell what you have sworn to him the first time you saw him. out at Lynne Crown.

Ans. I did not tell him

Sub. Where did you tell him

Ans. I did not tell him anything

Sub. When did he read the law to you When did he

Subpoena you

Ans. Near my house

Sub. Why did you state just now that Steinfossy asked you what you knew and you told him and then he read the law to you

Ans. Steinfossy came up there and read subpoena

to me. I told him I had stayed with Kaps
five days & I knew him, and that is all I told
him.

But. Why did you state that when Stripfory came
out there you said to him that Kaps said his wife
was a bitch whore, etc.

Ans. At the time when Stripfory subpoenaed me
Stripfory told me I had to come there as a witness
and it may be that I told him what I know
about Kaps. I do not recollect clearly.

It may be that I told him that Kaps said
his wife was a bitch but I do not recollect it.

But. Do you understand english

Ans. But very little

But. Does Kaps talk German

Ans. No.

But. Did anybody interpret to you what he said
about his wife leaving him the cause of his building
that palace

Ans. I understand enough of the english language
to have understood what Kaps said.

But. You ~~understand~~ recollect these material
points, ^{but nothing else} about the palace that his wife was the
reason of building & so forth but you do not know
enough to speak yourself in english

Objected to

Judge. It is proper for the counsel to take
what the interpreter says, & then to ask again

but, During that time you first went to him & found him boisterous & rude & during the other night you staid with him all night long. do you remember another single word except what relates to his wife & the palace he was building, if so what was it.

Ans. I did not hear him use any other words, say anything other than what I have stated ^{here} & that I before repeated. his unruly behaviour, moving about. but, What did he say during the first day & during the second night.

Not answered.

but, Was there any German there who understood both languages that interpreted what Kapps said from time to time.

Ans. No there was no other German there, I understand English enough to understand those words which he used.

but, Were there all the words he understood. By the Interpreter. — He stated that those were the only words Kapps ~~said~~ used

but, Did Mr Kapps tell you he did want help & to go out & milk the Cows. Was there any interpreter there. Ans. Yes Mr Kapps told me so & I understood that without having a translator

but, Did you reply to it. that you did not know how.

Ans. I replied that I did not know how to milk Cows

Sub. You answered that without any interpreter
No reply.

Sub. Did not Kappus then tell you to go & feed the hogs.

Ans. Yes Sir.

Sub. Did you answer you did not know how, or what answer did you give him.

Ans. I went out doors and asked the other servants how to feed the hogs.

Sub. Then he understood it how to feed the hogs.

By the Judge ^{By the Interpreter} Yes Sir.

Sub. Did you sleep in the house those five days at night.

Ans. I slept several nights in the house.

Sub. Did you see or hear anything of Kappus on any other night except those two of which you have spoken after you went to bed.

Ans. Sunday I went home Monday I returned again & slept all night pretty near Kappus's & the following day Kappus was in his regular state of mind again.

By Mr Knox - to the interpreter

He uses that expression ^{does he} regular state of mind.

Interpreter - Yes Sir.

Mr Knox. That's the ^{correct} ~~right~~ translation

Interpreter - Yes Sir.

Mr Dexter - Those were the words he used were they.

Interpreter - Yes Sir.

Mr Dexter - What were the German words.

Interpreter Regularaire

By Mrs Knox.

Q. Having fixed the time & field they worked. as definitely as they can the time when they worked when was the time as near as you can recollect
 Ans. It was the end of August the latter days of August.

Q. In the latter days of August 1861 -

Ans. Yes Sir.

Q. In you worked in a field opposite the house, across the road.

Ans. I cannot give a very correct description

Q. How far from the house

Ans. The field commenced on the road opposite the house & about from sixty to seventy rods distance from the road, we were working

Q. What kind of grain

Ans. Wheat

Q. How long did you work in that field

Ans. I worked four days in this field & one day in another field

Q. Which first this field first

Ans. Yes. first in this field

Q. One day where

Ans. In a field near the house

Q. What at,

Ans. Wheat again.

Q. What doing

Ans. Binding too.

Miss Procella Rose

Examined by Mrs Mc Comas.

Int. Do you know Mr Waples.

Ans. Yes Sir.

Int. Did you ever live there

Ans. Yes Sir.

Int. When was it

Ans. Last Winter

Int. I ask your attention to a fact whether you remember an occurrence that happened one Sunday there in which Mr Waples took his family to Church & read the bible afterwards Explain it and state what occurred on that day & that occasion

Ans. I don't remember it.

Int. Will you be kind enough to state, Do you remember of his going to Church & taking his wife & daughters with him to Church.

Ans. Yes Sir.

Int. Do you remember his coming back from Church.

Ans. Yes Sir.

Int. Do you remember his reading the bible afterwards

Ans. No Sir.

Int. You have no recollection of that kind

Ans. No Sir.

Int. Have you not stated that

Ans. No Sir

Int. To ~~no~~ ^{no} one

Ans. No Sir

Qut Have you not told that to Mrs. Stempsey
Ans No Sir.

Qut Did you not state it in presence of Mr. Baker & myself

Ans. No Sir.

* Qut How far B. Broadwell called and examined by
Wirt Dexter & E. W. McCames Esqs

Qut. Where do you live

Ans. In Chicago

Qut. What is your position in this City

Ans. County Judge.

Qut. How long have you been so

Ans. A little over a year now

Qut. Is this book & have here ~~now~~ a record of the
proceedings in your Court

Ans. Yes Sir.

Qut. Do you know William Happs

Ans. Yes Sir.

Qut. How long have you known him.

Ans. I could not state the precise year I first knew him
I have known him ever since he has been in this Country

Qut. Do you know his Brother Ralph Happs

Ans. Yes Sir.

Qut. Were proceedings had in your Court in reference to
Ralph Happs

Ans. Yes Sir,

Qut. At what time.

Ans. The precise date I cannot remember
but. How long since do you think

Ans. The precise date I could not state: It is within two years.
but. Can you tell from this book

Ans. Yes Sir

but. will you show them & tell what is their character.

Objected to by Mr McAllister except so far
as the entries might be identified & offered in evidence

Ans. The first entry is 4th Augt 1862 page 399. Record R.
& the next is on the 14th. day of the same month page
410 Record R.

but State what these first proceedings were.

Objection

Mr Dexter offered records in evidence

but. at whose instance were these proceedings instituted

Ans. At the instance of Henry Merrill

Mr Dexter He offer these records in relation to what
was done at that time in reference to Ralph Hays

Mr McAllister. Examined the record & submitted
it to the judge. Stating that his objection was that
it was incompetent.

After Considerable discussion,

The Court Said I do not propose to dispose of the
question now, but the record may be taken & the
objection can stand till tomorrow morning. In
reply to a question by Mr Dexter the court further
said. that he would hear arguments on the question tomorrow

but you sat and presided at the time the case was tried to which the record refers.

Ans Mrs. Giv.

but when it was before the jury was Ralph Happs present

Ans Mrs. Riv.

but was he examined, personally, by the jury themselves
Objection, on the ground that the record related to matters which transpired after the commission of the crime by William Happs.

The judge desired as counsel had requested time to consider, that for the present the examination should be confined to things anterior to the alleged crime

but, how long long have you known Ralph Happs

Ans, as long as William; it is about 29 or 30 years; I could not say exactly the time; but I have known ^{ever} them since they came into the Country.

but, was there any change in the mind and manner of this man Ralph during the time you knew him

Ans, When I first knew Ralph Happs he was considered quite a nice young man; he was young then; it was a great many years ago. A quite competent person to transact ^{all kinds of} business that fell in his way; looked after his own interests. was sociable, talkable, and took an interest in the things that were going on around him & of people in general. It was in 1840 odd, I think it was when Polk was president but I would not swear positively, that he had a & home ~~power~~ ^{property} consisting

machine, and thrashed for my father; he thrashed quite a large quantity of grain, and was then as right and bright as any of us. He owned the machine and the horses. He and Fuller & Proctor thrashed for father. Sometime while he still had this machine there was a change in him and he lost his reason. Objection by Knox; the witnesses could only state what he saw him do, or heard him say, but must not give an opinion.

But, What was the manner of this man or what was the change.

Ans. He quit his own business entirely, gave it up, & could not transact business on his own account. He would go to work & probably be as good a workman in the field as any man if set to work, but his mind was in such a state he could not do business in any other way.

Objection by McAllister
The Judge stated that what the witnesses had observed in his conduct without regard to the question of his sanity or insanity, might be stated.

But: Without giving your opinion without reference to his sanity or insanity, go on and state any change of character, any peculiarity of character, any change of his life & habits, his looks & appearance, his eyes, his laugh & everything else.

Ans. When we lived up near Buffalo Creek on the O'Plain River, father's timber extended back probably

about half a mile east from the river: Mr Kopp's timber land joined it. This was before William Kopp was married. They stayed in a shanty & cut rails wood & c. & had it hauled out to their place, which was probably, I can't state exactly, but our place is 2 miles west of Mueling; it might probably be 3 or 3½ miles. It was only about ¾ mile from our house. And Ralph & William used to come over & spend the winter evenings at our fire-side. It was pretty hard times with some of the farmers then, and we had some potatoes & would roast them in the fire, and sometimes they would have them with us. Ralph & William would talk & Ralph would take an interest in anything that was going on & would talk as reasonably as any of us here. & was a pretty well informed man for a farming man. I would go about in the day time & see them chopping wood, & go into their log shanty. I can recollect one Christmas day they both came to our house; it was one of the finest Christmas days I ever saw, & there was no doubt that at that time Ralph knew what was going on, at the time he was threshing for father he knew what was going on. Would do business, buy & sell horses give & take boot, do the same as any other man for himself, some time after that & while he still owned the horses & this machine when you would go to him and speak to him he would perhaps

Answer you, or perhaps he would not, turn around & look at you & laugh, you could see he was a changed man. That he was not the same man he had been before. And any person that was used to it would know what was the matter, at least I did and every one about there.

Int. Has he continued from that time to the present to have that same silliness of expression and laugh
Ans. Whenever I have seen him since that time he has always been in that state. And since then I have never known him to do any business on his own account or conduct any interests, his Brother William had to settle up his affairs at that time.

Int. Have you seen anything ^{within} in the last year in Ralph Koffa that was different or would be calculated to be, or regarded as more strange or idiotic or insane than had existed for years before. Is he any worse.

Ans. I think that perhaps for the last number of years, he may have changed slightly; I think he is affected differently some way.

Int. What number of years has this been.

Ans. I cannot say positively what number of years, but what I wanted to say was this, that of late years his appearance has somewhat changed, it is difficult to tell in words, but a physician would understand it, he has changed his way, that instead of having that lightness of the eye, it has become more of a quiet way, or of an idiotic appearance,

McAllister, said Counsel had put this word into witnesses mouths.

McComas, Asked if he had not suggested the exact word which represented the idea.

Continued Ans. What I meant to say is that I considered it a quieter kind of insanity than it was before.

McAllister, thought this was improper -

Continued Ans. The appearance of the eye would not be so bright & sparkling as late years. As it did before this turn took place. & such is his appearance that ^{15 or 20 years ago on being introduced to him} any one who knew him, would at once, in an moment, say that he was not the same person at all in reason that he used to be.

But, Has that later change taken place as much as 3 or 4 years ago.

Ans. I think more than that: I have not seen him much of late years.

But, Has there been any serious or perceptible change within the last year.

Ans, I ~~do~~ not think I have seen him in the last year, at least some time in August.

But, Had he then changed materially from the last previous time of your seeing him.

Ans, He has got in a quieter state.

but He still gets more that way. His intellect is fading out.

By the Judge.

Int. That is what you mean is it.

Ans. Yes sir, his intellect, it is fading out, or evaporating or whatever you may call it.

By McAllister

Int. Or burnt out perhaps.

Ans. No I think not. I am not aware that he has ever been a drunkard.

By Mr McConis.

Int. Do you know William Hoppes.

Ans. Yes Sir.

Int. How long have you known him.

Ans. As long as Ralph.

Int. Have you known him intimately.

Ans. Oh yes quite intimately.

Int. Has anything ever struck you as peculiar in his manner if so describe it.

Ans. Well I have frequently noticed, at times, a very great peculiarity in his eyes.

Int. Describe it as nearly as you can.

Ans. It is easier to understand it than to describe it. You would see him at times and his eyes, would look clear and sparkling, he would talk brisk and lively at times. You might perhaps meet Mr Hoppes to day, & shake hands with him & he would talk with you, lively & briskly upon anything. Perhaps say something about the bible, and give you very good advice. You might at an

other time meet him and he would hardly speak to you. hardly notice you, & you would be struck with the appearance of the man. Sometimes you would meet him quiet & you would not notice any peculiarity in the eye as at other times & sometimes you would be struck with the feeling, that all was not right,

but, Was this impression you speak of something peculiar & singular.

Objection by Mr Knox, Witness ought to describe it,

Ans. A man that understood it. Such thing, & looking at him -

Mr Knox, You can describe it,

Ans. Mr Knox, it is perhaps easier to say than to do. The Judge, You can state what you saw without giving your opinion as to his sanity or insanity,

Ans. There was something very peculiar in his eyes, a person may look at you (Mr Knox) & he would not be struck with any such peculiarity in the eye, he would not see anything of that peculiar brightness brilliancy & twinkling & you would never have it in the world. But with Mr Stoffs you see him at these times & you would see that peculiar expression of the eye & be struck with it & remark it as being very singular

but, Was this like the appearance of a man under the influence of Liquor

Objection by Mr Knox - Sustained, question leading.

But, how did his eyes look in their expression as compared with those of a Drunken man
The Judge, thought it would be better to ask you these occasions ~~when~~ she was laboring under the influence of Liqueur.
Ans. No Sir, & I will say this, When there was only one tavern in the whole ^{of the} country, and it was very hard to get a glass of Whiskey & people thought almost as much of it as gold. He still had the same appearance, Farmers had no liquor then to get drunk on except what they got at the tavern, & I have noticed the expression since when I know he was not under the influence of Liqueur

But, I ask your opinion of this man as to his disposition & whole bearing, as to his Character

Ans. I have known him for the length of time I have stated, been intimate with him, been to Conventions with him, to his house when a boy, thrashed at his house & he has been to Father's house. I have been his attorney & done business for him of various kinds, & I always regarded him as a man of strict honor & integrity, honest to a cent, a man of good character & a worthy citizen. He was a man that was very tenacious of his Character, It would strike him wonderfully if he thought anything was said which would impeach his Character for honor and honesty His Character as a Farmer was that of a very energetic hard working good business Farmer, making money & had improved a large farm & built

a very nice brick house, was getting on in the world & was regarded as a four of handed game, as any one could see.

By the Judge

Q. What was the size of the house

A. It was quite a large brick house, but I am not familiar enough with it to know the size of it. I have not been familiar with the family of Mr. Haples since they have lived in that house but have you seen the house

A. Yes Sir.

Q. What appearance has it in comparison with those of the neighbours

A. Oh it is nothing in the neighbourhood to compare with it.

Q. I understood you to say you have seen ^{Mr} Haples often, frequently.

A. Oh yes, he comes to my office, I have met him at my house, and at Father's

Q. How is he as to being peaceable when in company

A. I never saw him either turbulent or quarrelsome that I recollect of.

The Judge delivered his opinion in reference to the admission of the record of County Court of Cook County with reference to the sanity of Ralph Haples, as evidence in the case, and ruled that it should be introduced

Mr McComas offered & read in evidence a deed
executed by William Hoppes in favor of Benjamin C Luce
dated Sept^r 4th 1862, in the words & figures following to wit:
This Indenture made this fourth day of September in
the year of our lord one thousand eight hundred and
sixty two, Between William Hoppes, party of the first
part, And Benjamin C Luce, Conservator or Committee
of Ralph Hoppes, party of the second part
Witnesseth - that whereas the said parties on this day
enter into a Covenant, by which in certain conditions
& contingencies the said William Hoppes is to pay one
thousand dollars, (\$1000) to the said Luce as ^{such} Conser-
vator, for the particulars of which reference is made
to said Covenant marked ~~it~~ & hereto attached,
Now therefore this indenture Witnesseth, that for the
better securing the payment of the said thousand
dollars according to the tenor & effect of said Cove-
nant the said William Hoppes hath bargained
hold^d & conveyed & hereby doth bargain & convey to
said party of second part^d his successors as Conser-
vators the following described Land & property
situate in Cook County & State of Illinois, To wit:
The north forty acres, of the North west Quarter of
Section ten town forty two Range 11 E and the
twenty three acres in the north east corner of Section
nine town 42, R. 11 E, to have and to hold the
same, together with all and singular, the
Tenements, Hereditaments, Privileges & appurtenances

thereunto belonging, or in any wise appertaining; And also, all the Estate interest & Claim whatsoever in law as well as in equity which the party of the first part ha in and to the premises hereby conveyed unto the said party of the second part, his heirs and assigns & to their proper use benefit & behoof

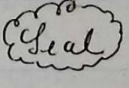
Provided always, and these presents are upon this Express Condition, that if the said party of the first part his heirs executors, administrators or assigns, shall well & truly pay, or cause to be paid to the said party of the second part his heirs, executors, administrators or assigns the aforesaid sum of money, with such interest thereon, at the time and in the manner & conditions specified in the above mentioned Covenant according to the true intent & meaning thereof, then and in that case, these presents, & everything herein expressed, shall be absolutely null & void.

But it is further provided and agreed, that if default be made in the payment of said sum of money when the ~~the~~ same shall become due & payable the whole of said principal secured by said Covenant in this Mortgage mentioned, shall ^{thereupon}, at the option of said party of ^{the} second part, become immediately due & payable anything herein or in said Covenant contained

to the contrary notwithstanding, and his mortgage
may be immediately foreclosed to pay the same
by said party of second part, his heirs, executors,
administrators or assigns; or the said party of
the second part, his heirs, executors, administrators
or assigns after publishing a notice in a news-
paper printed in the City of Chicago forty days
before the day of such sale, may sell the
said premises, and all right & equity of re-
demption of the William Wapps, party of the
first part, his heirs and assigns therein at
Public Auction, at the front door of the Court
House in said City to the highest bidder for cash
at the time mentioned in such notice, and the
said party of the first part hereby specially
covenants and agrees, to and with said party
of the second part, to waive his right of equity
and redemption. And the said party of the
second part to make execute and deliver to
the purchaser or purchasers thereof, a deed or
deeds for the premises so sold; and out of the
proceeds of such sale to pay all costs and
expenses incurred in advertising and selling such
said premises; also the principal due on said
money and to render the overplus, if any,
to said Wm Wapps his heirs or assigns at the
office of said party of the first part. And the
said party of the first part doth hereby covenant

and agree with the said party of the second part that at the time of delivery hereof, the said party of the first part is the lawful owner of the premises above granted and seized thereof in fee simple absolute, that he will - warrant & defend the above granted premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns forever and they are free from all incumbrances whatsoever, and the said William Haples party of the first part hereby expressly waive and release any & all right benefit ^{privilege}, advantage, and exemption under or by virtue of any and all statutes of the state of Illinois providing for the exemption of homesteads from sale on execution or otherwise & especially under the act entitled "An Act to exempt Homesteads from sale on execution" passed by the general assembly of the state of Illinois, A.D. 1851, and approved Feb'y 11, A.D. 1851, & an act entitled "An Act to amend an act entitled, 'An Act to exempt Homesteads from sale on execution'" passed by said Assembly A.D. 1857, & approved February 17, A.D. 1857.

In witness whereof, the party of the first part hereunto set his hand and seal the day and year first above written

William Haples, 

Chicago Ill Sept 4th 1862.

The following covenants & agreements

between William ^{Hopps} and Benjamin C Luce conservator
or Committee of Ralph Hopps. A distracted or insane
person, was this day made and entered into,
First all debts obligations & liabilities heretofore
or now existing, are hereby fully settled & fully
satisfied & discharged, whether existing on the
part of the said Ralph Hopps or the said
William Hopps. And this instrument shall
stand as a full receipt for all debts or
liabilities heretofore existing between them

Second The said William Hopps for himself
and his heirs & personal representatives covenants
& agrees to & with said Luce, as such Committee
that he will take and support the said Ralph Hopps
in sickness & in health so long as he lives with
him the said William & will have him decently
buried when dead, That he will treat him kindly
& clothe & feed him well & comfortably & continue
to keep him at his house so long as the said
Luce or his Successor shall deem that he is
treated kindly & desire him to remain, in
other words that he will keep him until he is
taken away from him, If at any time the said
Ralph should at any time be taken away from
the possession & home of the said William, he
the said William agrees to pay to the said
Luce or ^{his} successors as Committee of the said

Ralph, One thousand Dollars, at the time he shall be so taken away,



Third, The said Luce covenants as such ~~under~~ Committee, that the said Ralph shall remain with the said William & work for him, if the said ~~if the said~~ Ralph shall be willing, so long as he shall believe that the said Ralph is well and kindly treated. The intention being at present to let him live with William for life, & to permit the thousand dollars, & its interest & his labour to stand as & be a compensation to William for his support through life and his funeral expenses,

Fourth, The said William Happs agrees to pay ~~under~~ annually to Ralph while he lives with him the sum of ten dollars as pocket money if Ralph should desire it.

Fifth, In the event Ralph should live for ~~under~~ life with the said William or his heirs or representatives and be supported by them or any of them then the said William & his heirs shall not only not have to pay anything to the estate of the said Ralph Happs but shall have & own all the estate real & personal right & credits of the said Ralph as fully as if the

said William were the sole heir & distributee of the said Ralph

Sixth, In the event that at any time the said Ralph should by the proper authorities be again declared sane & competent & restore his estate into his own management the said William shall & will thereupon pay the said Ralph one thousand dollars, if he shall demand & desire it, provided however that this thousand dollars shall in no case be paid or payable in the event that the said William shall then have already paid to the said Luce or his successors as such Committee the said thousand dollars, first above mentioned upon Ralph being taken away from him, but only one thousand dollars is to be paid by the said William in any contingency.
Witness our hands & Seals

William Kaffer 
Benjamin C. Luce 
Conservator of Ralph Kaffer

State of Illinois }
Cook County }
City of Chicago } Esq.

Notary Public in & for said City of Chicago in said County, in the state aforesaid, do hereby certify that William Kaffer who is personally known to me to be the same person whose name is subscribed to the within deed as having executed

The same appeared before me this day, in person, and acknowledged that he signed, sealed & delivered the said instrument of writing as his free and voluntary act for the uses & purposes therein set forth & thereby conveyed all his right title ^{and} interest in & to the premises described in said deed, and expressly waived and released all right claims, benefit, privilege, advantage and exemption under any and all Homestead exemption laws so called.

Given under my hand and Notarial Seal this fourth day of September AD 1862

A circular notarial seal with the words "Notarial Seal" written in a cursive script.

Julius Rosenthal
Not. Publ.

Hon. Jas. B. Bradwell recalled and Examined by Mr McComas
Sub. Read the Record in reference to Ralph Happs
Witness read it & presented the petition therein alluded to
Sub. Read the petition & state what you know about the
bringing up of this case in the County Court, what
occurred about it & the facts as to the case.

Ans. That petition was signed by Mr Henry Merrill
& sworn to by him before me, on the 4 of August
last & reads as follows.

To the Hon J B Bradwell Judge of the County
Court - of Cook County. Your petitioner Henry
Merrill of the town of Wheeling Cook County. shews
unto your honor that Ralph Happs of the town of

wholly aforesaid is an insane person & has
been so insane for a long time past, that said
Ralph Wopps has property and effects & interest
in property in said County of Cook,
Your petitioner therefore prays that a jury may
be impaneled to inquire into the sanity of
said Ralph Wopps, & that a conservator may
be appointed to take charge of him & of his
interests & estate in accordance with the
Statute in such Cases made & provided
Henry Merrill

Subscribed & sworn to before
me this 4th day Aug 1862,
J. B. Broadwell, County Judge

This petition was drawn
if my memory serves me right, by either Mr Eld-
ridge or Mr Tourtellotte, who were the Attorneys
for Mr Merrill. And signed sworn to & subscribed
before me this 4th day of August 1862, J. James
B. Broadwell, Judge. One of them appeared in
the case in the early part of the day & also
appeared before the jury attending to the
proceedings, It was instituted by Mr Merrill
for the purpose -

Mr McAllister - You need not show that
the Judge He can state the relations
of Mr Merrill to these parties
By Judge - but do you know Mr Merrill,

^{at}
 Ans. "Yes, I have known a great many years.
 The judge - you can state then what transpired
 Ans. Before this occurrence, I cannot state the exact
 time Ralph had left his brother William & gone
 to live with Mr Merrill & there was some consider-
 — able feeling on the part of William Koppa in
 regard to Mr Merrill as he thought Mr Merrill
 was trying to get -
 Objection by Mr Knox as to the feeling,
 but. State what Koppa said

Ans I had been Counsel for Mr Koppa up to the
 time of my election & he told me he did not
 think it was right the course Mr Merrill had
 taken in keeping Ralph & thought Mr Merrill
 had got him away for the purpose of getting
 something of out of him, William, & from his conversation
 at different times I thought he would bring a Law
 Suit against Merrill on behalf of Ralph

By Mr McAllister

When was that

Ans. sometime before this occurrence took place, I
 cannot say the precise time
 but within a year.

Ans. I could not say positively, it was certainly
 before last June; my impression would be that
 it was more than a year from now. I would
 not say positively, but my ^{best} recollection would be
 that it was in November

By Mr McComas,

Sub, State the Circumstances

Ans Evidence was heard as to fixing the Amount which should be fixed as to what Ralph Wolfe had & Mr Merrill claimed that he had a claim against William for work that he had done he had worked there for some years, and also some monies as legacies which he said William had received for Ralph and he wanted to be appointed Conservator. An objection was made to him that he owed Ralph & he admitted he did & it was claimed his interest would be antagonistic on that account

~~Sub, Was not that fight with him the cause of the appointment of a Conservator, ^{Ans, Yes Sir the continuance was as to the point who should} there was quite a contest upon it & it was at least agreed that Mr Luce should be so, Mr Merrill & all agreed to it, Mr Merrill was sworn before the jury & I think Mr Van Black~~

~~Sub, Was not that fight with him the cause of the appointment of a Conservator being laid over,~~

Ans, Yes Sir, the continuance was as to the point who should be appointed Conservator, There was quite a contest upon it & it was at last agreed that Mr Luce should be so, Mr Merrill & all agreed to it, Mr Merrill was sworn before the jury & I think Mr Van Black,

Sub, Was Ralph Wolfe there & examined,

Ans, Yes Sir & Dr Blain examined him, & the jury.

examined him, I told the jury to examine him & satisfy themselves if they wished & particularly asked the Jur. to do so. He was questioned, & questioned him & the parties did

But, What was his manner there

Ans. You asked him a question & he would grin & smile & you could see at once he was not right

But, Have you seen William Koffler & talked to him since this unfortunate affair

Ans. Oh yes frequently, or several times

But, State what he has said to you, what account he gave of it, his situation, his feelings & as far as you can explain his appearance to the Jury

Ans. What all the times I have seen him
What

But, Will you may tell at any time, anything you recollect & think of importance

Ans. If you will direct my attention to any particular time

But Will, when he was talking about his life, his relations with his wife & children & all that sort of thing

Ans. Mr William Koffler sent for me after he was in jail & talked with me: that was before he had counsel at all, I had, up to that time, always been his counsel & he told me his troubles & gave me the whole history of it: he gave it to me several

times over & told me what had caused it, & when he had got through telling me, he would go & repeat it over again perhaps tell me the same thing 3 or 4 times over, while I was in ^{the} jail

but, did he speak of his wife, & the relations existing between them

Ans. He spoke of his wife & trouble in the family but, what did he say.

Ans. He ~~speak~~ said that in a community reputation & honor & character was above all other considerations & that it was ruining his character & that his wife had done things she ought not to do & went on to say he was jealous of her & that had caused his trouble, would go on & justify his act on that ground, saying it had got to come to that, it could not be otherwise, he told me in that way, this was when I first went in

but, give what the prisoner said as to his convictions of right or wrong in what he had done, all he said pertaining to that, his manner as far as to its sincerity & all that related to that subject

Ans. He went on as I have stated & said that honor & reputation & Co were above all things & that his wife had allowed men to come to the house, that he was jealous of her & that it had got to come to that, & he was as you may say, perfectly cool & did not seem to realize that

he had done anything wrong, I am talking now about the first time, afterwards at another time when I went in the jail, he told me he was jealous of particular individuals naming some 3 or 4, & that it hurt his feelings, he said when he would take his little children upon his knee & dandle them, ^{why} says he, dear little bonnies I could not help ^{but think} feel that it was not all right, & said he, as I would raise them up & say so to them (and he told me that over about 1/2 dozen times - about the dear little bonnies), it would strike his feelings terribly when he thought of these things & he said & have after remonstrated with my wife, I have told her at nights, when in bed, that these things were wrong & he had got her to promise him from time to time that the thing should be remedied, but still it would keep going on. But would he say anything about his desire to have justice done in the matter, & that all he asked was justice.

The Judge, Do you recollect anything else he said

Ans. oh yes, I recollect lots of things

Mr. Conroy, But state all you remember that you regard as material

Ans. He told me he was jealous of Joseph Filkins Peter Skunk, Edward Russell, & I think he mentioned one or two more, but I don't remember their names & one particular time he said Filkins conceals

there & he had had a child & I forget now whether he said it was a boy or a girl, & he said they were drinking the health after, Filkins drank a toast, this is about the substance of it," There's to the man that gets the male children those who get females are good for nothing but teasers. He said it was a terrible ^{thing} for a man to come ~~to~~ into his home after what had taken place & insult him in that way, He said it was the most awful thing he had ever known of.

Sub. State what was said about the Commencement & Cause ~~of~~ of the first suspicion of his wife; what it was made him suspect this thing you have named

Ans. I recollect he said something to me about it, but really I cannot recollect exactly what he did say.

Sub, Do you remember his mentioning ^{anything about} a horse case that Filkins had to do with

Ans. Oh yes, there was some difficulty that he had with a neighbour, & he mentioned the name of the neighbour, I do not recollect what the name was, but I think I could remember it if it was suggested, he had agreed to leave it to arbitration & Filkins was either one of the arbitrators, or was to be, ~~was~~ & that he had got it so fixed up that the other party had beat him in the matter, that Filkins had pretended

to be a friend & was not one, & had deserted him
& this he laid to the trouble with his wife

Q. Did he say that at the beginning of the trouble
Ans. Yes Sir he did, at the beginning, he said
how comfortable & how nice they could have got along
if his wife had only been true to him, he had gone
on & built one of the largest houses in the Country
& had worked almost night & day & had got up
very early in the morning & drawn sand & bricks
& done all he could to make things comfort-
- able & it had come to that & he said "What

could be done, reputation was above all things &
he could not stand it" He would go on & tell
about his wife & about his being jealous & if I
stopped him he would ^{then} go on & tell the same
things over again; perhaps 4 or 5 times while you
were in the jail

Q. Did he attempt to assign any reasons why he
thought his wife did so

Ans. Oh! he felt sure it was so, he said there
was no question about it

Q. At all conversations he always expressed that
deep conviction

Ans. Oh Yes, he never would own but what it was
so really, Nothing that I could say would make
him say otherwise

Q. Did he say how his wife was in other particulars,
how he felt towards her if it had not been for this,

Ans. He said he loved her & thought of her & that he had spoken to her frequently & told her how he loved her & what he had done for her, & that it was all he asked of her to be true to him, that in every other respect she was a good wife & had done well for him.

But, did he speak about quoting scripture to her, at night, upon her duty.

Ans. He said he had lain awake night after night & talked to her & quoted passages of scripture relative to her duty, & told her what an ornament a good & virtuous woman was, & he also said that a woman had the keeping of the character entirely of her husband.

By the Judge did he say anything tending to show ^{how} ~~he~~ he regarded the act which he had committed.

Ans. He said it could not be otherwise, it had got to come to that & seemed perfectly cool about, and did not realize, so far as I could judge, any sense of guilt or wrong that had been done on his part.

By Mr Mc Cemas did he ever express remorse

Ans. Not a particle.

But did he say anything about whether he wished justice to be done.

Ans. He has, upon more than one occasion, said to me, "Whatever is right, I want to be done" & "I do not want anything but what is right & fair."

that is the way he said it

By the Judge did he expect any result, did he ~~expect~~ pay what he expected it would be.

Ans. Oh no! he never said what the result would be, that I recollect of.

By Mr McComas, what was his state of mind, how as to the complexion of thoughts, as to his repetition of thoughts, as to his episodic character if I may so speak

Ans. If you set him on this question of his wife he would appear to outward appearance cool & collected you would never see a change of his face at all, or color, or drooping of his head, but his eyes would sparkle & he would seem to go on in a peculiar kind of way till he had done with the subject you would think, then if you said anything to him he would begin again. If you changed the subject, with regard to general business he would go on in a different way.

Cross Examined by Mr Kropp

Sub. What age are you

Ans. I am thirty five

Sub. Where were you born

Ans. In England

Sub. When did you come over from England

Ans. I could not say for I do not recollect the

time I was an infant I cannot state exactly probably a year old perhaps a little over I was not two years old. I was a little over a year old according to my understanding of the matter & what people say

Sub. When did Mr Koppf come over

Ans. I dont know of my own knowledge I dont know when he did come from England & I dont think I ever heard any one tell when he did come from England

Sub. Have you no idea

Ans. No. I have not

Sub. When & where did you first know him

Ans. I knew him. In the precise year I cannot tell you but it was I think the very first day he ^{ever} came to Wheeling that I saw him

Sub. When was that

Ans. I cannot tell the precise date. My Father settled there twenty nine or thirty years next spring. He was not there when we first went there. The town went to Buffalo Creek & I knew him in the woods

Sub. Moved from there to where & what place

Ans. We lived there I think at the time

Harrison was elected President

Sub. How many years.

Ans. I cannot tell the exact number of years

Sub. You lived there till Harrison was elected President

Ans, I think so that is my best recollection

But Do you mean you lived there till Tippecanoe died & Tyler became Ex officio President

Ans, I think it was about that time, for I know ^{that} about the time of this Tippecanoe fever I went up to Indian Creek to get some horse shod & it was some time from the incoming of the new administration that we removed.

By the Judge

But Do you recollect a man named Bowman

Ans, You mean perhaps the man who kept Tavern & was killed

But, No the man who was Called David Bowman who came from Canada

Ans, No Sir,

But, When you moved to what place

Ans, We moved down to a place about half a mile or three fourths. There was Felkins farm was Eighty rods clays Eighty five rods to half a mile north of Wheeling

But, Where did you move to from Wheeling

Ans, I told you that it was Buffalo Creek, it was about one and a half miles north of Wheeling and in Lake County, we lived at Buffalo Creek to the best of my recollection we removed from there just about I think the spring after Harrison was elected president

But, that would be forty one would it not

Ans, Yes I guess so, as he came in in march

My recollection is we remained in the same summer or spring I know it was in the summer because the grain was around
but, then to.

Ans. To a farm ^{to a farm} half a mile from Wheeling, that a Mr Hansen lived on

but I want to know when the defendant came in
Ans. The defendant came in sometime before we moved ^{quite a time before we moved} on this ~~land~~ place whilst we were at Buffalo Creek

but, then he came as early as 39 or 41,

Ans. I would not say positively, but I think he has been there over 20 years. If any one had asked me I should have said that I had known him twenty five years. My recollection is he came whilst we were at Buffalo Creek, I knew him when he lived in the woods just a little back of Father's timberland his timber land joined father's & they had a log hut which they went into

but, your farm was joining

Ans. No Sir Mr Hopes timber was on the East end of our farm Our timber the prairie joined but his were three miles apart

but, he lived in the timber

Ans. Yes. He might have a preemption on the farm I don't know. I presume he had both about ~~the~~ same time & knew him when he first came there & looked for a claim,

Sub. Do you know the age of Mr Kapp?

Ans. I could not say only by giving a guess

Sub. How old were you when you first knew him

Ans. I cannot state exactly

Sub. About how old.

Ans. That would depend upon the precise year. I might have been ten years old, more or less.

Sub. How old did he appear to be when you first saw him. Were the two Kapps together

Ans. I want to swear whether they came together

Sub. They were together

Ans. Oh yes. I knew another brother too, ~~they~~

Sub- they were living together

Ans. Yes Sir

Sub. How old ^{did} they appear to be then

Ans. Do you want me to give my opinion

Sub. Yes.

Ans. Well I should say that William might probably have been twenty five years of age, might be a little more. He was ~~not~~ probably not thirty at least. I should not think over twenty five

Sub. Which is the Eldest

Ans. I don't know but my impression is that Ralph is the Youngest

Sub. Then this man at the time you were ten years of age was twenty five or thirty years of age

Ans. of course I can't say perfectly.

Sub. Were you playmates of them

Ans. none of them at that time played with anybody
for they were hard working men & I did not usually
play with men therefore I suppose I was not a playmate
but, when did you leave that locality

Ans. Which of them

but, tell either of those times for you have spoken
of only one general locality

Ans. then you want to know when I removed from
the vicinity of Wheeling

but, yes

Ans. then I think it was pretty near the time Polk
was running for the Presidency

but, 1844,

Ans. Well it was not a great way from that

but, then you moved away from that section

Ans. No not exactly me then lived in a house
half a mile from Wheeling we then moved, now
Napp's place is half a mile south & two miles
east we then moved to what was called English Grove

but, when did you first move after your ^{timber} was adjoining

Ans. We then moved to the Hamilton place

but, how far is that Ans. About half a mile

but, how long did you live there

Ans. As I told you before the precise time I cannot
remember but my impression is that we removed
from the Hamilton place about the time Polk was
running for the Presidency within a year of the time.
more or less

but, when did you move to the Hamilton place

Ans, Within about a year of the time of Harrison's
presidency

Int, How long did you live there

Ans, It may be four years. It may have been three
I would not swear positively

Int, When did you remove then

Ans, I told you to English Grove

Int, How far is that from Hopps.

Ans, Probably seven or eight miles

Int, How long did you live there

Ans, We lived there several years, raised several
crops I think.

Int, About how long

Ans, I cannot tell exactly. I do not remember, I know
we raised several crops there, we sold out to a man
named Procks who is now dead & moved out from
three fourths of a mile to a mile between English
Grove and Deer ~~park~~ Grove.

Int, Further from Hopps.

Ans, Well about same distance from Hopps

Int, How long have you lived there

Ans, Father has lived there to the present time

Int, When did you leave that last locality and
where did you go.

Ans, I have been about the world some in different
places.

Int, When did you go out of that neighborhood

Ans, Tell me what do you mean by going out & then

I will answer your question

Q. When you did not stay in it Judge

A. There has been very little time that I have not been there more or less except two years that I was at Mendota

Q. Where is your home now

A. Chicago

Q. How long has it been so

A. Since December /54. or January /55. I think probably in December 1854.

Q. That is for eight years

A. It is very easy to take one for the other and that gives the number.

Q. Have you been in the practice of the Law since you have been in Chicago

A. Yes Sir

Q. Mr. Wolfe been your Client

A. A portion of the time

Q. I understood that he had all the time up to your election

A. Yes he ~~is~~ up to that time, he has been a man who has had very little law to do. I say I was his Counsel & had been so to the time I was elected Judge. I did not say that I was all the eight years & did not yesterday. I said I had been his Counsel & that up to the time I was elected Judge. I was his Counsel & I say so now
Q. When did you commence being his Counsel

Ans. I don't know that Mr Kopp had any suits
 but, When did you commence counselling him in
 regard to legal matters

Ans. The relationship was this, there might be
 some little matter with his neighbors & he
 would meet me & come to the office & ask my
 advice & I would tell him & make no charge of
 it, never charged him a dollar in my life

but, Being warm friends

Ans. Yes Sir

but, Did his business gratuitously

Ans. Well a portion of it, same as I would any
 other old friend

but, Yes that is the right way to get votes

but, How far is it from Wheeling to this

Ans. About twenty four miles

but, To where Mr Kopp lives

Ans. Twenty two miles to the old field & he lives
 two miles beyond.

but, How frequently have you been there in the last
 eight years.

Ans. Very seldom Very.

but, Since you moved here

Ans. I don't think I have been at his house
 perhaps more than once during that time

but, How long were you there & upon what
 business there.

Ans. I don't remember now, I know I have been there
I think once in the eight years.

But, you don't remember what it was for nor what
was his condition nor what was doing

Ans. No I think I did not see William Vopps when
I was there, my recollection is he was not at home
But, have ^{you} not ~~you~~ ~~seen~~ him after seen him very
much intoxicated

Ans. Often! I have seen him intoxicated

But, you do not answer my question

Ans. No not often, I have seen him intoxicated

But, frequently,

Ans. No sir

But, When.

Ans. The first time I ever saw him was at a
braking in a ~~bar~~ Joseph Filkins bar a good
many years ago

But, when was the time

Ans. I don't know but it was a great many
years ago.

But, you can ~~remember~~ within a reasonable
number of years probably

Ans. I would not say the precise year, but it
could not be three years from twenty years ago
I should think

But, did you mean about twenty years ~~ago~~ or
about seventeen or about twenty three

Ans. I would not pretend to guess to three years

but I think I might be safe in saying it was not three years from twenty years ago.

Int. Don't you know what your age was at the time

Ans. Oh no I could not state without calculating

Int. Well what kind of a boy were you,

Ans. I was a pretty good size of a boy at that time.

Int. He was a good deal intoxicated was he

Ans. Yes sir,

Int. Did he stagger

Ans. No I don't think I saw him walk, he was not walking or going around then I think I don't remember noticing how he walked

Int. How did you know he was intoxicated

Ans. By his actions

Int. What were they,

Ans. Well ^{we} were then at a husking bee & they would go and invite all the people in the neighborhood & I was there & Mr. Hopper was there & my recollection is the women were there

Int. You was there

Ans. Oh yes I was there.

Int. And probably they were there too

Ans. Yes most likely they were Mr. Knier ~~had~~ We had liquor there & my recollection was he sat down and was husking corn and he was at that time very noisy and boisterous & that is the reason I remember his condition

Sub. Sprinkling a little swearing in it,

Ans. I don't remember his swearing,

Sub. Talked fast and loud

Ans. He did not talk very fast he talked very loud.

Sub. When did you next see him intoxicated

Ans. I don't recollect particular instances now I have seen him within a few years when I thought him the worse for liquor, when I knew he was.

Sub. Pretty frequently

Ans. Not frequently

Sub. How frequently

Ans. Since I lived in Chicago I have seen him perhaps twice worse for liquor not what you would call downright drunk, I have also known that he took a little liquor usually that is of late years, I don't know it was a regular habit, I know he took a little frequently but not ~~best~~ of his being drunk very often.

Sub. Were there times in Chicago

Ans. Well I tell you I have seen him in Chicago when I thought he was worse for liquor, had ~~too~~ ~~much~~ in fact, had too much, more than a man ought to take.

Sub. Do you recollect when the last time was you saw him so

Ans. I cannot name the day nor month but

perhaps I saw him so in the year 1861,
 Q. Was not that about the time of preparing
 for Christmas

A. Oh no It was before that time
 but, about a year ago you say.

A. No I said in the year 1861,

but, How do you know & remember

A. By Comparing & analyzing

but, Did you hear anything about a big drunk
 that he had ^{a little} before Christmas & some conversation
 he had with Mr Slawkes

A. No Sir,

but Did you not hear Mr Slawkes testify

A. No Sir I did not,

but, What means have you of knowing of it

A. By exercising my memory, the same way you
^{know you} have eaten your dinner yesterday or you got up
 this morning

but, did not I ask you how long you lived on
 one frame, but you could not tell to what time
 you lived on it, but you knew that you got
 some crops off,

A. I told you so & I could not tell

but, How do you know it was before

A. I know it was by my memory & by com-
 ~ parison & by events

but, What events

A. By recollecting that it was before certain things

Int. What things

Ans. A good many

Int. By what.

Ans. By one thing that it was before the County election

Int. Before you were elected

Ans. Yes Sir before I was elected

Int. It was whilst you were canvassing, was it,

Ans. No Sir it was before that

Int. Was it in Chicago

Ans. Yes Sir

Int. Where

Ans. I think it was in my office

Int. Did you see him drink during your election

Ans. Why of course I took a glass of ale with him myself

Int. And those are the ^{only} things that fixes the time in your memory

Ans. No Sir I know besides that it was before taking testimony in a law suit

Int. And before your election

Ans. Yes Sir

Int. When you drank with him was he intoxicated

Ans. No Sir

Int. Was he etc worse for liquor

Ans. Not to my remembrance, If he had been I should never have asked him to take a glass nor

taken a glass with him

Qut. Where were you when you took your glass

Ans. I cannot swear positively to the precise spot, as Mr Lincoln says in his speech

Qut. did you take but one glass with him

Ans. I guess not on that day, I have taken glasses with him many times but I think not

more than one at the same coming in, I have been him at times when ^{because with Chicago when} I knew he was the

worse for liquor, what he took with me was simply beer, that is my recollection of it

Qut. How soon after he was put in jail did you call to see him

Ans. I think it was some days, I will not swear positively as to the day.

Qut. Was it within three days

Ans. I could not say the day precisely the number of days, but he sent for me & I went down to see him as soon as convenient

Qut. He sent for you to advise with you

Ans. Well he sent for me & I went there, I had been his legal adviser, I was sent for & presume same as you or any other man if he had got into trouble & had had a legal adviser before & had been a friend for a quarter of a century & I went to see him

Qut. You went as his legal adviser

Ans. I never said so, I said I went

Qut. Why.

Ans. If you & I or any other man that had a speck of manhood & he got into ^{any} trouble & had always been a friend of his & he had confidence in you & you felt friendly towards him you would go as a friend to see him whether you were practising law or not.

Qut. Who did he send

Ans. I do not remember, I don't know but that he might have sent two, I might have been busy but do you know who came once

Ans. Yes the jailor came ~~over~~ several times & Mr. Nabb came ~~over~~

Qut. Then he sent for you & you went down to see him

Ans. Yes Sir,

Qut. Did you talk with him

Ans. Yes Sir I talked to him

Qut. Did you advise him in reference to this case

Ans. I talked about the Case, of Course we did,

Qut. And he continued to send up for you frequently, & you talked about the Case

Ans. Oh he sent several times

Qut. Did you advise him as to what Counsel to get, did not he want you as Counsel & you told him you was judge

Ans. No I think not, but I will tell you that if I had been practising I should have been his Counsel. He had been informed before that I could not practice

Sub, Did you advise with him what Counsel to get
 Ans, I talked with Mr Hopps on the subject of
 Counsel

Sub, When

Ans, During one of the interviews

Sub, Which

Ans Well perhaps several I had several interviews
 with him before any Counsel was employed or he
 had any Counsel & Mr Hopps employed the Counsel
 he wanted himself & exercised his own judgment
 as to Counsel

Sub, That is not an answer to my question, I
 ask if you did not advise him what Counsel to get
 Ans, We talked the matter all over about Counsel
 & about different lawyers & all that kind of thing
 & Mr Hopps employed Counsel as that some of them
 had recommended that he had seen, He told me
 that some individuals that had been in to see him
 had recommended such Counsel & the conclusion
 that was come to was that one Counsel should be
 selected & that that one should select the other
 if he wanted any, but as for having any influence
 over Mr Hopps as to the particular man he should
 employ for Counsel I did not have any, He had
 got his mind made up on that subject by
 conversation with friends & others before I saw him
 Sub, Before you went there many times to talk with
 him on the subject of Counsel had he his mind

made up before you called for a time

Ans. I think he had.

Sub. And you went very soon after he was in jail

Ans. Several days. I don't know how long.

Sub. Who did he say he had made up his mind to employ as counsel

Ans. I don't know how I can answer that, or how far it may be right for me to do so

Sub. Your Counsel will tell you when you may answer or not.

Mr. Dexter thought it was of no use

Mr. Mr. Comas The only objection ^{to it} may be a matter of delicacy

Judge It is competent

Question renewed - He had made up his mind for Mr. Van Amman.

Sub. firm of Walker Van Amman & Dexter.

Ans. Yes Sir.

Sub. And he told you in the outset

Ans. He said some friends had of his had talked to him about it.

Sub. He informed you of this at the first interview you had with him you say.

Ans. I would not say positively that he had made up his mind & informed me at that time that he had done so, but I know that he had.

Sub. that he had made up his mind

Ans. I don't know that he had at the first

time I saw him but I know he had made up his mind to employ Van Arman before first time I saw him.

Int. Had you tell him it would be well to do so. It would be as good counsel as he could get.

Ans. I told him that Van Arman was a very peculiar kind of a man & had a peculiar turn of mind & that I regarded him as a very able lawyer. & was good counsel. He wanted to know what I thought of him & told him this I don't remember the exact words.

Int. You told him he was a peculiar man.

Ans. A man of Peculiar turn of mind & that he was a good worker & said a good deal but did you tell him if he got Van Arman he would carry his case to the Supreme Court half a dozen times before he would be beat & consign him to the gallows.

Ans. No Sir I never did.

Mr Dexter

objected to this,

Mr Knox

It will have a tendency to show the state tendency of that man's mind.

(Objection overruled)

(Exceptions taken)

Int. Had defendant say anything of that kind

Ans. No Sir never said anything

Int. About his carrying him through

Ans, No Sir

But, Was your Answer,

Ans, The defendant always told me what he wanted done was what was right,

but, then you did not pretend to him Van Aman would clear him,

Ans, No Sir, did not pretend that any man would clear him, did not express any opinion as to whether any man would clear him or not,

but, Well you say he had selected Van Aman & that men had recommended him to him, Can you name a man who recommended him to him

Ans, He said several had been in

but, did he name who

Ans, I will tell you he said several had been in advising him about Counsel, among them he named Mr Little as one that had been in to see him & recommended Counsel & several others whose names I cannot remember, now, had recommended Mr Van Aman too,

but, He advised with you about that Subject

Ans, He asked me what I thought about the man of course he did,

but, He was cautious He had had advice of his friends

Ans, He had acted on the advice of his friends

but, He called in his friends, called in several

Ans, I dont know that he called them in, they

had been in

But, He consulted with you about their recommendation

Ans. Well he had made up his mind

But, But not till he had talked with you & you had talked with him

Ans. ah yes, ~~but~~ several times, but he employed Van Amman

But did he ask your judgement or advice as to employing anybody else with him, if so what did he say

Ans. He said a good deal, I had many interviews with him but I could not remember a quarter of it

But will answer that question, did he talk upon that subject with you

Ans. He did

But, What did he say,

Ans. He said that his friends had advised him to employ one and then leave the balance that one to employ who he wanted

But, did he say anything to you about it,

Ans. He talked to me of course

But did he ask your opinion about them

Ans. Yes we talked it over,

But, Was that his judgement

Ans. I think not, I think it was the judgement of some friends who had been advising with him & probably had some influence about it,

But But he did not make up his mind till he saw

you

Ans. Yes Sir I think he had made up his mind to do it,

Int. Did you give him your advice upon it,

Ans. In a measure I did

Int. What was it,

Ans. ~~Int.~~ I told him I should select Council if I were him according to my own notions

Int. What did he say then,

Ans. Sometimes one thing & sometimes another

Int. Just tell what

Ans. He seemed generally to come back to the place of employing one,

Int. That was his judgment backed by his friends

Ans. Yes Sir

Int. And you agreed in that

Ans. He said he did not know much about it & left it to his friends

Int. Did he advise ^{with} you about it and ask you to select

Ans. No Sir, He did not He did as advised by those friends and followed their suggestions,

Int. Did you have any conversation as to the cost & fees, did he talk about that,

Ans. Yes.

Int. What was it, *Ans. There was something said as to the price.*

~~Int. What was it.~~
Ans. He wanted to know how much it would cost as nearly as I could remember, or how much I supposed or something of that kind

But, that is to employ Counsel

Ans. No Sir, not to employ them but how much it would cost. How much they would charge him

But, did you tell him

Ans. No Sir,

But, Did not ^{make a} guess at the time

Ans. No Sir. I will tell you what I did tell him I told him I did not suppose any Counsel could really tell him how much it would cost.

But, Did he ask you about how much it would be.

Ans. No Sir

But, Did he ever.

Ans. No Sir

But, Did he have any other conversation about the cost of Counsel

Ans. No Sir

But, Did he tell you how much he had agreed to pay

Ans. Never.

But, only what he had paid

Ans. Never.

But, But he was solicitous about what it would cost

Ans. He just asked what it would cost.

But, that was before he had employed Counsel

Ans. Yes Sir

But, He is a good Farmer.

Ans. A very good Farmer.

Int. Healthy.

Ans. Yes Sir

Int. Aint he the best farmer in the county

Ans. He is as good a farmer as there is in the county
& has as good a home to

Int. What size

Ans. I could not say, it is a good sized farm

Int. He was poor when he came here was he.

Ans. My impression would be that he was poor
but you cannot always tell what a man is worth

Int. A pretty sharp man in business

Ans. A very good business man probably, he is one
of as good thorough going farmer as there is in the
County gets the good out of a farm & sees that men
do their duty & work

Int. Which is the smartest man he or Ralph

Ans. He is

Int. Is smarter than Ralph

Ans. He says smarter than Ralph ^{is} now a good deal

Mr. Hexter:

objected to this & wanted it all taken
subject to objection, The comparing of the mental
capacity of these men.

Examination resumed by Mr. Knox

Int. Has there always been this.

Ans. Well there has been a great difference in the
mental capacity of Ralph. When I first knew
Ralph Hops he was a pretty smart kind of a young

man, William was a good smart thorough going hard working man. Ralph Hopper ~~was~~ at that time was a smart hard working quick intelligent bright man & taking an interest in everything that went on. Would read go to parties, bees or anything of that kind & seemed an ordinary member of ^{the} society. William also had this peculiar twinkle in the eye which I named yesterday, they were both good ~~smart~~ smart citizens & would each of them look after his individual interests. I should say that probably William was the best, had the most, power, was really & naturally the smartest man a little, but both of them were bright men that is for business transactions & understood what they were about, of late years there has been a great difference between the two. Ralph for a number of years since I spoke of has changed in comparison with William & is altogether a different man.

Q. But when did the change commence?

Ans. I will not say positively but I should think it commenced in Polk's administration sometime about that time. I won't say positively the change then became visible & then Ralph Hopper became insane & has been so since ^{to} my knowledge whenever I have known him. It was notorious by so with all the neighbours.

Q. Did you say 'insane & notorious'?

Ans. Yes Sir it was notorious.

Sub. I did not ask you anything about his insanity

Ans. Yes Sir You did You asked about sanity & sanity or insanity is involved

Sub. Since then they have been different men

Ans. Since that time Ralph has been altogether a different man I speak comparatively as to time. It was during the latter part of Polk's administration to the best of my recollection.

Sub. You say that William was of good moral character

Ans. Yes Sir Very good

Sub. That is his reputation

Ans. Yes Sir As far as I ever knew. I never heard his moral character questioned by any citizen. he would take a little liquor & sometimes would get drunk, but as far as honesty and other qualities I never heard of his being called otherwise

Sub. Good moral character except ^{he} sometimes gets drunk & beats his wife. Have not you heard of his beating his wife.

Ans. I have heard of it, but I don't know whether it was before or after this thing

Sub. Did not you know that she had left him three or four times

Not answered

By a juror

Did not witness say first time he saw

time he was intoxicated & worse for liquor
 Ans. No Sir never, the first time I ever saw him
 intoxicated was at the hearing.

By Mr Knox

But, would you call that man a worthy citizen
 that would not only get drunk but would abuse
 his wife & drive her from home so as to cause a
 separation at least four times since she was married
 Ans., I don't know whether he has done it or not,
 but, would you call him worthy if he had done it,
 Ans. He might be a worthy citizen in some respects
 and not in others

but, do you mean that you would call him ^a worthy
 citizen if you knew he had done it,

Ans. No Sir I should not if I had known of it
 of any man.

Mr Dexter

Objected to this because there was no
 evidence of it

Objection over-ruled

Witness resumes.

Ans. I have not said that I knew of his abusing his
 wife either to day or yesterday

but did you not believe it when you heard it, did
 you hear it from men whom you thought truthful
 & honest men

Ans. I judge of that as I would of anything else
 I should hear from individuals without knowing it

to be true or false

Int. Did you believe that he separated from his wife ~~three~~ or four times

Ans. I don't know that I heard he ^{had} separated four times

Int. Have you not heard that he had beaten his wife & that he had separated from her in consequence

Ans. Ah yes I have heard of it several times

Int. Did you believe it when you heard it

Ans. I believe it like this I could not tell whether it was true or false; but if you had come & told me such I should perhaps have believed it, I heard people who were of a fair character say so.

Int. Well then you believed it, did you not?

Ans. Well in that light

Int. Well then believing it would you say he was a good man & worthy citizen

Ans. If any man touches a woman it is not a worthy act that no man ought to do it, because a woman ought to be sacred, there is no doubt about that;

Int. Would you call him a good man

Ans. He might be the best man in the world as to honesty & other traits & yet that would be a bad quality

Int. You answered under oath that he is

47.

a man of good character & worthy citizen
have you any mental reservation

Ans. Not a particle I was speaking more particularly of what I had seen in him for over twenty years, that everything I had seen of him was nothing wrong except that he sometimes took a glass, & am not stating of reports.

Sub. Were you advised with in reference to having papers got out after this murder was committed or this homicide in reference to Ralph's insanity

Ans. How do you mean advised

Sub. I don't know that I ever knew a man ask me as after as you

Sub. Were you talked with

Ans. Yes Sir I was talked with by Mr. Merrill Mr. Tourtelotte or Mr. Eldridge came into court & they had got up the petition without my knowing anything about it

Sub. From what source did your knowledge originate

Ans. From either Merrill Eldridge or Tourtelotte ~~Sub.~~ They were the parties that brought it on

Sub. Had you give any advice as to the propriety of bringing it on.

Ans. Not as to propriety but Mr. Eldridge came in & said it was drawn

Sub. Was it after William Hopper had employed Counsel for this case

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Ans. it was after

but did you consult with any of the lawyers
or they with you as to Ralph.

Ans I think not, after the proceedings ^{were} commen-
ced I think Mr McCormac came in as to con-
servator

but who is Mr Eldridge.

Ans He is Lieutenant ~~Colonel~~ Colonel in Van Armands
regiment

but he first spoke to you about getting out these
papers in reference to Ralph

Ans. I would not say whether it was him or
Mr Eldridge that spoke first, I think it was
Tourelotte that was the man.

but will he is Eldridges partner is he not

Ans Yes Sir

but then all came together I suppose Eldridge
& Tourelotte were Merrill's Counsel

Ans Yes, either both or one of them It was that
firm

but who made statement to you in reference
to Ralph's offer insanity

Ans. Well they were there & Mr Popps was there

but, did he come in

Ans Yes Sir

but did he apply for the proceedings

Ans Well I don't know that he was in the
place when the petition was made

But when he did come did he want an inquisition as to his insanity

Ans. Well he did not say whether he wanted it or not
He looked silly and laughed

But, But this is before that time was he there when the petition was presented

Ans. I could not say I think he was not but I will not say whether he was or not. He was there on that day. The petition was taken out sometime during the day & made returnable in the afternoon at five o'clock but then this petition was applied for by this Counsel & Merrill & Perry called & examination had on the same day

Ans. Yes Sir

But, And Ralph there himself

Ans. I ~~would not~~ ^{would} say as to his being there at the time the petition was called, but I know he was there.

But, Did they apply for an inquisition as to his sanity or insanity

Ans. Yes Sir

But, Did the jury return such a verdict

Ans. They returned a verdict that he was a distracted person.

But, Did the jury say that he was an insane person

Ans. The verdict of the jury was that, I will now read it. (Reads petition

but, the application was to try as an insane person
the jury found him a distracted, was it not
stated to you & by this Merrill, that he was a
half idiot

Ans, I have no recollection of it,

but, he did not write that

Ans, I dont know but he signed it & I swore
him,

but, Did not he swear that he was a person
had not half an intellect

Ans, I dont know, It is not possible for me
to remember all the evidence of witnesses that
came here

but the filing of the Complaint the getting of the
jury & trying of the case was ^{all} in ~~and~~ one day.

Ans, ^{Yes, six} The statute dont say any thing about insane
at all

but, Why did you issue process for an inquest
when the statute dont give you a right to make
the inquiry

Ans, It is in the statute, "I did not Lunatic or
Distracted person"

Mr McComas

but, that is the petition you have read us

Ans, That is the petition signed & sworn to by
Mr Merrill

Judge Read the words of the clause & explained
that the word "Distracted" by Webster meant

madness a state of disordered reason, We usually apply it to the state which produces raving in a man. The fifth definition is following extremes or amounts to Insanity

But do you recollect what time he owned that machine

Ans. He owned it when Polk was President of the United States if I recollect.

But his mind began to fade away or evaporate then

Ans. I don't construct the sentence in that way I said it had begun to be different to what it was before.

But. He was stupid

Ans. Pretty nearly a fool naturally

But. Was he raving mad.

Ans. Not raving at all but quiet & when you said anything to him he would laugh. Etc.

But. Silly as a fool.

(Not answered)

But. This was back in Polk's administration that he owned the threshing machine

Ans. Yes Sir as near as I can recollect.

But. From that time he has been growing more & more stupid

Ans. When he threshed for my father he was perfectly reasonable & sensible no one would know but that he was all right. He attended to his

horses & to his machine & talked & was lively
very soon after that or whilst he owned this
machine his mind changed

but did you not know or hear that he was nearly
benefit of his reason by an overdose of medicine

Ans. Never in my life

but I ask you now what is your opinion, Has he
not been for years a Semi Idiot, a quiet silly
dunce

Mr McConner

objected to the question

objection overruled & question put in writing

Ans. No Sir,

but did you not say yesterday that your
opinion was that such was his appearance and
conduct at the time referred to in the last question

Ans. No Sir

but what did you say

Ans. I said that at the time I mentioned he be-
- came a changed man, a different man, his
mind was changed, that is about the substance
of what I said & that now his mind had
faded out or evaporated, in a great measure
& been getting worse & that he was quieter &
duller now.

but do you mean now

Ans. Why this year this week & last August

But, did you not see that during Palkes administration he was not only a changed man, but becoming a little laughing man.

Ans. I don't know that I fixed it at Palkes administration I might or might not, but it was sometime about the time that he became a changed man his reason had changed now it had faded out & evaporated.

But, when did this fading out become so perfect as to need some one else to take charge of his affairs

Ans. I cannot speak now of a few years back till this last August because I have not been familiar with the man for the last few years till then; but I know that for a number of years after this Palkes administration he has not been able to take charge of his own affairs or manage his business. He could go & do a days work in the field but he was not able to do ^{transact any} business

But, were you counsel at that time for both the Hapkes's

Ans. No Sir not either of them

But, But you knew them well

Ans. Yes Sir

But, you have been kindly disposed for them

Ans. Always most kind feelings for both of them

Sub. You said you had been here Eight years.

Ans. I did not say Eight years, but I told you the time

Sub. Why did you not advise as a friend, that he should have had a conservator appointed to take charge of his affairs when you knew he was not able to take charge of his affairs

Ans. it was not my business

Sub. But you knew he was so

Ans. Of course I knew it.

Sub. Do you never advise & except as Counsel

Ans. Oh yes frequently

Sub. Why did you not advise him

Ans. My idea was at the time & was when Mr Merrill was appointed, that a conservator had been appointed years ago & I supposed that his brother was Conservator

Sub. on looking at the records you did not find it

Ans. No Sir I never looked at the records.

Sub. Did not this man this Conservator tell you that this man was not more than half witted & that his Father required him to look after him

Ans. No Sir I dont think he ever told me that

Sub. What has he told you in reference to it

Ans. He has told me a great many things

Sub. did he not tell you he was simple & that he had to look after him & had to

look for him

Ans. No Sir he told me he was crazy
but, When did he tell you so then can you
say

Ans. I will swear he told me so in 1855
& in 1861

but Did he make any movement to get
a Conservator Appointed

Ans. No Sir but I supposed he had got
it & I thought it was his brother as I
knew he had settled up & conducted
his business

Knt. But he has become more stupid &
silly lately

Ans. What I mean is this, his mind is
weaker his intellect is weaker, he has not
got the brightness of mind that he had
before this. He was deeper, quieter, sober,
but do you think ^{that} therefore he more
needed a Conservator now; in your judgement

Ans. No Sir I did not think he did
because for the last ten years or more he
has needed a Conservator as much as now,
but, do you know of any reasons why if
he needed it as much or more for the
last ten years but is now growing more
quiet and more silly that it never
was resorted to till his brother was put in

jail & had employed Counsel
Ans. The reason it was taken was simply
this, that for sometime previous I cannot
say how long Mr Ralph Happs had left
William & had gone to live with Mr.
Merrill & that Mr Merrill was a par-
-ticular friend of Ralph & on account
of Ralph & him a friendly feeling had
not existed between Mr Merrill & Mr
Happs. The object of getting at this
proceeding as I understand it was
the reason was to get some authority
which should take charge of him &
get Mr Merrill as Conservator & if he
was here he would tell the jury the
same I presume. He told me either
at the time or before the Conservator was
appointed he had no interest in
getting out this proceeding himself
He had done it on behalf of Ralph
Happs, & he wanted to get it so that
he could get Ralph up & make him
comfortable get what were his dues
from William & he would take Conservator
if the Court would appoint him & there
was quite a fight upon the question
who should be Conservator This was on
the day of giving a verdict, Ralph

was true and I asked him what he thought & he talked very curious & did not seem to be any way particular, but said he would rather Mr Merrill would be so than anyone else but it was suggested that he was owing Ralph for work & this induced him to be antagonistic to Ralph's interest & then Ralph said if he could not have Merrill he would like to have some one who would advise with Mr Merrill as he was his friend & advised with him, that was the substance of it.

Q. By whom was that suggested when there was quite a contest going on Am. I could not say positively, but I think by the Court.

Q. You spoke of Mr Mc Com as coming in at that stage of the proceedings

Ans. Yes Sir

Q. For whom did he appear.

Ans. He said for the relations

Q. For the relations of Ralph

Ans. No not for them Mr Eldridge appeared for them

Q. For whom did he appear.

Ans. I don't believe he stated for whom

he did appear my impression is it was for Mr Hoppers

Int. He appeared at any rate

Ans. Yes Sir & opposed very strongly the appointment of Mr Merrill

Int. Was he at that time Counsel for William Hoppers.

Ans. Yes. I had known of the feeling that existed between William Hoppers & Merrill from the questions that were made in 1861 on the question of Ralph.

Then Jas B. Bradwell re-examined by
Mr Mc Komas.

Int. Did I take any part whatever in the trial of the case to decide Ralph Hoppers insanity

Ans. Not a particle Sir.

Int. Was not the only part I took simply as the representative of William Hoppers & upon the appointment of a Conservator & did not I say I did not care who was appointed if he were not an enemy.

Ans. The Governor stated that he did not care who was appointed particularly, so long as he was not a rank enemy of William Hoppers.

But did I make any objection to any man in the world except the one who filed the petition

Ans. That I could not say, but I know you opposed Mr Merrill

Q. The proposition was to appoint him

Ans. Well there were several persons named by the Court, I think

But was it not ^{then} agreed that we should leave it over & see if a Common man could not be found that would be satisfactory to all parties

Ans. ~~Yes~~ And the Court said if they could find some one that had no opposition against him he would appoint him & if that such a man could not be found the Court would then appoint some one who was not known to either of the parties

But did ~~you~~ myself, Mr Van Arman, Mr Dexter or anybody connected with us, or connected with William Hopp's have anything to do with you except as has been detailed here

Ans. No Sir

X
W. F. Pountelotte called and examined by
Mr Dexter

But where do you reside & what is your business

Ans. In the City of Chicago, I am an Attorney
but have you any knowledge of certain proceed-
ings held before Judge Bradwell. If so state
all you know about it in reference to the
insanity of Ralph Hopps.

Ans. Sometime during last term I think
it was I am not positive as to date
but after the prisoner here had been
committed to jail one Mr Van Hook came
to my office & related to us circumstances
of one Ralph Hopps being incapable of
attending to his business & I think Mr
Merrill came with him I think at
the first time Mr Merrill came Mr Merrill
resided in the vicinity & Mr Ralph
Hopps had been laboring for him for
sometime prior to that. After stating the
facts & ^{the} fact of his having some prop-
erty - which was in the hands of the
prisoner we advised the proceedings which
were had, before Judge Bradwell for
the purpose of getting that property for
him. The Commission was issued and
he was tried there.

Int. Were you there

Ans. I was there part of the time but
not much Mr Eldridge was there most
of the time I was present when the

physician was examined but Mr Eldridge
conducted the case

but was this the first you did about it

Ans. Yes Sir

but who paid you for that

Ans. I think Mr Luce I think Mr Merrill
was to pay it But he went away & did
not do so

but was Mr Comas or Van Auman or Luce
in your office

Ans. He came in to see what would be
settled upon Ralph Hopps & what
provision

but was it previous to this proceeding

Ans. It was previous

but did you say Mr McComas ~~was~~ is
only man who came to you on the
subject Now I ask if that was not
after he had been declared a Lunatic

Ans. I should think it was after
that time but I could not say.

By Mr McComas

but do you remember that I was with
Mr Luce

Ans. Oh yes that is what I said

but did I ever come with Mr Merrill

Ans. No Sir

but did I not come to make some state

ment about some property

Ans. Yes sir

By Mr. Dexter

Sub. Did it not come in the ordinary course of your ~~the~~ business

Ans. Yes sir

Cross Examination By Mr. Knox

Sub. You say this was generally done by your partner

Ans. Yes sir

Sub. The outside business as well as the trial

Ans. Yes sir

Sub. What is he

Ans. Lieut Colonel

Sub. of what Regiment

Ans. 127th Illinois

Sub. Who is Colonel

Ans. John Van Aman.

*

Jos. C. Hayes. Examined by Mr. McConers

Sub. Where do you live

Ans. In Chicago

Sub. How long have you done

Ans. 28 years

Sub. Do you know William Hopp

Ans. Yes sir I do

Sub. How long have you known him

Ans I cannot tell exactly, but I think
about 20 years

but state the extent of your acquaint-
-ance with him

Ans I have done business with him
for many years. I was in business
merchandising till 1847. & he I think
& he used to buy goods of me &
I bought wheat of him. I was in the
marketing business buying Oms & C
but during your acquaintance with him
has anything peculiar occurred to you
with regard to his personal app-
-earance & if so what

Ans His appearance always struck me
as strange; that was always the
impression I had. I will state also
that I think it was last winter about
a year ago he came into the bank of
which I am president for some
purpose to draw a check I think I
went up to him & spoke to him; he
looked at me & said "what is your
name?" So & so (I dont recollect what
name he gave me now) They said I.
"is it possible you dont know me?"
No Sir, he says. I dont know you.
Feeling myself in a rather unpleasant

predicament I walked away into my room
& he went out.

Qut. Did you notice his appearance

Ans. Well I think he looked crazy. His
appearance was orderly but very strange
to me. A man that I have known
for 20 years, stepping up to him & he did
not know me. A man that I have
been in the habit of meeting frequently
in the streets & at other places

Qut. Was there anything in his appearance
in his appearance that led you to think
he was under the influence of liquor

Ans. No Sir there was not.

Qut. What do you know of his Character
from your experience

Ans. It is that of an upright honorable
man

Qut. Have you had considerable opportunity
to know

Ans. I stated that his acquaintance
with me commenced by his buying goods
of me & paying for them

Qut. What can you say about his
Character as a peaceable man

Ans. Always peaceable so far as I
know.

Qut. Was his appearance at the time

he came to the Bank such as to cause
you to reflect upon it afterwards
Ans. Yes Sir

Cross Examination of John C. Maynes.

By Mr Knox

Int. How near home you now lived

Ans. As near as Chicago is from Whiting

Int. What is the distance

Ans. About twenty two miles I think

Int. Have you ~~now~~ ever been at his house

Ans. No Sir I have met him at Whiting
several times

Int. You have met him when you have
traded with him

Ans. I have met him often when I
have not traded with him ~~than~~
when I did

Int. What was his business when you saw
him

Ans. He came in to draw a check I think

Int. Was he a depositor

Ans. No Sir

Int. For what purpose

Ans. That I cannot tell I made no
enquiry about it,

Int. Have you not even looked at the books
to see what it was & whether he got money

Ans. No Sir, if he came to draw money upon a check it would not be entered

but what time was it,

Ans. My impression is it was sometime last Winter

but what month

Ans. I could not tell, It was in the forenoon

but he was not there many minutes

Ans. I saw him when he entered & went up & spoke to him

but, what did he say to you

Ans. I said is it possible Mr. Kapp's that you don't know me & he says "No I don't" & I told him my name & went into my room

but, what did he do

Ans. He soon went away

but then you saw him but a moment

Ans. That is all

but, have you ever seen him at his house

Ans. No Sir

but, had you any account with him

Ans. No Sir

but you would have very little opportunity then to judge of his condition

Ans. Oh it might have been two or three moments

but you have no means of knowing whether
he had had drink or not

Ans. I think if he had I should
have known it

but do you know Mr Hopps Age

Ans. No Sir

but do you know how long it had
been since you had seen him

Ans. No Sir I could not tell I used
to meet him often in the streets
when I had any business

but did you know at that time that
he was in the habit of drinking

Ans. My impression is that I never
heard he had drunk to excess

but then there was nothing to cause you
to throw a charge upon the subject

Ans. No Sir & still I think I should
have known it I think I never saw him
when he was in Liqueur

but, have you never heard

Ans. I have not.

but do you not ^{very} often ^{pass} ~~see~~ men in the
street & dont speak to them & they are
mortified at it

Ans. If I see them I always speak
to them

but I know but dont you often pass

Q. Did you see any
Ans. I presume I do

By Mr McComas,

but did you ever pass your friends that
you had known in the street & after your
attention had been called & then say
you did not ~~know~~ ^{know} them

Ans No Sir I am sure I never did
but did his breath smell on this
occasion

Ans No Sir

Wm. J. McComas

2

Frederick Webber called and examined
by Mr. McComas.

Int. Where do you live.

Ans. I live out to Wheeling

Int. Do you remember the day on which
Mr. Hopps was killed.

Ans. Yes Sir

Int. Did you see Hopps that day

Ans. Yes Sir

Int. How often and when

Ans. I only seen him once towards evening about
five o'clock

Int. Did you know Hopps very well

Ans. Yes Sir

Int. You saw him frequently and constantly

Ans. Yes Sir

Int. State where you saw him, whether at your
— house or his house or elsewhere.

Ans. I saw him in my shop

Int. Do you know when he had been there.

Ans. He was along down the street with Mr.
Madison and when he came back he
came into my shop.

Int. What did he come in for and what did
he say.

Ans. He said he was waiting for me all the
afternoon. I want you to go up to my house
I have got some screws here to raise a barn sill.

Int. Did he want you then to go or afterwards

Ans. That same afternoon he wanted me to go but I was not at home and I could not go then. He inquired for me and I was not at home.

Int. Did he say when you should come

Ans. He said I could take breakfast with him and go up early.

Int. Did he say anything more.

Ans. Yes Sir.

Int. - What was it?

Ans. ~~Int.~~ He stopped there about ten or fifteen minutes and said: You can do almost any kind of work. You fix up such things as chums and rocking chairs. I have done these a good many times and it pleased Mr Hopps and his woman. Says I, your woman was down two or three days ago and he said When I have her down again I will take her to your house.

Int. When did he go

Ans. He went down street and got on his wagon and drove home.

Int. Was you one of the parties or did you see Hopps, when he got hurt or fell sometime before that near Wheeling.

Ans. Yes Sir.

Int. Was you then among the first or how did you get there and see it.

Ans. There was two or three men there before me.

Int. Was you there before Doct. Mezler.

Ans. Yes Sir and he lay on the ground and did not know anything. His face was very much bruised and they took him down to the next house and Doct. Mezler examined him and he said there was nothing broken.

Int. When was that before Mrs. Hops was killed.

Ans. I cannot say whether it was four weeks or six weeks; It was in the Spring.

Int. How did he look on the day he was there out of his eyes and appearance of his countenance.

Ans. He did not look very pleasant to me but he talked kind of loud and rough to me.

Crop Examination of Frederick Webber

By Mr Knox

Int. What is your employment.

Ans. I am a wagon maker by trade.

Int. You do jobs for him usually.

Ans. Yes Sir.

Int. Fixed rocking chairs.

Ans. Yes.

Int. Do you know whether he had any screws

Ans. There was two or three men there before me.

Int. Was you there before Doct. Mezler.

Ans. Yes Sir and he lay on the ground and did not know anything. His face was very much bruised and they took him down to the next house and Doct. Mezler examined him and he said there was nothing broken.

Int. When was that before Mrs. Hops was killed.

Ans. I cannot say whether it was four weeks or six weeks; It was in the Spring.

Int. How did he look on the day he was there out of his eyes and appearance of his countenance.

Ans. He did not look very pleasant to me but he talked kind of loud and rough to me.

Crop Examination of Frederick Webber

By Mr Knox

Int. What is your employment.

Ans. I am a wagon maker by trade.

Int. You do jobs for him usually.

Ans. Yes Sir.

Int. Fixed rocking chairs.

Ans. Yes.

Int. Do you know whether he had any screws

to raise the barn or not.

Ans. Yes Sir, I used them next morning

Int. Did you see him next morning.

Ans. No Sir. I did not see him, I went
next morning and the hired man told me
to do the job, that is all I know.

John Bryden called and examined,
By Mr. Dexter

Int. Where do you live.

Ans. At Lake Zurich

Int. What County

Ans. Lake County

Int. How long have you lived there

Ans. Some thirteen years

Int. What Countryman are you.

Ans. I am an Englishman.

Int. Do you know William Hopps.

Ans. Yes Sir.

Int. How long have you known him.

Ans. I have known him ever since I came
to this country twenty one years I believe.

Int. State whether your fathers family lived
near where Mr. Hopps family reside.

Ans. Yes Sir. They were residing near where I
reside, a part of the family.

Int. I want you to tell me what you know

about an aunt of his.

Ans. I know an aunt of Mr. Hopps her name was Mary Hoard.

Int. — What was her condition

Ans. What I know about her she used to work at my father's home.

Int. State what you know about her.

Ans. I was very young at that time and I did not know a great deal about it.

Int. What was the reputation of this aunt.

Question was objected to on the ground that hearsay is no evidence.

Mr. Dexter

Hearsay is evidence when it is a question of repute. We propose to show, that the aunt of this man was a crazy woman. That she lived in his father's family and was considered a crazy woman.

Mr. McComas.

The Court will perceive, there is some difficulty in getting back to the ancestors of a man living in England. We expect to prove, that this aunt lived with his father and that they were compelled to give her up for lunacy.

Judge

We can only state what he knows of himself personally that is all.

Int- Do you recollect this aunt.

Ans. I do Sir.

Int. Was there anything peculiar in her movements, if so, state what.

Ans. I was very young when they lived close by us and after that my mother trusted us we had to go through some times occasionally, it was somewhere about ten miles. I saw the woman then when I called. I could not say much, ^{about} what she did look like. I was about ten or twelve years old.

Int. Was there anything peculiar about her, different from other women.

Ans. Well I cannot say I was too young, I did not mind.

Mr. Dexter.

We did not expect to prove from his own knowledge, because he was a mere lad - We expected to prove that that was the common reputation. We think in the case, the exercise of a sound discretion according to the principles laid down by your honor, would entitle us to this evidence.

Judge

As at present advised I will not allow the question to be put. The existence may be examined.

d.
By Mr. McComas.

Int. Where is your father now.

Ans. I have learned that he started from Chicago for Iowa last week.

Int. From Chicago

Ans. Yes Sir.

Int. Do you know what part of Iowa he has gone to.

Ans. Yes Sir. Bremer County, I have a brother residing who resides there.

Int. Is he expected back from there soon.

Ans. No Sir, he is not.

Int. Did you know this (that your father was in Iowa) at the time Mr. Stampofsky came.

Ans. Yes Sir.

Int. Did he enquire if your father was in Iowa

Ans. Yes Sir.

Int. What brother in law was this

Ans. Dearlove.

Cross Examination of John Bryden
By Mr. Knox

Int. When were you subpoenaed.

Ans. Last Sunday

Int. When did you learn your father had started from this City to Iowa.

Ans. It was Thursday noon last.

Int. Who subpoenaed you.

Ans. I dont recollect his name.

Int. Is he in Court.

Ans. Yes Sir.

Int. Is that the man

Ans. Yes Sir (Stampofsky)

Int. Did you inform him or have you informed any one that your father resided in the City -

Ans. No Sir.

Int. - You knew where he was, did you not.

Ans. No Sir, I did not know where he was till I came to this City, I made inquiry and found out.

Int. Did you mention to these men anything your father or mother had told you.

Ans. I dont know that I did.

Int. How long have you been acquainted with your fathers residence.

Ans. I supposed he resided in Iowa.

Int. How long have you supposed that.

Ans. It was a brother in law of mine told me he was there.

Int. How long ago.

Ans. I dont recollect now. It was some six or seven weeks ago.

Int. Did he tell, your father lived in Iowa.

Ans. No, he said he was here and went to Iowa.

Int. What do you mean about his going last Thursday.

Ans. My brother in law said, he did not know for certain, but he supposed he was there.

By Mr. McComas.

Int. Did you know this at the time Stampofsky came

Ans. Yes Sir.

Int. Did he inquire if your father was in Iowa.

Ans. Yes Sir.

Int. What brother in law was this.

Ans. Dearlove

Drop Examination resumed

Int. Did you not say to me that you had no conversation with Stampofsky about your father and mother or where they were.

Ans. I could not tell him where my father was, I did not know myself.

Int. Did not you tell me you had no conversation with him about where they were.

Ans. I believe not.

Int. Did you tell him he was in Iowa.

Ans. No Sir, I did not know.

Int. Did you not tell Mr. McComas, that you had told him, that he was in Iowa

Ans. Well I could not say where he was

When my brother in law told me, he did not know.

Int. Did not he tell you, he was in Iowa.

Ans. Yes Sir.

Int. Did you not tell Stampofsky so.

Ans. Well likely I did.

Ms. Clarissa Filkins called and sworn
and examined
By Mr. McComas.

Int. Are you a neighbor of Mr. Hopps.

Ans. I was some seven years ago.

Int. Were you present at his house at or about the time of his wifes death.

Ans. Yes, I was there in the morning about ten o'clock.

Int. State what occurred after you got there of matters that had any reference to Mr. Hopps in any way.

Ans. It was on the same day after she had died in the morning. They said she had died about half past six in the morning.

Int. State what occurred in relation to the prisoner and give his manner, what he did and what he said.

Ans. When I went to the house, I asked for him and they told me, he was in the parlor.

I went up stairs to see the young lady, that was ill. Mr. Hopps came from the West room and met me in the hall. I said good morning to him. He did not answer me. I walked along by the side of him.

Int. Did you meet him full in the face.

Ans. Yes Sir.

Int. How was he approaching you.

Ans. He was looking down.

Int. Where was you coming from the East room, when you spoke to him.

Ans. Yes Sir.

Int. What did he say.

Ans. He didnt answer me. He didnt seem to want to see me or to speak to me. I walked along by his side. I spoke to him and said Mr. Hopps what have you done and I said, how can you live. He said: I dont ^{wish} ~~want~~ to live and walked down stairs.

Int. Was the constable then in the house.

Ans. Yes Sir.

Int. Come to arrest him.

No Answer.

Int. What did you do then.

Ans. I went down to the dining room, I went down and he was getting his cloths on ready to go away.

Int. With the officer.

Ans. Yes Sir.

— Int. After he got dressed I asked him if he would not like to go in and look at his wife. At first he hesitated and said No and then he sat a few minutes and said he would go in.

Int. Did he go in

Ans. Yes. He went out a moment and in again and I went into the room with him. We went to the corpse and uncovered her face and he look at her, but did not seem to take any notice and presently he threw the sheet over her face and went out. He said nothing nor any one else.

Int. How did he look when he first went up to the corpse.

Ans. He looked very fiendish and vindictive when he first looked upon her.

Int. He went out then.

Ans. Yes Sir he went out of the room

Int. What did he do then.

Ans. He sent for his daughter. She was up stairs. He told her about his business affairs, told her what he had money owing to him and what he owed some and asked for an account book, so as to put down some accounts and said he had money deposited in the City at Adair's. His daughter brought the account book and he said he had not put down the milk for a few

2
days in consequence of a lame shoulder, which he has had for sometime and he took a pencil and put it down to the present morning.

Int. What did he do then.

Ans. He said, he thought he should have some breakfast or something to eat before he went. The daughter asked me to go out and tell the girls to get him some breakfast. I did so. He sat down and made a hearty meal and he seemed very unconscious of any thing that was going on as regards any feeling.

Int. Where did he eat in the dining room.

Ans. The table set up at the side of the house right in front of the door where the corpse lay.

Int. Go on and state what accrued then.

Ans. — When he got ready to leave the house he went into the house and took his overcoat and took a patch into the hall. His daughter was in the hall and she was feeling very bad when he was going out of the house and she would have fallen against the wall. I caught hold of her and I took hold of her and took her back into the room.

Int. What did he do

Ans. He came back to his daughter and kissed her and turned and went off.

Int. Did he go back silently and slowly or rapidly.

Ans. Silently and slowly and went right up to her and kissed her and walked right out without saying a word. That is the last I saw.

By the Judge

Int- Which of the daughters was that.

Ans. The eldest Mrs. McTab.

Int. Where did he get his overcoat from.

Ans. He got it from the clothes press in their sleeping room.

Int. Did he go right by the body of his wife to get it.

Ans. Yes Sir.

Crop Examination of
Mrs. Clarissa Filkins

By Mr. Knox.

Int. Your husband is dead Mr Joseph Filkins.

Ans. Yes.

Int. How far did you live from the Hopps.

Ans. Two miles.

Int. How long did you live there and up to what time.

Ans. Lived there from the Spring of 1836 to 1852.

Int. During the time you lived there did you have any knowledge of the fact of Mrs. Hopps leaving her husband and

12.
going away from the house.

Ans. No I did not.

Int. Did she ever come to your house.

Ans. No she never did.

Int. Were you in the habit of interchanging
neighborly calls and visits with her.

Ans. No I was not, I have been there but
not frequently. I have been there several times
but was not a frequent visitor of the house.

Int. She never came to you when she left
her husband.

Ans. No she did not. She came into the
city and came to my house on the West side.

Int. When was that.

Ans. About six years ago.

Int. Before or after your husband died.

Ans. The summer before my husband died.

Int. Do you know whether it was a fact
that the neighbors about there sympathized
with her troubles.

John Bryden recalled

Int. Have you ever heard any conversation over two years ago between the prisoner and your father in relation to an aunt of the prisoner who lived in England touching her soundness of mind and if so state what the prisoner said and what was his manner at the time.

(Question objected to and argued at considerable length.)

Objection sustained

John F. Gilbert called and examined by Mr McComas.

Int. State whether you have had much acquaintance with persons of deranged mind and have had observation of them and their appearance and if so state what it was.

Ans. I have had some in my own fathers family and have lived near a private Insane Asylum. The Asylum was in Sarandagua N. Y.

Int. How near.

Ans. Within a few rods.

Int. In the habit of seeing them often.

Ans. Yes Sir, I saw them very often at the

time I was there.

Int. State whether you were present when prisoner was put in jail.

Ans. I was

Int. State what the manner and appearance of the prisoner was when you saw him, whether you saw anything peculiar and if so what.

Ans. When he came into jail I was in the Office. I had never seen him before. That was the first I ever saw of the man and he walked through the office with a carpet bag in his hand, he took a chair in the Hall. I then noticed his eyes being very sharp and piercing. I asked no questions of any one. I did not know what he was brought in for. He seemed to be very careless.

Int. Was there anything in his eye, his look, his general appearance and manner, which struck you as anything peculiar.

Ans. Yes there was. His eyes, actions and appearance were peculiar.

Int. Was that appearance or the impression which you had was it with respect to the condition of his mind -

Ans. It was.

Cross Examination of
George F. Gilbert by Mr. Knox

Int. Where did you see him.

Ans. I first saw him in the office of the jail.

Int. As he passed through.

Ans. Yes Sir.

Int. At the time he was being committed to jail.

Ans. Yes Sir he came in with the Sheriff.

Int. He was along with the Sheriff.

Ans. Yes Sir.

Int. Did you know what he was arrested for then.

Ans. No Sir.

Int. Do you know that you ever saw a man that soon after he had committed the crime of murder, butchering his own wife.

Ans. I don't know that I ever saw one.

Int. At the time you noticed this sharp piercing of his eye what was the conversation going on.

Ans. None at all.

Int. Nothing being said about his wife.

Ans. No Sir.

Thomas Bradwell
Called and examined by Mr Dexter

Int. Where do you reside.

Ans. In Palatine, Cook County

Int. How long have you lived there.

Ans. A little over eighteen years.

Int. You are an Englishman.

Ans. Yes Sir.

Int. Do you know Mr. Hopps.

Ans. I have been acquainted with him ever since he came in the County.

Int. Did you live near his residence, if so how long.

Ans. I think some seven years. When I lived on the Desplaines River I lived about two miles from Hopps.

Int. I wish you to state about an occurrence at the Sherman House and state what occurred in connection with his wife.

Ans. I recollect remaining at one time with Mr. Hopps at the Sherman House.

Int. When was that.

Ans. I could not as to time say positively, some where about eight or ten years ago I presume.

Int. Go on and state what occurred.

Ans. We being well acquainted, he living in my

immediate neighborhood we talked over farming operations, his prospects, his energy of character and I was telling him how well he got along and in regard to his wife what an excellent dairy woman she was and he used to go to market and sell their butter and other products at the Sherman House and Fremont House. I remarked what a very good woman his wife was. Yes said he she is a very good housekeeper but a woman should be above suspicion.

I could not get anything more out of him.

I did not think Mrs. Hopps was a woman about whom there was anything

Qnt. - During your acquaintance with Mr. Hopps have you noticed any particular change in his demeanor at any time and if so state when and the circumstances connected with it.

Ans. I have many different times. The first I ever saw him, he was introduced to me by Joseph Hilkins. It was right in the road. He was introduced as an Englishman from Canada. He was the most wildest looking man I ever saw in my life the first time I ever saw him. I have found him liable to sudden changes since.

Qnt. - State any facts which illustrate these sudden changes.

7.
Ans. I remember instances more than one, I cannot say how many. His woodland was immediately back of mine and when he used to go there sometimes, I used to see him and would speak to him and he would answer to me cheerfully and if I went to see him on going back and would speak to him, he would give me no answer. I would think he was offended and I would make remarks to persons close by.

Int. Did I understand you to say that on his way to the woodland he was cheerful and on his return he refused to speak to you.

Ans. Yes he would appear quite a different man.

Int. How much time would elapse.

Ans. The probability is an hour more or less.

Int. Did you at that time in particular suppose he was in liquor and attribute it to that cause at all.

Ans. I knew he was not. It was close to Mr. Hilkins tavern and there were several stores about there but he would go right through from his house and into the woods and come back again and never go into the tavern and there were periods he never did drink any.

By Mr. Dexter

Int. Was not the time you slept with him many years after your first acquaintance when you had become well acquainted with him.

Ans. Yes Sir, many years.

Cross Examination of Thos Bradwell

By Mr. Knox

Int. When was this you roomed at the Sherman House

Ans. Have I not answered that sufficiently, I think it was about eight or ten years ago I cannot tell the date exactly.

Int. Are you father of James B Bradwell

Ans. I don't know that I am

Int. You are the reputed father

Ans. It has never been disputed.

Int. Have you any doubt about it.

Ans. Not any, I have never had any reason, I am in the same relation, that all other fathers stand, undisputed.

Int. Fix as nearly as you can the time you were with the Defendant at the old Sherman House.

Ans. I have fixed it Sir and answered the question

Int. I ask you to answer it again.

Ans. As near as I can recollect I should think from eight to ten years. It may be a little more or a little less, I won't be positive.

110.
Int. - You cannot tell within two years.

Ans. That is as near I think as I can get.

Int. You cannot get nearer than eight or ten years.

Ans. I cannot define it exactly Sir.

Int. How long were you rooming there together.

Ans. I think not more than one night.

Int. Do you recollect.

Ans. I have no recollection of any other time than one night.

Int. Do you recollect whether one night or two.

Ans. I am not quite positive, but I think not more than one.

Int. What time of year was it

Ans. It may have been more than one but not two together.

Int. What time of year was it.

Ans. I cannot tell that.

Int. You cannot tell what time of year it was.

Ans. I could not tell the time exactly.

Int. - Do you know what time of year it was you were there.

Ans. Is it necessary for me to answer a question more than once or twice.

Int. Give that answer to the jury so they can get it.

Ans. I do not, I have no means of telling the exact time of year without I should refer to some

circumstances, which would take me longer in all probability than you would like to sit and hear me.

Int. Where did you reside at that time.

Ans. At the Town of Palatine in Cook County.

Int. What was your business here.

Ans. Probably to sell grain &c I was a farmer.

Int. Do you remember what your business was.

Ans. Not particularly, business connected with my own affairs. I come so many times into Chicago that I could not express particularly what business I was about at that particular time. It is an unreasonable question for any one to ask.

Int. An unreasonable question you think?

Ans. Yes Sir, for a sensible man to ask.

Int. Might it not aid your recollection as to the time of year, to remember what your business was upon, what produce you brought in at any particular time of year.

Ans. I believe it would.

Int. But you dont remember what you brought in at that time.

Ans. Not very likely.

Int. Neither time of year nor your business.

Ans. In recollecting what business, what grain I had in my wagon or whether I came to purchase, sometimes I came in to purchase, it would be impossible to tell.

Int. You dont remember what you brought in,

what time of the year it was, but you do remember what conversation you had with him.

Ans. Not half of it I should think.

Int. When did that first occur to your mind?

Ans. When?

Int. Did you think of that till after this killing case came up.

Ans. Yes Sir.

Int. Why did you not make it a subject of declaration.

Ans. I did long before.

Int. When.

Ans. Oh many times. Since I have heard of the affair, not of the affair of crime being committed, but years ago when I had heard.

Int. No matter what you had heard.

Ans. Well it is to refresh you upon this subject.

When I heard that Mr. Hopps had got jealous in his mind, I said I remembered that I heard him state that very circumstance.

Mr. Knox objected to this

Mr. McComas:

The witness has a right to explain in reply to the question put by Mr. Knox.

Mr. Knox

Withdrew all questions up to this time.

By Mr Knox resumed

Int. When did your first remembrance of this conversation which you had with him after it occurred.

Ans. I could not state the time.

Int. Can you state within three years of it.

Ans. I think I can but I have a very bad memory of names and dates and if you find me to have a good memory you will be the first man that ever found it. I am deficient in that faculty very much.

Int. You say you think you can state within three years, when this occurred to your mind next after your interview with him. State when was it.

Ans. I will give you an answer as near as I can. I never heard of any difficulty between Mr Hopps and his wife. I will answer your question as well as I can, I have got to refer to circumstances.

Int. Speak from knowledge not circumstances.

Ans. I should think it was, near as I can recollect, seven years ago and one and a half perhaps two years after Mr. Hopps and me had formed together.

Int. State within three years when this occurred to your mind after the declaration.

Ans. What declaration.

Int. — After he made that declaration to you.

Ans. It may be one, two or three, I cannot say positively as to time. I had no thought it would ever be referred to.

Int. Did you ever room with him there but once.

Ans. I would not be positive about that.

Int. You don't recollect whether you ever roomed with him but once or not.

Ans. No Sir, I might have done.

Int. You slept in the same bed

Ans. I slept in the same bed Sir.

Int. Was there any other bed in the room.

Ans. No Sir. It was a single bed room, they were crowded there at the time and the landlord, Mr. Hopps and I being neighbors roomed us together.

Int. No other person slept in the room.

Ans. I presume not, I feel pretty positive upon that fact. It was a single bed room.

Int. How long have you known him.

Ans. Ever since he came into the country.

Int. About how long is that.

Ans. Well I could not say positive.

Int. About twenty seven or twenty nine years.

Ans. I would not be too positive in stating as to it. I should think probably it is some, what near twenty seven than the other.

Int. — I understand you to have testified that

when you first saw him he was introduced to you by Mr. Hillkins.

Ans. Yes Sir.

Int. That he was the wildest man you ever saw in your life.

Ans. He was a wild looking man at that time.

Int. Had you any fear of sleeping with him in that room.

Ans. I had not Sir. No reason to have from our further acquaintance. He had not committed any outrage from which I need have any fear.

Int. In passing his house and going to his woodland how far distant would he go from your house.

Ans. I think you are rather off the mark in that question. I never said he passed my house on his way to his woodland. Though he passed me as I was going on the road to Wheeling.

Int. How far did he go from you before he returned.

Ans. Probably, ^{about} a mile or a mile and a half. At the same time I lived about half a mile from there. He would have to go across the river and back of the woods to get his timber and just as long as he was in loading his timber and going back with his load, which he was

expert at. As to the time you would be as capable of judging of as I.

Int. Had he ^a man cutting there.

Ans. Yes Sir, I have no doubt he had some times and sometimes I know he cut himself.

Int. What conversation had you with him on his way.

Ans. Perhaps a few words I cannot recollect any particular.

Int. I would rather you would

Ans. I would if I remembered but I dare not trust my memory.

Int. Were you joking with him and railing him.

Ans. Well I suppose I might, he was a sociable body.

Int. You did not have conversation with him on your way down on this occasion.

Ans. Oh yes sometimes I might and sometimes I might not.

Int. You did not go down with him to his timber land.

Ans. No Sir.

Int. Do you know whether he might drink down there.

Ans. I dont know, but I presume not.

By Mr. Dexter

Int. Was not the time you slept with him many years after your first acquaintance and when

you had become well acquainted with him.
Ans. Yes Sir, many years.

By Mr. Knox

Int. Some twenty years ago.

Ans. No Sir, I did not say that.

Int. Pretty near.

Ans. No Sir.

Int. Then this eighteen or twenty years inter-
course with him had caused you to have
no fear.

Ans. I had seen some strangeness and strokes
that was all.

Mr. W. Drummond examined
by Mr. McComas.

Int. How long have you known the prisoner
at the bar.

Ans. I got acquainted with him in the latter
part of the summer or early in the autumn
of 1855.

Int. Were you not in business in this City then.

Ans. Yes Sir.

Int. What doing.

Ans. Practising law.

Int. ^{Why with}
Ans. Col. W. H. Davis who is now dead and
who introduced me to Mr. Hopps.

Int. Are you a Free mason

Ans. I am Sir

Int. Did you have any conversation with Hopps about that time in reference to his wife and the Free Masons, about the time of his wifes leaving; go on and state what occurred, what was his manner and what his appearance at that time.

Ans. He came to the Office in the same building where I am now, but not the same office, for the purpose of consulting with Col. Davis, they both being Englishmen and Free Masons, in relation to his wife, who as I understood was then absent at Paw Paw Grove in Lee County, they had been separated for some time and he was very anxious to get her home. After consulting with him for some time in relation to his domestic difficulties, Col. Davis went out for the purpose of consulting with some persons. Col. Filkins I think ^{was} one of them and Captain Cassell, another and whilst he was out Hopps commenced talking to me about Masons and he requested me to attend the next meeting of their lodge at Wheeling for the purpose of inducing them, not to kill him and he stated Mims Winchell (I think that is the name) Col. Filkins, Capt. Cassell, Col. Davis and some others were combined together for the purpose of killing him and taking his life and I was

very much surprised to hear astonished at the manner of his conversation at the time with regard to - I confess I was very much surprised to hear him or any other mason -

Objection Overruled

more than I ever was in my life at the statements which the man made with reference to these men, for the reason that he, a Master Mason should suppose for a moment, that these men were engaged in any such proceeding.

Int - He was then consulting with Col. Davis for the purpose of getting back his wife.

Ans. He had been, but Col. Davis was, at the time, out of the office for the purpose of consulting with some of the parties I have named.

Int. Was Hopps under the influence of liquor at the time.

Ans. No Sir I think not and I am certain for some more reasons than one. In the first place he said, that he had not drunk for 6 or 7 weeks and was very anxious to get his wife back. I wrote or Davis wrote to Mrs. Hopps and asked her to come back. In a little while he called again and said that she had come back and that they were living very comfortably.

Int. Was Col. Davis one of the men who was mentioned as conspiring.

Ans. Yes Sir he was and I was much surprised

at it, but Hopps said it was his duty to do so. It was the most surprising matter about it, that he should accuse the men of being engaged in such an enterprise. I will correct myself about the year: it was 1857 - it was the year after I returned from California. It was the latter part of the summer or the forepart of the autumn 1857.

Crops examined by Mr. Knox

Int. After Davis came back did you communicate to him what Mr. Hopps had mentioned to you
Ans. I did Sir.

Int. That is, what you have testified here

Ans. Particularly that part relating to the Masonic fraternity.

Int. That was immediately after.

Ans. During the afternoon of the same day.

Int. Had Mrs. Hopps applied to you to file a bill of divorce from him; she was then at Fair Park Grove.

Ans. Yes Sir, that is my understanding now. I never saw the lady that I know of and she or some of her friends had applied to Davis to file a bill in this or some other court.

Int. You were a partner of Davis.

Ans. Yes Sir.