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DYING CONFESSION  
OF  
LEWIS WILBER,

*Who was Executed October 3, 1839,*

AT MORRISVILLE, MADISON CO., N. Y.

FOR THE MURDER OF  
ROBERT BARBER.

INCLUDING

A Sketch of his Life and Character,

AN ACCOUNT OF HIS EXECUTION,

AND

A BRIEF NOTICE OF HIS UNFORTUNATE VICTIM.

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MORRISVILLE:

PRINTED AT THE OFFICE OF THE MADISON OBSERVER.

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## INTRODUCTION.

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THE excitement produced in this county, and especially in that part of it adjacent to the scene of murder, where the unfortunate ROBERT BARBER fell a sacrifice to the blood-thirsty and inhuman passions of LEWIS WILBER, has somewhat subsided; and although the evidence of guilt that is spread through a long chain of circumstances, fastened the conviction upon the mind that Wilber was the murderer, and therefore justly condemned,—still, when the awful execution of the sentence approached, and their thoughts dwelt upon the possible innocence of the culprit, all were anxious to hear from his own lips an admission of his guilt, which would be a solution of the slightest doubt or mystery that might hang over the scenes of that horrible tragedy. That anxiety has been relieved. The terror of death, or the oppressive weight of guilt, or both combined, would not allow the murderer to take the final plunge unconfessed.

Before his execution, and after the last decision of the Court upon his protracted case, he fully confessed to the writer, not only the details of that foul deed, but an account of his life, so far as his recollection served him, which were noted at the time in his cell. As to the incidents in his history, they fall far short of those in the life of many old offenders; but few of the age of twenty-one—when he committed the crime that cost his life—have risen by surer or more gradual steps to such an infamous height in wickedness, or perhaps been better illustrations of that philosophical truth of the poet—

“Just as the twig is bent the tree's inclined.”

The writer, aside from the gratification the narrative may afford to such as desired the confession as “conclusive” evidence of Wilber's guilt, has one principal object in view by its publication: and that is, the beneficial moral influence that he thinks will be produced by it; that out of the great evil that has fallen upon us by that murder, some little good may result from efforts thus to show the world, by the confessions of a deep offender, the causes that lead to blackest crime.

The statements contained in the sketch that follows, concerning the life and character of Wilber, are derived directly from him, and may be relied upon as true, so far as the writer is concerned—though frequently in different language from that in which the facts were communicated;—



and where any incidental circumstances are related illustrative of the subject, and not stated by him, they are matters of evidence appearing at the trial, or known to the writer by some other means.

Before introducing the reader to the principal actor in this drama of blood, it is due to those interested to say, as no more fit occasion may occur, that but for the unwearied and highly laudable exertions of the Sheriff, Under Sheriff, and some of the Deputies, of Madison County, the facts connected with the base murder above mentioned, would most probably never have been developed—and the murderer might yet have been in his full career of crime, with the blood of more than one fellow being upon his head. It should also be remarked, that so far as the writer has any knowledge,—and he has been present at the trial—frequently seen the culprit in his cell—been familiar with all the facts from the beginning—and witnessed the execution,—not only has the utmost vigilance been exercised by those officers and all concerned, from the time the first suspicion fell upon Wilber till he was suspended by the fatal cord,—but great credit is due especially to the Sheriff for the skill manifested in all his arrangements, and the propriety, accuracy and good order with which the execution was conducted.



## LIFE, &c.

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LEWIS WILBER was born in the town of Saratoga, in the county of Saratoga, and State of New York, on Christmas day, 1816. He was the youngest of eleven children now living—seven sisters and three brothers. In his earliest years he lived with his parents, in the neighborhood of the Springs, and had an opportunity there of observing the vices of men, to which he seemed inclined. He received little instruction when young, and never learned to write, and could read but indifferently. One of the earliest incidents connected with his history that he was able to recollect, was in substance this: When sent to school by his parents, he was in the habit of playing truant, and lounging about the village and the small shops in the neighborhood of the Springs, and disregarding the commands and expectations of his parents. It was thus he commenced his career of iniquity. He was in the habit of haunting a grocery near one of the Springs; and on one occasion, in the absence of the grocer, he leaned over the counter and took from the change drawer a few shillings. This passed without detection. Not long afterwards, encouraged by his success, he stole from the same place, and in the same manner, nine or ten shillings,—consisting of a silver dollar and some small change. The dollar he carried to his father, and told him he received it from a man for carrying spring-water. The grocer, who had seen him on the counter, missed the dollar, and proceeded to the father and informed him what he suspected, and threatened to have the boy imprisoned. But the matter was finally settled—the boy was agreed to be flogged, and was severely flogged and released.

He lived there until his eleventh year, when his father and family removed to Williamson, in the county of Wayne. In September of that year—which must have been 1827—his mother died. Of his mother he said little; and indeed the same remark may be made respecting all his relatives, for he never mentioned them to the writer except when it became necessary in giving some account of himself. He however on one occasion spoke of his father with considerable reverence, and said he was a pretty good sort of a man, and had given him much good advice that he had entirely disregarded.

The next spring after going to Williamson, his father went to reside with a brother-in-law of Lewis, at Arcadia, in the same county. Lewis about the same time went to live with his brother-in-law in Sodus. He stayed with him till he was in his fourteenth year. From Sodus he went to Arcadia to live with Abraham Garlock, and stayed with him nearly a year; thence to Farmington in Ontario county, and worked with a Mr. Harrington. He had at that time a sister residing in Farmington, with whom his father lived; and whether he was also then living with his sister and father, is not exactly ascertained; but about this time he ran away from his father, went back to Saratoga county, and there went to



see another sister residing in Schuylerville. He arrived there in the fall, and worked for his brother-in-law during the winter. The next spring he hired out to a cattle dealer to drive some cattle to Albany, and when he arrived there went into the employment of one Hatch, who kept a tavern in North Market street, or in the upper part of the city. In the fall of that year he went west upon a canal boat that belonged at Palmyra, and visited his father. There seems here to have been a lapse of some time not accounted for by him, for he was seventeen years old at this time. He stayed with his father in Farmington that winter, and in the spring following he went on board a boat as a hand. The name of the captain of the boat he could not recollect. In the fall of that year he worked some on a farm, and just before boating closed, went to the village of Medina, in Orleans county, and entered the employ of the keeper of the U. S. Hotel in that place, where he remained till spring. This brought it to the spring of 1835—and he was then, as he said, in his nineteenth year. He went to Rochester that spring, and engaged as a hand on board a boat, of which George St. Johns was captain. The winter after, he spent at Macedon, Wayne county, with Thomas Niles, a blacksmith by trade, and worked some in his shop at coarse work, but chopped most of the time. The next spring (1836) he went to Rochester again, and hired to Capt. Abraham Morgan, on a boat, where he remained till June. In June he went up the Lake to Cleaveland, where he engaged himself upon the Ohio Canal as a boatman, and went two whole trips through the line of that canal to Portsmouth and back. On his last return that season to Cleaveland, he came down the Lake, and took passage to Rochester, where he hired himself to William Lovejoy, a boat captain, and took the boat at Port Gibson, and continued on it until fall.—Here seems to be some confusion in dates, as he stated that season to be 1835. His recollection was not distinct in dates, and this is not to be wondered at, considering his wandering life and constant changes of place and employment. In the fall of 1835, he was employed by Capt. Loami Woolson on a boat until the canal closed. He then worked for a Mr. Keeler in Syracuse about three weeks, and afterwards went with Capt. Woolson to Utica to take care of some boats, and boarded with him there till spring, and then went on with him till September following, when a dispute occurred between him and the captain about an immaterial matter, explained to the writer, but not worth recording; he left Woolson and again took the boat as a hand with Capt. Morgan. With Capt. Morgan he went to Buffalo, after going to Albany, and there left him and took steamboat for Cleaveland; from there he went to Medina, in Medina county, Ohio, to see his father and two brothers, who had moved into that place the year before from the State of New York.

It will here be proper to retrace a few steps, to show somewhat the habits of Wilber during the time he was thus engaged upon the Erie canal, as he never again visited New York until the next year, when the great crime of his life was committed.

Upon being asked what were his habits while employed on the canal and elsewhere during the several years previous to this period, he replied: "*I have lived a very bad life all the way up; though I never practiced gambling, as has been charged to me.*" He had repeatedly committed small larcenies while engaged in boating, but in such a manner as to escape detection. It was generally done by opening packages of goods upon the boats transporting them, and taking therefrom small quantities, that would not be readily missed. He did not particularize on that sub-



ject. One instance only was mentioned by him where he described the place, &c.; and this was because he was apprehended upon suspicion and lodged in jail.—In 1835, while in Rochester, on one occasion he stole from the warehouse of the New York & Ohio Line a hat-case and some articles in it, and was arrested and confined in jail a few days; but the charge not being substantiated against him, he was released;—and that was the only instance in which he was arrested for numerous depredations of that nature, committed for a number of years.

When he went to Medina, as just mentioned, to see his father and brothers, he remained there but three days, and returned to Cleveland. He there worked for the same man who had before employed him, on the Ohio canal, Capt. G. W. Logan. With him he went to Portsmouth, and again traversed the whole line of that canal both ways; he then took the steamboat called Home and went down the Ohio River to Cincinnati.—From thence he went to Louisville, Kentucky, by the mail-boat, and there took the steamboat Owego, proceeded down the Mississippi, and landed nine miles below Helena, in Arkansas. He hired there to chop, and remained but a short time. He soon left that place and went down the river to Vicksburg, in Mississippi, where he went into the employ of the Vicksburg & Jackson Railroad Company, building bridges on the road. He worked there about a month, and some difficulty arising about sending him to Red River to chop, he left the employ of that Company, and went down to New Orleans. A few days after his arrival at that place, he hired to the New Orleans and Carlton Rail Road Company, to work on their cars. After spending about a month in that business, he worked for the Magazine Cotton Press Company, rolling cotton, as he said, and was taken sick. After he recovered, it being the spring of 1837, he made an engagement with one William Willson, who resided in the State of Maine, to go with him to that State and work for the season.

At different times, while on his passage south from Ohio, he stole money, and passed along unpunished. While at New Orleans, and just before they got ready to embark for Maine, he went to the American Theatre with Mr. Willson, just named, and a man by the name of Pierpont, who, it appears, boarded with, and was in some way connected with Willson. While the play was going on, Wilber left his companions, unobserved, went to the room of Willson at his boarding-place, opened his trunk, and stole therefrom sixty or seventy dollars, and also took a coat belonging to Pierpont from the room. He then returned to the Theatre unperceived, and was never, as he thought, suspected by the persons thus robbed.

Soon after this (about the 11th of March) they embarked on board the ship Black Hawk, bound to Boston, and arrived there sometime in April. From thence they took a Packet for Thomaston, in Maine, upon the St. George River. From Thomaston they went to Washington, in Lincoln county, where Willson's father resided; there Wilber tended saw-mill till June, and then worked on the farm until the latter part of August.

He did not recollect the day in August that he started from Washington to go west; but he suddenly came to the conclusion to quit the employ of Willson, and left him with very little delay. He said he was mowing alone, and there the thought first entered his head, as he expressed it, "to take life for money"—though at that time he had no object or victim in view.

He went by the way of Thomaston, there took stage for Bath, and the next night he went by steamboat to Boston. He says it was the same boat that was afterwards wrecked and lost—the New England. From



Boston, he took stage the next day for Albany, by the northern or mountain route, which leads through Wilmington, a northerly town in Massachusetts; thence through Brattleboro, in Vermont, and all the southern part of the latter State, to Troy and Albany.

And here it may be well to pause and introduce to the reader the unfortunate man who was destined to become the innocent prey of the foul assassin.

ROBERT BARBER was a man of high respectability, and in easy circumstances as to property, living in Colerain, a rather secluded town in the northern part of Massachusetts. He was a widower, and had several children and numerous relatives in the neighborhood, of the highest respectability. He was rather beyond the prime of life, being nearly fifty-three years of age—of good stature and appearance—mild and peaceful in his manners—kind in his disposition—not extensively acquainted with the world—honest in all his pursuits—a professing Christian—and respected and beloved by all his acquaintances.

Previous to the 28th of August, 1837, he had contracted a matrimonial engagement with a lady then residing in Onondaga, in the State of New York; and on that day left his home and family to go to Onondaga to be married. The place where he took the stage was at Wilmington, about fifteen miles distant from Colerain. It was here he unfortunately fell in company with Wilber, and travelled with him until the fatal occurrence that ended his life.

The history of the whole matter was related by Wilber to the writer, with the greatest minuteness, and agrees with the evidence on the trial in every material particular.

His first recollection of seeing Mr. Barber was somewhere between Brattleboro and Troy, where he formed some acquaintance with him in the stage. They arrived at Albany together, the 28th of August, and the next morning took the cars on the railroad for Utica. Previous to arriving at Albany they had not much conversation together. When they arrived at Utica they met again; but he thought they were not in the same car on the railroad.

At Utica, Wilber first entertained the thought of murdering the old man. For that object, or any similar one, he purchased a common shoe-knife, as he said,—but such a one as is often called a bread-knife, with a sharp point and a turned wooden handle; it cost eighteen pence. This he wrapped in a paper, and carried it in a pocket in the skirt of his coat.

Sometime towards evening of the same day, (the 29th,) they both took a line boat to go west, of which Edwin H. Munger was captain; the name of the boat he could not recollect. Night coming on, they lodged together in the same berth. Little of interest occurred during the passage until morning, when they arrived very early at Burr's Tavern, on the canal, in Sullivan, about three miles east of the Chittenango Landing. There, the boat having stopped, Wilber and his companion (for they had by this time become considerably acquainted, and the old gentleman familiar with him) stepped off from the boat, went into the house, and drank something at the bar that they called for, which was handed to them by a woman.

They then walked along the towpath to Lee's Bridge (so called), about eighty rods west, and had some conversation about going on foot to Chittenango Landing; and at the suggestion of Wilber, they crossed over Lee's Bridge, and took a westerly direction in the highway leading to Chittenango Landing. They passed the crotch of the road that leads off



towards Canesaraga, and turning west, went on beyond all the houses and buildings. When they reached the last open field on the right, before entering the woods, Wilber informed the old gentleman that it would lessen the distance to turn to the right from the road, and cross the woods in that direction. They accordingly got over the fence, and walked in the direction of the woods, which they soon reached and entered. In the direction they were travelling at the time, the woods, where they entered them, were about sixty rods from the highway, and the distance through the woods to the canal (towards which they were going at an angle of about forty-five degrees to the general course of the canal), must be not far from a quarter of a mile.

When they arrived at the place where the body of the old gentleman was subsequently found, (eighteen or twenty rods distant from the canal,) Wilber said he took from his pocket the knife before described, and a pistol that he carried, which at the time was not charged—and presenting the pistol to the old gentleman, demanded of him his money, at the same time showing him the knife. Here he said he became much agitated, and apparently more so than the old gentleman. The latter deliberately took his pocket-book from a side-pocket in his coat, and a purse from his pantaloons pocket—saying at the same time, “I did not think that of you—I thought you was my friend.” Wilber then told him to throw down the pocket-book and purse, which he did. “I was afraid to take them up,” said he, “and told him to lie down and hide his face, and not look up for half an hour.” He then laid down in the same position in which he lay when found, according to the testimony of the witnesses. Here Wilber resolved to take the money and leave him. He took the pocket-book and purse, and secured them. Then, standing by the right side of the old gentleman, who lay on his face, with his right hand under his eyes and his hat on his head, a second thought warned Wilber of the danger of detection if the old gentleman should live; and throwing up the skirt of his coat, with a back-handed stroke he plunged the knife into his body, near the back-bone and below the ribs. This he repeated several times. He said that from the time he struck the first blow with the knife, no signs of life appeared. Indeed, he never moved from the original position in which he laid down.

But this seemed not enough. He then stepped a few paces to the west, and thinking that by possibility his victim might survive, he picked up a large stone,\* and approaching him as he lay, threw it at him, and it struck his head. This he thought made the fracture in the skull above the left ear, on the back of the head, which appeared when the body was found, and also a similar corresponding hole in the hat.

In describing this scene—which he did with a great deal of accuracy and minuteness—his feelings frequently overcame his utterance, and the burthen of his thoughts choked him to silence. He would pause, and groan and weep; and when he spoke again, it would be by exclamations and ejaculations, accompanied by the most frightful writhings, manifesting the greatest mental suffering. He declared that if the old gentleman

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\* The stone has been found since the confession, and is now in possession of the writer, and weighs 7 3-4 pounds. The pistol and knife have not yet been discovered, although considerable search has been made for them.



had made the least resistance or noise, he should have fled, and left him untouched.

He did not count the money contained in the purse and pocket-book, until he got some distance from the scene of blood. He found he had about eighty dollars, including two half-eagles and some silver change, which was in the purse.

When he left the body, he threw down the knife, and walked towards the canal, and threw the pistol (as he thought) into a thicket. Seeing the canal not far distant, and fearing to be seen there, he turned his course, and took a direction towards Chittenango Landing, parallel with, but at some distance from the canal, till he reached the Cholera house, so called—a dwelling-house situated a short distance from the canal, and about half a mile west of the place where he left his victim.

On arriving at the cleared fields near the cholera-house, he took a diagonal course across them, and came into the highway again, about midway between the cholera-house and Chittenango Landing, when taking that direction. Just before getting over the fence into the road, he dropped the pocket-book and purse.

He followed the road to the Landing, and went into the tavern there kept by Harley Judd, where he called for and drank a glass of cider. He then crossed the canal on the bridge to the towpath side, and finding the boat was not yet in sight, he walked along the towpath west, until he reached Bolivar, about one mile from Judd's, where he waited until the boat came up, and then got on board, and went on towards Buffalo.

Nothing worthy of notice occurred during his passage to Buffalo from Chittenango, except that he purchased a brace of pistols in Rochester.

They arrived at Buffalo on Saturday night, and the next morning Wilber took a steamboat and went up the lake to Cleveland. Soon after he arrived in Cleveland, he took a boat upon the Ohio Canal and started for Portsmouth. When within thirty miles of Portsmouth, his passage was interrupted by a break in the canal.

There was a man on board the boat—a stranger to him—that had boxes of gloves and mittens from the factory at Johnstown, New York, who was going south to dispose of them. His name he could not recollect. Wilber knew of his having four hundred dollars in money, and he there laid a plot to murder him. They procured a small boat together, and putting their effects on board of it, they proceeded down the Sciota River towards Portsmouth. They were out two nights on the river, and each night hauled up, took their goods ashore, built up a fire, and lay by it all night, each alternately sleeping and watching.

The second night, while the stranger was asleep, and towards morning, Wilber made up his mind, as he said, to murder him, and went off about twenty rods to consider how to accomplish it. He returned to him with a full determination to murder him, and found him still asleep. His heart failed him, for the form of the murdered Barber haunted him, or, as he expressed it, "stood between him and the stranger." Again he walked away, and again he returned to do the deed as before, but with the same result. The third time he tried it; and on returning, shook the man and awoke him, for fear he should commit the foul deed—and told him that they could go on as well then as if it was light. They went on to Portsmouth that day, and he saw the stranger embark on board a steamboat to go down the Ohio.

Wilber stayed in Portsmouth until the next morning, and then took the



stage for Chillicothe, and arrived there in the evening. The next morning he took the packet-boat "Portsmouth," and started for Cleveland. Capt. Lancaster was master of the boat. When they arrived at Akron, he hired to Capt. Lancaster, and then left the boat, and went to visit his father and brothers. He returned to Cleveland by another boat. His business on the boat with Captain Lancaster was tending the mail—that is, carrying it from the boat to every post-office from Cleveland to Portsmouth. This he did until the canal closed, and then made another bargain with Lancaster to go with him the same way another season.

He then went home to Medina county, and stayed and chopped some there, till February, 1838, and then went to East Union, in Wayne county, twenty-five or thirty miles from Medina, to work there at chopping. The second day he chopped, he cut his foot, and was laid up till the last of the month, when he took the stage for Cleveland, and arrived there about the first of March, and then went to work for Captain Lancaster, in the boat yard, waiting for the opening of the canal.

He was there in that boat-yard, when he was arrested for the crime for which he has now suffered an ignominious death. He was taken in April, 1838, on the Ohio City side of the River, and confined a short time in the jail at Cleveland, and then transported from that place by S. C. Hitchcock, Under Sheriff of this County, to our jail, where he was executed.

A Report of his Trial has already been published, and the facts that appeared in evidence are of a character not differing in any material point from those confessed by the criminal.

When in Cleveland, Wilber went by the name of Lewis Lee, and was so known at the time he was arrested. Captain Lancaster had ascertained that his name was Wilber. Wilber excused the change of name by saying that he did it to avoid detection, he having been in the boat affray that happened near Lockport in 1836. The writer questioned him as to the fact of his being in that affray, and he stated that he was not there.

It may be a matter of interest, to such as have never learned how suspicion first came to rest upon Wilber, to explain this part of the affair.

After the old gentleman was missed by the captain of the boat from which he went with Wilber, his trunk was kept on board through to Buffalo and back again to Albany. While at Albany, it was opened by the captain, to ascertain whether it contained any thing valuable, and it was found to be full of clothing. Just about this period a notice appeared in some public print, that such a man had been lost; and it occurred to the captain at once, that he might have been murdered by Wilber, who was last seen with him by the boatmen and passengers.

On returning west, he found at Chittenango some of the friends of Mr. Barber, and delivered the trunk to them. He here learned the truth of what he had heard, and communicated his suspicions as to the murderer.

Search was made far and near, upon the north side of the canal, between Lee's bridge and Chittenango—but without avail. His body was not sought on the south side, because it was supposed they did not cross the canal when they left the boat, no one being present at the search that recollected seeing them cross the bridge. As the body was not found, no efforts were made to secure the supposed murderer. This was in October, and the winter passed without any discovery.



In the latter part of March, 1838, a man by the name of Angel was hunting in the woods on the south side of the canal, and accidentally fell upon a body, which proved to be that of the lost Barber. He hastily sounded the alarm, and the regular legal means were immediately taken to ascertain the cause of his death. The Coroner's Jury found a case of murder, and immediate steps were taken to ferret out the offender. With commendable readiness to discharge his duty, General Messinger, the Sheriff, took measures to procure a Proclamation from Governor Marcy, offering a reward for the apprehension of the murderer, and with an advertisement and full description of Wilber, obtained by examination of Captain Munger on oath before a Magistrate, made all proper inquiries and arrangements, and despatched Mr. Hitchcock, his Under Sheriff, to Ohio, in the pursuit of Wilber, which efforts resulted as before stated.

He was tried on the 27th, 28th, and 29th days of March, 1839, and by the Jury found GUILTY. He was sentenced to be hung on the 23d day of May thereafter.

He uniformly persisted in denying the alleged crime, and when brought up to be sentenced, declared that he was "innocent of the blood of Robert Barber." This declaration, in court and before such a large concourse of people, however, gave him many bitter moments of reflection when near his end. He was not called upon to confess or deny his guilt, and might have been silent; but he voluntarily uttered the falsehood. He told the writer, when listening to his confessions, that he "would give any thing in the world if he could be placed before the court and people in the same manner again, to ask their forgiveness for that awful falsehood." This reflection seemed to haunt him constantly, and he considered every denial of his guilt, and every false statement made by him on the subject, as greatly aggravating the crime. He would often exclaim, "I hope my God will forgive me for such lies, and every body that has heard me speak them." On being asked if he ever committed any other murder, he replied, "Oh! no; I could not ever do it again!"

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Soon after the conviction, and before the appointed day of execution, it was known by his counsel and the public, that an irregularity had occurred in the conduct of the jury that sat upon his trial, after the commencement of it, which, in the opinion of some, ought to set aside the verdict. The trial commenced on Wednesday morning, and ended on Friday night. On Wednesday evening, at about eight o'clock, the court adjourned to nine the next morning, and the jury received the usual charge, and were placed under the care of proper officers, who were ordered to give the jury "suitable refreshments." Soon after the jury retired to their room in a tavern, some of them called for spirituous liquor, and two bottles were brought into the room by a constable, from which several of the jurors drank. The bottles remained in the room till the next morning, and were then removed. No allegation was made that any juror drank to excess. This was about forty-eight hours before they retired to make up their verdict on Friday night.

For that cause a respite was procured from Governor Seward, in order to give time for a motion for a new trial, and the execution was finally suspended until the third day of October, 1839.

The motion was made at the Madison Oyer and Terminer, on the 24th



day of September; and the Court, consisting of the Circuit Judge of the Fifth Circuit, and four of the County Judges, denied the motion, by a majority only. The Circuit Judge and one other being in favor of, and three against, granting a new trial. As the respite in his case extended only to the 3d of October, he was, on that day, in due form of law, executed in the presence of the legal witnesses, of whom, as one, the writer was notified by the Sheriff, and attended and witnessed the whole ceremony.

A short description of the Execution may be worth inserting for some of the readers of this Sketch.

About 12 o'clock M. of the 3d of October, all the persons who had received notice from the Sheriff for that purpose, and chose to attend, amounting to about thirty, had entered the jail, within the walls of which it had been decided that the execution should take place—and all the arrangements of the Sheriff were completed.

The writer had been in the cell of the prisoner then for more than an hour, in company with three worthy clergymen, who had come there for the holy purpose of smoothing the short and rugged way of the poor culprit, from this to an untried state of being. About this time, the writer asked him a few questions concerning the murder, to clear up some doubts that had arisen, and further to explain some matters relating to the deed. The interruption was short, and his mind seemed to be calmer and clearer than when conversed with on former occasions. He joined in a hymn or two, and most fervent supplications were offered by the clergymen in his behalf. About this time, the sound of martial music from the attending guard came fresh upon the ear, and there seemed to be a trembling in his frame, and a paleness in his countenance, that were not common, as if the music were a note of preparation for the final scene.

Shortly after, the proper persons entered to unrivet his shackles, and scarcely had this office been performed, when the white shroud appeared, and the dreaded cap that was to shut his vision for the last time from the scenes of earth. The spectators mostly retired from the cell at this time, and he was apparelled for death. When all was ready, the two clergymen who were invited to attend the execution—the Rev. Mr. WELTON, of Hamilton, and the Rev. Mr. PARSONS, of Morrisville—again commenced their devotional exercises, and with a most holy zeal again commended the spirit of the miserable man to the mercy of Him who hath power to kill and make alive.

At about thirty-five minutes past twelve o'clock, the order was given to lead him from his cell. He was led out by two officers into the hall where the gallows was prepared, and placed upon a stand elevated about five inches above the floor, and being a little aside from the noose of the rope, so that it hung by his left ear.

The gallows was constructed in this wise:—The rope passed up through the floor above, and over a small wheel fixed in a horizontal bar of timber above the floor and out of sight—then running along the top of the bar about three feet, and over another wheel, down into the cellar through the stairs. To the end of this rope was attached a weight of two hundred and thirty-eight pounds, and this weight was drawn up eight feet, and suspended by a small cord that lay on one of the stairs. It was calculated so that the weight, when the cord was cut, would drop six feet or



thereabout before the rope drew upon the neck, and would then suspend the body about two feet from the floor.

As soon as the noose was adjusted, and the cap drawn over his eyes, the fatal cord was cut by the hand of the Sheriff, and the awful suspension instantly took place. All was breathless silence during the anxious and short interval between placing him upon the stand and cutting the cord, and the least sound could be distinctly heard. When the Under Sheriff, who adjusted the noose upon his neck, had drawn it to the intended closeness, and just as the rope was straightened above, in readiness for the stroke upon the cord, he spoke for the last time these words—"You choke me!" and was in an instant suspended by the neck.

The momentum acquired by the weight in falling six feet before it drew upon the body, was such that it raised him from three to four feet from the floor at the first motion, and he then fell back to the intended elevation of two feet from the floor. There were few struggles. For a minute or two some slight contractions and distensions of the chest were perceptible, in apparent efforts of nature to get breath, and for several minutes pulsation could be easily discovered in his wrist. Soon after, there was another slight contraction of his limbs, which lasted a few seconds, his muscles then relaxed, and life seemed entirely extinct.—He hung thirty minutes, when he was placed in a coffin, and exhibited to a large concourse of people in the Jail yard.

Thus a short life of wickedness was closed by the dread fiat of Justice, and the awful guilt of one of the most cruel murders known in the annals of crime, was expiated, so far as human retribution can reach, by a dread and ignominious death.

It is proper to remark here, that every thing at the execution, on the part of the Sheriff and his officers, was done with great propriety and order; and the behavior of the people who from various motives had collected and surrounded the prison, was such, for good order and sobriety, as was rarely if ever surpassed on a like occasion.

One remark further seems to have been omitted in stating the causes that led on Wilber to crime. It was a matter of the sorest regret to him, that in his early days he was in the habit of disobeying his parents, and playing truant when sent to school; also that he disregarded the salutary advice of his father, repeatedly given him after he had arrived at years of some discretion. And this was probably alluded to by him, as related in the testimony of Mr. Hitchcock at the trial, when he said on one occasion, "If I had listened to good advice, I should not have been in this situation."

He stated, also, in the course of his confession, that when he came to reflect, after the murder, upon what he had done, he would have given the whole world to be rid of the guilt,—or, as he expressed it, "if he had not done it."



## NOTE.

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IT may perhaps interest some to know the grounds upon which the members of the Court of Oyer and Terminer of Madison County recently came to different conclusions upon the motion for a new trial in the case of *Wilber* ads. *the People*.

It was contended for the prisoner, that the decision in 4th Cowen's Report, p. 26, *People* vs. *Douglass*, was similar to and governed the one at bar,—Mr. Justice Woodworth in that case saying, that "*drinking spirituous liquors should not be tolerated in any shape during the progress of the trial,*" and that "*we (meaning the Supreme Court) have uniformly held that it vitiated the verdict in a civil cause, even when the liquor was given to the Jury by consent.*" The Court all concurred in the decision in that case. The counsel also contended that the case in 7 Cowen, 562, and some others, were in point.

On the other side, it was argued that to give the construction to the words "progress" and "course" of a trial, in 4th and 7th Cowen, as meaning any time after the commencement and before the termination thereof, would be forced and unreasonable; for that was not the fact as to the *uniformity* of the decisions of the Court; it had not so been uniformly held. But that, on the contrary, it had been held, in 1st Cowen, 111, *Denniston* vs. *Collins*, that drinking liquor by the Jury after the trial commenced, should not vitiate the verdict, unless it was "*while they were sitting as a Jury.*" In that case the trial was suspended about two hours,—in the meantime the liquor was drank,—and the jurors were not then "*sitting as a Jury.*" That in the case of *Wilber* the trial was "suspended" for twelve hours, and the jurors when they drank the liquor were not "*sitting as a Jury.*"

The Circuit Judge and Judge Holmes held, that the decisions in 4th and 7th Cowen governed this case,—they giving to them the construction contended for by the counsel for the prisoner,—and voted for granting a new trial. But the majority of the Court, consisting of Judges Rogers, Beckwith, and Warner, held that those decisions did not cover this case,—(each giving some different reasons for his opinion)—and the motion was therefore denied.



*Plan of the Scene of the Murder of Robert Barber.*



REFERENCES:

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| 1. Erie Canal.                         | 15. Judd's Packet Barn.                 |
| 2. Burr's Bridge.                      | 16. Log House, mentioned by Judd.       |
| 3. New Boston.                         | 17. Chittenango Creek.                  |
| 4. Lawrence's Grocery.                 | 18. Side-cut from Canal to Chittenango. |
| 5. Lee's Bridge.                       | 19. Road from N. Boston to the Landing. |
| 6. Child's House.                      | 20. Road from N. Boston to Canaseraga.  |
| 7. Supposed route of Wilber & Barber.  | 21. Seneca Turnpike.                    |
| 8. Place where the body was found.     | 22. Chittenango village.                |
| 9. Thick wood and swamp.               | 23. Canaseraga village.                 |
| 10. Old Road.                          | 24. Log House, on the tow-path.         |
| 11. Cholera House.                     | 25. Canaseraga Creek.                   |
| 12. Direction that Judd saw a man run. | 26. Road from Landing to Chittenango.   |
| 13. Grocery at Bolivar.                | 27. Road to Oneida Lake.                |
| 14. Judd's House, Chittenango Land'g.  |   |

[The above Map was executed to accompany a report of the trial of WILBER, and is generally correct,—except that the track therein laid down as the supposed route of Wilber and Barber (fig. 7) was not the one actually taken by them. The real course of Barber and Wilber, after crossing Lee's Bridge, (fig. 5,) and the subsequent route taken by Wilber from the place of the murder to Bolivar, will be found described in the preceding narrative.]