

A. W. May

THE
False Prophet!

THE VERY INTERESTING AND REMARKABLE

TRIAL

OF

MATTHEWS,

THE

FALSE PROPHET,



AT

WHITE PLAINS, WESTCHESTER COUNTY, NEW-YORK,

FOR THE ALLEGED

MURDER

OF

MR. ELIJAH PIERSON,

REPORTED EXPRESSLY FOR THIS PUBLICATION,

AND

AT MUCH GREATER LENGTH

Than has been done by the Daily Press.

By W. E. DRAKE, SHORT-HAND WRITER.

NEW-YORK:

Printed and Published by W. Mitchell, 265, Bowery;

And may be had of him, and all the Booksellers.

1835.

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TRIAL OF MATTHIAS, FOR MURDER.

WHITE PLAINS, WESTCHESTER COUNTY,

Thursday, April 16th, 1835.

Before His Honor C. H. Ruggles, Circuit Judge, and Justices Tompkins, Jay, Lockwood, Vark, and Nehemiah Brown, Jun.

THIS being the day set apart for the trial of this notorious impostor, the Court was crowded to excess with spectators, who had assembled from all parts of the country to hear it.

The Court was opened at 8 o'clock, when Matthias was brought in, and allowed to take a seat immediately behind his Counsel. He was dressed in an open green frock coat, with frog buttons, buff cassimere vest, and a red sash round his waist. His beard was of enormous length, and he appeared to occupy himself much in its adjustment.

The Counsel for the State were Mr. W. Nelson, District Attorney, Mr. H. R. Storrs, of New York, and Mr. Richard R. Voris, of Sing Sing.

For the Prisoner, Mr. H. M. Western, Mr. N. Nye Hall, of New York, and Mr. Mitchel of White Plains.

In consequence of the absence of Dr. John Torry, who was stated to be a material witness for the defence, the District Attorney having consented to admit that Doctor T. had examined the stomach of the deceased Mr. Pierson, and had been unable to discover any poison therein, the Court directed that the admission should be reduced to writing, and signed by the respective Counsel; which being done, the trial proceeded. Thereupon the Clerk proceeded to impanel a Jury.

After five challenges on the part of the prisoner, the sixth name being called,

Matthias said he wished to address the Court, but being told that he could not, that the management of his case must be left to his Counsel, he said that he did not expect to be prevented from speaking. He intended leaving the technical parts of the case to his Counsel.

The Court suggested that the case should be left to the prisoner's Counsel.

Mr. Western said, the last remark might have been caused by his having told Matthias that he (Mr. W.) must be excused from interfering in any of the prisoner's theological doctrines; and that if such became necessary in the course of the trial, he must attend to that part of the defence himself, and if the prisoner wished to undertake his own defence, he would be willing that he should do so. He, however, hoped, that in so peculiar a case, in which his life was at stake, that the Court would permit him to address them so long as he observed that respectful demeanour due to the Court, as when he transgressed it, the Court would have it in their power to correct his remarks.

The Court said they desired to act in a spirit of mercy. There was, then, no such question before them to render it necessary for any address on the part of the prisoner.

Matthias here rose, evidently under excitement.

Mr. Western, (turning to him,) you had better leave it to me.

The Court.—Matthias, Matthias, sit down.

Matthias.—I understood—

The Court.—Sit down, Sir!

Matthias.—(Remaining standing all the while, and persisting in his right to address the Court.) I protest against these proceedings, because I have understood that they have commenced by evidence taken in secret before the Grand Jury, and because the entire of this business is to be disposed of in secret. I object to all secret institutions; they were all dissolved five years ago. [Here he extended his arms, shook his head violently, and raising his voice almost to its highest pitch, continued,] All secret institutions are cursed of God!—cursed of God!! [with increased vehemence of tone and gesticulation,] All institutions that receive accusations and testimony in secret, I say, are cursed of God, and were dissolved five years ago.

The Court directed the prisoner to be removed.

The Sheriff proceeded to remove the prisoner, who did not make any resistance, and was, for a moment, silent. On reaching the door of the court-room, however, he again broke forth, "All secret institutions are dissolved, dissolved, dissolved!"

After this extraordinary scene, and in consequence of the alleged insanity of the prisoner, the Court directed a Jury to be impanelled, to try an issue, whether the prisoner was of sane or insane mind.

Thereupon Matthias was again brought into the Court, and a Jury impanelled. A number of witnesses were examined, and the Jury returned a verdict that the prisoner was of sane mind.

SECOND DAY.

The prisoner was again brought into Court. After numerous challenges by the Counsel on behalf of the prisoner, a new Jury was impannelled, which consisted of the following persons:

Edward W. Horton,
Abraham Tompkins,
Gideon Ferris,
Simcon Lester,
Thaddeus Rockwell,
Nicholas Stevens,

Daniel B. Tompkins,
James Teller,
Amos Tompkins,
Isaac Turner,
John S. Frost,
James Ganong.

The DISTRICT ATTORNEY then rose, and addressed the jury: He said they were about to enter on a most solemn and important investigation—it was to pass on the guilt or innocence of the prisoner, who stood charged with one of the highest crimes known to our laws. If he should be found guilty, he would be visited by the severest punishment that could be inflicted on any criminal, and that was, the forfeiture of his life. The prisoner, at the bar, was charged with having murdered Elijah Pierson. He was charged in this indictment, either with having administered to, or having been concerned in administering to him some poisonous substance. He was, likewise, charged with having caused his death while he was in his house, and when complaining of great weakness of body, by withholding such aid or advice as was necessary to the recovery of his health, or by such other improper treatment as produced his death. Before he (the District Attorney,) proceeded to state to them the facts, which probably would be disclosed in the course of this trial, it would, perhaps, not be improper to call their attention to the law in relation to the crime of murder, inasmuch as they were to judge of the law. He should give them the legal definition of the term murder—as it was a crime for which he was now on his trial. [Here the District Attorney referred to, and quoted the definition of the term “murder” in Chitty’s Criminal Law, pages 476 and 480; also from the Revised Statutes of this State, for the purpose of shewing what constitutes the crime of manslaughter or murder.] The facts which were to be disclosed to them, were briefly and summarily these: The accused, as was supposed, and as he, (the District Attorney,) supposed they would believe, set himself up, not merely as a religious enthusiast, but as many supposed, as a religious impostor. In the course of his career in this assumed character, he met with a gentleman of considerable fortune, a man of amiable temper, but rather weak mind; but if he (the District Attorney,) might be allowed the expression—disposed to religious enthusiasm. He became the dupe, the victim of the accused. In the progress of the career of the accused, he was taken to Sing Sing, to a place which became the property of the deceased, and which was afterwards assigned and made over to the prisoner. Matthias there took to himself the character of the Father of a community, consisting of several persons. He (the District Attorney) should state to the jury, for the purpose of showing the responsibility of the accused, that he had the most complete control and sway over the establishment—that he possessed absolute power, and that by his means and influence, he compelled them to pay the most implicit obedience to his commands. He was, therefore, responsible for all that took place in the house at Mount Pleasant. About the first of August last, the deceased was taken suddenly ill; the symptoms of his sickness were rather of a peculiar character, as afterwards appeared, and in consequence, suspicion was excited. It might be proper here to observe, that such was the regulation and rule which the prisoner had established in the house, that nothing scarcely of what was done in it became known to the neighbours in general, or met the public eye of others, than its inmates. Mr. Pierson languished till about the sixth of August, when he died; he died alone, unattended, and without having had administered to him the common offices of humanity, and was discovered in that situation. His body was taken to Morristown, New Jersey, and there interred. A rumour was soon afterwards spread abroad, that there was something extraordinary and suspicious in relation to the death of Mr. Pierson. This led to the disinterment of the body, when the stomach was taken out of it, and underwent an examination by three eminent Physicians. They examined it, he (the District Attorney,) understood, with great care and particularity, as much so as it was possible to do, considering the time the body had been interred. From the appearance of the stomach, it was very evident, that there had been some sort of poison introduced into it. It would be proved in evidence, that the symptoms which the deceased exhibited during his illness, were such as would probably result from having had poison administered to him. From the particular manner in which the accused treated the family, it would be proved, that there were circumstances which went to show that the accused administered a certain species of food, of which he himself did not partake but which the deceased and another individual did, and that individual was taken ill soon afterwards. It was not necessary, then, to enter into the facts; suffice it to say, that from an investigation of the testimony, before the grand jury, that there was not only a well-founded

suspicion, but they were satisfied that the deceased had died from poison while under the immediate direction of the accused at Mount Zion. The motive for the conduct of the prisoner might be ascribed to the desire of gain. He, (the District Attorney,) could show, in addition to the prisoner's having possessed himself of the management of the establishment of the deceased, and the entire control of his mind, that he also obtained his property at Mount Zion, for a nominal consideration. He, likewise, possessed himself of all his valuable personal property, in the city of New York. If, even in this branch of the case, the facts should not be such as to satisfy the minds of the jury, as to the guilt of the accused, in regard to his having administered the poison, or having been connected with others in doing so; yet there was another statement of facts to be disclosed to them, which would leave no doubt that he caused by his acts the death of Pierson, and *that*, in the judgment of the law, would constitute the offence of murder. Such was the control the prisoner had over Mr. Pierson, and every one in the house, that no one was permitted to do any thing in it without his permission, and scarcely any inquiry was permitted to be made after the deceased. His conduct and rules were extremely arbitrary. And, during the severe illness of the deceased, that medical aid and nursing, which a person in his situation required, were withheld by the prisoner. If they should not be satisfied, that the death of Mr. Pierson was attributable to the conduct of the accused, by having administered poison to him, then they would have to inquire whether his death was caused by neglect, and he, (the District Attorney,) might add, by gross ill treatment; and if so, then the prisoner would be made responsible for the murder. The Court would now proceed to a development of the facts that would be produced here. The case was now before the jury.

The following witnesses were called for the prosecution:—

Jesse Bishop sworn and examined—I reside at Mount Pleasant, and know the prisoner. In the summer of 1834, I knew Elijah Pierson. The prisoner resided at Mr. Folger's, near Sing Sing. My residence was one mile and a half from thence. Mr. Matthias appeared to have had the control of the establishment. Mr. Pierson was living there. About the first week in August, perhaps the 7th, I found Pierson in a room in the South part of the house, laid out as a corpse, on a board. He was covered over with a sheet; had a shirt, drawers, and stockings on; his eyes and mouth were open. This was about seven or eight o'clock in the morning. I saw Matthias, Mrs. Folger, and a woman called Catherine, a daughter of Mr. Pierson, named Elizabeth, a hired man, whose name I do not know, but I believe Lewis or Morris, I do not know whether. I should recollect him if I saw him.

Mr. Western called for "Lewis Basil," who, having appeared—

Witness stated, I think this is the man.

Cross-examined by *Mr. Western*.—I had received a note from Mr. Matthias, requesting me to come. I was met at the door by him, and he said that Mr. Pierson was dead; and, that as I was more friendly than others, he sent for me to assist in burying him. They were not engaged in laying him out then, but he was partly laid out. Some of his dress was afterwards shifted. I was present, and saw his skin. I saw several bruises on the fleshy part of his knees. I did not see any spots on other parts of his body. The flesh every where else appeared in a natural condition; one of his hands was closed tight, I think the right hand. I did not perceive any distortion of eye, or a wryness of foot. I did not examine him particularly. I did not see him during his illness. I had understood that he was subject to fits, [epilepsy.] I did not understand the property was common. I understood Folger first owned it, then Pierson, and then Matthias. They lived as usual, Matthias doing all the business. I don't know that Folger acted as a servant. I heard Matthias direct Pierson, as he would a hired man, to do a job of work. I had gone with a load of hay to Matthias, whom he then told to move away some poles, which Mr. P. did; but not doing it promptly, Matthias then said, that "when he wanted a job done, he wished it thoroughly done." [Laughter.] A carriage was kept; Matthias and Mrs. F. used to ride out together in it. Mr. Pierson went out but little; I did not see him ride in it. I have seen Mr. Pierson ride in a waggon. I do not know that Lewis was the coachman.

Re-examined by the District Attorney.—I knew nothing of the deceased's illness, until I found him dead. I was on friendly terms—

By the Court.—Did you preserve the note sent by Matthias?—I did not.

I made a proposition as to the time of burying the deceased. I have seen the prisoner and him frequently on the road. I once saw them, and Mr. P. was walking towards their home. Matthias was riding and leading a second horse; he was afoot, and not walking briskly; this was within 30 or 40 rods of the house. I simply said, "How do you do, Sir?" Mr. P. did not speak. The horse Matthias was leading had a saddle on. They were coming from Sing Sing. The house is two miles from thence, on the road to Tarrytown, thirty or forty rods from the road. When I first saw them they were sixty yards off; then they were as I have described.

Cross-examined by *Mr. Western*.—The led horse had a saddle on, &c. I did not notice enough to know that the led horse was wet, as if he laid down. There is a watering brook on the road; I did not know that the horse had laid down in it. They appeared not to be angry with each other.

Re-examined by *Mr. Storrs*.—This was about ten o'clock, A.M. on the turnpike-road.

Cross-examined by *Mr. Western*.—It was a good road; good enough to walk.

Re-examined.---*Mr. Pierson* was about fifty years of age.

Cross-examined.—He was not of an age too old to walk a couple of miles. There was not any concealment when I went; he did not attempt to conceal the body from examination, nor was there any thing suspicious in his conduct; he left the burial, and the mode entirely to me.

Moses Cherry.—I live in Morristown, New Jersey; I am a sexton, and have charge of the church-yard. I knew *Mr. P.* ten years ago; he was interred there the 8th of August. I do not know who accompanied the corpse, which I was informed was that of *Elijah Pierson*. The grave was opened, and the body disinterred about ten days afterwards. The body was examined by *Drs. Condict*, and the stomach taken out by them; he had been laid besides his brother *Silas*, over whose remains there was a headstone. I could not be mistaken in its identity.

Cross-examined.—I did not recognize the corpse as *Elijah Pierson*. The church-yard is on the green; it is of a gravelly soil. The weather was warm. The body was brought by land carriage; the face was covered up with a cloth. The stomach when removed, was taken away by *Dr. Condict*, and the body afterwards returned to the grave, and has been taken up five or six weeks since, and examined by other physicians.

Cross-examined.—It was very putrid and offensive when buried, and when taken up the first time. There was no offensive smell when taken up the second time.

Samuel Johnson.—I reside in Morristown, New Jersey; I assist the last witness as sexton. I knew *Elijah Pierson*, who formerly lived near Morristown. I was not present at the burial, but was at the disinterment. *Drs. L. and N. Condict*, *Drs. Jones* and *Canfield* were present. I should have known by the face it was that of *Elijah Pierson*. I was present also at the second disinterment. The physicians were present. It was the same body.

Cross-examined.—I could have recognized the body without having been told of the death of *Mr. Pierson*. I could not know by the face, the *second* time, that it was the body of *Mr. Pierson*. I could not have told it to be the same, but that it came out of the same grave, and appeared to be from the same coffin, and that the stomach was taken out.

Dr. L. Condict examined by *Mr. Storrs*.—I have been a physician since 1794, and reside in Morristown. I know nothing of my own knowledge what was done at the first disinterment. The stomach was brought to me by my son, *Nathan*, on the 18th August. *Drs. Jones*, *Canfield*, *Nathan W. Condict*, and myself, were present. I did not see it until the stomach was laid open. *Drs. Jones* and *Canfield* were with my son; I was by them requested to look at it; I can note the appearances with more regularity in my notes than I can from memory. [Here witness referred to them.] I found an opening in the lower orifice, or the passage leading into the intestinal tube; about a tea-spoonful of darkish brown mucus being the only thing the stomach contained, with the exception of a small portion of what appeared to have been a *whitish powder*. At a short distance from the pilorus, or lower orifice within the stomach, I found a substance resembling chalk, of a dingy whitish colour, equal to about eight or ten grains of calomel. The upper portion of the inner membrane, and about one-half of the surface of the stomach, were nearly natural in appearance, but the small blood-vessels were increased to the eye. Their colour was natural. About the distance of an inch from the pilorus, and on its front, we observed a patch of a bright red colour, and about three inches in diameter, irregularly circular. This spot corresponded with a similar patch, less bright, upon its outer or front surface; the colour had gone through. It was upon this patch the powder, which I have described, was discovered. About half an inch higher was another spot, of the same description, but one-third less in size. By the sides of these two, were three or four other smaller ones, of the size of a twenty-five cent piece, and these last patches were of a dark brown colour, almost black; and under these dark spots, the inner membrane of the stomach seemed to be very pulpy and disorganized. The coats of it elsewhere were in a state of preservation and soundness, differing very little from the natural appearance of the human stomach. Around the patches, the vascularity was more irascible. It exhibited a thickness of feeling, and the blood-vessels were more visible and distended, just as an inflamed eye will show more blood-vessels than a healthy eye. The mucous membrane was somewhat elevated from the under coat, and upon the elevated parts. A little touch of a finger-nail, or knife, would detach it; and when this erosion was made by a finger-nail, there was a dark substance found lying immediately over the pulpy membrane, which seemed to be extravasated blood. The blood was darker than usual, somewhat like a blood blister, though somewhat drier.

In answer to questions by a Juror, witness said,

I saw no other blood but the extravasated blood. I don't know that there was any difference in this blood, and that of any other person who should have died suddenly.

Examination resumed:—He had been dead a number of days, and the decomposition must have gone on rapidly.

By the *Court*.—I could not tell what this white substance was; it was soft to the touch. This, and the mucus, was all that was in the stomach. It and the stomach were carefully preserved. On the 21st of March I was invited to attend the second examination. The entire mass of the large intestines, nearly the whole of the esophagus, or gully, was then examined. The lower end exhibited a bright red colour, corresponding to the stomach, but less bright than the red patches. On the first view of the stomach, there was the same degree of vascularity as on the red spots. The rest of the esophagus appeared to be healthy, with its usual appearance, the intestines retained their contents. The smell was like that which is found on opening a box of old herrings. Dr. C. first noticed this fact, he being to windward of it. Portions of different parts of the canal, below the stomach, were taken out, and, I believe, the large intestines exclusively in connection with the stomach. Their contents were scraped out, rinsed in water, and the surface, when turned inside out, appeared to be sound; no inflammation. We tested, as far as we could, their strength; they were as unyielding and as firm as they are usually after death; the same was the fact with the esophagus and stomach, they were very sound. These appearances may be accounted for in various ways. The conclusion to which we all came, *was that the death was not a natural one. It was not a death from any known natural disease. This was our strong impression.* I drew this inference from the appearances as already detailed. I do not, and did not, undertake to form any opinion, that he died by poison, from any one particular substance. I am unable to say, from my own experience, if the appearances were similar to those of a person poisoned with arsenic. I don't know if the appearance of a stomach in which arsenic was, would be different from other poison, (say corrosive sublimate.) The appearances correspond nearly to those where death has been detected to be produced by arsenic. The circumstances vary in proportion to the dose administered. Professional men differ as to the preserving property of arsenic. I think it has that effect. This I state as the result of reading, not *experience*, and so far as it corresponds with the appearances of this stomach. When arsenic is administered in a state of solution, its effect is more instantaneous than when crude. In one case, it might produce death instantaneously—within twelve, eight, or in some cases in six hours; it might go on for months, slow and lingering, and yet the death be fairly attributed to arsenic. There are instances of persons finally recovering. All depends on the quantity administered. Many cases are found, where deaths have occurred by arsenic, where none has been found. When given in a state of solution, it might be thrown off the stomach, and the effect remain to cause death. The chances for detecting it, when taken or administered undissolved, is as great in a month, as in a shorter time. When in a state of solution, these are diminished. The symptoms of arsenic are nausea, heat in the throat and passages to the stomach, vomiting follows violently, great prostration, and finally death.

Cross-examined.—The contents, &c. were all preserved, and chemical tests were applied to them subsequently. I know Dr. Torry, by reputation, as of high standing as a Professor of chemistry. I did not attempt to test it chemically. The white powder was sent with the contents. I don't know that I should have formed any opinion that it was arsenic: it was found exclusively on the largest patch; I did not attribute the patch to the powder; I did not find any powder at the bone of the gullet. I have not seen similar spots on persons naturally dying. I have not examined any other case. If any arsenic remained in the stomach, it could be detected. It might produce death, if it had been ejected from the stomach, if some was incorporated. I explain; it does not kill by incorporation; it does as an irritant, causing inflammation. I think enough might be taken to produce death, and yet leave no traces. [Here the Doctor detailed its various effects and properties in causing death.] We found the upper coat of the stomach no where separated from the under, except under the patches. There was inflammation in the esophagus, and none below the stomach; I found marks of inflammation, but no gangrene.—Having known that it was the body of Elijah Pierson who was buried, I inquired into the circumstances of his death, having known him many years. I should be unwilling to swear that the deceased died of arsenic, unless I detected it in his stomach.

By the *Court*.—The appearances of the stomach and the features, show that he had died from poison.

Cross-examination resumed by *Mr Western*.—Death, by poison, would develop itself on the lungs. If the body at that time had not been so offensive, the examination would have been continued further; it would be proper to examine more minutely. A garlic smell is one of the evidences of the presence of arsenic. Under the outer internal surface of the dark patch, I found no matter. Arsenic would cause death, and yet extend

its preserving influence to the membranes. I think the appearances on the stomach were sufficient to account for the death. It did not occur to me that the dark mucus exhibited the appearance of being caused by having eaten blackberries. It was the consequence of irritation. Death, by arsenic, is not invariably attended with an intense degree of inflammation. When sudden death ensues from arsenic, there are no traces of inflammation. When death ensues at the termination of five or six days, it will be attended with inflammation, and often combined with action on the nervous system.

Re-examined.—Inflammation is one of the general effects of arsenic. Palsy is one of the remote symptoms produced before death, by its effects upon the nervous system.

Cross-examined by *Mr. Western*.—If the symptoms before death were such as are generally produced by arsenic, and that the appearance of the stomach after death, corresponded with those symptoms, witness would consider it a conclusion almost irresistible, that the deceased died by arsenic.

Doctor N. W. Condict, the son of the late witness, being sworn, generally corroborated the foregoing evidence, and testified that the stomach was in the same state when shown to him was then taken from the corpse; it had not gone out of his possession until the other persons named by his father had examined its condition; the appearances were sufficient to cause the death of Mr. Pierson. It was not probable that life could be continued, after the state the stomach was in.

Cross-examined.—I have not known that violent retching would produce extravasated blood. It is possible; but I suppose blood produced in that way would be coagulated in the stomach; it would not be produced between the membranes, or coatings of the stomach, as this was; the coat of the stomach was too soft and pulpy to retain blood; the extravasated blood caused the dark spots on the surface. If the outer integument was as soft originally, as it appeared, it would not have oozed into the stomach; the spot corresponded exactly with the extent of the disorganization. I suppose the extravasated blood was deposited, while the membranes were firm enough to retain it. The appearance were such, as only to lead to the indicia, or a suspicion of poison, but to nothing more definite than suspicion. I have examined many stomachs; I have examined those of persons hung, but not with the same particularity. There was nothing like so much vascularity in the stomach of such persons, as I had observed in that of Mr. Pierson. It may be occasioned by various causes, whenever depositions of blood are made in the intestines; I do not know any natural disease at this moment, that would leave similar black spots on the stomach. Livid spots, with rigidity of the limbs, I do not consider as a characteristic of poison; the body had been too long under ground to enable me to discover any thing more than stated. The stomach was in a state of high preservation, which usually follows where poison has been administered; and which led me to suspect poison; it was so complete, that I was astonished to find it so. If arsenic, sugar of lead, or corrosive sublimate was admitted, it would produce violent inflammation; the result of that would be pus, or gangrene; I suppose in this case, the inflammation never went so far as to produce pus or gangrene; after gangrene, the flesh resolves into its original elements, to absolute dust. I suppose the death of the individual may occur before the death of the part; the spots on the stomach were not ulcers. I do not say that it is impossible that they might exist without poison.

Re-examined.—A party may die from poison antecedent to inflammation or gangrene; I suppose the appearances together, indicated poison; they might separately indicate it; I do not know any disease situated where these were, that could produce them; I do not say the examination was very particular.

Cross-examined.—The smaller intestines nearest to the stomach, I do not know that in all cases of poison, they are inflamed; this is usually the case; I saw none of these that were so; I differ with my father, in supposing that the white powder was poison, because if so, there was enough of it to be detected; it may have been fatty matter; it was mostly found on the red spots, but not upon all.

Mrs. Ann Folger, examined by *Mr. Storrs*.—I am the wife of B. H. Folger; last August I was sometimes in New-York, and sometimes at Sing-Sing; I arrived on a Saturday at the latter place; Mr. Pierson was taken sick on the following Tuesday; the persons in the house, at the time, were the prisoner, Mr. Folger, Isabella, Catherine, Gallaway, Lewis Basil, a man of the name of Anthony, (a Dutchman,) Henry Plunkett, James and John, (sons of Matthias,) one aged between seven and eight, the other twelve years of years, two children of my own, named Catharine and Mary Ann, the oldest is eleven years of age, the youngest seven, besides myself. We heard of him a long time before, and were acquainted with him prior to his visit at Sing Sing, and were receiving his doctrines. Mr. Pierson was a positive believer in his doctrines as far as I knew. I also became a believer in his doctrines generally; my husband was more disposed to doubt than Mr. Pierson or myself. Catharine Gallaway was as far as I could judge, a believer, and acted as such.

Q. What were the doctrines usually received by his believers?

A. He was our Father.

Q. As a being, of what character?

A. We regarded him as God the Father, possessing the Holy Ghost, and possessing all holy power to bestow it on whom he would.

Q. What other power?

A. As having the power to execute wrath.—We regarded him as the last trumpet answering to all the angels of wrath, spoken of in revelations—that is, the executing angels.

Q. Did he claim power to cast out devils? A. Oh, yes!

Q. Did he claim or make pretensions of his own that he had that power? A. He did, and thought he *had* cast out devils.

Q. What obedience, if any, did he require to his commands? A. We were to obey his commands, in all things, and said "he had a right to be obeyed." We were called in frequently to testify a willingness to obey in all things.

Q. Who had command in the house? A. Matthias.

Q. What, if any thing was done in the house, contrary to his wishes in managing the household? A. I would sometimes go to him; he would say the Spirit would direct him; I would wait his answer. I would be subject to censure; and then if I acted without his directions, he would say "I acted wrong; I would not have his spirit, but I had some evil spirit, which he would not cast out of me."

Q. What was the nature of the censure he thought proper to inflict for disobedience?

A. He would be very violent in his manner; you had a very small specimen of it yesterday; He would be very alarming, and would curse us, and tell us we were lost creatures. We considered ourselves lost creatures, and he would tell us he would save us, "but the way was, that we must get rid of the evil spirit, and have a better spirit." If we asked him to deliver us from this evil spirit, then he told us again, he would cast it out of us.

Q. How was it in respect to obedience, or to the temporal concerns of the house? Did it extend to servants?

A. Yes, Sir! Every one that did any thing contrary to his wishes, would be accursed, "for they were all responsible to him."

Q. Was he acting last August, as owner of the house and property, when Mr. Pierson died?

A. As far as I know, he was.

Q. Do you know of any difficulty, or supposed offence from Mr. Pierson to him before his death? If you do, relate it.

A. There was some ill-will; it commenced at the house at the time Mr. Matthias was ordered away from Sing Sing, to New-York.

Q. What did you see take place before Mr. Pierson fell sick as to what he would do?

A. They conversed together on various matters; he reproved and censured him.

Q. What did he say? What was the censure?

A. I cannot recollect the particulars; but he censured him, when he went to New-York, for not tilling the ground.

Q. What claim did Matthias make to the products of the farm?

A. The first fruits of every thing; the chickens—the peas in the garden; and if he was not at home, we used them until he came back.

Q. Did he claim the first of every thing? A. Yes.

Q. The same of the food at the table? A. Yes.

Q. As to the coach? A. There was one exclusively his, and a pair of horses.

Q. Do you know of Pierson and Matthias going out together?

A. Yes; and they stopped to water their horses at the brook on the road; Mr. Pierson's horse wished to lie down; Mr. Pierson got on a piece of ground to save himself from lying wet; Matthias reproved him for it; they both told me this.

Q. Who carried on the farm? A. Matthias; Mr. Pierson was not allowed to put any seed in the ground without orders from Matthias.

Q. I wish to call your attention to the Monday of the week before he died—when did Mr. Pierson die? A. On Tuesday night, or Wednesday morning.

Q. What took place?

Q. On that previous Monday, who partook of tea? A. Matthias and Mr. Pierson went into the field and picked blackberries, which were brought into the house; Matthias was at supper; they were prepared either by Isabella, or —, in the kitchen; I know not positively who; but know that neither I, nor Catharine did prepare them.

Q. How long had he been in the house before he took tea? A. All of an hour.

Q. What took place at the table with respect to that fruit?

A. Mr. Pierson, Matthias, Catharine, and myself, were at the table, they were making hay that day; we were waiting for Mr. Pierson to come in, and it was late.

A. Matthias helped Mr. Pierson to a small plate of the blackberries, such as is commonly used for breakfast and supper; he also helped Catharine and myself with a spoon; Mr. Pierson ate those he was helped to, and another plateful.

Q. Did Catharine? A. Yes.

Q. Did you? A. I ate only two berries.

Q. Did Matthias eat any? A. No.

Q. Why? A. As was his manner, he had been preaching; when I had an opportunity, I remarked to him, "Father, you have eat no blackberries."

Q. How near was his plate?

A. There was one before him, it was very near him, but not directly before him. He rose very angrily, and said, "the Father was not honoured in his house, but the sons were honoured in the house," "and the daughters would leave the Father." "The daughters dressed themselves, and wanted to leave the Father." He (Matthias) had lost his blessing in the enjoyment of eating blackberries."

Q. What further? A. He preached on that subject until twelve o'clock that night.

Q. What was his manner?

A. He was much offended; and Mr. Pierson appeared to be the subject of his censure that night, because he had helped himself to more than his share.

Q. In what terms did he censure Mr. Pierson?

A. That "he had two plates of blackberries, whilst the Father had none." He considered it a great favour, that he picked any.

Q. Did any one help eat of that plate, but Matthias?

A. No: his practice was to set food apart for himself; none were helped before him; all were considered as "Judases," who dipped their hands in the same dish with him.

Q. What took place next day, in respect to Mr. Pierson?

A. There was nothing unusual that morning; he, after first taking his breakfast, went into the field, and from thence into the barn.

Q. At what time? A. At four o'clock in the afternoon of Thursday.

Q. What took place on *that* afternoon? Relate what was done during his illness.

A. My son Edward came to say, he was lying in a fit in the barn; we went there, and found Mr. Pierson lying in a fit.

Q. Was Matthias there? A. He was not there; I sent my son for him and he came.

Q. Was any thing done by you, or any one else, until Matthias came?

A. Nothing; we dared not touch him.

Q. By the *Court*.—Why did you not dare touch Pierson?

A. We dare not, because we would be censured; for this, in other words, would be "robbing him, (the Father,) of his spirit."

Q. When Matthias came, what did he do? Had Mr. Pierson been subject to fits?

A. Yes; and sometimes Mr. Matthias would succeed in inducing him to get up; this was before the fit was entirely broken.

Q. What was done when the fit was coming on?

A. He was sometimes allowed to lie on a couch.

Q. When he did set up, used he to manifest any consciousness?

A. Yes; he would be helped up by Matthias, and Mr. Pierson would manifest his pleasure, that the spirit would obey him, (Matthias.) He lay on the hay until Matthias came; Matthias told him to get up, he did not; I was alarmed, and asked, if he was dead. Anthony and he took hold of him, one on each side, and brought him to the house; he was seated in the lower entry; he fell down the steps of the kitchen, where they left him, until he would recover from the fit.

Q. He did not then come to his recollection, as in the former time when he recovered.

A. We made coffee that evening; Mr. Pierson was helped to some by Mr. Matthias; he put some bread into his mouth, but he did not eat any, and took chiefly coffee. After supper, they went along the piazza, and appeared to be conversing; I went up to them, and saw that Pierson had not recovered, but were not conversing; they stopped occasionally; I went out and came into the house before dark, Mr. Pierson was in a strong fit in the chair—so strong, that it cracked under it; I went out and called Isabella. Some time after that, he had another fit in the south wing of the house; the door opened between the body of the house and the wing; there was one parlour; I asked Matthias's permission to wash his head—I washed his head, but he remained insensible; he would repeat Amen, Amen, Amen, articulately, and he would move his right hand thus, (describing it,) clenched to and fro, towards his breast; he was taken to bed; he did not remain there half an hour, until he commenced vomiting and to purge. Isabella was with him all that night; he had many fits and turns of vomiting.

Q. How long did the vomits and illness of bowels continue?

A. All through, until daylight.

Q. Did he not evince, or exhibit pain? A. He only made a noise when he had the fit.

Q. What time was he put into the bed? A. Between eight and nine.

Q. How long did Matthias remain up? A. From ten to eleven.

Q. Did he go into the room? A. Matthias complained that the vomiting affected his stomach, and that Mr. Pierson's breath was offensive.

Q. What did he do for him? A. There was nothing done for him.

Q. Did he get out of bed at all? A. Oh, no!

Q. Was any medical aid sent for? A. Oh, no, Sir.

Q. What offices of humanity were shown to him?

A. Mr. Pierson was very helpless through the night; one sheet was obliged to be removed; Isabella changed the sheet.

Q. Was any medicine or drink sent for?

A. No, Sir; and he had no medical aid until he died.

Q. From that time, to the next Tuesday, that he died, was there any medicines given him, or medical man sent for? A. No.

Q. Why not? A. We believed that all sicknesses were so many detached spirits, which Matthias could cast out of him; for this was his doctrine.

In answer to a *Juror*.—I never knew him so affected before.

Q. What took place on Wednesday?

A. Mr. Pierson told me, in the morning, that he was aware he was in declining health; he knew he had fits, said he had one or two; I told him he had more than two. I asked him if he would have some nourishment; he took some coffee, but he threw it up, and had nothing but water all that day.

Examination resumed.—Where was Matthias?

A. The most of that morning he was preaching to a pedlar at the front door; the rest of the day he spent sometimes with Mr. Pierson, sometimes elsewhere. On Wednesday night, I knew nothing particular about Matthias. Mr. Pierson was up on Thursday, Friday, and Saturday, he felt inclined to lay; he had fits several times, when Mr. Matthias took him to the parlour and bed-room. Sunday he did not get up. Matthias continued preaching that day, in the parlour. Matthias shewed himself offended, that Mr. Pierson should have encouraged that spirit; (Mr. Folger was in New-York at the time.) While he was preaching, Mr. Pierson would have fits, and Matthias would shut the door. His doctrine was that, he would help no one, unless they asked him.

Q. Would Mr. Pierson be left alone?

A. Yes; Isabella would be told to shut the door, to keep out the noise of M. Pierson's fits. Sunday night, no one stayed in the room with him; he was not allowed a candle.

Q. By the Court.—Was he sensible then?

A. Yes; I was in the kitchen; Isabella was sent for water, to wash Mr. Pierson's feet; she expressed some displeasure, saying "the Father (meaning Matthias,) will not like it;" I said then, we must ask his permission; she took the water after some time. As I went up, Isabella and Matthias came out of the room, left a candle outside, passed towards the stairs; they were from a half to three-quarters of an hour conversing together. Matthias made motions, which I did not understand, and I said—"What, Father!" (he then pointed his finger crooked, and shook it; I thought I was interrupting them, and retired. I observed them a second time that night, conversing in a low tone, and I asked him what he wished me to do, he said, "Take the candle away," which I did.

Q. How was Mr. Pierson on Monday morning?

A. He appeared more ill; I found his daughter rubbing his limbs; I had taken breakfast; Matthias was coming in with Mr. Pierson's breakfast; he had been alone that night. I felt extremely anxious for Mr. Pierson, and would often speak to Matthias about it. I saw his tongue, it was much bloated; he asked me if I give him an *enema* [injection], I said I would, and a dozen other things, if Father will only let me, and I told him I wished he would ask his permission, I could have said or done no more.

By the Court.—What answer did Pierson make to your request?

A. He made no answer. I left the room as Matthias came in. When I left there, through Monday, I saw him laying on the bed; about noon on Monday, he appeared to lose his senses. Matthias came out of the room, and went into the kitchen: when we were at supper, we heard a noise, as if some person had fallen out of bed. No person was with him; both doors were open when the noise was heard: Catherine attempted to go first, but Matthias spoke to her, and said, "She was always foremost," she then reseated herself; he continued preaching, and eating his supper; he did not stir then.

Q. Why did you reseate?

A. We would be liable to his censure if we stirred without permission.

Q. What was Matthias's conduct?

A. We were not allowed to ask him any questions, for "The Spirit of Truth would tell him *when* and *what* was proper. The Spirit would not be questioned; we must be satisfied with what we got, &c."

Q. Did he mean himself as the Spirit of Truth?

A. Yes. After supper, we went into the room; I followed him. Mr. Pierson was lying on a pallet, with his face on the floor, he appeared to be asleep, or insensible; I asked Matthias if I should call Isabella to put him in bed, and he said, "No; let him be: I am watching the Spirit, and preaching at it," [the devil,] I walked out to the court-yard, and Matthias walked out of the house. At candle-light I returned, and believed he was in the house; Matthias went into the kitchen, he was reading a newspaper in a recess: Mr. Pierson remained unaided all the time on the floor; I again asked him if Mr. Pierson was to remain on the floor, he said, "Yes;" nothing was done for him that night, (Monday,) he was placed on the bed on the floor. On Tuesday morning, he was in the same situation; his arm stiff, and his head inclined to the right; the arm was out, unsupported by any thing; he had not his senses all that day; he lay with his mouth open: I went in repeatedly to drive the flies from him; I persuaded his daughter to go, as she had liberty from Matthias, and a warm bath was given him. Mrs. Dratch came there about 11 or 12 o'clock. Matthias received her; we were not allowed to receive any one; I told her how Mr. Pierson was: she then expressed a wish to see him; we were then in the parlour. He replied, "that she should see him." At dinner-time she again expressed her wish also to me, he said, "she should;" she again asked me to let her see him; I said it could only be as Father (Matthias) said: she asked him in the afternoon, a third time, but he took no notice. I also asked him that evening, if Mrs. Dratch should see Mr. Pierson, but he kept on preaching, and paid no attention to the request: he continued preaching a long time. Mrs. D. did not ask him, but rose, when I rose and spoke for her. Immediately after supper, Mr. Pierson had a warm bath; the water was prepared by Isabella; he was then lying on the bed without power to move. Isabella and Anthony lifted him into the bath; while he was there, there was some appearance of a fit coming on him; Isabella went to his head, *slapped him on the face*, and told him "*to come out of his hellish sleep!*" Catharine and Elizabeth Pierson, Anthony, Isabella, and myself, were present; he had not his senses at the time. He was then taken out of the bath, and was placed again on the bed.

In answer to questions by the Court.—It was a hard slap with her right hand. The fit was observed when he was put into the water.

Examination resumed.—Matthias came in, and I asked him again, if Mrs. Dratch could see Mr. Pierson, as he had his bath; he kept on preaching, making no reply. In the evening, Matthias came into the parlour, and preached until she went to bed, and she did not see him at all. He was lying on the pallet on the floor, and made a noise that night and the night before: it arose apparently from a difficulty of breathing. Matthias, on Tuesday night, at 11 o'clock, told Isabella to fetch some water; she brought it into Mr. Pierson; Matthias poured it, standing up, down his mouth, from a pitcher; she held up a sheet on each side of his mouth while he was doing it. Mr. Pierson made a distressing noise, which induced me to go out of the room; it was a noise as if he was strangling from the effects of the water.

To the Court.—Matthias was standing with the pitcher, Mr. Pierson was lying on the bed that was placed upon the ground; he did not speak when pouring the water at all. After this, Mr. Pierson was left alone that night. I could not sleep much; I had heard his noise about one or two o'clock, the noise then ceased; after the noise had ceased, Matthias went into Mr. Pierson's room. As I crossed the entry, Matthias, with a shake of the head, said, "he was dead!" I had not expected it, and thought it was the last struggle with the spirit, and that he would recover; these were the doctrines of Matthias. The family were not called up: next morning, I lay unusually late; when I got into the parlour, Mrs. Dratch was there with Matthias; he had told her he was dead, and she had not seen him dead until after breakfast; we were all waiting for some directions; the first I heard was that Matthias sent Lewis to Mr. Bishop to tell him that Mr. Pierson was dead.

Mrs. Ann Folger cross-examined.—What was Matthias called?

A. He was called "The Father."

Q. What were *you* called? A. Mother. I attended to the regulation of the house; I consulted him from time to time, and pursued his wishes.

[Matthias was here observed to show dissent, and directed some questions to be put.]

Q. Did you not consult him in household matters, and then take your own course afterwards? A. I did not.

Q. In regard to the attendance on Mr. Pierson, was not any body at liberty to follow their own spirit? A. No. On the contrary, I was accused by Matthias of being the cause of his sick devils?

Q. Did you yourself ever forbid any person from going into the room during the last sickness of Mr. Pierson? A. No.

Q. Did you never forbid Isabella? A. No; not that I recollect.

Q. Do you recollect reprimanding Elizabeth for being so much in her father's room.

A. No; on the contrary, I urged her to go in.

Q. Did you ever know Matthias refuse him any thing during his illness that he desired?

A. I do not.

Q. Was he not so sick as not to need his food?

A. His meals were sent to him until Monday, when he became senseless.

Q. Why was not a physician sent for? Was it contrary to your religion? A. Matthias thought that Physicians, Doctors, and Lawyers, were the greatest evils upon earth.

Q. You all believed in the idea that there was no need of physicians or medicine, or mortal agency to recall him? A. Yes; I had no doubt then; I have now.

Q. Was not every possible attention shown to Mr. Pierson, consistent with your creed?

A. Yes; the idea was to mortify and punish the sick spirit until he made it depart.

Q. Did not all feel a deep interest in his recovery?

A. We did; but at the same time nothing was done, except giving him food.

Q. Was that done with your best judgment?

A. It was done with my best judgment *then*, but not according to my former experience or practice. I was treated in the same way myself, when I was sick; I was left on my bed, unattended to, in sickness; none came near me.

Q. Was it one part of your creed that there should be a community of interests as to property? A. Yes.

Q. Was all the property that was there held for the benefit of the community?

A. All the property that was there was not owned by any one except Matthias. He would frequently say to me, "How dare you say so to me, in my own house."

By the Court.—Do you know what is meant by a community of interests in property? A. Yes, Sir.

Cross-examination resumed.—Who were the individuals who brought property into the common stock? A. Most of the property was our own, (Mr. Folger's;) Mr. Pierson bought the house and furniture afterwards.

Q. Did the *humble* Isabella (the black woman,) bring any thing? A. I believe not.

Q. Did she put in her wages?

A. She came with Matthias as his servant; he would not allow her wages.

Q. Did she bring any furniture?

A. She did; but I understood from Matthias that it was his.

Q. Was she a disciple? A. Yes, before I was.

Q. Had she lived with, or kept house for, Mr. Pierson before that?

A. She did his work; I believe she was not considered as his housekeeper?

Q. Whose coachman was Lewis? A. Matthias's; and he was hired by him.

Q. How long before the sickness did Mr. Pierson come up to Mount Zion?

A. I cannot tell.

Q. Was it by land or by steam-boat?

A. I think the last time he came from home, Mr. Pierson was alone. I think he was not with Lewis in the carriage.

Q. When Isabella slapped Mr. Pierson in the face, was it intended as a slap at the spirit, or a slap on the body?

A. It was not so offensive to me then, as I consider it to be now. On this subject, my fear would be that the devil would enter into me. She also dreaded it might go into her, for which reason she inflicted the slap. Our acquaintance with Mr. Pierson commenced in 1826, and before his wife died. I was not at his house when she died.

Q. Did he labor under peculiar notions as to her resurrection?

A. Mr. Pierson believed in her first and her second resurrection, just before her death. Mrs. Pierson was very anxious on the subject of religion; Mr. Pierson also was very much so: he felt peculiarly enlightened; he regarded the signs of the times, and expected her resurrection very near that time.

Mr. Storrs submitted to the Court whether any occurrences as to Mr. Pierson's wife were relevant?

Mr. Western argued that the question was relevant, inasmuch as he desired to show that Mr. Pierson was shattered in mind and body antecedent to his connexion with Matthias, and precisely in that condition to fall a victim, from that very circumstance, and to become a prey to disease. He felt that he was entitled to investigate into his previous state.

Mrs. Folger here said, "Well, Sir! you will not find it so by any investigation."

Mr. Western.—Very well, Madam, that may all be.

Mr. Storrs replied.—The Court decided that the question was relevant,

Cross-examination resumed.—What did take place after the burial of Mrs. Pierson?

A. Mr. Pierson believed that the days of the Apostles would be revived; that the sick would be restored, and the dead raised. When the physicians had given up all hopes of her recovery, he said, that "God's extremity is man's opportunity," and that the Elders of the Church should be called together, and his wife anointed. In doing so, he sheltered himself under the Word of God, and obeyed that injunction of Scripture, which says, "if there be any sick among you, let them call for the Elders of the Church, and anoint them with oil, and they will be healed." He had prayers and offerings made for her recovery, and after her death he called on the Elders, who attended; one was a Methodist minister: there were prayers, and Mr. Pierson anointed his wife. I left the city next day. There is not any person here who was at the funeral; he then expected she would not die: this was before she died. Mr. Pierson, however, laid aside these ideas some time after, and did not again recur to them. The first fits that I knew him to have, was the same fall, in the house in Third street, New York.

To the Court.—He came to Sing Sing the fall before the summer he died.

Cross-examined.—I saw him in Third street, in fits: the first time he was on the sofa; he then made no noise until the fit was going off.

Q. Were his hands drawn up, or one of them clenched?

A. I did not observe that they were: he washed his face in cold water after it: I asked him next morning how he did, he said, "Very well! very well! very well!" He made the same noise in other fits; they lasted two or three minutes; he kept his position in his chair if he was conversing, and when he was seized with these fits, he would recommence with the same subject that had been interrupted when attacked.

Q. Did you remark that those fits increased in strength, or became worse gradually?

A. The first bad one, was on the Tuesday before he died.

Q. Independent of this religious belief that he would be saved, did you not dread that there was danger in these repeated fits, and that he might die of them? A. If I had depended on my own strength and experience, I would have resorted to the means I had been accustomed to heretofore; but then my confidence was in Matthias, therefore I thought he would deliver him: we believed that if Mr. Pierson was to cry or call mightily on Matthias he would and could cure him: I asked him to cry out to him, as every one was to cry out for themselves: we were forbid to pray to any body but him: I believe that Mr. Pierson was truly a man of prayer.

Q. Was it in consequence of your considering his life in danger from these fits, that you kindly persuaded him to call mightily upon the Father to be delivered from them?

A. No, Sir; I was taught to believe that Mr. Pierson would live for ever; it was not on that account; I was taught to believe that the last enemy to be destroyed was "death," and that Matthias had power and had come to destroy that enemy. [Great sensation.] I told Matthias, more than once, that Mr. P.'s health was not good; his tongue was furred, and that he ought to have an enema.

The Court.—What was Matthias's answer to that? A. He told me "he was attending to his (Matthias) own business, and was watching Mr. Pierson's spirit."

Cross-examined.—How long before his death had he these fits at Sing Sing?

A. I cannot state the time; he had one during the winter: he would have but one, with at first an interval of several weeks; then came two or three within one week of each other, before the last attack.

Q. Did you observe that he had those fits after he had been eating hearty? A. He generally had them after his dinner, and sometimes in the night.

Q. Was it after a hearty supper? A. No, Sir; we never had hearty suppers; we had no meat, simply coffee and bread; the fits would be some time after he had left off eating. Q. On the occasion of the last attack in the barn had he been working any where that day? A. He was assisting in salting the hay; I don't know if he had been raking hay in the field: I do not remember if the day was hot.

Q. What were his fits called? A. "Fitty devils;" Dr. Payne attended him in New York; I do not know what they were called if they were not epilepsy; there was the same stuttering—the same twisting of the head and hands, a particular contortion of the right arm and leg, and he died that way! Q. What was the reason his bedstead was taken away? A. It was not taken away by Matthias's direction; the mattress only was laid on the floor: the reason was, that there was a sick devil in him, and he should not defile it. I do not know that the reason of changing was to prevent Mr. Pierson from falling off the bedstead. On the Monday morning that Mr. Pierson was taken senseless, I had an errand to the kitchen; Isabella, Elizabeth, and Matthias, were all talking in the kitchen entry: I observed the door open, and this was generally offensive to him, as he thought the door should be kept closed, in order to confine the sick spirit; knowing that it was so, and seeing Elizabeth talking with Isabella with the door open, I closed the door, and told her if she did not wish Mr. Pierson to hear, they ought to keep it shut.

Q. Was Elizabeth old enough to bring any necessaries that he wanted during his sickness? A. Oh, yes, and capable. Q. Was she affectionate and attentive? A. There is a fickleness in Elizabeth; she was obedient to her father; I would not insinuate that she was disrespectful, for I would not expect that conduct in her as from an older person; she was attentive until he became insensible, I presume then it was unpleasant to her to be confined to his room: she also was a believer; she knew the bath was given to Mr. Pierson by direction of Matthias. He was palsied on one side; the leg and arm were twisted. Q. Was it understood that the Father held all the property for the benefit of all those who belonged to "the kingdom?" A. Yes, Sir. Q. Was it Elizabeth or Isabella who washed, or otherwise prepared the blackberries that he ate? A. No: although I knew it was Elizabeth's duty. Q. Did Matthias prepare them? A. I don't know; the berries were brought in by his youngest son, John; Matthias remained in the field: I do not remember that they were prepared and waiting on the table before he came in; supper was not prepared until after he came in; Mr. Pierson and he sat a good deal in the parlour, as well as the kitchen. Q. How were they prepared? A. With white sugar; there was nothing unusual, but that Matthias took offence about the plate. Q. Was he as offensive or touchy on other occasions as well as upon this. A. He was indeed.

Q. When he vomited, what did he throw up? A. A very considerable quantity of water. Q. Did I understand you to say you were at liberty to consult the promptings of your spirit, but if the spirit prompted you badly, then it was an evil spirit, and that you were liable to censure? A. Yes, I used to go to him, and ascertain how I should proceed. Q. When you would follow your own mind, it would not always meet his approbation? Were the others equally permitted to follow their own spirit? A. No; only when he gave them that liberty.

Re-examined.—None of the property was conveyed by Matthias to any other individual. He was severe, and offended if the house and every thing in it, was not called his own. I did not know of my own knowledge, how Matthias came from New-York.

The District Attorney here offered in evidence a lease executed by the late Mr. Pierson to the prisoner of his house and farm, at Mount Zion, near Sing Sing; for the term of ninety-nine years; for the payment of one dollar per annum, subject to a mortgage balance of thirty-five hundred dollars. Also a surrender of this interest, executed by the prisoner on the first of August, eighteen hundred and thirty-four; in favour of Elizabeth Pierson, the daughter of the deceased. Also two bills of Sale, of all the personal property; amounts to eight hundred and ninety-one dollars, and fifty eight cents; and an inventory of Mr. Piersons property, household, &c., No. 8, Third street, New-York; executed the twenty-third of December, eighteen hundred and thirty-three. The motive set forth for these transfers, was stated in the deed, that it was to aid Matthias whom he believed was sent upon earth to build up the kingdom of God. The estimated amount of the last inventory, was two thousand five hundred and thirty-eight dollars, and for the consideration of one dollar.

Mrs. Catharine Gallaway, another of the disciples was examined.—I lived at Mount Pleasant, or Mount Zion, with the community; I went there the February before Mr. Pierson died; I remained there until his death; I was then under the firm belief of Matthias's doctrines, and that they were true. I had previously lived in Cherry-street, New-York; I have heard Mrs. Folger's testimony to-day, as to the doctrines inculcated by him; they were those doctrines which he inculcated; I have no difference of opinion, as to her statement of the house, &c. The witness here corroborated the testimony of the last witness, and detailed her own unwillingness to go into the room when the bath was ordered for Mr. Pierson for Matthias; he, then, looked very hard at her, when she said, "Father, I will go, if you say so;" Matthias replied, "I say so;" she accordingly went in, and assisted by bringing in water; she said further, that

she was induced to rise, when she heard the noise alluded to, in order to see if Mr. Pierson had fallen. She saw Mr. Pierson after his death, he appeared, when in the bath, to be insensible! knew nothing of any offence being given by Pierson to Matthias, or of any censure passed on him; if any thing was not done right, he would say "he would pronounce a curse immediately." Q. What was his language? "We would be cursed to the bottomless pit, and should not enter into the kingdom." I don't recollect any thing in particular, of this kind, as to Mr. Pierson; these terms were often used; Matthias has spoken harshly to Mr. Pierson in her hearing.

Cross-examined.—We were taught to believe that all sick spirits were evil, and sickness was only to be removed by resisting the sick spirit! No means for this purpose were used, except prayers, and the treatment to herself, when sick, was the same. I first knew Mrs. Pierson at Mount Zion; there were nothing allowed to Mrs. Folger, either when she was sick; Mrs. Folger was regarded as "mother." Prayers and faith alone were necessary; they were to look to Matthias to relieve them from sickness. The contest spoken of by Mrs. Folger, was because myself and others had a larger quantity of blackberries, whilst he had none! I knew nothing of the treatment Mr. Pierson received, except when I occasionally went into the room.

The case for the prosecution here closed, and the Court then adjourned.

THIRD DAY.

Mr. WESTERN rose, and submitted to the Court that the case ought to be put an end to at the present stage, without throwing the prisoner at all on his defence. He contended that, by no possibility, could the present be made out to be a case either of murder or manslaughter under the Revised Statutes, inasmuch as there was a total absence of all affirmative testimony in proof of the *killing*. He argued this point at much length, glancing slightly at several parts of the testimony, and commenting on the nature of the various ingredients, physical and moral, which must go to make up the *killing* of a human being, either in the degree of murder or manslaughter.

Mr. STORRS and the DISTRICT ATTORNEY replied. Mr. MITCHEL and Mr. WESTERN further argued the case, and Mr. VORIS was proceeding to reply; when

The Court said, that the first charge—murder—was not made out by the evidence. The second point—as to manslaughter—had not not so far been considered by the Court as to prevent a further argument.

Mr. VORIS then addressed the Court in a brief, though very energetic and able speech. He contended strongly against any attempt to give the case a different direction from that which was originally intended. He could not hear of it, nor would the community or the world be satisfied with any such course. The case ought to go to the Jury as it was, in order that they might pass upon it, and draw their own conclusions from the evidence before them. They might infer from it, that the prisoner was bound to have afforded to the deceased that medical and other aid which his situation called for. If, however, they should believe that the prisoner was not bound legally to render it, why then that fact was, at all events, sufficient to stamp him with having acted with great inhumanity. What right, he (Mr. V.) would ask, had Matthias to prevent Mr. Pierson's friends from visiting him? What was his reason for refusing to allow Mrs. Dratch to go into Mr. Pierson's chamber, and thereby preventing her from rendering that aid and assistance to him which his case undoubtedly demanded?—[Here the learned Counsel was momentarily interrupted by the prisoner who, in a tone of the grossest rudeness, exclaimed—"That is a lie—all a lie!"]—It was true, so far as his own acts were concerned, that he was not compellable to minister to the wants of the deceased; but he, nevertheless, certainly was not justified in refusing to admit those into the bed-room of Mr. Pierson, who would have done all in their power to save his life. Yes, the prisoner treated him in the most brutal and unfeeling manner.]—Matthias, on hearing this remark, evinced very great excitement]—and he died upon his hands.

Mr. N. NYE HALL replied, and reviewed the testimony of several of the witnesses, for the purpose of showing that Matthias did not act with cruelty towards the deceased, as had been alleged; but, on the contrary, conducted himself consistently with the doctrines he taught, except in the instance (and that a charitable one) of his giving some cold water to Mr. Pierson, when on his death-bed. The prisoner might, then, be said to have acted from feelings of compassion, and with a desire to restore the deceased to health, as also when he ordered Mr. P. to be put into a warm bath.

Mr. WESTERN next addressed the Court, at some length, and contended that there was not sufficient evidence to convict the prisoner. There was no proof that he had entertained any ill-will or malice towards the deceased—ingredients which were necessary to make out the present charge. Supposing Mr. Pierson had died in consequence of the imprudent, improper, ill-advised, and unkind conduct of the prisoner, yet he was not answerable on that account, unless it could be clearly shown that his mind was in fault, and that he harboured malice or a design to injure the deceased. Now, this case lacked those essential ingredients, which constituted the crime attempted to be made out against the prisoner.

JUDGE RUGGLES then charged the Jury as follows:—Gentlemen of the Jury,—As I have before suggested, there is not, in the opinion of the Court, evidence sufficient on the principal question, to take the case to the Jury; that is, there is not sufficient evidence to require the Jury to deliberate upon it. There is not the requisite certainty in the proof. I now confine myself to the first branch of the case—namely, if the deceased came to his death in consequence of poison administered to him by the prisoner. There is no proof of his giving the poison;—none, that poison was detected in the stomach, or body of the deceased;—none, that any poison was traced to the possession of the prisoner. These are three items of evidence usual in cases of this description—not always necessary—but where all are absent, great doubt must necessarily exist as to the guilt or innocence of the party accused. The only evidence before the Court, arises from the appearance and state of the stomach of the deceased, after death. Both physicians who have been examined, and who have testified with great intelligence, and much to the satisfaction of the Court on this point, concur

in the opinion, that the examination of the body did not furnish evidence which would satisfy their minds that the death of Mr. Pierson was the result of poison. Upon this ground, simply, therefore, there was not enough to justify the Jury in finding a verdict of guilty against the prisoner, for having murdered the deceased by poison. And if such a verdict were found, it would be the duty of the Court to interfere, and to grant a new trial, in order that the prisoner might not be convicted upon such feeble evidence. I believe that, if the case had been submitted to the Jury upon this point, and with only this portion of testimony, they would at once have acquitted the prisoner, without retiring from their box. Upon this indictment also, the prisoner may be convicted of manslaughter, in any degree, under the Revised Statutes. It is alleged that the case ought to go to the Jury as a question, whether or not the prisoner is guilty of manslaughter, in the fourth degree, by suffering the deceased to die from culpable negligence—whether the prisoner was not so far master of the house, and had not Pierson so far in his custody and under his control, as to lay upon himself the obligation of looking to his case, and administering the ordinary remedies to which a man, in his condition, would be entitled under the laws of humanity? The Court are inclined to the opinion, that the relation in which the prisoner stood to the deceased, made it incumbent upon him to use the proper remedies for the restoration of a man in such a state of sickness. Matthias appears to have had the control of the whole establishment; and upon the question, whether there was, or was not, a culpable negligence—the question, considered by itself, is one which the Court would be disposed to leave to the Jury. The only doubt of the Court upon this subject is, whether the fact sufficiently appears that Pierson died in consequence of any negligence on the part of the prisoner. The Court have come to the conclusion that, as the case now stands, the Jury would not be authorized to find a verdict against the prisoner. It appears, that Pierson was afflicted for a considerable time before his decease, with epileptic fits; that the fits were more frequent in their occurrence from the time he came to Sing Sing, up to the period of his death; and that, during the latter part of the time, they became more and more frequent and severe. Within a short period of his death—a few days before—he was attacked very violently. It does not appear that there was any culpable negligence until the Sunday previous to the death; for, until that time, Pierson was about the house, and had food and all the ordinary remedies furnished to him, without the aid of a physician; and although he may not have sent for a physician, from the influence which the prisoner exercised, still it does not appear that any one was kept from him. Probably, he had the power to have sent for a physician, if he chose. He was then taken severely ill; he had very bad fits successively; and ultimately, (I think, on Sunday morning,) he fell down in the barn in a fit, and showed indications not only of epilepsy, but of palsy—perhaps, apoplexy;—and he seems to have lost the power or use of his limbs on one side, when he was taken into the house. In that state, subject to a repetition of these fits, it was evident he could not long survive. There must be uncertainty—great uncertainty, therefore, whether death was not produced from this cause, independent of the prisoner. Without any further evidence, the Jury will be called upon to decide.—Can they say that the deceased died, not from disease, but culpable negligence? We think there is so much doubt on this point, that the Jury cannot, and ought not to find the prisoner guilty. If the Counsel for the prosecution think proper to call physicians, or other witnesses, to show whether the deceased died from the disease itself, or from culpable negligence, they are at liberty to do so. The Court are of opinion that if it can be shown that death was hastened or accelerated by the treatment, or culpable negligence of this man, he is guilty, under the statute, of manslaughter in the fourth degree. If further evidence on this point should be brought, the case can be submitted to the Jury; otherwise, we think there is not sufficient testimony for a Jury to deliberate upon.

The Counsel for the prosecution then recalled Dr. Condict, senior, and proposed to put the question directly to him,—“Is it your opinion that the death of Mr. Pierson was caused by the want of care, or nursing, or any of the kind offices of humanity requisite for a person in such a condition?”

Mr. WESTERN objected to the admission of the testimony, on the ground that the Doctor was not present in Court during the whole of the time Mrs. Folger was under examination.

The COURT decided that the objection was vain.

The DISTRICT ATTORNEY having announced that he had no further evidence to present,

JUDGE RUGGLES said—The Court have come to the conclusion, that there is no evidence in this case to show that the deceased came to his death by poison. The Court cannot undertake to say for themselves, whether the deceased did not die from the disease itself, or that he would have died, if he had had the best medical treatment that could possibly have been procured. The disease with which he was afflicted often produced death, and it may have been so in this case. Unless, therefore, there is further evidence to prove that the death of Mr. Pierson was not produced by the culpable negligence of the prisoner, or by any thing else other than the disease itself, then I would advise you to find him Not Guilty.

The Jury immediately returned a verdict of NOT GUILTY.

The prisoner's countenance brightened up amazingly, on hearing the foreman of the jury say—NOT GUILTY; but, for what followed, on the contrary, he was equally as much depressed in spirits. His face underwent a great change, and he heaved a sigh, showing most conclusively what were the feelings which agitated his breast at that moment; and clearly indicated the surprise and horror he felt, when he heard there was another indictment against him.

TRIAL & CONVICTION OF MATTHIAS, FOR ASSAULTING HIS DAUGHTER.

After the announcement of the verdict of Not Guilty, and when Matthias was, no doubt, thinking that he should be restored to his liberty, the District Attorney said he had an indictment against him, for an assault on his daughter, and keeping her in confinement against her will. The prisoner was accordingly arraigned on that indictment, and then remarked, “Well, I suppose this is another branch of the persecution which has been carried on against me!” The counsel for the prisoner (Mr. Western,) produced a paper signed by Matthias's daughter, in which it was set forth that she prayed a *nolle prosequi* to be entered in the case. His daughter, Isabella Laisdell, appeared in Court, and said she did not wish to proceed against her Father, that she freely forgave him. This move evidently took the District Attorney by surprise; however, after some little delay as to how the Court should proceed, it was decided that the husband of the plaintiff should be called. Having been called to the stand, he said he was unwilling that any compromise should be entered into, consequently the Court desired that the trial should proceed. It appeared in evidence, that Isabella Laisdell, (aged 18,) daughter of the prisoner, was married a little more than a year ago, at Albany, to Charles Laisdell. Her mother lived at the same place; but her husband (Matthias,) had not lived with her for four or five years past. At the time of the assault, last January, twelve months, he was living at Sing Sing, where his daughter came on a visit, but more for the purpose of protecting her two little brothers, who were invited to come from Albany to see their father. When he learnt that Isabella was married, he was greatly displeased, especially as she had not first asked his consent. He declared that she was too young to marry, and that her marriage was null and void. She said she would not remain there any longer, in consequence of which, he gave her a beating with a cowhide across the shoulders. The next day, complaining to Mrs. Folger that she was unwell, Mrs. F. observed that she did not believe it—that no person there believed in sickness or dying. Isabella said she would rather die, than believe in such a doctrine. This roused Mrs. Folger's ire, and she told Matthias that his daughter had said, “she would die before she would obey him,” instead of the real story. The prisoner being exceedingly angry, inflicted upon her another beating, a much more severe one than the former, and at the end of five or six weeks, there remained a scar on her right arm. This last fact, as well as others, was corroborated by her husband, who, after some trouble, as he says, recovered her. The Jury found the prisoner Guilty of the assault, and the Court sentenced him to be confined three months in jail for it, and also one month for contempt of Court.

The Court, on sentencing Matthias, told him that the times for practising these foolish impositions were past. They were satisfied that he was an imposter and that he did not believe in his own doctrines. They advised him that when he should come out of jail, to shave off his beard, lay aside his peculiar dress, and go to work for a living like an honest man.—(Matthias,—It is not true.) He was then taken out of Court.