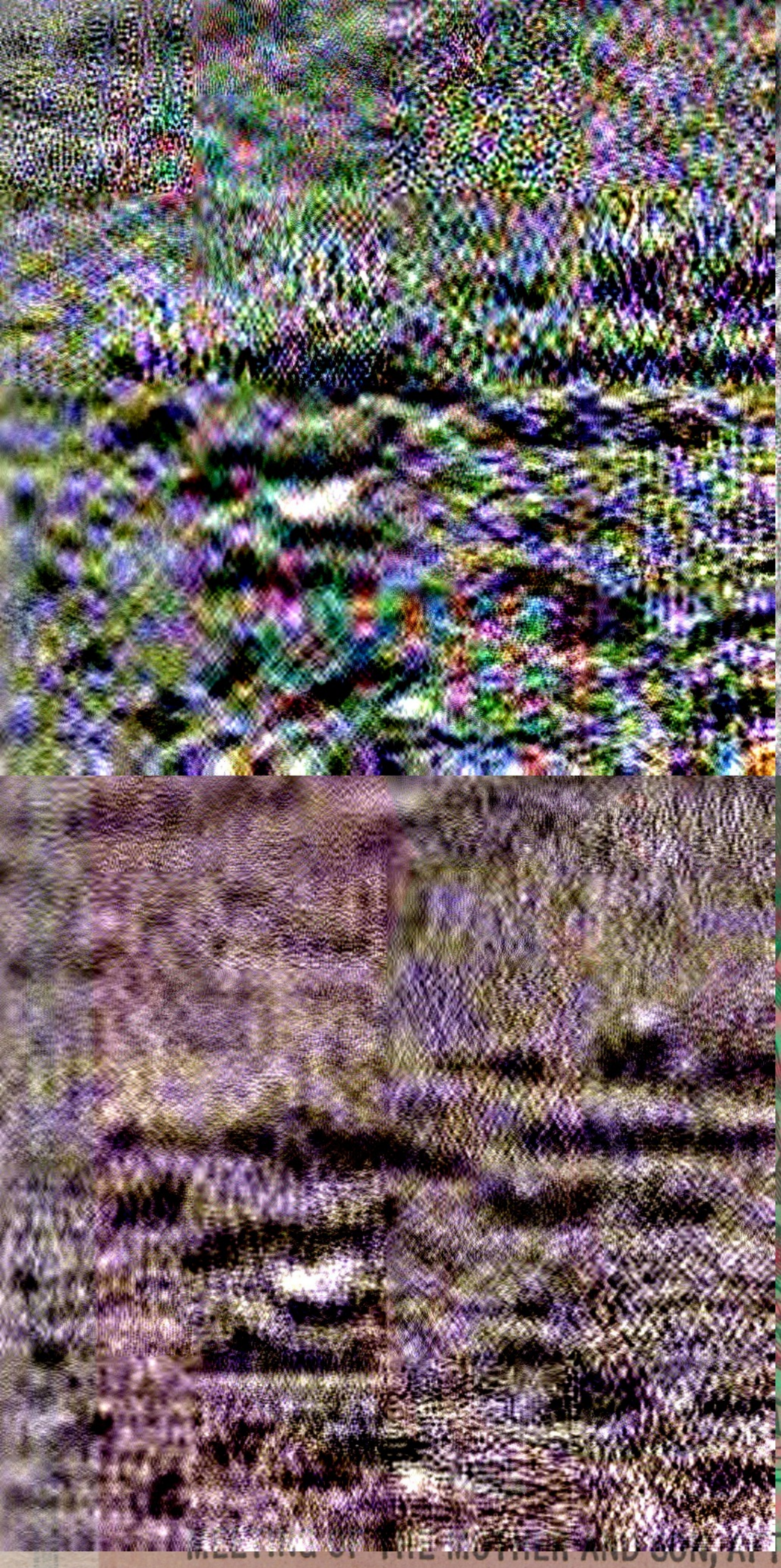
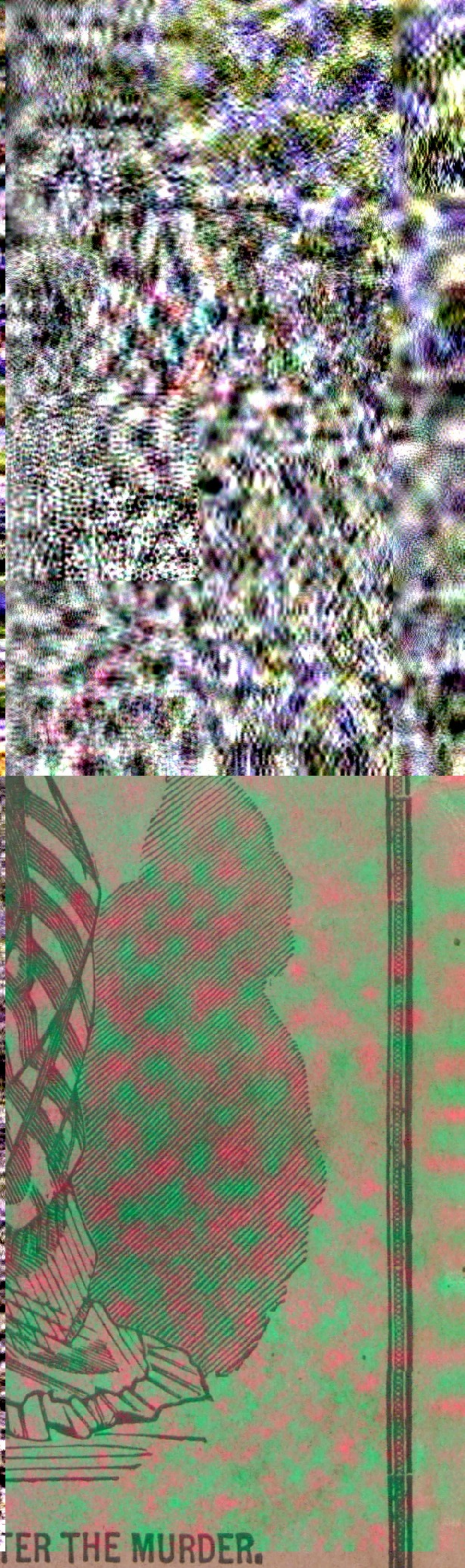

MEETING OF THE MOTHER AND SON, AFTER THE MURDER.

"Oh! Frank what have you done! what have you done! Ten thousand times would I rather have died than that you should have raised your hand against your father!" wept the wretched mother.

Y,

L DEED, AND

IDES.

ore and more their respect

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Entered according to Act of Congress, in the year 1873, by C. W. ALEXANDER, in the Office of the Librarian of Congress, at Washington, D. C.

through the corridors
It was at the early

wo. Those boarders
med in the immediate
artled to even breath.
other than the shouts
em. The momentary
ne affair, was quickly
commotion. Excited

people, hastily arraying themselves in half their usual apparel, rushed forth from their rooms on to the various landings, all moved by curiosity to find out the cause of the hubbub.

In the midst of it all the key in the lock of the door of the room 267 was turned, the door opened, and there came forth a young man, or rather, a mere boy, so youthful was his appearance in spite of the little light side whiskers that he wore. He was dressed as though for a

sated to the inquiry.
anner the young man
hc office of the hotel.
ked, to the cashier of
ainted :
oom. I want to give
ut ? ”
d was also quite a
hocked for utterance.
, and then recovering
ean that, surely ! ”
ave shot father four
!”
a favor, too, before I
money, settle up my
pen and write these

“ ‘To C. Walworth, Albany, N. Y.

I have shot father. Look after mother. FRANK WALWORTH.’

“ There, that will do. I thank you, Barratt. Has there a messenger gone for a policeman ? ”

“ I expect so. Really I don’t know, though I guess there has,” replied Barratt, completely flurried with the assassin’s cold blooded conduct.

By this time a crowd had collected in the room, and stood gazing at

derer walked away to
ived by Sergeant S.

cial, "I have just shot
re for the purpose of

e seen for many a long

that statement," he re-

the pistol that I shot

he officer.

st time I fired at him,
back of my hand."
he mark alluded to.
deed as shooting your

Well, sir, the only reason is that father and mother have not lived together for several years. Father has often, during that time, threatened to kill both me and mother."

"And how long was it previous to the shooting that you saw your father?"

"About last Autumn I saw him."

"Did you have any trouble with your father this morning before you shot him?"

orth who gave him a

go, Illinois.

WALWORTH."

rderer was locked up

e arrival of his coun-

EL.

murderer several em-

d into the fatal room,

the bleeding body of

agnificent man Mans-

o doubt that a hand-

list. never walked the

In 268, the room next to that occupied by Walworth, there was a boarder named Ebert, a cotton merchant, who, within an instant after the firing took place, rang his own bell most furiously, causing the servant, whose duty it was to answer the call, to tear up stairs at a terrible rate. He supposed certainly there was a fire in 267.

Mr. Ebert, after jerking his bell, ran out of his room on to the landing but did not attempt to force in the door of 267, fearing, perhaps, that he might get a bullet himself for his curiosity.

occurred is not very
nine feet wide. By
with furniture, and
ngraved correctly.
rank, who was sitting
king toward the door
veen it and his father
g it. From what can
may be described as
nd have come to set-
me all the way from
airs master Frank."

"You do not? Well, I do, and I wish you to cease it, once for all."

"Father, there is no use in further concealment. Neither is there any necessity for any crimination nor recrimination in regard to matters that are past. I know you are my father, but you have never yet treated me like a parent should treat a child, and I cannot see that I am bound to respect you as one."

A sneering expression came over the father's face as he eyed his son

tless have a power of
verything altogteher
t, both of you, more
ugh out of me."

you."
must you?"
word—*must*."
shall be very apt to
much good and teach

ercules, took a step
im. Frank retreated
the fingers and palm

pride of his great

onkey tricks as that."
is hand behind him.

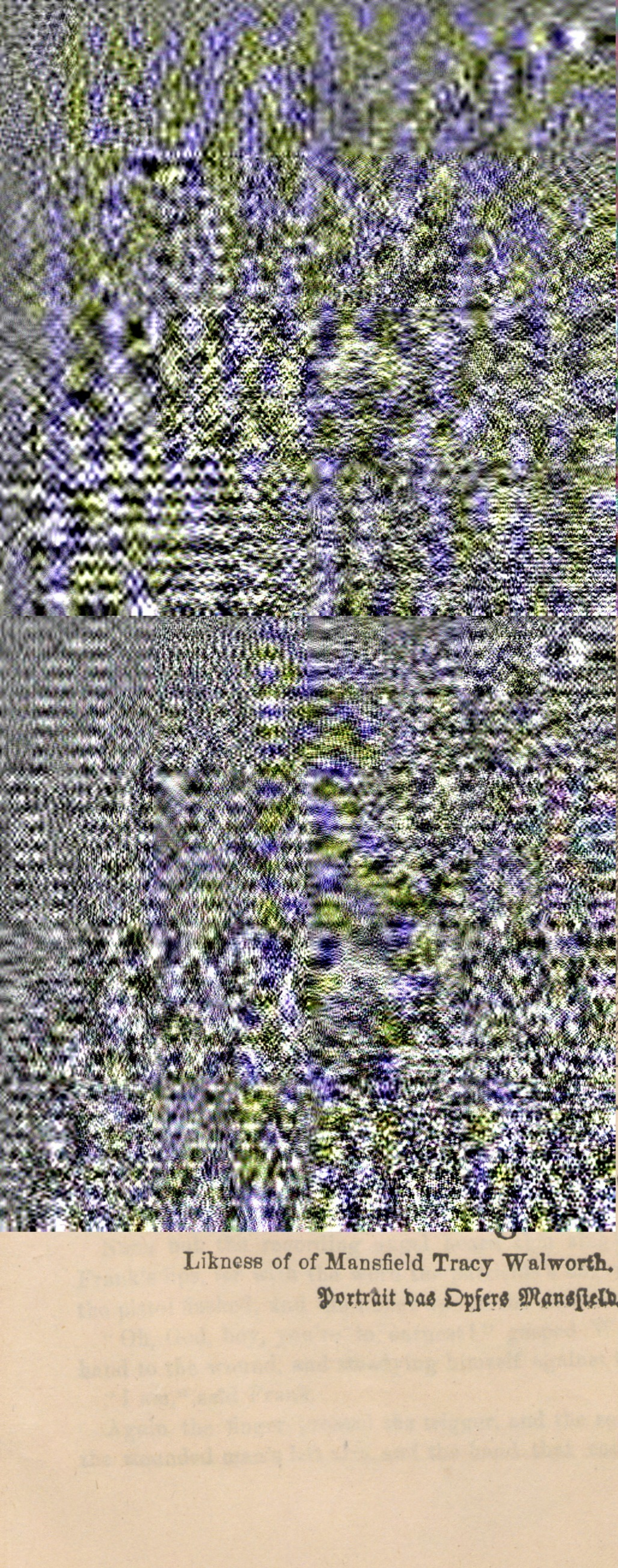
"Well, Frank, I don't want to harm you. I don't want you to provoke me, so I'll bid you good morning."

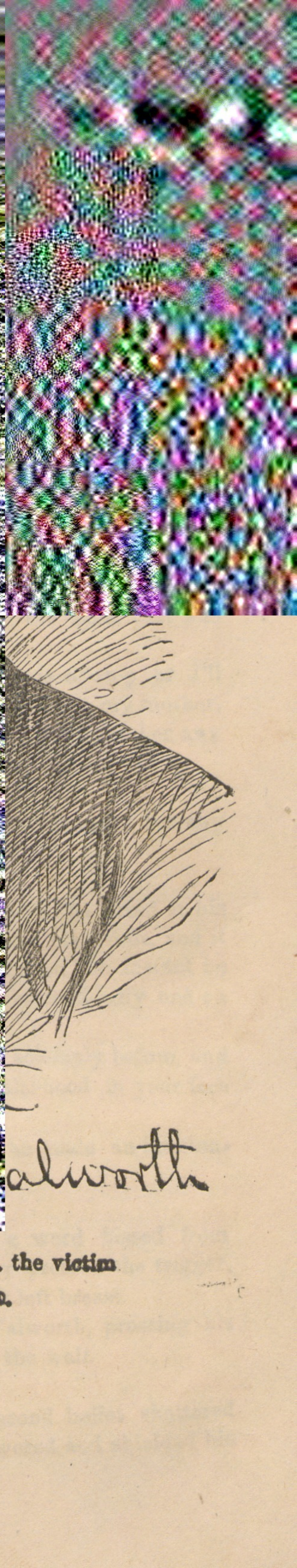
It was now that the real part of the tragedy commenced.

The father turned toward the door to go.

In an instant more Frank sprang at Walworth, and ere the latter laid his hand on the latch pushed him back against the wall between the wash-stand and the bedstead.

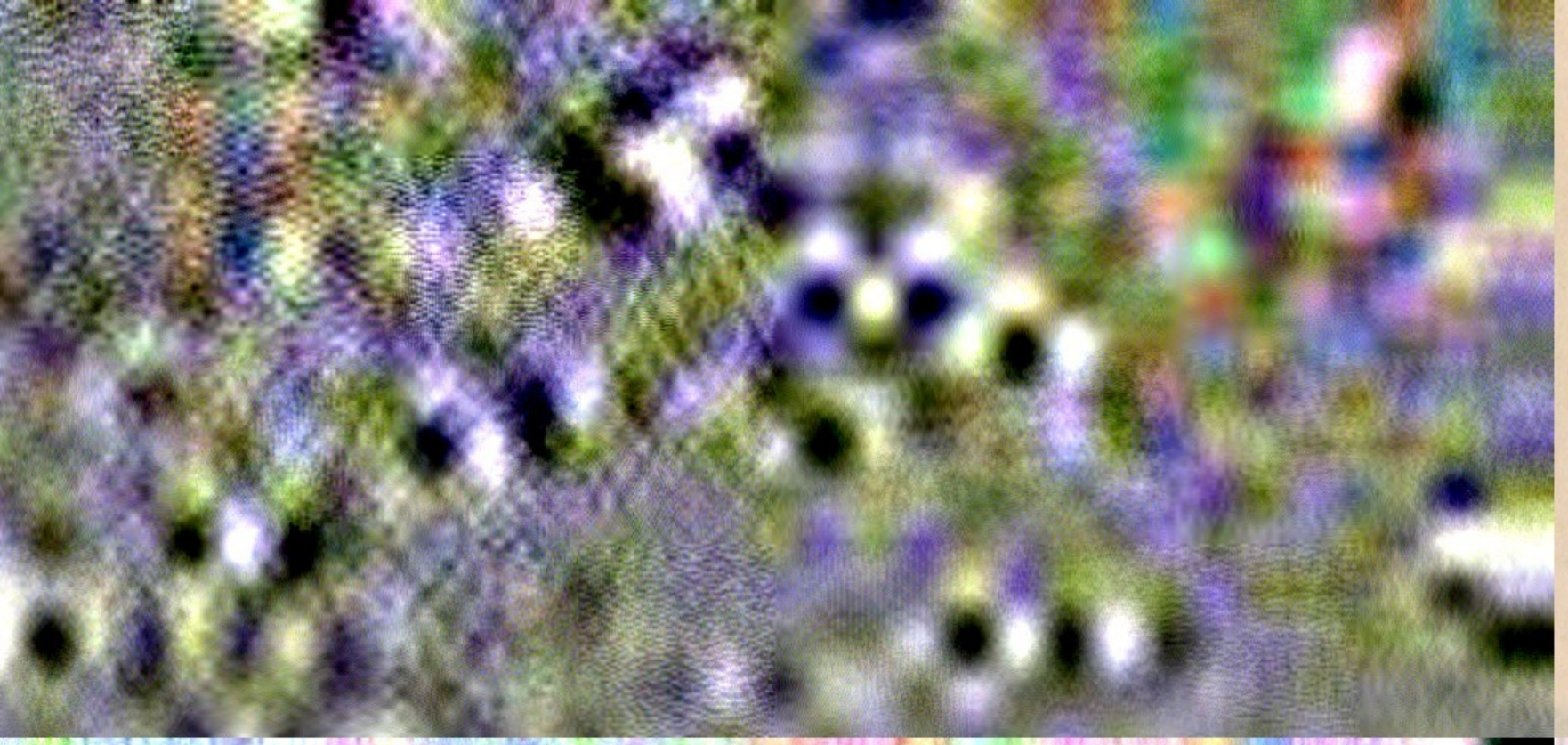
"You cannot leave, sir. I have locked that door," he exclaimed, in a





Likness of of Mansfield Tracy Walworth, the victim

Porträit das Opfers Mansfield.



move a step or I'll
letter to my mother,
ill not write her any

en nor insult her any
n."

ce, as he gazed at his
elie his words, and it
for on the instant he
more deadly one on

solemnly before, and
alsehood in your face

he made an involun-

Frank's lips, for with the word the parricide's finger pressed the trigger, the pistol flashed, and the bullet was in the father's left breast.

"Oh, God, boy, you're in earnest!" gasped Walworth, pressing his hand to the wound, and steadying himself against the wall.

"I am," said Frank.

Again the finger pressed the trigger, and the second bullet shattered the wounded man's left arm, and the hand that covered and shielded his

n—this is—

with demoniac im-
close to his father's
brain. The powder
e of the victim who
bling, fell headlong to

it was not necessary-
s he turned from the
olver back into his
e had adopted—that

romantic hero. And
lly and so methodi-
d his tasty clothing;
f his head had been
ry deed made your
days. If her heart
ged it into the deep-

est depths of anguish and despair.

THE CORONER'S INQUEST.

Day and night had passed away, the first flush of excitement caused by the dreadful tragedy had gone off and the stern, methodical steps of

mother's part, even if it had resulted in the death of the father. But for a stripling like him to deliberately arm himself, go all the way from Saratoga to New York, send a note for his father to come to his room at the hotel, and then when he came, to coolly shoot him down, putting three of three of the shots within a space that the top of his hat would cover and the fourth bullet right through the man's brain. I tell you, gentlemen, when a stripling, like Frank Walworth, does that, it is getting time for society to look after itself. This thing is just one of the le-

to Mansfield Tracy

ears past; I last saw
ught him a bucket of
se between one and
though I heard him

?"

ithout the tinge of a

n. I told him that I
to his father's room
told this gentleman

so."

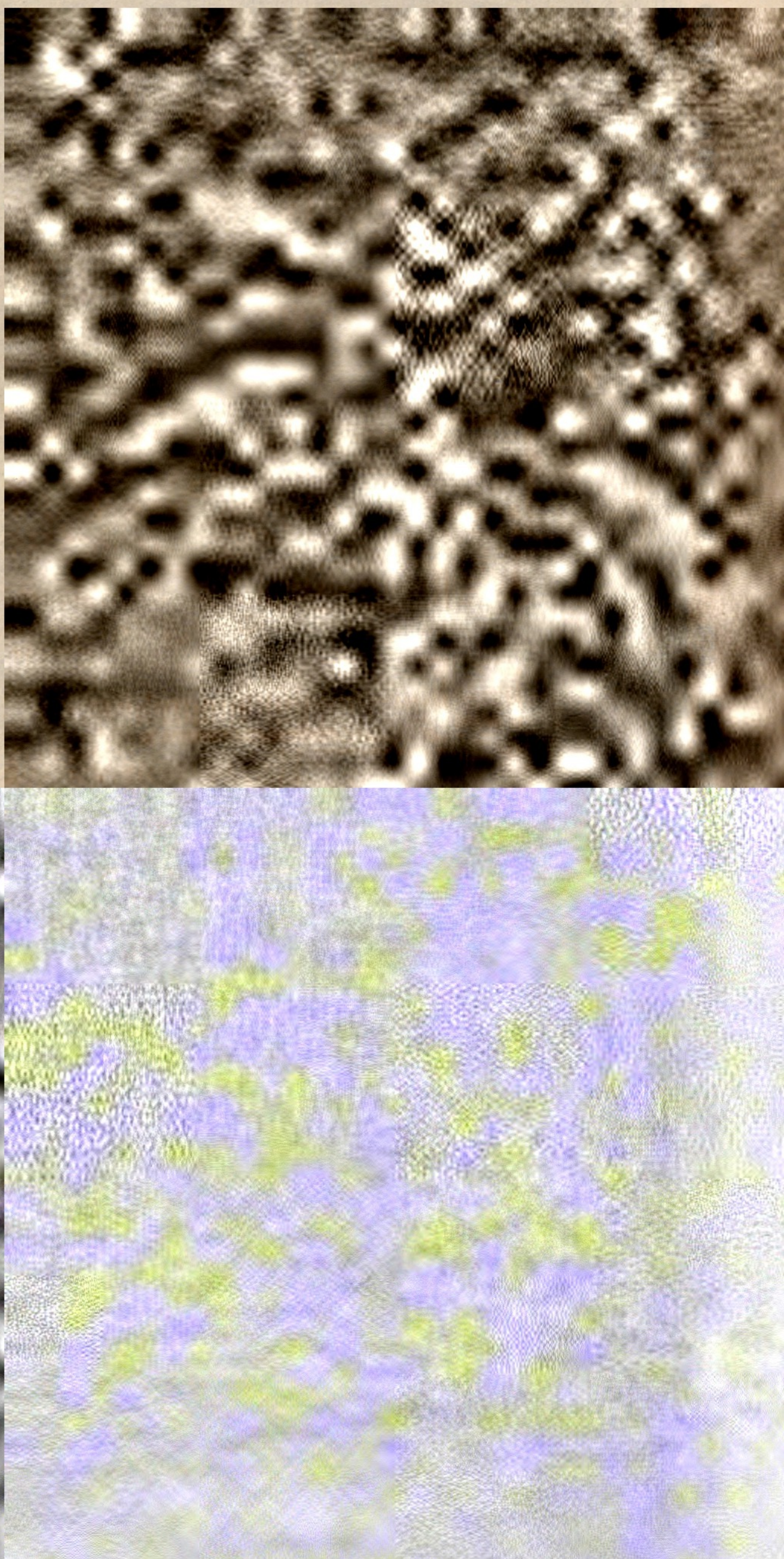
"What did he say?"

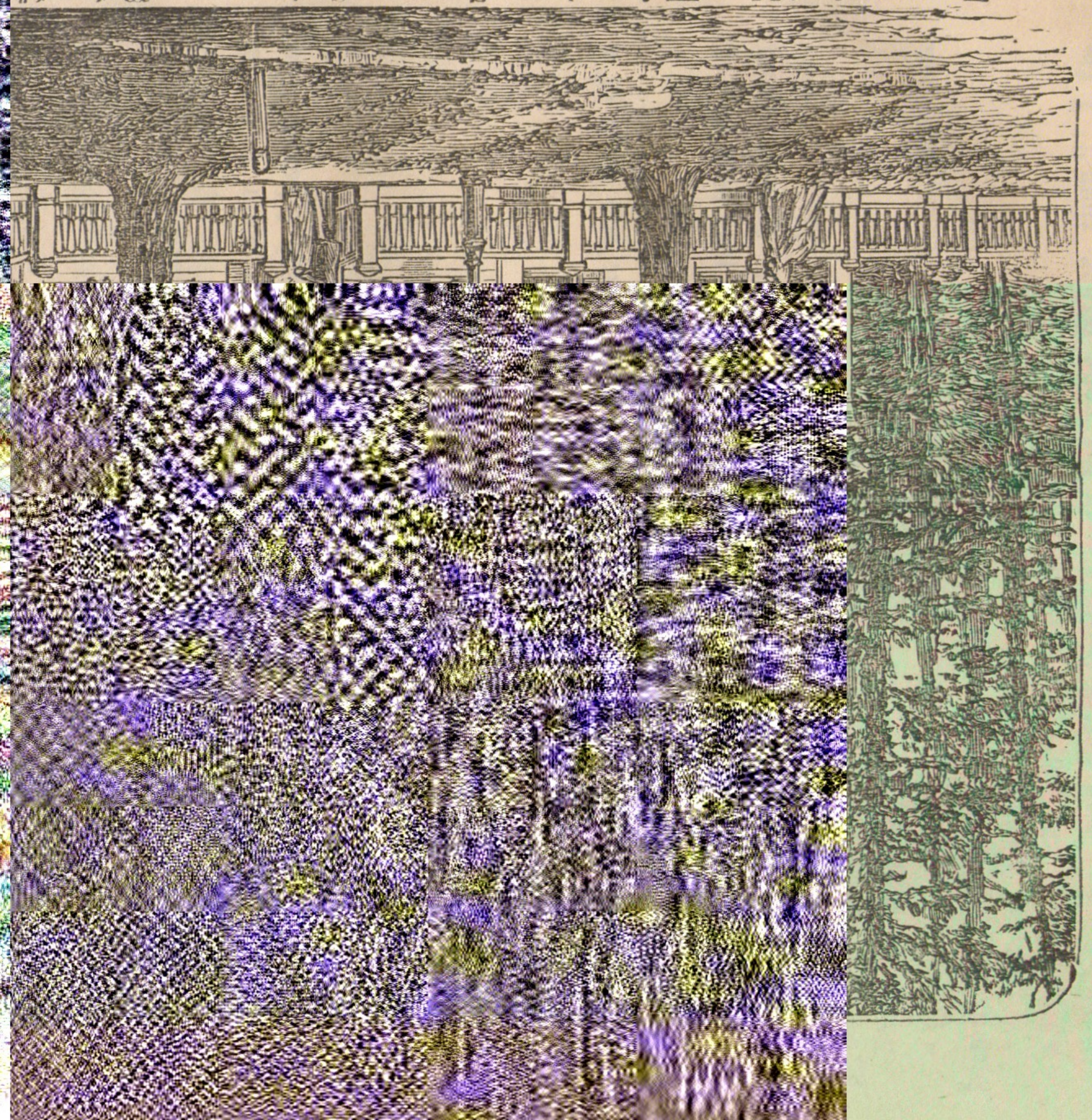
"He told me to tell his father, when he came back, to please call upon him at the Sturtevant House, that his son wished to see him."

"'Are you his son, sir?"' I asked.

"'Yes, I am his son,"' he answered.

"'Maybe you had better leave a note for your father, then,"' I remarked.





Homestead of Mrs Walworth, at Saratoga Springs. Hohngebäu

3 O'CLOCK

tevant House. If I am

ANK H. WALWORTH.

on, was he much ex-

urteous."

iable gold watch?"

e witness for her sig-

ark.

SIAH MOORHEAD.

s past I have been a

"

hall on last Monday

About six o'clock I got up and pulled to the blinds, as the light was too strong. I heard some one knocking on a door near mine, and heard a voice say:

"'Here's a card for you, sir, that a gentleman just sent up.'

"Just afterwards I heard a door open, then shut, and in a short time more I heard a report of a pistol, followed by a cry of murder. Then another shot, and another cry of murder. Then still another shot, and a third cry of murder. Then, after a pause, I heard a door opened, slammed to, and somebody run into the entry.

up, and the left arm

gling?"

ny talking before the

ost likely have heard

e. The exclamations

of terror. My own

among some of the

et. It is called the

or. How widely did

CE.

s, who testified as

fice there. I have a

regular practice. About half-past six on Tuesday morning I was sitting in the reading room, and received a message to go to room 267, to see a gentleman there. Going at once, I found two or three gentlemen in the room. The body of Mr. Walworth was lying just as has been described by the last witness. The body was resting partially on the base of the washstand. Stepping forward, I stooped down and felt the pulse; but it did not beat, as it had ceased to move. However, there was yet a faint effort at respiration, but even that soon ceased. Near where the head

ch the wounds were
so as not to produce

and took the stand.

of the hotel. About
edly dressing myself,
housekeeper, and was
he report of a pistol.
annot tell whether it
the office bell rung
l see no disturbance,
Then went down to
rung. Think young
ure. Was told by the
ther, in room 267."

The son was then
l the night clerk had
267 and opened the
loor. Again I went
g for a policeman. I
suggested that he should telegraph for one by the District telegraph wire. I was asked to go for one, and started, but met one in the doorway just as I was going out. The prisoner walked away with the officer. I sent for Doctor Flemming. I did not hear the prisoner say that he had shot his father. Did not hear him speak. I do not remember how many shots were fired, they came so close together. There was no effort made by the prisoner to escape. He was quite cool and collected."

The next witness examined was:

shirt and undershirt,
was then satisfied the
mining the features of
him casually for two
to me. This is it. It

sation among the au-
test degree.
r, was as follows:
ne-quarter of an inch
ion process; another
meter, close to and on
ound the wound, for a
vith powder; a similar
lf inches to the left of
he nipple, on a direct
ymotic; also a pistol-
an inch in diameter,
median line and two
er wound was down-
ace was on a straight

was found to be filled

with fluid and clotted with blood. The ball on this side of the chest entered between the second and third ribs, passed through the upper lobe of the left lung, and was found imbedded in the body of the second dorsal vertebra. The ball which entered the right side of the chest struck and fractured the sixth rib, and then, glancing, it passed to a point four and three-quarters inches from point of entrance, where it was found imbedded in the muscles of the chest. The ball which entered the right side of the face in its course fractured the lower jaw at its angle, and also the upper jaw-bone, and lodged in the left side. The ball which entered the arm shattered the upper portion of the humerus and lodged in the

looked down the hall
hear anything. I re-
heard the report of a
ittle ran up. There
between the first and
d there found a man
vas under his head.
crape on it. Stayed
eathing. I went and
ayed by the body till
e prisoner at all."
fied. "I saw young
He had on a light hat
I think he was as-
vn again, and talked
during the night. I
ing. The clerk gave
d the card up before
the hotel desk, very
f 267 and said I had
ide and I handed ni
the card. He said, tell the gentleman I am not up and am not dressed. I am not sure which he said. I waited down stairs a few minutes and the bell of 267 rang. Young Mr. Walworth was dressed and sitting near by the window, with his hat and overcoat on. He said "show the gentleman up;" he was sitting cross-legged, and there was no excitement about him. Showed the gentleman who was waiting, up. He was not excited either. I knew who he was by his card. When I had shown him into the room I came down stairs In about five or ten minutes

three o'clock; he did not say to me where he had come from, but he said he had just arrived on the train; he wanted a room and dinner; I gave him a room and he went up to it; he did not speak of his father, and did not ask to be directed to any part of the city; saw him when he came down again in the afternoon; he was up about an hour; when he came down stairs I said to him we would take supper together in the evening; he went out toward the door and did not make any inquiries; he came in again, about seven o'clock; he asked me what time I would go to supper and I said about eight o'clock; we took supper together; we talked of ordinary matters at the supper table; there was nothing said that would have the least bearing upon this case: we remained at the supper table about half an hour, and then came down stairs again; I left him in the hall and did not see him again until half-past six o'clock the next morning; prior to my seeing him, Mr. Walworth, Sr., came in; the night clerk asked me where Mr. Frank Walworth's room was; did not hear Mr. Walworth make the inquiry; was behind the desk; the bell-boy wss sent up to Frank's room with a message to say that a gentleman was waiting to see him; don't know anything of the movements of Mr. Walworth, Sr., until Frank came down stairs; Frank came down stairs and he came up to the desk and said he had shot his father and

wanted a policeman; I then said "You don't say you shot your father?"

recinct, sworn—This

opening of the book.

nformed of the shoot-

nt House to ascertain

reviously sent coming

ger, and in a few mo-

from the Sturtevant

s death from a shock
wound of the chest,
Frank H. Walworth,
orning, June 3, 1873.
sed the prisoner. He
k you are matters of
y to answer or not as
oner and nodded his

orth.
he was speaking, and
would say.

u reside?

Prisoner—I was born in Saratoga and resided there.

Coroner—What is your occupation?

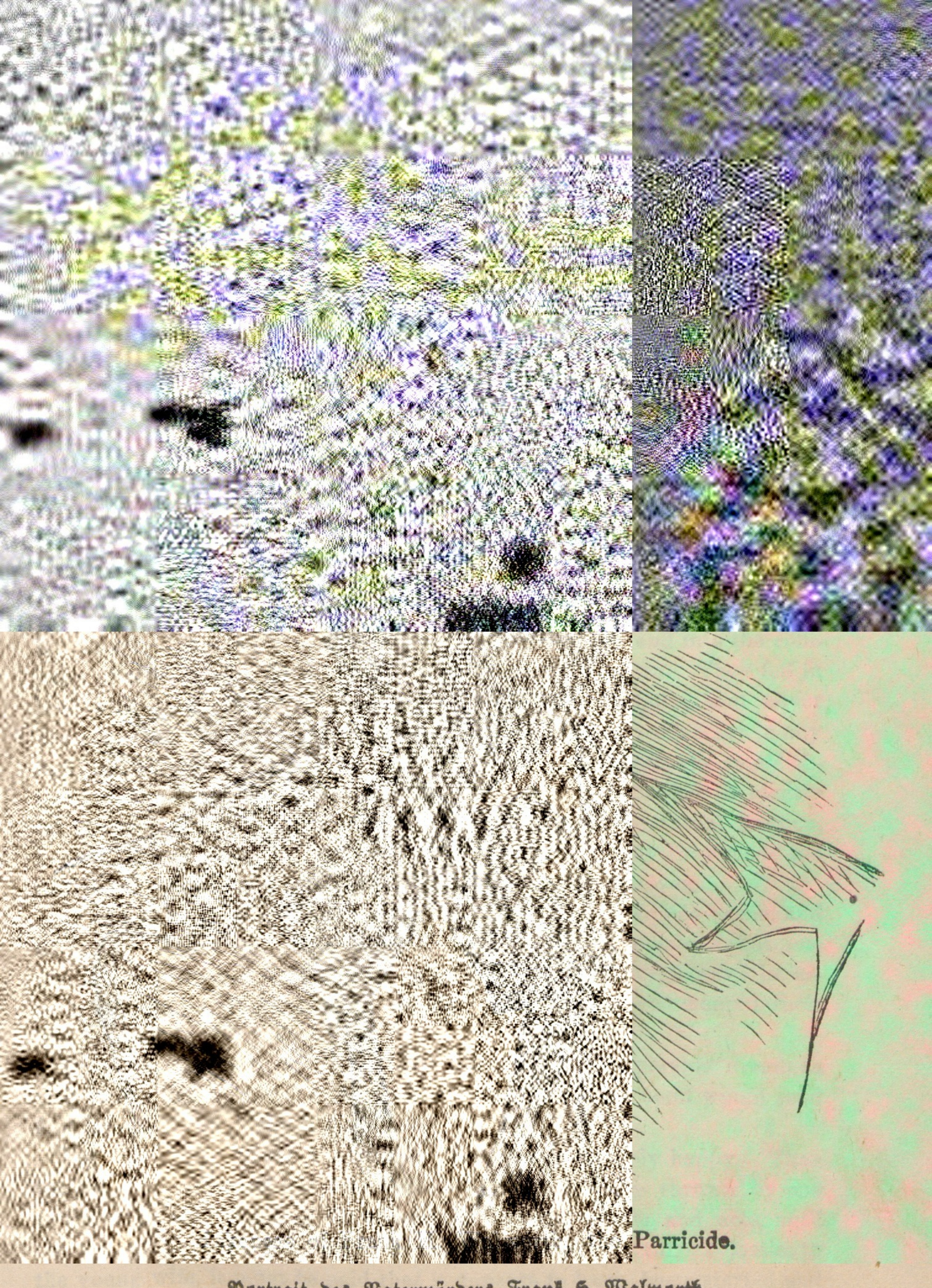
Prisoner—I have none at present.

Coroner—The question I now ask you you can answer or not as you please. What do you know of this case?

The prisoner consulted a moment with Mr. O'Connor, and then said, in a calm voice, "I am guilty of no crime. I wish to make a statement."

he beat my mother
When I heard this I
have carried it. I
ended to see us. My
ne. He recently pro-
led about leaving my
te thus to my uncle,
would go to Europe
act, I wanted to get
mother during my
n he .came into my
o him of his conduct,
eaten my mother nor
nswered me, "I pro-
d contempt, and the
d just before put his
I am unconscious of
on me rapidly. His
I do not think he said
have stated."
s extraordinary state-
ment he folded the paper up and put it in his pocket again. The reading produced a most painful impression in the crowded room, and there was quite a revulsion of feeling against the prisoner, who so coolly spoke of taking away a father's life on what seemed to be, from his own statement, such slender provocation.

When he had finished reading, the Coroner said, "Frank H. Walworth, I will commit you to the Tombs to await the action of the Grand Jury." Mr. O'Connor said, "I suppose we are done to-day, Mr.



Parricide.

Portrait des Vatermörders Frank H. Walworth.

er, and into the com-
hrown. They fell in
Catholic, and never
der each other in any
orbade the establish-
nd brother evidently
, or mutual passion,
inally they made the
emselves.
a terrible scene, and
e remained but one
Church gave its as-
le commenced their

he parents dream as
his hand would send

tively happy. Then
were thrown by one
ords and acts, until
y acrid. I justice to
the young wife, it must be said that it appears to have been started and kept up by the husband. That he was in the wrong is made manifest to every unprejudiced judgment, by the act of his own father in settling the homestead at Saratoga upon the wife and her children, and giving the husband—his son Mansfield—only a life interest in it.

It is said that this so incensed the son that when his venerable and justly honored father lay in his coffin, he went and stood beside it, and

lhood.

t her family and she
nily was possessed of
ngton in the Treasury
ely uncongenial to her
d to New York and
ird street. But this
rs. Walworth's heart
d her.

r husband in one way
annoying.

nd started a young la-
the venture she was
institution of the kind
hy and highly respec-

wife scurrilous letters
schief rather than from
ng a letter to his wife
blood, and then sprin-
kling gunpowder purposely over it and telling her that he sanded it with gunpowder purposely to show her what a desperate fiend he could be if he wanted. And in that letter threatening her with all sorts of direful deaths. We say all this whole course of conduct appears to us to be that of mischievous deviltry.

Doubtless she also looked upon it in the same light, and really felt no dread whatever of her husband putting any of his silly, bombastic threats into execution. Though of course it was exceedingly annoying

st have admired his
plan to kill his father,
der by such a plea as
draw out a pistol,
her in self-defence, is

at Frank intended to
ould, no doubt, either
ed himself, and in the
boy, especially if he
stic letters in red ink
s.

ANK.

Valworth that her son
ga, with feelings that

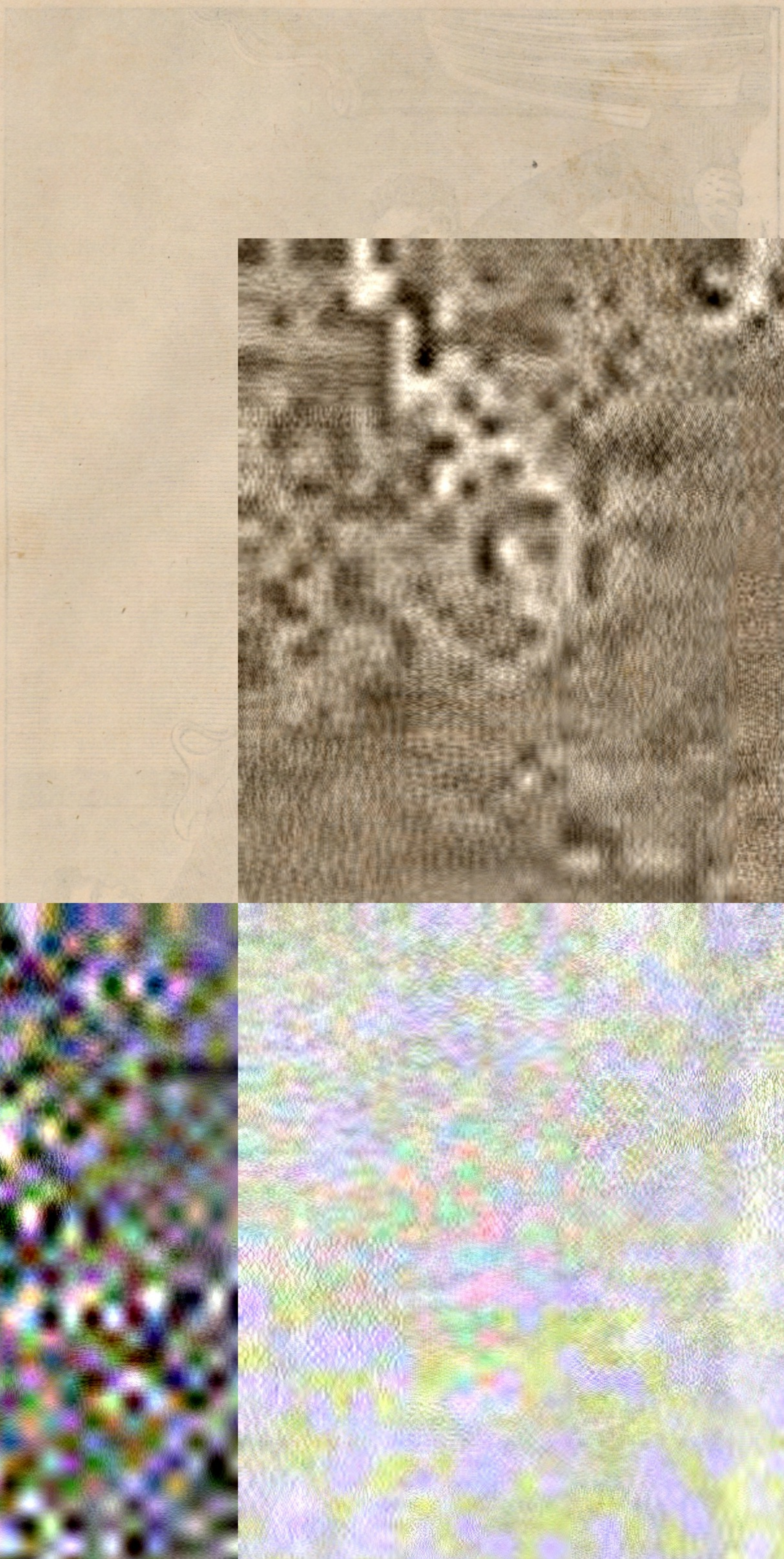
she murmured as she

stepped from the cars in New York city.

After making arrangements for the removal of her husband's remains to Saratoga the mother took a carriage and proceeded to the Tombs to visit the young parricide.

Upon arriving at the prison and announcing who she was, Mrs. Walworth was treated with much courtesey and tenderness by the officials in charge of the institution, who led her to the cell where her son was confined.

old-time love shone forth like the sunbeam which has been obscured for a while but shines out again. And it warmed its way yet again into her forlorn heart as she gazed down into his grave. Yet never again in this life at least, can Mrs. Walworth be a happy woman.



With frightful coolness, young Walworth sent four bullet

Mit furchtbarer Ruhe schießt der Sohn vier Kugeln in den

roadcloth, the edges
r the lapels to set it
k from his forehead.
in as unconcerned a
e where the prisoner
lo about his manner
ct, rather positive—
apon whatever juror
e was accepted, and
ing careful to thrust
throw back his head
the audience, "You
might be venturing
acting the part of a
roceedings, and that
eral air and jaunty
lieve that instead of
danger, he was sure
elieving, he felt that
admired.

as follows: Joseph
berlain, provisions,
achinist, 226 West
t One Hundred and
t Forty-sixth street;
John Henry Lewis, builder, 673 Greene street; Elijah H. Purdy, lumber, 46 West Thirteenth street; William H. Docharty, builder, 145 Bank street; William C. Smith, builder, 35 North Moore street; William Hart, marble, 234 East Thirtieth street; Charles E. Millbank, brewer, 13 East Twenty-fourth street; George W. Wright, grocer, 16 University Place.

Judge Davis gave the jury the usual warning, after which the Court adjourned till the next day, when the testimony began in earnest.

His mother, deeply veiled and clad in mourning, sat beside him during the day. His grandmother and several other ladies, also in mourning, were present, and seemed deeply interested in the proceedings.

hree steps. All was
rt, of room No. 268,
oolittle, the steward,
utes past six o'clock,
ett, the clerk of the
He sent a telegram
and announced that
came here to do it.
made a statement to
laimed to have com-
r. The prosecution
murder. It was the
liberate and" before
trated with a delibe-
ne within it. There
father to the death-
passion shown by his
and payment of the
alluded to the great
orth, to the terrible
em, however, that in
murder, and the rela-
ring on the motive.
but they might hear
ey must not take as
his father since the

fall; the only words the father said in this interview were, "I promise." It was not for the son to set himself up as arbiter, judge and executioner between his parents. He warned the jury against sentimentality. He reminded them that their weakness was the encouragement of crime, and they could only deserve praise by daring to speak the whole truth from their box, regardless of consequences.

The witnesses first called were those whose testimony has already been given in the preceding pages. before the Coroner, and as it was essentially the same over again, it is needless to repeat it. After they had been examined, the defense was opened by Mr. Beach, who spoke most eloquently.

question comes to your hearts, is he a bold and reckless profligate, steeped in iniquity, and capable of perpetrating the terrible crime for which he stands here indicted before you. You know better. There are instincts which first prompt, and there are evidences which proclaim the liability to crime in their possession. There are none of these here. He displays none of those. He stands before you in the first flush of early manhood, with no sinful excesses charged to his account, exhibiting none of the sins of practised depravity and guilt, and incapable, from the mere impulses of his nature, of having committed this fearful crime. It is my duty to give to you an explanation of all the circumstances that have led to the death of the deceased. I know them well. It happened that my boyhood days were spent in the same village with the father of the deceased, Chancellor Walworth. It was my native place. I knew the deceased well and long, and I am here to defend the son charged with the murder of his father, who now rests quietly in his grave. He grew up under my observation. I knew his elder brother, his younger sister, and all the history of that once distinguished family. It is, unhappily for me, my duty to reveal those circumstances in defence of the principal actor in this deplorable, and yet most natural occurrence. You all have heard of Chancellor Walworth, and it is almost incredible for you to imagine or believe that such a son as the deceased, Mansfield T. Walworth, could have sprung from his loins; and I grieve that the painful duty devolves upon me to exhibit to you the character of that son. He was the father of this boy (counsel pointed to the prisoner); he was the husband of the sorrowful and afflicted mother (pointing to Mrs. Walworth); he was the son of him who was called the "Great Chancellor Walworth," and who will be better remem-

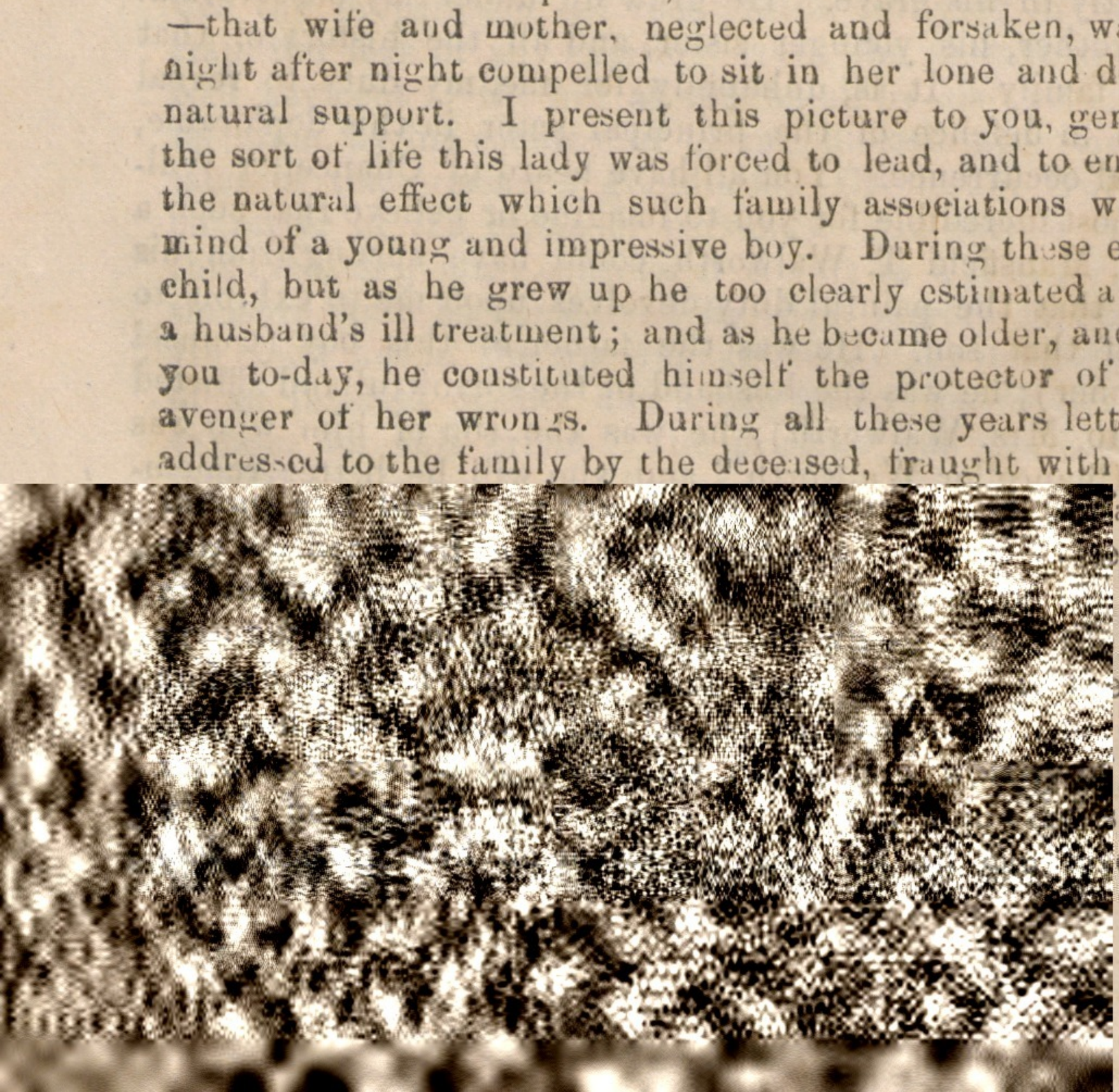
ion, than as the great
rd the opening of the
with his accustomed
oner at the bar. But
ers addressed by the
eats and denunci ations
e venerable gentleman
tters addressed to his
ny. For years letters

prominent and repulsive instances in the life of the deceased, and had just reverted to an alleged intrusion upon the seminary of young ladies in Saratoga, when

Mr. Phelps interrupted, and appealed to the Court whether such a line of argument was admissible.

Judge Davis held that the objection of the District Attorney was well taken, and further reference to the objectionable line of argument was prohibited.

Mr. Beach, continuing, said:—From the time of his father's death he rarely lived with his family. In 1870 Mrs. Walworth came to New York, and for a brief period resided with him in a house in which her mother and his stepmother had a life interest. What she suffered during that time no tongue can tell. The wife of the son of the great Chancellor Walworth, herself sprung from a race of which she might well be proud—cultivated and accomplished, nurtured in comfort and comparative luxury—that wife and mother, neglected and forsaken, was exposed to want; night after night compelled to sit in her lone and desolate home without natural support. I present this picture to you, gentlemen, to show you the sort of life this lady was forced to lead, and to enable you to judge of the natural effect which such family associations would have upon the mind of a young and impressive boy. During these events he was a mere child, but as he grew up he too clearly estimated a father's neglect and a husband's ill treatment; and as he became older, and as he stands before you to-day, he constituted himself the protector of his mother and the avenger of her wrongs. During all these years letters were continually addressed to the family by the deceased, fraught with the most malignant



anity. This son and
threats and in daily
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has been oppressed,
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his age, looking for-
the two races from
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rt, who testified that
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rtevant House, which
was; he heard some
first shot; he could
rd no cry of murder;
ed the bell violently;
the office down stairs.
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nother," "liar," but

hat he was a nephew
effects of M. T. Wal-

?

his effects?

oner all the time?
dmissible.
on now, but thought
e.
d that he married a
ars in Schenectady;
acquainted with the
prisoner, and knew him to be a boy of excellent character and good disposition; he was very much attached to his mother; had no vices and had a very high reputation.

Mrs. Backus, wife of the previous witness, said the accused was a boy of very lovely disposition, and good in every respect; she never knew him to do anything wrong.

John M. Davidson stated that he had married a sister of the deceased; was well acquainted with Frank Walworth; knew his character to be good, he was very much devoted to his mother; was amiable; had no vices.

Anson M. Boyce lived at Saratoga Springs; knew the Walworth family and the prisoner; was School Commissioner and Justice of the Peace; the character of the accused was most exemplary; he had a high reputation among his young associates; never knew of his carrying a pistol.

Otto Von Below, principal of the boys' boarding-school which the prisoner attended up to last May, knew him to be a very amiable, mild lad, without any vices; did not know that he carried a pistol.

Clarence A. Walworth, a Catholic clergyman, was next called to the stand. He testified—I am the eldest son of Chancellor Walworth; reside at Albany; am fifty-three years of age; that is the original will of my father (document shown him); the executors are Dr. Backus and myself; Mansfield T. Walworth was ten years younger than myself; he and I were the only two sons of the Chancellor; his daughters were Mrs. Jenkins, Mrs. Davidson and Mrs. Banks; knew my brother very well and also his wife; my mother has been dead many years; my father married the widow of Colonel John J. Hardin; he died in the fall of 1867; I was present at the marriage of my brother; immediately after the marriage they resided with my father at Saratoga; after my father's death Mansfield lived with me in Albany for about eighteen months; his family was not with him during that period; about three years ago his wife and family came to my house, previous to which they lived in Saratoga, in the Walworth mansion, which belongs to my father's widow; never knew of M. T. Walworth being in the house after my father's death; I have known Frank Walworth from his infancy; have been very intimate with him during his whole life; his character has been excellent; he is very kind, gentle and courteous; his character is as near perfect as may be; during this spring I entertained

emaining some time;

nd alluded to it the

road for about a year,

g that time; received

letter; received them

r is dated "Sunday,

osed is in the hand-

d the letters I got a

uld have been heard
mother. Every eye
the prisoner or the
wever, this good and
ant anguish for her
her dead husband.
by him, yet, in this
was too noble, too
illingly. Her true,
miration and sympa-
ned her to the soul
is, that, or the other
surely so wrung in
h. To one point in
contemptible slander
ers, in regard to the
lworth. The editor

ss, and being sworn
as married to M. T.
n 1852, on July 29,
ner now owns; lived
family and my two

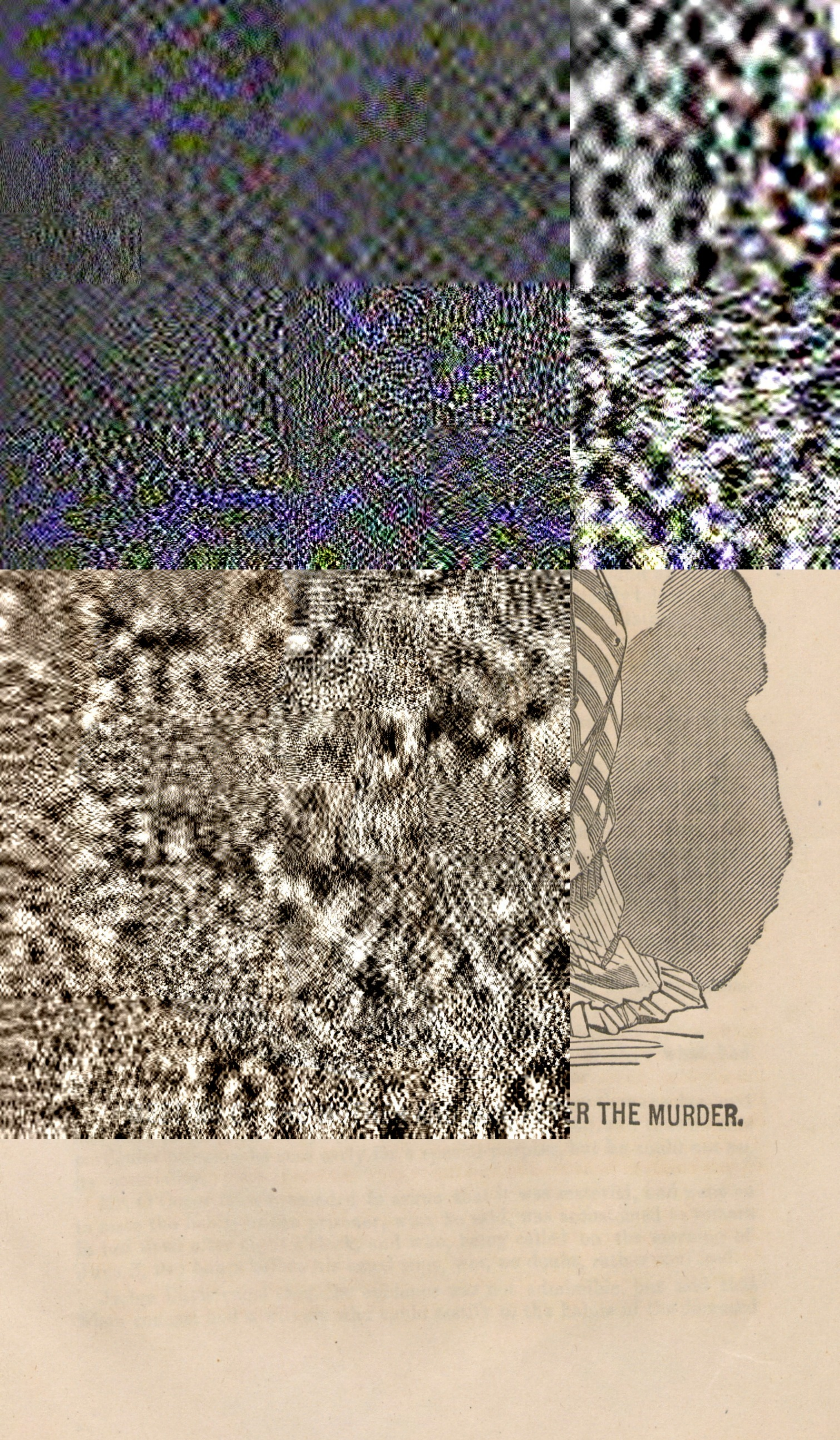
brothers resided in the house at the same time.

The witness then gave the names of her children, with the dates of their birth, as follows:

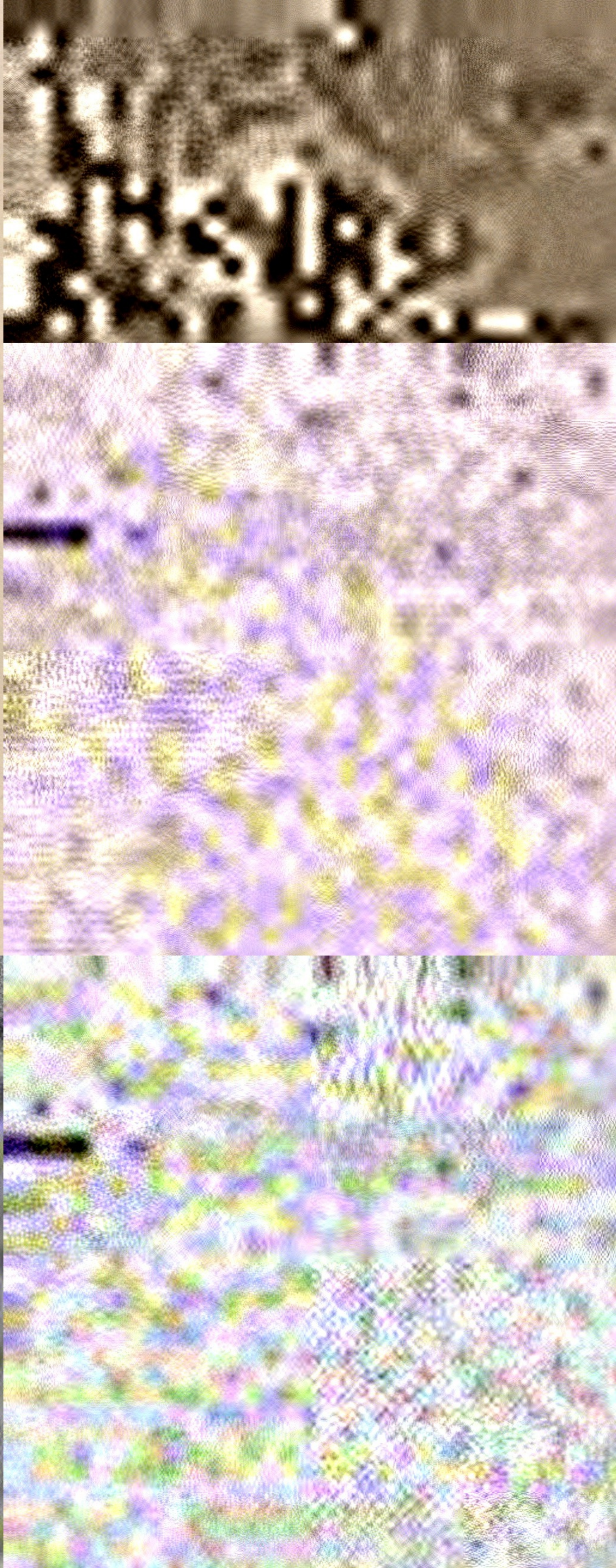
Frank H., born August 17, 1853.
John Jay, born October 19, 1855.
Bessie, born November 2, 1856.
Nellie, born November 3, 1858.
Clarence, born October 20, 1859.

ernment clerk, during
nce, at Albany; when
nt to Saratoga, to the
remained there until
usband was with me,
quest of Mansfield T.
y-third street, belong-
me; the very day of
aken to my brother's
o Buffalo; soon after
T. Walworth followed
Saratoga; I spent the
or three months, and
Kentucky; deceased
eath; I arrived at the
ild, Rubina, but soon
except Frank, back to
eased was living with
of a future residence,
r, 1870, I went to my
Mr. Walworth being
ration on the 26th of
Judge Barbour's, and
edings for a limited
anuary 27, 1871, and
s pronounced; on the

31st of July following, the decree was modified to allow Mr. Walworth to see his children once a month; after I left Judge Barbour I went to my brother, General Hardin, at the Hoffman House; then went to my brother-in-law, Clarence, at Albany; remained there three weeks, and went to Dr. Backus, taking my children with me; from there I went to the old homestead at Saratoga; have remained there ever since with my children; Mr. Walworth addressed me by letter very frequently after our separation; after I left him my youngest child was born; being delicate from its birth,



ER THE MURDER.



that day; I then went to his room, and on looking around found an empty envelope in the handwriting of M. T. Walworth; I immediately telegraphed to Father Walworth and to Judge Barbour, but could ascertain nothing about him, and then believed he had gone to Troy.

The envelope she found was produced. It was postmarked "May 30."

A recess was here taken.

After recess Mrs. Walworth again took the witness stand, and identified a document which proved to be a stipulation modifying the decree of divorce, signed by her, and said she had a counterpart of it, signed by Mr. Walworth; she supported herself and children entirely by her own exertions, with the exception of about three hundred and fifty dollars received from the Walworth estate; while she lived with Mansfield T. Walworth he always carried a pistol. A pistol being produced, she said it originally belonged to a Mr. Adams, who is now dead, and which was given by Mrs. Adams to Frank to take care of, some time in 1870, since which time he has had charge of it.

Mr. O'Conor—What were your husband's habits as to rising in the morning?

Mr. Phelps objected to the admission of such testimony as being immaterial.

Judge Davis said he did not see how it was important.

Mr. O'Conor replied that it was important for him to show what had been the life-long habit of the deceased in this particular.

Judge Davis said he knew that counsel wanted to show that the deceased had been in the habit of lying in bed late in the morning, and that on this

but he could not see

material, and went on

accustomed to remain

on the morning of

ot, rather confused.

issible, but said that

habits of the deceased

any desire to go to
d as I would have to
hool, I told her (on
morning,") that she
t it would be neither
s acts. In fact, I do
s it is. I enclose a
. I am going down
I may add, without
y trip will determine
ywhere else. I will
e or expense.
. H. WALWORTH.

E.

's last letter to his
tercepted by Frank,
runs as follows:

lock in the Morning.

ng over my wasting
m going to call upon
Make the interview
them much longer.
y if I must. Their

little faces haunt me, as they are mine. Popish cruelty must bend to the demand of a father's breast, or the Walworth name goes out in blood. Keep Frank Walworth out of my way. You have taught him to hate me, and his presence or obstruction in any way will only excite fatal exasperation. I want to see my little girl and come away peaceably. Beware that you do not in any way arouse the frenzy which you have known to exist since you left me. There is a reasonable way to deal with me. I shall have my rights under that decree, with no further legal delay or expense. I have conceded promptly every right to you under that decree, and now

you shall have your
valueless, and I shall
u will have to attend
it. Therefore I say
e well; but now my
d common sense, you

RACY WALWORTH.

tters of the deceased,

of the Rev. Clarence
nes for a few minutes
arrived, and grouped
em was the venerable
f the family were all
was attired, as on the
A large number of
and appeared deeply

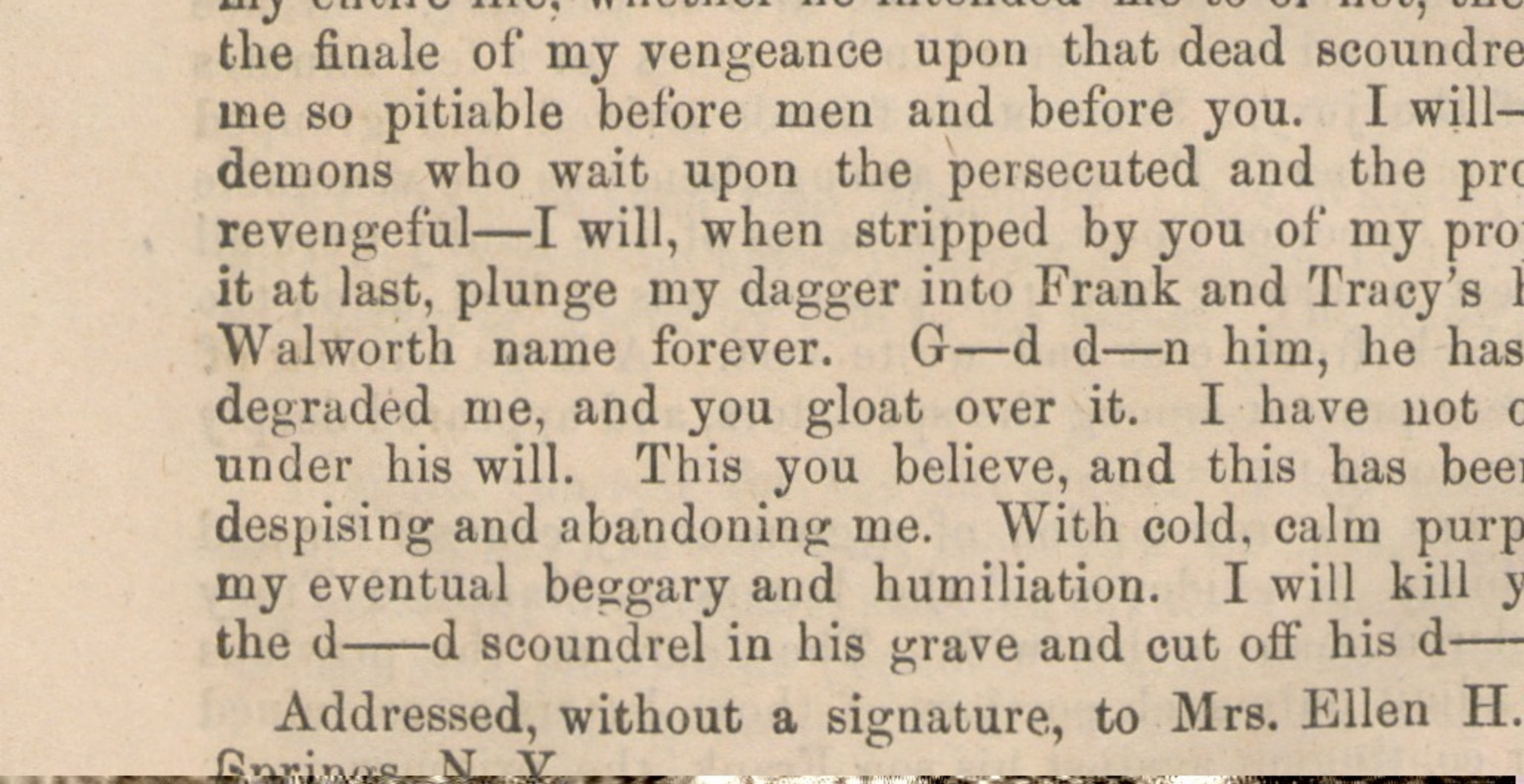
t by counsel for and
of Mansfield Tracy
urt on the previous
letters as contained
, the prisoner.

After the argument, Mr. O'Conor corrected counsel in a matter of fact. The boy invited his father to visit him within an hour or two, not at an unseasonable hour the next morning.

The Court finally decided the evidence inadmissible in part, in view of the recent decision of the Court of Appeals in the Stokes case, giving the prisoner the benefit of a doubt, which, in a less important case, he might not do. He should strike out all of the particular letter in question, the letter of August 13, 1872, which was merely historical, however coarse, and admit the threatening portion alone.

has stung me into madness and broken up my family by placing me in the humiliating position of being under a trustee, and that trustee my brother, who has neither ambition nor heart. From his grave he glances at me and says:—"Ha! ha! You were always proud and high-spirited, but by my will I have put in your side a thorn for life. You have no dignity under it, and it will sting you to your grave. The only ones of my name who have any dignity under my will are your sons, Frank and Tracy, who will bear my name to posterity." Now, Ellen Hardin, knowing that I am helpless under that will, if you will persist in trying year by year to see how much of that trust-property you can get out of me by threats of law, by personal blandishments to my trustees, or by any other means; if you doubt, and will not see that I ought to have something for my entire life, whether he intended me to or not, then mark what will be the finale of my vengeance upon that dead scoundrel dog who has made me so pitiable before men and before you. I will—and so help me the demons who wait upon the persecuted and the proud spirited and the revengeful—I will, when stripped by you of my property, and you mean it at last, plunge my dagger into Frank and Tracy's heart and cut off the Walworth name forever. G—d d—n him, he has elevated them and degraded me, and you gloat over it. I have not one single firm right under his will. This you believe, and this has been the cause of your despising and abandoning me. With cold, calm purpose, you contemplate my eventual beggary and humiliation. I will kill your boys and defeat the d——d scoundrel in his grave and cut off his d——d name forever.

Addressed, without a signature, to Mrs. Ellen H. Walworth, Saratoga Springs, N. Y.



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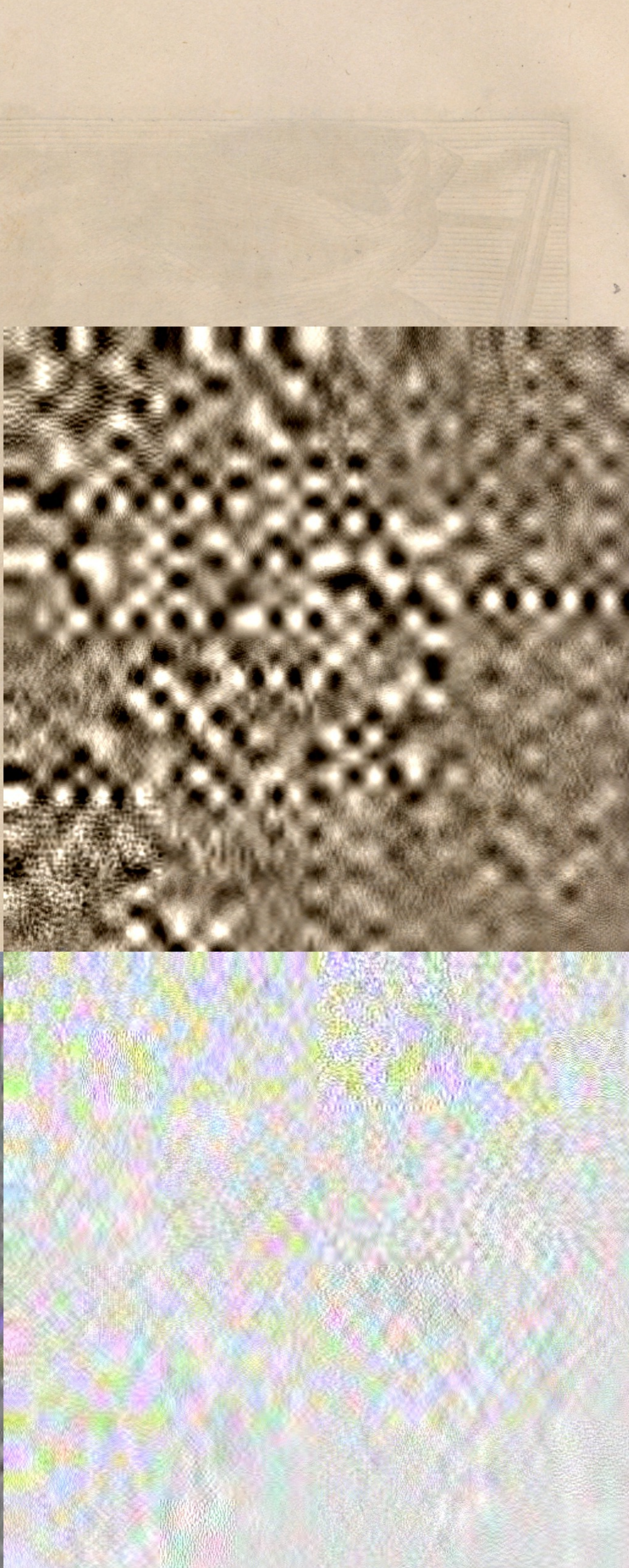
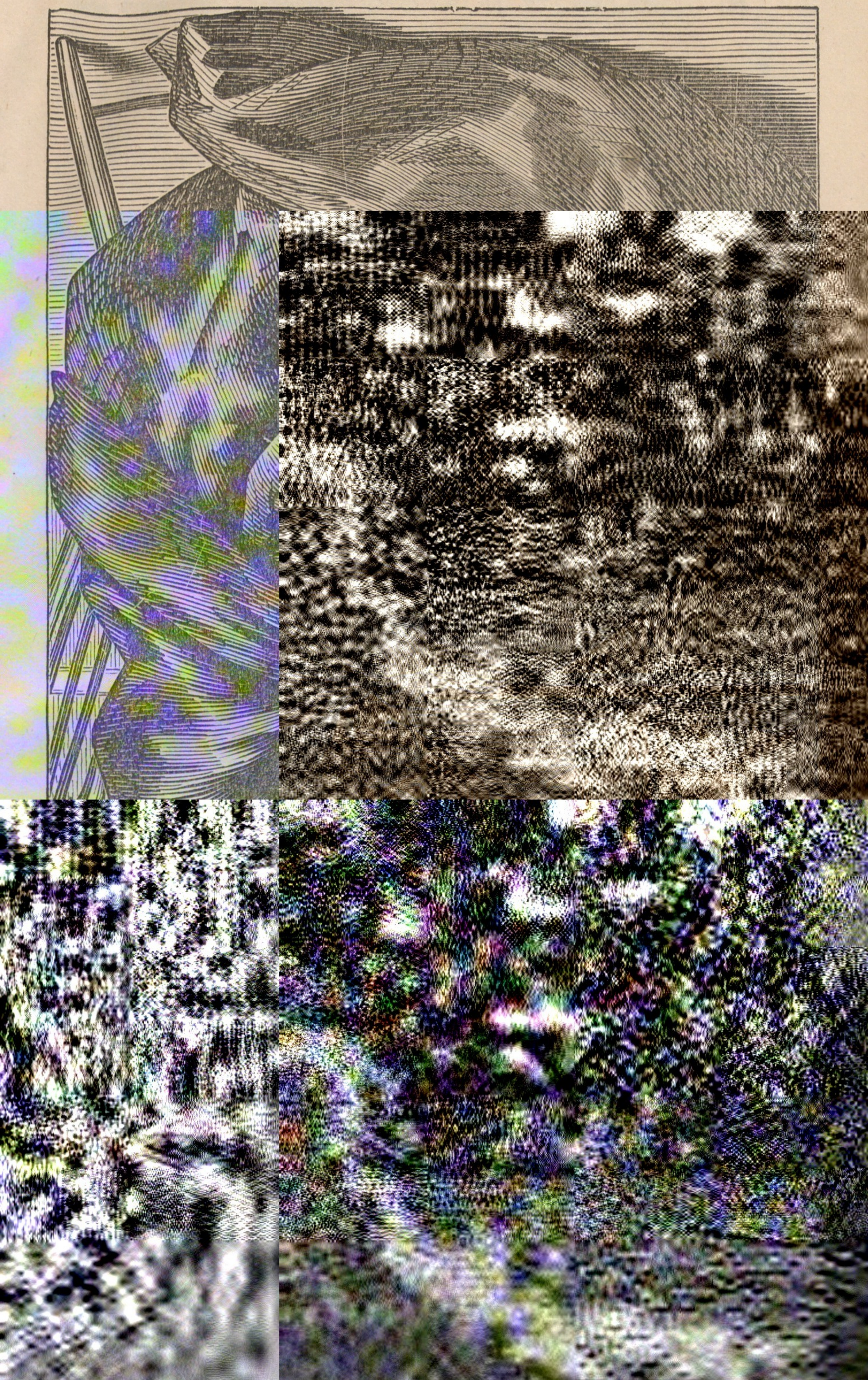
l of Chancellor Wal-





e Walworth, upon a
attempt to see them.
w asked whether any
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upon him for a long

insane when this act

was affected—that he
ather. We mean to
state of his mind was

s until you introduce

the condition of his
. There is no better
os your Honor means
before the Court by
But I don't know
sis of fact.
or and the Court, the
rrence; it was about
eight P. M.; it was about ten days previous to the separation; I had been subjected to physical violence, which compelled me to scream; my scream brought in Frank; he did not leave me till mid-day of next day: my husband remained in the room until next morning. I noticed in Frank a repetition of the peculiarities I had noticed four months before, when I first indicated to Frank that his father had used personal violence to me; I showed a severe bruise on my arm; he showed extreme pallor, and I noticed a pinched look on his features expressing severe suffering, both mental and physical; it alarmed me so much that I did not, on his account, afterwards tell him; he was very quiet, and simply said, "This must not

down without it; go
up the house would
ree times; he was ab-
his room woke me up
es; I saw Frank the
eness then; I noticed
raction, he generally
ut before this he was
ter, so far as I know,
rightness; there was
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ot demonstrative; he
his father; I men-
the Hoffman House
is father had entered
sented a pistol at his
ected to her at Sara-
riting); she thought
them.

s she thought, in the
lso two other letters,
ght months after the
der, caps and balls."
her letters came that
aps alone.

of 1871, and another
s sister, and one of
third sent to General

f her husband's mind.

estimating the condi-
e parent's mind, and
oceeded from any but

head; that was when
base-ball club once,

ne Chancellor by the
as had it ever since;

oom, some five or six
it of carrying it; he

of Death;" the next,
cliff;" then, I think,
n; then he published
ot, I think, write any
left any written life
for a life.
otspur;" I never re
gidity I spoke of was,

Chancellor's notes; I

und a loaded revolver
he shooting; I called
the attention of the Coroner and Deputy Coroner to it; it was locked up again until a short time ago, when I went to take possession as administrator; I then took possession of it, and it is the pistol shown; I found a large mass of manuscript, which I have in Albany; he was living in a single room.

Cross-examined.--*Q.* What brought you to Mr. Walworth's room? *A.* To take possession of his effects.

Q. By whose orders? *A.* Mrs. Walworth's.

Q. And you took possession of all the effects you found there in her name? *A.* Yes.

Why do you not sign the papers which your lawyer says he sent to you? Is it not an honorable settlement, and was it not signed by me promptly? I waited weeks and weeks patiently, but as your lawyer said, the doctors wouldn't allow you to attend to any business or sign it; and now, with the most marvellous breach of good faith, your lawyer has ruthlessly and treacherously gone to the Trust Company, which, by settlement, the lawyers stipulated should be left alone. If you incited him to this breach of faith you met a most signal failure. Are you, his instigator, two-faced also? I made you some offers to get to my work, and gave you about $250. As J—— C—— is my judge, I never received the document, which I would have abided by; but now I never will make such an agreement. Already $250 of my precious money gone to my lawyer.

J—— C——! aren't you going to sign the agreement your lawyer sent you? You are a demon keeping me from success by wasting the precious dollars, and tormenting me after a settlement has been agreed upon. Great God, woman, let me go to my work. The hardest time for "Delaplaine" is here In six weeks the fate of the book is told. Ellen Hardin, sign this paper, which you agreed to sign. Great God, are you going to allow that crafty lawyer to get your name and to get my name as the author of "Warwick," to spread his name before the American public as a divorce lawyer? For, as sure as God is in heaven, if this agreement isn't signed I will place the facts before the public; but that is not my only resource, there is murder and suicide also! I waited six weeks patiently, and, by the E——l G——, I will give you no more time, but throw "Delaplaine" into the ditch, reopen the divorce and su for my children unless you sign

ighting in the courts,

JULY 17, 1871.

the precious money
ere I can start afresh,
n under my feet. and
hour. Why do not
romptly. Why must

He is pursuing the course to get it there. I agreed with Judge Barbour to relinquish all nearly to you but $200, and Whitney never sent the agreement to me, according to promise. He is a G—— d——d liar; he never sent it to me. Hurry up, for J——s C——'s sake, G—— d——n you! You are a fool.

July 8, 1871.

Your lawyer asked another adjournment to-day. I cannot hold out 'onger. The pistols are loaded. If you succeed in getting the $950 from the trust estate of my father I shall shoot you, stamp out your life with my boot and shoot myself if your mother is not near. If she is near, I will use the second shot on her body and the third on myself, behind the ear. Why? Murder for $750, you ask? Why? Because you robbed me of my young; and now, in my miserable agony, on the loss of all that makes life tolerable, you remorselessly seek to knock from under a despairing wretch the last plank on which he can succeed. I went to Judge Barbour's to kill you; that door chain alone saved you. If you do not sign the papers your lawyer says he sent you to sign, and which your sickness alone prevented you from signing, I shall shoot you. You are dealing with a despairing, demoniacal murderer, or whatever despair makes a man. Sign d——n quick.

July 29, 1871.

Your lawyer says to my lawyer that on Saturday he put a slight modification in the articles of agreement which he thought necessary for your protection, and laid before you to sign. Is that truth? And is the delay solely due to your not signing? He says so. Great J——, cannot this
aste of the money on
cannot be trifled with
Why am I so eager?
e me in the face; and
murder you myself.
e your lawyer close it
m to hurry it up and
nd the pistols for you
ok failed to bring me

our d——d inhuman
e with him to hell.

July 28, 1871.

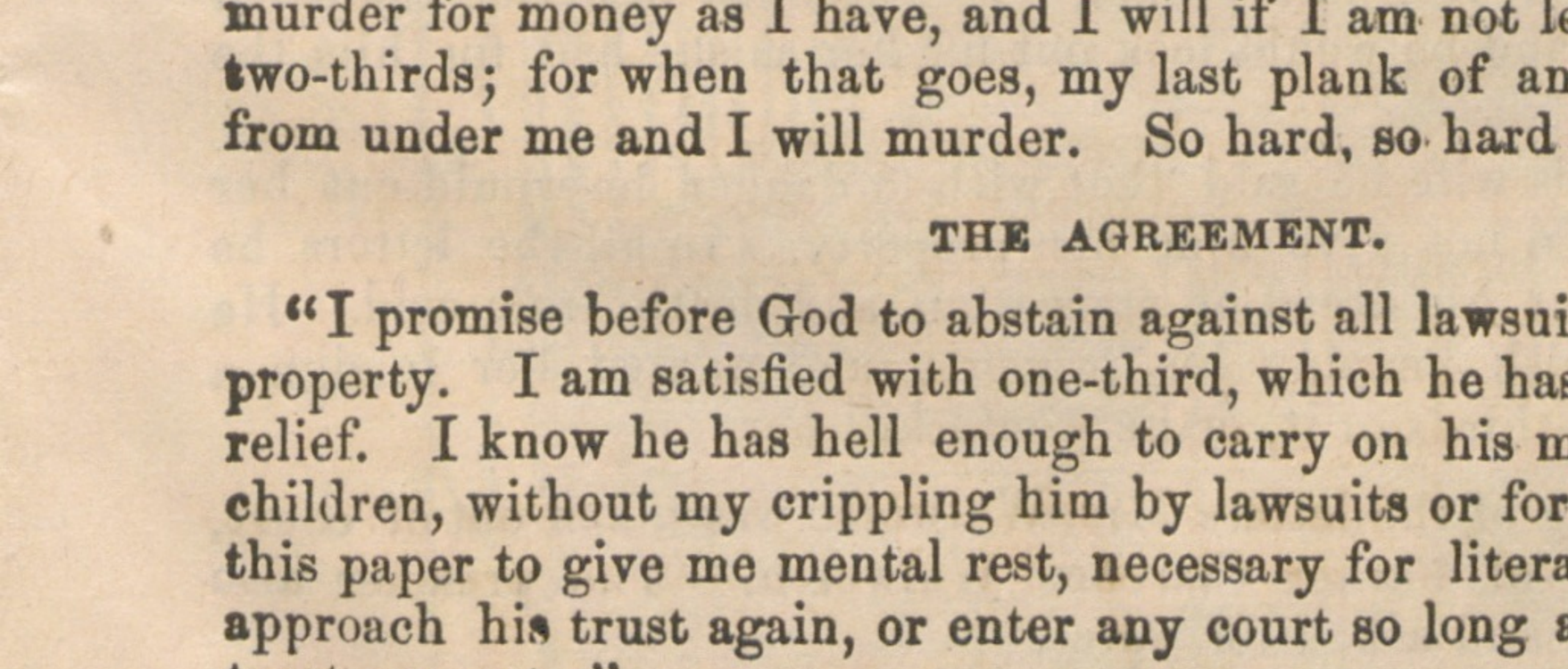
ays the papers to be
ying, b——h of hell.
scarce! The hopeless
s author his last hope.
eapon for both of us.
ything sweet in life
on you if you do not
d—— you, you can
d to sign long, long,
my heartstrings after
y. Too late I have
industrious poverty
ve of children, and I
rderer's clutch, and I
which you agreed to
Tracy Walworth, as
hen you beggar me,
gh mine. Stand off,
ur lawyers have not
earted b——h!

pposed to be July 7.)
is working me up to
ee if my lawyer has
superhuman second
and that Chancellor
nicide. So be it! I
patiently for weeks.
– C—, Ellen Hardin,
ng me and grasping

that I want you to do just to keep you uneasy, and that your brain cannot bend to literary work; she knows that if you succeed, her affidavits must be perjuries before the world. Now, sign this paper, or I will murder you. I do not believe in any God, but I believe there is a devil, and that devil is you. Why, in the name of common sense, after you robbed me of the sweetness of life, do you not leave me in undisturbed possession of the property, so that I can stay in New York and work? Here industry accomplishes wonders, even in the mere profession of authorship. Sign this paper as a guarantee. What did Whitney mean when he said there would be more trouble about the property—that the Hardins' pride will not allow them to contend about this little property? In the name of God, when I gave you my children for money, am I not allowed to live in peace, when I would sell my soul for it? O, money is as sweet to the Hardins as anybody else; but there is not one of them who has courage to murder for money as I have, and I will if I am not left in peace with this two-thirds; for when that goes, my last plank of ambition will be taken from under me and I will murder. So hard, so hard is an author's fate!

THE AGREEMENT.

"I promise before God to abstain against all lawsuits or take any of the property. I am satisfied with one-third, which he has relinquished for my relief. I know he has hell enough to carry on his mind from remorseless children, without my crippling him by lawsuits or for more money. Sign this paper to give me mental rest, necessary for literary work. I will not approach his trust again, or enter any court so long as I receive one-third trust property."



half-past two o'clock
. Down to the very
a clear and distinct
ion, and with evident
ribald, blasphemous
As the reading of the
become more blaspho-

such a —— as him.

Several cursed his father—Reuben H. Walworth—who was in his grave, because he had robbed him of his inheritance.

In some were found bullets and caps, and in others powder.

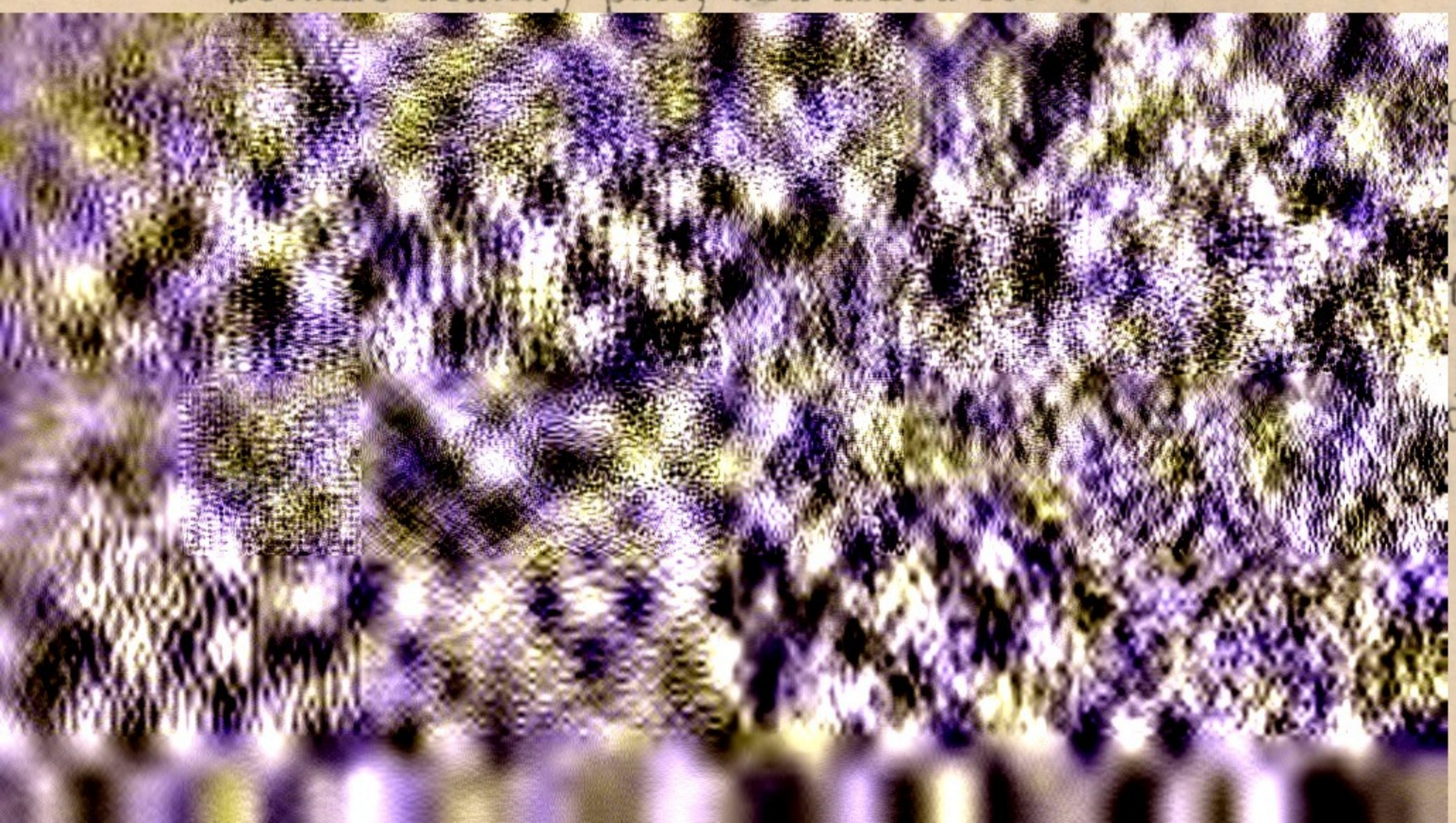
In one was found an extract from a newspaper, in which the foul murder of a wife by a husband was described, and this he likened to the tragedy which was impending over her.

One addressed to his sister, Mrs. Backus, threatened herself and her family with death if $200 of property, which he said was kept from him, was not restored to him. He said the book trade was G—d d—n bad, and that $200 would have got him circulars, and he could have made a success of his book, and earned hundreds of dollars.

In another letter he announced to this lady that he was the Son of God, and came down from heaven in a basket. He intended to divide the earth into four kingdoms, and he would look out for her as she had for him the last fall.

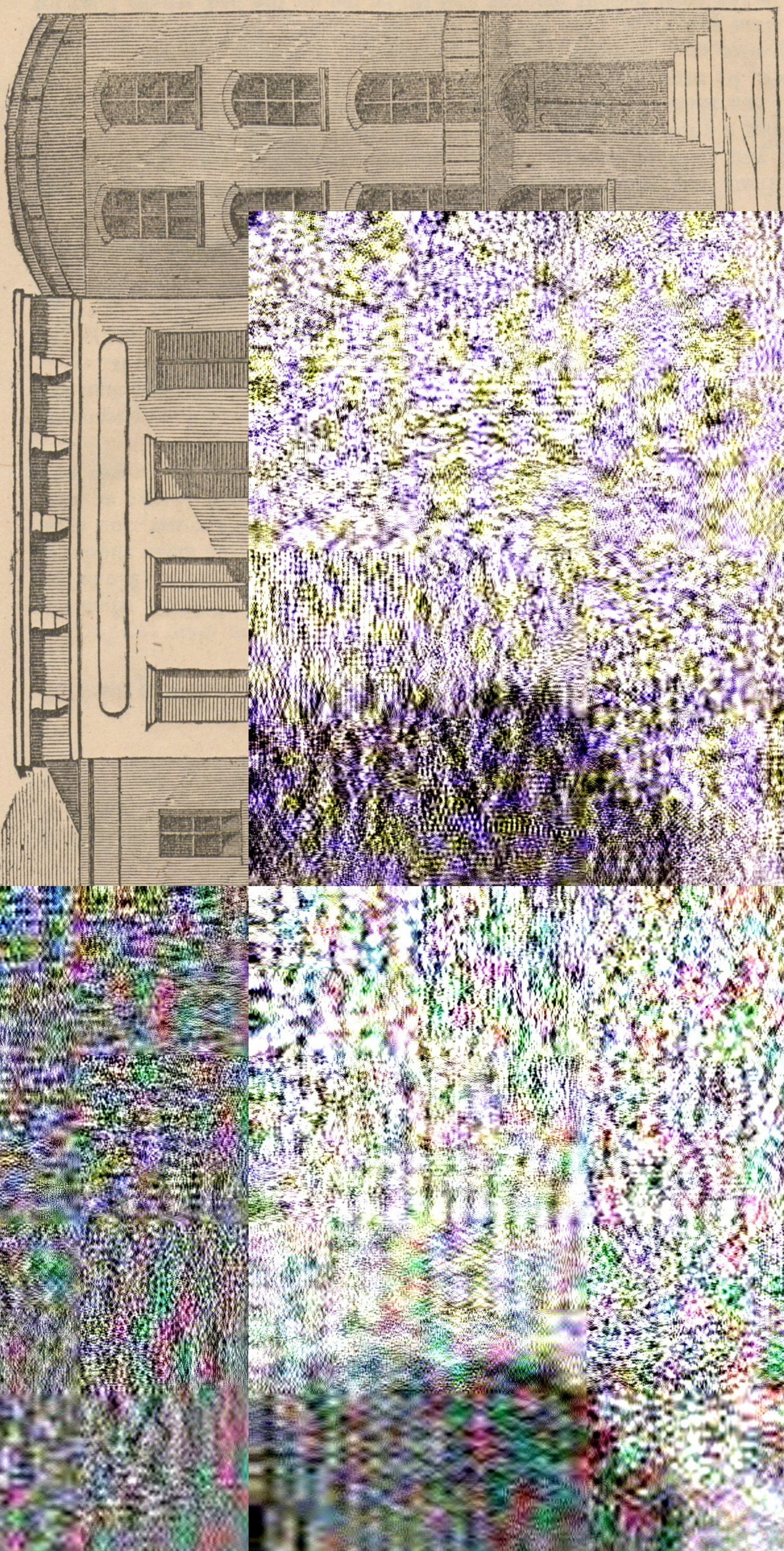
In one letter to his wife he said that with a dagger he would cut her entrails out if she did not give him his property. In all the letters he wailed piteously about his dread of starvation and death from cold. He upbraided his wife with keeping his property, and wanted her to sign a deed giving him two-thirds of it, or he would kill her.

During the reading of the letters Mrs. Walworth was taken out of court, leaning on the arm of Father Clarence Walworth. The prisoner also became deathly pale, and asked for water.



ten minutes past five,
d, which he had been
, and announced tha

that is as much as I
wearied.
d until Monday morn-



bject, that there had
ou have now referred
nversing on ordinary

been in the habit of
rs.

you, state any further
er of 1869, when my
of various kinds for
re, he arose suddenly
nt manner, and com-
royed them; at that
also his words and

ter of his appearance
ely pale, and had the
pression like it.

o clothes sent to the
than once? *A.* Yes,

for any of these acts?

Q. State any other instances of this violent conduct or variety of acts which you then observed. *A.* At another time, about nine o'clock, after spending a quiet evening, he came to my room door, and as I opened the door I saw that he wore the same terrible expression, and, with both arms uplifted, he uttered those fearful exclamations, "Hardin shall not rob me of my wife and children," although we had not seen my brother for a long time previously; he then struck me violently, and raised me in his arms in the most violent manner and threw me on the bed, where I lay for

t of conduct did you
on you? *A.* Yes, in

Valworth addressed to
know any reason for
habit when he wrote

Yes.

offman House, in this
fight or defend him-
nd in the breast, and

actions? *A.* Yes.

ndition as to strength
A. He was five feet
the habit of exercis-
mb-bells as long as I

him was the last act
l.

before you left him?

Q. After the act of violence which occurred ten days before you left the house, had you any interview with him? *A.* He came to my room; but never without some one being there.

Q. At what time did you leave the house? *A.* In the morning, about ten o'clock.

Q. I understood you to say that from that time you never saw him? *A.* I did not see him again.

Q Have you any means of determining in a general way the letters

did not; I wrote one
im; I submitted it to
understand; I never

ubmitted by you to a
tion with him of any
may have had mes-

Walworth? *A.* No-

ive that? *A.* No.
? *A.* I don't think

Walworth, which she
mediate right of the
s contained in these
nor, with the letters

District Attorney had
, and that there was

From package No. 2 she identified letters marked "2"; from package No. 9, letters marked "7," "15," and "17."

Mr. O'Conor observed that letter 15 was the one about which all the discussion was had as to its admissibility in evidence.

Q. By Mr. O'Conor—Are those all you received and read prior to the 1st of June? *A.* Yes; I think that is all.

Q You stated that some of those letters found in Frank's secretary

A. Not quite all; Mr.

Q. Did you answer

letter about two or thr

a friend—my lawyer;

sent him a line after t

Q. With the excep

lawyer before sending

description since the

sages from my lawyer

Q. You communicate

them in any way?

Q. The letter dated

Q. Have you seen

I have? A.

The witness then le

Two packages of let

examined at the table

prisoner. After a b

packages she handed

withdrawn from them

An entry was here

withdrawn his object

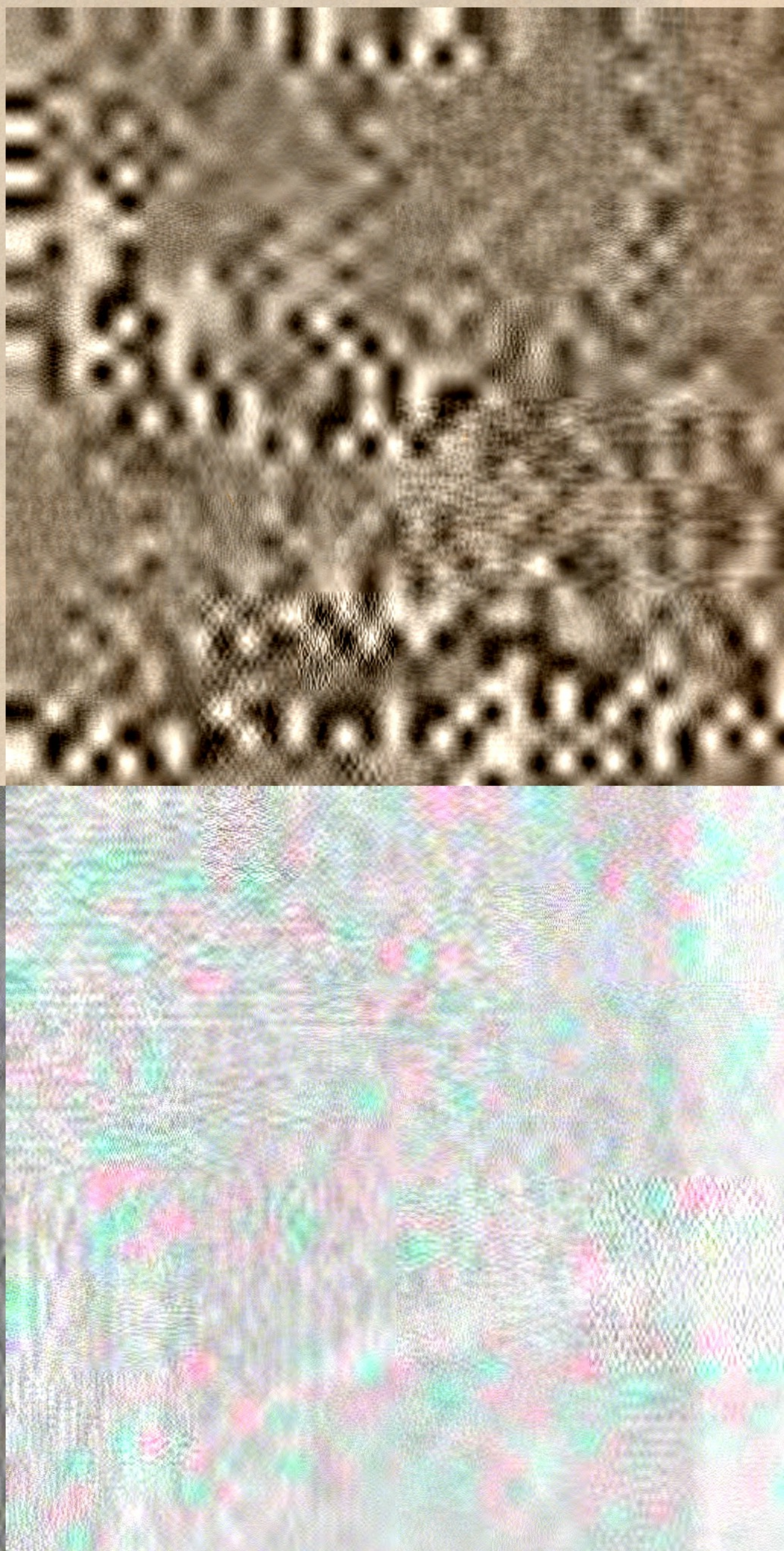
no exception in reference thereto.

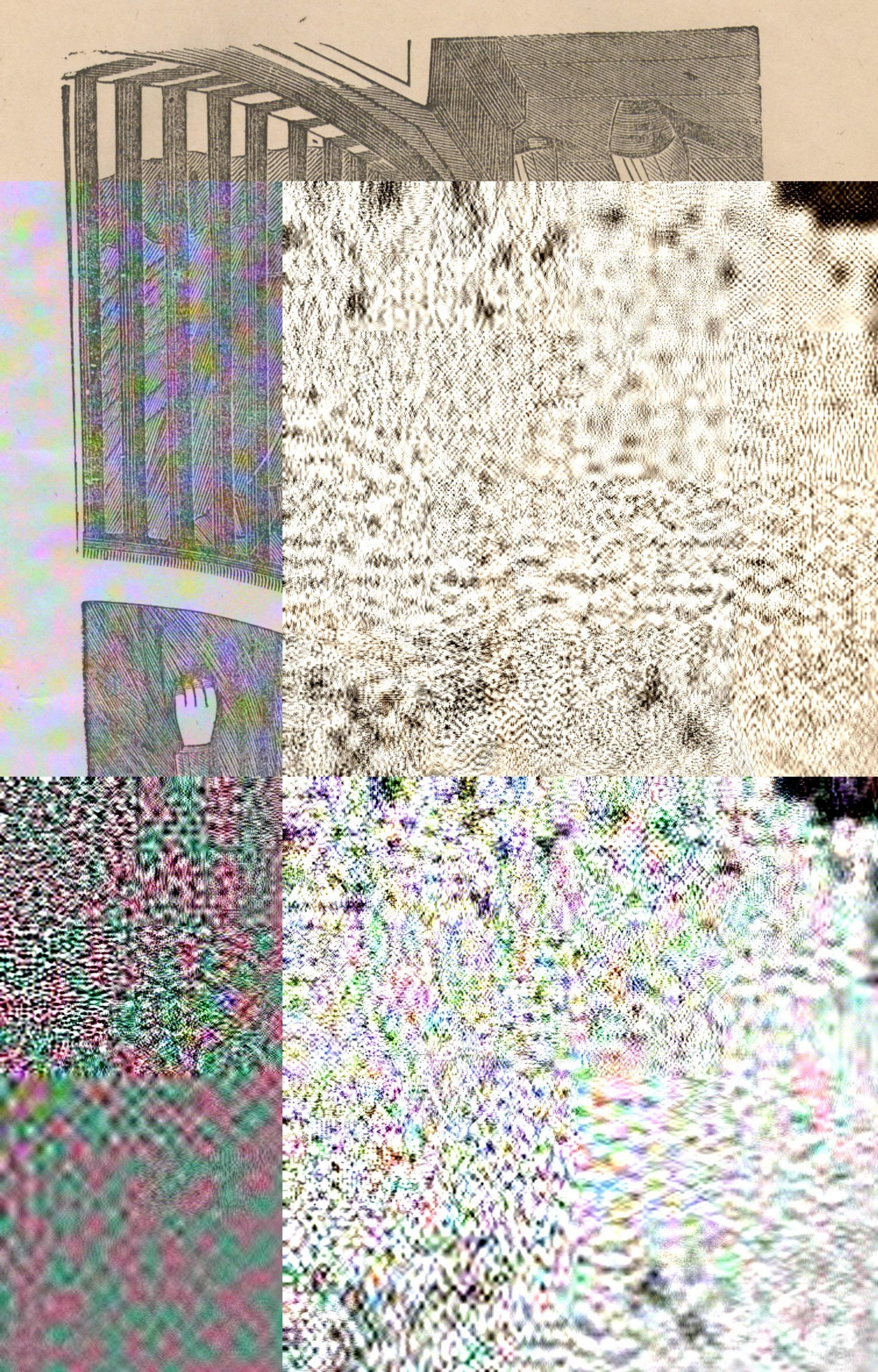
From package No. 8, she identified letter marked "2"; from package No. 9, letters marked "7," "15," and "17."

Mr. O'Connor observed that letter 16 was the one about which all the discussion was had as to its admissibility in evidence.

Q. By Mr. O'Connor.—Are these all you received and read prior to the 1st of June? A. Yes; I think that is all.

Q. I understand that some of these letters found in Frank's secretary





e was so young; but
at I assented.
alled and testified:
vorth? *A.* Yes.
at which your sister
was stopping at the

me? *A.* I had been
nds, and partly from
not entirely recovered
om severe wounds, as
e to go about at the

hile you were at the

4. It was about four

the time? *A.* Yes;

es.
ng the divorce case?
the night; I went to
ned.
ent knocking at the

Q. What then happened? *A.* The lawyer jumped up and opened the door; Walworth came in and walked quietly up to the foot of my bed; he kept his hand by his side in this manner (witness held his hand close to his side); I was still lying in bed; I watched him closely; he asked me, "Where is my wife?" he kept questioning me; I told him to keep quiet and allow me to dress; he was very much excited; I arose and was putting on my pants, still keeping my eye on him closely; I suddenly jumped towards the door, got through the door, and drew it after me; he pursued me and forced the door open; he had his pistol in his hand; he presented it at me, but I escaped behind a double arch that was in the hall; people

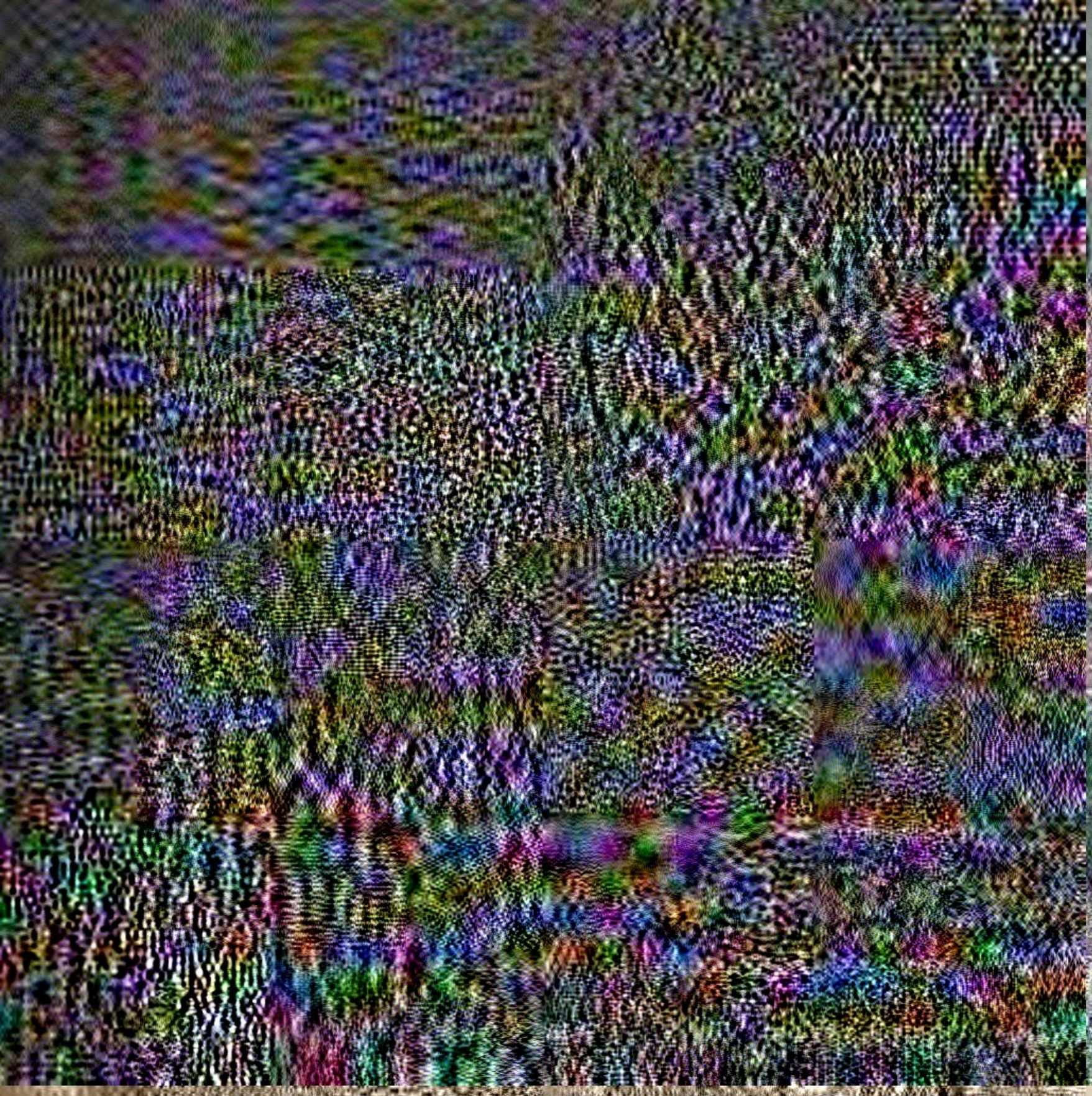
came on the Monday, and I gave him $15; he said he would be home on Tuesday and make it all right with me.

Q. How long did you know him? *A.* Three or four years.

Q. What was his general character? *A.* Very good, indeed; I never heard anything against him.

By Mr. Phelps—What was the fare from Saratoga to New York? *A.* Four dollars and a half.

Q. What was the conversation about on Sunday? *A.* About various things; he came to the store the next morning a little before the train started.



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John L. Barber said he had known Mansfield Tracy Walworth; knew him twelve years ago; I have known him all the time since; in 1861 or 1862 I saw him put on a Confederate uniform, and he said that he held a commission in the Confederate army; this was at the time Walworth was in Washington; I told the Secretary of State, and, on subsequent inquiry, I found that the story was not true; I think he said he was a captain in the army; he told me at the time he was in the employ of Colonel Stuart; I know Frank Walworth; I have observed that he has appeared very moody and occupied; I have frequently met him on the sidewalk and he has

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sed visited his store
nor was not cheerful,
but quiet, not violent; he never heard him utter violent oaths; never saw anything odd about him.

To Mr. O'Conor—He came to me for groceries—butter, cheese, eggs, cigars, and sometimes a bottle or two of wine; once or twice a bottle of brandy; sometimes he took them away, sometimes we sent them; I suppose he bought other groceries; he kept a monthly account, which he paid promptly at the end of the month; it ran from $8 to $16 a month; when his family lived there it ran from $70 to $90.

Theodore Ramer, Superintendent of Station H, of the Post Office, testi-

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of this entire case.

In the first place the facts, if you look at them calmly, diligently, with a sense of justice, not forgetting humanity, they will reveal to you very plainly that if an offence has been committed, that offence has not been characterized by any of those features in the incidental circumstances tending and leading to it; that it was not, in fact, accompanied by any of the features which make it in any sense one of those oft-recurring events—a malicious and premeditated murder. On the other hand, as to the name which has been given to it in the declaration, that in this respect it is a crime unparalleled, there is another mistake. I am disposed to agree to

had been from about his seventh year a burden on his poor afflicted mother, whose means for supporting and educating him were of a most humble kind. He felt naturally, in the pressure of his own departure, the necessity of having her protected in his absence, and he had presented to his mind two ideas—first, the fact that she must soon be without a protector. And, then, in view of all this, here is this invitation, opening a prospect of substantial advantages, and captivating in the last degree to a nature excitable and a temper and disposition easily incited at his period of life. And there was also present to him the conviction that if he did not avail himself of this advantage, the time was not far distant when he would be obliged at all events to cease to be a burden upon his mother, and to go somewhere else to make a support and maintenance—to labor to procure a competency and be that kind of a friend—to be, in his mature age, the loving son and support, with the consciousness that he had stood by her during all her previous years of privation. And now, with these hopes all before him, he was delighted at the idea of going abroad, and was anxious to accept his uncle's invitation. But at the next instant came to his mind the impossibility of abandoning his mother in the then existing condition of things. He says, "I must think about it." It is very apparent, gentlemen, that at this very moment of time the idea and belief that it might be practicable in some way so to arrange matters that he might leave his mother with safety and enjoy the very great advantage and pleasure, was presented to his mind; the subsequent occurrence coming at this time indicated clearly the presence of that hope. His uncle was soon to go, and preparation on his part was called for and expedient.

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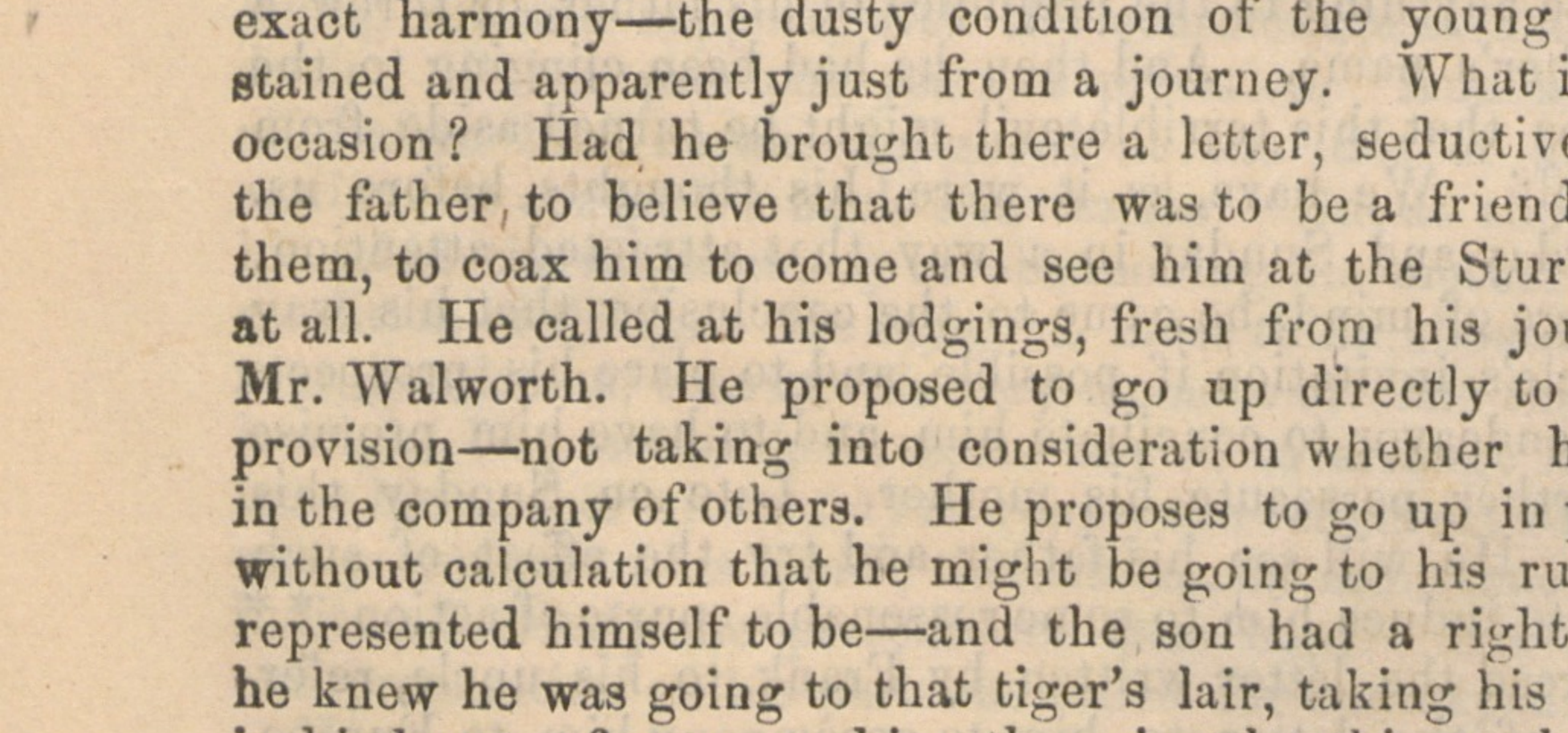
to his uncle, refer-
ring to the invitation of the latter to him to accompany him to Europe,
which has been so often published. Now, gentlemen, do you believe that
the boy at the time of writing that letter to his uncle thought of going to
New York to have a fight or dispute with his father, or to attempt to kill
his father, knowing well, as he did know, that it would immediately cause
his imprisonment and defeat his cherished hopes and expectations? Cer-
tainly not. And if you should be called upon to suppose that that letter
wrought upon his mind the determination to kill his father and die for it,
then you must consider what was the necessity of writing any explanatory

he had only known as the persecutor of his family and himself; he went calmly and deliberately to his hotel, took a room there, and, as is alleged, cavalierly sent his father a note, inviting him to come and see him—to a place where he might consider himself safe—armed and with every facility for protection, drawing him into a place where he might take an undue advantage of him. This is not so. What are the facts, gentlemen? The railroad car leaves Saratoga at twenty-five minutes to three. It would arrive at Forty-second Street, a distance of three-quarters of a mile from his father's residence—that residence well-known to him from the letters he had received. He arrived at his father's lodging at three o'clock, dusty and travel-worn. The good woman who met him at the door, says a young man came in at three o'clock. She says she knew it, because it was the time the children were coming home from school. The time is in exact harmony—the dusty condition of the young man's clothes, travel-stained and apparently just from a journey. What is his conduct on that occasion? Had he brought there a letter, seductively written to induce the father to believe that there was to be a friendly interview between them, to coax him to come and see him at the Sturtevant House? Not at all. He called at his lodgings, fresh from his journey, and asked for Mr. Walworth. He proposed to go up directly to his room, making no provision—not taking into consideration whether he would be alone or in the company of others. He proposes to go up in perfect sincerity, and without calculation that he might be going to his ruin. Tiger as he had represented himself to be—and the son had a right to believe he was—he knew he was going to that tiger's lair, taking his chances without fear



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Chancellor would make some allowances, but, of course, he could not support two families at different places. By her exertions Mrs. Walworth supported her family for six years. Mansfield Tracy Walworth also departed from Saratoga at the same time, but he made no appearance in Louisville. His young children for the next three years never saw him once. For the next two or three years they saw him on an odd occasion. He (Mr. O'Conor) said they did not see him because he did not come to see them. The defence was not allowed to show why he did not come, but the fact was he did not go there to see them. Then they had the little boy Frank, the pet of his benevolent and virtuous old grandfather, for the next seven years of his life. They had him driven forth from that shelter, and for several years living with his mother all alone. Again they had him when his mother came north, and became a clerk in an office at Washington.

At this time Frank was supported at college through his mother's means, not getting a sight of his father, or seeing very little of him. Frank had exceedingly little intercourse with his father until 1869 or 1870, when his mother began to experience the unendurable personal violence and cruelty of his father. The jury had had before them the sense that he then began to experience of that cruelty. They had detailed to them his conduct and the deep and terrible impression made on his mind by the cruelty practised on his mother. Neither by word nor act did he do or say anything for the provocation of his father, but all the time he kept the society of his mother until this sad case was spoken of. From this time forward he knew his father (taking his father's own account of himself) only as a fierce, blood-thirsty, ruffianly, impious, abominable,

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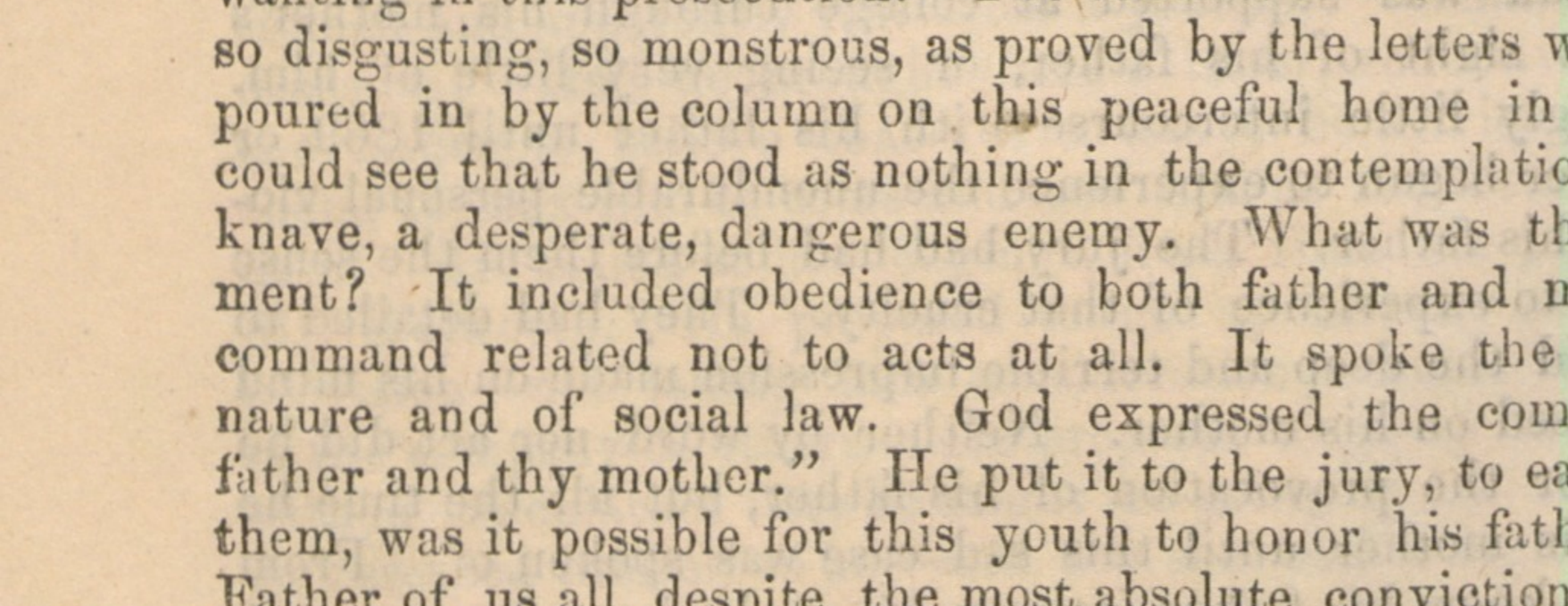
to give up his children. He set small value on his children. They had the facts, showing gross, undutiful, violent conduct on the part of the father, and that Frank never knew his father as a parent, got no recognition from him, got nothing that could have engendered tenderness in the bosom of a child. Having called the attention of the jury to these facts, he asked them to consider, in earnestness and good faith, how Frank stood related to his father in all this business, through his whole life and at the time of this occurrence. It was said that he stood in the relation of child to parent, bound by ties of the most sacred kind, and by the mandate of Almighty God, to treat his father with reverence and respect, and that he could at any time, or under any circumstance, contemplate the employment of violence, in defence of his mother against his father, was a sin against humanity, which nothing else but his incarceration before trial, and his execution afterwards, if he should be convicted, would expiate. But the elements which went to make up such a case as that were totally wanting in this prosecution. The conduct of the father was so abominable, so disgusting, so monstrous, as proved by the letters which the father had poured in by the column on this peaceful home in Saratoga, that they could see that he stood as nothing in the contemplation of his son but a knave, a desperate, dangerous enemy. What was the fourth commandment? It included obedience to both father and mother. That divine command related not to acts at all. It spoke the language of human nature and of social law. God expressed the command, "Honor thy father and thy mother." He put it to the jury, to each and every one of them, was it possible for this youth to honor his father? Did the great Father of us all, despite the most absolute convictions of duty, command



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and decision. And first he invited them to the consideration of the state
of the prisoner's mind. It was perfectly true that in insanity no case of crime could exist, but that insanity must not be mere passion. It must not be a self-induced insanity by drink, or the encouragement of any passion. The law said, if he was conscious of the character and nature of his acts he was responsible for them. He was not unconscious of this, for at once he recognized that he was amenable to the law by giving himself up to its ministers. He had not even proved the epilepsy on which the insanity was supposed to be founded.

caused you any trouble or expense." Who cannot see that this points to an intention which may prevent his going "anywhere else," and may cause thereafter trouble and expense to his uncle? * * * * * * * *

He conceived that the prisoner went direct from the cars to his father's lodgings before he went to the hotel. He must complain here of one thing on the part of the counsel. The officers of the law have been denounced as base dogs and demons of the law, hounding down this family. He had the vanity to think he was not included in this denunciation intentionally; but the simple effort of the officers of the law had been to have a

the occupants of the other rooms. He could not call Mansfield T. Walworth. He would only answer at that bar where no secrets were hid. The only thing they had from him was the note from next his heart, stained with the blood from that heart. Mr. Ebert heard the words, "Home," "Mother," "Liar!" From whence came those words? The testimony of the prisoner was that his father said only, "I promise." The word "liar" must have been uttered by the prisoner. * * He invited his father to sit down. * * The conversation was opened by the presentation of the pistol. The father's character was not such as to admit the idea that he promised without coercion. His right side was presented to his son. In that position he received the shot in the arm, and turning, in the left breast; then rising, and making a desperate effort to reach the door, received the other two shots and fell, and with a few convulsive movements his ill-regulated life ceased. * * He at least sleeps well. But the son expresses no horror to his friend. * * * He knew that he had done a deed subjecting him to the law, and takes steps to surrender himself. He walks quietly to the station-house, and as quietly as possible gives himself up, and with the most perfect recollection said, "I think he is dead, for he was pretty near me when I last fired." A thing attested by this fact. He sent another telegram to the same effect, and in an interview with the Coroner the same day said, "I came to do exactly what I have done." So far as the relations of this husband and father, he did his work completely. There will be no questions hereafter of the division of his property. No questions of when and how he shall see his children; for the obnoxious individual is dead and the grass is grown over him, and he will trouble them no more. The demons and

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design," &c. The elementary books speak of intentional murder as deliberate murder, and presumed from malice, deliberation and intention. But he thought the intention of the Legislature was not to go back to that view, but might be elucidated by the other provisions of the statute. It transferred what was before murder in the second degree into murder in the first degree, and created a new second degree of murder in the second degree, and the draughtsman seemed to have desired to intensify in it the separation of murder in the first degree. It is defined to be "when perpetrated intentionally, but without deliberation or premeditation." Deliberation and premeditation were matters of fact to be decided by a jury,

you any expense or trouble." It was urged that this meant that it depended on this trip whether he should go to Europe or anywhere else; and if he failed to arrange matters with his father, his trip might cause his uncle much trouble or expense. These were the elements bearing on the question of the intent with which the prisoner left Saratoga. Whether he was resolved to shoot his father, or resolved to shoot him in the alternative of his not giving satisfactory pledges, in either case there was the deliberation and premeditation of the statute.

On the part of the defence, it was shown that the sum he borrowed was just about equal to his fare both ways and one day's expenses; that he expressed to his friend and to Mr. Ainsdell, and in a message to his mother, his expectation of returning on Tuesday; that he went to his father's residence direct to make the contemplated arrangement at once with him, and return the same night to Saratoga, and that his knowledge of the consequences of the act of the killing of his father was not at all consistent with such deliberation. It was for the jury to decide which of the two things they were to believe. Nevertheless they must remember that it was unnatural to announce such a purpose as the prosecution claimed, nor were these declarations wholly inconsistent with the alternative purpose alleged by the prosecution, and of which he might hope to effect the milder alternative. Nevertheless, if there were any reasonable doubt on the question, the prisoner was entitled to it. The prosecution were bound to make out the fact of deliberation and premeditation beyond reasonable doubt, but if they were satisfied either of the positive intent to kill, or of the alternative resolution to kill if the father did not make a

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in the second degree, and not guilty of murder in the first degree?"

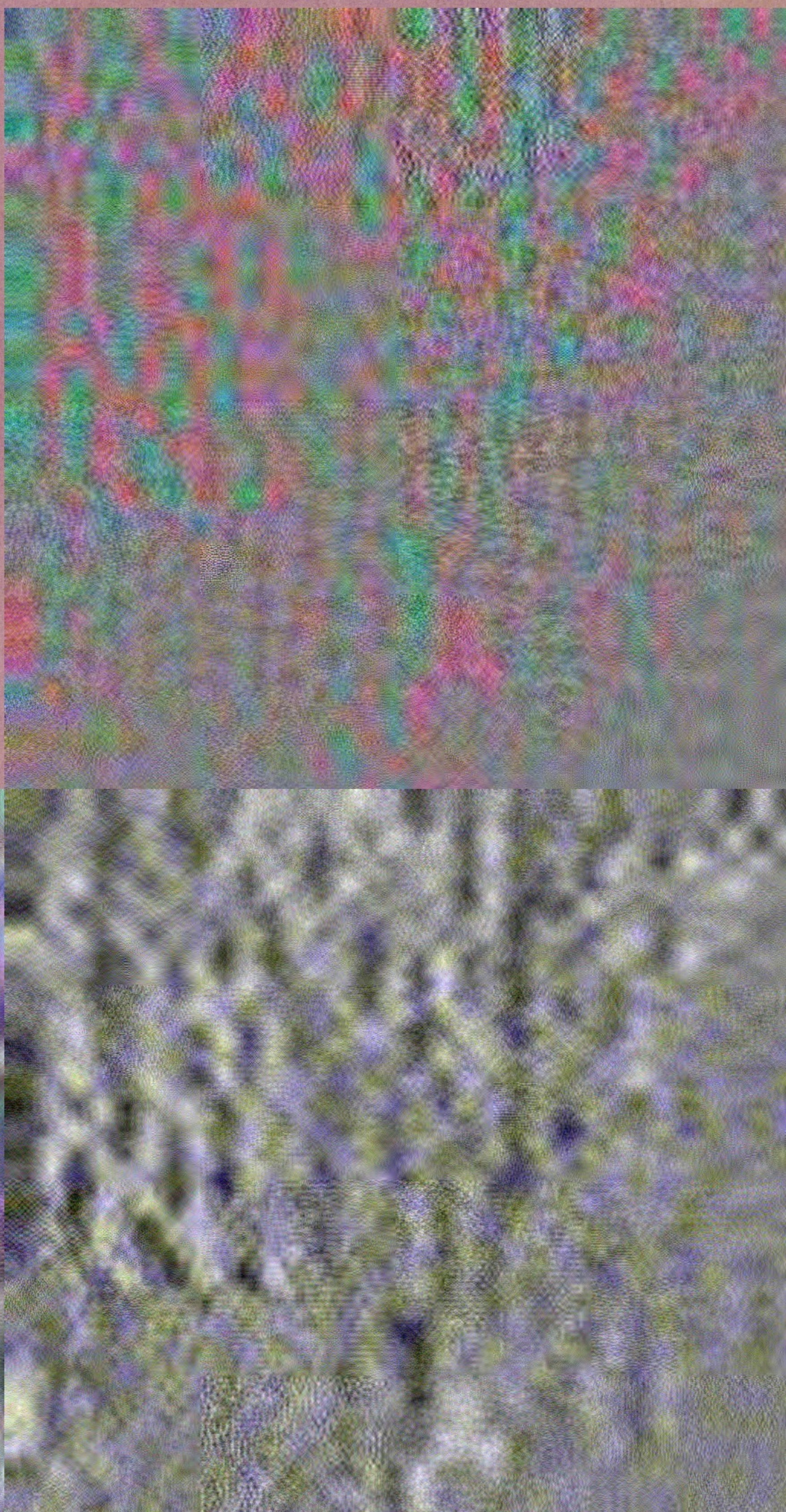
The foreman nodded his head.

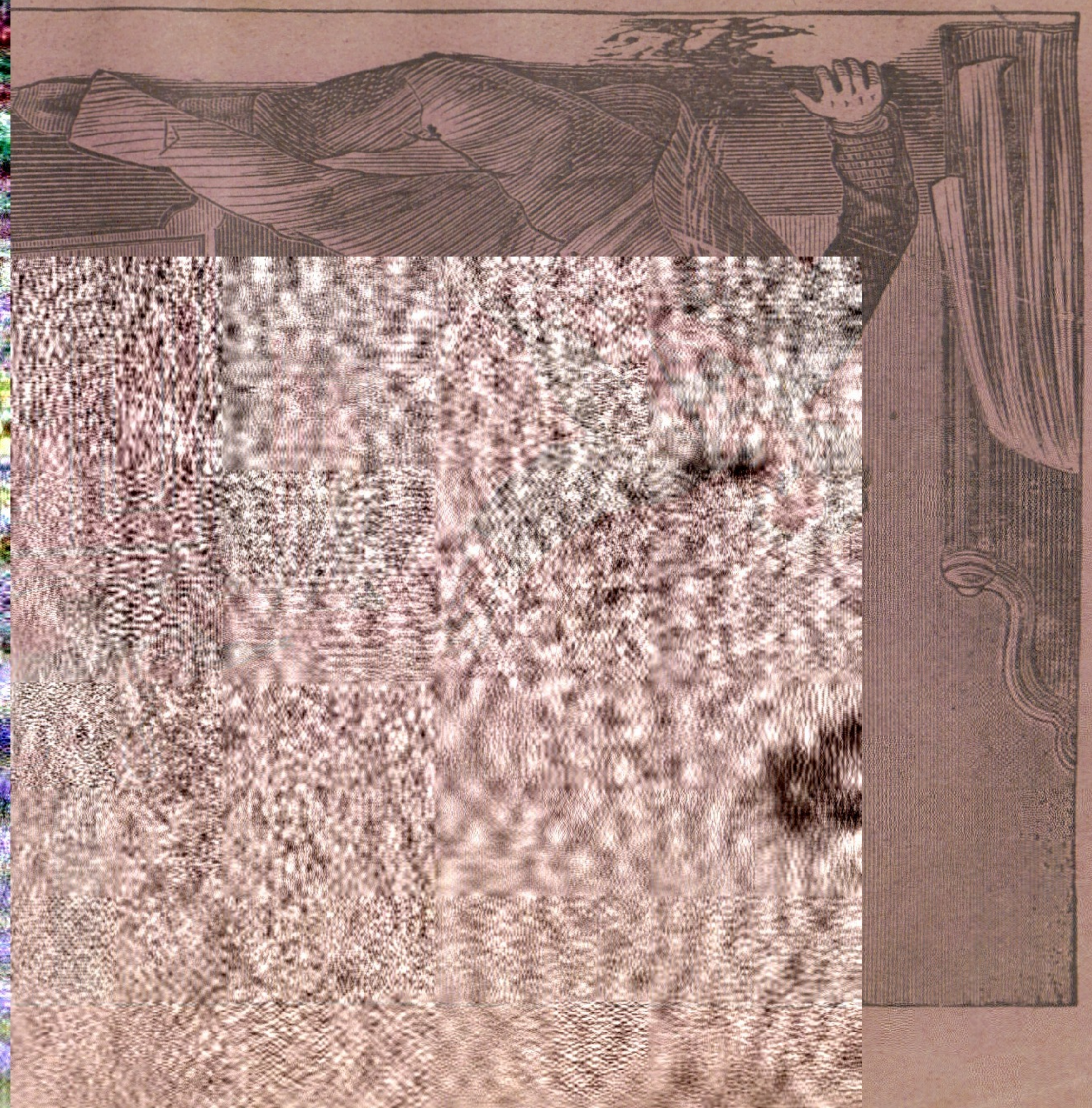
"So say you, all of you?"

The whole twelve nodded their heads.

The prisoner had received the blow without a change of countenance, and when, at a nod from the Clerk, the jury sat down, he too resumed his seat, and listlessly loosened his necktie.

On the following Saturday Judge Davis sentenced the parricide to imprisonment for life at hard labor.





With frightful coolness, young Walworth sent four bu
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