

AN APPEAL,

BY

THE REVEREND

WASHINGTON VAN ZANDT,

LATE RECTOR OF GRACE CHURCH,

ROCHESTER.

AUBURN:
HENRY OLIPHANT.

.....
1843.

APPEAL.

ELLICE MURDOCK, on the 5th of January, 1842, recovered a verdict of three thousand one hundred and twenty-five dollars against me at a Circuit Court in Monroe county for the alleged seduction of his daughter SOPHIA MURDOCK. After eighteen months, during which I have suffered duress, renunciation of ministerial duties, and much obloquy, I come before my fellow citizens with an appeal from that conviction. I may seem presumptuous, yet I am not confident. I distrust not the candor of the community; but the legal tribunals justly enjoy so much public respect that if they ever suffer innocence to be overborne by false accusation, the correction of the error is extremely difficult, if not altogether impossible.

Judicial opinion, however, is not all against me. I was amenable, not only to civil punishment, but to ecclesiastical censure. A Court instituted by the Right Reverend BISHOP, and consisting of the Reverend RUFUS MURRAY, the Reverend WILLIAM W. BOSTWICK, the Reverend KENDRICK METCALF, the Reverend JOHN McCARTY, and the Reverend CICERO S. HAWKS, considered my case, and after hearing, quite as fully as the civil tribunal, the accusation and defence, with all the evidence in support of both, pronounced a judgment of not guilty.* I invite no comparison between those Courts. The judges in both, were men of learning and experience.

* Evidence given on the trial of the Reverend Washington Van Zandt, before the Ecclesiastical Court, certified by Benjamin Hale, D. D., Secretary of the standing committee of the Diocese of Western New York, Oct. 21st, 1842.

The jurors were intelligent, and perhaps as candid as the clerical triers. Undoubtedly all conscientiously sought the truth, and if popular excitement may have swayed the civil more than the ecclesiastical tribunal, that disadvantage was perhaps balanced by a more rigorous application of legal rules, and by the sanction of judicial oaths.

The evidence in both Courts was the same, and certainly the character of the Church, and the interests of religion, were deeply concerned in the investigation. The judgment of the Ecclesiastical Court, may therefore be admitted to raise a doubt of the correctness of the civil judgment, and this is all that is claimed for the former on the present occasion.

Common prudence, as well as justice, would seem to demand that I should submit the evidence to be reviewed; yet the proprieties of society forbid my bringing again before the public details of licentiousness, which, whether true or false, are offensive to decency and injurious to morals. The proceedings of both tribunals, however, are accessible, and I shall refer to them in as general a manner as shall be consistent with my vindication; carefully abstaining from any fact or comment not sustained by those records.* If my appeal, even in this guarded form, shall be thought offensive, I trust that the community which has borne so much for the sake of justice, will tolerate what is absolutely necessary for the reparation of wrong.

On the first of March, 1840, I went to reside in St. Paul's street, Rochester, in a house adjacent to the dwelling of Ellice Murdock.† His family consisted of his wife, a son aged about seventeen years, and three daughters—Sophia, fifteen years old; Mary, thirteen, and another younger.‡ Dr. Murdock, had been a respectable medical man, but physical and mental infirmities had rendered him incapable of supporting his family. Mrs. Murdock is represented by her counsel as a lady of education, refinement and

* Unless otherwise stated, the references which follow relate to the testimony in the civil court.

† Statement of W. Van Zandt, fol. 68. Testimony of Sophia Murdock, fol. 12.

‡ Testimony of Sophia Murdock, fol. 48, 11, 16.

exemplary christian character, who discharged her parental responsibilities in a manner which eminently secured to her the respect and sympathies of the community.* I do not desire to detract from the characters thus claimed for my prosecutors.

Their daughter Sophia had received an excellent education in a respectable Seminary, and she and her mother were communicants in the church under my care.† The young woman, on the fourth of August, 1841, gave birth to a child, of which she declared that I was the father.‡ This charge, too grave for palliation, was determined against me by the jury, and in my favor by the ecclesiastical tribunal. As might be expected, the only direct testimony was that of the young lady, and this was confident and unequivocal. Her statement was substantially as follows:

She had known me about three years; had occasionally visited at my house before my removal to St. Paul's street, but oftener afterwards.|| Her mother's family and mine became intimate at that time. I visited the former, sometimes as often as semi-weekly, and my visits were returned. Sophia came on those occasions, and on social errands, and often to procure books from the Parish Library, kept in my study, which also was a bed room. I frequently made presents, chiefly of dresses, to herself, her sisters and their mother, but never to one without equal liberality to them all.§ The young lady added that I sometimes kissed her; that twice, in summer evenings, on the steps of her dwelling, I took improper liberties, by attempting to lift her dress; once committed the same indecency on a sofa in my parlor; once in the afternoon invited her and her sister Mary to my study, on a plea that I was lonely, and that then, when her sister was in a posture in which she could not see Sophia and myself, I pressed the young lady backward on the bed, raised her dress, exposed my person, and

* Speech of Henry R. Selden, Esq.

† Testimony of Sophia Murdock, fol. 12. Speech of H. R. Selden, Esq.

‡ Testimony of Sophia Murdock, fol. 25.

|| Testimony of Sophia Murdock, fol. 11, 12.

§ Testimony of Sophia Murdock, fol. 12, 13, 14.

unsuccessfully attempted a connection; and finally, that on a subsequent occasion, when she had come to my study for a book, I consummated the great wrong to which the former alleged improprieties so directly led.* The young lady testified that this was the only instance of such communication that had ever occurred between her and one of the other sex.†

This account was perhaps not improperly presumed to be true. It derived confirmation from the testimony of Mary Murdock, who detailed lascivious improprieties towards herself similar to those which her sister had suffered,‡ and who remembered her visit with Sophia at my study, although the witness did not know or suspect any improper action or conversation.|| Another young lady testified that she also had been kissed by me.§ It was further proved that Mrs. Murdock rejected my hand offered in friendship, and accused me of the ruin of her child, in an interview which occurred six or eight weeks before the young lady's confinement.¶ About the same time I convened the vestry of my church and submitted to them a written exculpation. Some of the vestrymen testified that on that occasion I declared that it could not be I who was the father of Miss Murdock's child, because, knowing my propensities, I had carefully avoided meeting the ladies of my congregation alone even for religious conversation;** and this was considered equivalent to a confession of the very fact denied. It was proved, also, that on the same occasion I remarked that I had for some time known the two young ladies (Sophia and Mary Murdock) to be strumpets;†† and this declaration was probably understood as indirectly admitting participation in their alleged lewdness; and as an unmanly aspersion of a woman seduced by

* Testimony of Sophia Murdock, fol. 5 to 24, inclusive.

† Testimony of Sophia Murdock, fol. 24, 25.

‡ Testimony of Mary Murdock, fol. 96, 97.

|| Testimony of Mary Murdock, fol. 98, 99.

§ Testimony of Julia Gilkeson, fol. 111, 112.

¶ Statement of W. Van Zandt, fol. 66, 67. Testimony of Wm. C. Storrs, fol. 85.

** Testimony of Ansel Roberts, fol. 63. Testimony of Wm. W. Bryan, fol. 83. Testimony of William C. Storrs, fol. 84.

†† Testimony of Ansel Roberts, fol. 81.

myself. It was also proved that in the explanations before my vestry, and on another occasion, I charged an absent nephew with Miss Murdock's seduction,* and stated that he had confessed the crime; and as he had gone beyond sea, it was assumed that I had sent him abroad to prevent his refutation of the charge, and the consequent establishment of my own guilt. Occasional and not intemperate use of refreshments now forbidden by prevalent habits of total abstemiousness, habits which I adopted before they became general, was thought not merely criminal, but evincive of general depravity.†

Firm denials of my guilt in vulgar language, which if so uttered certainly fell into ears waiting for confirmation, went to swell the prejudice against me.‡ A neighbor testified that on examining the door of my study, he thought he discovered traces of the removal of a lock or latch.|| A conversation concerning my accuser, in my own family, pending the prosecution, was reported to the Jury as evidence of a design to destroy her character by suborned witnesses.§ Even the new, though not unusual fashion of my dress, was submitted to the Jury as incompatible with a virtuous life;¶ and an alleged resemblance of the infant to my person, though not allowed by the court to be proven, was assumed and argued before the jury, as incontrovertible evidence of the truth of the accusation.**

Even if an order of filiation could be legally grounded on a capriciously supposed resemblance between the infant and the suspected offender, assumptions of such a fact would not be morally conclusive; and the obnoxious fashion of dress, in the present case, has the excuse of having been revived, as I am informed, from the costume of Dr. Franklin. The removal of a lock or latch from an apartment in 1841, if true, would not be strong proof of the com-

* Testimony of Wm. C. Storrs, fol. 87, 88, 91.

† Testimony of Wm. C. Storrs, fol. 89.

‡ Testimony of Wm. C. Storrs, fol. 88. Testimony of Wm. W. Bryan, fol. 83.

|| Testimony of Henry M. Ward, fol. 104.

§ Testimony of Charlotte Stevens, fol. 110.

¶ Testimony of Lucy Pratt, fol. 115.

** Speech of Henry R. Selden, Esq.

mission of a crime therein, more than a year previously, unless the remover then believed that the presence of the fastening would be important to the proof of the charge. If really innocent of seducing the young lady, I not merely had a right, but it was my duty to seek evidence to disprove her accusation, and her habitual unchasteness was, under the circumstances, as probable as the proof of it would have been conclusive. The mother's belief of the young lady's narrative was too natural to be complained of, but certainly constituted no legal or moral evidence of its truth. My accusation of my nephew, was not proof of my own guilt, unless known to be groundless. I cannot disavow the gifts bestowed at different times and equally upon the young lady, her sisters and their mother; but it is submitted, especially considering their circumstances and relations, whether such liberality was so unusual or so improper as to imply corrupt and licentious designs. I admit an affection for the young, and that I have sometimes kissed the children of my flock. Such salutations could scarcely be thought criminal, if bestowed publicly, on different persons, and only on those who had not attained the age when such courtesies are recognized as expressions of passion. The grosser addresses complained of by the two sisters could not be disproved, because they were alleged to have been secret, while their probability is shaken by the fact, that they were never made known by the young ladies to their mother, or to any friend, or even by one sister to the other, until the disclosure was necessary to fortify the chief accusation.*

One of the witnesses, who proved my supposed confession of vicious propensities, was uncertain whether it was made verbally, or contained in the written statement before mentioned;† another did not state whether the confession was verbal or written;‡ another thought he had read the confession in the statement, but might have mistaken its import;|| while three others, members of the vestry, who also were present on that occasion, declared that

* Testimony of Sophia Murdock, fol. 40. Testimony of Mary Murdock, fol. 103.

† Testimony of Ansel Roberts, fol. 63, 81.

‡ Testimony of William W. Bryan, fol. 83.

|| Testimony of E. Darwin Smith, fol. 109.

they heard no such statement, verbal or written ;* and the paper, when produced, contained no such confession, but did contain a declaration, which though harmless, might be converted by prejudice into the offensive remark complained of.† A more minute examination of the collateral testimony would be offensive, but I think that the circumstances relied upon by my prosecutor will be found in many respects impertinent ; in others erroneous ; and altogether insufficient to sustain an accusation, not in itself probable.

Passing then to the chief accusation, I invite consideration of some moral improbabilities in the young lady's narrative. There was no small difference of years and of situation between my accuser, and myself. Even a bad man would have found many restraints in that discrepancy, while it would have rendered so young a female averse to his lascivious caresses. The world over, the young are chiefly corrupted by the young. We can conceive how female innocence may be undermined by a youthful companion ; but in young females the modesty of nature resents licentious advances by persons of superior years and established relations.

The first attempt on the young lady's person is represented to have been in the presence of her sister, who was not more than three feet distant, and no otherwise engaged than in reading a newspaper. The attempt was violent, and would seem to have been almost successful ; and was defeated by resistance.‡ If it be supposed possible that a man of mature years, a husband, a parent, a minister, could become so inflamed as thus to seek gratification by force in the presence of another female, can it also be believed that the lady firmly and virtuously resisting, would not call for help, or complain, or sigh, or weep ? or that the conflict would not alarm the sister, or at least arrest her attention ? And if all

* Testimony of Daniel Graves, fol. 189. John Cole, fol. 190, and of Nehemiah B. Northrop, 192.

† Statement of W. Van Zandt, fol. 78. The following are the words supposed to have been misapprehended "I have made it a positive rule never to meet young ladies alone, even for religious conversation, and after having thus watched against every thing that could be tortured into slander by the slander-loving people, I am doomed to an accusation involving a deed, which my soul abhors, and which it makes me sick at heart to speak of."

‡ Testimony of Sophia Murdock, fol. 35, 36, 37, 38, 39.

this be probable, is it equally so that the young lady who had suffered such violence would have suppressed complaint afterwards, and concealed from all the world, the shame and indignation that such an assault ought to have excited?

The second and the successful attempt was committed in my wife's bed-room, in the day time, and as will be seen in the sequel, when my mother and my servants, a brother in the ministry, and two young men, associates of the young lady, were in my house.* And yet this attempt was consummated by force, against woman's utmost resistance; and the party violated neither raised her voice then, nor ever afterwards divulged the wrong she had suffered, until the fruit of the connection rendered concealment impossible.† If all this be probable, is it equally credible that such a connection should have been had by a young lady, fully dressed for a party, and yet that her dress should have been in not the least degree disarranged; that her frail lawn bonnet, should not have been broken or bent; and that she should not have needed to glance at a mirror, but should have gone directly from the place where she had yielded her innocence to overbearing force, into the society of her mother and youthful associates, and should not there have exhibited emotion, or excited surprise?‡ Yet we must believe all this, and believe, moreover, that the afternoon thus unfortunately commenced, was spent by the young lady, without sadness or shame, in the presence of not only her friends and neighbors, but of the seducer's wife and himself. It may be said very properly, that so young a woman could not be expected to know either the extent of resis-

* Testimony of Mary Murdock, fol. 19, 47.

† Testimony of Sophia Murdock, fol. 45.

‡ Testimony of Sophia Murdock, fol. 45, 46. "When she returned home, her mother expressed no surprise at her appearance, nor at the length of her absence; she was dressed to go to the society; she had her summer bonnet on, a shirred hat; it was made of lawn, such as worn by young ladies; the bonnet was tied on; it was not untied or taken off at this time; she did not stop to adjust or fix her bonnet or dress, went immediately home to her mother; she did not change her dress, or her bonnet; nor did she go to the glass to adjust either. She went immediately to the society at Mrs. Sherman's on the same street. She might have stopped a moment or so at her mother's house, but does not recollect that she stopped at all. When she got to the society, the ladies, or some of them were assembled. Mrs. Van Zandt was there. Witness remained there during the afternoon and evening."

tance she really offered, or its legal importance in determining the offence committed against her. But after all just allowance made on this score, does there not still remain something very unnatural in the statement on which the jury rendered their verdict?

Secondly, there are some circumstances of physical improbability. Whether the alleged connection was forcible or otherwise, it was followed by none of those immediate personal inconveniences, which medical science instructs us to expect from the first sexual intercourse. The young lady suffered no pain; had no occasion to seclude herself for an instant; nor even to stop by the way, but went directly into company, and remained there for hours as cheerful and buoyant as any of her maiden associates. Dr. John W. Francis says, that though such a circumstance may be possible, it is to be regarded as improbable. The same eminent physician says, it is vehemently discussed, whether a first connection can result in the woman's becoming a mother, and he believes it at least highly improbable. Finally, a period of two hundred and ninety-two days intervened between the alleged intercourse and the birth of the child.* Dr. Francis declares that this also is highly improbable, since the first confinement happens more frequently eight or ten days or a fortnight short of the customary period, than is delayed to its termination. On the whole, Dr. Francis pronounces the case as related by the young lady, not merely improbable, but marvellous.† Other respected medical authorities concur.‡ On the contrary, these opinions are thought too strong by respectable gentlemen of the Medical Faculty.|| I do not discuss these questions, for even if I was not an interested party, such speculation would not become me on any occasion.

Thirdly, there are facts quite inconsistent with the truth of the

* Admission of Counsel that the society met at Mrs. Sherman's on the 16th day of October, 1840, fol. 113. Testimony of Sophia Murdock, that the child was born on the 4th day of August, 1841, fol. 25.

† Letter from John W. Francis, M. D. and extracts from reports of the medical testimony, on the trial of the Rev. W. Van Zandt. See appendix.

‡ Letter from George C. Howard, M. D. and letter from Thomas D. Everett, M. D. See appendix.

|| Testimony of Drs. Elwood, Strong, Ely, Backus, Smith, and Long, fol. 194, 195, 196. See appendix.

accusation. Miss Murdock, surrounded by eminent and learned Counsel, forewarned of my defence, designated, without doubt or reserve, as the day of her seduction, the day on which the Ladies' Society met at Mrs. Sherman's, and on which the Firemen had their Annual Procession and Review;* and this was admitted to be the 16th day of October, 1840.† The hour of the day was as certainly and as unhesitatingly assigned. It was at two o'clock in the afternoon,‡ after dinner, and about the time for the assembling of the Society, at Mrs. Sherman's. Mrs. Van Zandt had gone, and Miss Murdock went directly there from my house. Now the Rev. Thomas Brittan, Rector of the Episcopal Church at Palmyra, testified that he arrived at my house on the same 16th day of October, at half past ten, A. M. ; proceeded with me immediately to my study ; sat there with me half an hour ; then walked with me through the city ; returned with me to my study ; remained there in conversation with me until dinner ; at half past two, attended me to the table, and remained with me during the dinner, (before the end of which Mrs. Van Zandt excused herself and went to the Ladies' Society.) Mr. Brittan returned with me to my study, sat there with me until four o'clock or a little later ; then attended me to Mrs. Sherman's door, and left me when I entered that lady's house. He extended his walk a short distance ; returned to my study ; remained there until called to tea ; partook of that meal with my family, Mrs. Van Zandt and myself being absent ; retired from the table to the study, and remained there until my return at ten at night ; and he confidently declared that from ten in the morning until he parted with me at Mrs. Sherman's door, I was not out of his presence,||—while it is proved that I, as well as Miss Sophia Murdock remained at Mrs. Sherman's from four o'clock during the evening.¶

Mr. Brittan's testimony is corroborated by James De Wolf, who

* Testimony of Sophia Murdock, fol. 19.

† Fol. 113.

‡ Testimony of Sophia Murdock, fol. 47, 48, 21.

|| Testimony of Rev. Thomas Brittan, fol. 116 to 137 inclusive.

¶ Testimony of Sophia Murdock, and Testimony of Mrs. Margaret Thompson before the Ecclesiastical Court.

was at my house, and who saw Mr. Brittan on his arrival; remembered our walk and return to the study in the forenoon; remained with us there until dinner; dined with us; left us at the table and proceeded to the study, and remained there until our return. Yet it was on that day, at two o'clock, or about that hour, and in that study, that Miss Murdock affirms her seduction was accomplished. There must be error either on her part or that of the Reverend Mr. Brittan and Mr. De Wolf. Mr. Brittan cannot be mistaken concerning the day, for he was seen with me at Mrs. Sherman's door by a lady attending the Society.* Even if he had been inaccurate in that respect it cannot be supposed that Mr. De Wolf would have fallen into the same error. The testimony of Mr. Brittan and Mr. De Wolf was subjected to a very critical examination. But the learned Circuit Judge acknowledged their candour and manifest desire to state only the truth, and declared that their honesty was unquestioned.†

I am aware that the *alibi* is regarded with suspicion. There is always danger of erroneous recollection of dates; and this form of defence is often plotted and proved by confederates in crime. But here there seems no probability of error. The young woman could not fail to identify the day of her seduction by prominent incidents she had associated with it; nor has she ever intimated a doubt of her accuracy on that subject. Mr. Brittan's testimony is as clear and as confident concerning the occurrences of the same day, as his character and motives are above suspicion. But it is my purpose to present facts, not to deduce conclusions.

Here I might rest. But there are still remaining the fact that the young lady was seduced, and the probability that the seducer was a member of my family. It therefore is proper that now, as on former occasions, I should state the reasons why my suspicions fell on the young man already mentioned. The testimony shows that my nephew, Thaddeus Van Zandt, was a member of my family, aged about seventeen years, the age of Miss Murdock's brother; that the young men were associates, and as might be expected,

* Testimony of Mrs. Margaret Thompson before the Ecclesiastical Court.

† Charge of his Honor Judge Dayton.

habits of intimate intercourse existed between my nephew and the young ladies.* The intercourse between my nephew and Sophia, though supposed by her harmless,† was indiscreet, even to the border of licentiousness. He was at her mother's house daily, and late in the evening.‡ He was with her in a pew darkened by curtains, in the church during exercises by the choir in a distant part of the edifice.|| He frequently kissed and lasciviously embraced her;§ more than once was seen in such connection, not only in the house but in the yard, and outer buildings; and on two occasions, their conduct there was such as to justify the worst suspicion, if it did not afford proof of actual guilt.¶

The young man was irregular, vicious and licentious, and was sent away from my house for this reason, and from my apprehensions of the danger to which the young ladies were exposed in his society.** His profligacy proved incorrigible, and he remains a fugitive from his friends and country. True, it was said, he might have gone abroad by collusion with me. But I humbly insist that presumptions of fact, as well as of law, are not to be raised for the mere purpose of excluding every probable ground of my defence. Neither the Civil nor the Ecclesiastical Court felt itself at liberty to receive proof of confessions by Thaddeus Van Zandt. Nevertheless, I ought not to be deprived of them on this occasion.

Mrs. Clarina Wheeler, wife of the Reverend E. Wheeler, Rector of the church at Waterloo, has deposed, that at some time between November, 1840, and April, 1841, she read a letter from Thaddeus Van Zandt, containing admissions of having lived in habits of illicit intercourse with Miss Murdock; and that in April, 1841, she (Mrs. Wheeler,) received a letter from him, in which he threatened that he would have revenge against me for alleged injuries; and that such revenge should consist in the very charge that has been made against me.

* Testimony of Sophia Murdock, fol. 48.

† Testimony of Sophia Murdock, fol. 49.

‡ Testimony of Maria A. Van Zandt, fol. 164.

|| Testimony of Alexander Hull, 159.

§ Testimony of Alexander Hull.

¶ Testimony of John Marden, and Robert Ray.

** Testimony of Maria A. Van Zandt, fol. 163, 164.

Mr. John H. Bostwick has deposed, that about the month of April, 1841, my nephew avowed his having had frequent unlawful intercourse with my accuser. These depositions are necessarily extra-judicial. I declare that they are not only genuine, but that they were not made by collusion, and that I implicitly believe them. They are submitted, therefore, as at least proper, in connection with the facts appearing in the testimony, to justify the opinion which I have heretofore expressed, and still entertain, concerning the author of Miss Murdock's misfortune. The reputation of these witnesses is believed to be above suspicion.*

My defence implies discredit of the sworn testimony of a well educated young woman respectably connected in society. I am well aware of the delicacy and difficulty of such a position; and regret the necessity which obliges me to assume it. Her motives and her conduct, however, like mine, are necessarily exposed to severe scrutiny; and in her case this scrutiny is a result of confessed misconduct. Any extra-judicial asseveration, by me, would weigh little against her testimony, in the courts; yet many persons, and perhaps the community, would regard my defence as imperfect, if unaccompanied by such an affirmation of the falsehood of the charge against me as I could freely make if truly innocent. I therefore annex a deposition of the truth of the matters herein contained.

This vindication has been submitted to the Right Reverend BISHOP, to whom I owe spiritual and ecclesiastical obedience, and is accompanied by an unreserved declaration of his confidence in my innocence, and by a similar testimonial from the generous and venerable VINCENT MATTHEWS.

And now, having performed a duty I owed to my family, to the Christian Church and to Society, I submit my appeal to the consideration of my fellow-citizens, humbly confiding in the support of my divine Master, who has sustained me thus far; and invoking his forgiveness, of all who have been concerned in the wrongs I have endured.

WASHINGTON VAN ZANDT.

WATERLOO, *September 1st*, 1843.

* Depositions of Mrs. Clarina Wheeler and John H. Bostwick. See appendix.

STATE OF NEW YORK, }
Seneca County, } ss.

On this second day of September, 1843, before me, JESSE CLARK, First Judge of the County Courts of Seneca county, personally appeared the Reverend WASHINGTON VAN ZANDT, to me well known, and being duly sworn on the Evangelists of Almighty God, declared that the foregoing paper, entitled "An Appeal, by the Reverend Washington Van Zandt," was chiefly prepared for him, at his request, by WILLIAM H. SEWARD, Esquire, Counsellor at Law, to whom the deponent submitted, for that purpose, true and correct copies of the proceedings of the civil and ecclesiastical courts therein mentioned, together with newspaper reports contemporaneous with the therein mentioned civil trial, and the other letters and documents referred to in the said Appeal: that he, the said Washington Van Zandt, had read the said Appeal carefully, and knew the contents thereof, and that he signed the same. And the said deponent further declared, that the facts therein stated, in behalf of the deponent, were true; and that he believed that all the conclusions therein in favor of the deponent were true also. And the said Washington Van Zandt further declared, without any reservation whatever, that he was not only altogether guiltless of being the seducer of Sophia Murdock, mentioned in the said paper, but was also guiltless of any sexual intercourse with the said Sophia, at any time and on any occasion.

WASHINGTON VAN ZANDT.

Subscribed and sworn this 2d day {
 of Sept., A. D. 1843, before me, {

JESSE CLARK, *First Judge*

of Seneca County, and Supreme Court Com'r.

BY THE

RIGHT REVEREND WILLIAM H. DE LANCEY, D. D.,

*Bishop of the Protestant Episcopal Church, in and for the Diocese
of Western New York.*

GENEVA, September 4, 1843.

TO THE REV. WASHINGTON VAN ZANDT :

Rev. and Dear Sir—In compliance with your desire, I hereby express on paper what I have frequently stated in private conversation,—That I believe you to be wholly innocent of the crime for which you were tried by an Ecclesiastical Court in this Diocese, and acquitted: That after examination of the evidence in the case, I fully concurred in the judgment of acquittal pronounced by the majority of the said Ecclesiastical court: That with every opportunity afforded for the purpose, no other charges affecting your moral and ministerial character have since been brought before me: That you have often verbally, and also in writing, expressed your readiness and anxiety to meet any such charges whenever made: That you have to me most solemnly and repeatedly affirmed your innocence of the charge of criminal and licentious intercourse with Sophia P. Murdock:* That all my conversation and correspondence with you, since the charge was first made known to me, have only strengthened in me the conviction of your entire innocence—and That, in my opinion, if you could have had, as you sought to have, a new trial, before a civil court, it would have resulted in a verdict of acquittal.

Commending you to the grace, guidance and support of our common Master and Saviour,

I remain your friend and brother,

W. H. DE LANCEY.

* The name of Miss Murdock is written in the appeal, as in the legal proceedings, "Sophia Murdock." In the ecclesiastical court, the name is recorded Sophia P. Murdock. It is hardly necessary to remark that the names designate the same person.

*Letter from VINCENT MATHEWS, Esquire.*ROCHESTER, *September 7th*, 1843.

REVEREND AND DEAR SIR :—You have been the victim of a most cruel and unmitigated conspiracy. I have viewed and reviewed the charge made against you by Sophia Murdock, and the circumstances attending it, so far as the same have been made public, with a calm, deliberate and earnest desire to come to a right conclusion, and I have flattered myself, from my long experience in the investigation of testimony, that I was able to come to a satisfactory opinion in the case; and I must truly and sincerely say, that I believe the charge against you to be a foul and wicked fabrication, and, of course, I believe you wholly innocent of the charge; and in a fair and impartial trial, I think I could make this manifest to men of intelligence and good sense. And yet you have not had such trial before any civil court. The result of your late trial before the circuit court in this place, and your conviction is no evidence to my mind of your guilt, but was the result of a settled and fixed prejudice which could not be resisted. Upon the whole, therefore, I say, that I am entirely persuaded of your innocence of that charge.

I am your friend,

VINCENT MATHEWS.

Reverend Mr. VAN ZANDT.

APPENDIX.

Letter from JOHN W. FRANCIS, M. D. (*Note, page 11.*)

NEW YORK August 19, 1841.

DEAR SIR:—Your letter I duly received, and have given the subject matter thereof my most serious consideration.

The three interrogatories which it embraces, involve points of moment in judicial medicine; and from a careful study of that science, both as a practitioner of medicine and as a public teacher, I will frankly give you my views on the subject.

1st. It is unquestionably among the possibilities that a virgin, fifteen and a half years of age, that is, one who had never known a man, to have connection with a male, and yet suffer no special laceration of the parts. This might arise from the greater developement of the organs, from peculiar habits or practices on the part of the female, from the modifications which those parts might undergo, from disordered action or relaxed or feeble condition. Such causes might also forbid the customary flow or signs of deflorescence to manifest themselves. Nevertheless, I am in duty bound to assert that such cases must be extremely rare, and are to be classed among the *improbable* ones.

2d. As to the possibility of a man having complete connection with a young virgin on the first attempt. You know how disputatious both legal and medical authorities are in their opinions, and the old story of Queen Elizabeth is universally known. It is admitted by all to be an experiment of dubious result; but that a single coition may prove successful, and pregnancy be the result, facts in common life and medical testimony alike confirm.

3d. It is not at all probable that a woman, conceiving for the first time, should go on with her pregnancy until within four, five or six weeks of the usual period of gestation, without being aware of her condition, nor is it likely that, in a first pregnancy, she could go beyond the usual period of nine months, inasmuch as first pregnancies more frequently fall short in duration some seven or ten days, nay, often two weeks, of the accustomed or ordinary period; yet causes may conspire to protract the first pregnancy. And I have known a woman unconscious of her gravid state until signs of approaching labor came on, and the child was actually born.

I thus, my Dear Sir, give you as decided answers to the questions as I can command. The whole affair seems to partake largely of the marvellous and the improbable. That you and your high calling may prove superior to the sad accusations which are preferred, is my most fervent hope.

Most truly,

JOHN W. FRANCIS.

Letter from GEORGE C. HOWARD, M. D. (*Note, page 11.*)

I cannot refrain from expressing to you my surprise at the result of your trial from the evidence as published in the Democrat.

Now sir, it is my belief as a Physician, that conception would not follow one connection under the circumstances sworn to by Sophia Murdock, once in a hundred thousand cases. In fact I do not believe that the instance ever occurred in the world.

There are two other things which stand out prominent in her testimony, and which I was surprised not to see dwelt upon more by your counsel. The first is, that she went some 19 or 20 days over her time; and the second is, that she knew nothing of what ailed her till some six or eight weeks of her confinement; neither of which do I believe. I do not believe she went over her time 20 days, and I do not believe but what she must have felt the motions of the child before she stated. Being an entire stranger, I beg you to excuse this; but being so firmly convinced that the child was not yours, I could not refrain from addressing you.

Yours, respectfully,

GEO. C. HOWARD, M. D.

Letter from THOMAS I. EVERETT, M. D. (*Note, page 11.*)

I should place no confidence whatever in any statement charging an individual with seduction, however respectable might be the accuser, and however great might be the additional evidence, which rested upon the foundation of the person's being fifteen and a half years old and a pure virgin, &c. I deem it to be impossible for a man to have complete connection with a virgin;—by complete, I mean such connection as would bring the parties into that position which would ensure full coition,—without producing laceration and some considerable loss of blood. It is true, that the laceration caused under such circumstances would not always be fully apparent to an ordinary observer, but I think the discriminating Surgeon or Physician could not, on examination, fail to detect it. The loss of blood, the irritation caused by the connection, could not but require attention to it from the virgin, and would need but a slight degree of delicacy and susceptibility as her endowment in order to ensure considerable uneasiness, at least, for the remainder of the day. A change of dress, if the girl had one, could not I think be well avoided.

I am well satisfied that a single coition with a virgin would not produce conception. Such consequence is impossible. I should have very little faith in such result from a single coition between any parties, however much they may have been accustomed to sexual intercourse with others. The nearest case to such result that I have ever known or seen recorded, was one of conception from a night's intercourse, between parties who were man and wife, who had been separated for many months and were together for one night only.

To me, conception necessarily implies a condition of the female organs of generation and developement of them by nature, by which undoubted evidence is given that the female parts are matured, that is, that the menses have commenced. I question whether any female would conceive previous to menstruation. I assume that the virgin in question must have menstruated; such being the fact, a cessation or obstruction would certainly be noticed by her, and if she had indulged in coition, she could not but think of coition as being the cause of the obstruction; and if she thought of this, she must of course have thought likewise of conception and pregnancy. Every woman would notice the changes in her form and feelings which pregnancy brings about, and no one will ever be in this condition, I am sure, without knowing it. It is all affectation and deceit in a woman who is pregnant, to say that she is not and has not been aware of it.

With regard to the last point, viz, the period of gestation in cases of first pregnancy, I do not feel fully prepared to speak. So far as I can judge from my own observation and experience, I should decide against any longer period than eight and a half months.

In reflecting upon the matter, I do not see how it is possible for any jury to convict an individual on such testimony; and I really believe I shall have the pleasure of congratulating you upon a safe deliverance from this affliction, before a great while.

I remain most respectfully yours,

THOS. I. EVERETT.

Testimony of Drs. ELWOOD, STRONG, ELY, BACKUS, SMITH AND LONG—on the Trial in the Circuit Court. (Note, page 11.)

Doctors ELWOOD, STRONG, ELY, BACKUS, SMITH, and LONG, were then successively called as witnesses on the part of the plaintiff, who severally testified that they were practicing Physicians, and concurred in the opinions that the ordinary period of gestation was 40 weeks or 280 days; that variations of a few days over or a few days under that period were frequent; that they should not consider it very extraordinary if it exceeded that period 10 days, although it would be unusual; that there were cases in the books which showed that the period of gestation had been prolonged to 300 days, and some even over that. They also concurred in saying that they knew of no physical impediments from conception following the first coition, although the probabilities would be against it; that they thought the probabilities would be against conception from any single act of coition, but not much more against from the first act than from any later one, when the health and age of the parties favored conception; that they knew of no physical reason why conception might not follow when the connection was forcible, as the mind in their opinion had nothing to do with the matter. They also concurred in saying that young females, with their first child, were more likely to fall short of, than to exceed, the usual period of gestation.

Deposition of MRS. CLARINA WHEELER, wife of the Reverend E. Wheeler, Waterloo, New York. (Note, page 15.)

STATE OF NEW YORK, } ss.
Seneca County, }

Mrs. Clarina Wheeler, being duly sworn, deposes and says:—that she is well acquainted with Thaddeus Van Zandt; that he was living at her house from the latter part of December, 1840, to April, 1841; that the said Thaddeus was in the habit of frequently writing letters to some of the members of the Murdock family; that on one occasion the deponent, in removing a coat of said Thaddeus, saw a letter undirected, and supposing it to be as usual to the Murdocks, she read a part, which, to her surprise and astonishment, fully and unequivocally confessed that he had had connection repeatedly with Sophia Murdock, the girl who charges the Rev. W. Van Zandt. And this deponent further states, that she knows the reason for the said Thaddeus leaving the house of Rev. W. Van Zandt; that for his being turned away, and the non-supplying of money for his wants, and the statement of his bad conduct, the said Thaddeus threatened revenge against the said Rev. W. Van Zandt, and was most bitter against him; and this deponent further testifies, that during the month of April, 1841, she received a letter from the said Thaddeus, wherein, on account of certain dis-

closures made by said Rev. W. Van Zandt in reference to his conduct, he, the said Thaddeus, solemnly swore revenge, and that it should consist of the precise charge which was afterwards really made against said Rev. W. Van Zandt, and which this deponent verily supposes and believes to have originated in the malevolence and at the direction of the said Thaddeus; and further this deponent saith not.

CLARINA WHEELER.

Sworn and subscribed before }
me, June 17th, 1843. }

ADD. T. KNOX,
Com'r. of Deeds in said County.

Deposition of JOHN H. BOSTWICK. (Note, page 15.)

STATE OF NEW YORK, } ss.
Seneca County,

John H. Bostwick, being duly sworn, deposes and says:—that he is well acquainted with Thaddeus Van Zandt, having met him often in Waterloo, and after April, 1841, in New York. And this deponent further testifies, that upon hearing of the charge made against the Rev. W. Van Zandt, he immediately repaired to 157 Broadway, the residence of said Thaddeus' father; that he saw and conversed with the said Thaddeus with regard to Sophia Murdock; and that then and there the said Thaddeus declared that he had had illicit intercourse with the said Sophia, whenever he had the inclination, and wherever the opportunity was afforded; and further this deponent saith not.

JOHN H. BOSTWICK.

Sworn and subscribed before me, }
this 14th day of June, 1843. }

D. H. BOSTWICK,
Justice of the Peace in and for Seneca County.