

THE  
MANCHESTER HOMICIDE.



A. CURTIS ENGRAVER  
NEW HAVEN

FROM A PHOTOGRAPH OF STARKWEATHER TAKEN IN THE JAIL, FEB. 6TH, 1864.

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By A. S. HOTCHKISS,

LOCAL EDITOR HARTFORD DAILY COURANT.

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A SKETCH OF THE LIFE OF

# Albert L. Starkweather,

THE MURDERER OF HIS

MOTHER AND SISTER.

WITH A FULL REPORT OF HIS TRIAL AND CONVICTION,  
AND HIS CONFESSION.

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By A. H. HOTCHKISS,

LOCAL EDITOR WARTFORD DAILY COURANT.

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WARTFORD:  
1866.



# ALBERT L. STARKWEATHER.

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BRIEF SKETCH OF HIS LIFE.—THE MURDER OF HIS MOTHER AND  
SISTER.—HIS ATTEMPTED ESCAPE FROM JAIL, ETC.

ALBERT L. STARKWEATHER was born in Hartford in 1841, and is consequently twenty-four years of age. His father, Benjamin Starkweather, was a respected citizen of the place. He kept a market for a number of years on North Main Street, and resided on Village Street. Albert when of sufficient age, attended the district school and made rapid proficiency in his studies, and was called an "apt scholar." In 1845 his father died, and his mother, an estimable woman, soon after removed to Buckland, (Manchester) among her relatives, a number of whom resided in that neighborhood. She lived there for a considerable time, and then went to Manchester Station, from which place, about four years ago, she removed to Oakland, (also in Manchester,) where she had purchased a homestead, taking Albert, her son, and Ella, her daughter, a girl between eight and nine years old.

Albert, at this time, being a young man grown, was given the general direction of the farm, and was permitted to do pretty much as he pleased. The profits derived from the products raised, he received a liberal share of, and so far as those who were intimately connected with the family know, his mother treated him with more than ordinary affection and



liberality. He spent money with considerable freedom, and when, in the early part of the late war, he desired to become exempt from the draft, he found himself unable to count from his own earnings the necessary amount, three hundred dollars, to pay the commutation. But his mother, with her accustomed generosity, promptly supplied his want in this respect, and he was enrolled among the exempts. This fact is mentioned (and many of a similar nature might be) to show that instead of being unkind toward him, she was directly the reverse.

Albert, who had since leaving school devoted much of his spare time to reading, and had acquired a fair knowledge of books, left his farm duties at one time and taught school in Hartland. While here he gave evidence of a bad disposition—sported a pistol and knife, and was concerned in an affair with a young lady, so the writer is informed by a gentleman who is familiar with the facts, which proved him to be a skillful deceiver. The details of this affair are omitted, because they have no particular bearing upon the main incidents of his after life.

While attending school at Manchester Station he formed the acquaintance of Emerett Campbell, who was then but a child, and was almost constantly in her society. He evinced a boyish love for her, which apparently wore away, as but a little while after—a year or two perhaps—he became attached to another girl, and subsequently formed a marriage engagement with her, which, after a brief existence, was broken. In January 1865 he renewed his acquaintance with Miss Campbell, full particulars of which are stated by her in her testimony, which appears in the following pages.

To go back to the Starkweather homestead, we find Albert in 1862 somewhat infatuated upon the subject of blooded stock, as he had disposed of his ordinary breed of cattle, and purchased Devons. His mother did not approve of this step, deeming it an experiment which was hazardous at best, but there was no rupture between them as he "always had his own way." Nothing of any importance transpired, except such as will appear hereafter in the report of the trial, from this date until the time of the occurrences which will now be narrated.

Early on the morning of August 1st, 1865, the whole community of Oakland was aroused by news, which spread like wild-fire, that Mrs. Harriet N. Starkweather and her daughter Ella, had been brutally murdered in bed, and that an attempt had been made to destroy the house by fire. A large crowd was soon attracted to the scene of the tragedy, and the sight presented was horrible in the extreme. The victims of the fiendish murder were horribly mutilated, their heads having been crushed and mangled with an axe, and their bodies stabbed with a butcher knife. The deadly instruments were found in bed with the bodies, covered with blood.

Albert Starkweather, during the examination of the premises by the people assembled, sat quietly most of the time in a rocking chair. Around his forehead was a wet cloth, covering a bruise, and he appeared weak and exhausted. Upon being questioned by different persons he said that during the night he was awakened by a noise which evidently proceeded from his mother's bedroom up stairs. He was alarmed, and started to ascertain the cause of the disturbance. As he passed up the stairway he was assaulted by two persons—whether black or white, male or female, he could not tell—and knocked head-long to the floor below. He got up to defend himself and was again attacked, this time being knocked insensible, in which condition he remained, he knew not how long. As soon as he came to his senses he started at once for the house of a neighbor, Mr. White, (whose testimony will appear hereafter in full) and gave an alarm. Having told this story to each of his questioners, he exhibited the bruise on his forehead, and also slight cuts upon his breast, to prove the truth of what he had said.

The story was not a consistent one, and suspicion that he was the murderer soon prevailed. A Coroner's inquest, Merritt Buckland Esq., foreman, was held shortly after, and the appearance of Albert, who was called upon to testify, and the facts disclosed, led to the following verdict:

That Mrs. Benjamin Starkweather and Ella Starkweather came to their death by blows inflicted with an axe and knife from the hands of Albert L. Starkweather.

A Grand Juror's complaint was issued by John C. Robinson Esq., which was prosecuted by John R. Buck, Esq., on the

following Friday, before Justice William White. The prisoner was bound over to the September Term of the Superior Court, and the Grand Jury at that term found a true bill for murder against him. At the request of counsel the trial was postponed to the December term.

Starkweather, meantime, remained in jail. Shortly after he was placed in confinement he sent for Apollos Fenn, Esq., jailor, and had a long talk about his affairs, closing by saying that he expected the estate of his mother, when settled, would net him from twelve to fourteen thousand dollars, and that he would give the whole amount to him (Fenn) if he would be "careless" some day so that he could slip out. Then he added, "I'm not joking about this, *neither am I insane or out of my head*; I know just what I'm talking about, and mean what I say." Mr. Fenn reminded him that the less he said upon that subject the better, and he made no further effort in that direction.

It is customary in all jails to select one or more of the inmates, who are in for petty offenses, to take care of the halls, attend to calls from cells, distribute rations, and perform such other duties as may be required about the premises, due precaution being taken in their selection, and proper guards being maintained to prevent any abuse of the partial freedom allowed them. In the Hartford jail, for three or four months prior to the occurrence which is about to be narrated, John Leonard, an inmate, who was serving out a sentence of six months, had been detailed for this work, and had, on various occasions, given proof of his faithfulness by communicating facts relating to prisoners which it was important should be divulged. He was told, when selected for the position, what would be required of him in this respect.

Soon after Starkweather's arrival, Leonard became acquainted with him, and conversed with him through the bars of his cell frequently. The former talked freely about his affairs, and in such a manner as to solicit sympathy, and he evidently did succeed in reaching a "tender spot" in Leonard. Commencing in this way, he afterwards professed to take considerable interest in his attendant, and when the latter brought him his meals would divide with him. He also made him trifling presents now and then, and on one occasion gave him a couple

of shirts. All this time he sought to convince Leonard that his interest in him grew entirely out of the kind treatment he had received at his hands, and finally he said he desired to do something handsome by him. First, his proposition was to give him an overcoat, which he (Starkweather) said was too large for himself, but afterwards changed his mind, and gave him, in a sealed envelope, the following :

HARTFORD, Oct. 25th, 1865.

\$75.00

NATHAN STARKWEATHER, Esq.—Dear Sir: Please pay the bearer, John Leonard, seventy-five dollars, and charge the same to my account.

A. L. STARKWEATHER.

The following was appended :

UNCLE NATHAN: I told him I would give him my overcoat, but, on a second thought, I may want to wear it at my trial.

ALBERT.

I cannot expect you to pay it until you raise the where-withall.

Frequently during their conversations, Starkweather would allude to his chances of escape; wished he could get out "some way or another;" said he knew he had a poor chance if the court got hold of him, etc. Leonard, to all this, said nothing particularly, further than to remark relative to the strength of the jail, and a man once in had better make up his mind to stay and not attempt to get away.

Early in October Starkweather complained of feeling ill, and said he should like to soak his feet. Mr. Fenn went to his cell in the evening and carried him a bucket of hot water, opening the door and setting the bucket inside. Not many days after, Starkweather told Leonard that he wanted a piece of cord or rope to put up in his cell to hang his clothing upon. Leonard, suspecting nothing, got it for him. About this time board partitions were put up, shutting out the east hall from the west, with the design of removing all of the prisoners into cells on the west side where there is a stove, and thereby add to their comfort while economizing in fuel. Changes were made except in the case of Starkweather, who asked that he might be permitted to remain on the east side until the first of the month, (November) as he was keeping a diary on the wall of his cell, and wanted to run it along through October. To

humor him the request was granted. These facts are mentioned, as they have an important connection with what is to follow. On Friday evening, Oct. 27th, Starkweather called to Leonard who went to his cell, and found him in unusual good spirits. "He was a good deal more 'chirp' than he had been." After some unimportant conversation he said, "John, do you know what I want?" "No." "Can you keep a secret?" "Yes, if it is not a bad one; but if it's bad I don't want to hear it." Finally, Starkweather unbosomed himself, and said substantially as follows:

"Do you know the reason I wanted you to get me that rope? I didn't want it to hang clothes upon. And do you know the reason why I didn't want to be moved around to the other side of the jail? The reason was I was thinking about getting out of here. I want to get out in some way, for I know I've either got to be hung or go to State prison for life. Mr. Fenn brought me water once to bathe my feet in, and he will do it again, and *I'm all ready for him this time*. Now I'll tell you, and you mustn't say a word about it. To-morrow (Saturday) night, I'm going to send for water again. Fenn will bring it up here. When he opens the door he will reach in and set the pail down as he did before. When he does this I am going to take that stick (a center post to his bedstead, made of oak, about two inches square and two feet long, making an ugly weapon,) and *knock him with his face down on to the bottom of the cell*. Then I shall put a towel into his mouth, and with the rope tie him down so that he cannot move or make any noise, *if he is inclined to*. I'll get his keys out of his pocket, and when I get outside, *the d—l himself can't stop me*. Now, what I want of you is, *to keep out of the way*. If you get in the way it will be the worse thing you ever did. I shall take the club with me. *I don't want to kill you*; but if you are in the way I shall get by you in some way, but I'll put a towel around the end of the stick before I start, so if you are hit it *won't kill you!* You can keep out of the way if you have a mind to, by going to the other end of the jail, and you needn't know anything about it," etc.

Leonard interrupted Starkweather frequently during his talk, telling him his plan wouldn't work, etc., but the latter told him to keep still, and "Hear me, hear me." After he had concluded, Leonard told him he should inform Mr. Fenn; that a man who would murder his mother and sister, and then plot the murder of two others, didn't deserve any pity, etc. This made Starkweather greatly excited; he begged that nothing



might be said; declared that he would always be as he ought to be, and shed tears freely. Then he was mad with himself for having divulged his plot, and said if he had kept the secret to himself all would have worked well. Finally, he said he would give Leonard an order for two thousand dollars if he wouldn't say anything about the matter; but the latter wasn't to be bribed. He couldn't get out to say anything until morning, and he said he didn't sleep much all night, thinking of it. Saturday morning he notified Mr. Martin, deputy jailor, giving him all the particulars of his interviews with Starkweather from the start, thus defeating the murderous plot. From this time forward, Starkweather was kept in another cell, where his movements could be watched.

## THE TRIAL.

THE TESTIMONY IN FULL. SYNOPSIS OF ARGUMENT OF COUNSEL. CHARGE TO THE JURY BY THE CHIEF JUSTICE. THE VERDICT AND HOW THE PRISONER RECEIVED IT.

The trial of the accused having been postponed from the Sept. Term of the Superior Court, the 16th of Jan. was fixed upon for its commencement at the Dec. Term, but other cases interfering, it was delayed one week, and on Tuesday morning, January 23d, 1865, the prisoner was brought into Court. Chief Justice Hinman of the Supreme Court, assisted by Judge Dwight W. Pardee of the Superior Court, presided. Long before the hour for the Court to convene people began to assemble in the Court room and secure seats. The gallery was speedily filled. Forty or fifty ladies occupied chairs at the east end of the room. Shortly after half past nine o'clock Starkweather appeared, handcuffed, in charge of Sheriff Russell. Upon the handcuffs being removed he seated himself by the register and was the "observed of all observers." He wore a full beard and moustache, and was neatly dressed. His personal appearance was so entirely different from what one would naturally expect in a murderer, that the spectators were taken very much by surprise. There is nothing at all brutal in his looks. He glanced about the room without exhibiting the slightest sign of nervousness, and bowed smilingly to various persons whom he recognized among those about him. The only disagreeable thing which struck one

unfavorably was the cold expression of his large, full eyes, which he moved with a quick motion from right to left, seldom looking in one direction more than a second or so at a time; yet he appeared perfectly cool and collected.

At ten o'clock the Court room was densely packed with people who crowded and hustled one another to gain some advantage of position. At this time the Judges entered, and also the Counsel engaged in the trial. They were: For the State, Hon. R. D. Hubbard, State Attorney, and Julius L. Strong Esq. For the prisoner: Hon. Charles Chapman of Hartford, and David S. Calhoun Esq., of Manchester. The Court was opened at 10.10, and the Grand Jury indictment, charging Albert L. Starkweather with having "feloniously, wilfully, and with malice aforethought, etc." killed Harriet N. Starkweather, was read by the Clerk, Chauncey Howard, Esq. The prisoner was put to plea and pleaded Not Guilty.

Several Jurors were excused on the ground of having formed an opinion in the case, and a number were challenged out peremptorily by Mr. Chapman, until twelve were selected as follows:

FRANCIS D. WHITTLESEY, Southington.

IMLEY B. VIATS, New Britain.

RICHARD JUDD, "

W. R. BUCKLEY, Rocky Hill.

EDWARD B. GOODWIN, Simsbury.

JOSEPH M. SANFORD, "

BENJAMIN SHELDON, Suffield.

JOHN W. KING, "

GEORGE W. WHITING, West Hartford.

JOHN HAVENS, Wethersfield.

JOSEPH J. FRANCIS, Wethersfield.

HERMAS H. HOLCOMB, Windsor.

The oath was administered, and after the State Attorney had clearly presented the main points which were to be adduced during the trial, the evidence was brought forward as follows:



## THE EVIDENCE.

Mr. Horace White was called and sworn. He testified as follows: Reside in Manchester, a few rods, (sixteen or seventeen) east of the residence of the late Mrs. Starkweather; have lived there something over thirty years; the Starkweather family had lived near me about four years in a new house; they had previously lived in town near the depot; the members of the family were Mrs. Harriet Starkweather, Albert, and her daughter Ella. Mrs. Starkweather was about fifty years of age, should judge, Albert about twenty-four, and Ella thirteen or fourteen; they employed two hired men, Green and Bliss, who were not at home at the time of the tragedy; Starkweather kept a good watch-dog, which was generally chained on the stoop near where they entered the house, though it was sometimes chained at the wood-house door, which was a little way from the stoop. On the morning of the first of August, 1865, my brother, who boarded with me, had occasion to get up and go out before I was out of bed. After he had gone somebody came to my kitchen door and shook it as if the whole side of the house was coming down; was never so startled in my life; I sung out what is the matter, and jumped out of bed; he spoke, says he, get up and come over to our house for our folks are all murdered or killed, (don't know which word he used) and the house is on fire. I stepped right out into my kitchen before putting on my pants, and found Albert Starkweather at the door; says I, what is it, who are they? Says he, I don't know who they are, I had a terrible scuffle with, I should think two persons, and suppose I lay senseless, as I was knocked down and they got away; asked him if he couldn't describe dress and he said he couldn't; talked with him on his way over to the house; asked him if they were black or white, said he couldn't tell; quick as I arrived in the house I saw that his bed was afire in a room out of the kitchen, and I said, Albert, get a pail of water; he got it, I flung the bed out of the door, and by that time my daughter (Mrs. Hutchinson) arrived; I said then, Albert, how are things up stairs? he said, I don't know anything about it; spoke to my daughter and asked her if she was afraid to go up stairs and she said no, and we went up; Albert did not go; as we got to head of stairs she said the room is so full of smoke we couldn't get in; she opened the window, and I then saw that the whole top of the bed was on fire; I went in and took the bed clothes, which covered the bodies, and threw them out of the window; at this time my brother came; and we took Mrs. Starkweather and laid her on the floor, and as we took the daughter up, brother said she isn't dead, and we took her into another room where there was better air; my wife then came and put a sheet under Ella and we carried her below; shortly after, Mr. Imly and Mr. Gleason and others came; some of them went to search for tracks, as there was a heavy dew; don't know that Albert was present; didn't find any tracks but some in the garden, but supposed they were tracks made the day before, when Albert was at work there, and didn't look any further; we sent to Hartford for Mr. Chamberlin, and he came. [The witness took the diagram of the house, and explained to the jury the position of things in it as he found them.] The injuries upon Mrs. Starkweather were, her nose and upper jaw were chopped off with an axe, and one or two gashes on the side of the face and head; then there were three stabs in and about the neck and chest, one passing through the chin down into the neck, made with a butcher knife I should think; her body was not cold, and the blood in the bed was warm; Ella was not conscious; there was merely an effort of the lungs compressed by blood; her right eye was cut out by the axe, and another gash on the head, perhaps two gashes, and the skull was broken; there were two or

three stabs in her neck and chest as in the mother; when we took Ella out of the bed, an axe dropped out on to the floor; the knife was afterwards found in the bed after it had been thrown out of the window; [The knife and axe were here exhibited and identified by the witness.] First saw Albert, after I left him to go up stairs, he was standing at the sink-room door looking into the woodhouse; made no particular observation of him, and said nothing to him; next saw him lying on the stoop with the dog, which had been brought out of the barn, and he was taking on considerable; he leaned on his elbow, and he and the dog, both of them, made considerable noise—a sort of a howl which appeared to be intended as though he was grieved, though I didn't see any tears shed; he was there fifteen or twenty minutes; the body of the sister at this time was in the kitchen near the stoop, the body of the mother had not been brought down; didn't see Albert again till brought before the coroner's jury; he testified before the jury, and was arrested before the inquest was completed, and was brought to Hartford; when I saw him in the morning there was a mark upon his forehead which looked like a bruise—looked as though somebody had hit him with some flat substance, or he had fell against something; noticed no other wounds, but when the doctor came saw a number of slight marks, as if made by a sharp instrument, on his body, something like a pin scratch, and his shirt was cut; when he came to my house he had on nothing but a shirt and pants, and was barefoot; sometimes he went barefoot but not often; gashes in his shirt were made apparently with a sharp instrument; when we got to the house I asked Albert about the dog and he said it was in the barn, but didn't say why; don't know that Albert said the door was left open that night for the hired man.

*Cross Examination:* My house is about midway between Buckland's Hotel and Starkweather's, with no intervening house; don't know that the hired man was expected that night, unless it be that Albert told me; the dog referred to was ordinarily chained nights; was called a good watch-dog; never knew the dog to be kept in the barn, though I didn't see him every night; when my brother came down stairs that night I was partially awakened by the noise he made; it was about fifteen or twenty minutes after he went out that Albert came; It was not broad daylight exactly, yet gray, but could see a man off ten rods; Albert, when he stood by the sink-room door looking into the wood-shed, stood perfectly still; there was nobody else with him, and nobody in the wood-house; when he was on the stoop with the dog, he leaned on one hand, and with the other hand, I think, occasionally on the dog, and both he and the dog made a moaning noise; don't know that he shed tears; didn't pay particular attention; know that sometimes a man may feel so bad he can't shed tears; he was just out of the door, and the corpse of his sister was just inside, perhaps five feet off; before the jury of inquest he gave a full account of the whole transaction, and acknowledged that the axe and knife were his; said the axe was kept in the wood-house, and the knife in a secretary in the sitting room; Albert's room went out of this one; the wound on his forehead was more severe than the one on the side of his face; there was no appearance of blood; have known Albert since he was a boy; he has been a book-keeper, and taught school some; been a farmer since he lived in Manchester; never saw anything to the contrary but that he was a modest, unassuming man; never was with him enough to say whether he was not of a passionate disposition at times. [Mr. Chapman asked what his disposition was in this respect? Objected to by Mr. Hubbard, and objection sustained.] Don't think for the last year or two he has attended to his business matters as well as he used to; he had got in with men who dealt in blood stock, who made him think he could get rich, and he invested somewhat, but otherwise

than in this respect don't know that there has been any change in him; think he sometimes neglected his crops while buying blood stock; he was interested in patent rights, a rake and spring bedstead were all that I knew he had anything to do with; when I went out to his farm to appraise, his corn looked as if it hadn't been properly cared for, a part of it looked as if it hadn't been hoed, and potatoes were in the same way; know of his having one or two spats, when he knocked a man down, otherwise from this never heard of his being quarrelsome; the man he knocked down gave him the lie; his temperament is such that he is easily excited; Albert was mowing on Monday, the day before the murder, with a mowing machine, for his uncle (Wells Buckland); he came to my house and borrowed part of my machine, knife and path cleaner, as he said his machine had broken down; saw him that night when he brought the machine back; the sun was, perhaps, an hour high; the funeral of Mrs. Starkweather and daughter took place on Thursday; I asked Albert if he desired to attend, and he said, "I don't know, I should like to, and don't know as I should like to either;" he did not attend; asked him also if he wanted any assistance in obtaining counsel, and who he would have, and he replied, "Well, Chapman, I guess he's about as good as any of them," he never saw the remains after he saw Ella lying upon the floor when he was on the stoop with the dog.

*Direct.* When Albert stood by the door looking into the wood-house, his head, I should think, leaned against the wall.

At 1.10 the court took a recess till 2 o'clock.

During the recess the court room, though many left, remained crowded, most of the ladies keeping their seats. Outside of the room, in the hall of the State House, and in the yard in front, a large number of people congregated. A line extending into the middle of Main street was formed, the anxiety being great to see the prisoner as he passed out. During the forenoon, Starkweather appeared wholly unconcerned. He looked closely at the witness during most of his testimony, but when the axe and knife, with which the murder was committed, were presented, he saw something out of the window which attracted his attention.

The court convened at a few minutes past 2 o'clock.

Mr. Willard White sworn. He testified as follows:

I reside in Manchester: the last witness is my brother; live in his house; on the morning of the murder, just after daylight, had occasion to pass Mrs. Starkweather's house; when I got within a few rods of the house heard blows and four or five groans, but thought nothing particular of them, and went on to my barn; while there a man, John Brady, came for me and said the Starkweather house was on fire; went there and found the clothes on the bed on fire; threw clothes out of window and took Mrs. Starkweather off from bed, and then Ella, who breathed; and we took her into another room, and afterwards when my brother's wife came, carried her below; Doct. Scott came to the house, and he and Albert went to the bureau and took books and looked them through; Albert said there was three one hundred dollar bills, one fifty dollar bill,

and twelve dollars in small bills there, but no money was found; he said, It was there last night for I saw it; nothing said to the doctor by Albert of his having any knowledge of the homicide; when I heard the blows and noise I was about eight rods and a few feet from, and a little east of the house; I stopped there and listened; this was quarter before four o'clock, as I heard the Union bell strike, from the time of hearing the noise to the time when Brady came to the barn and told me of the fire, it might have been fifteen minutes, perhaps more; can not tell whether the dog was generally chained on the stoop or not; don't know whether he was ever kept in the barn; saw a bruise on Albert's forehead, and scratches on his breast, and rents in his shirt; rents in shirt looked as if cut with something sharp, and were not so long as scratches on his body; scratches on his body looked as if done with a pin, though one scratch might have drawn blood; he gave no account of the mode in which he received the injuries in my presence; saw axe and knife; know nothing of a lantern being found about the premises.

*Cross Examination.* Blows and noise I heard seemed to come from the house; couldnt tell what it was; groans sounded like human groans, and didnt know at the time but some person had the night mare; it was done quick, and so still after it, didnt suppose anything out of character was going on; should think Albert spoke to the doctor about having money in the secretary; think it was after Albert was on the stoop with the dog that the money was looked after; he and the dog were both boo-hoing; he acted strangely, but don't think he shed any tears.

Doctor Wm. Scott sworn. Reside in Manchester; profession practicing physician; have lived in Manchester twenty or twenty-five years; known Albert Starkweather for several years; saw him on the 1st of August last; was sent for at twenty minutes of five to go to the residence of Mrs. Starkweather; live a little more than a mile off; when I got there saw Ella lying upon the floor; took hold of her wrist and saw that that she had no pulse; Albert was in the room back of Ella, sitting on a lounge; Mrs. Horace White was also in the room; she has since died; found Ella considerably covered with blood, hair disheveled, her face cut across the nose, and right eye gone; Mrs. White said "this is awful;" said that Albert, who was in the room at the time, started to go up stairs and was knocked down by two men who were not known; she also told of Mrs. Starkweather being up stairs, dead; went up there and found Mrs. Starkweather lying upon the floor; the lower portion of her nose and upper portion of jaw was cut off; saw the condition of things and went back down stairs into the kitchen, where there was Mrs. Gleason, Mrs. Hutchinson, Mrs. Horace White; think Albert was not there; stepped out on to the verandah and saw Albert with the dog; he was sitting down partly; he moaned some, and the dog howled and licked his face; moaning did not take the form of any articulate expression; the was there but a short time; the dog was not on the verandah when I came; there was a chain about the dog's neck, but whether fastened to the floor or not can not say; looked at the bruises on Albert's face, as Mrs. White said something ought to be done for him as he was hurt; he was partly reclined on the sofa, and was moaning some, moans, I should judge, expressive of grief; asked Albert, after seeing him on the verandah, how this affair occurred; he said he heard some noise while abed; thought it was up stairs, and thought he would go up and see what was, that he got partly up and met two men who knocked him down, and he couldnt tell how large they were, or what they wore; did not say by he couldnt tell; said he thought, when he first heard the noise, it was in the sitting room, and then we went in there to the secretary; Albert said there was money there; Mrs. Gleason asked him how much he had; he did not reply readily; she asked him again, "don't you know



how much money you had, Albert?" then he replied that he had borrowed two hundred dollars of Mr. Campbell, whose son came up the day before after it; he told him he couldn't pay it, as he supposed his hired man had taken it to pay some bills in Mansfield; after the Campbell boy had gone he went to the secretary and found the hired man hadn't taken the money; he then said he had three hundred and fifty or sixty dollars; he took up a diary and looked through, and I looked through others, but found no money; I suggested perhaps it was in the diary he carried with him; he looked but there was nothing in it; afterwards he said, I had quite a scuffle with those fellows, and I think they undertook to knife me. He opened his coat and showed me cuts in his shirt. After showing these, he showed me that the shirt was torn, and he raised it up and showed marks upon the flesh. The tear was transversely from the opening of the shirt. There were three or four slits made, cut with a sharp instrument apparently. One of the marks upon his body went through the skin sufficient to draw a little blood, the others were like the scratch of a pin. I asked him how they (the two men) got in. He said through the back door which he had left unlocked, as he didn't know but his hired man would come back that night. I asked him where they got the axe. He said in the woodhouse, it was his axe. Nothing was said about the knife. The marks upon his person appeared to be freshly made.

*Cross-Examination:* When Albert was on the lounge, he was not reading, merely sitting there and moaning. [The witness here repeated the facts connected with his going to the house, looking for the money, etc., substantially as on the direct examination]; don't know that Albert has been of a retiring disposition; don't know as he had young associates; he has been fond of reading; within the last two years he has dealt in blooded stock; am not aware that he has neglected his farm from personal knowledge; being in other business he has gained rather more publicity than he otherwise would; know nothing to the contrary but that he has been a peaceable, quiet man.

Dr. A. R. Goodrich sworn: Reside in Vernon; am a practising physician; live from a mile and a half to two miles from the Starkweather house; on the 1st of August, 1865, I was called to go there, the messenger saying that Mrs. Starkweather had been murdered, and Albert and his sister nearly murdered; arrived there at about 7 o'clock; found a great many people there; Mrs. Starkweather and Ella were lying upon the floor, covered; passed by them and went into the sitting room, where Albert was sitting in a chair, with his feet resting in another chair; he sat reclining, and on his forehead was a wet cloth; Mrs. Horace White gave me a history of the transaction, that Mrs. Starkweather and Ella were murdered, and that Albert had been knocked down stairs by two men, etc.; she wished me to examine Albert's wounds, and see if anything was necessary to be done for him; I did so, and found on his forehead, close up by the hair, a contused wound, the skin not broken, but considerable swelling, an inch and a half in diameter, perhaps two inches; I also looked at the wound on his chest; saw five scratches, apparently cut with a sharp instrument; all five did not occupy more than half or three quarters of an inch in diameter; three were directly parallel, and two diagonal; no blood flowing, but there was a very little blood on his shirt; but one of the cuts penetrated the skin to adipose matter; the scratches on the body were longer than the rents in the shirt; the cuts in the shirt run in together more than the scratches; I have no doubt that the scratches were made by an instrument passing through the shirt; the impression I had at the time, after hearing that Albert had been assaulted, was that he had been struck at, and the cuts and scratches were caused by the jagged edge of an axe, knowing that an axe had been

found, but I examined the axe, and was satisfied it could not be, and, after further investigation, had no doubt that the cuts and scratches were made by his own hand; I examined his pulse, and found it a little more excited than a natural pulse. He afterwards went up stairs, to be, he said, where he could be quiet; I saw him again at the inquest later in the day, which was held in the chamber, in the front part of the house; I examined the bodies of Mrs. Starkweather and Ella, more particularly the former; on the left side of her head the axe had cut open the skull to the brain, then passing down from the upper to the lower jaw bone; on the right side two blows had been given, apparently; the nose and upper lip were severed; then another in the skull with the blade of the axe, cutting through to the brain; in the chest there were three stabs from a knife into the throat and the lungs, one of which passed through the chin and struck one side of the wind-pipe; one on the right side severed the carotid artery; the body was warm; her death was undoubtedly caused by the wounds.

*Cross-Examined.* I don't think Albert spoke to me when I saw him in a chair, he merely bowed. It was then that I felt of his pulse; ordinary pulse is from 70 to 85; his was about 90. I shouldn't have been alarmed at his case, (in answer to question if he was unnaturally excited.) I am satisfied that the cuts in his shirt and the cuts in the skin were both made by the same instrument; my reasons for supposing the cuts were not made by a third person are, that a person in a deadly conflict will change his position, and it would be almost impossible to make five cuts close together, as in this case. There were two blows with the axe on the head of Ella, and three stabs in her breast. [A juror asked of the witness if when he examined the wound on Albert's forehead, he made up his mind what caused it?] The witness replied that the wound looked as if made with a flat instrument, or was caused by falling and striking some hard substance. Q. Do I understand you that the cuts in the shirt and the scratches were made at one and the same time? A. Yes, sir; it could be done by the shirt being drawn tightly.

Mrs. Wealthy Ann Hutchinson sworn. I was at the Starkweather house on the morning of August 1st; I got there not far from 4 o'clock, and found my father and Albert there. I went up stairs and found the room full of smoke and the bed on fire. I went and raised the windows to let the smoke out, and then passed down stairs. I got a cloth and put on Albert's head, and remained with him till he proposed that he should go somewhere where he could be quiet. I took his rocking chair, and he followed me up into the front chamber. This was after the doctor came. While I was with him I said, "I am glad you are hurt no more," and he replied, "I wish they had killed me, too." After I went to call the neighbors, I saw Albert leaning up against the sink-room door; he seemed to be taking on for something, but can't say what. Dr. Scott and myself advised him to go into the sitting room, and he did so; then I bathed his head with water. He gave me no account of the transaction, and made no complaints of his head.

*Cross-Examined.* Nothing important was elicited.

Mr. Horace White recalled by counsel for the State. Didn't know that the dog was kept on the porch till after his barn was burned on the 6th of May. Albert did not come up stairs at my call. I didn't tell him to bring up something to put under the window.

Mr. Edward Green sworn. I reside in Mansfield; formerly lived with Mrs. Starkweather, for nearly two months, commencing the 15th of June, 1835. I was employed to work on the farm. I had a dog while I was there—a very good watch-dog. I kept him chained every night but one I was there on the stoop or near the woodshed. That night he was left accidentally at the barn, where he had been chained during the day. I

was not there on the 1st of August, having left there the Saturday previous on a visit home. I intended, when I started, to come back Sunday night, but I asked Albert if it would make any difference if I did not come till Tuesday, when I would be on hand early enough to go to work. He said it would not, and I got back Tuesday morning, August 1st, about 10 o'clock.

The court here adjourned (at 5 o'clock) to 10.30 A. M.

SECOND DAY.—WEDNESDAY.

As early as nine o'clock a crowd began to collect about the State House, but the doors of the court room were kept closed, none but ladies being admitted, of whom fifty or sixty obtained seats—all that were available being occupied. Shortly before ten o'clock the doors were opened, and the "arena" and gallery were speedily filled with spectators.

Starkweather was brought into court at half past ten, and all eyes were turned upon him, some of the ladies indulging in expressions like these: "It don't seem possible;" "I wouldn't have believed it;" "Why, he's a good looking fellow," etc., etc. He sat down unconcernedly in the prisoner's box, took a newspaper from his pocket and was soon engaged in perusing the report of Tuesday's trial.

The first witness called was Edgar Green, whose testimony for the State was taken Tuesday.

*Cross Examination.* Had hired to Mr. Starkweather for three months. Concluded to make a visit to Mansfield on Friday, and so told Mr. Starkweather. My purpose was merely to spend the Sabbath. I told him if I was not back Monday night I would come early Tuesday morning. I slept with Albert most of the time in the bedroom down stairs. The axe exhibited here was kept in the woodhouse; another axe, a sharp axe, was kept in our bed-room. It was there when I left, at the southeast corner of the room, in sight; the knife was kept in the bottom drawer of the secretary in the sitting room. It was a small butcher knife. I saw it in the drawer Sunday, the week before the murder.

James Campbell called and sworn. Reside in Manchester, about a mile and a half from the house of the late Mrs. Starkweather. I know the prisoner; have known him perhaps ten years. He was in the habit of visiting at my house. After the killing of his mother and sister I had an interview with him; this was the day after the trial at Manchester before the jury of inquest. Saw him at the jail. Saw him last before this on the Saturday previous about sunset. At the jail interview I went into his cell and said to him, well, Albert, this is a sad day. His reply was, They cannot prove anything against me but the letter that I wrote. I told him I hoped he would tell me the truth with regard to the matter—that I had come to ask him if he committed that act. His back was turned to me when I asked him the question. I told him that from what I had heard the proof was almost overwhelming, and urged him again to tell me whether he committed the act or not. He turned around and said to

him, I hope to God, Albert, you will not add falsehood to your crime if you committed that murder. He then came and sat down, as near as I can recollect, by the side of me on the bed, and asked me if I would not say anything or tell Mrs. Campbell or Emerette (Miss Campbell.) I told him if he requested me not to I would not. He then said *I did it!* or *I murdered them!* I won't be particular as to the exact words he used. I asked him what he thought would be the result, or consequences, and he replied that he *expected to be hung and go to hell!* I asked him why he did it, or what made him do it, and he said it was on Emerette's account, for he knew she would not live with his mother. There was other conversation had. I told him that I did not think that his confession would add to the proof of his guilt; this was before he made the confession; and I told him also that I thought the law or justice would have its demand. The statement that I did not think his confession would add to the proof of his guilt was said soon after I made the inquiry if he did it; the statement that law and justice would have its demand was made after confession. I told him if he was not proved to be insane he would be hung, that he should be prepared for whatever might be the result. This was after he said himself that he expected to be hung and go to hell. He inquired then about Emerette and was very anxious to see her; he wanted to know if he could not see her; did not say why he wanted to see her. He wanted to know if I would not bring her in. I told him I had understood that he was coming out to the funeral on the morrow and presumed that if Emerette would see him he would be allowed to come around that way, and if she would see him I had no objection. He said he had no Bible or books to read, and I told him that I would see he was provided. His request for a Bible was voluntary; I had been talking with him in regard to the importance of being prepared whatever might be the result. I think I was in the jail nearly three quarters of an hour. When I told him I heard what the evidence in the case was, and thought the proof overwhelming, he turned around and looked at me with a peculiar expression of countenance, and stood for a moment or two, but did not weep; he did weep in the course of the interview—freely at times. After he had made the confession I asked him at what time he committed the murder, and he said at about half-past three in the morning; and, in the conversation he said he couldn't realize that he had done any such thing. He said he got up out of his bed and took an axe and went up stairs and did it: that it was rather dark in the room, the blinds being closed, and he did not know who it was he struck first, whether it was his mother or his sister. Said nothing to me about the knife, that I recollect. Once, at least, he wept, leaning his head upon my shoulder, and was very much excited; this was after the confession, and we were both sitting on the bed. He said, You can go and make use of the confession against me. I said, I don't think the confession adds to the proof of the murder. Well, says he, you can make just such use of it as you have a mind to, or, you can do with it as you please, I don't remember the precise words. He stated to me that he had not had any sympathy at home, that his mother had always been opposed to anything he undertook to do, and that he had never had any society and longed for it, and wanted somebody to be friendly to him. I do not know that he was engaged to my daughter; do not think there was anything said by him to me at the jail on the subject. He did not say his mother was apposed to his marriage with Emerette. He had been in the habit of visiting my daughter from about January, 1865. When he passed my house the Saturday previous to the murder he was going to a little grove; some of my family were there, including Emerette.

Q. Did he ever say anything to you on the subject of being engaged to your daughter? Objected to. Mr. Hubbard said he asked the ques-



tion that proper significance be given to the phrase of Starkweather that she will not live with my mother. [The matter was passed at the suggestion of the court.] I had considerable conversation in the jail with him. After he said he expected to be hung and go to hell, I told him God pardons sinful men if repentance is made, and there was no distinction made, and told him he could repent. He said, me repent how shall I repent? He soon after asked me if I would not pray with him or for him, I did pray with him; he did not pray, at least, not aloud.

*Cross Examination.* Did not hear Starkweather testify before the jury of inquest, was not there. I suppose I had heard what the testimony was; did not communicate to the defendant in the cell what I had understood to be the testimony; went to the cell door with the jailor and Mr. Chamberlin; Starkweather probably saw them both; I first said this is a sad day, and he said they cannot prove anything against me but the letter I wrote; I might have told him at first that I had heard all the circumstances and considered the proof positive against him. Before he sat down on the bed he looked at me very peculiar—directly at me, and stood there two or three min. After he sat down he might have continued looking at me with that strange expression of countenance. I told him if he should confess I did not think it would make any difference in the verdict, when he said, I did it, or I murdered them. He looked me in the face with the same expression as before. Think I then said, How came you to do it? And he replied, it was on Emerene's account, for she would not live with mother. Don't know that I said he was likely to be hung unless found insane, because of his expression of countenance. I can't say that there was any impression left upon my mind that there was any evidence in his appearance of contrition. He wept after he had told me that he had done the deed, and when he told me that he had no sympathy at home; don't know how he was situated at home, never was in his family in my life; knew Mrs. Starkweather, but do not know on what terms she and Albert lived; never knew but she was an amiable woman. Should take Albert to be a reserved and bashful man. In the jail when he said he had no society and no one to befriend him, he shed tears. Albert worked a few days on my place last summer, did mowing. When on the first trial he was apparently inattentive to statements of witnesses.

*Direct.* He first wept when speaking of the crime, and next when he said he had no sympathy at home.

Jedediah Ford, called and sworn: Live in the first house this side of Mrs. Starkweather. Was called upon the morning of August 1st, to go to her house, as murder had been committed; when I got to the house I saw Albert going to the barn. [Witness then related what he saw of the bodies up stairs.] After I came down stairs, Albert came into the kitchen and said somebody had tried to stab him in the side; he pulled away his shirt and there was a little scratch there, I could see. I asked him about the murder, and he said he heard a noise up stairs and started to go up when he was knocked down, and didn't know anything more about it; he said he thought he had a squabble on the kitchen floor after he was knocked down; saw some "graises" on his forehead.

*Cross Examination.* Albert did not say he was knocked senseless; conveyed the idea that he didn't know anything after being knocked down.

The counsel for the State here rested. A recess was taken.

## AFTERNOON.

The court convened at 1.30. Most of the crowd in attendance remained in the courtroom during the recess.

## TESTIMONY FOR THE DEFENSE.

Moses Scott, sworn. Have known Starkweather some nine years; he has lived five or six years next neighbor to me; houses not nearer than two or three rods; have known him well and intimately; never knew anything against his reputation as a peaceable, quiet man.

Aaron Cook sworn. Live in Manchester. Have known Starkweather some eight or ten years, and have had business relations somewhat with him; lived about two miles from his last place of residence. Never knew anything against his reputation as peaceable and quiet.

P. W. Hudson sworn. Reside in Manchester, about a quarter of a mile from the Starkweather house. Have known Albert a number of years, went to school with him; have known him very well for the last two or three years, he has called to see me and I to see him. He has been a mild, unassuming, modest man. Have met him once or twice in company and he appeared somewhat diffident. Never knew anything against his reputation as peaceable and quiet. He had no peculiarity of mind, except that I have thought he has told rather extravagant stories at times. Saw him two or three weeks ago in jail; in conversation at that time he related a story that a young lady came into his cell one night and unlocked the door and told him to leave; he appeared to believe what he said. He declined to leave, he said. Did not say who the young lady was, we did not ask him. The story was told during a general conversation, nothing being said particularly to lead to it. He made no allusion at all to the death of his mother and sister. He spoke of the trial, of his counsel, etc. Since he has lived in Oakland I have seen him probably once in two weeks to talk with him. Never saw him extravagantly dressed.

*Cross Examination.* Found Starkweather residing in Oakland when I came home from the war in the spring of 1863. Have known more of him since then than before. The peculiarities spoken of I have noticed in him since 1863. I last saw him before the homicide, on the road to the village; he was going to mow for Mr. David Beaumont. This was about the last of July; had a few words of conversation with him.

*Direct.* Do not know of my own personal knowledge whether the relations between Albert and his mother were pleasant or not.

Mrs. Squire Rumwell sworn. Live in Manchester, about a quarter of a mile from the residence of the late Mrs. Starkweather. Was at the house of Mrs. Starkweather the afternoon preceding the homicide; was there two or three hours, and did not leave till after sundown. Saw Albert and Ella there with Mrs. Starkweather. Saw Albert come into the yard after sundown with the cows. He came to the door and stopped and conversed with his mother and myself just before he went for the cows. He and his mother talked about the garden, where she had planted some seeds. Didn't see anything unusual in his appearance, he spoke as pleasant as usual. When I first went there he was coming out of the house. Then he did not speak to me, but I took no notice of it as I had been there a great many times when he didn't speak. Don't know how he was dressed, think he had on a plaid loose jacket, and don't know whether his feet were covered.

*Cross Examination.* I didn't think much of it because he didn't speak to me when I came into the yard; thought perhaps he wasn't feeling

Hubbard Griswold sworn. Live in Manchester. Not much acquainted with Albert Starkweather. Conversed with him but once, and then about five weeks before the homicide, at my house. He came there to sell a patent spring bed bottom. There was something said about a horse. He claimed he had a five year old blooded mare that was very valuable, and went on to tell how far he had driven her. He said he drove her fifty miles in half a day, and the last fifteen miles in one hour, that he didn't urge her at all, and when he got home she did not appear to be exhausted at all. Said he had been offered two thousand dollars for her. Said that Mr. Beckwith told him if he would bring her to Hartford and train her upon the course he would bet high enough that she would beat anything in the State. Said some one had told him if she was with foal they would give one thousand dollars for the colt. He said he had sold another colt a few months old for \$750. The colt couldn't have been over four months old, as it was foaled in the spring, said he sold it to Mr. Hitchcock of New Preston.

*Cross Examination.* Q. Had you ever heard fancy stock men talk before?

A. Yes, sir. [Laughter.] That's all.

Miss Emerette Campbell sworn. [This is the young lady to whom Starkweather paid attention.] Reside in Manchester. I am the daughter of the Mr. Campbell who testified this morning. Have known Albert Starkweather. Several years ago attended school with him. Lived for a time in the same school district with him. Had not seen him since he left that school district till last January when I renewed acquaintance with him. Since then he has visited at our house several times. He did father's haying several days last Summer, went home nights. He was often absent-minded, sometimes not replying to questions which were asked him until they were repeated several times. This was of frequent occurrence the latter part of the time. He had a vacant look when in this state. When asked questions and he did not reply he seemed to be gazing at some object on the floor. In June, on a week-day in the evening, he was at our house and I spoke to him, after he had been here an hour or two, of a report I had heard concerning his business affairs, that he was somewhat embarrassed. He said to me that I must think he was very dishonorable if he was conducting business as I heard he did. During the conversation he said that his mother and his uncle were trying to labor against him. Finally he said he should leave the town that night—wouldn't remain any longer, and sat down and wrote four or five notes which he wished me to deliver. He said he had no friends, that every one seemed to wish him out of the way, and he would leave. The letters he left were directed to his uncle, his mother, [Mr. E. H. Hyde, and George H. Hitchcock, of New Preston.] He asked me to get the paper for him to write upon, and I refused, and he tore it out of his memorandum book. The two letters to Mr. Hyde and Mr. Hitchcock were on matters of business. The one to Mr. Hyde spoke of his owing him (Starkweather) \$150, which, I think, he wanted left at his mother's. To his uncle he wrote that when he received it, he (Starkweather) would have left town, and he hoped he (his uncle) would be satisfied having labored so long to get him away. The note to his mother was much the same, only harsher language was used—he called her some harsh name. Each note was on a single page of his memorandum book. He wanted me to tell my brother that he would leave his horse in his (James') care. He went to the outer door, and stood on the stoop about five minutes, looking upon the floor. I stood at the inner door waiting for him to go. During the writing of the notes he was somewhat excited. While he was on the stoop outside the door I went and shut the door. I called mother about five minutes after, and she got up. I went to the window

and he seemed to be lying on the door step. We waited some time and mother said we had better call James, my brother, and he got up. We went to the door and opened it, and as we did so, Albert drove off. I had looked the second time and saw him lying upon the step. He was absent some time, don't know how long, and while we sat talking about it, he came back and knocked at the door; this was about 11 o'clock. I think mother opened the door and he came in. He said he came back to answer any questions which he could answer better than I. I believe I had the notes he had written in my hand, and he came and took them and burned them in a candle which was on the table. I left the room then, leaving him, mother and James there. From the time I shut the door upon him when he first went away, to the time when I saw him drive off it might have been twenty minutes or half an hour. When he stood by the door I said to him, I think you act very strangely and should like to have you explain. I noticed nothing peculiar in his manner until the subject of his business embarrassment came up. Upon the introduction of that subject I did not notice any change in his manner at first. Noticed no particular change till he sat down to write the notes, when he appeared considerably excited, and did not answer my questions.

*Cross Examination.* Was at school with the prisoner two or three terms, about seven years ago, at Manchester. Became well acquainted with him at that time. He resided near the depot, quarter of a mile from me. After that I did not see much of him until January last. He commenced then visiting at my father's house. He was a suitor for my hand; I was not engaged to him; he was in the habit of visiting our house part of the time once a week, and at other times once a fortnight; on this evening in June, when his business embarrassments were spoken of do not think anything was said about an engagement. He had previously asked the question and I gave him no answer. I told him what the report about him was, though I do not now remember what it was. I think the report referred to insolvency and not dishonesty; it related to some mode of his conducting his business. We had no conversation which would lead him to suppose that my reference to the report was aimed at the question of an engagement. The engagement was then pending. In the latter part of January, when he first came there, he asked leave to visit me, and I told him that I had great respect for him but no stronger feeling, and I had rather he would not come. He urged me to let him come and I finally consented. After I asked him about the report, and he told me I must not think him dishonorable; what followed I cannot state. He said his mother and uncle had leagued against him, but I can't say whether he said the report came from them or not. He asked me from where I got the report but I did not tell him.

Q. When his horse was at the door, and he had given, in the note, the horse to James, did you think him serious?

A. Yes, sir; I didn't think to the contrary.

Q. Your first suitor, I suppose?

A. No, sir! (with a good deal of spirit—laughter.)

After he had written the note I told him it was late, but he did not prepare to leave at once. Don't think I repeated the request for him to go, but, soon after, he went away voluntarily. When he stood by the door, and I closed the door, I should think he was standing so that the door must have hit him. When I looked out of the window he was lying upon the steps, as near as I could see. I saw him a number of times after this before the homicide—the last time the Saturday night before the murder. He came into the grove where I was, and stayed five or ten minutes. Received a note from him on the day of the homici-



side; it was handed to me by my brother. Haven't it with me; I burnt it, I should think, about a month ago. I had shown it to a friend of mine who was visiting me. The note declared that he was innocent of the crime; nothing else in it except expressing affection for me; received it about three o'clock in the afternoon. I have not seen him since his trial before the magistrate. Have received notes from him since—one of which lay around the house for some time, and I did not see it until about the same time another came, and about two months after the trial. Also received two or three others—all are destroyed. Albert did not tell me that his mother was opposed to his marriage with me, he always told me that she felt pleased about it. The topic of living in the Starkweather house in case of marriage had been referred to; he said he was to buy the house. I don't know that I ever expressed a stronger disinclination to live with his mother than I had to live with him. I suppose I may have said to him that I was not disposed to live with anybody's else mother than my own. He offered to give me a horse, and to give me a bill of sale, but I told him I didn't want it. He told me, perhaps in the spring, that he had made arrangements to buy his mother's place, and didn't know where she was going; I understood him to say that the place was to be mortgaged, when the arrangements were completed, to his sister, to the amount of \$1500. The last conversation I had with the prisoner, on the Saturday night previous to the homicide, took place in the grove. He gave me a deed; I didn't know what it was; he said, "I suppose you know what it is," and then said it was a deed of the place to me, and I said I didn't want it. I told him it was getting late, and I must go into the house; he refused to go in; I gave the deed to mother. He was at a picnic of the school I was teaching in our grove on Friday evening preceding the homicide, and came into our house after the picnic broke up, which was about 10 o'clock; he remained about half an hour, and appeared as usual. Don't remember any conversation that took place there.

*Direct.* Q. After the occurrence in June did you distinctly request him to discontinue his visits?

A. Yes.

Q. How long after?

A. About two weeks before the homicide.

Q. Did you give him distinctly to understand at this time that you could not marry him?

A. I did.

*Cross-Examination.* Q. Did he call after this?

A. Only on the Friday and Saturday before the homicide. I told him at the previous interview he was causing unhappiness to himself and myself, and he replied that he would give up everything but this one plan. He had pledged himself not to smoke, and then did smoke, and I told him I had lost all respect for him; I didn't lose respect because he smoked, but because he deceived me about it. He said he deceived me because he thought if he told me, I would be displeased. He wished me to tell him who told me he had smoked, and I wouldn't tell him; he mentioned three or four names of persons who knew he smoked; I think perhaps he mentioned his mother's name.

Mrs. Esther Campbell sworn: I am the mother of the last witness. During the last four months previous to the homicide, Albert Starkweather frequently visited my house. Once or twice I have noticed his singular appearance; he appeared to be absent-minded, and when spoken to, his eyes seemed to be fixed and have a vacant stare; when spoken to, he would neglect to answer. These appearances were more frequent during

in a strange manner. I called James, and he came down and went to the door and opened it, whereupon Starkweather, who was sitting on the steps, jumped up and got into his wagon and drove off. [Witness then corroborated her daughter's statements relative to the return of Starkweather to the house.] He told me that when the door was opened he lay upon his back and had fainted away. He took a seat and said he wished to have a few moments' conversation with me, and requested James to leave the room. He said I might think strange of his conduct that evening, but if I knew of his troubles I would not think so. He said he spent more time at my house than he should if his own home was more pleasant to him; that his mother was unkind to him; that I must be wearied of his coming, but his mother's affections were fixed entirely upon Ella, and she never spoke a kind word to him. He said that he felt as if he had no friends in the world—was perfectly friendless; that his dog was his only friend. He might have been at the house an hour and a half or two hours. The conversation was not continued all this time; he was silent much of the time, and I could not answer him, not being aware that there was such a feeling between himself and mother. He did not say anything about his future intentions. James remained in an adjoining room during the conversation. I noticed the same expression in his eyes which I had noticed before—a vacant look. I was somewhat excited myself. During the latter part of the conversation he remained silent some minutes. In consequence of his appearance that night, I advised my daughter not to see him again alone.

*Cross-Examination:* I saw the prisoner last, before the homicide, in the grove, on Saturday previous to the homicide. I came away and left a neighbor, my daughter and Albert. I don't know whether the neighbor remained or not. I don't think I remained in the kitchen the night Starkweather stayed on the step, more than half an hour; I retired early; I noticed nothing strange about him then. After I was called up, I went to the door with my son. I don't remember that I saw Starkweather; I saw the wagon, and saw him turning around to go home. When he came back he was excited. My daughter had told me that she told him to leave the house.

Q. Did his strange appearance connect itself with the fact that he had been a suitor for your daughter's hand and that she had turned him out of doors?

A. I didn't think much about it. When he spoke of his home being unhappy I kept silent. Nothing was said about my daughter's marrying him, or about his property. I saw the notes lying on the table, but did not see them burned. He called at our house quite as often when my daughter was away as when she was there. I do not recollect that I took the deeds which he gave my daughter.

### THIRD DAY—THURSDAY.

The attendance in court this morning was not so large as on previous mornings, the stormy weather interfering, though the gallery and the space outside of the bar were well filled. Fifteen or twenty ladies were present. The court was opened at ten o'clock.

Nathan Starkweather sworn: I reside in Hartford. I am uncle of the defendant, and have known him since he was a boy. I have visited him frequently during his confinement in jail. His health has been apparently

healthy, that his appetite was never as good; I think he has increased in weight until within two or three weeks, during which time he has complained some. He has spent his time in reading and writing; he has read the Life of Christ, and I think has been through twenty-six or eight volumes of Waverly novels. He has told me that he felt free and independent in jail, that he was contented and happy in jail. He has not seemed to manifest any anxiety in the result of his trial at all; he has made no allusion to the trial. He has spoken of being heretofore friendless, that he had had no home or friends since his father died; said he had scarcely had a kind word from his mother. He has made no allusion to the death of his mother and sister except as I have referred to it. He said to me once he had told all he knew about the murder, and they could find nothing against him, and he was ready to meet anything they could bring against him. He said he didn't know why they had arrested him, unless because he had been so frank as to tell all he knew about it. I don't think he ever alluded to it unless I did; when I have alluded to it he has said he couldn't realize what had passed; he said this in August. I had asked him what employment he had been about the Saturday, and other days before the murder, and he didn't seem able to give any clear account. When he has talked with me about his mother's affairs—business affairs—as two gentlemen would talk seated in a hotel—perfectly free. I have seen him in jail as often as twice a week; I saw him either on the 12th or 19th of July previous to the homicide, when he was here in attendance upon the grand jury in the Buckland poisoning case. I thought there was something singular in his conduct then. I know he was in the horse trade some, speaking of his prospects being bright, and he said he had a horse at home which cost him \$300, and Mr. James Campbell had offered him \$750, but he said he wasn't going to let Campbell have the horse until he had driven it himself. His conversation was such that I spoke of it when I got home. He designated the horse as one of a pair, which I inferred to be the pair he used on the farm. I noticed at that time that he changed his position often, and had a vacant look in his eyes—a nervous, restless movement; I noticed this particularly. I was here yesterday afternoon and heard the testimony of Mr. Hudson, relative to Starkweather's telling him of a woman coming to his cell with a key to let him out. He told me the same story in December, but didn't tell who the lady was. He told me with apparent sincerity. Before he related the story we had been talking of the trial, and he said he had no fear of the result.

*Cross-Examined.* Albert will be twenty-five years of age in March; Ellis was about fourteen, and his mother forty-six. He formerly lived in Hartford, and moved to Manchester in the spring of '55, and lived near the station. His father was then dead. I was not in the habit of seeing him a great deal before the homicide. I was never in the house at Ashland, though I have ridden by the house frequently. I was never in the house at Buckland, or in the house at the station, (the three places where the family lived in Manchester.) My means of observing him prior to the homicide were limited. I saw his mother in Hartford in July, a casual meeting. When I saw him on the 19th of July, he was in here to testify in the Wells Buckland poisoning case. I stood in the street and talked with him for several minutes. I had heard of him being in the fancy stock business, and that gave direction to my conversation relative to horses. When he spoke of having a horse worth \$750, I thought he referred to a pair of farm horses. I did not think of his being insane when I observed his vacant stare. I don't know that he had been drinking. He was at my house, the last time, about three years ago. I am not willing to swear that he had been to my house more than once before that since his father's death in '54. I first saw him after the homicide at

the house the day it occurred. I had a private interview with him; I enquired of him about the occurrence, and he told me he knew nothing about it. He said he "wished it had been he instead of them"—his mother and sister. He said he had told all he knew about it. I don't know that he knew then that he had been suspected. I had heard from others the story he had given of the affair. When he said he wished it had been he instead of his mother and sister, he seemed to be quiet and calm. I don't know that I thought he appeared as he did to ward off suspicion. It was the first day after his arrest that he said he was willing to meet the consequences—that he didn't fear the result. At this time I am not aware he had made confession to any one. I can't say that, on this occasion, I noticed any vacant look about him. The appearance of the prisoner here is very much as he appeared in jail. I have not spoken to him about the nature of the defence. I have enquired of him concerning a fall he had received, and told him that Dr. Butler, Dr. Hawley, and Dr. Hunt would call, but did not list for what purpose; he was not in unusual health when I told him they would call. I didn't tell him why the Superintendent of the Insane Retreat would call. I presume they have a regular physician at the jail. The doctors named called several times.

Q. When you told him that these physicians were going to call, do you mean to say you did not explain to him why they would call?

A. I did not; I said nothing to him about it. I was not present at any one of the calls, and do not know when Dr. Butler called. It was about a month after he went there that he told me he was happy and contented in jail, and has repeated it a number of times, the last time not more than a month ago. He has never told me that he attempted to escape from jail—never alluded to it; I avoided saying anything to him about it, as I did not wish to have my name associated with it; he did not state to me that he had attempted to escape, but after the reported occurrence, he wrote to me saying that Leonard's (a fellow convict) term of sentence had expired, and there was a fine and cost upon him which he desired to be relieved from; that Leonard came to his cell and told him that a prisoner on the other side was going to make an attempt to escape, and that he (Leonard) would let him (Starkweather) into the same plan; that he heard the plan and then told him he would not be connected with it. In this note he spoke of the newspaper reports of the affair, and left it to my discretion to contradict it. The note I destroyed, as I have most of his letters. In this note he further said that he told Leonard that by getting up a story about an escape, got sympathy, and thus have his fine and costs remitted. I avoided saying anything to him about the escape because it was unpleasant to think about it, and I did not wish to be associated with anything of the kind. The prisoner made an assignment on the 9th of August for the benefit of his creditors. I am one of his trustees, John F. Williams is the other. The administrator told me there was an insurance on the house. There are nine or ten acres of land connected with the house, and about sixty acres in an outlying piece of land. I have talked with Albert on the subject of his mother's and his own affairs, and have found him intelligent and capable of giving information. In speaking to me of his mother, I have no recollection of his speaking to me of his mother's baffling him in the direction of a marriage with Miss Campbell. He has spoken, in the earlier part of his confinement, of being on the best terms with his sister Ella; this was when speaking of her death. He did not then express any grief. I don't think he has alluded to his rights in his mother's estate more than once.

*Direct.* He has spoken of his health in jail; he has done so voluntarily.



Roger Bliss sworn. I live with Edgar Green at Mansfield; am fifteen years old. I lived at Mrs. Starkweather's eleven months before her death. Albert got me then to do chores. I was in the house and family all the time. I think Mrs. Starkweather's treatment of Albert was uniformly kind; she was most always kind, though they might have had some colds. I think she was ready to do for him what he wished.

*Cross-Examination.* Albert was in the habit of sleeping, for three or four months before the murder, down stairs. I went home on Friday night before the murder, and got back on Wednesday. Albert told me I might stay three or four days. I have known Mrs. Starkweather to sit up nights, sometimes till two o'clock, and would sit at the window, both up stairs and down stairs. I don't remember that she said Albert was out at nights, and it boded no good. Never heard her say that she had but one child; that her daughter died years before. I never heard her complain of his drinking; I don't think he was in the habit of doing so. Somebody stole Albert's cards out of the barn, and he accused his mother of it, and told her if he caught her in the barn he would kick her out; this was a month or two after I went there. Ella used to sit up nights some and take turns with her mother; this was after Mr. White's barn was burned, and she was apprehensive of something. They would take turns by one going to bed and then getting up and relieving each other.

*Direct.* She sat up pretty nearly every night; I don't know whether she sat up nights when Albert was at home. He wasn't at home much—away most every night. She said she was afraid somebody would burn her barn—that she saw a man with a dark lantern there one night. Albert played cards with me in the house. When I went there he said he didn't know how to play, and I didn't know whether he did or not. I didn't know how much myself, but I taught him what I knew.

Hart Porter sworn. I live in Mansfield; know Albert Starkweather. He was at my house in July twice preceding the murder. He came first time to sell me a spring bed, and stayed an hour or two—long enough to put a spring on a bed. He came the second time to sell me a horse rake, and I thought at the dinner table he appeared rather singular. He sat down and didn't seem to eat much, would eat a few mouthfuls and then sit and look about the room, didn't act as though he was much hungry; he appeared to have something on his mind. When spoken to he would answer questions, but would not converse very freely. I noticed his abstractions particularly.

*Cross-Examination.* This interview was in the fore part of July. He stayed fifteen or twenty minutes after dinner. I don't know whether he had on that day been to James Campbell's.

Doct. Geo. B. Hawley sworn. I am a practicing physician in Hartford; I came here in 1836, and have since practiced here. Fore part of the time I was for four years, commencing in '36, a physician at the Retreat; my practice was confined to the institution; since leaving there I have been in general practice. I have no recollection of knowing Starkweather before the homicide. I saw him in jail on the 11th of the present month, and again on the 22d inst.; at both times it was about 11 o'clock A. M. I saw him at request of Nathan Starkweather. I never had any conversation with the counsel for the defendant in this case till last night. At the first interview I went into his cell and found him lying in bed. When I went in he addressed me by name. I asked him whether he knew me, and he said I doctored his father; he then spoke of his father. The prisoner was lying in bed suffering a good deal of pain from dysentery. He was reading. He said his health had been good until within a short time. He expressed himself very freely, very clearly, and with perfect ease. I saw nothing in him that indicated any disorder of mind; it appeared perfectly clear and perfectly balanced. I spoke of his family

relations. He said he had been very unhappy, that his mother had done everything to annoy him. I asked him in what way. He said she wouldn't speak a kind word to him, and his home was very wretched and unhappy; he said his mother, when he took up a book to read, would send him down to pick over potatoes and apples, and clean out the cellar, seeming to contrive something to annoy him. She would tell him to read, and then find fault because he read. I asked him if he didn't know he was of age and could go away. Yes, he knew that, but she was his mother and he wanted to stay with her. She would accuse him of being a drunkard, of being out nights and being up to deviltry. He said he went to a temperance meeting one night, and his mother knew it, and he spoke there, but on his return she accused him of being at the hotel and of drinking, and accused him of killing his father by his bad conduct. He said his mother did all she could to break up his engagement with a Miss Bidwell; that on one occasion he brought Miss Bidwell home, and found his mother and sister washing their feet, with the awfulest clothes they could have on, and their hair disheveled. He thought they did it to insult him. He was going to take Miss Bidwell to Rockville, and his mother knew it, but when he came back to the house she and his sister were dressed in an awful manner, sitting by the supper table, on which were a few potatoes, etc. He felt it was an insult. That his mother wrote to Miss Bidwell, calling her all sorts of names; he knew she wrote it because Miss Campbell carried it, and Miss Bidwell told him. His mother persevered till she broke up the match. The witness then detailed the prisoner's conversation relative to his mother's treatment of Miss Campbell, until she succeeded in breaking up his engagement with her. After this conversation he told me where he went Saturday night before the homicide. He said he spent the whole night in visiting those places of his childhood where he had enjoyed himself. He said his mother wanted him to go and see a clairvoyant, and he went. Sunday night he said he spent at home, writing. He used to get up nights and go off. That night he didn't write much of anything—such things as came into his mind. Monday, he said, he was mowing; couldn't recollect much what he did Monday night. I asked him what about this affair, and he didn't recollect much of anything. I didn't pursue my remarks further; he stopped then. He said, I suppose you know what I am here for. I can't feel sorry for anything I have done; I don't realize it at all, only what they tell me. He then said he felt he had accomplished all he wanted in life, a comfortable, pleasant home. Said I, you know, according to the proof against you, and regular course of law, you will be hung. He said, I don't know but that I shall be, but it don't seem to me that it will be so. This ended the first visit. [The witness then detailed the second interview which he postponed as far as possible, that Starkweather might forget the previous interview.] I found him suffering with a severe headache. I questioned him on points which he made at the former interview, and found that he stated the same substantially; he didn't talk as freely as before, and said, in answer to a question of mine, that he didn't think of such things as he did. [The witness here alluded to the first interview, and said that Starkweather then stated that he felt badly, and loved his sister, but she was wholly under the influence of his mother.] I asked him if his mother had ever accused him of being the cause of his father's death. No, but her whole manner indicated it to me. Did she ever say, in so many words, that you gambled or drank? No, but she had the manner of so doing. [The witness then proceeded at length relative to his questioning Starkweather on his previous statements about his mother and sister washing their feet when he took Miss Bidwell home.] Then I said to him this subject of committing the murder had been dwelling on his mind previous to committing the murder. He said he had some queer

thoughts. I asked him what he had thought about it. He replied that he had thought of doing something, but never made any plans, though he had dwelt upon it for some time. I asked him if he ever thought of killing himself. He said he did twice; the first time he said he took laudanum, an ounce, but there was a lady with him who gave him an emetic, and he was sick a week. I asked him who the lady was, and he said she is dead. The next time, he said was when he visited Miss Campbell; that he got very much excited, and got on his horse, or into his wagon, didn't know which, and was going off to kill himself. I asked him why he didn't kill himself. His reply isn't very distinct in my mind, but it was something relative to Mrs. Campbell's interfering with him. He made this remark: "They (the Campbells) will tell about that." He said he had a loaded pistol and a sharp knife with him, but was interfered with; he gave no reason that was satisfactory about the interference. I then turned and looked him in the face, and said, "There is one thing you haven't told me correctly; you know all the particulars of that Monday night, when the homicide was committed, and I want you should tell me." He said, "Well, I do; I was terribly excited that night, and walked about the house." I thought I would put a leading question to him: "Wasn't there somebody at your elbow, who told you to do that deed?" He at first hesitatingly said yes, and afterward said no; then said that there was something which drew him up to his mother's room, and he would get away, and go to the barn, and one time took his horses to pasture to get off, but he couldn't, and was drawn—impelled—to his mother's room, and finally, toward morning, he struck the blow. I didn't ask him how many blows he struck. Then he said, "I took the knife and stabbed them several times; I don't know why I did it, for they were dead enough." I asked him about the bruise on his forehead. He said he took the axe and struck himself to beat his brains out; and then took the knife, and didn't know what he did. He continued by saying, "I can't feel sorry they are dead, for I can't realize they are dead; if they had died and I had attended the funeral I should feel sorry."

Q. Did you form an opinion as to the condition of the defendant's mind during these two interviews?

A. I don't know as I did definitely; when I talked with him on general matters I could see no trace of insanity—he talked freely and with perfect ease. I was satisfied that his impressions relative to his mother's treatment was a delusion, and my opinion is that the act of murder was the result of an insane impulse. In the second conversation, when speaking of his suicidal propensities, I enquired of him if he had thought of committing suicide in prison. He said he had no disposition to do it; if he had he had means enough to do it. As far as I could judge he had no realizing sense of the act he had committed. I never saw any exhibition of remorse, regret, or contrition; I think it would be a very difficult task for a person to simulate his conduct so as to deceive me. If he had had a realizing sense of the act, and felt contrition for it, I should suppose his appetite would fail, and his sleep would be disturbed.

The court here (at 1.25) took a recess of fifteen minutes.

#### AFTERNOON.

Doct. Hawley's testimony was resumed:

*Cross-Examination.* Was engaged as assistant at the Retreat for four years; since then I have been engaged in ordinary medical duties.

Q. What is insanity?

A. It is very difficult to give definition only as given in the books.

Q. What is meant by insanity?

Q. Can give you some idea. It is a delusion, imagining things to exist which do not exist, and which it is against reason to believe. A person may be deluded and not be insane. Should consider a person insane if he was influenced by a delusion, in the exercise of reason; that would indicate a disorder of the intellect. Don't wish to be considered as giving a perfect definition. I suppose all insanity is of intellect.

Q. Is there such a thing as a man being drifted by an irresistible impulse into crime, where his intellect is in full play and informs him what is right and what is wrong?

A. I should think not—think such would not be insane.

Q. When a person is able to distinguish between right and wrong he is not insane, I understand you to say?

A. Yes, sir.

Q. The man is sane, then, who can distinguish between right and wrong?

A. Where a man can't correct his delusions, and he can't make the distinction, he is insane.

Q. Where a man's intellect is able to distinguish between right and wrong in the act he commits, is he insane?

A. He is not. A person may have some idea of doing a wrong act, and may yet be impelled to commit the act; he would not have a full sense of right and wrong. There can't be a moral insanity without an intellectual insanity. Was called to see the prisoner at the jail, by his uncle, Nathan Starkweather.

Q. Did Nathan give you to understand what purpose he wanted you to accomplish?

A. I don't recollect.

Q. Did he request you to call as an expert and make an examination of the prisoner's mind?

A. I think that was the request. I think the prisoner knew I was to call; I think his uncle told me he knew it. The last call I made was arranged for; Mr. Nathan Starkweather desired me to call Monday forenoon, and I did. Albert knew me immediately. Don't know whether he knew Dr. Butler; I think he said Dr. Butler had called upon him, though don't positively remember; somebody told me he had called and my impression is it was the prisoner. Dr. Butler has been connected with the Retreat about twenty years.

Q. In the two interviews you had with Starkweather, will you state when you were informed that he was insane?

A. On the second interview. In the first part of my conversation on my first visit my impression was that he was not insane. Came away after the first interview with strong doubts as to his insanity. I had come to no conclusion. I have no means of knowing that his statements relative to his mother's treatment were true. I came to the conclusion that his mother's treatment as he related it, was a delusion. That the whole story was in the main a delusion. If I found his story true about the Bidwell and Campbell engagements, etc., I should still think he had other delusions. So far as his statements were proved to be true, so far would reduce the proof of insanity. I have no idea whether he told the truth or not when he said he had attempted suicide. If I knew he told the truth it would make no difference with my views of him. If he was lying I think it would make some difference.

Q. When he told you he took an ounce of laudanum, and a lady gave him an emetic, and would not tell the name of the lady, who he afterwards said was dead, or who took care of him when he was sick, did you not think he was roorbacking?

A. I have no opinion about it. The story he told me with regard to the homicide may have been made up. This story seems more consist-



ent with insanity. I doubted a good deal the truth of the story he told about riding off on his horse, or in his wagon, for the purpose of committing suicide. I left both the stories out in arriving at a conclusion with regard to insanity. He either told a willful falsehood or the truth in the first story about the laudanum. I feel doubtful as to his sincerity in the idea of taking his own life.

Q. If, doctor, the jury should find that all the stories he told were manufactured to the occasion, would it not change your mind, as an expert, as to his insanity?

A. I don't know whether it would or not. It was rather my impression that there was some truth to his story about being irresistibly drawn to the bed room of his mother on Monday night. In a degree my feeling is that it is true, and that in a degree he made the story.

Q. Do you think a man by reading could get up a fictitious story like the Monday night temptation?

A. I think he might, though it would be difficult for him to stand a cross-examination. I have no means of knowing when the delusion commenced.

Q. Can a person under an insane delusion, state precisely when that delusion commenced?

A. I think he can.

Q. Could not a man be taken to-morrow with a delusion that he is the Saviour of the world, and that he was born the Saviour of the world, thus losing all recollection of time?

A. I think he could. I assume the declaration of the prisoner with regard to his being under a delirium before the murder, is true. I think the prisoner labored under an insane impression that his mother wronged him.

Q. Then you understand the case to be that the prisoner slayed his mother under the delusion that she wronged him, and his sister under the delusion that he loved her?

A. That is the case. I can't tell whether he can distinguish between the right or wrong of the act, in killing his mother from hate, and his sister from love.

Q. In your professional opinion has the prisoner any correct sense of what is going on at this trial and its meaning?

A. I have no means of forming an opinion.

Q. From what you have seen of him would you expect him to have as full a sense of the trial as you would, or any man of ordinary intelligence who was put on trial for murder?

A. I judge that he does not feel and realize the importance of the trial as others might.

Q. Do you think at night he could give an intelligent account of the day's trial?

A. I cannot answer the question.

Nathan Starkweather re-called and cross-examined: I didn't receive a note from Albert after he was confined, telling me about the estate, as he should take French leave. He made the remark to me in the jail that he sometimes thought of taking French leave, and I told him it was all nonsense. Don't know whether it was at this time that he said he was happy and contented. Am very sure he did not send me a note about leaving.

Dr. E. K. Hunt sworn. I am a practising physician; have resided in this city since 1839. I was connected with the Retreat about eight months just after '39, again for the same period in '42, and again in '53 for about the same time. I was twice there, last time as principal physician. I first saw the defendant on the 29th of November last at the jail in the afternoon. I went there at the request of Mr. Calhoun. I had an

interview with the defendant probably half an hour. I had five interviews in all—second, December 9th—third, December 20th—fourth, January 3d—and fifth, January 23d. I went to the jail first to ascertain the condition of the prisoner's mind. I allowed him to open any subject and continue it as he pleased; the conversation was a general one, as to the method of his occupying his time. He said he had written a history of a day in prison, and read it to me. Afterwards he told me that up to the time when he was fourteen years of age his health was good; at that time he had a severe fit of sickness, lasting for weeks; that subsequently his health had not been so vigorous; had been more nervous, not as strong, and at the same time had very rarely been sick enough to employ a doctor. On further inquiry he also stated he had had a trouble about him which he had never revealed, and didn't choose to speak of it. I didn't press the matter, and, after some further conversation, I withdrew. At the second interview the subject opened in a general way, my intention being to have him give an exhibit of himself, the general purport of which I don't remember. I at length recurred to the state of his health and his occupation. He then stated the trouble he had so long had was a seminal weakness which was caused by medicine which his mother gave him after he was recovering from the sickness referred to; that trouble, he said, had caused obstinate constipation which no medicine for a number of years had relieved. To an inquiry, he replied that the seminal difficulty ceased about three years previous, while the other difficulty continued. I then asked him if the seminal discharge had been involuntary, and he said it was; he said when he was a lad he was not accustomed to mix with other boys, that when he went into society it seemed he was observed and made painfully prominent, which prevented him from mingling in society as he otherwise would. At the third interview he stated that when a boy he fell in a barn and struck on his head, and remained insensible for a long or short period, he couldn't tell which. He said he had been occupied variously since then; had kept school, traveled some, and about four years previous went on to the farm with his mother. During all this time, since he left school, he said his health had not been good, he had been nervous, not strong. After commencing work on the farm his health had very much improved, had been more vigorous, more muscular, his digestion was good, and the difficulty to which I have referred—seminal weakness—had gradually passed away. I asked him about prison life, and he stated he had been better, more fleshy, and slept better than for a long time, much better than usual, though constipation continued. He told me that his appetite was good, though the fare was only prison fare; he said the prison fare was mush and molasses; he did not eat much meat for it was not good. I felt of his pulse at one time, and found it natural. At the fourth interview I stated to him that I desired to know what led to the act for which he was confined in prison. He said it was a subject he didn't like to dwell upon, but went on to state what has been repeated here to-day, how that the whole time he had spent at home had been one series of annoyances from beginning to end; that he had been thwarted in everything by his mother. He gave examples of his engagement to a young lady, and his taking her to his house, as related by another witness. He said his mother was standing over him and annoying him in whatever he was doing; that he loved his mother, and always kept their family troubles to himself, expecting by being dutiful to win her love, but was not successful; that, in fact, he had no home, and had longed for one where he could have some one to love and reciprocate his regard. The use of strong drink was referred to at one time, and he said he never had drunk habitually; that at times, when depressed, he drank, and drank deeply, but never to intoxication, for, he said, he could not become intoxicated.

I asked how it was at the time immediately preceding the homicide, and he said he had not been drinking. I asked him as to sleep on that Monday night, and he said he couldn't say, that he supposed he went to bed, and gave me nothing definite with regard to that night. I then enquired how he spent Monday, and he said he didn't do much of anything, but in the afternoon he put his horses into his mowing machine and pretty near killed them by driving so hard. I am very sure he stated that he did this because his mind was so full, so agitated. On Sunday night he said he was awake and up all night, but did not give a definite idea of how he was occupied, nor how he was occupied on Sunday. Saturday night he said he was up all night riding and visiting the places he was accustomed to visit and enjoy in boyhood. The fifth interview was wholly occupied in conversation relative to this event. On Monday night he said he thought he went to bed, as it was tumbled, at all events he was up nearly all night, and took his horses to pasture. He said he was greatly agitated, and went up and down to his mother's room three or four times; he had nothing further to say relative to Monday. Sunday night he stated he thought he spent in writing, most of the night. Sunday he went to Hockanum to visit a clairvoyant in behalf of his mother, and went with a young man named Shurtliff, that took most of the day. I asked him if he drank anything, and he said nothing but a glass of beer. He had nothing new to state, he said, relative to Saturday night. This concluded the essential features of our interviews.

Q. Has the prisoner changed in appearance since you first saw him?

A. Yes; he has lost flesh within two or three weeks.

Q. In his statements to you, did he appear sincere?

A. He appeared like a man who expressed what he thought.

Q. Do you think he could have simulated the appearance of sincerity?

A. I cannot be positive on that point. All things considered, it would be hardly probable, though not impossible.

Q. Did he seem to realize his condition, the situation in which he was placed?

A. I should think he was remarkably indifferent; he did not exhibit any anxiety or solicitude; he didn't deny that he committed the homicide, nor did he admit it in terms; he did not seem to feel any regret for what had been done. [The witness here stated that at one of the interviews Starkweather said he had been told what he had done, and could not realize it, that it seemed like a dream.] He was entirely cool and self-possessed, for the most part, during the conversation relating to the murder, and when in other moods he was speaking of having no home and no sympathy. If the story he told was true concerning his bodily difficulties, it is true that such difficulties would lead to great nervous irritability. The seminal weakness would tend to great nervous excitement or insanity. I mean by nervous excitement, that it renders the system and mind susceptible to impressions, moral, intellectual, and physical.

Q. In view of your own observation, and facts stated by Dr. Hawley, and Mrs. and Miss Campbell, will you give your opinion as to whether this prisoner was not laboring under an insane delusion? [Objected to so far as relates to asking his opinion on the testimony of other witnesses, and the objection was sustained.]

Q. To what result was you led by your own observation and examination; was his mind sound or unsound?

A. The case as represented to me corresponded with the facts. The only point my mind would labor on would be whether it was possible that a mother with the instincts of a mother, could have conducted herself as that man represented her conduct to have been toward him. If she did, I should very much question the possibility of one making out a

case necessarily of insanity. If, on the contrary, she had loved him as an only son, with the natural force of a mother's affection, and his representations were untrue, I should consider that he labored under an insane delusion.

Q. From the statements made to you by the prisoner, from his conduct, showing no regret, no contrition; if it should turn out that his mother treated him well, should you say he was laboring under an insane delusion?

A. I should say that it was probable; I would not be willing to commit myself, however.

Q. By the Court. Do I understand that in view of your testimony you believe him laboring under an insane delusion?

A. I should say that is the probability.

Q. Could the prisoner's representations with regard to health be simulated?

A. I think they could.

Q. If he had been laboring under remorse, could he have been in the condition he was?

A. I should think not.

The Court here adjourned to 10 A. M. Friday.

#### FOURTH DAY—FRIDAY.

The court room was crowded again this morning, the attendance of ladies being larger than on Thursday. The prisoner appeared as on previous days—quiet, and unconcerned—and read, as usual, the report of the trial in a newspaper. The court was opened at 10 o'clock.

Dr. Hunt was called and cross-examined. Was requested by Mr. Cahoun to call on the prisoner; did not report to his counsel until night before last.

Q. If you should be correct in the opinions you have expressed, what form of insanity would you give the prisoner?

A. I should call it monomania.

Q. Do the learned gentlemen in your profession recognize a species of monomania called homicidal monomania?

A. There is such a species, an insane disposition to destroy life. There are other manias, thieving, lying, indicating the direction which the insane idea may take. There is moral insanity—a disordered state of the affections, not affecting the intellect; I think moral insanity is not a monomania.

Q. Do the learned of your profession recognize a species of insanity where a person may be led irresistably to commit an act, and yet his intellect may be unimpaired, so that he can distinguish between right and wrong?

A. I should think not. I admit Dr. Ray's work on moral insanity as good authority.

Q. If a person is able to distinguish between right and wrong and commits crime, can he be insane?

A. He may be insane on the single subject.

Q. As a general rule in cases of homicidal monomania, does the subject commit murder secretly or in public, and does he give himself up?

A. I should say there is no general rule, though I think it is more generally the rule. It is not laid down as a rule that homicidal mania, with a person who is impulsive, will cause the person to restrain the



mania. I was inclined to believe the prisoner's statements to me generally true; if it should turn out that they were false it would make a difference with my views of the case.

Q. If it should turn out that, after your testimony yesterday, that the prisoner told you he was fed on mush and molasses, the prisoner should have gone to the jail after the adjournment, and called the jailor to him and said, I wish to apologize, for Dr. Hunt told a lie; and it should be further shown that he was not fed on mush and molasses, but from the jailor's table, would you have faith in the honesty of the man, in the statements he made to you?

A. It would alter my opinion of his insanity materially. Except so far as I had means of corroborating his statements by his appearance, I cannot, of course, judge of his veracity. I think the form of insanity of the prisoner, if he is insane, was homicidal monomania; think he must have deliberated over the crime until led to commit it; think if a sane man should contemplate the murder of his mother and sister he would brood over it.

Q. Would he not go back and forward from the bedside?

A. I don't think he would; if he got the axe I think he would use it without hesitation; the sane and insane man might act alike in this respect.

Q. Suppose a case of insanity, not impulsive, where the patient has taken the idea of homicide in his mind, would he not be more likely to commit the act without wavering?

A. If the insane man had clearly come to his conclusion, I should say he would go to his purpose directly. When he (Starkweather) told me he had no remorse, I thought probable he told the truth, judging from his physical appearance. On other subjects he was clear; I think he apprehends the importance of his trial—that he is here for his life. Should say that the fact of his being in good bodily health is somewhat obscured. Think he realizes his condition, and fears death, and his reading of a newspaper in court may be put on.

Q. Would it qualify your conclusion concerning the prisoner if it should be shown that he attempted to kill his jailor?

A. Yes, seriously so; it might have been something more than a homicidal act which led him to commit the murder of his mother and sister. His health was good up to then, or four weeks ago, when he was taken somewhat ill; it is generally the case that, following an attack of insanity, the health of the patient is feeble.

Frank Brewster sworn: Reside in Middletown; formerly lived in Hartford. Was acquainted with Albert Starkweather in the early part of his life. I should think ten or twelve years ago he fell from a scaffold in a barn on to the floor, a distance of eight or ten feet; heard him groan once, and went and called his father. He was taken to Dr. Cook's office. Should think, after the fall, he was insensible; believe he was sick some weeks, and when I inquired how he was, was told that he was delirious or insane.

*Cross-Examination.* Can't tell exactly how old I was at the time of the accident. Was in the habit of playing with him after it. Can't say that I saw anything unusual in him.

Mr. Chapman here stated that the defense were through with their testimony, with the exception of calling Mrs. Cook, wife of the Doctor above referred to, who now lives in Portland. He wished to reserve the right of receiving her testimony when she should arrive.

Mr. Hubbard said he had no objection.

## REBUTTING EVIDENCE.

Mrs. Wealthy A. Hutchinson called. I knew Albert Starkweather since he was a small boy. For the last four years I have lived about three-fourths of a mile from him. I saw him often. My father's house was next to his, and I was there once a week. I have seen him as often as once a week or fortnight, but have had no prolonged conversations with him. I never observed anything peculiar or strange about him previous to the homicide.

*Cross Examination.* The night of the homicide I stayed at father's. I was not in the habit of conversing with him previous to four years ago. He carried me to Bolton once in May or June, 1865, and that was the only time I had any detailed conversation with him; he talked freely going and coming; I don't remember what particular topics were introduced; "I don't usually ride with gentlemen without saying nothing." (Laughter.) I went there to see a clairvoyant. Albert asked a question or two, I don't know what; I didn't see that his mind was disordered.

Horace White called. My barn was burnt on the 6th of May. I lived next door neighbor to Mrs. Starkweather; have known Albert since he was a boy. I have seen him during the last four years daily, and talked with him on farming; stock-raising, etc.; I last saw him before the homicide Monday night when he came to bring my mowing machine back. The horses were in as good condition as usual. I saw him Sunday leaving with another person in a wagon. I saw him during the week previous often. From my observation of him from beginning to end, I never saw anything to indicate a disordered mind. I must say when I heard that the plea of insanity was to be put in, I was never more surprised in my life.

*Cross Examination.* I never talked with him about his domestic affairs. Once I think he said, when talking about blood-stocks, that his mother was opposed to it, or something like that; this was in June, 1864. He commenced by giving me a history of Devonshire cows—their good qualities, stock worth more for beef, better for milk and butter; but I didn't assent to all his views. He said he owned one half of a cow, with E. H. Hyde, that he paid \$100 for. In the course of the conversation he said his mother wasn't exactly satisfied with his getting the fancy stock (of cows.) He had at one time four or five Devon cows; I don't know that he ever sold any of them. I don't think there was any irregularity in his business. I think he was extravagant—that is, it wasn't policy for him or me to buy fancy stock; there was nothing strange in his buying, because he had not long been a farmer, and lacked experience. He never talked with me about his being friendless, though I was satisfied he was not as well suited as he might be. I never saw any indication of insanity in him. I have seen many insane people; one lived in our neighborhood who was insane sometimes for months, and I knew him well.

Joseph B. Gleason sworn. I have known Starkweather a number of years; I lived about a quarter of a mile from him for the last four years, and for six years before about the same distance. He is my nephew. I don't want to say much about it, because I am affected; he's a good boy. I have seen him every week day for the last four years, during the time cows were kept in pasture. I saw him on Monday about 6 P. M., the day previous to the homicide; he was working in the field, and his horses looked as if used properly. There was nothing peculiar in his conduct during the year previous to the murder, only he would always, when things didn't go right and he got angry, have a peculiar kind of look in his eye, like his father before him—he was just like his father. It was "natur in him" to look so, just as his father looked. He never had such a pleasant eye as I have. (Laughter.)

*Cross-Examination.* He was a good boy, and I don't want to say anything against him. I was on good terms with the family, and his mother has been to my house and stayed all night. [The witness here detailed an occurrence when Albert came to take him to ride, and though nothing important was elicited, some of the expressions of the witness were decidedly rich, and provoked much merriment.] I don't think anybody who knew Albert as well as I knew him, could say he was insane; if they can, I should like to know what. If they tell about his eyes, I say he isn't to blame for them, for they are just like his father's. When he was in company with ladies, at my house, you wouldn't see anything queer in his eyes.

Jabez Shurtliff. Reside in Vernon. I have known Albert Starkweather for some four years. I lived about half a mile from him. For the last year I saw him as often as once a week, at his house, and once in a while at my house. I saw him the last time before the homicide on Sunday most of the day; his mother wanted he and I to go down to a clairvoyant's in Hockanum. We arranged to go Saturday night, and left his house to go to the clairvoyant's between nine and ten; we had his horse and my wagon. We got back about five o'clock, and he left me near his house; I did not notice any change in him during my acquaintance, nor anything strange in him before the homicide.

*Cross-Examination.* We went to see the clairvoyant for Mrs. Starkweather to see something about barn burning—to enquire about Horace White's barn. We were there about two or three hours, and I conducted the inquiries; Albert said nothing. I don't remember the conversation we had going or coming. He seemed to be in a pleasant frame of mind. So far as I knew everything was pleasant with him at home and abroad.

H. H. White sworn. Reside in North Manchester, near the depot. I have known Starkweather eight or ten years. For five or six years I lived eight or ten rods from him. I saw him often during that time, and after he moved, for the last four years, I have seen him once a week or fortnight. I have seen him occasionally to talk with him. I might have seen him a week before the homicide. I never noticed any change in his temper or disposition—no strange or unnatural exhibition either in conduct or conversation.

*Cross-Examination.* I have seen him at his barn and talked with him, and he was at my house at one time with other young people. He was a member of my Sunday school class, and conversed with him then, within a month previous to the homicide. The subject related to the lesson. In March or April he was at my barn and bought some hay, and paid forty dollars a ton, the price I was charging others. He never conversed with me about any troubles.

The court here (at one o'clock) took a recess for one hour.

#### AFTERNOON.

The rush this afternoon was greater than ever, over one hundred ladies attending, many of whom were obliged to remain standing. All of the seats were occupied long before the recess expired, and some of the lady spectators, with more of an eye to business than the rest, sat upon the reporters' table. At two o'clock the case was resumed.

Marvin Cone sworn. Reside in Manchester. I have known Starkweather only since June or July last. He came to my house to sell a tent spring bed and a patent rake, and this was the only time I had

conversation with him before the homicide. I next saw him, to speak with him was on the morning of the homicide, immediately after the recess of the coroners' inquest; I had the curiosity to converse with him, and went to the chamber where he was bolstered up; I sat down by him and asked about the bruises on his face. He stated they were bruises he had received on the stairs. He said he could not tell whether one or more assaulted him. A lady then came in—Mrs. James Wood, his aunt, I think it was—and interrupted our conversation. She spoke to him, and asked if he had any choice in regard to the place of interment of his mother and sister, that if her sister (the murdered woman) was living, she had no doubt she would prefer, if to die, to be buried in Manchester. He said it would make very little difference with him, that it was an immaterial matter, and he wished her and the friends to make such arrangements as they thought proper. After this Mrs. Wood retired, and one or two others, leaving the prisoner and myself alone there. The axe with which the deed was committed, lay upon the floor. I asked if that was the axe; he said it was, and then requested me to take the axe and set it up in a cupboard; he said it was lying there, and people were making so many enquiries about it he wished it removed out of sight. I left soon after. I did not discover, at any time, any evidence of a disordered mind. I was struck with his remarkable coolness that morning. With the exception of taking frequently a long breath, as if he had something on his mind, I noticed nothing particular.

*Cross-Examination.* I had no conversation with him concerning personal habits of life.

William H. Green sworn: Reside in Hartford. Was a member of the Grand Jury in the case of Jane Fuller, charged with poisoning in Manchester. This was on July 19th, 1865. The Jury sat two days; Albert Starkweather was a witness; believe Mr. Sedgwick, the foreman, took the minutes, and Mr. Chambers, I think, was Clerk. Albert's appearance before the jury was polite and prompt; he exhibited nothing strange; he appeared intelligent, and I saw nothing in him different from other men.

*Cross-Examination.* He testified in regard to sickness in Buckland's house. He said he took dinner there once and drank some in there one morning when he didn't feel well. When I heard of his committing the murder I couldn't believe it, and made the remark that he looked, when I saw him before the Grand Jury, like a theological student.

Mrs. Sophia Rumwell called: Have known Albert Starkweather from a young child; have lived for the last four years about a quarter of a mile from him, and for a year or two before that about half a mile. Have seen him often, have been in the habit of visiting in his family; during the Summer I went there as often as once a week, perhaps; was there several times in May and June previous to the homicide; met him frequently; from my knowledge of him from first to last, I never discovered anything unusual in his appearance, nothing in his behavior or conversation that indicated mental disorder. He always had a roving eye. He and his mother did not always live very well together I have seen many things which indicated they didn't live so happy as they ought to. She was a woman who had a good deal of work and care on her mind, and was, of course, more nervous than some women.

Charles H. Arnold sworn. Reside in Manchester; have known Starkweather for about five years; for two years lived within a few rods of the house, have seen him to speak to him on an average of perhaps once a month. The last time I saw him before the homicide, was in July. He had bought a wagon and I had some talk with him. I was a member of the coroner's jury; Starkweather was examined before it. I remember



and he was sent for and came in; he was wrapped up in a shawl, had a bandage about his head, and was assisted into the room. After speaking of the bruises on his head, he said he heard a noise up stairs, and got out of bed, put on his pants, and started to go up stairs. He had got about half way up when he was knocked down stairs by, he thought, two men. He lay at the bottom of the stairs, and when he got up was knocked down again, and was insensible. When he came to, he got up and went to Mr. White's. He said that between three and four hundred dollars, and a deed which his mother had made to him of the place, and also his note for \$1,500 which he had given to his mother on payment for the place, were gone. They were kept in a diary, he said, in a drawer in the secretary. On being asked he said he went to Rockville on the Saturday before, and had a deed drawn which he had given to Miss Campbell; this was drawn out of him with some reluctance, as he said it was a business matter he didn't care people to know about. He said he was to be married in the fall. On being questioned as to when he got the money he didn't tell a very clear story, but said he got about two hundred dollars of it from Mr. Campbell. He showed before the jury the marks on his breast, and told him how it must have been done, but he made no reply. He said nothing about there being a fire in the house when he got up, after being knocked down, to go to Mr. White's. The axe was brought in, and he told where it was kept. The jury adjourned at half past eleven. He was arrested in the afternoon.

*Cross-Examination.* I had some suspicion of Starkweather before the jury of inquest met. Inquiry was made of him whether his assailants on the stairs were male or female and he said he didn't know. Didn't hear him say that he didn't know whether he saw anybody. I noticed a blood-stain on his pants, but little was said to him which would excite his suspicion that he was suspected. When I remarked to him about the manner I thought he was cut in the breast, and when the knife was brought in I thought I detected a quiver about his lips.

Apollos Fenn sworn: Am the deputy county jailor. Starkweather was committed to jail August 1st.

Q. What took place between you and the prisoner relative to his attempt to escape? [Objected to and overruled.]

John Leonard, a prisoner, was at this time a hall tender, whose duty it was to carry rations and water to prisoners, attend to the sick, etc. He was given the liberty of the prison outside the cells. All the rest but the hall-tender are locked up. Have always kept the prisoner at the bar locked up in his cell. Owing to a communication made to me by the hall-tender in the latter part of October, I went to Starkweather's cell and unlocked the door. Martin, the overseer, went also and stood on the corridor. When I opened the door he turned and went to the back of the cell, then turned about and I looked him in the face and told him I had come to ask him some questions in relation to what transpired the night before. I asked him if he intended to carry out his plans on me as he had told the hall-tender, provided I had brought him water to soak his feet? I asked him if he gave Leonard some whisky he had in his cell that night—some that I had given him for sickness? He said he did. I asked him if he intended to get the keys from me in the manner described to me by Leonard, by getting the better of me, and to have gotten out. He said he hadn't fully made up his mind; he had the conversation alluded to, but hadn't decided to do it. Afterward I took him out of that cell and put him in another. This was Sabbath morning; up to that time I had fed him from my own table—I told him then that I was satisfied he had designed taking my life, and thereafter he must have the same fare and treatment as other prisoners. He said, Well, if you have made up your mind there is no use in my



saying anything more about it. Previous to this he sent to me to get a quart of Scotch whisky, as he had been feeling ill; I told him I had a little Bourbon and asked him if that would do. He said it would if Scotch couldn't be got. I carried him perhaps a gill or two that evening. He spoke to me about believing him or Leonard. I was inside the prison night before last from about a quarter to 10 to about 11 o'clock, and heard a conversation between Starkweather and the prisoner in the next cell to him—a conversation which lasted twenty minutes or half an hour, and related principally to the examination here that day, about the witnesses and the testimony; one part of the evidence that when Miss Campbell was on the stand, she gave a short answer to a question, which excited a little laugh. He closed by saying, "I told him he might believe what I said or what Leonard said; I guess if Fenn was in my place he'd try to get away;" and also said, "I thought they'd call Fenn on, but they didn't, and the testimony for the prosecution is closed." Last night he sent for me to come into the prison, and I went to his cell. He said he wanted to make some explanation with regard to what Dr. Hunt said about the prison fare. He said, "The fact of the business is, he lied about it; I told him what our rations were, the week through; that the fare wasn't what he'd been accustomed to, and that the meat was not always good." He was supplied from my table from the time he came there until about the last of October.

*Cross-Examined.* Leonard was sent to jail for theft. I don't know where he is now; he was discharged at the expiration of his sentence, having no fine to serve. When he went away I gave him a pair of boots, a dollar and a half in money, and told him I would pay his costs, which amounted to ten or twelve dollars. When I asked him in the cell whether he intended to carry out the plans disclosed to Leonard provided I brought him water, he admitted having the conversation with Leonard. The reason that I removed him to the other side of the jail was that all the prisoners had been taken to that side. I had put up a partition so as to heat but one side, and Starkweather requested to be left in his old cell until the first of the month, for the purpose, I have no doubt, of having me bring the warm water to him. The witness stated what food is furnished prisoners—meat soup twice a week, pork and beans one day, etc. Arrangements had been made by Leonard's mother to pay his costs on the Monday he went away. Starkweather now told me that Leonard told me the story to curry favor. I didn't go into the jail night before last on an eaves-dropping excursion; I went in there to see if some negroes were orderly, and it was merely accidental that I heard what Starkweather said to his fellow-prisoner. When I heard him I stopped and listened. I first communicated the subject of the attempted escape to Sheriff Russell, and then to Mr. Martin; I afterwards saw the reporter for the *Courant*, and he went to the jail and saw Leonard, and afterwards published an account, which was a fair and true account.

*Direct.* I gave Leonard the money and clothes because he had been a faithful man. Leonard brought me a club and rope which Starkweather gave him.

*Dr. Scott called.* Reside in Manchester. I have known Starkweather ever since he has resided in Manchester. I have seen him from time to time, but have not been accustomed to hold much conversation with him. I never noticed in him at any time any unusual mental agitation indicative of disorder.

*Cross-Examined.* I saw him and conversed with him within a year previous to the homicide. I prescribed for him once. I saw him on the day of the murder and conversed with him. He paid as much attention to the trial before the justice apparently as any one. He displayed no emotion, appeared rational. I have noticed him on the trial, and he has appeared much the same.

TESTIMONY CLOSED.

Mr. Hubbard said the testimony on behalf of the State was now closed, with the exception of one witness, Dr. Butler, who is out of the State, and he should be glad to have it understood that, in case Dr. Butler could be obtained before the case closed, his testimony should be admitted.

Mrs. Lucretia Cook sworn, and testified for the defence. I reside in Portland. My family lived in Hartford. My husband's name was Moses Cook; he was a botanic physician. We resided at 305 North Main street. My husband died ten years ago last March. Mr. Starkweather, father of Albert, kept a meat market next door but one to our house. I knew Albert as a boy very well. I knew he was hurt very badly by a fall. He was brought into our house completely lifeless, insensible, and blood was working slightly out of his nose. He was there twenty minutes or half an hour, and was then taken to his home on Pleasant street. He was insensible all this time. He was in the habit of being at his father's market every day almost before the accident. It was four or five weeks after the accident that I saw him there again, and he then looked thin. When he was brought in at the time of the accident, I saw a bruise on the top of his head.

*Cross-Examination:* I should think Starkweather was, at that time, 12 or 14 years old. This was between two or three years before my husband died. The bruise on his head was a swelling or lump.

The court here said: "Let it be understood that the testimony on both sides is closed."

A policy of insurance issued to Mrs. Starkweather was introduced. It insured the house for \$1500, and the barn for \$300. It was issued for three years from October 23d, 1863. It shows that the house was insured at the time of the homicide.

The Chief Justice then cautioned the jury to avoid conversation on the subject of the trial, hearing no expressions, no opinions; and the court then adjourned to Monday, at 2 P. M.

#### FIFTH DAY—MONDAY.

Persons began to assemble in the court room as early as 11 o'clock A. M., in order to secure seats. The doors were soon closed, however, and no one was permitted to enter. A large crowd, in the meantime, collected in the spacious hall of the State House, and at about one o'clock ladies were allowed to pass into the court room, and they speedily took possession of the entire eastern part of the room, being crowded together in the most "uncomfortable and delightful" confusion. The gallery and the space outside of the bar was thronged with men and boys, etc.,

"Black spirits and white,  
Red spirits and gray."

Such a jam of curiosity-seekers was never before seen within the memory of the oldest practitioner "in this court," and hundreds outside were unable to obtain admittance.

Shortly before 2 o'clock Starkweather entered the courtroom, and the hum of female exclamations and eager enquiries sounded much as one would suppose the tongues of Babel did in their wonderful confusion. The prisoner took his seat in the box as composedly as if attending a prayer meeting, and took a deliberate survey of the spectators, returning their gaze without the least sign of emotion.

The court was opened at 2 o'clock, and the jurors responded to their names with one exception. After some delay in waiting for the absent juror, he appeared, and

Julius L. Strong, Esq., on the part of the State, then addressed the jury.

He said in opening he should do little more than present some of the points in the case, as he had been suffering from ill-health. It is a momentous case—important to the prisoner, and important to the public. The interest excited has been universal throughout the country. The respectability of the murdered woman, the cool, malignant, and fiendish spirit in which the murder was committed, and the character of the plea put in here in defense of the act, make it one of the most important trials ever held in this commonwealth. The character of the mother and sister was described as amiable, etc. Albert was treated kindly, but because his mother would not do more for him, he was dissatisfied. Matters passed along, and in the latter part of July last, the hired man, and boy, went on a visit to Mansfield; they were to return on the 2d or 3d of August. While absent, Albert, his mother, and Ella were the sole occupants of the house; and when the morning of Tuesday came, never was there disclosed such a horrible deed of butchery; and the son, the brother, was the guilty one. The indictment charges the prisoner with the murder only of his mother. Dr. Goodrich has testified to five wounds upon her person, any one of which would have caused death. We have proved by circumstantial evidence, and also by his own confession, that he committed the murder, and the case is made out. The plea of insanity is put in; it is the last subterfuge of the guilty. It is easily simulated, and great criminals have gone free by feigning a disordered state of mind. The counsel related the story of the soldier who never did duty because he preferred to be laboring under the delusion that he was fishing; he was constantly holding his imaginary line. Finally, when the surgeon brought him his discharge, he turned slyly upon his heel and remarked, "That is what I have been fishing for all this time." When a man is deprived of his reason, and it is clearly proved he should no more suffer the extreme

penalty of the law if he violates it, than the machinery of a mill should be held responsible for mutilating the body of one injured within it. The defense claim partial, not general insanity; they admit the defendant to be sane on all subjects but one, and that a delusion as to the unkind and cruel treatment of his mother; and it is so that a man may be sane on all subjects but one, and yet be irresponsible upon acting under that delusion. But this plea should be received with great caution. When a man is arraigned for crime, and the plea of insanity is put in, it should be clearly proved, beyond a doubt; and if I believed that Albert L. Starkweather was actuated by an irresistably insane impulse at the time he committed the murder; I would sooner have my tongue cleave to the roof of my mouth, and my right arm fall from its socket, than to urge that he had forfeited his life; but I believe, and honestly believe, that he has simulated, imitated, insanity, wholly for the purpose of avoiding the just punishment which he should receive for his crime. The testimony of Mrs. Ramwell, and others, which has been introduced by the defense to prove insanity, was referred to. The story told by Starkweather to one witness that he owned a fancy-blooded horse that had traveled sixty miles in one day, and went fifteen miles the last hour, was presented as being only an extravagant statement made in order to effect a sale, such a statement as horse men would be apt to make at such times, and did not show in the least degree that he was at all disordered, and it will be remembered that this has nothing to do with the delusion claimed, for general insanity is not claimed, but only delusion as to the treatment of the mother. His appearance, when not replying to questions being absent-minded, etc., is not an uncommon occurrence. He might have been thinking of a love affair in which he had been disappointed, or he might have been suffering from a head-ache. The testimony of Nathan Starkweather, who stated that Albert acted singularly when he was in Hartford in attendance upon the grand jury, should be taken with some allowance. He is an uncle of the prisoner, and it has been shown that his relations with the murdered woman were not of the most friendly character; and he was the only man of many who saw Albert on that day who noticed anything singular in his appearance. Wm. H. Green, one of the Grand Jurors, testifies that he appeared perfectly rational and sane before the Jury.

The relations of the prisoner towards Emerette Campbell were spoken of, and the testimony of this young lady was read, in which she stated that Starkweather had called upon her, and that while there she spoke to him about a report she had heard that he was embarrassed in his business, after which he appeared singular, etc., and Mrs. Campbell's testimony

relating to the occurrences of the same evening, was also read. The strange look and queer performances; referred to by the defense, as having then been observed; can be explained by the fact that the prisoner was in love with Miss Campbell, had been rejected, and there is no folly which some men will not resort to under such circumstances; there is nothing strange in it. His mind being fully occupied with this subject, it would be natural for him to be abstracted, to not answer questions until spoken to perhaps two or three times. One of the most learned clergymen in this city tells me that when he goes into his pulpit and announces his text—from that time he is entirely unconscious of the auditory before him; this shows the power of abstraction. The vacancy of the eye has been frequently referred to. There is nothing which will lead an expert to so soon detect insanity as in the vacancy of the eye; but where is Dr. Hawley, where is Dr. Hunt on this subject? The counsel read from Horton's Medical Jurisprudence showing that authority to be that no skilful physician can mistake insanity when judged by the appearance of the eye, which is with a madman the mirror of the soul. Uncle Joe, uncle of the prisoner, explains fully the singular appearance of the prisoner's eye; it is like his father's before him. Do you believe the story told by Albert in the prison cell to Mr. Hudson and Nathan Starkweather about being visited at midnight by a young lady who had keys and offered him his liberty, was a delusion in his mind, or do you believe that it was the studied story of a man who had just been detected in plotting an escape from jail, even to the sacrifice of the life of the jailor?

Mr. Nathan Starkweather arranged with these medical experts, Doctors Butler, Hawley and Hunt, to go and visit the prisoner, and the latter was advised of their coming. Was this the proper way to arrive at a just decision? Was it not kind of Uncle Nathan to advise Albert and give him time to prepare for the reception of these physicians? And was it not timely, after Mr. Campbell had told him that unless insanity was proved he would be hung? They went—all three of them—to the jail, and the only thing which surprises me is, that they did not all find some evidence of insanity. Dr. Butler has had twenty years of experience in the Retreat—understands the malady thoroughly; Doctors Hawley and Hunt have been connected with the Retreat but a short time, comparatively, and that years ago. What is the inference drawn from the medical testimony presented here? Doctors Hawley and Hunt have appeared and given their opinions: but Dr. Butler, the most experienced of all has not been produced. I ask what is the inference? The judgment of the others was qualified entirely by the truthfulness of the prisoner's story. Take that part of Dr. Hawley's testimony relative to the prisoner's t-ll-



ing him that on two several occasions he had attempted suicide—was the prisoner's story truthful, or did it proceed from a disordered brain? We cannot believe that it was true, and even Dr. Hawley admitted this. The witness doesn't live who speaks of this prisoner prior to the homicide, with the exception of Mrs. and Miss Campbell, showing that he complained of the treatment of his mother—one of the delusions which it is claimed he possessed. If it were true that he was deluded, there could be brought a multitude of witnesses to substantiate the fact. It should not be forgotten that when Dr. Hawley visited the prisoner the first time, he went there under the *impression* that he was insane, and, at once, commenced putting leading questions which he very naturally caught up and took advantage of. We say the whole story of his being irresistably drawn to the bedside of his mother is untruthful; there is internal evidence of it. Before the homicide he told Emerette Campbell that his mother was favorable to their marriage; after the murder, when it was found necessary to become insane, he told the physicians that his mother was opposed to the marriage. Why these different statements? With regard to his having been in feeble health, nothing has been introduced to show it beyond the prisoner's own declarations. This fact should be borne in mind. The defense claim that he had a fall when he was a boy, but that is of no consequence until it is proved that he is insane, and then it might be presented as the cause, or partly so, of his disorder. After that accident it does not appear that he gave any signs of mental derangement, for years after, up to the time of the homicide, no strange delusions were noticed in his conduct and appearance.

There has been an abundance of testimony offered here to prove that the prisoner was perfectly sane. Dr. Scott, Horace White, William White, and Mrs. Hutchinson, had known him intimately and well, and they say they had never discovered any singularity of conduct or anything which approached it. The testimony of Joseph Gleason, uncle of the prisoner, was read showing that he had seen Albert every week for the past four years, and never had observed the least sign of any mental trouble. If the burden of proof had been upon us to establish the sanity of the prisoner, would we not have done it successfully?

But it is said there is no motive shown why the prisoner should have committed the crime, and for that reason the case is not made out against him. We cannot fathom motives; they lie too deep within the human breast: but in this case the prisoner has assigned his own motive in his declaration to Mr. Campbell, at the time he made confession in the jail—"I hid it; I murdered them; it was on Emerette's account, for I

know that she will not live with my mother." This is corroborated by Emerette's own statement, in which she admits having told him that she would not live with anybody's else, mother, but her own. This is the assigned motive, and with the prisoner an adequate motive, in order that he might come in possession of his mother's property. As insufficient as the motive is, how many murders have been committed where the motive was not near so powerful! How trifling, apparently, have been the motives which have caused many homicides, when there was a woman in the case! But why should he have burned the house after committing the murder? The answer is, that, as has been shown, the house was insured, and its destruction would in part cover up the evidence of the murder.

History is full of instances of remorseless criminals who have scoffed until the last moment on the gallows, and there is nothing in the coolness of the prisoner remarkable in this respect. Are you satisfied that his inattention and apparent coolness are not for the purpose of influencing a verdict in his favor? And with regard to his physical appearance it is not remarkable that he should be healthy and in good condition. I remember that Gerald Toole, the last man executed in this county, when brought out to the scaffold was as fleshy as a stall-fed ox. There is nothing in his appearance here to warrant insanity; his eye may rest vacantly upon the pages of a newspaper, but his anxious mind is busy with everything in which we are engaged. Every word of the testimony given here he has heard and carefully treasured, and on his return to jail at night has detailed the proceedings with minuteness to his fellow prisoners.

Mr. Strong then considered some of the sane features of the case. When his hired man had gone to Mansfield, a favorable opportunity was presented to him to carry out his hellish designs. He was alone with his mother and sister—no, not alone, for the faithful watch-dog was there. Now what did the prisoner do? The dog would alarm the neighborhood by his cries, when the deathly groans were heard, and hence was removed from the porch to the barn. And it was necessary that he should be removed for another reason. Should he have been chained on the porch, the story that the prisoner invented that two men committed the deed, would not have been consistent; for the question would have been asked, "did not the dog give an alarm?"

Having committed the terrible deed, he fired his mother's bed, into which he had placed the murderous axe and knives with the victims, and his own bed. Wounds and instruments might speak, but fire would consume every trace of his guilt. Then he bruised himself on the forehead, and cut marks upon

his breast, and proceeded to Mr. White's and gave an alarm with the studied lie upon his lips. When the neighbors arrived and took care of the bodies, after having prevented the destruction of the house by fire, his plot was interfered with. He had not consummated all he intended, had miscalculated the time necessary to envelope the house in flames, and the evidence of his guilt remained. Then he sat there moody, evincing sorrow, either real or assumed, and it was not long after that he was suspected and arrested. At this time he wrote a letter to Emerette and declared his innocence, and told her he loved her still. There was no evidence of insanity in this, or in anything he said or did that day. After being taken to jail he was asked if he would have counsel, and who. He replied, "I guess Chapman is as good as any of them," which is further evidence of his clear-headedness and sanity. When called upon by Mr. Campbell, the words were spoken which have been the key to his whole conduct since. The words were, "Unless you are proved insane you will be hung," and insanity has been the ruling passion in his movements from that time.

Mr. Strong then referred to the ingenious manner of the prisoner after his attempted escape from jail, in getting up a plausible story to his uncle; and proceeded to define the tests of determining homicidal monomania as laid down in Ray's work; first, an irresistible motiveless impulse; second, in nearly all cases the act is preceded by well marked disturbance of health, exhibitions of melancholy, etc.; third, impelled to destroy life by the sight of murderous weapons, disputes, etc.; fourth, victims may be among the best loved; fifth, concealing, plotting, and exhibiting no grief; sixth, generally voluntarily confess the act; seventh, while the sane man has a motive and purpose, the insane has no motive; eighth, he never sheds more blood than necessary; ninth, is satisfied with his conduct after the act; tenth, he has no accomplices; eleventh, he prepares his means with calmness, and never dreams of escape. Mr. Strong argued on each of these tests to show that, judged by none of them was the prisoner a homicidal maniac; and homicidal mania must be established, or the guilt of the prisoner acknowledged. In conclusion he made an earnest and eloquent appeal to the jury, charging them to defend the necessity of the law and see that full justice was done.

But a brief abstract of Mr. Strong's argument is given; he spoke for over two hours, and was listened to with the closest attention from beginning to end.

David S. Calhoun, Esq., for the defense, then addressed the jury. He spoke of the right of trial by jury, and of the con-

stitutional guarantees with reference to the treatment of criminals. While the constitution gives the prisoner the right to be heard by himself and his counsel, it should not be understood that the counsel appeared at all in the light of defenders of the crime with which the prisoner stands charged. Their defense is as necessary for the safety and welfare of society as the prosecution, enabling the truth to be reached. He then spoke of a wide-spread prejudice which exists against the prisoner at the bar. The newspaper press, representing public opinion, has spoken out against him since the homicide took place, though not, perhaps, intentionally, doing him injustice, and we are not disposed to find fault; but we do complain, and have reason to, that the papers of this city, with one honorable exception, have, during the progress of this trial, made statements calculated to prejudice the public still more against the prisoner. He hoped no juror had been influenced in the least.

So far as the homicide is concerned we do not deny it. He then proceeded to speak of the question of insanity as brought forward in criminal cases, and denied that murderers, as a rule had been acquitted in consequence of feigned insanity. He cited very many cases showing where convictions had occurred, insanity was subsequently proved. When counsel tell us that insanity is the last refuge of desperate felons, we ask them to give us the cases, if they have any in mind. So far as he knew there had been but two cases in this State where the plea of insanity had been put in, and this case is one of them, that of Clark of New Haven being the other. He argued that insanity was the creature of civilization. Just so far as we find an advanced state of society and the highest intelligence, in that proportion we find insanity prevails. You find no insanity among Indians and barbarous tribes. Since the prisoner has been confined in jail, there have been four suicides and murders committed in this town and vicinity.

He then proceeded to show of what insanity consists, and how far the law holds persons responsible. The common law divides into two classes; 1st, idiots who are born without the possession of reasoning faculties; 2d, lunatics, who become disordered through sudden excitement, ill-health, etc. Modern science and law also divides into two classes: 1st, imbeciles, with diminished action of the faculties, and demented; 2d, mania, excessive over-action of the faculties, undue excitement. This latter may affect the reasons, or it may affect the morals, or the affections. If the morals, the patient will exhibit destructive propensities, have a desire to burn, to take his own life or the life of another. Mr. Calhoun then addressed the court on several points which he desired the jury to be charged upon. He held

1st. Law makes a man responsible criminally only when

apprized of the nature of the act committed, and his relations to the party injured; that the act committed is wrong and he has the power of self-control.

He desired the court to show the jury how far the law holds the man to be responsible.

2d. That the burden of proof where the killing is admitted, when the defense is insanity, rests upon the prosecution, and the *sanity* of the accused must be shown by them.

He held under this head that the prisoner is entitled to all reasonable doubt, and read at length from various authorities to substantiate his claims under the positions presented to the court. All precedents, he held, which could be cited on the other side, were valuable only because of their historical value. With the advancement of science and philanthropy, later decisions have been made in accordance with humanity and sound reasoning.

It being now  $\frac{1}{2}$  past 5 o'clock, Mr. Calhoun left off his argument, to conclude it the next morning. The court then adjourned to 10 A. M., Tuesday.

#### SIXTH DAY—TUESDAY.

The court room was thronged again this morning, the rush being greater, if possible, than on Monday. Hundreds of men and women were turned away from the doors unable to obtain admission. Seated by the court were Judge Carpenter, Rev. Dr. Hawes, Rev. Mr. Burton, and Rev. Mr. Parker.

The court was opened at 10 o'clock, and Mr. Calhoun proceeded with his argument, commenced Monday. He reviewed the legal points assumed yesterday, relative to the proofs of insanity, and was here interrupted by the court who called his attention to the fact that the opinions of Judge Brown of New York, which he had read, were not really the opinions of the court in the case cited, the ruling opinion being that of Judge Bowen which agreed with the Massachusetts cases. The counsel corrected himself by saying it must be a mistake in the court reporter, as the opinion appeared in the marginal notes. Mr. Calhoun then resumed. He declared the prisoner to have been laboring under homicidal mania, which is exhibited in various ways, such as a tendency to burn, to commit suicide, to murder. It is a disease of the moral faculties, and he read from various authorities showing the different characteristics of this form of insanity. The victims of this mania are either unknown, or are among the most cherished objects of affection. The patient is often in possession of his intellectual faculties, and may know that the act is wrong, yet is unable to desist. The deduction to be drawn is, that if you



find this accused committed the act under an irresistible impulse, you must find that he is not guilty, even if you should find that his intellectual faculties were not disturbed. We find that several years ago this young man received a severe fall; that injury thus received we have been unable to trace, and still it is not improbable the results may have remained, and given direction to his mind. He cited the case of a man in New York who had a propensity for stealing ladies' shoes, yet was sane on all other matters, and when brought to trial he was acquitted, the plea of insanity being sustained under the showing that he received a severe fall in his youth. The testimony of the physicians relative to the ill-health of the prisoner, was quoted. The peculiarities of the prisoner were cited—his neglect of business and his abstraction. During late years he has given the most unmistakable signs of coming insanity; his abstraction of mind was growing upon him. His singular conduct at the house of Mr. Campbell, in June, is most noticeable. Mrs. Campbell, as she has told us, was alarmed, and her alarm is not to be wondered at. From his conduct insanity might have been expected. The act committed by the prisoner was, upon the very face of it, the work of a maniac. No premeditation is shown, not a single spark of evidence to prove it. On the Monday preceding he was about his usual avocations; and that night was at home when Mrs. Rumwell called, and appeared no different than usual. Had he premeditated the act, is it to be supposed that he would have done the deed on that morning, when he was liable to be interrupted by the return of the hired man or boy? We place very little stress on the dog being placed in the barn; he might have been put there the night before or in the morning. The man who premeditates murder makes choice of his weapons; he does not take such as may lie in his way. Is there any indication of deliberate plan or purpose in the conduct of Starkweather in this respect, taking as he did a blunt old axe, and a dull butcher knife? and is there any indication of deliberateness in the time he selected for the commission of the deed? Mr. Calhoun then spoke of the fond associations that naturally cluster around a dutiful son and a loving mother, and reasoned that the deed was too horrible to permit of the belief that the prisoner committed it in his right mind. It was like the slaughtering of wolves in their lair—the work of frenzy, the work of a maniac, who not satisfied with the taking of life, plied his axe and his knife until his frenzy was satisfied. The story he told that morning was not the story of a sane man, but afterward, when quiet in jail, he related the whole to Mr. Campbell. Now, if he had premeditated the murder, would he have made this open confession? It is not the way murderers who premeditate an act do; they are reticent

and exceedingly cautious. If you believe that Albert Starkweather had borne a respectable character prior to the homicide, you will be slow to believe that he was in his right mind when he committed the murder. You may ask any man in the town of Manchester as to his character, and it will appear that he has led a virtuous and moral life, and was respected, except for this thing, among all who knew him. If his character was good, how can this sudden appalling change be accounted for? The transformation from an angel to a demon is unnatural.

If this act is a crime it is the greatest crime ever known in criminal annals, and yet it was committed by one who had been a virtuous young man, and a kind and loving son and brother. Gentlemen, if you had a dog that had followed you for years, had been obedient and kind, and he should suddenly become peevish and unruly, what would you think? You would say he was mad. And will you not be as charitable toward one who has an immortal soul, as you would toward a brute? Mr. Calhoun then held that the conduct and condition of the prisoner since he has been confined in jail—his calmness of mind, his good appetite, his exhibition of no remorse, and his increase of flesh—are not what would be observed in one who had committed a murder when in his right mind. And this young man was not a hardened wretch but had been brought up in a religious community, and was taken from a quiet home to a felon's cell. The tests of homicidal monomania quoted from Ray by Mr. Strong yesterday, were read, and the counsel held that instead of being tests, working to the injury of the accused, they were precisely applicable to his defense, and the reasons were given by the counsel as he presented each test. The medical testimony was referred to, to establish the claim that he was laboring under a delusion when he said his mother treated him unkindly, and was laboring to do him injury. The counsel then referred at length to the attempted escape of Starkweather from jail, and said the whole story was introduced here for the sole purpose of creating prejudice. In conclusion he said it seemed to him that no demand of society called for the sacrifice of this prisoner. The verdict of not guilty will in no way loosen a bolt from his prison cell, for he must remain in the county jail until ordered released by the court. And it should be remembered that he is only indicted now for the murder of his mother; if subsequently it shall appear that his insanity was groundless he can be again indicted for the murder of his sister, and be made to suffer the punishment. May God give him a safe deliverance at your hands, gentlemen, and there is not a person in the whole community who would not hail with joy a verdict of not guilty on the sole ground of insanity.

[A recess of twenty minutes was here taken.]

R. D. Hubbard, Esq., State's attorney, then addressed the jury. He said the prisoner at the bar stands charged with the murder of Harriet A. Starkweather, his mother. The crime of murder is defined to be the killing of another with malice aforethought. It includes the fact that the person committing the act must be of sound mind, and that the act is done in the peace. It does not need to be proved, on the part of the State, that the accused is of sound mind. The law presumes that, and the burden of proof rests upon the defence. The condition of the mind is an essential feature in the case. He then proceeded to define the grades of murder, in the first and the second degree. Malice aforethought is the leaven of murder; when malice does not enter into it the offence is manslaughter. Is this offense murder in the first or second degree? Without arguing, I shall submit that the prisoner is, on his own confession, as guilty of murder in the first degree as the first murderer, or is as innocent as any one of you. All the circumstances clearly sustain this; he is either guilty of murder or he is spotless and innocent. The question of insanity is the pivot on which the prisoner's life depends. I do not desire to appeal to your prejudices in this matter; every juror should look at the case without prejudice; and on the other hand no juror should permit his mind to be influenced by a schedule of insane men who lived in caves and dungeons years and ages ago. Unless you can find that this man is a free moral agent, and can distinguish between right and wrong, you will believe that he is not criminally responsible. To such an extent have these doctrines of insanity been carried, that no man, in any moment of his life, may call himself sane. To what extent shall insanity be punishable? There is every species of intellectual disorder, as there are clouds of headache, and shadows of constipation, and ills which afflict mortals, and yet do not afflict the physical system, so there are all forms of intellectual disturbance which don't interfere with the man in regulating his conduct of life. He cited from a decision of Judge Lisenard, showing that the phases and absurdities of the human mind are such that he was led to say, "No man is of sound mind."

Men like Robert Hall and John Randolph have dragged a weak body from the cradle to the grave, and yet retained full possession of their mental faculties, and so have men like Cowper, with a disordered mind, displayed no physical weakness; and there is, therefore, no standard of judging insanity in this respect. He scrutinized the testimony of Dr. Hawley in particular, showing that it was entirely at variance with the opinions laid down in the books—the best recognized authorities. When

the mania is of the intellectual type there must be such a disturbance as to overthrow the intellect, and drive the party from distinguishing between right and wrong; this is the doctrine laid down in various cases, which he referred to. If there is a delusion, then the party charged with a criminal act should be treated as if the delusion were true, and then the act would be justified as done in self-defence. Moral insanity, according to the books, carries off a man regardless of his will, and this is the strongest form of insanity. The tests are these: first, the power, by means of the intellect, of *judging* between right and wrong; second, the power, by means of the will, of *choosing* between right and wrong.

Mr. Hubbard then referred to the testimony offered, showing that the prisoner, when a boy, met with a fall. Is it to be supposed that receiving this injury in the plastic days of youth, when nature recuperates, the trouble would crop out all of a sudden, and cause him to make a home half desolate? It has also been claimed that he neglected his business at times. Being in love, and being perplexed, it was quite natural that he should neglect his business. The experience of us all will tell that. But his neglect is further apologized for by the fact that he was entering into other business—in the blooded-stock business; he suffered from equomania, fast horse mania. His abstraction was referred to as nothing remarkable; all men are liable to moments of abstraction; Albert Starkweather might as well be termed insane because he eats and is hungry. The strange conduct of the prisoner in the presence of Miss Campbell was spoken of. The counsel said he did not see what this has to do with the case. The defense is that he was laboring under a homicidal monomania—a mania towards his mother and towards her alone, and I do not see the connection between the interview at Campbell's and the monomania put in, in defense. His conduct on that occasion is not, however, remarkable. Miss Campbell had entertained him, had carried him on her string for a long time, but she had heard of his pecuniary embarrassments, and told him so. He then saw that bankruptcy stood between him and her, and he then pretended that he would exile himself, put himself out of the way, in order to accomplish what? Simply to have her relent and accept of him. Bearded men will not be told that there was insanity in this conduct; they understand too well the arts of courtship. If it had been said that he was insane on the subject of his love for Miss Campbell, that would have been more consistent, than to say that he was suffering under a delusion in regard to the treatment of his mother, and introduce him as appearing strange after the girl had rejected him. And it should be remembered that to no other human being, excepting Mrs. Campbell, previous to the homicide, *did* he mention the



subject of his delusion, that his mother treated him with unkindness. The relations between his mother and himself were inharmonious; that is proved by the testimony of Roger Blish, who said that when Albert lost his cards, he told his mother that if she went to the barn he would kick her out. When he engaged in fancy speculations, how natural it was that she should be fearful. No living person, but the prisoner at the bar, knows what passed between the mother and son, when he returned at night and found her keeping a lonely watch by the window for him. The Campbell house was the New Jerusalem to him; he grew tired of the drudgery of farm life, in his belief that the object of his affection would not so readily smile upon him; there was no delusion in this.

Mr. Hubbard then referred to the statements of Starkweather in the jail relative to his mother; these statements were not made until five days before the case was appointed for a hearing in this court (Jan. 16th,) and is there, at that late day, any sign of a delusion? The stories about his horse, and about the midnight visitation to the jail of a young lady, etc., were briefly touched upon, and the testimony of Mr. Hudson, quoted, in which he said that Starkweather for years had been in the habit of making extravagant statements. Is there any delusion in this?

The testimony of Doctors Hawley and Hunt was criticized as being of an *ex parte* character; they were employed, as the counsel for the defence are employed. He read from Taylor's evidence where the declaration is made that the testimony of skilled witnesses should be accepted with caution; they are not called upon to testify to facts, but merely to give *opinions*, as the physicians named were called upon. The opinions of these experts are worse than useless; the case of one (Dr. Hunt) expresses no opinion definitely, and such opinions as are given are one-sided. Information was given to the prisoner that Doctors Butler, Hawley and Hunt would call upon him; the two latter visit him, put him on the stand, accept of his statements, and then appear here and express an opinion, founded upon the assumption that the prisoner's statements were true, that he is insane. Innocent doctors to thus reach a conclusion. He told them his mother had treated him unkindly. Gentlemen experts, did you believe him when he said this? No. Why? Because if we did believe it there would be no delusion, and without any delusion there would be no insanity. Yet these experts were willing to accept other declarations, which served their *ex parte* purpose, as true. The counsel continued at considerable length on this point, mentioning one statement made by Dr. Hunt when questioned with regard to some matter, that "we wouldn't be able to make out our case of insanity." He then argued forcibly that the testimony of



these witnesses was worth nothing, and he appealed to the court that a witness who expresses an opinion and does not marry it to the fact upon which he founds it, is not entitled to credit. The prisoner would have been very stupid, when asked in his cell by Dr. Hawley if there was not something at his elbow which impelled him to commit the deed, if he had not caught up the cue given him and used it to his advantage. Why was not the prisoner visited, without being prepared for the visits? Why did not these physicians visit him unbeknown and ascertain correctly his state of mind and condition? Instead of this, they simply moved to draw out of him something which could be used to justify the plea of insanity. The question is, does the prisoner believe himself the stories he told? He told a falsehood to Dr. Hunt, as is proved here, and what can you believe of his statements? Can a man who, from the time of the homicide, when the blood was flowing from the deadly wounds, has told one story up to the 11th of January, when he invented another, be believed? Can his last stories to the physicians be accepted as true? There are things in his stories which are termed delusions, which could be proved to be true. He said his mother interfered with the Bidwell engagement. Where is Miss Bidwell? And when Miss Campbell was on the stand, Albert having said that she took a letter to Miss Bidwell, why was it not proved by her that she either did or did not carry the letter? All along the line of that delusion there has been no proof offered. It has been assumed that he was deluded, and yet no testimony has been presented to trace out his delusion, to ascertain whether he was actually deluded, or the occurrences he related did actually occur.

Mr. Hubbard read from Winslow's medical work on the history of tyrants—men governed by morbid selfishness, cupidity, etc.—in which Caligula, Tiberius, Nero, Judge Jeffries, Henry the VIII, Robespierre, and others, were held to have been laboring under an insane impulse. He said he had presented this from distinguished medical authority, to show that the author himself was insane on the subject, in endeavoring to show that the most horrible monsters the world has known were only victims of mania. The homicide of Booth, killing his victim in the theatre, and then jumping to the stage with his *sic semper tyrannis*, declares his crime in the presence of ten thousand witnesses, looks more like homicidal monomania. When you find learned gentlemen

drifting in the direction noted; it will not do to place too much reliance upon the statements of the two expert witnesses who have appeared here.

The story he told about the commission of the murder, being impelled that night to the bedside of his mother, the counsel said, presents the most satisfactory mark of a sane mind. There has been a dreadful load of thought upon his mind for days, till finally he comes to the determination to execute the act. He goes up the stairs, recoils, and advances, and recoils and advances again; these movements are evidence that his conscience was at work doing its best offices to prevent a depraved heart from consummating a crime. The angel of his better nature influences him back as he mounts the stairs, and then the evil spirit pulls him forward, and he debates the subject; the evil spirit rules, and he proceeds to the bed-chamber, and there deals the murderous blows—more blows than were necessary, because the deed was done in the dark and he struck at random. Now, as the bodies of his mother and sister lay in their blood, there came a voice from Heaven's topmost heights, saying, "Thou guilty man, take up thy bed and hide it from my sight." He applies the torch to the bed, first having placed within it the guilty instruments of his choice, and he did as any sane man would have done. In reply to the argument of the defense that the act was not premeditated, the State's attorney said the prisoner himself had given evidence in his appearance of carrying the black thought in his mind; before committing the deed he removed to the barn his dog, because the poor brute, that afterward responded to his simulated grief, if left on the porch, might echo the groans within, and, if left there, he would have stood in the way of the tale he intended to tell of robbery and murder committed by others. Why did he not take the sharp axe from his own bed-room? Because the taking of that would connect him with the crime. By going into the wood-shed and taking the axe from there, it would tally more with his plan that somebody else had committed the crime. Notice, however, that he avoided the use of sharp weapons and took those which were dull and battered. He selected the time for the deed when no one was in the house except himself, mother and sister. He did not fly out, in an insane passion, into the commission of the deed when others were about; few of the race, at that early hour of the morning were moving. How long he had waited before striking the blow we cannot tell; how long

that mother had kept her silent watch by the window that night does not appear. We know that she labored under a superstition that some dreadful evil was to befall her household; and that she had sat up night after night until twelve, one and two o'clock in the morning. The night was night passed, the morning was at hand, and the murderer braced himself to the commission of the deed, just at a time, as he supposed, when there was darkness enough before day-break to cover up the crime. But he was mistaken; the groans of the murdered woman passed up to the listening ear above; and the man, with all his premeditation, was unable to hide himself from the eye of his Maker. His further conduct on that morning was described in detail, as all going to show that he displayed not one symptom of insanity, but on the contrary, did precisely as a sane man would have done.

Mr. Hubbard then argued that the prisoner having violated the laws of God and man should be punished. In claiming that the cool appearance of the prisoner did not in any way conflict with the fact of his being sane, he cited the case of Dr. Webster, when on trial for the murder of Dr. Parkman; his remarkable indifference, etc., and also alluded to the recent trial of Mrs. Grindler for murder in Pennsylvania, in which she manifested no emotion whatever. In conclusion he addressed the jury eloquently, urging that their duty was plain in view of all the facts which have been clearly presented during the trial.

This is but an abstract of Mr. Hubbard's argument; it was presented in a very forcible manner, covering all the points in the case, and abounding in many fine rhetorical passages. Nothing but a *verbatim* report would do it justice.

Charles Chapman, Esq., closed for the defense. He opened his remarks by saying that he was not unmindful of the fact that the case had been a protracted one. He felt sorry to ask the jury to remain and hear what he had to say in conclusion. He did not appear to speak for the comments of the public press, but for the interest of his client. The case had been on trial for six days, but at the bar of public opinion it had been prosecuted for six months. The press had said everything that ingenuity could suggest against the prisoner, but not a word in his defense. It had assumed to know what would be the defense, and had pronounced against it—had said that it would be utterly groundless.

The jury were familiar with the statements of the press, and no juror could be found who had not, in some degree, been influenced by publications concerning the trial. The power of the press was sometimes employed for good and sometimes for evil. The defense had been compelled to encounter all the embarrassments that it was in the power of public journals to put in the way of an impartial bearing. It was not enough that an innocent man should be subjected to the fire of the wit of the District Attorney, but he must be compelled to meet, through his counsel, the combined attacks of the newspapers of the city, or at least three of them. This is a christian land, and the jury have been informed of their duty. The case on trial is not one of minor importance; a life is at stake. No journals were in command of the counsel for the prisoner, and consequently they stood alone in their defense of his cause. Duty required that the case should be tried fairly and determined upon its merits. After some further criticisms on what the counsel considered to be a display of prejudice on the part of the press, against the interests of the prisoner, he proceeded to say: Let not this court be mistaken for a caucus when the trial of a capital case is before it. The defense had met with much that is formidable in the eloquent appeal of the prosecuting attorney. A better specimen of declamation could hardly be imagined; but the many flowers of rhetoric indulged in have proved no facts. The modern way of trying a crime was a shame when compared with the impartial bearing always given by our ancestors to the trial of capital offences. A case that requires an inflammatory appeal to the jury on the part of a prosecuting attorney, is one not worth saving. Never, in the practice of the counsel had he found it necessary to resort to anything but a plain statement of facts. He had grown old in the profession, and found himself confronted by men younger and more vigorous than himself, but when his duty was clear, he should endeavor to perform it to the extent of his ability, regardless of all the wit and ingenuity that might be shown by his opponents.

The object of the prosecution, it would seem, should be to convict the guilty. In former times such was the case. He was not influenced by personal motives, but was actuated by a desire to see that justice be done to the accused. It is not unfrequently the case that, in the trial of causes, an

sonal victory. Woe be to the man who comes before a court actuated solely by such a motive. The responsibility did not rest with him (the counsel) nor with the court, but with the jury. Their verdict must decide all the points at issue, and the fate of the prisoner must be decided by them alone. He stood in no fear of saying, "Shake not thy gory locks at me. Thou canst not say I did it." Jurors are individually responsible, and they must render their verdict alone as they expect to die alone. The prisoner, up to the commission of the crime, stood a true hearted and honest man. Such was his reputation in his Sunday-school. It was not thought he could be guilty of a breach of good morals, and until the morning of the murder, he had never committed an act against the public peace. The prosecution claims that the crime is a monstrous one. Let us admit it. Let us stop here. Up to the morning of the murder there had never been a threatening controversy between the prisoner and his mother. She was kind, affectionate, and loving. Albert was her only son—her oldest child. His sister was young and amiable—less than fourteen years of age. Surrounded by all these circumstances, Starkweather, whose life had been blameless, entered the lodging room of his victims and committed the murder. Albert had been well educated, was loved and respected by his neighbors, mild in temperament, and dutiful as a son. Many a mother might have wished her son was his equal. The defense did not deny that the murder was committed as charged in the indictment. It was the wish of the counsel for the prisoner to talk to the jury in a common sense way. If the man was sane a sane motive must be shown for the commission of the deed. No motive has been shown that any sane man would have been influenced by. The counsel believed that the prosecution had signally failed to show a motive, and such being the case, the entire theory of the prisoner's responsibility was without foundation. The motive to commit the act must be proved by the prosecution, and if no motive was shown, such as would impel a sane man to the commission of murder, there was an end to the case, as far as responsibility was concerned. But this was for the jury to decide. The only motive assigned was that the prisoner considered his mother an obstacle in the way of his marriage with Miss Campbell. This was absurd. Albert was a young man twenty-four years of age. If Miss Campbell had seen fit to marry him, he could have gone with her to



any part of the country. It was not necessary that he should take up his abode with his mother. The prisoner must have known that there was no possibility of his escaping detection. If he knew anything he must have known that. He must have known that the murder of his mother and sister would be a poor recommendation to the favor of a lady. He must have known that Miss Campbell would not marry him after a knowledge of the crime, and that knowledge was certain and positive.

The time when the murder was committed has much to do with the case. It was in the gray of the morning. Neighbors were up and passing the house, so closely that the blows and groans could be distinctly heard. What sane man would have armed himself with the weapons used by the prisoner? What necessity was there for an axe and a butcher knife? Why so many wounds? Why the fixing of the premises for the alleged purpose of concealing the crime? Do these facts tend to show guilt when it has been proved that immediately after they had transpired, Albert rushed to the house of Horace White to give the alarm, and that that neighbor in consequence of the earnest solicitation of the prisoner, at once repaired to the scene; and this man is called to prove the guilt of the accused. The bruises upon the person of Albert have been described with considerable minuteness, and the story he told concerning them has been related with great force. If all be true that has been said, does it argue that the prisoner is a sane man? Did he arrange his story? Was it preconcerted? Does it appear plausible and as though it had been concocted for a purpose and to cover his guilt? He stated that two persons, to him unknown, committed the murder. When questions were put to him in regard to them, he could not say whether they were men or women. He said that he was knocked down. Did this assertion correspond with any legitimate construction that could be placed upon his story? Did his assertions seem like a premeditated plan to deceive? No sane man could have thought of fabricating such a tale; its recital was hardly worthy the brain of a child six years old. The story is so improbable that it carries with it the strongest evidence of insanity. The bruises he exhibited were but skin deep. This fact dwelt upon by the prosecution, was alone an evidence of insanity hardly admitting of a doubt. Where can one be found who is thinking of a family fire-side, an only son, a dear mother, and all the happy surroundings of domestic life, could enter-

## Charge of Chief-Justice Hinman—A Clear Review of the Case.

SEVENTH DAY—WEDNESDAY.

The court room was again crowded this morning, and hundreds of people were forced, as on previous days, to take their "melancholy departure" from the doorways, being unable to obtain admission. At 10 o'clock, Chief Justice Hinman delivered his charge to the jury, as follows:

**GENTLEMEN OF THE JURY:** The prisoner is indicted for the murder of Harriet A. Starkweather, on the first day of August, 1865, by blows inflicted with an axe, and by stabs inflicted with a knife upon the person of the deceased, thereby causing her immediate death. The meaning of this is, that the prisoner is properly presented to you for trial upon the charge contained in the indictment of the Grand Jury, according to the forms required by law. The charge is for a wilful and malicious murder, with what the law calls malice aforethought, and nothing need be said upon the subject of malice because the prisoner's counsel make no claim but that the person who committed the act of killing Mrs. Starkweather was guilty of murder, if guilty of anything. Nor does there seem to be any question but that it was murder in the first degree, if it was a crime of any sort, punishable by law. I shall not, therefore, dwell upon that subject further than to say that if you find the prisoner guilty it is necessary for you to say whether it is murder in the first or in the second degree. In enquiries of this sort, the question first presented is whether a homicide, such as charged in the indictment and committed in the manner there charged, has been committed by any one. In this case, little need be said upon that question. On the evening previous to the first of August, Mrs. Starkweather was at her house alive, and apparently in her usual health. The next morning she was lying in her bed, which was wet with her blood and was still warm, though she was herself dead, and she had several wounds upon her head apparently inflicted by some such instrument as an axe, and several stabs upon her body, apparently inflicted by some such instrument as a knife, which wounds the medical men who were called there think caused her death; and an axe and also a knife which have the appearance of having been used in inflicting those wounds, were found either in the bed or so near it as to leave little doubt that they were the instruments used in taking the life of the deceased—and a witness who was near the house a short time before she was found heard several blows and a somewhat stifled groan arising, which he thought at the time might come from a person in a state of nightmare.

It is for you to say, gentlemen, whether upon this evidence you have any reasonable doubt that Mrs. Starkweather came to her death by means of blows or stabs inflicted upon her in the manner charged by the indictment by some one. If you find this to be so, then the next question is, who inflicted these wounds? Who was the agent that perpetrated this deed?

Upon this question, I do not understand there is now any very serious doubt but that the life of the deceased was in fact taken by the prisoner, in the manner charged in the indictment. When an act of this sort is shown to have been done, the question then arises as to who was in a situation to do it. It being shown that some particular person was in such a situation, and also that no other person was so situated as that he could have done it, this, of course, raises a suspicion that that person must have done it. Now here the prisoner and the two persons who were killed were the only persons in the house that night, and from such

an examination of the ground about the house as was made that morning the witnesses first there could discover no marks of any other person having been there. Then the prisoner knew of course where his axe and knife were kept, his conduct in looking for money, and many other circumstances not necessary to allude to, all seem to point to him as the person, and besides all this you have his admission to Mr. Campbell, Dr. Hawley, and to a certain extent to Dr. Hunt. It is for you to say, whether with this evidence before you, you have any reasonable doubt that the act of killing was perpetrated by the prisoner.

If you find this to be so, you then come to the question as to whether it was a criminal homicide or an excusable homicide. And if it was a criminal act, whether it was murder in the first degree or any lesser offense. It requires but a word or two in regard to the latter branch or this question. All killing without provocation or justification (and none is claimed here) by the use of a deadly instrument, attended by circumstances of cruelty, is clearly murder, if it is not excusable homicide; and all murder by means of poison, or by lying in wait, or which is perpetrated in a wilful, deliberate, and premeditated manner, is murder in the first degree. It is for you to say, if you should find the prisoner guilty of murder at all, whether entering the bedroom of these deceased persons in the night season, with both an axe and a knife; and slaughtering them while on their beds, with these deadly instruments, do not evince deliberate premeditation, equal, at least, to lying in wait, and if so, it is obviously murder in the first degree.

We come now to the main question in the case. Counsel on behalf of the prisoner insist that the act of killing in this case was no criminal act, because the prisoner's mind, at the time of the commission of it, was in such a condition as that he was not responsible for his acts. They say that he was not acting under the influence of a sound, reasoning, thinking mind; but, on the contrary, that he acted under an insane and uncontrollable impulse, caused by an insane delusion resulting from a diseased mind, and was therefore an act of insane frenzy rather than an act done under the influence of a wicked and depraved mind, having sufficient powers of memory and reflection to be responsible for its acts. And if counsel are correct in this, there is no doubt the prisoner is entitled to an acquittal.

It is claimed to be a case of monomania, or partial insanity, and the laws upon cases of insanity of this description are well laid down by the late Judge Shaw, which I will read to you:

"In order to commit a crime a person must have intelligence and capacity enough to have a criminal intent and purpose; and if his reason and mental powers are either so deficient that he has no will, no conscience, or controlling power, or if, through the overflowing violence of mental disorder, his intellectual power is for the time obliterated, he is not a responsible moral agent, and is not punishable for criminal acts.

"But these are extremes easily distinguished, and not to be mistaken. The difficulty lies between these extremes, in the cases of partial insanity, where the mind may be clouded and weakened, but not incapable of remembering, reasoning and judging, or so perverted by insane delusion as to act under false impressions and influences. In these cases, the rule of law, as we understand it, is this: A man is not to be excused from responsibility if he has capacity and reasoning sufficient to enable him to distinguish between right and wrong, as to the particular act he is doing is wrong and criminal, and will subject him to punishment. In order to be responsible, he must have sufficient power of memory to recollect the relations in which he stands to others, and in which others stand to him, that the act he is doing is contrary to the plain dictates of justice and right, injurious to others, and a violation of the dictates of duty.

"On the contrary, though he may be laboring under partial insanity, if he still understands the nature and character of this act, and its consequence; if he has a knowledge that it is wrong and criminal, and a mental power sufficient to apply that knowledge to his own case, and to know that if he does the act he will do wrong and receive punishment: such partial insanity is not sufficient to exempt him from responsibility for criminal acts.

"If, then, it is proved to the satisfaction of the jury that the mind of the accused was in a diseased and unsound state, the question will be whether the disease existed to so high a degree that, for the time being, it overwhelmed the reason, conscience and judgment; and whether the prisoner, in committing the homicide, acted from an irresistible and controllable impulse. If so, then the act was not the act of a voluntary agent, but the involuntary act of the body, without the concurrence of a mind, directing it.

"The character of the mental disease, relied upon to excuse the accused in this case, is partial insanity, consisting of melancholy accompanied by delusion. The conduct may be in many respects regular, the mind acute, and the conduct apparently governed by rules of propriety, and at the same time there may be a delusion, by which the mind is perverted. The most common of those cases is that of *monomania*, when the mind broods over *one idea* and cannot be reasoned out of it. This may operate as an excuse for a criminal act in one or two modes:

"1st. Either the delusion is such that the person, under its influence, has a real and firm belief of some fact, not true in itself, but which, if it were true, would excuse his act.

"2nd. Or this state of delusion indicates to an experienced person that the mind is in a diseased state; that the known tendency of that diseased state of the mind is to break out into sudden paroxysms of violence, venting itself in homicide, or other violent acts toward friend or foe, indiscriminately; so that, although there were no previous indications of violence, yet the subsequent act, connecting itself with the previous symptoms and indications, will enable an experienced person to say that the outbreak was of such a character, that for the time being, it must have overborne memory and reason; that the act was the result of the disease and not of a mind capable of choosing; in short, that it was the result of an uncontrollable impulse, and not a person acted upon by motives and governed by the will."

Now, in applying these principles, or some of them, to the evidence in the case, three questions are involved: First, was the prisoner laboring under any delusion, or was his act a cool, deliberate, unprovoked act of murder, either for the purpose of possessing himself of his mother's property, or to remove her from the condition of obstructing his marriage, or for no other purpose than to carry out the purpose of a wicked and depraved mind. This raises the first question for you to decide in this part of the case, and, of course, it is not necessary to say that if he was not laboring under any delusion whatever, there is an end to the defence on the ground of insanity. Of this the jury will judge. But if the prisoner, at the time of the homicide, was laboring under delusion, then the question arises—1st, In respect to the character of the delusion itself; 2d, in respect to the mode of its operation in causing the homicide.

As to the character of the delusion. Men, as Dr. Hawley says, may be deluded and not be insane. A common mode by which all may be deluded is by imposing upon them falsehood as truth, and the person thus imposed upon is forced to believe that which is not true. So a person may be said to be deluded in a matter of business when his speculations do not result as successfully as they were expected to do. Men of sound, well-balanced minds, are probably often deluded in this way, and there are many degrees of delusions of this sort down to those that excite sur-



prise in consequence of the facility by which some persons are deluded in this way.

Again there may be delusions by persons in respect to the love and attachment of their friends to them, and their wishes as to their welfare. The unreasonable jealousies between married persons are instances of this. There is frequently no want of affection in cases of this sort. Indeed, jealousy is sometimes said to be caused by an excess of affection. So, I suppose, the prisoner might be deluded in respect to the affection of his mother for him; and she, too, might be deluded in respect to his morals and habits, and the delusion of both might have produced great disquiet in the family, and the bitterest of feelings, resulting even in the dreadful act we are investigating, and yet neither of them have been insane. I need not say, gentlemen, that delusion of this sort is no excuse for the crime. If the prisoner had reason and reflection enough at the time to know that he was performing a wicked act, for which, if detected, he was liable to punishment, he is responsible for the act. In other words, gentlemen, a delusion which produces a determination to do a wrong act, but is not caused by any disease of the mind, does not excuse or palliate the act, because the remote cause is a delusion producing hatred which induced the act. If you think the prisoner was deluded at all, it will be for you to say whether its result was hatred only, and that this hatred produced or caused the act by inducing a determination to take the life of his mother, or whether it was what the medical men call an insane delusion. If it was the former, it is no excuse; if the latter, it will do for you to go farther and investigate as well as you can the mode in which this delusion operated in producing the homicide.

The two medical men who speak to the fact of the existence of delusion in the mind of the prisoner, speak of it as having reference to the conduct of his mother, and they not having been acquainted with the prisoner previous to his commitment, derive their knowledge of it from the examination of the prisoner, and from what he said to them during their examinations of him. The evidence from any other source is claimed by the prosecution to be slight, consisting mostly in his conduct with Miss Campbell and her father and one or two other witnesses who speak of some apparently absent-mindedness at times, and certain moving of the eyes either at these times or when under excitement, and witnesses who speak of his extravagant stories. But the physician's opinions resulting from these examinations of the prisoner himself, and the extraordinary character of the homicide itself is what is principally relied upon by the prisoner's counsel. The delusion, then, was in respect to the affection of his mother for him, if it existed at all. There was no delusion upon any other subject, that we know or have heard anything of.

This delusion might have operated in one or two ways.

1. It might have caused such extreme hatred of his mother that he determined to take her life.

2. It might have excited such a state of frenzy as to wholly overpower for the time all the memory, reflection, or reason, and cause him to be impelled by an irresistible impulse to perpetrate the act under the influence of this frenzied state, when he had no power of reflecting upon the rightfulness or wrongfulness of it, or no moral power of resisting the impulse that was upon him. Now the delusion, though an insane one, as to his mother's treatment of him, inasmuch as it did not relate to any personal wrong of the mother to him, but principally to her thwarting him in his matrimonial projects, and he was not put in fear of any bodily wrong or assault to him, it would not, had the facts been as he was deluded to suppose them to be, have justified or excused his taking his mother's life. So if he acted under the delusive belief of such a state to



feeling, and such conduct on the part of his mother, that would not, of course, excuse the homicide thus caused. It would still be murder if he had reason and reflection enough at the time to know that the act was contrary to the laws of the land, and was a wicked act, unless, indeed, he was impelled to its commission by an insane impulse which he was unable to resist.

This brings us, gentlemen, to the last question upon which the case may turn. Was the prisoner, at the time, afflicted with an insane delusion, and was the act of taking his mother's life the offspring of that delusion, by impressing him in such a state of unconscious frenzy that he had no memory or reflection of the wrongfulness of it, but, on the contrary, was impelled to it by such an overpowering delusion as destroyed for a time his consciousness of the wrong and impelled him to do it, when he had no mental power of restraining himself. If so, he should be acquitted; if not, he should, undoubtedly, be convicted.

You will, of course, determine this question in the light of the presumption that every person of mature age is supposed to be a reasonable and accountable being until the contrary is shown by proof.

The mode of putting a question of this sort to a jury has generally been to say to them that when a criminal act, or one which would be criminal in a person of sound mind, has been committed, the burden of proof rests on the person committing the act, to show that he is not accountable or responsible for the act, by reason of his insanity. In other words, that the burden of proving insanity rests on the prisoner charged with crime.

In this case, this mode of putting the question to the jury is objected to by the prisoner's counsel. In the opinion of the court, gentlemen, the particular mode of putting the question is of no importance whatever. While it might be important in some cases, and perhaps might have been of some importance when the examination of witnesses upon this subject was first commenced, it is of no importance now that the evidence is all before you.

The evidence of sanity and insanity is all in, and has been received without objection as to the time when it was offered. And it is to be all considered and weighed by the jury, and you are to find from it whether the prisoner was sane or insane at the time he committed the homicide. Are you satisfied that the prisoner was insane at that time? If so, then he is not responsible, and it will be your duty to acquit him on that ground alone. Putting the question to you in reference to the particular insanity claimed to have existed in this case, in the mind of the prisoner, was he at that time laboring under an insane delusion which deprived him of the power of distinguishing right from wrong in reference to the homicide he was then committing, or was he impelled by such an insane impulse to commit the deed as he had no moral power to resist? If so, then undoubtedly he is to be excused on the ground of insanity. But if he was not so deluded but that he knew that he was committing a wicked and unlawful act, which would justly subject him to punishment if detected; and was impelled to commit the act by an insane impulse which he could not resist, then he is responsible. It was to the jury to give to the whole evidence the weight to which it is entitled, and to say from it whether you think it preponderates in favor of his insanity. If you think so, you should acquit him on this ground. But if you think the weight of evidence on this subject preponderates in favor of his sanity, then it is your duty to convict him. As to there being a reasonable doubt on the subject, the court does not think that a subject of much importance.

It is rather a question on which side does the evidence of insanity or of sanity preponderate. Do you think he was insane, if so acquit him

on this ground, for in that case you would doubt his sanity. Or on the other hand, do you think he was sane, if so, then it will be your duty to convict him, because in that case you would not have a reasonable doubt on the subject.

To sum up in a few words what I have been saying, was the homicide the act of the body, forced on by an unreasoning impulse to the commission of the dreadful deed; or was it a cool, deliberate, preconceived murder, either for purposes of gain, or to enable him to accomplish his matrimonial projects, or for any other unlawful purpose? and as you find on these questions, so it will be your duty to return your verdict, either of acquittal or guilt, as you judge the evidence preponderates.

You can judge of the evidence on this subject as correctly as I can. Counsel for the prisoner rely very much on the opinions of Doct. Hawley and Doct. Hunt; and where in questions of insanity, there is a uniformity in the opinions of witnesses who have had great experience among persons afflicted with the disease, and have had a full opportunity to examine the case of the person whose mind is the subject of investigation, and the witnesses are not themselves deceived or deluded in respect to the facts upon which they form their opinions, the opinions, if unhesitatingly expressed, are doubtless entitled to great weight. In this case, you are aware that it is claimed that these witnesses were deceived by the prisoner; that as they necessarily had to rely for the most part, upon information derived from him, and as the prisoner is said to be an intelligent man and knew, as it is claimed, that these gentlemen were going to visit him for the purpose of investigating the character of his mind and its condition when the homicide was committed, he was enabled to deceive them by simulating insanity, of the description these gentlemen think him afflicted with, and the attorney of the State also insists that the attempt to escape, or the preparation to escape which the prisoner is said to have made, the attempts to conceal at first, his connection in any way with the homicide, his firing the beds, and giving the alarm before the fire had time to communicate to the house, all tend to show a disposition to deceive as well as a power of accomplishing his purpose. Of course it is for you to judge of this in the light of the degree of positiveness or of qualification in which these gentlemen express their opinions. If from this and all the evidence, you think the prisoner was insane, it will be your duty to acquit him. But if you are not satisfied that it was so, then it will be your duty to be governed by the ordinary presumption of sanity and convict him.

#### RETIREMENT OF THE JURY.

At four minutes before 11 o'clock the jury retired under charge of Deputy Sheriff Fenn, and at sixteen minutes past 11, having been out just twenty minutes, re-entered and took their places. A breathless silence pervaded the court room as the clerk, Mr. Howard, read the names of the jurors, who rose in response as each one was called.

Then the prisoner was requested to rise in the dock, which he did, and all eyes were turned upon him. Nothing but the same calm expression of countenance, the same unconcerned look, and the same general composure which has characterized his conduct all through the trial, was noticeable in him. He gave no sign of uneasiness, no sign of anxiety; yet who believes that the outer man, stoical as he was, did not mask deep emotion and a quivering heart within? But a moment before, the writer of this conversed with him, and his voice was broken; the iron will which had nerved up a simulation of quietude, could not prevent the tongue stammering under the storm that was really raging in his soul. It was a moment when even an innocent man might strive in vain

to stifle his solicitude—a moment hanging over the dividing line between life and death.

When the clerk asked the question, "Are you agreed upon your verdict?" Starkweather looked earnestly and directly in the faces of the jurors.

"We are agreed," was the response.

"Who shall say for you?"

"Our foreman."

Then came the question:

"What do you say; is Albert L. Starkweather, the prisoner at the bar, guilty or not guilty?"

The foreman (Mr. Whittlesey) replied:

"*Guilty of murder in the first degree.*"

Out of the deep silence which had existed, there came a subdued murmur, as if all the spectators had held their breath to catch the words of the foreman, and, as he pronounced the verdict, had taken one long sigh for relief. Then every eye turned in the direction of the prisoner, who had taken his seat and was looking over the pages of a newspaper; but they detected nothing unusual in his appearance; he wore the same indifferent look.

A gentleman soon after approached him and said:

"Well, Starkweather, what do you think of the verdict?"

"*It is pretty much as I expected,*" was his reply.

The Chief Justice then directed Sheriff Russell to remand the prisoner to jail for sentence, and he was removed from the court room.

#### SENTENCE POSTPONED.

Mr. Calhoun, associate counsel for the defense, stated to the court that Mr. Chapman, his colleague, was absent in New York, and he desired a suspension of the sentence for the present.

The court then announced that the sentence would be suspended until after the third Tuesday in February, at which time the Supreme Court of Errors meets, in order to give the prisoner's counsel an opportunity, if they desired, to make a motion for a new trial. There is hardly any possibility of the reversal of the verdict, and the prisoner may begin his preparations to suffer the awful punishment which the law affixes to the horrible crime he has committed.

#### NEW AND IMPORTANT DEVELOPMENTS IN THE CASE. THE CHAIN OF EVIDENCE MADE COMPLETE. THE FIRST CONFESSION OF THE PRISONER. HIS MOTIVES FOR COMMITTING THE DEED. HOW HE DID IT, AND WHY HE KILLED HIS SISTER.

Those who have carefully read the testimony given, will have noticed that one important link in the chain of evidence against the prisoner has been found wanting, and, with the shrewdness of able lawyers, the counsel for the defence made a strong point out of this fact. While the killing was admitted, *no notice was proved*, except by circumstantial evidence, showing *why* Starkweather, if in his sane mind, was led to take the life of his mother and sister. In all other respects, so far as the testimony is concerned, the chain of evidence is complete. On this absent link—this almost vital part of the case—the whole question of insanity rested; for, with it in its proper place in the chain, there was not the slightest ground for supposing that the murderer was actuated by an "irresistible insane impulse," as was claimed in his defense. The restoration, therefore, of this important absent member, fastens the prisoner and the homicide together as with "hooks of steel," and exhibits him as not of unsound mind, but as one who, with deliberation of purpose and malice aforethought, as the indictment against him read, went into his hellish plot of assassination with a full understanding of the

nature of his crime, and what his punishment must be if the law should do him and itself justice.

#### STARKWEATHER AND MISS CAMPBELL.

It has been proved that Starkweather had paid considerable attention to a young lady in Manchester named Emerett Campbell, and that he was desperately in love with her; that she refused her consent to an engagement with him, though he still persisted in his attachment and entreaties. It will be remembered that Miss Campbell, on her cross-examination, stated that one night in June, Albert called upon her, and while there she told him of a rumor she had heard that he was embarrassed in his business; that he then became moody and silent, and would not answer questions which were put to him until they had been repeated three or four times, and that his strange conduct led her to call her mother, fearing that he would do something desperate. His mysterious conduct at this time, undoubtedly assumed for the purpose of influencing Emerett to withdraw her refusal to become engaged to him, should be borne in mind while following up his subsequent career. It was the key, to his after life. He became convinced, from Miss Campbell's reference to the rumor of his business embarrassments, that the sole reason why she declined to accept him as an acknowledged suitor was because she believed he was not in such pecuniary circumstances as she desired the man to be whom she should marry. How could he remove this false impression from her mind?

#### HIS OWN STORY ABOUT IT.

Now we come to the most important development of the case, and, as we have already stated, it will supply whatever has been missing in the testimony to make everything plain, and will give to every prominent part of the circumstantial evidence adduced during the trial, the full force to which it is entitled. A day or two after the murder was committed, a gentleman well known to Starkweather, having lived near him for several years, called upon him in his cell at the jail, and after some conversation with regard to the burial of his mother and sister, the subject of the homicide was introduced. The visitor finally asked the prisoner to inform him honestly concerning everything connected with the tragedy, and he gave a solemn promise that anything which might be told him would not be used to his (Starkweather's) disadvantage. The latter, having full confidence in the honor of his questioner, then made the following

#### CONFESSION.

In the early part of the week preceding the homicide, his mother, he said, came to Hartford and executed a deed to him of the homestead. Previously (in 1862) she had delivered to him the deed of a lot, containing sixty-three acres, though the deed had never been recorded. In giving him the deed of the homestead, she required him to give in return a mortgage note for fifteen hundred dollars in favor of Ella, his sister. On the Saturday following, he said, he went to Rockville and, securing the services of a lawyer there, had the sixty-three acres of land, given to him in 1862, and the homestead which had just passed into his possession, deeded by a warranty deed to Emerett Campbell, thus disposing to her of all the estate to which he held title. On his return home that evening he stopped at Mr. Campbell's house, and gave the deed to Emerett, (as stated by her in her testimony.) When he reached his own house he told his mother what he had done, and she, very naturally, censured him for doing what she pronounced to be a very foolish act, and expressed herself in strong terms. She finally told him, however, that if he was willing to take a deed of the place, as previously agreed

upon; and let the note of fifteen hundred dollars in favor of Ella stand as it was drawn, and would keep the deed in his own name and live on the premises, the arrangement she had made with him with regard to the property might remain binding, and if Emerett would marry him she could come there and live; but if he choose to treat the matter as he had—deeding away all he was worth—he should not have “an inch of the ground.” The words quoted are precisely those used by her, as stated by Starkweather in this confession. He told her that he would do nothing of the kind—would not take back the deed he had given to Emerett,—and then accused her of interfering with his own and Miss Campbell's arrangements.

Some further conversation, of an excited character ensued, which resulted in his mother's going and getting the deed and note (which were in her possession) and tearing them up in his presence. High words followed, “and I told her,” said he, “that I would be revenged.” [The destruction of the deed and note, it will be observed, rendered the deed he had given to Miss Campbell totally valueless.] “From that time,” he added, “until the time of the murder, the idea of killing mother did not leave my mind.” He said he thought of it constantly—all night Saturday, and Sunday and Sunday night, and all the following day, “and the more I thought of it, the madder I grew,” were the words he used. Monday night he made up his mind to do the deed, as a favorable opportunity was presented by the absence of the hired man and boy. His mother and sister sat up to a very late hour, as they were frequently accustomed to do. Toward morning, about 3 o'clock, the house became quiet, and he took the axe from the woodshed, and the knife from a drawer, and proceeded to the bed-chamber of his mother up stairs. On getting there he immediately struck her blows upon the head with the axe, and in so doing startled his sister Ella, who was lying in the back part of the bed, and she sprang up and jumped toward him! He did not expect to kill her, but, awaking as she did, and, as he supposed, seeing him, he was led to knock her in the head in order to put her out of the way that she might not be a witness to his crime against him. To make certain work, he used the axe freely, and then stabbed his victims with the knife. Having done thus much, he says he knocked his head against the wall, and made a bruise on his forehead, and one on the side of face, and then took his jack-knife from his pocket and cut his shirt and his breast, so that the story he had decided to tell, relative to his being assaulted by two men might be believed. After this, in order to cover up the crime, he set fire to the beds, particulars of the finding of which by Mr. White to whose house the murderer repaired and gave an alarm, have appeared in the testimony of that gentleman.

#### THE CHAIN COMPLETED.

The readers will have no difficulty now in supplying the lost link in the chain of evidence. The motive of Starkweather—the motive which drove him while in the full possession of his mental faculties—is perfectly clear. He had answered for himself the question “How could he remove the false impressions from Miss Campbell's mind.” Believing that she would not marry him because she suppose he was embarrassed in his business matters, he sought to remove that obstacle by putting all of his property into her possession. Had

“Consideration like an angel came  
And whipped the offending Adam out of him”

at this very moment, the stain of blood would never have appeared upon his now guilty hands. After finding that his mother was displeased he was maddened to desperation, for his bride would not permit him to recall



the coast" of all opposition. The question asked by one of the counsel for the defense, in his argument at the close of the trial, "Did he expect he could marry the girl after committing murder?" may be answered here by the reasonable statement that, having planned the homicide, and fixed in his own mind upon the story which he should tell after the act had been committed, he did not anticipate arrest, exposure, and conviction; but undoubtedly believed that he could avoid suspicion, and in that case he expected to succeed in the prosecution of his suit. His plan, in this respect, evinced the studied plotting of a sane mind, and overthrows entirely the idea that he was laboring under an insane delusion.

The reader will have observed in the testimony of Mr. Campbell, that Starkweather made a confession to him in these words: "I did it," or "I killed them; *it was on Emerett's account.*" How closely this connects itself with the confession given above. It fastens the motive of the crime indelibly!

A few words may appropriately be said here in respect to the character of the murdered woman. When she unselfishly deeded her entire estate to her son, with the exception of a small portion reserved for her daughter, keeping none to herself, she exhibited a motherly affection such as is seldom displayed in any family. That act alone ought to shield her memory from reproach. We refer to it now in justice to the living and the dead.

The confession given may be relied upon. Its truth appears on its face, from the corroboration furnished in the testimony produced in court. It is not necessary to state why it was not used in the trial; there were good reasons for its omission, it is sufficient to say, which were satisfactory to the prosecuting attorney.

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#### PHRENOLOGICAL AND PHYSIOGNOMICAL EXAMINATION OF ALBERT STARKWEATHER.

Dr. A. D. Crottre visited Starkweather on Saturday, Feb. 3d, 1866, and made a thorough analysis of the faculties of the brain of the prisoner, occupying nearly two hours. The prisoner could not refrain from openly acknowledging the correctness of the analysis of nearly every faculty. Starkweather is himself a good judge of character; knows his man at sight. He seldom forgives a face he has once seen. His brain is large and active, not excitable, rather cool. Amativeness and Conjugality are both large—the former being the controlling power of his life, and all others are subservient to it. His Continuity and Firmness being full, and Destructiveness large, he would pursue one object, leaving no "stone unturned," in order to gain that object. Said the Doctor to him: "Nothing but this one thing (love propensity) could ever get you into serious difficulty; it either makes or breaks you, and is the *controlling motive* of all your actions in life." "That is true," he replied, and forthwith he entered upon a lengthy elucidation of the point. His Acquisitiveness is small; he could not succeed as a trader, would never steal for *self*, but if he had money entrusted to his keeping, and had none of his own, and a *female* friend wanted a bonnet or anything which money could purchase, he would not hesitate to use the money *for that purpose*. He is intelligent, has a retentive memory, can remember all the particulars of a book, story, or of his trial, or of a conversation. His Locality is large, and he

never forgets a place once seen. Order also is large, and he can find tools implements, etc. on the darkest night. Would excel as a peaman, but not at figures—he could scarcely keep his own accounts. He seldom reckons the cost correctly in purchases. He is an extreme admirer of the beautiful, especially of the female sex. Pictures and flowers are his delight, and though he is very deficient in color he can select a dress-pattern like a *connaisseur*. (The prisoner, when this was told him related an account of himself and Miss Campbell going to a wedding and he selecting various articles for the bride, all from memory of samples, to illustrate its correctness.) He admitted that his conscientiousness was small, which prevents his discriminating, to a considerable extent, between right and wrong, truth and falsehood, and here we have the key to the great mystery of his *nonchalance*. Love (Amativeness) being the great motive, Destructiveness suggests a remedy, Conscientiousness being weak, stands aside, and with a steady nerve he goes coolly at work. Causality is 5½; had he the other half it would have been a controlling power, and his plans which so often have failed, though *nearly* perfect, would have been perfection, and with his full Secretiveness his cunning would have astonished the world! Hope is large, and so long as it holds on strongly, he will remain cool, hard and indifferent. He can concentrate all his powers on one object for the time being, but it is impossible for him to listen to an argument or conversation, and read a paper at the same time. One thing must be dropped ere another is taken up. His Benevolence is larger than his Acquisitiveness, and he would give away freely. He is agreeable and pleasing in conversation and manners.

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NOTE.—The warranty deed referred to as having been given by Starkweather to Miss Campbell was drawn July 29th, 1865, at Rockville, by Justice Bill. It deeded sixty-three acres of land, and the homestead, "in consideration of four thousand dollars" and was stamped with four one dollar revenue stamps, making it a perfect written instrument.

