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BEING A

HISTORY OF A STRANGE CASE

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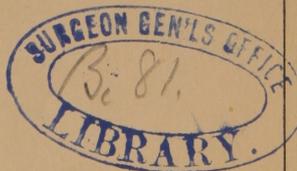
Great Life Insurance Case,

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TRIAL OF WILLIAM E. UDDERZOOK

FOR THE

MURDER OF W. S. GOSS.



BALTIMORE GAZETTE, PRINTERS.

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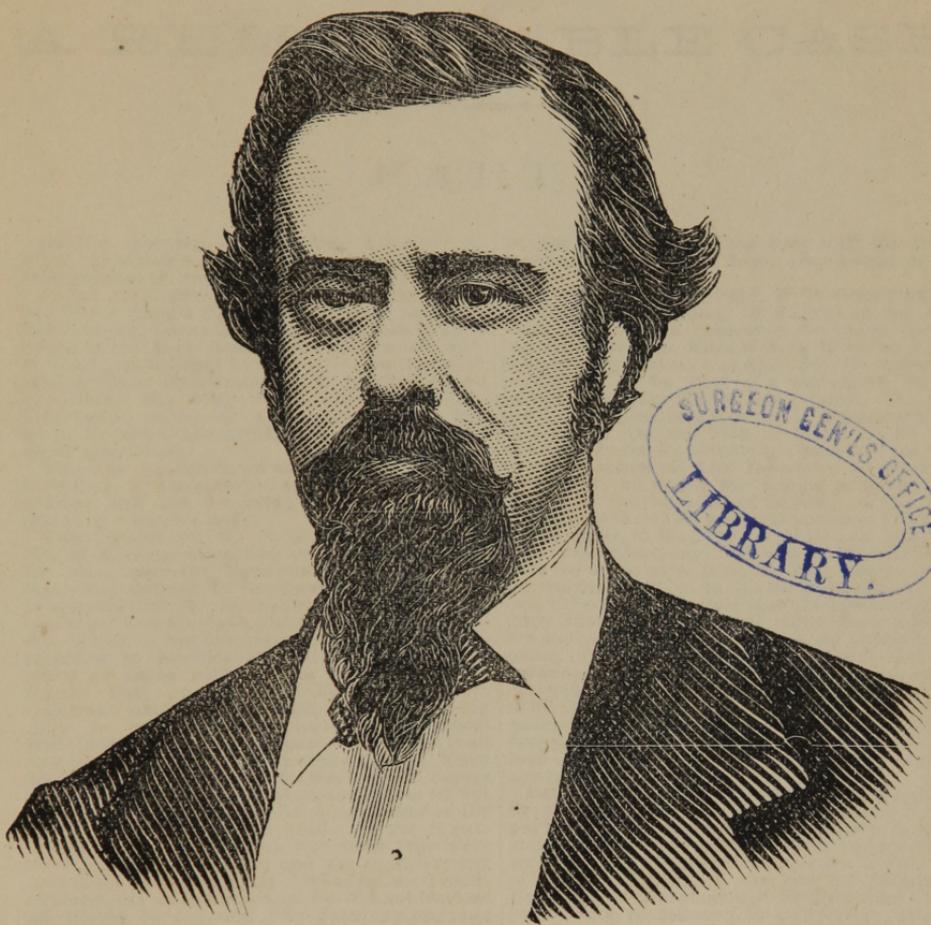
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WINFIELD SCOTT GOSS.

THE GOSS TRAGEDY.

A REMARKABLE CASE.

PART I.

On the morning of Saturday, February 3, 1872, the following brief notice appeared in the local column of THE BALTIMORE GAZETTE:

FATAL ACCIDENT.—W. S. Goss, residing at No. 314 North Eutaw street, was burned to death last evening, about half-past eight o'clock, in a house on the York road, about four miles out. It was supposed that he was experimenting with some acids or chemicals, which resulted in an explosion. His body was taken out by Mr. Uderzook, aided by some neighbors. The house in which the accident occurred was entirely consumed.

This was supplemented on Monday, the 5th of February, by the annexed account of the conflagration and the discovery of the charred remains of a human body.

THE DEATH OF W. S. GOSS.—The death of Mr. W. S. Goss, about two and a-half miles from the city, near the York road, on Friday night last, was noticed in the GAZETTE of Saturday. It appears that Mr. G. last spring hired a small house on Steele's lane, belonging to Mr. Lowndes, which he has occupied ever since in experimenting to produce an article to supply the place of India rubber. He rarely worked at night, but on Friday his experiments required more time than usual. Having only a candle he requested his friend Mr. Uderzook to go to a house on the York road and procure for him a large coal oil lamp. When his friend got back he found the house in flames and supposed Mr. Goss had escaped from it, but subsequently discovered his body lying on the floor. Efforts were then made to get it out, which proved successful, but both legs were burnt off up to the knees, and the right forearm and hand were destroyed. What he used in his experiments no one knew, as he did not disclose his secret to any one. On Saturday morning the magistrate of the Ninth District held an inquest on the remains, when the jury rendered a verdict of accidental death.

That a human being should set his house and himself on fire while absorbed in experiments which he hoped would lead to fortune, and that through his efforts to conceal his operations from the outside world he should effectually close up the only avenue left for his escape was not such an event as to create suspicion. It had happened before and will doubtless happen again, and the public when they read the notices culled from the GAZETTE little thought that this was the prelude to a tragedy embracing in its tortuous course more than one respectable family, and unfolding its coils in at least three States of the Union. An inquest was held over the remains found in the house, and a verdict of accidental death was rendered. Some comment was made by the curious or unsatisfied portion of the community, and the circumstances surrounding the case were regarded as somewhat singular;

but the recollection of the fire, with its tragic results, quickly faded from the minds of the people.

On the 21st of May, 1863, W. S. Goss took out an ordinary life policy of \$5,000 in the New York Mutual Life Insurance Company for the benefit of his wife, Eliza Waters Goss, on which the annual premium was \$123 90. He stated his occupation to be that of a merchant. Subsequently, in May, '71, at his request, the payment of the premium was made in quarterly installments. On the 26th of May, '71, he took out a policy for \$5,000 for the benefit of his wife in the Continental Life Insurance Company of New York, on which the annual premium was \$139 80. On the 18th of October, of the same year, he took out an accident policy of \$10,000, for one year, in the Traveler's Life and Accident Insurance Company, of Hartford, Connecticut, in favor of his wife, Eliza W. Goss, the premium on which was \$50. In this he stated his occupation to be a looking-glass manufacturer. On the 26th January, 1872, only eight days prior to his alleged death, he took out an ordinary life policy of \$5,000 in the Knickerbocker Life Insurance Company of New York for the benefit of his wife, the annual premium on which was \$136 25, payable quarterly, on which one quarterly payment had been made. In this his occupancy was stated to be a merchant and manufacturer. The three last policies stated his age to be 36 years.

Demand was made upon the above companies by the alleged widow of the deceased for the payment of the policies. Payment was refused, and on the 19th of August, 1872, suits were entered against the several companies in the Court of Common Pleas of the city of Baltimore. Upon the petition of counsel for defendants, these cases were transferred, in compliance with the provisions of an act of congress, to the Circuit Court of the United States, where they were entered in September, 1872.

The attention of the public was immediately directed to the circumstances attending the conflagration on the York road. The remains discovered in the ruins after the fire were dreadfully defaced. The limbs were burned off; the face was so completely consumed as to be unrecognizable, but the body and head were left, and were unhesitatingly identified by the widow, Mrs. E. W. Goss, the brother, Alexander C. Goss, Wm. E. Uderzook, and others, as the remains of Winfield Scott Goss. The insurance companies were not convinced, and subsequently, with the consent of the widow, they exhumed the body.

An examination was made under the direction of a number of eminent physicians, the result of which appeared unsatisfactory to the companies, as they still declined to pay, and stated that they expected to prove affirmatively that

they were not the remains of Goss. The 27th of May, 1873, was the day fixed for the trial of the suit against the New York Mutual Life Insurance Company, which was made the test case. The curiosity of the public was fairly aroused, at no time partial to corporations, and especially to life insurance corporations, popular opinion seemed distinctly to favor the widow on this occasion. It was currently reported that this was simply a repetition of an old dodge to avoid payment of a just debt, that the company had no grounds upon which to base a defense, and were getting up a factious opposition to the claim of the desolate widow, because the flames had obliterated the ordinary means of identification by erasing the loved lineaments of her dead husband. Numerous cases were called to mind where the most frivolous pretexes had been urged as potent reasons for the avoidance of contracts, and comments by no means complimentary to these overgrown corporations freely passed from mouth to mouth. On the morning set for the hearing of the cause, the United States Court room was filled with spectators, anxious to catch a glimpse of the plaintiff, and eager to follow every phase and development of the trial. The best legal talent in the city had been prodigally availed of by either side, and such men as Whitney and Johns on the one hand were confronted by Wallis, Hinkley, Marshall, Chandler and Stirling on the other. Several days were consumed in arranging the preliminaries. On Tuesday a jury was sworn.

Mr. Johns, for the plaintiff, made the opening statement. There were four witnesses examined Wednesday. They proved the execution of the policy and the circumstances of the case. Mr. Goss, the deceased, was a glider, and had a small shop on the York road, near Waverly. Here he was also accustomed to experiment for the purpose of inventing a substitute for India rubber. These experiments were made in the cellar. Wm. E. Uderzook, the brother-in-law of Goss, testified that he was interested in the proposed invention; that he, Uderzook, was now an edge-to-l maker, but was formerly a teacher of the fine arts. When asked by counsel for defense "What fine arts?" he replied "Penmanship." He said Goss was short of capital to perfect his invention, and he, the witness had advanced him some money; was in the habit of visiting the workshop two or three times a week in the evening, to see what progress was being made, as he expected ultimately to share the profits. On the afternoon of the conflagration he met Goss, and went out with him to the shop; on the way they purchased a pint of whiskey and a gallon of coal oil. At the house of a neighbor, Mr. Engle, they borrowed an axe to cut some stove wood and Engle accompanied them to the shop. They lit a fire, Goss went into the cellar about dusk, and the other two men remained up stairs; something was said about lighting a lamp, and Goss brought out a gas lamp that held a quart. Upon being lighted, the wick sputtered, as though there was water on it. There was very little oil in the lamp. Uderzook suggested that the lamp might be dangerous, and they, meaning Engle and himself, had better go and get another. Acting on the suggestion, they went to Engle's father's house for it. Goss was then in the house, experimenting, probably. Goss was very careful of the secret by which he hoped to develop the substitute for India rubber. He did not even tell Uderzook how it was accomplished. When the witness and Engle left the house, they heard Goss lock the door. They procured a lamp at Engle's, which was several hundred yards from Goss's house. Upon going out of the house (Engle's house), they found the building occupied by Goss in flames. They rushed to the spot, and for a brief space imagined that Goss was not in the burning building. The house was a sheet of flame. Some person threw a plank against the side of the building, and through an opening thereby made the body of a man was discovered. The body was dragged out with an ice-hook. The witness said that some time back he signed an affidavit for the insurance companies, which contained a

statement that the body found in the burning building was not recognized as that of Goss when taken out of the fire. This was a mistake. He did recognize the body of Goss immediately by the shape of his head, neck and body. Blood flowed from the body when taken out. It was put into a box and carried to a neighboring barn, where it remained all night, and there were icicles of blood hanging from it in the morning. A coroner's inquest was held the next day, with the result stated above. The body was removed to the late residence of Goss, No. 314 Entaw street, where it remained for a day, and was subsequently taken to the cemetery and placed in a public vault, and there kept for some time.

Alexander C. Goss, a brother of the alleged deceased, testified that he found in the debris of the burned shop a watch, two chains, a bunch of keys, a tape-line case, and a small single-barreled pocket-pistol, all of which have been identified as articles that Mr. Goss usually carried about his person.

A number of witnesses were examined on Thursday, among whom were Sarah Moor, colored, Wm. Lowndes, A. J. Lowndes, Mrs. Goss, Rev. Dr. Fuller, Dr. Arthur Brogden, John S. Pontier, Edward Hanson, Mrs. Sarah Arden, David Arden, and Louis Engle. But little evidence of importance was elicited. The articles found amid the ruins were identified as belonging to Goss, and the witnesses detailed the reasons which led them to conclude that the body found was that of Goss. They all said the remains were very much charred, but were easily recognized by the shape of the head, neck and breast. William E. Uderzook was recalled to the stand, and reiterated his testimony given on the previous day. No new points were developed in the case, save that W. S. Goss, during the summer of 1871, was boarding with Mr. Engle, on the York road, and rented a small house weekly to carry on his trade as glider and to experiment for a substitute for India rubber.

As the case dragged its slow length along popular interest deepened. Though the current of public opinion seemed still set in favor of the plaintiff there were those who extolled the prudence of the insurance company in not paying immediately the claim of the widow. The plaintiff had almost exhausted her list of witnesses, and had not been able to identify the remains found in the ruins save by those general marks which might be common to many thousands of bodies. On the other hand the friends of the claimant alleged that the insurance company, always represented and served by the most energetic and astute officers, had for fourteen months in which to produce W. S. Goss, or discover some trace of his whereabouts, and yet not one vestige of his existence after the date of the fire had ever been forthcoming. The courtroom was crowded to excess on Friday. Gottlieb Engle was recalled, and testified that he and Uderzook were at the house on the York road the night of the fire; he suggested that they should go after a lamp, as the coal oil lamp of Mr. Goss would not burn; they were not gone fifteen minutes, and were at his (Engle's) house when the fire broke out; when they reached the burning building the fire had great headway; the body was recovered after the fire was extinguished.

The defense cross-examined the witness with the hope that he would admit that Mr. Uderzook moved very leisurely on that occasion, but they did not succeed in bringing out that fact.

The witness said there was a tallow candle lighted near the coal oil lamp in Goss's house.

Mr. A. J. H. Way testified he knew Mr. Goss and his brother; had lived in the same neighborhood; the reputation of the brother for character and veracity was good. In answer to a question by Mr. Wallis, the witness said he had never heard his character discussed. Thos. E. Charreau testified to the good character of Mr. A. C. Goss. Mr. John Showacre testified to the good character of Mr. A. C. Goss. Colonel William Louis Schley testified as to the good character of Mr. Uderzook. Mr. Thomas Dawson testified

to the good character of the accused. Mr. A. J. Mathiot testified to the good character of Mr. Uderzook. Mr. Chas. P. Stevens testified to the good character of Mr. A. C. Goss, who had been in his employ for fourteen months.

Mr. Johns then read a letter from the counsel of the Mutual, the Knickerbocker, and Traveler Insurance Companies to Mrs. Goss, the widow, stating that the proof of loss was not satisfactory, and that the extraordinary circumstances of the alleged death of Mr. Goss called for unusual care, and takes the case out of the ordinary course of law, and asking for a minute description of the *personnel* of Mr. Goss, and the exhumation and examination of the remains. Mr. Johns then read the answer of the widow, enclosing a description of Mr. Goss as specific as she could make it, and consenting to the exhumation and examination of the remains.

The plaintiff's case was now closed, and at twenty-five minutes past twelve o'clock the Court to a recess of one hour.

On reassembling, Mr. A. J. H. Way was recalled, and testified that he gave notice of the death of Mr. Goss to the Mutual and the Traveler's Insurance Companies.

Mr. Lowndes, recalled, testified that it was at the close of the fire that Mr. Uderzook remarked that he feared Goss was in the building; he asked him why he had not mentioned it before; he thought it was singular; when he first saw the fire it was coming out of the northeast window, and he was surprised at its fierceness, so as to render it a question in his mind as to whether the sash was out or not.

Otis Hinky, Esq., one of the counsel for the defense, made the opening statement. He said the insurances on Goss's life were too large, too hasty, too unusual and untruthful to be honest. The premiums on them would amount to \$449.95 per annum, and evidence would be introduced to show that this was out of all proportion to the insured's income. They would prove that the body buried was not that of Goss by numerous facts, one of which was that Goss had excellent health, and the corpse had not. He said the whole thing was a fraud, as would be shown.

O. F. Bresee, agent of the Mutual Life Insurance Company, was the first witness called for the defense. He was shown the insurance policy of Goss, and asked to explain an entry made thereon, altering the payments from annual to quarterly. This change was made at the request of Mrs. Goss, as she was unable to pay the premium, and when the change was made was unable to pay the quarter's premium, and he held it for her from May 20 until June 30, 1871.

Mr. Wallis asked the witness to identify an application for an increase of insurance from Goss.

Mr. Whitney objected to the introduction of what the Company did to characterize the alleged fraud. He then commenced the argument, but yielded to Mr. Wallis.

Mr. Wallis said the application was made fifteen days before the alleged catastrophe.

Dr. Donaldson, physician of the Company, reported unfavorably on January 23, 1872; knowing it to have been rejected. Goss applied afterwards to the Knickerbocker for an insurance of \$5,000, and the question was asked him if his application had been declined by any other company, and he had answered it had been accepted. He had thus made a fraudulent statement and concealment.

The Court ruled that it was evidence to show the conduct of the man and his good faith.

Mr. Whitney remarked that he would like to be heard on the subject, and when he had yielded to Mr. Wallis he understood he was to have the privilege of doing so when Mr. Wallis had concluded.

Mr. Wallis remarked that he supposed he had nothing to reply, as he did not arise to address the Court when he sat down.

The Court stated that it would be pleased to hear from Mr. Whitney, and was ready to change its mind if it were shown any good reason for doing so.

Mr. Whitney said he could hardly hope to change a confirmed opinion, yet he would like to

be heard upon the point. Mr. Whitney then contended that the act of the New York Company did not prove any fraud on the part of Goss.

The Court stated it agreed with Mr. Whitney that far, but this evidence was offered to prove that Goss made false statements.

Mr. Whitney said that he granted that, in the case against the Knickerbocker Company, this might be evidence, but it was not in this case. Mr. Whitney proceeded to argue his view of the matter, when the Court said that he must admit the testimony.

Mr. Bresee then testified to the reception of application and its rejection, and on cross examination that the policy would have lapsed for non-payment of premiums had he not kept it over. He received a percentage on the premiums.

Mr. A. H. Barnitz testified that Goss came to him about insurance on his life, and he took him to the Knickerbocker and introduced him; made out the application for him, and asked him the question, had his application to other companies been rejected or accepted, and he answered accepted; knew him first as a silder at Harrington & Mills'; his front teeth were very good; examined the remains on Eutaw street, near Dolphin, at the residence of the deceased; was not able to recognize it; saw the head and neck.

Cross-examined.—Did not observe his teeth particularly; he had a large flowing mustache; had no particular cause to look at his teeth, and there was nothing to call his attention to them; never saw his breast and shoulder bare; when he took out the premium did not ask him what his income was.

Mr. Bresee recalled.—Mr. A. C. Goss was with his brother when the application was made.

John A. Nichols testified that he was agent of the Knickerbocker at the time the policy was issued, and was now Vice-President of that Company; he was much struck by the circumstances of the application, and when he received a check from Goss for the premium he sent it at once to the Mechanics' Bank to be certified, which was done.

Charles Hain testified that he was bookkeeper in the National Mechanics' Bank; identified the account of Goss; the first deposit is 17th June, 1871, and the last 17th January, 1872; book was balanced on 31st of January, 1872, leaving a balance of \$365.75; February 1st this amount was drawn out by one check.

J. W. Langley testified that he was the agent of the Continental, and had known Goss for years; at first in Memphis, Tenn.; he resided on the York road, less than half a mile from the fire; met him frequently and knew him well; he came to his office and made a proposition to take out a policy of insurance, to be taken out in trade; had not seen him for a year previous; he received policy, and when he went to get goods found Goss was an employee, and had no store; the premium was \$139.80, and after a while he received goods for it; he was heavy set, of robust form, and muscular; his hair was dark; he had a large mustache and unusually fine, white teeth; his mouth was large and open, and when he talked he showed his teeth distinctly; ran to fire with his son; fire had advanced so far did not think it worth while to try and save the property; it was a hopeless case; there was no intimation that any one was in the fire; Goss showed him a piece of India rubber, which he said was a substitute he had invented; said that India rubber men could not detect the difference.

Cross-examined.—The witness was shown a portrait of Mr. Goss, taken with the witness, and the latter explained how they came to be taken together, and said the picture was a good one of Mr. Goss.

Re-examined.—The witness identified another picture, shown him by defense, as a good picture of Goss.

Thomas C. Maguire, Agent of the Traveler's Life Insurance Company, of Hartford, identified policy for \$10,000; he stated the premium for life insurance was much larger than accident policies; Mr. Goss came to his office, which was very unusual, as parties seldom come to his office without solicitations; showed him India

rubber which he said was an invention of his as a substitute for that article; they could not be told apart; once before Mr. Goss had had a policy in his office.

Cross-examined.—It was very rare, indeed, for any one to come to his office to get a policy without being solicited; Mr. Maginnis brought the first application for Mr. Goss; every insurance office in Baltimore does business with him.

On Saturday, May 31st, the court-room was again crowded, a number of ladies appearing among the spectators and evidencing the deepest interest in the proceedings. The line of defense adopted by the companies was at length developed. They claimed that fraud was to be inferred, from the fact that Goss was carrying a heavier line of policies than his income would justify. He had in bank about \$1,300, deposited during the year, and drew the last of it out shortly before his alleged death. His earnings amounted to \$1,300 or \$1,400 a year, and this, with the sums (whose amount is not definitely known) from the estate of his father in Tennessee constituted his income, and he paid about \$449 50 for premiums on life insurance policies yearly. The companies claimed that he wished to increase his insurance, while the plaintiff urged that shortly before his death Mr. Goss expressed an intention to let one of the policies expire, and also that he gave as a reason for his investments in life insurance that his means would not justify the purchase of bonds. The second ground of defense was that the circumstances under which the policies were taken out were suspicious, not so much so as to prevent the companies taking the money on the policies, but sufficient to justify the refusal now to pay the losses. These circumstances were alleged to have been haste when the application was made, asking if the agents had power to give him a policy at once when he paid the money. In two cases he applied for insurance to agents who had not solicited him for several months. The third ground for defense was that there were false representations made by Mr. Goss when the policies were given. The fourth and last ground of defense was that the death of Mr. Goss was not sufficiently proven by the identification of the corpse.

Thomas C. Maguire, Agent Travelers' Accident Life Insurance Company, was first called, and testified.—The highest amount my Company insures by the month is \$5,000, and for a year \$10,000. The witness was then dismissed.

A. R. Carter, Agent Continental Life Insurance Company, testified.—I had a conversation in December, 1871, with Mr. W. S. Goss, about the manufacture of a substitute for India rubber, and he showed me a sample about three inches long and an inch and a half thick; he said there was a small quantity of India rubber in it, but he manufactured it from material he obtained from the Chesapeake bay; I was satisfied that it was India rubber; he would not let me cut it. The plaintiff's counsel declined to cross-examine the witness.

J. W. Langley, Agent of the Continental Life Insurance Company, identified a paper as a statement made by Mr. A. C. Goss, as to his whereabouts on the evening of the explosion and fire; he made it at my suggestion. The witness further identified papers signed by Messrs. Udderzook and Engle.

Continuing—I saw both Udderzook and Engle sign the papers; Mr. Parrott wrote the statement of Mr. Udderzook at his dictation; he looked over it himself, and agreed to it; the next day he called at my office and swore to it; we went to his house, and then went with him to our office; Engle's statement was made freely and frankly, and there was no suggestion as to what he should say; Mr. Parrott wrote his statement; he showed no indisposition to make the statement, but there was a discussion whether or not we were getting his understanding of the matter; it was signed in my presence.

To Mr. Whitney—To the best of my knowledge Mr. Udderzook's statement was signed on the day it was written; [the paper was here given to the jury, Mr. Whitney desiring that they should

observe the difference in the color of the ink in which the signature was written, and that in which the body of the paper was written].

Continuing—I do not remember what kind of a pen he used; I have no knowledge of Gotlieb Engle's having signed any other paper, and I do not recall any other paper; I went frequently to Mr. Engle's; [a copy of the paper signed by Engle was here shown].

Continuing—I cannot say when the paper was written by Mr. Parrott and signed by Engle; I went out two or three days ago to Mr. Engle's, at Mrs. Engle's request; I did not take the original, but a copy; Mrs. Engle met me in the court-room, and was very much excited about her son's having made the statement; Mrs. Engle first thought that it contained things which her son had never said, but after a while she agreed to it substantially; Mrs. Engle is a neighbor of mine.

To Mr. Wallis.—Mrs. Engle requested me to refresh her son's memory by bringing the paper.

Marvin E. Parrott testified.—I am connected with the Continental Life Insurance Company of New York; I wrote the statements of Udderzook and Engle; Udderzook's was first written; Mr. Langley and I went to Mr. Udderzook's, and then we went to the office of the Company in this city; I put down his statement and read it to him, paragraph by paragraph; when completed I read it to him entire; then he read it or appeared to be reading it; he said it was correct, and then and there signed it; I identify the signature; he told me that he had been a teacher of hand-writing; that was on the 22d of February, and a Justice of the Peace could not be found, it being a legal holiday. I was not present at the Magistrate's office when it was executed; Engle's statement here shown is in my hand-writing, and the signature was signed in my presence; Mr. Langley and I went to his house, and he related the circumstances as he knew of them; I wrote it down and read it to him by paragraphs; then I read the whole, and he did not object to any portion; when the whole was read he said it was correct, and then and there signed it; the paper here shown is that paper; last Wednesday I went to Mr. Engle's, at Mr. Langley's request; I read to Mr. Engle a copy of the statement he had signed in my presence; Mr. Engle thought there were some things which he had not said, and there was considerable discussion about the length of the candle, and the length of the time involved; after it was fully read there was not so much doubt as to the facts; they were told that the paper was a copy.

To Mr. Whitney.—I live at 138 South Oxford street, Brooklyn, N. Y., and am a special agent of the Continental Life Insurance Company; my duties are to look after claims after death, and to examine cases which are peculiar from any cause; I commenced my investigations in February, '72; I have visited, on this business, St. Catherine's, Canada, and Nashville, Tenn.; I called at the Goss' House, in Tennessee, in May, '72, and saw only the brother of W. S. Goss; I had seen Mr. A. C. Goss in Baltimore, in February last, and he and I were alone in the Company's office; I saw him once afterwards on the street, and next in Tennessee; I said in Nashville that I had seen Mr. A. C. Goss in Baltimore, and that there might be a situation for him in connection with the Empire Life Insurance Company of New York; I do not think I expressed any anxiety to see him.

To Mr. Wallis.—I went to Nashville to inquire about the character and standing of W. S. Goss and A. C. Goss; I was informed that A. C. Goss had been an agent of the Mound City Life Insurance Company of St. Louis.

To Mr. Whitney.—I was three or four hours in pursuing the investigations in Nashville, and during that time I went to the Goss House.

Frank Lewis testified.—I am a Justice of the Peace in Baltimore county, and acted as Coroner; I had several conversations with Mr. Engle after the inquest; about six months ago I met Mr. Gotlieb Engle on the York road; he stopped his wagon, and asked if I did not think there were some curious things about the case; he told me that Mr. Goss told him to stay away

from the house for a half hour, and he thought that was strange; in the evening I met him again, and he did not remember having told me so; I had a conversation with Mr. A. C. Goss as to my testimony in this case, and he said he thought I had been on his side, and that if I went to court and testified in his favor I should not lose anything by it, and that it would be considerably to my advantage; I told him I would entertain no such proposition, and that I would do what was right; he then said he believed I would tell exactly what was right.

To Mr. Whitney.—I made a statement in writing to Mr. Nichols, Agent of the Knickerbocker Life Insurance Company, and received ten dollars for it; [here the witness gave an explanation, regarding his work only as that of a clerk]; Gottlieb Engel lives about a half mile from me; I did not take Mr. Goss by the arm, and say that I was satisfied from the action of the coplames that there was something wrong with them; I told Mr. Goss in the presence of Mr. Johns that I had received ten dollars from Mr. Nichols.

Mrs. Parsons testified.—I own the house 41 North Calvert street, and Mr. A. C. Goss lived with me; I do not remember anything about the whereabouts of Mr. Goss on the evening of the occurrence; he was not at tea, but I found him in the parlor a little after 9 o'clock; I had not seen him since dinner; my daughters, niece and a gentleman were there; always presiding at my table I always know who is there; Mr. Goss was not at tea, and I noticed it; we talked of his absence after we heard of his brother's death.

To Mr. Whitney.—I had been keeping boarding-house about four years and had then about twenty boarders; I do not remember seeing Mr. Goss playing backgammon with my daughter; the servant girl I had then is dead; I do not remember what I had for tea; half-past six is my hour for tea; he left there the day after the catastrophe.

Miss Mamie Parsons testified.—I am the step-daughter of the previous witness; the first time I saw Mr. A. C. Goss that evening was about half past nine o'clock in the parlor, and we had an engagement to spend the evening together, but he sent me a note stating that he had to see his brother and would not be able to see me; I saw him about dinner time and I suppose he left our house between half-past three and four o'clock; he was not at tea.

To Mr. Whitney.—I could not give the names of all those who were at supper that night, [the witness then gave the names of several persons who were present]; I never received but one note, and he said he had to meet his brother at the New York depot at 10 o'clock that night, as his brother was going to New York; I did not receive the note until about 6 o'clock; I do not think we played backgammon, and he was only watching as I played with another person.

Dr. John Thorn testified.—I am a veterinary surgeon, and keep a livery-stable; immediately after dinner on the day of the catastrophe I was applied to for a horse and buggy to go to the neighborhood of Greenmount cemetery; I was suspicious of the young man, and we don't like those short jobs; he gave me the name of A. C. Arden, 314 North Eutaw street; he is now before me under the name of A. C. Goss; about dusk he came and got the horse and buggy; he got back about twenty minutes or half-past nine o'clock; and I had become uneasy; my groom then was James Gilroy; I have no doubt as to the identity of the individual; I did not notice the condition of the horse and buggy; he gave me \$3 to go only to Greenmount Cemetery, and it is irregular; when I heard of the catastrophe I communicated with Mr. Wilson, Insurance Agent, on Second street.

To Mr. Whitney.—He only paid me what I charged, and I charged him that because I was afraid of the job; I thought there was something wrong when my man told me that the horse had not been driven, and that the man gave him a handsome pair of buckskin gloves; I thought the man must be insane, or there was something queer about it; a ragman, Charles Smith, who lives on Gay street, told me that the fan

dragged the body out with a hook, then put in a box, and did not show much concern about it; I then thought he gave him those gloves because he handled the body, and did not want to keep them; I saw Mr. Goss afterward, at Mr. Langley's office, and I asked him if my hostler had come by these gloves "regular;" I am not prepared to give any description of his dress, and cannot tell the color of his dress; it was irregular for a man to pass so many stables and come to me; I hired the vehicle for the money, and charged for my folly.

To Mr. Wallis.—I recognized Mr. Goss instantaneously at Mr. Langley's office.

James Gilroy testified.—I was employed by Dr. Thorn, and the gentleman here (A. C. Goss) looks something like the man who got the horse and buggy; but I cannot say positively; he gave me a pair of gloves; they were not new; the horse had not been much driven.

Colonel R. M. Johnson testified.—I reside in Baltimore county, and am the principal of the Pen Lucy Academy; the house in which the fire occurred is 400 or 500 yards from my house; I was near the house on the evening of the fire, noticing it first at the Charles-street station; I got off at Steele's lane; it must have been ten minutes past 9 when I reached Steele's lane; I did not find many persons on the ground, most of them were my schoolboys; all but the upright posts had burned down when I reached there; I suppose I was there about a half hour or three-quarters before I heard a probability of any one being in the house mentioned; it was suggested by Mr. Underzook to Mr. Lowndes, who expressed great surprise, and asked why he had not mentioned it before; all of us were surprised to hear that a man was in the house; I am not certain about Mr. Underzook's rejoinder, but it was something about not wishing to create any unnecessary disturbance; I do not think that more than thirty-five or forty persons were there when I reached there, and when Mr. Underzook made the remark but few persons were present, and the force of the fire was over; Wm. Lowndes first pointed out what he supposed was the body, and it was dragged out with a well hook; the body had been reduced to almost a skeleton; a little of one limb was left, but I did not examine it all closely; it was impossible to recognize it.

The defense did not cross-examine the witness.

Robinson Cator testified.—I reside on the old York road and in a direct course about four hundred yards from the house in which the fire took place; the whole house was on fire when I reached it, and I remained until 11 o'clock; Mr. Underzook, in answer to the exclamation of surprise from Mr. Lowndes, said he did not know but that Mr. Goss had gone to Baltimore on the cars, and that he had sent Mr. Engel to see if he had gone; I could not tell whether the body was that of a white or a black man.

James Gilroy recalled by the plaintiff.—Mr. Langley did not point out to me A. C. Goss yesterday in this court-room and say, "That is the man, keep your eye on him and it will be all right;" I told him Mr. Goss looked something like the man.

Antoine Kontz testified.—I am a student at Colonel Johnson's Academy; went to the fire just as it was communicating with the roof; I left about 10 o'clock, and heard nothing of a body being in the house.

Officer James S. McFarland testified.—Officer Hughes and I were at the corner of Madison and Eutaw streets, and a gentleman came up and asked if we wanted some news for the newspaper; we told him we did, and he then said that he and his brother-in-law, a Mr. Goss, had experimented in some stuff in Baltimore county, and that Mr. Goss excluded him from the house, and that when he went back nothing but the ashes and charred body remained; we went into a tobacco store, and Mr. Wright wrote off an account; Mr. Underzook was the gentleman, and he said the explosion had been caused by a coal-oil lamp, or some chemicals; the reporters come regularly, late at night, to the station houses to

get the city and county news. The plaintiff's counsel did not examine the witness.

Officer Charles Hughes testified.—I remember the incident spoken of by Officer McFarland; Mr. Uderzook said Mr. Goss would allow no one to be in the house while he was experimenting.

To Mr. Whitney.—That was between eleven and twelve o'clock at night, and if it had not been reported to us before twelve o'clock, it would not have reached the reporters in time for the next morning papers.

John Wright testified.—I wrote Mr. Uderzook's statement; [a file of THE BALTIMORE GAZETTE was here shown to the witness, and he stated that the only incorrectness in the account therein, as far as his memory served him, was that it should have stated that the explosion was caused by coal oil or chemicals; he did not, however, remember the exact language of the statement he had written.]

The case was resumed in the United States Circuit Court on Monday.

The Court was again well filled, a large number of lawyers and insurance agents being among the attendants.

Samuel E. Armstrong testified.—I reside at Waverly, and am a tinner; I sold Mr. W. S. Goss a stove in the winter of '71; he told me I could have the stove back in four or five weeks, and I let him have it at half price; it was never returned to me; I was at the fire, having first seen it from the front of the Waverly Town Hall; I ran to the fire, and it was between 7 o'clock and 9 o'clock that it occurred; the fire was all over the house when I reached there; I heard nothing said about a body being in the ruins.

To Mr. Whitney.—It was a second-hand stove, and was worth \$4 or \$7.

John C. Smith testified.—I reside on Chestnut Hill, about one hundred feet from Mr. Lowndes' house; I assisted in removing the body; I was in Waverly Hall attending a singing school when I first saw the fire; it was then between half-past 8 and 9 o'clock; I ran to the fire, after stopping fifteen minutes at Dr. Sappington's, and just as I reached it the roof fell; some one asked me if I did not see a skull in the ruins, and after awhile I discovered a human body; I assisted in dragging the body out with an ice hook; I put the body in a box, and it was left at Mr. Lowndes' stable; I did not see Mr. Uderzook until after I had dragged the body out; I examined very carefully for the watch and rings I had seen Mr. Goss wear, but I could find only some bones; the body was on the face, and I searched just where the watch and rings would have been; no one was with me while I was searching; I found melted up a bottle about the size of a common sarsaparilla bottle; a relative of Mr. Goss took it.

To Mr. Whitney.—I left the fire about 11 o'clock, and I think the fire was too hot not to have melted a watch-chain.

Martin Quinn testified.—I live with Mr. Robinson Caton; when I reached the house the flames were breaking out of the windows; a few boys were then there; Mr. Uderzook said he was afraid his brother-in-law, Mr. Goss, was in the flames, and when I asked him why he had not mentioned it before he said he did not want to make an alarm; I told him I would have broken into the house anyhow if the boys had not told me that they had seen a man run out; we saw something like a body, but Colonel Johnston said, "No, that is his India rubber;" after a while we got the body out; we then threw a bucket or two of water on it to cool it; I was kind of excited, and did not help to put it in the box. The plaintiff's counsel declined to cross-examine.

Recalled by Mr. Wallis.—I asked the boys if the man who I knew rented the house was in it, and they said they thought he had gone down the lane.

John C. Smith recalled.—I mentioned to Dr. Thorn about three or four weeks after the fire what occurred there.

Mrs. J. C. Smith testified.—I saw Mr. W. S. Goss several times, but never spoke to him; I remarked several times to my husband that he

had very pretty teeth; they were very plain, even and white.

To Mr. Whitney.—I never saw his teeth except when he was talking to others.

Dr. James Hardy testified.—I have practiced four years in Baltimore, and attended Mr. Goss in the fall of 1870 and the spring and summer of 1871.

The witness was next asked to state for what he had attended the deceased.

Mr. Whitney objected, and Mr. Wallis read from the applications for insurance that the habits of the party were and had been always correct and temperate, and that he had no personal physician, and that Drs. Montgomery and Hyde were his family physicians. Mr. Wallis then said he proposed to show that Mr. Goss was habitually intemperate, and that Dr. Hardy had attended him for intemperance.

Mr. Whitney reminded the Court that the policy was issued in 1868, and the ground upon which it was sought to be voided was as far as the plaintiff knew, that the party was not dead. The rule of the Court requiring ten days' notice excluded the testimony.

Mr. Wallis then stated to the Court the ground upon which the testimony was admissible, on the score of general fraud. It was designed to show that the party was capable of fraud in the initiation, and testimony on that point was perfectly admissible under the plea of *non assumpsit*.

The Court ruled that the testimony could be given.

Dr. Hardy continued.—I attended him in November and December, 1870, and in May and June, 1871; he was suffering from the results of intemperance prolonged at those times for a while—four or six days; on the 15th of May, 1871, I saw him twice; my memorandum is "effects of a week's drinking;" his treatment ceased on the 18th; I called on the 16th of May, and he was extremely nervous and had symptoms of approaching delirium tremens; on the 17th he had developed an ulcerated sore throat. [Mr. Wallis here read the application to the Continental Life Insurance Company, dated May 18, 1871.] Dr. Hardy further said that he received his pay in merchandise; he had also been shown by Mr. Goss a piece of his India rubber composition, and it had all the characteristics of India rubber, but he did not attempt to rub out marks with it.

To Mr. Whitney.—On the 18th Mrs. Goss told me that he was "much better," and had "gone out;" I am a homœopathic physician.

Mr. Whitney then read from the application to the Continental Life Insurance Company that on the 18th of May, 1871, Dr. Murdoch, the examining physician, gave, in writing, the opinion that Mr. Goss was temperate.

Charles W. Hamill testified.—I knew Mr. Goss previous to the war, and also afterward; I saw him last in the fall of 1871; I observed that his front teeth were very good; after the war he wore a heavy moustache.

To Mr. Whitney.—I told Mr. Langley of my knowledge of his teeth.

Thomas C. Maguire, Agent Travelers' Accident Life Insurance Company, recalled.—There is in my Company, and all others, a standard of the average relations of height, weight, and measurement of the chest. Mr. Wallis then read from the rules and regulations of the Company, and the application made by the deceased, to show that the measurement of his chest was below the average.

Herman Blume testified.—I am a glider, and my store was No. 26 North Gay street on the 2d of February, '72; Mr. Goss was in my employ from April, '70, to June, '71; he kept the books and attended to the store; he had no interest in the business, and received \$15 a week; to the best of my knowledge he had a fine set of teeth, but never noticed particularly.

To Mr. Whitney.—To the best of my knowledge he devoted his whole time to my business; he loaned me some money, payable in three notes; the amount was about \$250.

Recalled.—Mr. Goss used to drink once in a while; while he was in the store he did not

drink; towards the end of his employment by me he drank a little strong.

Jas. Gilroy desired to make an explanation. He said Mr. Langley had told him, on Saturday last, to keep his eye on Mr. A. C. Goss, and that he forgot it. He further said that Mr. Langley told him it would be all right.

To Mr. Wallis.—Mr. Langley took me to Stevens' store, in Calvert street, to see Mr. Goss, and I cannot swear that he is the man; I told Mr. Langley I thought he was the man.

Dr. E. Lloyd Howard testified.—I am Professor of Anatomy in the Dental College, and also hold the same chair in the College of Physicians and Surgeons; Drs. Wisong, Miles, Gorgas and myself made an examination of the body of Mr. Goss; the four were present at the exhumation, also Messrs. Johns, Hinkley and Chandler, and Colonel Charles Marshall; an examination of the body was made by us (the four doctors) in the building corner of Hanover and Lombard streets; we united in making a written statement; there were no important differences of opinion between us. Here the witness read the paper which stated that the soft tissues of the body were nearly entirely gone, the lungs entirely collapsed, and otherwise described minutely and in rather technical language the post mortem condition of the body. The conclusions of the examinations were that the body was that of a white male between twenty-five and fifty years of age, of large and muscular frame, and in good health, and that it was impossible to say whether death had been caused before the burning of the body or by the burning. The report was accompanied by a diagram description and notes, which gave with great minuteness the result of the examination of the teeth of the corpse.

Continuing.—The diagram was made by Dr. Gorgas, who is a dentist by profession; [the jaws of the subject were then exhibited.] Continuing.—The teeth were lost immediately preceding death, or a short time after death; the five back upper jaw teeth were certainly lost some time before death; the upper tooth next to the front tooth had evidently been lost a considerable time before death; nine teeth were lost from the upper jaw before death, and only two remained in position; five remained at the time of death; in the lower jaw seven teeth were lost before death, and one tooth had been partially destroyed, and eight teeth remained in that jaw at the time of death; as well as we could judge the front teeth were not good. [A plaster model of the mouth of the corpse was here exhibited, and Dr. Howard said he found it to correspond very accurately with what he had observed. He then gave lengthy explanations. The cross-examination was brief, and nothing new was elicited.]

Dr. F. T. Miles testified.—I am Professor of Anatomy in the University of Maryland, and at Mr. Johns' request I assisted at the examination; I have nothing to add or subtract from the statements and explanations given in the written statements; they are accurate.

To Mr. Whitney.—I saw no evidences of false teeth having been worn.

Dr. Howard recalled.—I took some of the hair from the back of the head. [Here it was shown.] It did not crumble, except at the ends; we have no difficulty in getting subjects for surgical operations, and can get as many as we want for \$15 or \$20 each.

To Mr. Whitney.—We try to get our subjects as fresh as possible. Here Mr. Whitney showed the hair to the jury. Dr. Howard said he had washed the hair very carefully; the color of the hair is dark brown.

To Mr. Wallis.—I have examined it under the microscope, and some of the hairs are lighter than others.

To Mr. Whitney.—I should say the hair is dark.

Dr. Frank Donaldson testified.—I am Professor of Physiology in the University of Maryland; I recognize my signature to the application of Mr. Goss, January 18, 1872; I wrote that I did not consider his life safely insurable, and that I could not recommend him; his pulse was ninety-six and irregular—unhealthy; he was at the

time evidently under the influence of liquor; the application was made to the Mutual Life Insurance Company.

Mr. Wallis called attention that in the application to the Knickerbocker Life Insurance Company, dated January 26, 1872, the pulse was put at 86, after exercise.

Dr. Rutherford Wisong testified.—I have practiced in Baltimore since the war; I took part in the *post mortem* examination at the request of Messrs. Whitney and Johns; I fully concur in the statements made by my professional brethren.

Mr. Whitney read to the witness from the statement by Mrs. Goss, describing her husband's body, and the witness said he had observed nothing in the corpse inconsistent with the description.

Continuing.—I have seen the photograph of Mr. Goss, and it appeared to be that of the style of man we examined.

To Mr. Wallis.—I think it is more than likely that the teeth lost were extracted by a dentist, and that he must have suffered great physical pain from an abscess which we observed. The witness was further cross-examined at some length.

Dr. Robert Arthur testified.—I have practiced thirty-two years, and my whole life has been devoted to the practice of dentistry; there is not the slightest question among dentists of the time a tooth has been lost—whether before or after death.

The models and diagrams were shown the witness, who testified at some length, after which the Court adjourned until 10 A. M. to-day.

Dead or Alive.

GOSS VS. THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK.

[From the Gazette, Wednesday, June 4, 1873.]

Yesterday, in the United States Circuit Court, Judge Bond, the trial of the case of Eliza W. Goss against the Mutual Life Insurance Company of New York, being one of four actions brought to recover \$25,000, the amount of policies held on the life of her late husband, W. S. Goss, was resumed. Milton Whitney and H. V. D. Johns, Esqrs., appearing for the plaintiffs, and S. Teackle Wallis and E. Otis Hinkley, Esqrs., for the defendant. The court-room was again well filled, and much interest was manifested in the case.

Miss E. Dudley testified.—I have resided at 41 North Calvert street, with Mrs. Parsons, for four years, and I am principal in one of the primary schools; the day after the fire a note was brought for Mr. A. C. Goss, announcing the death of his brother, and we remarked that he had not been to supper on the evening previous, and it was made the subject of conversation among the members of the family.

Fred. Stauff testified.—I am a tailor, at No. 18 North Charles street, and the average measurement of the chests of men is 36 inches; I measure over the vest; I have been in business since 1853. The witness was not cross-examined.

Dr. Theophilus Steele testified.—I practiced in New York in January, '72; I attended Mr. W. S. Goss at the Fifteenth Precinct Station-House, New York; he was suffering from delirium tremens; he hailed from Baltimore, and was in the garb of a gentleman; at his request I had him removed to a hotel; his attack was slight; I saw him first on the 20th of January, and last on the 23d; he did not pay me; Col. George Lemmon, formerly of Baltimore, saw Mr. Goss at my request; I had my bill for \$50 placed in the hands of Mr. J. Southgate Lemmon, of the Baltimore bar; Mr. Goss said he had had similar attacks.

J. Southgate Lemmon testified.—I communicated to Mr. Wallis the fact that I had the letters of Mr. Goss to Dr. Steele, about his bill, in my possession, and the circumstances under which I obtained them.

Col. George Lemmon.—I have resided six or seven years in New York; Dr. Steele told me he had found a Baltimorean who seemed to be a decent man, and asked me to go and see him; he

was very shaky when I saw him; he said he was not a native of Baltimore, and that he was in business on North Gay street.

To Mr. Whitney.—I have seen a great many shaky people, and some who were quite steady; in New York it would, perhaps, be right to say, "You know how it is yourself." [Laughter.]

Mr. Wallis called attention to the fact that two days before Dr. Steele attended the deceased in New York he stated in his application to the Mutual Life Insurance Company that his habits of life were correct and temperate.

J. W. Langley was recalled, and after some discussion the Court ruled that the defendant was entitled to make an explanation of the conversation between Mr. Langley and James Gilroy.

Mr. Langley then testified.—Gilroy told me he did not think he would recognize Mr. Goss, but when he saw him at Stevens' he said he would swear to him among a thousand; at the suggestion of my counsel, Mr. Chandler, I asked Gilroy if he recognized Mr. Goss in the court-room, and he said he did; I then told him to remember him, and added, "it is right," not "it will be all right."

Dr. Chas. H. Obr testified.—I have practiced about forty years, and am President of the Medico-Chirurgical Faculty of Maryland; I live in Cumberland; the teeth on the plaster model are very irregular, and the party must have required dental services more than once.

The witness was cross-examined as an expert, after which the defendant's counsel announced the close of their case.

C. Hanna, a bookkeeper in the National Mechanics' Bank, was next called, and identified a copy of the account of W. S. Goss, which showed that he had had on deposit, at different times, in all \$2,100.

John W. Butler testified.—I knew Mr. Goss first in 1854; he always seemed to have enough money for his wants, and I borrowed from him in 1870 or '71; I once got a check for \$100, and as high as \$300 at a time; his wages were very small; he invented a ratchet screw-driver; he showed me specimens of his India rubber composition, and said he had received large offers but would retain a large interest; he said he had kept the secret from his wife even, and he would not allow any one to cut it; he said he had had it tested it in New York, and it stretched farther than the Goodyear rubber; among those who knew Mr. Goss and who I knew, his general reputation was good; I always regarded him as an honorable man.

To Mr. Wallis.—He was taught the gilding business; he told me he had produced a manufacture better than Goodyear's, but had not patented it; he said he had rather wait, as he was not ready to put it before the public.

David Bachrack testified.—I am a photographer, and took the picture here shown; it is of Mr. Goss and Mr. Langley; they were talking life insurance; they came to see Mr. Harrington, a portrait painter, who had a studio near me.

Maurice W. Clark testified.—I am a portrait-painter by profession; I knew Mr. Goss three or four weeks previous to his death; it is a part of my profession to study faces, and Mr. Goss struck me as having a fine face; his moustache was heavy and flowing, covering his mouth; I could not swear that he had a tooth in his head; I know A. C. Goss, and he was at my rooms on the day of the fire between 1 o'clock and 3 o'clock; he said his brother had sent him to see me about some frames which he had left with me for sale.

Mr. Hampson was recalled, and testified that the deceased left his store in Baltimore, between 12 and half-past 12 o'clock on the day of the fire.

Mrs. Gottlieb Engle recalled.—Mr. and Mrs. Goss boarded sixteen weeks with me; he sat three times a day in front of me at the table; his teeth did not show on account of his heavy moustache.

To Mr. Wallis.—He had no difficulty in eating, but was sick sometimes; I cannot say he was drunk at my house, but he drank some.

A. C. Goss recalled.—Dr. Thorn's testimony is not true, as far as I am concerned; I never

hired a buggy in Baltimore; I saw Dr. Thorn first at Mr. Langley's office on Postoffice avenue, Mr. Langley having sent for me; I told Dr. Thorn I did not give his hostler the gloves, and did not hire a buggy from him; he said the name of the party who hired the buggy gave me name as Raugh, and he repeated the name three times; when I reached home I spoke to my family of it, and I made memoranda of my visit and conversation; I suspected then, and I have ever since, that a conspiracy had been formed against me (the witness then read from memoranda); I took the administration of my father's estate, and my brother received \$800 at one time; my father's estate is estimated to be worth \$65,000, and there are eight children; Mr. Lewis, of Baltimore county, has told me several times that he was sorry for me, and I do not remember telling him that it would be all right; he left the impression upon my mind that the money paid him by Mr. Nichols, the insurance agent, was a sort of bribe; I am almost positive that I was at supper at Mrs. Parsons' on the night of the fire; the note to Miss Parson, telling her I could not keep an engagement, was written two or three weeks before the fire.

To Mr. Wallis.—I did not date the memorandum.

Mrs. Arden recalled.—I suggested to Mr. A. C. Goss, after he stated what had occurred at Mr. Langley's office, that it was best to make the memorandum, and he made it in my presence; I did not see it, but he wrote with a lead pencil.

Mrs. Goss, the widow of the deceased, was next recalled.—After the death of my husband I opened my husband's drawer, and I found therein about \$200. The witness was not cross-examined.

Dr. Thomas Murdoch testified.—I examined Mr. Goss on the 19th of May, 1871, for life insurance at his place of business; I discovered no indications of his being intemperate; his pulse was then 75, full and soft.

To Mr. Wallis.—I never saw Mr. Goss before that day, and I had no knowledge of his habits, except from him; he said he had no sickness in seven years; the then condition of his pulse was not inconsistent with the fact of his condition when Dr. Hardy attended him, as he could have taken some medicine, which would have restored him at once.

The plaintiff here closed finally.

Dr. John Thorn was recalled by the defense, and testified.—Not a word of what A. C. Goss says is true as to my telling him the name of the man was Raugh; I never told him that name, and never heard it; I did not give him any name.

The testimony on both sides was here closed finally.

Mr. Wallis informed the Court that the defendant's counsel would to-day submit their prayers, and would present two points—the question of the identity of the body found in the ruins, and the question of the fraud, as presented by the statements made in the applications for insurance.

Mr. Whitney said the plaintiff's counsel would not submit prayers.

The Court then adjourned until this morning, when the arguments on the prayers will be made.

[From Gazette, Thursday, June 5 1873.]

Yesterday morning in the United States Circuit Court, Hon. Judge Bond, the case of Eliza W. Goss against the Mutual Life Insurance Company of New York, was resumed. Messrs. Milton Whitney and H. V. D. Johns, Esqs., appearing for the plaintiff, and S. Teackle Wallis and E. Otis Binkley, Esqs., for the defendant. A large crowd was in attendance, the case being evidently one of much interest in this community.

The defendant's counsel submitted with argument the following prayers, which were granted by the Court:

First.—That the burden is upon the plaintiff to prove all the facts necessary to enable her to recover, including the fact of the identity of the body, of whose burning evidence has been given with that of Winfield S. Goss, the insured, and

unless the jury is satisfied from the evidence that the body so burned was that of Winfield S. Goss the plaintiff cannot recover.

Second. If the jury shall find from the evidence that Winfield S. Goss, the husband of the plaintiff, on the 18th day of May, 1871, made the application for life insurance to the Continental Life Insurance Company, which has been given in evidence, and obtained thereon the policy which has been given in evidence, and on the 18th day of October, 1871, made the application to the Travelers' Insurance Company, which has been given in evidence, and obtained thereon the policy given in evidence; on the 18th of January, 1872 made the application for further insurance in the defendant's Company, which has been given in evidence, and on the 26th day of January, 1872, made the application to the Knickerbocker Life Insurance Company, which has been given in evidence, and obtained thereon the policy given in evidence; and if the jury shall further find that in said application, or in any of them, the said Winfield S. Goss represented that he was and had always been of temperate habits; and if the jury shall find that his habits prior to the said applications, or any of them, were not temperate, and had not been, but were, on the contrary, intemperate, and that the representations so made were willfully false, then such applications were fraudulent, and the jury is at liberty to consider such frauds, together with all the other facts of the case bearing upon the question of fraud in issue in this case, in relation to the actual or fictitious death of said Winfield S. Goss.

Third. If the jury shall find from the evidence that Winfield S. Goss, the husband of the plaintiff, on the 26th day of January, 1872, made the application for life insurance to the Knickerbocker Life Insurance Company, which has been given in evidence, and obtained thereon the policy, which has been given in evidence; and if they shall further find that he therein made a willfully false statement in relation to his applications to other life insurance companies having been accepted or declined, then such false statements amount to fraud, and the jury is at liberty to consider such fraud, together with all the other facts of the case, as bearing upon the question of fraud at issue in this case, in relation to the actual or fictitious death of said Wm. S. Goss.

Fourth. That in determining the question of fraud in this case, the jury is at liberty to take into consideration all the circumstances of the several applications for insurance made by Winfield S. Goss, which have been given in evidence, and any fraudulent conduct or false statements of said Goss in connection therewith, and with the obtaining of policies thereunder.

The counsel for the plaintiff did not submit prayers.

The opening argument for the plaintiff was made by H. V. D. Johns, Esq., who occupied an hour and three-quarters, arguing with marked ability. He was heard with evident pleasure by the jury and the spectators. E. Otis Hinckley, Esq., followed for the defendant in an argument of an hour and a quarter, and spoke with ability and earnestness.

The Court then adjourned until 10 A. M. to-day, when the argument will be resumed by Mr. Wallis for the defendant, and Mr. Whitney for the plaintiff.

[From Gazette, Friday, June 6 1873.]

Yesterday, in the United States Circuit Court, Judge Bond, in the trial of the case of Eliza W. Goss, against the Mutual Life Insurance Company, was resumed, Milton Whitney and H. V. D. Johns, Esqs., appearing for the plaintiff, and S. Teackle Wallis and E. Otis Hinckley, Esqs., being the counsel for the defendant.

It has been years since so great a crowd assembled in the court room as gathered yesterday morning in anticipation of the arguments of the distinguished counsel who it was known would close the case. Throughout the trial a steady and increasing public interest had been manifested in the testimony and arguments, and yesterday it culminated in a general and an eager desire to hear the efforts of counsel. A large number of members of the bar were present, and insurance circles were also well represented. A number of ladies also occupied eligible seats, and manifested marked interest. Judge Giles, of the United States District Court, occupied a seat on the bench with Judge Bond, and among the spectators were Gen. Lewis T. Wigfall, formerly of Texas, Rev. John N. Gallagher, Rector of Memorial P. E. Church, and Rev. W. T. Brantley, Pastor of the Seventh Baptist Church. It was evident from the size and character of the audience that the arguments were anticipated with unusual interest.

It devolved upon Mr. Wallis, as leading counsel for the defendant, to make the concluding argument in behalf of the Mutual Life Insurance Company, and he discharged the duty with even more than his wonted ability, speaking for nearly three hours with the rare eloquence, grace, and force which have so long distinguished him. It was conceded that his effort was brilliant, thorough and forcible, and he was heard throughout with eager attention.

Mr. Whitney closed for the plaintiff, occupying about two hours. With the thorough legal acumen and ability which have gained for him his high position at the bar of Maryland, and with an earnestness which won upon all who heard him, he addressed himself to the facts of the case, and presented them with great force. He bore upon the weak points of the defendant's case with telling effect, and grouped the strong features of the plaintiff's cause in a masterly manner.

The case was given to the jury at ten minutes of 3 o'clock, and the Court waited some time for the verdict. An adjournment until this morning was then ordered, and leave was granted the jury to return a sealed verdict. At half-past 7 o'clock the jury agreed, and the verdict will be opened in court at 10 A. M. to-day.

There has been, of course, much speculation as to the result, and it is believed by many that the verdict will be in favor of Mrs. Goss.

CONCLUSION OF THE TRIAL.

At 10 A. M. on Friday, June 6, 1873, the United States Circuit Court-room was densely packed with an eager multitude. It was known that the jury in the case of Eliza W. Goss vs. The New York Mutual Life Insurance Company had agreed, and the people were anxious to hear the verdict.

After the usual preliminaries the sealed verdict was opened and read by Mr. Chew, the Clerk of the Court, and there appeared to be a feeling of general satisfaction when it was known that the verdict was in favor of Mrs. Goss for \$5,227 98, that being the full amount of the policy with interest added. Mr. Stirling gave notice to defendant's counsel that he would file a motion for a new trial.

The jury was almost unanimous from the first, there being but one juror who favored the defendant's case; and it was ascertained that the labored effort to prove fraud by the medical examination of the remains, and the teeth especially, was of little avail. The theory of the defendant that a body had been substituted was rejected, and the jury considered that the preponderance of proof was clearly on the side of the plaintiff. Thus closed the first act of this tragedy.

PART II.

THE SECOND ACT IN THE TRAGEDY.

Scarcely had the congratulations died away with which the widow was greeted upon the successful issue of her cause, ere the telegraph began to murmur mysterious whisperings of a repentant husband and incendiary, dead to the world, but living in it; a wanderer among men; dogged from spot to spot, and at the last, at the very hour of the night in which he had applied the torch to his own dwelling, that he might clutch the sums wrongfully wrested from the insurance companies, inhumanly butchered by his bosom friend and accomplice. That truth is stranger than fiction has been abundantly exemplified in this case. It may be that Wm. E. Udderzook, who is about to be tried for the murder of Winfield Scott Goss, is the victim of a combination of circumstances. Such things have happened. The records of criminal trials furnish many extraordinary instances of mistaken identity, coincidences apparently inexplicable by any other conclusion than that of guilt, and in not a few cases men have been pursued to an ignominious death whose reputations have been afterwards vindicated by newly-discovered and indisputable evidence. In this *resume* of facts it is proposed to give a brief statement of the case as it at present stands without drawing any conclusions whatever. The trial about to commence will doubtless be conducted with all the ability that skillful counsel can bring to bear, and both the authorities of Chester county and the insurance companies will leave no stone unturned in their efforts to reach the truth.

On the 14th of July last, the following dispatch, dated Westchester, Pa., appeared in the *Evening Telegraph*, and was subsequently wired to all prominent points in the United States: One of the most horrible murders has just come to light in Chester county—one that almost equals the West-Turner affair in Dover, Delaware. The village of Jennersville is situated in Penn township, Chester county, one mile north of the line of the Baltimore Central Railroad, and six miles northeast of the borough of Oxford. On the 30th of June last a strange man arrived at the hotel of the village, and took up quarters, saying that he had come from Baltimore, and was an "agent," but giving no name. He was, in appearance, a young man, probably not over thirty, with black whiskers. On the following day a team driven by William E. Udderzook, drove up to the tavern, and the "agent" was invited by Udderzook to take a ride, and accepting the invitation, they went away together. The team was hired by Udderzook at Parkersburg. In the evening it was returned, and it was remarked by some one taking it in charge that there was blood upon it, which was explained by a plausible story. Udderzook immediately left the neighborhood, and the stranger was never after seen alive. On Friday last it was noticed by a man that a large number of buzzards were hovering about the wood, a short distance off Newport and Gap Pike, between the villages of Cochranville and Penningtonville. The man at length went to the place to see what they were after, and found unearched the head and body of a man, and his arms and legs, which were separate from the body. He gave notice to the neighborhood, and the horribly mutilated body was eventually recognized as that of the stranger who had been stopping at Jennersville. A jury was empaneled by the deputy coroner, but the verdict was sealed, and has not yet been handed over to the coroner of the county. The murdered man was stabbed in three or four places, and his throat cut. Both arms and both legs were severed close to the body. Udderzook cannot be found. He is, or was until

lately, on the Baltimore police force. He is young, and has red whiskers. The object of the murder was, unquestionably, plunder. No clothes were found, except his shoes. It is reported that the man was known to have a considerable sum of money on his person. The severed limbs were buried in a separate spot from the body, and not far from the house of one Rhodes, a brother-in-law of the supposed murderer.

A Coroner's jury was immediately empaneled and the following is an abstract of the evidence before it as reported by a Baltimore paper:

James P. Moore said that while driving along the pike to Cochranville, his attention was attracted by a number of buzzards. On his return he found them still there, and having occasion to go into the woods, he made an examination of the spot. He there discovered the body of a man. He went to the house of Samuel Rhodes, a brother-in-law of Udderzook, which was in the neighborhood, and waited until he came home, when they went together, and with a shovel exhumed the remains as exhibited to the jury.

Rhodes corroborated the above statement and further said that Wm. E. Udderzook, his brother-in-law, came into the field where he was working on Tuesday, July 1st, and requested the loan of a horse and wagon at the same time asking him, Rhodes, to accompany him to Jeffers', a hostelry, at Jennersville, stating there was a man there who had \$1,000 with him and that more money could be had. Udderzook further stated to the witness that he would get something at the drug store to put the man to sleep. Rhodes positively refused, and advised Udderzook to abandon the idea, or otherwise he would bring ruin upon his family. Udderzook then said that he would do it himself—that he had been with the man in New York and Philadelphia; that he was spending his money foolishly. He further said that the man would not remain at Jennersville and asked permission to bring him to the witness' house for a few days. Rhodes told Udderzook he might do so. Udderzook further asked Rhodes' wife if he might bring the man to the house and she gave her consent and fixed up a room for him. Udderzook and my wife went to Penningtonville, and he hired a horse and buggy from Albert Baldwin. Udderzook also said the man might die, and suggested that he would put him away and get the money. We looked for Udderzook and the man until 11 o'clock that night, but he did not come, nor had he come in the morning. Next day I went to Z. Baldwin's to work, but got uneasy, and thought that Udderzook had robbed the man and run off with Albert Baldwin's team. On Wednesday evening, July 2d, I saw Albert Baldwin, and he told me that Udderzook had brought the horse and buggy back at 11 o'clock 40 minutes on Tuesday night. I then felt sure that Udderzook had murdered the man he talked of bringing up. On Friday, the 4th of July, Albert and I went to Jennersville to find out more about it. I asked Mrs. Jeffers about it; she told me she thought the man was from Kentucky—the man had told her so. I was told the man wore a large ring with set in it. We then went to Udderzook's mother's house, and asked Mrs. Udderzook about it; she told me his (Udderzook's) clothes were muddy at the bottom when he came to her house on Wednesday, July 2d. I told her that I feared William Udderzook had done something with the man. Mrs. Jeffers told me that Udderzook had told Mr. Jeffers that he had taken the man to Parkersburg; Udderzook told me on Tuesday morning, July 1st, that he would be back, but he did not come; last Sun-

day I went to Mr. Slokom, of Christiana, and told him what I had told a few others, and asked him what I had better do; Mr. Slokom told me it would have been better not to have said anything about it to any one, but now I had better tell a few other persons—probably I should inform the District Attorney; I discovered that Udderzook had gone through Jennerville on Wednesday morning, July 2d, about 9 o'clock.

Albert Baldwin, affirmed.—On Tuesday, July 1st, soon after dinner, a man, an entire stranger, came to my place and hired a horse and buggy; I was not at home when the man first came, but returned before he went away; gave the man two blankets, one a rug blanket and the other a linen spread or lap blanket; the man said he wanted to go to Cochranville, and would be back between six and seven o'clock the same evening; I received pay for the hire of team; the man did not return until eleven o'clock and forty minutes that night; the man was stout, with sandy complexion, hair and mustache; I had retired when the man returned, but my hired man was up waiting for him; on the following morning, on examination, found that the bow irons on left hand side were broken, and also the left side of dash was broken, having the appearance of a scuffle in the buggy; there were also smears in the bottom of the buggy and two drops under the bottom of it, as if it had leaked through the crack, and smears on inside of the leather of the dash, all having the appearance of blood. Both blankets and oil cloth that had been fastened in the bottom were all missing. I received from my hired man on Wednesday morning a large gold ring, set with blood-stone or something similar, and a bone shirt-stud, which he had found in the buggy between the cushions. On Wednesday afternoon I gave Edward Patchell, of Jennerville, an order for the blankets. Patchell was in Penningtonville at the time, and said he would collect the money and give it to me. I was in Jennerville on Friday, July 4, and I received the money from Patchell for the blankets. I think Patchell collected the money from Udderzook; told Patchell he had lost the blankets. Before giving order to Patchell I sent to Samuel Rhodes to see if the blankets were there. Mrs. Rhodes told my man they were not there, and I had better send for the blankets.

Dr. Elisha Bailey, affirmed.—Testified as to the wounds; man had been dead about ten days; thinks there were three, four or five wounds, any one of which would cause death.

Gasaway Peters, affirmed.—In employ of Albert Baldwin; was present when the man returned on Tuesday night, July 1; I told the man he was not at home as soon as he expected and promised; he answered, "when a person gets among the girls, he can't tell when he will get away;" it was about 11.40 o'clock on Tuesday night when he returned with the buggy; I showed the man where the buggy was broken; he replied he didn't know how it got broken; supposed at the time that the man was intoxicated; his clothes were all covered with dirt; he asked me if any one slept in the office; I told him no; the man had on dark clothes; I asked him to pay for over time he was away; he said he would see Mr. Baldwin in the morning; I did not see which way the man went; have not seen the man since; the next morning I found a ring and shirt stud which I gave to Mr. Baldwin; found them between the cushions of the buggy; the ring was a large one with heavy seal in it; the stud was bone.

Mrs. Margaret Jefferis, affirmed.—I reside at Jennerville; on Monday night, June 30, two men came to our house, got supper, and remained over night, occupying the same room; one gave the name of Udderzook; had sandy complexion, sandy hair and mustache; the other man was stout, with dark complexion; do not recognize this body as being the man; remember he had a dark mustache; he wore dark clothes; had on shoes and white stockings; noticed this while he was lying on the lounge; both men did not eat breakfast together; Udderzook ate breakfast in the dining-room and took breakfast up stairs for the other man; the man of dark complexion complained of being sick on Tuesday morn-

ing, but seemed to eat very hearty meals; Mr. Jefferis was going away on Tuesday morning, when I told him I did not like being left, and those strange men up stairs; Mr. Jefferis told me then that one man was Udderzook, and Mrs. Udderzook was his mother; Udderzook went away directly after breakfast on Tuesday morning, July 1; he returned shortly afterwards at 6 o'clock on the same evening; both men left the house between 6 and 7 o'clock the same evening; I next saw Udderzook on the following morning, Wednesday, July 2, about 9 o'clock, going through the village on foot; he was alone; the man with dark complexion told me he lived in Kentucky, and was an agent; he appeared to be a genteel looking man, about 35 or 40 years of age.

George Jefferis sworn.—This witness is the husband of the previous witness, and corroborated her testimony as regards the personal appearance of the man (the stranger), but did not recognize the body of the murdered man as being the same as the dark complexioned man.

Upon this evidence the verdict of the jury was, "that the same man (name unknown) came to his death between the hours of 7 o'clock P. M., July 1, 1873, and 8½ o'clock A. M., July 2, 1873, from wounds inflicted by a dirk-knife or other sharp instrument in the hands of William E. Udderzook, of Baltimore, Md., either himself, or with the assistance of others.

On the 15th of July Udderzook was arrested by the detectives of Baltimore city, at the instance of the Sheriff of Chester county, Pa., and taken to West Chester, near which town he was born and raised, and lodged in jail. As has already been stated, he is the brother-in-law of Winfield Scott Goss, the party alleged to have been consumed in the house on the York road on the night of the 2d of February, 1872. He is described as having inherited from his father immense strength, and his early manhood was characterized by athletic feats, which are still remembered in the vicinity of the terrible tragedy. He seems to have been of a versatile turn of mind, at one time engaged in giving lessons in oil painting and landscapes in his native village, at another making edge tools in Baltimore, and at still another engaging in an enterprise to revolutionize the trade in India rubber. Udderzook belonged to the Independent Order of Mechanics, and was at one time a grand officer in the Association. He served during the war with credit on the Federal side, and was appointed a policeman during the latter part of the administration of Police Commissioners Woods and Hinds, in which position he proved an efficient officer. He was a candidate two years ago in the Sixteenth Ward for the State Legislature, and was endorsed by both the Republicans and Temperance men for that position. He was said to be a man of abstemious habits, high moral character, not given to tobacco or strong drink, and devoted to his family, in whose society he spent most of his spare moments. His arrest upon so grave a charge created the utmost consternation among his friends and acquaintances, and in Baltimore gave rise to a variety of rumors, not the least of which was that he had murdered W. S. Goss on the night of the 2d of February, 1872, on the York road, and had then set fire to the house in which the deed was committed to remove the evidences of his guilt.

At first it was suspected that Rhodes, the brother-in-law of Udderzook, was implicated in the murder of the unknown man and a warrant was at one time issued for his arrest, but the plain statement made by him and further corroborative evidence dissipated the suspicion. Udderzook maintained a bold demeanor. He acknowledged that he had taken the stranger into his buggy at Jennerville, but that he had simply done it as a courtesy to a man whom he had met in traveling, and that he had put him down at Cochranville, after which he knew not what had become of him. Some rather singular expressions used by Udderzook to Rhodes such as "He gave me to understand that he'd been attending to his affairs, and had been drawing his money for him. He said he

had him at New York; I think he said New York, but I am sure he said Philadelphia, and that he wouldn't have gone to all that trouble unless he knew what he was doing, and he said that this man had been lost for a long time, and everybody thought he was dead, and nobody seemed to care anything about him," coupled with the personal description of the murdered man, who was said to be stout and heavily built, with dark hair, mustache and whiskers, with very perfect teeth, and about the height of W. S. Goss, gave an extraordinary direction to public sentiment. This insurance case and all the circumstances attending the burning of the house on the York road in the winter of 1872 were called to mind. If, as the insurance companies claimed, Goss had never been burned in the building, but was wandering about in disguise to evade the lynx-eyed detectives of these companies, there was at once a motive for the hideous crime with which Udderzook was charged. Goss might have strayed to this very spot under the guidance of Udderzook, and the latter, fearful of the discovery of the conspiracy through the intemperate habits of his associate, might have adopted the most effectual method of forever defying detection. "Dead men tell no tales," and, moreover secure in the death of his associate, he could so much the more surely prosecute the suits against the companies to a successful issue. In a few days not only the most experienced detectives were enlisted in behalf of the Commonwealth, but the agents of those great corporations whose business it is to know everything, to sift complicated cases, to ferret out the most secret thoughts and actions of men, to trace their hidden motives and bring to light facts which a man conceals from his dearest companion and confidant were on the spot and an impetus was given to the investigation which could not fail to strike terror to the heart of the prisoner, unless his hands were as free from blood as those of a newly born babe. Over and over again the body was taken from its hiding place and submitted to every conceivable form of examination. The murderer had done his work well. Three separate gashes were made in the trunk; the throat was cut from ear to ear; the face was washed in; the nose broken, and the fine teeth gouged down the throat of the corpse, while the limbs were severed as effectually, if not so skillfully, from the trunk as it could have been done had a Professor been demonstrating in anatomy. Distinguished surgeons were summoned from Baltimore; tailors, hatters, dentists, and shoemakers followed in their train, and when the remains were at last consigned to their final resting place, Goss,

or whoever the corpse was, had been separated into probably as many pieces as there are stones in the Battle Monument. Each day brought its revelation. It was said that Goss was traced from one place to another. From Baltimore, on the night of the conflagration, he fled to Philadelphia, from thence further North, until he reached the borders of Canada. A sudden change of base brought him to Nashville, the home of his boyhood. For awhile he was lost sight of but the detectives, as keen as hounds on the scent, eventually traced him to Cooperstown, Pa. He was next heard of at a boarding-house in Newark, N. J., where, forgetful of his obligations to his wife, or concluding that being dead to the world, he had a right to assume another identity he paid court to a young lady of the town and at least made a flattering impression as she consented to wear his seal ring for several consecutive months. At both Newark and Cooperstown he was in constant communication with persons in this city and the notes and letters received and dispatched by him led to the arrest, on the 20th of July, of A. Campbell Goss, a brother of Wm. S. Goss, on the charge of conspiring with William E. Udderzook and William S. Goss to defraud the insurance companies.

From Newark W. S. Goss is supposed to have gone to Philadelphia, and from thence to Jennerville, in the neighborhood of which place he met his fate on the first of July. The ring found in the buggy has been identified as his, the remains have been identified by a number of persons as the body of Goss, the shirt found with the murdered man has been identified by a tradesman in Newark, N. J., as one that he made for Goss, or the man taken for him, at that place, and the shoes found on the feet of the corpse have been identified by a tradesman in the same town as a pair he half soled a week before the murder for the same person. It is alleged by the authorities of Chester county that many other links in the chain of evidence have been discovered, which fasten the crime upon Wm. E. Udderzook, but such assertions always precede a trial for murder, and frequently what, to the laity, are proofs as strong as Holy Writ, are decided to be by courts and juries but ropes of sand or old women's tales. The prisoner's friends are confident of his innocence and acquittal. His wife, since, his arrest, has made Westchester her residence, and has been assiduous in her attentions to her unfortunate husband. During the month of September Mrs. Goss directed her attorneys, Messrs. Whitney and Johns, to relinquish proceedings in all the cases against the insurance companies.

PART III.

THE TRIAL OF UDDERZOOK.

WEST CHESTER, Pa., October 29, 1873.

The trial of William E. Udderzook is the one subject of interest here to-day, as anticipated. A half hour or more in advance of the time for the calling of the case the court-room was well filled, and it was evident that the desire of the public to hear and observe all was eager. The court was called at half-past eight o'clock by Mr. George Ehrenzeller, the crier. Chief Judge Wm. Butler, and Associate Judges Benj. J. Passmore and Joel Hawley on the bench.

The Court first transacted some minor business relating to the settlement of estates, etc., and it appeared like brushing away cobwebs before coming to the real matter in hand. The weather is cold and bracing and the court-room is well lighted and ventilated. A number of ladies oc-

cupied seats, and the occasional loud cry of a baby made known the presence of the most youthful spectator. Promptly at 9 o'clock the Court was opened with due form and the Chief Judge called the attention of the Grand Jury to the matter of the building of a bridge, and instructed them to inquire into its necessity and report. A colored man is a member of the Grand Jury.

At this moment the prisoner was brought in from an ante-room by Sheriff Davis Gill. All eyes were turned upon him as he came in view. He walked with a steady step, and was quiet in his manner. Udderzook is a large, muscular man, about six feet in height and well proportioned. His complexion is florid, hair sandy, eyes small, grayish and retreating, nose long

and prominent mouth, and brow high. He wears a heavy moustache and a small goatee, both of a sandy, almost red color.

Next the Chief Judge said: "What will you take up now, Mr. Wanger?"

Mr. Wanger stated that the Udderzook case would be taken up, and moved that the jurors be called.

The admission of Milton Whitney, Esq., was next moved by Mr. James Perdue, and he advanced, and was sworn by the Clerk, James H. Wynn, Esq.

Mr. Whitney said he desired to present a preliminary question, and he was momentarily expecting Mr. MacVeagh to assist him in the case. It was important that the issue between the State and Udderzook should be accurately made up, and that it should appear distinctly on the records of the Court. The indictment contains two counts: the first charging the murder of W. S. Goss, a person known to the Grand Jury, and the second count charging the murder of an unknown man whom the Grand Jury had christened, if he might be allowed to use the expression. Mr. Whitney then stated that he desired the District Attorney to elect upon which of the two counts he would try the prisoner, and should he decline, the defense would be constrained to address a motion to the Court to compel him to make such election.

Mr. Wagner arose and said briefly that he formally declined to make an election.

The Chief Judge said he had not read the indictment, and a printed copy was then read aloud by Joseph Perdue, Esq. The Court then called upon the District attorney for authorities, and after a few minutes delay the District Attorney said his authorities were not at hand.

The Chief Judge said there was already a plea to the indictment, and the motion could be heard as well after as before the calling of the jury. He then ordered the calling of the jury.

The Clerk next ordered Wm. E. Udderzook to stand up, and he arose quietly and held his hands crossed before him. He appeared calm, but there was a rest-less motion of his eyes. He was dressed in a full suit of broadcloth, was cleanly shaved, and generally neat in his appearance. As he arose all eyes were turned upon him, but he did not appear to be confused by the gaze of the crowd. As he stood up the Clerk addressed him as follows: "William E. Udderzook, you are now about to be tried for the felony of which you stand charged. Those good men that I shall now call are those who are to pass between the Commonwealth and you. You have a right to challenge twenty of them without giving any cause, and as many more as you can show sufficient cause for so doing. If you (or any) will challenge them, or any of them, you will do it as they come to the bar before they are sworn, and you shall be heard. Attend to your challenges." The prisoner then resumed his seat and was still calm.

The counsel for the defense then made application for leave to withdraw the plea, and at some length Mr. MacVeagh stated the grounds. He desired that no technical advantage should be taken by the prosecution or the defense. He objected to the record.

The Chief Judge overruled the motion, stating that it had been the invariable custom of the Court to arraign at one term and try at the next. He further stated that he could not inquire into the evidence, and called attention to a recent decision of the Supreme Court of Pennsylvania, not, however, giving the name of the case.

Mr. MacVeagh then moved to amend the record, and the Court desired him to put in writing the ground of his motion. The following was then filed: Upon this case being called for trial the counsel for the defendant request leave of the Court to withdraw the plea inadvertently entered at the last term, when the prisoner was arraigned, to enable him to quash the indictment, for the reasons, among others, that it contains two counts, one whereof charges the prisoner with the murder of Winfield S. Goss, otherwise known as A. C. Wilson, and the other with the

murder of a person whose name is unknown; which leave was refused by the Court.

The calling of the jury then commenced, the Chief Judge interrogating the jurors. John W. Morton was first called. Said he had no scruples on the subject of capital punishment. He was then asked if he had formed an opinion in the case, and he desired to know if that included an opinion formed from newspaper reports. The Chief Judge desired to know if he had formed any opinion, and he said he had formed from the newspaper reports just such an opinion as he would form in any other case, but it was not such as to prevent him from rendering a true verdict on the facts. The juror explained, at the request of the Court, that by reading a newspaper's account he merely formed an opinion if the account be true. The Court said he would greatly prefer to have jurors who had never heard of the case, but that was impossible in a country where newspapers were so generally circulated. The same difficulties presented themselves in every prominent criminal trial. The Chief Judge expressed further his regret that jurors, who had not heard of the case, could not be obtained, and directed the juror to stand aside for the present, the counsel for the defense agreeing.

George G. Caldwell was next questioned, and had no conscientious scruples, but had formed an opinion. He was challenged, and J. Preston Thomas (affirming) hesitated for some time when asked the first question, and gave one or two evasive answers. Finally he said he had no conscientious scruples, but had formed and expressed an opinion. He was challenged, and Ed. S. Wilson called, and being found acceptable to both sides was sworn as the foreman of the important twelve. Next Jesse C. Green was called, but was challenged by the State for cause. Robert Dorlan next came, but the State challenged him. Francis O'Neil was interrogated and ordered to stand aside for the present, as he had formed an opinion from newspaper reports. Chandler Pugh had also formed an opinion from newspaper reports, but it was not fixed. The Chief Judge stated that he was still willing to keep the juror in abeyance, and ordered him to stand aside for the present. Milton Wersler had no fixed opinion, and had read the newspaper reports without any prejudice. The Court said he could be called again if necessary. Samuel W. Evans had formed an opinion, and was challenged by the defense. Isaac Kolb was examined and sworn as the second juror. Lee Welsh was then challenged by the defense for cause. Thomas Barr was challenged by the defense for cause, he answering that he had formed an opinion without qualification. Jas. L. Futhly was held in abeyance. Elias Eabey was challenged by the defense for cause. Henry B. Freeman had no settled opinion, but was challenged by the defense. Joseph R. Walker had conscientious scruples, and was challenged by the State. Wm. S. Marshall had formed an opinion, and was challenged for cause by the defense. Henry G. Thomas had expressed an opinion, but not a decided one. He could, however, render an impartial verdict upon the evidence. He was challenged for the present. Howard Millard had formed and expressed an opinion, and was challenged for cause. Samuel Whitson had conscientious scruples, and was challenged for cause. Jonathan Mauger was challenged for like cause. Samuel Henderson was challenged because of the formation and expression of an opinion. Daniel B. Latslaw had no "taste" for "criminal news," and did not "look this matter up." He was accepted and sworn.

John L. Hood, colored, had conscientious scruples before coming to Court but since arriving his mind had been enlightened and he could give a verdict upon the facts. He had not formed or expressed an opinion as to the guilt or innocence of the prisoner and after a conference of a few minutes among the prisoners' counsel in which Udderzook by request took part, Mr. MacVeagh said, let him be sworn. He then affirmed and took his seat as the fourth juror. Benjamin F.

Price had scruples against punishment as punishment for offences past, and was proceeding to argue the state of his opinion when the Court interrupted and said it wanted no argument. Then the juror wished to know what he was to understand "conscientious scruples" meant. After some further desultory remarks he was ordered to stand aside at the request of the District Attorney. John Whiteley had not "exactly" formed or expressed an opinion, and was challenged. Isaac Cochran was challenged by the State for cause. Jno. A. Goff was challenged by the defense because of the formation and expression of an opinion. Amos Scott was challenged for the same cause. David M. Hamum was also rejected by the defense. David Glisson could not say that he had formed an opinion as he had read only a part of what the newspapers gave, and was accepted, making the fifth juror. Hiram Cooper had scruples and was challenged by the State. David Baker had not formed an opinion further than upon information gained from newspapers; he had not a decided opinion, and had no bias. The defense challenged him for the present. James Griffith was challenged by the defense because of his opinion. Isaac Elbert was challenged by the State for cause. Jas. Peoples was challenged because he had formed an opinion. W. Wortington Entrikin was found acceptable and made the sixth juror. David Kolb was next challenged by the State for cause. Joseph Fenton could not serve because of scruples. William Ralston had read the newspaper accounts, but had made up no opinion and would not like to do so outside of sworn testimony. He had no bias or prejudice which would stand in the way of his rendering an impartial verdict upon the evidence. The defense challenged him, however, peremptorily. Charles N. Sproul had formed an opinion from what he had read, and was challenged by the defense for cause. E. Pearce McClellan had formed but not expressed an opinion, and was rejected. Samuel McFadden had expressed an opinion "as to the accounts he had read," and was challenged for cause. James S. Phipps was challenged peremptorily after quite a lengthy conference between the prisoner's counsel. David S. Entrigan was challenged by the State for cause. William Windle was challenged on account of scruples. Richard Strode had formed and expressed an opinion, and was challenged by the defense. Fenlon Darlington was challenged by the State on account of his scruples. Thomas S. Chambers was challenged on the same ground. M. Shaner Chrisman was sworn next as the seventh juror. Samuel Ruth was rejected on account of an opinion, and the panel was then exhausted. The Court directed the jurors who had been ordered to stand aside to be called back, and John W. Morton was first recalled. He said he could render an impartial verdict upon the evidence. The District Attorney here proposed to call the Court's attention to a point in the trial of George S. Twitchell, in Philadelphia, but the Chief Judge said he desired argument deferred. The counsel for the defense finally withdrew their challenge, and he was sworn as the eighth juror. Francis O'Neil was next recalled, and said that according to the newspaper accounts he had an impression upon his mind unfavorable to the prisoner. He was rejected by the Court. Chandie Pugh was recalled, and said he had a little prejudice resting upon his mind against the prisoner, and was rejected. Milton Hersler had no impression for or against the prisoner, but the defense challenged him peremptorily. James S. Futey said he had some bias for or against the prisoner, and the Court, upon the application of Mr. Wanger, said it would not go into the inquiry, raised at the Twitchell trial, as follows: "Notwithstanding the opinion you have formed, can you enter the jury box and decide the guilt or innocence of the prisoner upon the evidence submitted to you, and that alone, uninfluenced by the opinions you say you have formed?"

The Court further said that the prisoner had a right to start with all the jurors, with their prepossessions in his favor, and should not be under

the necessity of removing their impressions against him. The juror was then rejected.

Henry B. Freeman was challenged peremptorily, and Henry G. Thomas was not willing to say that he had not a bias against the prisoner, and the defense challenged him for cause.

David Baker had a bias made upon his mind by newspaper accounts, and the defense challenged him for cause.

Benjamin F. Price had formed no opinion for a peculiar cause. The counsel for the defense desired to know the cause, but the Court interposed, and said it could not be inquired into. The juror was then challenged peremptorily by the defense.

At this point the panel was exhausted.

The Chief Judge now ordered the Sheriff to summon 40 takersmen, and suggested to the Sheriff that he exercise proper care in selecting citizens of intelligence and standing. The doors of the court-room were then closed. Next, Messrs. Ira Winterbottom and Gustavus A. McCarty were sworn to take charge of the jury, and the Court charged them to be ever on their guard, and not allow the jury to separate from any cause, and not allow any one to speak to or hold communication with them. The Court further stated that they would not be allowed to take their meals at the public table at their hotel, and said it would impose severe punishment if its orders were violated. The Court then adjourned until 2.30 P. M.

Before leaving the Court-room, Udderzook was approached by a number of his friends and shaken warmly by the hand. He appeared to be much gratified at these evidences of regard, and talked very freely with those near him. His wife, mother, and Mrs. Arden, of Baltimore, were present with him. As he left the court-house and passed through the streets, a large crowd followed, eager to observe him.

[Special Telegram to the Baltimore Gazette.]

AFTERNOON SESSION.

WEST CHESTER, Pa., October 29, 1873.

The crowd in the court-room upon the reassembling of the Bench was greater than during the morning session, and the aisles were all crowded. More than two hundred ladies were present, a large number of the members of the Teachers' Institute, now in session here, being among them. It was noticeable too that a number of girls were among the spectators, and evidently some of them were with their parents.

It will be remembered that at the famous trial of Mrs. E. G. Wharton, at Annapolis, Md., for the alleged murder by poisoning of General W. S. Ketchum, the sessions of the Court were constantly attended by ladies, who manifested a deep interest in the proceedings, and the arguments especially. It seems that the fair sex will also be present in force during this trial. They occupy seats reserved for them, and have certainly been thus far very quiet and attentive. A short time before the Court met the wife and mother of Udderzook, and his mother-in-law, Mrs. Arden, of Baltimore, entered and took seats next to the one which he had occupied, his wife taking the nearest. His wife appeared painfully concerned; wore a look of much care. His mother was evidently much depressed and sat with her hand to her face. The prisoner was brought in soon after by Sheriff Gill and had manacles on his hands. He did not appear to be annoyed by the attention which his entrance attracted and conversed with his wife while the Sheriff was unlocking his irons. The Chief Judge had now taken his seat and observing that Mrs. Arden's seat was near the jury he quietly requested that her seat be changed. It was accordingly answered. The jury was here called. The eight answering, the calling of the recently summoned jurors then commenced, the Clerk being allowed to read from the list as his eye might alight upon a name. The use of the ballot box was dispensed with by consent of counsel on both sides in view of the fact that the Clerk had not had time to make the usual preparations.

George Mercer was first called, and stated that he had formed an opinion from reading newspaper reports, but it was not a decided one. He had no bias for or against the prisoner, and Mr. MacVeagh said this juror may be sworn, which was accordingly done. J. E. Baldwin was next challenged because of scruples. Morris Thompson, Sr., was rejected on the same ground. Evan P. John was challenged peremptorily. Joshua N. Pearce was excused on account of indisposition, and with the consent of counsel. Thos. B. Dewees and Abram Still were peremptorily challenged. Jno. D. McFarland thought he had formed and expressed an opinion, and was ordered to stand aside. David Jones was peremptorily challenged. Abraham Martin was next challenged by the defense for the cause. M. C. Pennypacker had formed and expressed an opinion and was rejected. Alfred Darlington had impressions formed from newspaper reports and was challenged for cause. Joseph Doane (was also challenged because of the expression of an opinion. Henry Moore was challenged peremptorily by the defense after some delay. David A. Branson was also challenged peremptorily by the defense. Robert L. Hayes was next found acceptable and made the tenth juror. E. G. McCauley had formed an opinion only from newspaper reports and was conscious of bias for or against the prisoner. He was challenged for cause. Edward T. Harlan had an opinion which would have to be changed, and was challenged. Edwin Otley generally formed an opinion of things of which he read, but had no opinion to stand in the way of his rendering an impartial verdict upon the evidence; only sworn testimony could, however, change his opinion. He was rejected. Geo. P. Calley had not formed or expressed an opinion, and was sworn as the eleventh juror. John Ivey was challenged peremptorily. G. Passmore Harlan thought that he had formed or expressed an opinion, and that he had an impression on his mind. He was rejected. A. M. Nichols had expressed an opinion from what he had read, but had no impression now as to his guilt or innocence.

Mr. MacVeagh said let him be sworn. The panel was now, at twenty minutes of four o'clock, completed, and there was a stir throughout the crowd as Mr. Nichols took his seat. The following comprise the jury as sworn, with occupation and residence: John W. Morton, gentleman, Honeybrook; Edward S. Wilson, farmer, Tredefrin; Isaac Kolb, boat-builder, East Vincent; Daniel Blawash, nurseryman, East Vincent; John L. Hood (colored), farmer, Kennett; Joseph Glisson, farmer, Tredefrin; W. Worthington Entriken, miller, Willistown; M. Shanor Christman, Justice of the Peace and conveyancer, West Vincent; George Mercer, livery keeper, West Chester; Robert L. Hayes, miller, East Bradford township; George P. Calley, farmer, Willistown township; Arnold M. Nichols, blacksmith, Franklin township.

Mr. Wanger next moved that Wm. M. Hayes, of West Chester, be associated with him in the conduct of the case. The Court said no motion to that effect was necessary, it being discretionary with the State officer. The District Attorney then proceeded to address the Court in opposition to the motion to compel him to elect one of the two counts. He quoted from Wharton's Criminal Law, First Volume, sections 422, 423 and 416, and also Commonwealth vs. Birdsall, P. F. S., page 482, Pennsylvania Reports.

The Court said it would next hear from the defense the grounds entertained by them why the indictment should not stand as framed. Mr. Whitney then addressed the Court and called attention to the fact that the old doctrine of the law had been changed as to misdemeanors, but not as to felonies. He had never known a felony case in which a Court had refused to compel the prosecutor to elect upon which count it would prosecute; each count of an indictment was a distinct and substantive charge. He then called attention to the counts of the indictment, and said he would not dispute descriptive counts, but he understood the general principle to be

that the Court must be able to perceive that it was capable of separation before it could sustain it entire. He then reviewed the relations in law between the two counts of the indictment, and quoted the case of the State vs. Smith, 30th Connecticut report, and also the view expressed in Archibald's Criminal Practice. Mr. Whitney further argued the questions involved in a logical manner.

The Chief Judge, at the conclusion of Mr. Whitney's argument, said he had no opinion to intimate, but he would suggest to the State's officer whether or not it was worth while to insist upon both counts, the second especially. The Court was not looking at the question as a technical one, but merely suggested to the District Attorney that he should turn the matter over in his mind, and decide whether or not it was important to maintain both counts.

The District Attorney, after a conference with his associate and Mr. MacVeagh, said he had no desire to embarrass the defendant, and he understood that if the prisoner was acquitted on one count, he could be tried on the other. The Court said it had no opinion to express on that point. The District Attorney said that he was willing to try the prisoner on the first count charging him with the murder of W. S. Goss.

The Chief Judge ordered that it be entered upon the record, that the District Attorney had voluntarily elected to try the prisoner on the first count of the indictment, and said that election would simplify the case. The indictment was then read to the Jury by the Clerk, who in conclusion bade them look upon the prisoner and hearken to his cause. At a quarter past four o'clock, Mr. Wanger commenced to read to the Jury his opening statement.

OPENING STATEMENT FOR THE PROSECUTION.

William E. Udderzook had been indicted for the murder of Winfield Scott Goss, and you, gentlemen of the jury, were sworn to try him. On the 11th day of July last the mutilated body of a man was found in a lonely woods near Penningtonville, who had been evidently murdered, with surroundings of peculiar horror. Winfield Scott Goss had lived in Baltimore until February, 1872, when he disappeared, and next turned up at the Central Hotel, in Philadelphia, in June, 1872, after which he went to board near Cooperstown, at Bryn Manor, and at Trenton, N. J. He is next found at the William Penn Hotel, in West Philadelphia. Goss had his life insured at the time of his disappearance in a large amount—\$25,000—in various companies. When Goss was in Philadelphia it is known that Udderzook was absent from Philadelphia. On the evening of June 30 they were in company at Jeffries' Hotel, at Jennersville, having walked from West Grove Station, on the Baltimore Central Railroad. The next morning the prisoner hired a horse and went to Penningtonville, but stopped on the way near there, and saw his sister, with whom he walked to where his brother-in-law worked in the field. He made a proposition to put some one out of the way, and said he had the man at Jennersville, and they could make ten thousand dollars by it. He went on to Penningtonville, hired a horse and buggy, with which he returned to Jennersville, and took in the stranger, and started in the evening in the direction of Penningtonville, where he arrived about twelve o'clock at night, with the buggy broken and bloody, and the blankets gone. Udderzook is seen the next morning, July 2, at Cochranville, tired and disheveled, where he got a light breakfast. He then returned to Jennersville, and went to Baltimore.

The evidence would now be submitted and the jury called upon to pass upon the guilt or innocence of this man, the prisoner at the bar, according to the impression of his guilt which that evidence should give.

A plan of the woods in which the body was found was prepared by Abram & Trimble, civil engineers.

TESTIMONY OF ABRAHAM V. TRIMBLE.

Abraham V. Trimble was first called, and in answer to Mr. Hayes testified.—I reside in Philadelphia, and am a surveyor; I have been over the road from Penningtonville to Jennerville on horseback, and have made a draught of Baer's woods and surrounding country; the green marks represent Baer's woods; the length of the woods extending along the Gap and Newport turnpike is 2,138 feet; the narrowest place of them is about seven hundred feet; the scale of the map is two inches to the mile; the woods lie on the south side of the pike, coming from Cochranville and Jennerville; the woods are to the right; the pike was immediately by the side of the woods; the wagon track is within a few feet of the fence there; I saw the place where it was said a body had been found; it was between one-third and one-half from the end of the woods nearest Penningtonville, and is sixty-five feet from the pike; a large black oak tree is four or five feet from the spot; the place where the limbs were said to have been buried is 65 feet from the grave, and toward Cochranville, down the pike; I saw a place where marks of fire had been discovered; ashes and charred wood were there; it was a place 8 or 10 feet in diameter; it was nearly west of where the body was found, and 373 feet from where the body was found; it is 2 $\frac{3}{4}$ miles from the woods to Penningtonville, and about 2 $\frac{1}{4}$ miles from Cochranville, and about 8 $\frac{3}{4}$ miles to Jennerville; it is 3 miles from Jennerville to West Grove station; it is a little over a mile from Jennerville to Penn station; from the place on the pike opposite the grave to Mrs. Weaver's is 1,269 feet in an easterly direction; John Hurley's is 2,155 feet in a northwesterly direction; from the grave to Samuel Johnson's is 2,040 feet; to Gilfillan's tanyard is three-quarters of a mile; that woods is, I suppose, on the highest ground around there; the general appearance of the wood is level; the nearest house which I have not mentioned is Samuel Johnson's; it is the next nearest after Weaver's; the ground between Samuel Johnson's and the woods falls; the woods, however, come between it; it is very nearly level from that point up to John Hurley's, and it falls off towards Weaver's, up the pike towards Penningtonville, to Jacob Baer's.

To Mr. MacVeagh.—I was last upon the ground on the 29th of last July, and alone with you (Rainbaugh); the basis for the plot was the county atlas; I commenced at Mr. Baer's to measure; measured around the woods, and the distances in the woods; the other measurements were taken from the county maps; I had no previous knowledge of the locality; I could only judge from general appearances that there had been a fire; I observed no peculiarity.

To Mr. Hayes.—The distance to Weaver's is from actual measurement, but the other distances were gotten by taking the courses from different points, and calculations made. Mr. Hayes then proposed to show the map to the jury, but Mr. MacVeagh desired it to be explained to them. The Court said the places should be pointed out to the jury, and that no harm could result to either side. Messrs. Hayes and MacVeagh at some length explained the entire locality, both to the jury and Court.

TESTIMONY OF JOHN E. HARFORD.

John E. Harford next testified.—I reside in Cecil county, Md., and I was sent for on the 8th of July to see my cousin, John Harford, and on the 9th of July, in going past the woods, I saw quite a number of buzzards sitting on the fence; when I reached my uncle's I spoke of it, and asked what was dead; I smelt a very unpleasant smell; I afterwards saw the place where the body was buried, and the buzzards had been sitting at a point on the road opposite, the birds were also fighting over something in the road; that was about 1 P. M. Wednesday, July 9; I first saw the buzzards and then smelled the stench; I was then three or four hundred yards from the grave; I supposed there must have been forty buzzards; some were

sitting on the fence, some on the bushes, and some in the pike; I thought what they were fighting over was a snake, and they did not fly as I passed them; I perceived the stench right at the place opposite the buzzards. To Mr. MacVeagh.—The smell was very strong there; it was perceptible but a short distance along the pike; on the next day, Thursday, the 10th, about 11 A. M., passed again the buzzards; about the same number were there; had their wings spread, and frightened my horse.

THE FINDING OF THE REMAINS.

Gainor P. Moore testified.—I reside on the turnpike, one mile south of Penningtonville and about one and a half miles north of Baer's woods; on Friday, July 11, I was sent by Mr. Harford to Cochranville for medicine; I noticed the buzzards as I approached Baer's woods; I noticed a good many in the bushes; I looked over to see where the carrion was, and could pretty nearly see the spot; I went on to Cochranville, discharged my duty, and, upon returning, again found the buzzards; I made up my mind to find what attracted so many; I found something that was mysteriously hidden; it was covered over with earth, leaves and limbs of trees, the last lying lengthwise; I looked at the part exposed to see if I could find hair that I might discern what kind of an animal it was; I could find only a little tuft of dark hair, mixed with a little gray; I felt conscious that it was something that ought not to be there, but made no further discovery, and went on to Mr. Harford's; from Harford's I went to Mr. Rhodes', about 175 yards distant; he was not at home, and I described to Mrs. Rhodes what I had seen; she said she would tell him to come up to see me, and in about three or four hours after he came; I took my shovel and together we went to the woods and grave; Mr. Rhodes took the shovel and sunk it in on the left side of the body, and dug out a bloody shirt; he struck it in again where we thought the head might be, and raised up the head and face, at the same time almost I heard a vehicle coming down the road; I went to the road, and found I did not know the owner; I asked him to come in as a witness, telling him what we had found; he objected, as he was a stranger; I insisted upon his coming in, but he kept on and did not come; Rhodes and myself then got in our wagon, and started for Penningtonville for the Deputy Coroner; I got out at Harford's; Rhodes went for the Coroner, who came with a jury; together we went to the woods; the body was in the same position in which we had left it, but some people from Cochranville had arrived and nearly uncovered it; the head was away from the pike, and the lower end towards the pike; when I raised the head I observed a very good side whisker on the side of the face, and also a very good crop of hair and a beard over the lower part of his face, which looked as if it might be of some days' growth; the hair was dark and one inch or one and a half inches long; the whisker was quite dark also; I should say nearly the same color of the hair; the face looked quite natural when I first saw it with Rhodes, and it was white—quite natural; I could have easily recognized it if I had known the person in life; the jury was empaneled and the body placed in their care; they put sticks under the right side of body and kind of rolled it over to the north side; then they put a board under it and rolled it back, lifted and carried it out of the woods; the trunk was perfect, but it had no arms or legs, and no clothing; the legs and arms were found after the body was taken up; it caused such a stench when raised that two or three gentlemen ran off to get away from it, and by chance came on a spot with a cedar bough laid over it, that was about fifteen paces from the body; I saw the spot uncovered; the first shovelfull revealed a limb, and next the two legs and two arms were unearthed; on the feet were white cotton hose and Congress gaiters; the limbs were carried out and laid by the side of the body, then the body and limbs were removed to Penningtonville; I did not go to Pennington-

ville; I testified before the Coroner on the Sunday after the discovery of the body; my attention was called to the burnt places; I had been previously over the woods gunning on last Saturday, in company with yourself (Mr. Hayes) and Messrs. Rhodes and Rainbaugh; I went to the grave; an accurate draught was taken of the grave; the roots were cut out of the grave; measurements were made; the roots were placed in a box of the size of the grave. [Here the box, with roots fastened on, was placed before the jury.] Witness continuing.—The greatest depth of the grave was 11 inches, and at the widest point it was 16 inches; the length of the grave was 4 feet 3 and one-half inches; the root at the lower part of the body was a large root; the bark had been chipped off as though it had been done with a dull spade; the root nearest the surface of the ground had been cut off by some sharp instrument; the grave containing the limbs measured 11½ inches deep and 3 feet long.

Here the hour for adjournment arrived. The Court announced that it would be necessary to sit at night. Mr. MacVeagh interposed, but the Court said it would adhere to its resolution unless counsel were physically unable to proceed at night. It was finally agreed not to sit to-night, but the Chief Judge said he expected to sit during other nights of the trial. The Court adjourned until 8.30 A. M. to-morrow.

WEST CHESTER, PA., October 30, 1873.

It is conceded that the defense gained a decided point when it yesterday obtained the election of the first count of the indictment against Wm. E. Udderzook, charging him with the murder of Winfield S. Goss, and taking from the prosecuting officers the advantage of throwing, as it were, a drag-net over the whole tragedy. The Chief Judge delivered no opinion upon the legal points presented to him by Mr Whitney in a forcible speech, but his remarks from the bench to the District Attorney plainly indicated that he would not allow a prosecution on the two counts. The District Attorney readily acquiesced in the view of expediency expressed from the bench, and without much hesitancy yielded. The proof in the case will now be confined in great part to the identity of the body of the murdered man as that of W. S. Goss, and it remains to be seen how far the stranger and "agent" last seen with Udderzook can be connected by description with the post-mortem observations. The counsel for the defense seem to appreciate the importance of their gain on this point, and the opinion here now is not so general that a conviction will follow.

At 8.30 this morning the Court reassembled. Even at that early hour the courtroom was crowded, every seat being occupied, and many standing in the aisles and entries leading to the three doors giving admittance to the hall. Indeed, as early as 8 o'clock, the approaches leading to the building, which occupies the corner of a block, and is reached by wide paved walks leading from two streets, were thronged with eager men and women, in small parties and singly, hurrying to obtain admittance. Many of these were stylishly dressed, and one, ignorant of the exciting trial in progress, would have imagined them devout worshippers, hastening to church, rather than curious spectators of a criminal trial. So great is the curiosity of the ladies to witness the trial, or get sight of the prisoner that some of them take their infants in carriages to the court yard, and, leaving these on the green, seize their infants in their arms, and mount up the stairs to the hall.

Your correspondent was present throughout the Wharton-Ketchum trial, at Annapolis, and last week in the court-room in New York city, where the trial of Stokes, for the murder of Fisk, was progressing, but at neither was there such a throng—such a jam—as was present in the West Chester court-house this afternoon. Gathered in the rooms and different halls leading thereto were not less than two thousand persons, and fast as one would leave two would come.

Promptly at 8.30 the jury were called. Application was made to the Court to hear a motion, but the presiding Judge peremptorily refused to hear any motion, or take up any business while this trial was progressing. The prisoner, bore himself with his accustomed complacency; not a trace of anxiety or uneasiness shadowed his face. By his side was seated his devoted wife, and bearing on her bosom their infant child, very neatly dressed. She sat, touching her husband, their backs resting against the railing which divides the bar and court from the spectators, and the prisoners right arm rested on the rail, almost encircling his wife's neck.

Gainor P. Moore was recalled and testified in answer to Mr. Hayes.—I observed a gap in the fence about fifty to sixty yards below the grave in which the trunk of the murdered man was found; when I first discovered it, a portion of the abdomen about six or eight inches in diameter was all that was exposed.

Mr. Hayes now proposed to show the witness a photograph and to ask him if he recognized it, and to be followed with evidence.

The defense objected, Mr. Perdue stating that the ground of objection was that the defense did not know whose photograph it was, and did not, as far as the evidence had gone, have any connection with the case.

Mr. Whitney said there might be a twofold objection to the introduction of the photograph at this time. The first was as to the admissibility at this stage, and the second, how far admissible on general principles. He thought the Court should guard with extreme caution and care in admitting such testimony, with the promise from the State to make it competent. He did not see why a rule of caution should be departed from under a plea of necessity. It was for the Court to inquire whether or not the photograph had been taken under circumstances such as would give it value in the eyes of the law. The admissibility of photographs was not new, but he was not aware of an instance in which a court had taken judicial notice of photographing as a science.

The Chief Judge said he would have preferred, if the State's officer had placed before the witness several photographs and asked him if he recognized either. The offer must be considered in connection with the fact that the case was just opening. The evidence must be received. The defense took an exception.

The card bearing the likenesses of W. S. Goss and J. W. Langley, agent Continental Life Insurance Company, was then shown to Mr. Moore, and he said the person standing (W. S. Goss) bore a strong resemblance to the dead man he found in Baer's Woods. Continuing.—From the point of the nose up in particular there is a strong resemblance; a bloody and dirty white cotton shirt was here shown to the witness, who, after holding it up and examining it, said: It looks like the shirt found on the left side of the dead body; I recognize it on account of the blood stains, but more particularly the common porcelain button, thread not altogether white, on the front of the neck band; also the cut near the band under the button; also by the cuts on the right side near the front; I noticed these marks about the time the body was being removed from the grave to the road. Here two gaiters were shown the witness, but he said he could say nothing particularly of them; they looked, however, like those on the feet of the murdered man; he had observed the white cotton hose, but not particularly; one suspender had also been found, but he did not know who found it.

To Mr. MacVeagh.—I cannot exactly say what time on the 11th of July I left Mr. Hurford's, but I should think about half past eleven o'clock; I was going to Cochranville, four miles distant, to meet a lady; I did not stop going, but on returning, I suppose some time after one o'clock, I stopped, hitched my horse to the fence and went into the woods; all I saw of the body was a space from six to eight inches in diameter, at the lower part of the abdomen exposed, and the buzzards had eaten a hole into the abdomen; it was covered with leaves;

earth and limbs; I did not stay there over two minutes; I saw a little bunch of hair near the hole in the abdomen: I took a piece of a dead stick, and scraped off some of the mud and filth from around the hole in the abdomen; that was all I did at that time; I think there was not more than four or five inches of earth over the body; to the best of my judgment the abdomen was level with the ground; the abdomen was rather sunken in, and I could see through the hole that there was some bloody corruption, and not a great deal of that; the body was laid nearly across the roots of the tree nearest, and I think from four to six feet from the stump of the tree.

Rhodes came to my house, I think about 5 P. M. that day, not later than that; Mr. Hurford was sick; I lived on the turnpike, opposite to Mr. Hurford's; my house is immediately on the pike and Mr. Hurford's sits back; Rhodes and I reached the grave about half past five o'clock; we went fast; the body was on the southerly side of the tree; I think the shovel, when put under the body, went down clear of the shirt; it came up right across the shovel; it came up very easily; as Rhodes raised the body, the dirt fell off the face and head; it was then that I heard the vehicle going along the turnpike; I do not remember returning to the grave after going out and asking the stranger to come in and be a witness; I have never seen the stranger since, but I understood that he was in Penningtonville a day or two after; it is one mile from my house to Penningtonville; I suppose it was a quarter or half-past six o'clock when I reached the grave with the Coroner; more dirt had been taken off the body when I saw it with the Coroner; I think it was an hour or an hour and a-half that I was away; when I first saw the body it was white and quite natural looking, but when I returned it was quite dark, so much so that some one said it was the body of a colored man; Rhodes and I had not been in the woods more than five minutes before hearing the passing vehicle; Rhodes followed me closely; it was not more than half a minute after raising the head that we heard the vehicle.

To the Court.—I say I could have recognized the body at the time it was first raised; I looked at it with that view in my mind, and wondered who it was; I concluded that I had never seen the individual; I first saw this photograph last Friday evening; Mr. Hayes showed it to me, but I was not informed whose photograph it was; I was being examined and inquired of in respect to this case; no other photographs were shown me at the same time.

To Mr. MacVeagh.—I was in Hugh Rambo's office and was requested to come there; I related my testimony to Mr. Hayes; that was the night before we went to cut out the roots; the photograph was shown me about 8.30 P. M.; Dr. Bailey, Mr. Paxton, Messrs. Linton, Baldwin, McKim and others were there at the time; the photographer was not much discussed; I immediately recognized the standing person; there were two lamps in the room; Rhodes was there; I heard soon after the discovery of the body that there was a photograph; I had not heard that there were two likenesses on the same card; this case was the only subject of consideration at Mr. Rambo's that night.

To the Court.—The face was not, I think, bloated, and if so very slightly; it did not occur to me at the time to notice; the eyes were closed.

To Mr. MacVeagh.—I do not know who the other likeness is of; I have never seen him to my knowledge; I did not examine the sitting person so minutely as I did the standing one; I have been to the grave in all four times; I went once with a party of ladies who wished to see the ground, and again with a friend from a distance; I gave my statement to the Coroner's jury on the 11th of July, and also before the Grand Jury; also to some reporters from Baltimore.

While the witness Moore was testifying, Udderzook riveted his eyes upon him, and listened with the greatest attention. He evidently appreciated the importance of the testimony of the discoverer of the dead body, but he kept his

face with nerve. When, however, the blood-stained shirt was held up to the jury, and the hoses pointed out through which the death stabs had been given, the strong prisoner betrayed some nervousness, and his cheeks just under his eyes turned to a redder hue than is his natural color. His eyes, too, became more restless in their movements, but he spoke not a word to even the partner of his bosom who sat beside him, and was as careful of his manner and expressions as his feelings would allow.

Hugh Rambo testified.—I am Deputy coroner and reside in Penningtonville; on the 11th of July I was notified of this case, between five and six o'clock P. M., I judge; Samuel Rhodes told me; some five or six persons went with me and we reached the woods about seven P. M., the sun being only a little distance up; the face of the body was bare—also a little part of the body itself; I did not look again particularly at it until I had empaneled a jury; then I called their attention to it; Dr. Bailey was then present and the jury called his attention to the body; upon examination the face was first observed to have on the right side a whisker, and on the left side no whisker; one of us touched the whisker with a small stick, and it stuck to it; I then dropped it into a bit of newspaper and wrapped it up; I observed no hair on the face particularly but that; I then particularly noticed the hair on his head, and in front there was a little loose hair; I took a small portion of that off with my hand and wrapped it up; then we commenced to examine the body further down, and found a hole in front, just below the breast-bone, as I called it; some person here handed me the shirt, and I showed it to the jury; next we cleaned off the dirt from the lower part of the body, and observed several marks and cuts; then we concluded to take the body out of the hole; we took it out on a board and carried it to the side of the turnpike; while we were raising the body some one called for me to come down below, and I went with a shovel in my hand; Abraham Ross and Dr. Bailey were there, and had removed the tree branches from the spot; I took the arms and legs out of that hole, and carried them to the body; the jury was called together, and Gainer P. Moore first testified; after examining all the witnesses we had, we put the body in a box, took it to Penningtonville, and put it in a cellar in an ice box; about nine o'clock the same evening the jury reassembled, and other witnesses were examined; about twelve o'clock the next day, after getting witnesses from Jenersville, the jury reassembled and examined; that afternoon the body and limbs were buried in the Presbyterian churchyard at Penningtonville; the hair was dark, with some few light hairs; the whisker was about the same; I put all the things in different papers; the envelope here given me is one I sealed and marked "hair;" the other sealed envelope contains the whisker; my writing is on both of the envelopes; I recognize the shoes here shown, and I had to cut them before I could get them off; I believe the hose here shown me to be the stockings; I also identify the shirt; my endorsement is on the envelopes; the woods are a long strip of timber, and some of the growth is very large and some very small; the undergrowth is all over the woods, thick set, and full of cedars in spots; between the pike and the grave the undergrowth is thick; the grave is surrounded with cedars, from five to sixteen or twenty feet high; their limbs are full of branches, and tops quite thick; looking toward the pike from the grave you can see with some little difficulty; I was present when the measurements of the grave were taken last Saturday, and I recognize the roots in the box here shown; the location of the roots look to be about the same as in the grave; the measurements were written on a board now shown, and at the grave; the face was dark when I first saw it, and I thought full looking; the best that I can describe him is that he was a very light colored man; the nose turned up a little; there was a small injury, like a cut, between the lower lip and chin.

Mr. Hayes next asked—If you had known this

man in his lifetime, could you have recognized him?

The defense objected to the question, and the Chief Judge asked if the State would press it? It was asking the witness for his opinion, and the Court must judge if the circumstances were sufficient to enable the witness to give an opinion sufficiently reliable to guide the jury. The circumstances under which the body was observed by the witness were very different from those observed by Mr. Moore. It would be mere guesswork, and was not of a character to go to a jury in a capital case. The objection was therefore sustained. The Chief Judge further said that the photograph shown Mr. Moore could not be shown the witness.

Continuing.—The body was again taken up on Wednesday, July 16, and examined by Dr. Bailey and Dr. Keeley; I was not there then; the next day another examination was made by Dr. E. Lloyd Howard, of Baltimore, and another gentleman; Mr. Wanger was then present.

To Mr. MacVeagh.—I went from Penningtonville in a wagon, but cannot now say who was in the wagon with me; it took us about a half an hour to go to the woods; we stopped for Mr. Moore; about half of the abdomen was, I think, exposed; the hole in the abdomen was full of liquid; the scalp was loose; we first stuck sticks under the body, rolled it on its side, slipped a board under it and rolled it over; between the hole in the abdomen and the face the dirt was not so thick as on the lower part; it was lying on the board when my attention was called to the arms and legs; the dirt over them was higher than the face of the ground; I scraped off about three or four inches of dirt; the body was put in ice about 8 P. M., July 11; Ezekiah Linton made the box in which we first put the body; some disinfectant was put also in the ice-box; I assisted at the burial of the body.

To Mr. Hayes.—The body was taken up in all three times.

Dr. Elisha W. Bailey testified.—I reside at Penningtonville, and have practiced since '44; on the 11th of July, P. M., I was at Mr. Hurford's, and when I came out I found a message from Squire Rambo for me to examine a body in Baer's woods; I went, and found eight or ten persons there; I went to the grave, and first noticed Mr. Linton holding up the bloody shirt to the light to see how many cuts were in it; we found three or four cuts in the shirt; I believe the shirt hereshown me to be the shirt I then saw; it was completely saturated with blood; I went from the shirt to the body, and with it between my legs as I stood, I commenced removing the dirt from the face with a piece of stick; I touched the whisker on the right hand side of the face, and found it was separating; I separated it and handed it to Squire Rambo; he also took a piece of the hair of the head; I found an opening between the third and fourth ribs, and about three inches from the middle of the breast bone; the openings were very nearly in a line along the side of the body; another opening was between the fifth and sixth ribs, and another between the eighth and ninth ribs, and still another between the sixth and seventh; I think I found nine cuts in all; I also found a cut just at the lower end of the breast-bone; another cut was an inch and a-half to the left of the navel; the next was a small cut on the left hand side of the neck, about an inch above the collar bone, and about the same distance to the left of the centre line of the throat; the next was an incised wound commencing on the left side of the neck, opposite Adam's apple, running around and opening the windpipe in two places; the next was a small incised wound across the depression of the lower lip, and not going through the skin; the next was a wound across the lower third of the bridge of the nose, depressing and breaking the bones, looking as if it had been made with a blunt instrument; those were, I believe, all the wounds I found; I opened the chest, found the heart and lungs decomposed with the exception of a small part of the left lobe of the lower lung; the fibrous structure of the base of the heart was remaining; the windpipe was per-

fect to an inch below its branching; the balance of the osæra were gone, and in its place there was a fluid and semi-fluid substance; I made an incision in the head from the left ear, running over the crown to the right ear, pressed the scalp backwards and forwards, cut through the skull with a fine saw, and found the brain in a semi-fluid condition; I did not remove the top part of the cranium, but raised it so that I could see; I then examined the mouth, and found that the front teeth, four above and four below, had been driven back into the mouth, two of them were adhering and two lay loose on the tongue; I removed the two adhering and afterwards the others; I found the front molar on the lower jaw had two gold plugs in it, one on the crown and one on the outside of the tooth; I removed it and placed it with the others, and have kept them in my possession; the hair of the head was a dark brown, mixed with a little gray, and about one and a half inches long; and slightly inclined to curl; the color of the whisker was the same; the upper lip was smooth and the left side perfectly smooth; there was a beard of three or four days' growth; judging from the side where the whisker came off, I judge there had been beard on the left side and upper lip. [Here a gentleman by request stood up by the witness, and he explained accurately.] Continuing.—The left side was found in the same condition as the right side after I removed the whisker; the cuts in a line were on the right hand side; I could not say what was their effect; they were through the skin, but I could not tell how far they penetrated; the cuts in the chest were round openings, varying from $\frac{1}{2}$ an inch to $1\frac{1}{2}$ inches in diameter; I think the one in the abdomen was very nearly two inches in diameter; the wounds in the neck were undoubtedly incised, and, I should judge, they were made with a sharp cutting instrument; the limbs were all separated from the body at the articulation of the joints; those at the hips looked as if they commenced in the groin, and cut down to the head of the bone, then directly through, and leaving a strip of the skin about an inch in width in the central part of the body; I cannot say particularly that it was done with a sharp instrument, but it was done with a cutting instrument; there was no anatomical skill shown; I do not think you could separate those limbs from the body without producing death; my judgment was the body had been dead ten or twelve days, judging from the temperature of the weather; it was warm at that time, the wound on the nose was made by some blunt instrument, and probably by the same used in driving the teeth back; it would require a very severe stroke to produce the depression of the bridge of the nose; it would not take so severe a blow to drive the teeth in; the teeth were white, large and firm; I can form no judgment as to how long the plugs had been in the teeth. [Here the witness took the teeth from his pocket and held them so that the jury could see them.] Continuing.—I made two separate examinations, one on Wednesday and the next on Friday; I suggested that the board should be placed under the body; saw a mound as I went off from the body when it was first raised to get away from the stench and called the attention of the Coroner to it; he examined it and found the legs and arms; the second examination was made on the 16th of July; Dr. Keeley then took notes; I had the body washed off on the evening of its discovery, and used carbolic acid as a disinfectant; there were behind both knees incised wounds as though the effort had been made to separate the legs there; they were about two and a-half inches in extent; the teeth of the man when living were large and firm, and what we would call a very good set of teeth; I did not estimate how many teeth he had; I cannot say whether or not he had lost teeth; the estimate I formed at the time was that he was between 35 and 40 years of age, 5 feet 8 or 9 inches high, and chest from 38 to 40 inches in diameter; the body showed that he had carried himself very erect, throwing his chest well forward; the limbs were well developed, large and tapering to

small hands and feet and looked to be the limbs of a man of good physique and not a laboring man; there was what looked to be an old scar near an inch in length and running upwards and backwards on the right side of the forehead and near the hair; some one standing behind asked what it was and I said if it was a scar it was then not very distinct as decomposition had affected it; when first saw the body the skin was dark, face rather round, features middling distinct, but disfigured some, nose broken, teeth broken out, and whisker removed; the skin was between a mahogany and walnut in color; the upper part of the face was not much changed; the eyes were sunken—partly open is my recollection; the forehead was broad and of middling good height; the hair was quite natural in appearance; it looked rather matted.

The Court here refused to allow the State to ask if the witness could have recognized the person if he had known him in life, and said it would be simply a guess. Atmosphere is essential to the decomposition of a body, and the amount and character of soil thrown over the body would have retarded decomposition so far as it was impervious to the atmosphere.

To Mr. MacVeagh.—When I first saw the body the upper part was partly out of the grave; the orifice would have secured the circulation of air through the corpse up to the top of the chest; I heard at the grave that the throat was cut, but I did not examine it until the body reached Penningtonville; the odor was very offensive, so much so that a number had to leave; I made the critical examination by daylight on the 16th of July; the legs were removed at the hip-joint and the arms at the shoulders, the round head of the bone being very distinct; on the 16th the head and cavities were opened; the examination on the 11th was all superficial; the decomposition depends upon a great many circumstances, depending much upon the atmosphere; any change or shifting of the body would have facilitated decomposition, and when it was last taken up I do not think any one could have recognized it.

Dr. Jerome Keely testified.—I reside at Penningtonville and have practiced since '64; I was present and took notes at a post mortem held on the 16th of last July; I reported in writing to the District Attorney; my observations of the wounds or stabs agree very nearly with those given by Dr. Bailey; in my opinion the color of the face was a shade lighter than that described by Dr. Bailey, it was more of a bronze or yellowish cast than mahogany; the forehead was rather full, good height and wide; his teeth were good—large; he was stout in frame, full chest, muscles well developed, limbs tapering, hands apparently as if he was not a working man, finger nails closely trimmed; I should say five feet eight or nine inches high; there was an opening in the artery immediately leading to the heart.

To Mr. MacVeagh.—I could tell where the hair on the forehead begun, and that he had a high forehead.

Professor E. Lloyd Howard testified.—I reside in Baltimore; practice in medicine and surgery; I am Professor of Anatomy in the College of Physicians and Surgeons in Baltimore; I am also Professor of Anatomy in the Baltimore College of Dental Surgery; I reached Penningtonville on the evening of the 17th of July last, and on the morning of the 18th I went to Baer's woods; on the afternoon of the 18th I witnessed the disinterment of a body which I proceeded carefully to examine; I found the head and trunk in the coffin; the arms and legs, disarticulated from the body, lying in the same coffin; the body was that of a white man, of about five feet eight inches in height, weighing 170 or 180 pounds, and stout frame; there were marks indicating a previous post-mortem examination, and also wounds which did not look as if made for purpose of examination; no hair was attached to the scalp, but some lying loose; the hair was of a dark brown color with some gray hairs scattered through it; I removed a small portion which I kept for subsequent examination; no whiskers were growing on the face ex-

cept upon the chin where there was a beard of one or two days' growth; the head was well formed, and rather large sized, forehead straight and square, face full and enlarged, or slightly swollen by post mortem changes; the eyes were of a dark color, and their exact shade could not be determined; the nose was well formed, and rather small; there were certain injuries about the face which I noticed; a cut was across the nose, breaking down and dividing the bone from the cartilage, and breaking each; that wound was not inflicted by a sharp instrument, and the blow must have been a severe one; the upper front teeth had been driven back, carrying with them part of the socket of the teeth; I examined the teeth very carefully; ten teeth remained in the upper jaw, and the open fresh sockets, from which four others had been recently removed; two teeth in the upper jaw had been lost a long time previous to death; in the lower jaw nine teeth were in position, and evidences that five others had been lost after death or immediately preceding death; there were evidences that two teeth in the lower jaw had been lost some months before death, and that at the time of his death he must have had twenty-eight teeth in all remaining in his mouth; those lost previous to death, both in upper and lower jaws, were back teeth; the general appearance and character of his teeth were particularly good—a white, regular set of teeth; there were three or four plugs or gold fillings in certain of the teeth, and marks of disease upon two of them; the neck of the man was large and thick, with a wound running across the front and dividing the windpipe, extending deep into the tissues, but I could not determine what blood vessels had been divided.

The Court here took a recess.

[Special Telegram to the Baltimore Gazette.]

WEST CHESTER, PA., October 30, 1873.

AFTERNOON SESSION.

Dr. E. Lloyd Howard resumed.—I removed several of his teeth and have them; the gold fillings had been there a long time, one I can positively assert for some years; the chest was large and capacious, it had been opened and there were several wounds upon it, the exact nature and cause it was impossible to determine; the organs in the chest were so affected by decomposition that nothing definite could be established in regard thereto; the abdomen and lower portion were still more involved in decomposition; nothing special was further presented; I examined the limbs and found them clearly disarticulated at shoulder and hip joints, evidently removed by a sharp cutting instrument; they were large and well developed; the collar bones were large; the circumference of the head was in front, ear to ear across, 11½ inches; I believe his age was between 35 and 40 years. To Mr. MacVeagh—The limbs were well disarticulated for compact carrying in a trunk; I volunteered to come to Dr. Lewis, of the Travelers' Accident Life Insurance Company; A. R. Carter, Louis Engel and A. H. Barnitz were with me.

Alex. H. Barnitz testified.—I reside in Baltimore, and have been since 1871 in the office of the Assistant United States Treasurer; there I knew W. S. Goss, knowing him first in 1859 or 1860; I saw him almost daily at Harrington & Mills', by whom he was employed; I was with him there a little over two years, seeing him daily; I lost sight of him, and heard he had gone West; I saw him frequently in '69, '70 and '71 in Baltimore, on the streets; his shoulders were thrown back; an exceedingly prominent breast; I have never so remarked such prominent points about others; round full face, straight nose, five feet about eight inches high, dark wavy hair, rather a prominent brow, forehead slightly reclining, so far as I could observe teeth very good, and dark eyes; I could observe his teeth in conversation; the 18th of last July I saw the remains at Penningtonville.

Question.—Were you able to identify them?

Defense objected; allowed by Court, and defense excepted. I think I did; I did certainly to my own satisfaction; I recognized them as the remains of W. S. Goss; I remembered particularly his nose, brow, and shape of his forehead, together with falling-back shoulders and prominent breast; I thought I recognized his brow and forehead, and there was his breast just as I had seen him many a time in life, also the expression of the face in the region of the eyes.

To Mr. MacVeagh.—The body was very offensive; recognized the characteristic expression of Goss' face as I knew him in life. Next the witness was subjected to a rigid cross-examination to test his accuracy of memory, and the basis of his recognition, and also the probabilities and possibilities of his having been deceived in his recognition. Continuing, Mr. Archibald Sterling requested me to come to Penningtonville; I was a bookkeeper for Harrington & Mills.

Augustus R. Carter.—Am agent of the Continental Life Insurance Company, in Baltimore, and knew Goss there. [He gave a description of Goss' personal appearance, teeth, build, hair, etc.] Goss measured five feet eight and three-quarter inches in height when he was insured; I saw the remains at Penningtonville July 18, last; I recognized them as those of W. S. Goss. [The defense excepted to this portion of the testimony.] I recognized them by his high forehead, but square shoulders thrown back more particularly; he was a manufacturer of picture frames; he also stated that he was engaged in manufacturing a substitute for India rubber.

To Mr. MacVeagh.—He was lying in a box; I recognized the peculiarity of his shoulders and forehead. Mr. MacVeagh then rigidly cross-examined the witness, in order to test his accuracy.

To the Court.—I was positive that the remains were Goss; think I should have recognized them as Goss if I had not known that Goss was dead.

Louis Engel testified.—I reside in Baltimore county, one mile from Baltimore; knew Goss four or five months before the fire on 2d of February, 1872, seeing him almost daily. [A full description of Goss was here given.] He had a large ring with a blood stone in it, which was perfectly square at the corners; also perfectly flat on the top; the band was square on the edges, and also bent or flattened out some; there were little grooves ornamenting the outside of the band; I would sometimes wear the ring awhile; I had never before, and have never since seen one like it; I saw that ring at Penningtonville on the 18th of last July, and described it before I saw it, and had not seen it between February 2, 1872, and July 18, 1873. [The witness here identified the ring.] I think that at one time when he took me down into his cellar at his shop I saw a hand trunk there or at the house where he was boarding; it was a kind of brown leather-colored trunk; I don't think I could recognize it, but the one here shown looks like it; I did not examine the hand trunk particularly; witness saw Goss under the influence of liquor only once while he knew him.

Cross-examined.—Witness, in reply to questions by Mr. MacVeagh, stated that he went to Penningtonville with Mr. A. C. Carter and others to see if he could identify the remains, but he could not identify them.

To Mr. Whitney.—Since the publication of the matter about the ring, witness had seen Mrs. Goss, who had sent for him at Mrs. Arden's; he did not there tell Mrs. Goss he thought the ring was Goss' or one similar to that worn by Goss; he told her it was the ring he had seen Goss wear, and he was positive of it.

J. W. Langley testified.—I reside near Baltimore, and am the Maryland Manager of the Continental Life Insurance Company; knew Goss first in Nashville, Tennessee; next in Baltimore during eight or ten months prior to February, 1871; I insured his life; he was measured in my presence. [Here the witness gave a full description of Goss's.] I know A. C. Goss, the brother of W. S. Goss, and I had our pictures taken together, and they are now before me.

The Court here re-used to allow the witness to state where and when Goss had told him he was

born, but said it would allow an inquiry as to who he married.

The defense here stated that Goss married Eliza W. Stuart. Next, Mr. Langley was shown a photograph which he said he would recognize as that of W. S. Goss, and upon looking at it more closely, said one arm of the man appeared to be broken; then both cards were given him, and he said he was unable to determine that it was the photograph of Goss with the arm which in the double-likeness card is around him and an arm supplied by the artist, but that, to the best of his judgment, it had that appearance.

Witness continuing.—I know that a number of single photographs of Goss were taken with the arm supplied.

Thos. C. Maguire testified.—I am the Maryland Agent for the Travelers' Life and Accident Insurance Company; I knew Goss about three and a half months previous to February, 1872, when he called at my office and insured for \$10,000. [Here the witness gave a full description of Goss.] The defense declined to cross-examine.

J. C. Smith testified.—I am a paper and metal merchant; live in Baltimore county, and knew Goss. Then followed another description. The defense declined to cross-examine. Mr. Langley recalled. I think it was in spring of 1871 that I sat with Goss for a photograph.

Charles H. Jones testified.—I reside in Philadelphia; am clerk at the Central Hotel; I here recognize the register of the hotel, and find the name of A. C. Wilson registered on June 21, 1872; I saw it registered, but I have no particular recollection of the individual. Nothing more of interest was brought out.

David R. Mullin testified.—I reside in Delaware county, two miles south of Bryn Mawr Station, on the Pennsylvania Central Railroad; I know the prisoner, and when seven or eight years of age he came to live with me, remaining until he was sixteen years old; I did not see him write much; he left to learn a trade, and I have seen him write since; he left me, and after he was twenty-one he came back and lived in the neighborhood about a year; I have received letters purporting to come from him; two came and I replied to one; they were received in 1871; in about a year after he learned his trade; he was two or three weeks with me; he went to a writing school; I saw him write several times; I received no reply to my letter; I think I'd know his handwriting. The State now offered two letters, October 28, 1871, and November 16, same year. The witness said he thought he had had them in his possession.

The defense objected to the introduction of the letters, because not sufficiently identified. The Chief Judge stated his view, and overruled the objection, the defense excepting.

Continuing.—I believe the letters were in Wm. E. Underzook's handwriting.

To Mr. MacVeagh.—I have not seen him write within the past 13 months; I judge that they are Underzook's letters partly from their contents, and partly from the handwriting; they were only accidentally saved; I don't know when the piece of one was cut out, but I think it contained the directions I was to use.

The letters were read to the jury by Mr. Wanger. Both applied for board for a friend, but did not give his name.

Witness continuing.—I wrote declining to take him; on the 22d of June, 1872, a stranger came to my house.

The State proposed to show that the stranger was W. S. Goss, under the name of A. C. Wilson, and that Underzook afterwards came and said he was Goss.

Witness continuing.—He gave his name as A. C. Wilson and in a few days we found by his spelling out his name by trailing a Mexican vine that A. C. was for Alexander Campbell; he came on the afternoon of the 22d; went to Philadelphia that night; returned on the 23d and remained until November 16, 1872. He left to go to Athensville; he was about five feet eight or nine inches in height, heavy built square, very full in the breast, shoulders a little back, hair dark; he was shaved clean when he first came

but allowed his beard to grow; he did not work; he received letters from Bryn Mawr Postoffice but no packages to my knowledge.

The double photograph was now shown the witness, but the defense objected and, being overruled, excepted. In answer to the question, "Do you recognize either of the likenesses as that of A. C. Wilson?" he replied, "Yes; he is standing up; it looks like him." Here the Court adjourned, and said it would not hold a night session.

[Special Report for the Baltimore Gazette.]

WEST CHESTER, PA., October 31, 1873.

Every crime has its characteristics and distinctive features, and every criminal prosecution has in its inception, progress and termination its own peculiarities. Already the Uderzook-Goss tragedy has revealed abundant materials for a lengthy sensational novel; and now as the trial of the alleged criminal proceeds, it is not wanting in the elements of further dramatic interest. The character of the crime, its alleged motive, the accidental discovery, the relations of the accused with the deceased, and the complications regarding the movements and actions of the actors, combine to give to the tragical affair an interest exceeding that which attaches itself to the majority of murders. The newspaper accounts have not exaggerated the interest felt in this community and throughout the country in the result, and whether Uderzook goes free or suffers the extreme penalty of the law, the case will always be cited as a most remarkable one.

At the close of the testimony yesterday there had been no proof of the connection of the prisoner with the crime, the two first days having been occupied chiefly in informing the jury of the manner of the discovery, a description of the locality and the dead body, and efforts to identify the remains as those of W. S. Goss. The hideous details having been retailed with fullness and particularity, it remains for the prosecuting officers to now connect the prisoner with the murder in such a manner as to convince the jury that he, and he only, is guilty of the butchery of a fellow-being. The most important testimony on this point has yet to be offered, and the real fight of the case will occur when the effort is made through the witness Samuel Rhodes, a brother-in-law of Uderzook, and others who knew him, to show that all the facts point to him. The effort made yesterday to identify the remains, through the testimony of the witnesses who first saw them, and those who knew W. S. Goss, was not a strong one, and it could be easily seen from the questions asked by the defense, that they regarded the proof as of but little value, when weighed against the proof in their possession, and the life of their client. As the trial progresses the superiority in cross-examination of the counsel for the defense becomes more apparent, and yesterday they ingeniously took advantage of every opening for a doubt which the answers or the manner of witnesses offered. The insurance agents were not able to strengthen to any considerable extent the proof of identity, and even the testimony of A. H. Barnitz and Lewis Engel, though the most important at that point, was brought out so awkwardly and so cleverly twisted by Mr. MacVeagh for the defense, that it may be doubted if it availed much after all. It could be seen from the manner in which the defense treated the testimony of the insurance agents, that they regarded it as merely cumulative, and as coming from a source which before the jury they could comment on with effect. It will be remembered that in the Goss insurance suit in Baltimore, Messrs. Whitney and Johns, counsel for the plaintiff, did not omit to rasp the insurance men and the average juror is no respecter of corporations or their agents. The effort will doubtless be made here to stir the sympathies of the jury in favor of a prisoner against whom the means of corporations have been used, and it must be admitted that there are in the circumstances which surround Uderzook materials for the appeals of advocates.

The Chief Judge rules his Court with a firm hand, and represses sternly any disposition of the spectators, witnesses or counsel to make the proceedings less grave than their real character warrants. Yesterday he promptly rebuked a witness, and again declared that the trial was no "spectacle," and that all the spectators who could not find seats would be excluded. The aisles are long and broad, but the resolute Chief Judge will not suffer them to be occupied. As a consequence many are disappointed, and complaints are made by the sovereigns.

Uderzook's spirits are excellent, and his face does not wear a look of deep concern. Yesterday afternoon a gentleman who had never seen Uderzook visited the court-room, and being admitted within the bar, took a seat at his side, which happened to be unoccupied. After looking around he turned to Uderzook and asked, "Where is the prisoner?" Uderzook quietly replied, "I am the prisoner," but the gentleman was not satisfied, and he inquired next of his counsel if he was really the prisoner.

Uderzook stated last night to Deputy Sheriff McFarland that he would be able to prove that W. S. Goss and A. C. Wilson had been seen together in Baltimore by parties who knew both. If such proof is brought out, the case will be more mysterious than ever. Uderzook yesterday expressed, after the reading of his letters to Mr. Mullin, a fear that his Republican politics would influence the two Democratic members of the jury against him. He was also concerned about the proof of identity.

The following are the letters received by Mr. Mullin from Uderzook:

BALTIMORE Oct 28, 1871

Mr Mullin

DEAR SIR I take pleasure in informing you that we are all well & hope these few lines may find you also enjoying the same favor. it has been nearly one year since I seen or heard from you. I thought it my duty to inform you that I still exist. I have constant employment on cutters in a factory, where over a hundred men are employed. I should have written this letter sooner, but I am rather careless about writing. I suppose that I have been prompted to this, by a *very particular friend of mine*, he is a man of fine appearance, and about my age, & very well to do. But the large circle of acquaintance that he is obliged to mingle with, has become a great annoyance. It is his intentions to leave the city for a few months in order to wean himself from so much company, I recommended Cooperstown as a QUITE little place & just what will suit him. now if it would suit you folks to receive him as a boarder, please write soon & name the particulars. he will not want to leave Baltimore for some few weeks. can we look for you this fall: we would be pleased to see you in Baltimore. I spent a few days in Jennersville, last June mother was well at that time, but since that time she was very near being killed by the cow she was milking all unaccount of A dog coming to her while she milking

I would like to write much longer but owing to the lateness of the hour I will close please very soon Very Respect Yours

WM E. UDERZOOK
No 167 Conway st
Baltimore—Md

BALTIMORE, NOV. 16th, '71.

MRS. & MRS. MULLIN. I wrote a few lines to you sometime since, but have not received an answer. I came to the conclusion that you did not receive it. I therefore take pleasure in writing again. I do not know that I have anything of much importance to communicate at present. The State and city elections are over and I suppose you have heard the returns. The Republican ticket has been defeated very generally in this State. I was nominated by the Reform party, and indorsed by the Republican Nominating Convention, after the convention adjourned, a committee called on me and informed me of my nomination. this committee consisted of the President, vice President and Secretary of the Ward, also fifteen Custom House officers,

besides a number from the Post office & Navel apartment; also a large number of citizens.

Several speeches were made to which I responded. The next evening a mass meeting was called. I being present was conducted to the stand by the *Sargt* at Arms. By the request of the President amid loud and continued applause. I addressed the meeting at considerable length. I was not elected by some considerable, but run ahead of the ticket thirty-one votes in my ward. My District consisted of six wards. I was five votes short of carrying the ward, which was closer than had been for some years. [To many Roman Catholics.] The Democratic ticket in my District stood eleven Catholics two Protestants, and were all elected.

I wrote you in my last in regard to a friend of mine, that desired to weane himself from a number of his former associates. He has been in the way of getting a little intoxicated. I thought that you might Reform him, he is my age, with gentle appearance. would it suit you to board him a few months or less? please answer as soon as possible.

My wife and two little ones are all well. I have steady employment making cutters for a large factory, where over one hundred men are employed, Joseph Thomas & Son, corner of Park and Clay streets.

give my respects to inquiring friends

Very Respt. yours

WM. E. UDDERZOOK,

No. 167 Conway street.

Balt., Md.

The Court met at 8.30 A. M. to-day, Chief Judge Butler and Assistant Judges Passmore and Hawley on the bench, and all the counsel present. The court-room was again crowded. Udderzook looked as if he had not passed a quiet night, but was not nervous as far as could be seen. He was accompanied by his wife, mother, sister and mother-in-law. One of his sisters, Mrs. Rhodes, is present as a witness. Udderzook's father has not been present, and it is stated that he does not entertain a good opinion of his son.

David R. Mullin was recalled, and the State proposed to ask what was said by the man, A. C. Wilson, who came to the house of the witness after the letters had been received from Udderzook. The Chief Judge promptly said it was not admissible, but Mr. Hayes desired to argue the legal question of admissibility, and the Chief Judge consented to hear him, but said he had not supposed that the State's officers would desire to argue it. Mr. Hayes then contended that the declarations of the man were part of the *res gestae*, and went to make up proof of identity.

The Chief Judge said he entertained no doubt whatever of the inadmissibility of the declarations of the man, A. C. Wilson, to be used against the prisoner. They bore no relation to the *res gestae*, and were not part of an act as required by law. The evidence must, he said, be rejected.

Mr. MacVeagh, for the defense, objected to the witness being allowed to testify to the identity of the man who gave his name as A. C. Wilson as W. S. Goss, and called attention to the lapse of time from June, '72, to July, '73, and the fact that the witness did not know Goss. He did not understand that it was the privilege of the prosecution to prove the identity by means of the photograph. He further earnestly and logically argued the question of its inadmissibility. The prisoner could not be held to account for the movements of a man unknown to him, and such a line of evidence opened wide the door to injustice and fraud.

Mr. Whitney stated his view of the offer by the State. The Chief Judge said he was unable to see the grounds of objection, and admitted the testimony. The State would, however, be required to follow up with proof that the man A. C. Wilson was W. S. Goss. The defense reserved an exception.

Mr. Mullin resumed.—He came to my house afoot, and brought nothing, but when he returned from Philadelphia he brought a little va-

lise; I did not notice the valise particularly, and cannot describe it; I never went into his room while he was at my house; I never saw any other baggage; he left on the morning of November 16, 1872, before breakfast.

The Court here admitted proof of the man's intemperate habits, such as would distinguish him, and the defense reserved an exception.

The witness continued: He was a quiet man and I think had a habit of intemperance, though he did not drink but once to excess while with me, and for that reason I discharged him, as he interfered with the rest of the boarders; I received a letter from him at New York; I saw him write, but did not notice particularly; I had had no correspondence with him, and could not have recognized his hand-writing; the letter was read to me by my wife, and I do not know that I ever had it in my hands.

To Mr. MacVeagh.—My family then consisted of my wife, a young man, and several boarders from Philadelphia, but I cannot give the exact number.

Here Mr. J. W. Langley was requested by the defense to telegraph to Baltimore for a photograph of Goss, which he said he had in his office, and which differs from those shown.

The witness resumed.—He had no whiskers when he came; he let his whiskers grow all over his face after shaving once or twice; his beard was at no time as it is in the double photograph here shown me, and I go by the upper part of the face; the photograph with a false arm was here shown to the witness, and he said: I am not going to swear from the photograph that it was the man, but it looks like him; the resemblance is maintained in both of the photographs; a copy of the double photograph was sent to me some time this fall, with Mr. Langley's likeness scratched off; I think it came by letter, but I am not certain; I can't tell who sent it back; I have never been examined by the District Attorney, but by Mr. Pennybacker; the photograph was sent to me after Mr. Pennybacker's visit. [Here the Court allowed a statement as to the board bill of A. C. Wilson being unpaid, and the defense excepted.] The witness said thirty-three or thirty-four dollars were left unpaid, but that he sent him a watch by a Mr. Olry.

George A. Crook testified.—I have resided in Philadelphia for a year up to last August, and previously in Baltimore; I knew W. S. Goss, first meeting him in 1868 or 1869, and then up to a month or six weeks before I left Baltimore; he had a habit in respect to intoxicating drinks; I found him an intemperate man when I first knew him; after several months his habits changed, and he joined the Sons of Temperance; I calculated that his habits would permanently change, but he relapsed and got to drinking about the same as usual; when I last saw him he was intemperate in his habits; he was a fine, good-looking man, about 40 years of age, and weighed, I suppose, 175 or 180 pounds, about 5 feet 8 or 9 inches high, dark brown hair; walked pretty actively, and generally dressed very neatly; he was broad-shouldered; I never noticed his teeth.

To Mr. MacVeagh.—I am a member of the Temperance order; the first I knew of this trial was through a letter from Mr. A. R. Carter.

Mrs. Sarah Mullin testified.—I reside at Haverford; a man named A. C. Wilson came to board at our house on the 22d of June, 1872; left the same day and returned on the 23d; he at first brought nothing with him and on the 23d a valise; I cannot describe the valise, but it was fair leather; he had nothing more until he received an overcoat wrapped up in a coarse cloth; he was a stout built man, five feet 8 or 9 in height, full chested; his shoulders projected back, likewise his hips; hair rather dark; he was shaved clean when he came; I cannot give exactly the color of his eyes; he had good teeth; he did nothing, but towards the close he made a house out of acorns to go to the fair; my sight is not very good; the expression of the eyes in the standing photograph is very much like his, but I have nothing more to say about it; after he went away we received from him the

letter here shown me; I have his handwriting, but did not bring it here. The State directed the witness to bring it.

To Mr. MacVeagh.—The photograph was sent to us in an envelope; no person came for it or to speak to us about it; I do not know of any one in our neighborhood who resembles that man; other men would be shaped like him, but not like him in the face; a man named Carter, who resides in the neighborhood, bears a resemblance in shape to that man.

To Mr. Hayes.—A. C. Wilson left nothing at our house when he went away.

Michael B. Olry testified.—I reside in Philadelphia, and live in Coopertown, Delaware county, in summer; I take rooms at Mr. Mullin's, and I knew A. C. Wilson from the second day he came until he left, seeing him almost daily and particularly in the evening; he was a genteel looking man, and he said he was thirty-eight years old last November, which I judge was correct; he was about my height, and when he first came he was shaved clean and wore very short hair; he had broad shoulders and chest, head thrown back, round face, eyes penetrating and cutting in expression; he had small hands and feet; his hips were very large and high set; his hair was dark brown, inclining to curl, and a little turning gray; he was of a very amiable disposition; at the request of A. C. Wilson I procured a black silk hat which he had left behind him at the Central Hotel, Philadelphia, but he did not get it from me; I delivered it to a certain Abraham Good; I directed parcels for him, but no letters.

The State proposed to show that he directed packages to A. C. Goss, Baltimore, a brother of W. S. Goss, and the defense objected on the ground that it was irrelevant. The Court admitted it, however.

Continuing.—At his request I sent small paper parcels, sealed with wax, and weighing three or four ounces, by Adams' Express; he gave me the direction to send by Express, and a small scrap of paper on which was written the name and address I was to write on the parcel because as he said he had not—[Here the witness was stopped.] The address I wrote on the paper parcels was A. C. Goss, Calvert street, Baltimore, Maryland, care of Stevens & Co.; I called several times at the Bryn Mawr Postoffice, and at his request, called for letters for him, and on several occasions I obtained letters for him, which I gave him; they were post-marked "Baltimore."

The State now proposed to show that the envelopes were those of Stevens & Co., and were so marked. The defense objected, and Mr. MacVeagh contended that it would be carrying it further for the purposes of identity than it had ever before been carried. A. C. Goss' conduct was not a matter with which the defense could be concerned, and the use of firm envelopes was known as the favorite mode of detectives. The defense insisted that it ought not to be charged with the sending back and forth of packages which it was not offered to prove had ever been received.

The Chief Judge said in proving identity, when an individual had changed his residence, it was important to prove his correspondence and who he corresponded with. The offer was to prove correspondence with the brother of W. S. Goss, who the State said it would prove was the same as A. C. Wilson. It was a circumstance which the Court would not exclude. The defense reserved an exception.

The witness continued.—There was a card on the envelope—that of a cabinet maker; it purported to be of the firm of Stevens, or Stevens & Co., of Baltimore; we conversed about parties in Baltimore as mutual acquaintances; I never saw him write; I received a letter from him, but made no reply, and had no communications with him afterwards about it; it contained an inquiry; all I can say is that it purported to come from A. C. Wilson; I delivered the packages to Adams Express Company in Philadelphia; there is an agency of that company at Bryn Mawr, but I cannot say that there was one there at that time; he directed me

to deliver them to Adams Express Company in Philadelphia; I am positive there were two packages, and may be three; the receipts in the book furnished me by Adams Express Company show that the first was about the 7th of August, '72, another about 15th of September, '72, and another about 24th of September, '72; he had a model for a screwdriver, an invention which he claimed was his own; it was of wood, and was a ratchet screwdriver; it was designed as are some watch keys, to keep the pressure continuous on the screw when the hand was turned; I never saw one like it; I have before seen such a photograph as it is now shown me, and I take the one standing to be Wilson; I saw it first after the report of the murder, and my opinion then was the same as it is now; I recognize it as the picture of Wilson.

To Mr. MacVeagh.—I first saw the picture at Coopertown, and the sitting likeness was mutilated; when A. C. Wilson first came he had no beard; then he grew a goatee, then a moustache, and then a beard; I saw him mostly in the evening, but I reached there sometimes at 5 P. M.; I recognize the general make up of the man; I would recognize it any where it was shown to me; I see the man there; I am weak-sighted, and held the photograph off at arms length to regulate my sight; I can see him better with a magnifying glass; I can see better with a magnifying glass, especially fine writing; I never saw any one like him; I can state his peculiarity of smile as the most distinctive features; he was a smiling man; the smile is different in the two photographs. [The accuracy of the witness was further tested by means of several photographs.] I could recognize his general features with or without beard; I was still boarding at Mullin's when I saw the photograph; I destroyed the letter from A. C. Wilson.

Abraham Good testified.—I am a carpenter at Coopertown, and knew A. C. Wilson while he was at Mr. Mullin's; I saw him three or four times every week; some weeks every evening; mostly in the evening; I recognize the standing person in the photograph shown me as A. C. Wilson; I had some business transactions with him; he borrowed \$4 50 from me, and a short time afterwards came and offered me his ring for security; I told him I did not wish his ring, and was not afraid to trust him for \$4 50; he said he was anxious that I should have his ring and gave it to me; I had it as near as I can tell about one month; I sent it to him in Newark, N. J.; I also sent the screw-driver model; the ring was a large one, and the one here shown me looks like it; I sent it in a package by express to Newark, N. J., as he requested me to do; I sent it about the first of January last; I observed nothing more than that it had a large raised stone set in it; I did not wear it; I never saw it before he handed it to me; I put it immediately in my trunk, and looked at it several times, just as it came in my way; I never examined it very particularly; the model of a ratchet screw-driver was made in three pieces, the driver part having a stem which ran through the other two pieces, and you could move the driver with your hand without moving your hand from it; it was ten or twelve inches long, and I never saw one like it; it was made of plain poplar wood; I received a black silk hat from Mr. Olry and delivered it to A. C. Wilson at Coopertown.

To Mr. MacVeagh.—He had no beard when I first saw him; I do not know that I can name any one particularly in the photograph here shown me, but take the general effect of the picture [The accuracy of this witness was also tested by means of several photographs.]

J. Newton Marshall testified.—I live at Bryn Mawr Station, and am an agent of the Pennsylvania Railroad and Adams Express; the express company has had an agency there since March 26, 1871; I received packages through my office directed to A. C. Wilson, and I delivered them to him, taking his receipt; my book shows that the first package was received October 16, 1872, and was a paper package, and way-billed; it was probably eighteen inches long, twelve wide, and

three or four thick; it would not weigh more than eight or ten pounds, probably not so much; it felt like clothing; it came from Philadelphia to me, and by the way-bill, in the usual course of our business, it should have come from Baltimore; the next package came November 23, 1872; I delivered it to A. C. Wilson, taking his receipt; it was a money package, said to contain \$40; he receipted for it; it came from Philadelphia to me, but originally from Baltimore; I have no account of any other package; I had no opportunities in particular for knowing A. C. Wilson; I saw him very frequently between October 10 and November 25, 1872; he called, inquiring for express matter during that time; I saw him for a month nearly every day; I became familiar with his appearance in a business way; this picture looks very much like the man to whom I delivered the two packages; I would say it was that of that man; I saw him write his name, but it is my judgment that I would not know his handwriting.

To Mr. MacVeagh.—For the last two summers Bryn Mawr has been a considerable summer resort; it is a thickly settled neighborhood; we would average 200 card tickets sold a day, about 22 passenger trains would stop there a day, and 75 freight trains a day might stop there; I would see from six to seven hundred persons a day from October 10 to November 25, 1872.

David Bachrach testified.—I reside in Baltimore, and am a photographer; the photographs now shown me are some I sent to Mr. Wanger a few days ago; I have the negative; I took it of W. S. Goss and J. W. Langley; I had known Goss a few months previous; it was made in the summer of '71; this is a print from that negative, but made with a solar camera to enlarge it; there are two methods of enlarging; the photograph shows that he had a ring on his finger; the one with a false arm is a copy of a photograph, but I do not think it is a copy from the one taken by me from the negative; the picture is reversed, and that is what makes it so difficult to tell; I think it is a copy of a copy of the one in which Goss and Langley appear; it was done very skillfully. [Here the witness explained the process of reversing.] Continuing.—In a positive, such as is here shown, the lines are not so distinct. Next the witness explained the process of bringing out the details, etc. Continuing.—The false arm photograph is taken on Russian iron or ferrotype; the second large-sized photograph is better than the first shown; the negative has been broken, but not impaired; the finer details of the face are injured by reversing.

To Mr. MacVeagh.—The negative I have produced is the original—the one first taken by the sun; it was first retouched, but some time since I took the retouching off; I made efforts to find on the forehead, in the picture, signs of a scar, in obedience to a letter from Mr. Wanger; he asked if I did not think there was a scar on his forehead, and if I did not think I could discover it; I discovered no abrasion; there was but one request to make that effort; his forehead turned off abruptly at the sides, and what appears in the photograph is merely a shadow.

To the Court.—The reversed picture as generally taken does not show all the lines in the face; in the reverse picture before me it is the same as a reverse picture from life, only it lacks the fine details of a picture taken from life; it does not show the fine lines and details of the negatives; all but one of the photographs here shown was taken after retouching; the difference does not amount to much—only a softening of some of the shadows; the face of Goss was mostly shaded on the right side; only a portion of the right side of the forehead is exhibited, and it is exhibited at an angle, but it would show marks better than it would on the lighted side, unless the light is entirely opaque; if there had been a scar on the right side of the forehead it would appear in the photograph; in one sense there is part of the forehead which is not exhibited.

The Court here took a recess for 1½ hours. Much interest was manifested throughout the proceedings this morning, and many were cu-

rious to look at the photographs. Underzook was quiet throughout, but conversed several times with his wife.

[Special Telegram to the Baltimore Gazette.]

AFTERNOON SESSION.

WEST CHESTER, PA., October 31.—At the afternoon session David Backrack was recalled, and testified.—In order to be seen in the photograph exhibited a scar must be very distinct.

Wm. Ramsey testified.—He knew A. C. Wilson by his calling for letters at Bryn Mawr.

Annie E. Mullins knew A. C. Wilson while he boarded with David R. Mullin. On being handed a picture of W. S. Goss, said this is a picture of the gentleman who boarded at our house; the ring now handed me is very much like that worn by Wilson.

H. Litzinberger, hotel-keeper at Athensville, a mile and a half from Cooperstown, Pa., testified.—A. C. Wilson boarded at his house a week; the Goss photograph was shown, and witness said he would suppose it a picture of A. C. Wilson; saw Wilson intoxicated twice while at his house.

Thomas R. Haley knew the man who called himself A. C. Wilson while he was at Litzinberger's; saw him intoxicated several times while there; the witness said the Goss photograph was like A. C. Wilson.

Mrs. Elizabeth Toombs was next sworn. The evidence of this witness, which is of a most important character, directly connecting Underzook with A. C. Goss, and given in the most easy, deliberate and intelligent manner, was as follows: I reside in Newark, N. J., and am the wife of Isre Toombs; I saw the prisoner on the 11th of May, 1873, at my house; he came to see A. C. Wilson, and saw him; he was introduced to me by A. C. Wilson as Mr. Mullin; nothing else but that was said in my presence; he came between 5 and 6 A. M. on a Sunday; he came up stairs, and my husband conducted him to A. C. Wilson's room; he took breakfast with us; I remember nothing that was said at breakfast; after breakfast they made arrangements to go to New York, so Mr. Wilson said when he came to ask me for an umbrella; they left together and returned together in the evening; they wanted supper, and I got it for them; they went to their room after supper, and I did not see them again; think Mr. Underzook started for the cars a little before nine o'clock; I have not seen him since until last Tuesday in this Court; A. C. Wilson came to board with us November 28, 1872, and was there nearly seven months, leaving June 20, 1873; it was on Wednesday evening that he left; he said he was to meet a friend in Philadelphia; he was going to Philadelphia; no one came with Underzook, and he had not been there previously; Wilson was a large man, full chested, and threw his shoulders back, especially when walking; hair dark brown, sprinkled with gray; whiskers the same; his side whiskers were not high, and his moustache seemed to connect with his side whiskers; the color of his eyes was dark, and he had no chin whiskers; in conversation I observed his teeth, and they were a good set; he took with him a very dark wine-colored overcoat; wore light pants, dark vest, Congress gaiters; the uppers were leather, not morocco; they had no buttons; the shoes here shown are something like them, but I cannot swear to them; they were marked 8s on the elastic; I cannot say that both were marked; the mark I now observe on the elastic is an 8; on Tuesday, the day before he left, he brought me a shirt, and asked me to wash it for him; my girl, with my help, washed it; it was new, and rather difficult for the girl to iron, and I told her to leave it until after dinner, and I would iron it; I did so, and I observed one of the buttons on the neck band was off at the back of the neck; it opened behind, and there remained only one button on the yoke; one had been on the band; there was a button-hole in the band, and a loop was at the bottom of the bosom, with a button-hole in it; plait were on

each side of the middle plait; that was the first time it had been washed; it had been worn a week previous.

[Here the shirt found under the dead body was shown, and carefully examined.]

Continuing.—It looks like the same shirt I washed, but I am not positive; I cannot tell about the newness of the shirt; the buttons and buttonholes answer to those of the one washed; I sewed a small button on the band behind, the same kind as was on the wristbands; the button on the shirt here shown looks like the same; he had no baggage at first, but came and engaged board; then went to get his baggage; he had a leather valise, with two handles to be clasped by the same hand; it had some letters on one side, on the end, I think; never saw inside, except the partition, which was covered with blue paper; it was put by me in the closet when he moved in April; it was thrown away; it looked as if it had been roughly handled; did not notice the letters, but think there was a letter C; I never noticed particularly, but know there were three letters. The valise was here shown. The witness continuing; it looks like the valise, I think there is a C., but they have been erased, as it were; the letters were on the end, but I cannot say which end; the papering inside corresponds with that of the partition board which was thrown away; I lived at 275 Mulberry street, Newark, and moved April 1st, 1873, to 331 on the same street; I noticed his ring, but he didn't bring it with him; he made quite a talk about his ring, and when it came we had quite a curiosity to examine it; I had it in my hands and examined it; I had it in my possession the last of April, one afternoon; I wore it on my finger for a few hours; it is bloodstone ring, rather longer with the finger than wide; it had a groove running around the band, and a sort of beading running around the ring in a groove. [Ring here handed to witness.] This ring looks like the same ring; it was very loose for my finger, just about the same as far as I can remember; letters for him were brought by the letter-carrier, delivering them at the door, sometimes to the girl and sometimes to me; I have known him to receive four a day, and almost daily he received letters; the postmark on those received was Baltimore; several times I saw him scratching words out of the letters, which caused me to smile; I never saw him direct any letters, and never saw any directed for him; once saw a letter he indorsed; it was addressed to Miss Eliza Arden, Baltimore; he had a pair of eye-glasses, and never used them as far as I know; I saw him read and write, but he did not use them; they were left in his room on his mantel; I did not notice how he carried them when he went away; I have never seen them since he left; he went out every forenoon and afternoon, and on several occasions was very much intoxicated; Wilson called Underzook "Doctor;" I have heard from him once since he left; he left on Wednesday evening, and I received a note from him on the following Saturday morning from Philadelphia, written the day before; I burned it up; I recollect the contents; he said he enclosed \$2 80, and wished to pay \$1 to paper man and \$1 80 to Mr. Myers, across the street; he said he was the most miserable man living; that he wished he was at our house again, and that he would sail for Europe at half-past twelve Saturday noon; that was all; there was no money in it; I have not heard from him since; he was very gentlemanly; we had a private sitting-room for the gentlemen, and he mingled freely with them.

The State now desired to ask witness about a conversation with Wilson, in which he had stated that he was interested in a suit in Baltimore, and that, if he was successful, his share would be \$15,000. The State would follow with proof of a law suit in Baltimore, in which W. S. Goss was interested. A. C. Wilson had further proposed to a certain party to engage in defrauding a life insurance company, telling him that he had succeeded in doing it once, and that it could be done again; also, he need not fear, as his brother was in the business.

The Court said it would take it into consideration.

Continuing.—He had a model of a screwdriver, and I saw it the first day he came, but I did not notice it particularly. [Here, at the request of the State's officers, the Crier called out in a loud voice, "A. C. Goss;" then, "Alexander Campbell Goss." There was no answer, but silence reigned. The State's officers then said they had subpoenaed him. This episode caused a stir throughout the crowded court-room, and all seemed to be waiting for A. C. Goss to answer.] Witness continuing.—The last of last January another person called upon A. C. Wilson, and was introduced as his brother; he resembled him; they called for a private room in the evening; I gave them the dining-room; he came Sunday morning, and left Monday afternoon; they were writing all that evening; I saw A. C. Wilson writing, but only the address of one of the letters; the person standing in the double photograph I should take to be Mr. Wilson; he had no business while he was there.

The cross-examination of Mrs. Toombs was rigid but failed to shake her testimony.

Miss Emma Taylor testified.—I reside at Newark, N. J., and knew at Mrs. Toombs' a man named A. C. Wilson; I would see him always at meal times, evenings and Sundays; he was stout, fine-looking, full chest, rather fair complexion, hair very dark brown, and mixed with gray, very large dark eyes, heavy eyebrows, mustache and side whiskers; in talking he showed his teeth somewhat; they were very good; he gave his ring to me, and I had it about three weeks; I remember that he pointed out to me two spots on the stone with a sort of drift between them; the band was not round. (Here the witness closely observed the ring for a minute or more.) Continuing.—I cannot see the spots so distinctly as then, but I think it looks like the ring. Next the witness went to the window, looked at it more closely, and upon returning said: The spots are not as I remember them; I do not see them so distinctly as at that time. To the Court.—The spots were red. Next a magnifying glass was used, and the witness said: The spots do not answer to what I imagined they would be; I have a number of rings in my possession, and may have gotten them mixed; the ring corresponds in every particular except the spots, but I am not satisfied about them; he gave me the ring to wear, and it fits the same now; when he left he wore what I call Congress gaiters,—elastic gaiters without buttons; the shoes here shown look like those he wore, and I had often noticed the straps at the back; I saw the prisoner at Newark at Mrs. Toombs', on the 11th of last May; a lady friend was spending the afternoon at our house when he came; she left on the 20th; that is the way I fix the date; I recognize the standing photograph as that of A. C. Wilson; he left Mrs. Toombs' on the 25th of June, and he said he was going to Philadelphia; I kept the ring about three weeks, then gave it to Mrs. Toombs, and she returned it to him; I received notes from A. C. Wilson quite frequently; sometimes two or three in a day (here the ladies giggled); I destroyed the notes, and have not heard from him since he left.

Some desultory discussion here occurred about proving why he had not written, but the Chief Judge silenced it by saying that it was more probable that Wilson had changed his mind than that he was dead. This seemed to amuse the ladies, who did not seem to have previously taken that view of it.

To Mr. MacVeagh.—The only peculiarity about Congress gaiters is that they have no buttons; I do not now think of any other; I have seen ladies' Congress gaiters without a strap behind; Congress gaiters are not a very stylish looking article; I do not generally observe what people wear on their feet; I cannot tell how many days in a week the straps behind protruded from underneath his pants; I judge the likeness in the photograph from the whole appearance; the ring was not given me as an engagement ring; he was under the influence of liquor when he gave it to

me; he did not remain in liquor during the three weeks I had it; I offered it to him several times and he refused to take it back; I did not wear it more than three or four days; I do not remember what were the contents of the notes; little pieces of paper with writing on them; they contained only passing thoughts; their contents were about both business and affection.

Mr. MacVeagh.—Affection first—business afterward.

Continuing.—Some times we would talk about them; some of the notes were signed A. C. Wilson; I do not remember his handwriting very distinctly; his handwriting was not good.

To the Court.—If I saw his handwriting I might recognize it; I think I have a recollection of the character of his handwriting; I have a recollection but not a very distinct one.

It was now proposed by the State to show the witness two letters—the one to Mr. Mullin and another addressed to S. R. Downs, and dated June 19th, 1873, and to ask her if she identified them.

Mr. MacVeagh earnestly contended that it would be most dangerous to allow the witness to pass upon the letters, and sure to result only in one way.

The Court said it did not fail to see the dangers resulting from such testimony, but when the knowledge of the witness came up to the standard required by law the Court was obliged to admit it. The Court then admitted the evidence, and the defense reserved an exception. The Court then folded the letter to Mr. Downs, and directed that it be handed to the witness as folded.

The witness said, in answer to the inquiry of the Court, "Do you know the character of the writing?" "Yes sir, to the best of my knowledge, as that of A. C. Wilson." She gave the same answer about the letter to Mr. Mullin, and said of a third letter that it also looked like it, but not so distinct; she further said of it. "It is A. C. Wilson's handwriting, to the best of my knowledge."

The following are copies of the letters shown witness and identified by her:

NEWARK, June 19, '73.

S. R. Downs, Success:

DEAR SIR: I have just noticed your advertisement in the New York World, pleas drop me a few lines and State if you could not accommodate an humble unassuming and good natured individual as I propose to be for less money than your advertisement calls for—am easy to please, can put up with anything, all I want is to get in the country please let me hear from you at any rate with directions how to find your house

Yours most respct

A. C. WILSON,
331 Mulberry St
Newark N J

David R. Mullin, Esq., Cooperstown, Pa.:

NEW YORK, January 3, '72.

DEAR GOVERNOR: I have but just time to write you a few lines merely to inform you of my whereabouts and good health &c &c. well as you see from this letter I am again in the great metropolis hard at work and working harder than I ever did before in my life I am with a large firm here that was among the sufferers from the Boston fire, their loss is near \$100,000 and they are working hard to regain their former footing. I am glad that I have come to them in their distress for they were sorely in need of my assistance (humble as I may be) for in these hurried times they wanted no new hands but old ones, and as I am familiar with their business as well as their custom I need no instructions. I have been to Phila twice and to Boston once since I left you and I leave here again to-night for Boston and as soon as I return I am off for the west for them: so you see my Dear Governor I have my hands full; I have not had one leisure moment to myself since I have been here and will not until I return from my western trip these men have been my friends in times past and I am glad to have the opportunity to reciprocate their kindness

Gov, you know that i was looking for a package of express when i left you. well in that package I expected \$100 I have received the package but only received \$40 instead of \$100 (the truth of this you can find out from the Clerk at the Bryn Mawr Station) had I received the \$100 I would then have been able to pay you what i owe you, but as it is i hope you are not uneasy for i will not long remain in your debt.

now a few words about family matters & i will close my letter, the time that i have lived in your family have been very pleasant and agreeable, i was treated by all like a gentleman and i tried to the very best of my ability to act in accordance and i flatted myself that i succeeded until within a few days previous to my departure, and then that D. m old fool made me mad with his insults; and then I made an ass of myself by drinking whiskey, i would not have had it to happen for any thing that i possess particular while in your house, but i can only say now that i am heartily ashamed of it & hope that i will at no very distant day have an opportunity to make atonement for it i wish that i had all to go over again how different i would act i would give that old Scoundrel the BENEFIT of my foot at the very beginning and that would have put an end to it, but i will not forget him & will yet pay him the debt that i owe him with interest. Enclosed please find \$100, please give it to him, it is \$100 that i borrowed from him, i did not intend to pay him when I borrowed it, but i dont want him to say that i owe him anything EXCEPT —

My affairs in Tennessee are progressing favorable, and i hope soon to be all right, please remember me with kindness to your good wife and to Annie, also to all enquiring friends i have written to Abe Good and he is to send me my Ring and screw driver, and if you have no objection please give him my watch, i need it very much in traveling, write me a few lines and send it in the package that Abe is sending me

hoping to hear from you soon i remain as ever your most respectfully

A C Wilson

Witness also identified a third letter as in Wilson's handwriting; it was without address, and signed W. S. Goss. It is understood that this letter was received by Dr. Stevens, of New York, about November '71; it referred to paying a debt. She identified the photograph as that of A. C. Wilson, and under a searching cross-examination fully sustained herself.

The third letter signed by W. S. Goss, without date or address, and said to have been received by a physician in New York, who attended Goss in the fall of '71, is as follows:

Sir: I was much disappointed in not getting some money to settle my bill, but pleased dont feel uneasy for i will most assuredly send it to you i have received a dispatch which calls me to Philadelphia but hope I will not be detained long, for i am not yet through with my business here and will soon return, if not rest assured that I will pay my indebtedness to you within a few days, hoping that i have not incur (dy our displeasure and that i will meet you again i remain yours most respct

W. S. Goss.

Isaac Toombs, testified—I am the husband of Mrs. Toombs, and knew A. C. Wilson at my house; he was there something like seven months, and I saw him every day; we were often together, and I frequently conversed with him. [Here followed a description agreeing with that given by Mrs. Toombs and Miss Taylor.] I had his ring several times in my hands, and the one shown me looks in every particular like his ring; the standing photograph is that of A. C. Wilson; he very frequently drank to excess; he said when he left that he was going to Philadelphia; I think the valise here shown is the one he had; I think I have before seen the prisoner; he called on the 11th of last May to see Mr. Wilson; he rang the bell; I went down, and he said he wanted to see Mr. Wilson; I told him it was pretty early, about 5 o'clock, and that I did not like to wake him; he said he was a particular friend of Mr. Wilson's, and would like very much to see him; we went up stairs together and

found Wilson up; I told Wilson a gentleman had come to see him, and he asked who it was; the prisoner said, "It is Doc;" then Wilson let him go and I left; in the afternoon Wilson came to borrow an umbrella; some time after tea that evening, after they had been away all day, they came in and got tea; about nine o'clock both left to go to the depot.

To Mr. Perdue.—I was then in the butcher business, but have sold out; Wilson ordinarily took all three meals with us; I recognized the photograph of Goss as soon as I saw it, but a card was held over the lower part of the face.

Samuel Reeve testified.—I am a jeweler, and live in New York, 92 Christopher street; I knew A. C. Wilson from five to seven months when I boarded with Mrs. Toombs in Newark, N. J.; I saw him nearly every day from the day after Thanksgiving to the second week in April. [The witness described him as the others had done.] I room-d with him from the time he came until March, then again after we moved; he had a valise very much like the one here; think that is the valise; I know that the partition of his valise was broken out; I cannot be positive about the paper lining; I saw him very tight several times; I examined the ring several times, and he asked me several times how much it was worth, and how much he could get for it by pawning it; the ring shown I believe to be the ring; I am almost certain; I think it has been bent since he had it; Wilson's ring had a stone of the same material, same size and beading around the finger to the setting; the stone was set in the same manner in which this stone is set; I think there is something peculiar in the setting of this stone; generally the setting from the stone is not square, but slants; this is not square or slanting or anything else; he had a revolving ratchet screw-driver; I have seen him write, I should judge, a half dozen times; he gave me the letters to mail for him; I mailed them in New York; they were addressed to A. C. Goss, Baltimore, Md.; I cannot remember the number of the street; I sent for him one package from New York by Adams Express; it was directed when he gave it to me; it appeared like a newspaper rolled up; it was addressed to A. C. Goss, Baltimore; I worked in New York, and traveled to and fro every day; he used to wear eyeglasses, but I never saw him use them; the gentleman standing in the photograph is Wilson; I have never seen the prisoner; I saw him writing the addresses on the letters.

WEST CHESTER, PA., November 1, 1873.

The trial of William E. Udderzook, for the alleged murder of Winfield Scott Goss, on the 30th of July last, was resumed at half-past eight o'clock this morning before Chief Judge Butler and Associate Justices Pasmore and Hawley. When the Court was called neither the counsel for the State or defense were in their seats, but in a few minutes appeared. The jurors gave open directions to the Court as to how clothing could be conveyed to them without violating the restrictions imposed by law. Udderzook was brought in by Sheriff Davis, and it could be at once seen that he had passed a restless night. His face wore an anxious look, and his movements were wanting in the activity which was so noticeable on the first two days of the trial. His wife and mother did not enter with him, but joined him soon after. His mother seemed depressed, but Mrs. Udderzook appeared determined to bear up. She occupied a seat immediately to the right of her husband. The court room was not filled when the Court was called, but in a few minutes the eager public flocked in, and not only the seats but the aisles were crowded, the Chief Judge considerably relaxing his previous stringent orders. Fully half of the spectators were ladies, and they seem to take a deep interest in all that is said. Yesterday afternoon a photograph of Goss was passed around among them, and they were very intent in observing it. Whenever any thing is offered in evidence the ladies seem on the tiptoe of desire to see and observe it.

Franklin E. Mills was first called and testified.—I reside in Newark, N. J.; I have no particular trade, but work at present as trimmer of children's carriages; I will be 21 years old the 16th of next December; I knew A. C. Wilson at Mrs. Toombs' from February 15 until about 1st April of this year; he was there when I went there to board. [Here the witness described A. C. Wilson, agreeing with previous witnesses.] I noticed a scar on the right side of his forehead, and it ran up into his hair; we were both together one morning in the sitting-room, and I asked him how it came there; it was about three quarters or an inch long; by the looks of it I should say it had been made by some blunt instrument; I mailed letters for him, directed to "A. C. Goss, Baltimore, Md.," and one paper; I mailed them at New York; I was going to New York that morning, and he asked me to take them; I saw him write, but did not notice particularly; I noticed the ring, and should say that here shown looks like the ring he wore; I should say the gentleman standing in the photograph is Mr. Wilson.

To Mr. Whitney.—It was about 10 o'clock, after breakfast, that we were together in Mrs. Toombs' sitting-room when I noticed the scar; I think his hair was then worn as usual; it was the first time I had noticed it; it was about the latter part of February that I discovered it; prior to that time I had not been intimate with him; it was at the top and about the centre of the right side of the forehead; we were sitting at the window; I never saw the picture before coming to West Chester; I think all the Newark witnesses were present at the time; I first heard in July the report that Wilson had been murdered through a friend who had seen it in the papers; I read the New York and Newark papers but not Philadelphia papers; I go by the countenance with the upper lip covered, I directed the letters for A. C. Wilson to A. C. Goss; I took letters for none of the other boarders, but mailed some from Mrs. Toombs to her son; I cannot say whereabouts in Baltimore the letter was directed; I mailed the letters some time last March.

Jas. R. Williams testified.—I am a manufacturing jeweller, and reside in New York; I knew A. C. Wilson first about the middle of last May in Newark, N. J., and until the 25th of June, when he went away; I saw him leave Newark in the evening of the 25th, and shook hands with him; I did not see any baggage; he asked me to buy his ring, and I examined it; that is the ring; I recognize it because it is what we call a fine bloodstone; I have never seen a ring made exactly as this is, and I have been in the business some years; it is a peculiarly made ring; the head is very flat from the shank to the top of the head; these corners should be square, but they are round; the stone is perfectly square, and the setting should also be perfectly square; I examined it closely; I never saw his invention; I recognize the standing person in this photograph as A. C. Wilson.

To Mr. Whitney.—The edges of an American ring are usually higher than these are; I should say it was made in America, probably by an Englishman; I so remarked when it was first shown me; the Englishman had been here probably a year; I say so because the shank looks like an American shank and the head like an American head only not so high as it should be; there are common and fine bloodstone rings; I do not know that I can say that bloodstone rings are very common; onyx and sardonyx are used as much as bloodstones; the setting is what is called Roman setting; the groove is unusually broad for an American ring; such rings are manufactured in all the large Northern cities; the width of the groove is made with a burnishing tool; the groove ought not to be in any proportion whatever to the size of the ring; the English make the head lower to be worn with a glove; I have worked both in England and this country; the head is a little higher than the English head is usually made; it seems like an attempt between the two; I do not know that I could fix any distinct nationality to the ring; I should think it was made to order, because in a good shop they would not take it;

it is not a good made ring; in many cases rings made to order would not be made so well; special care would be taken with a fine diamond. [Mr. MacVeagh now took from his finger a stone ring, showed it to the witness, and rigidly cross-examined him with a view of testing his knowledge and judgment. The witness sustained himself under it.]

Continuing.—I first saw this picture last July, shortly after the reported murder of Wilson; Mrs. Toombs had it at the dining-room table; I saw it only on that one occasion; I recognized it at once; I did not see it here before coming on the stand; I did not cover it partly with my hand or see any one else do it; it is a peculiar picture, the eyes being full and the nose prominent; I believe I first received it when it came in the dining-room; his face was round and broad, and his chest was very prominent; he was always around the house; he asked me the latter part of May to buy the ring; that is the only conversation of any length which I remember.

Samuel Reeve (recalled) testified.—Wilson said his name was Alexander C. Wilson.

Augustus J. Saurin testified.—I live at 92 Christopher street, New York, and am a carriage painter; I knew A. C. Wilson all the time he was at Mrs. Toombs'; the man standing in the photograph is A. C. Wilson; I believe he had a valise; I saw him nearly every day; I noticed his shoes some; they were, I believe, about No. 8s Congress gaiters, and those shoes look a good deal like them, but I would not be certain; he had them half soled a little while before he left; he borrowed an old pair of boots from me while they were being half soled; he showed them to me and said how much they cost; I think it was two or three weeks before he left; I saw the prisoner in Newark, N. J., at Mrs. Toombs', 331 Mulberry street; I heard the bell ring a Sunday morning, Mr. Toombs came up and told Wilson a man wanted to see him; Wilson said, "Hallo, Doctor!" and the prisoner said, "Hallo, Sandy;" the prisoner then said, "Have been a devil of a long time coming," or "a hell of a long time coming," but I do not know which; they were then at the door, and I was in bed, and could see them; I slept then with Wilson; when Uderzook came Wilson was up washing himself; they went out of the room pretty soon, and I did not see them until breakfast; Wilson told me he was going to New York; I did not see them go away together; about six o'clock I saw them go into a saloon, and not after that; I saw Wilson's ring, and I believe this is the same ring; it is the same kind of a ring.

To Mr. Perdue.—I was there all the time he was there, with the exceptions of two weeks, and roomed with him two months the latter part of his stay; our room had two single beds; the photograph was shown me first by Mrs. Toombs and I recognized it without hesitation; I was not certain until I covered the lower part of the face; his eyes were pretty well sunk and swelled out under the lower lid, with a kind of bluish cast under them; he had a very straight forehead and his hair fell forward; I do not say that it was a straight forehead.

Edwin Sutton testified.—I live at 92 Christopher street, New York; I am a jeweler; I knew A. C. Wilson at Mrs. Toombs' boarding-house for about four months, from the last of February until the 25th of June, when he left; I roomed with him for about a month; he had a brown leather valise with a band around it; that looks like the valise, but I could not swear to it; the person standing in the photograph is Wilson; I recognize the ring also by the shape of the head and the setting; it is an oblong stone, and the setting is worn off at the corners; those are all the peculiarities I know of; he showed it to me three times to ask what I thought it was worth; I saw him write, but did not examine it; I posted a paper for him at Station C, New York; it was directed to an attorney-at-law, Baltimore, Md., I do not know his name; I saw his wooden model for a double ratchet screwdriver, with a revolving handle; I saw a pair of eyeglasses in his room, but he never used them when I saw him reading; he always wore gaiters, but I did not notice

them particularly; the shoes here are similar; I saw the prisoner at Mrs. Toombs' May 11, 1873, and in Mr. Wilson's room, who introduced the prisoner as Mr. Mullin; his first name I did not get; he asked me in the prisoner's presence what time the train left for New York; I told him, and he asked me what time it was, so that he could get ready to go; they left the house to go as they said, but I did not see them go; Wilson called the prisoner "Doctor," but I do not remember anything particular; the prisoner was lying on Wilson's bed when I went to bed about half past nine; I did not see him again.

To Mr. Perdue.—Five of Mrs. Toombs' boarders moved to 92 Christopher street, New York; Mr. Pennypacker showed me the photograph first at 92 Christopher street, last September; I recognized it at once; I looked at it with the lower part of the face covered in order to gratify my curiosity; Michael O'Donnell roomed with Wilson at the same time that I did, and roomed with him longer; the stone is full of small spots, and is peculiar; I doubt the probability that there is another ring like it; it has been broken and soldered at the back, and I noticed it in Newark; I saw it a moment ago when I had it in my hand, but thought I had better not mention it as I had not mentioned it at first; I thought it might be brought against me in cross examination; I think it was not brought when I saw it in Newark; I believe if it had been bent that I would have noticed; it is now considerably out of true; I have been in the jewelry manufacturing business fifteen years, and am now twenty-nine years old.

To Mr. MacVeagh.—I forgot, in the first place, the soldering at the back, and in the second place, I withheld it in order to protect myself on cross-examination.

To the Court.—I recognize my responsibility for my answers, and I remember having seen the soldering in Newark.

To Mr. MacVeagh.—I saw it last Tuesday in the District Attorney's office, and had not before seen it since seeing Wilson last; I saw that mark distinctly in Newark, and knew that I had seen it when cross-examined by Mr. Perdue; I cannot be certain that I saw it last Tuesday, and I do not say that I did; I believe I stated to Mr. Wanger the other particularities.

To the Court.—I believe I did observe the peculiarity on last Tuesday, but I cannot say for certain; that soldering mark is easily observed, particularly by jewelers; to the best of my knowledge of the business solder has been used; there is no crack that I know of.

Mr. Saurin was recalled by the defense and testified.—I occupied a room with Wilson, commencing about the last of April or first of May, and continuing until he left.

Mrs. Elizabeth Mullin was recalled, and the State proposed to show her a due bill for \$25, in her favor, signed by Henry Ruokel. It was allowed, and she testified.—A. C. Wilson wrote it; I was busy and requested him to write it for me; he did not sign it, but it is in his handwriting.

Michael O'Donnell testified.—I reside at 92 Christopher street, New York; am a jeweler; I knew and roomed with A. C. Wilson; I knew him from the first week in January until he left; I did not see him go, but he left my room to go; he had a valise which he took with him; to the best of my knowledge that is the valise; it looks exactly the same; the paper on the inside is of a darker color than it is on the other, but it has the same pattern; I have seen the inside since I came here and described it, speaking of that peculiarity before I saw it here and when I was one hundred miles away; to the best of my knowledge that is the valise; the lid inside was broken off; I never noticed his shoes particularly, but noticed that he wore Congress gaiters; I judge he wore about eights; the gentleman standing in the photograph is the man I knew as A. C. Wilson; I saw the prisoner on the 11th day of May, at Mrs. Toombs' boarding-house, 331 Mulberry street, Newark, N. J.; I first saw him at breakfast; Mr. Wilson called him "Doc," and introduced him as Mr. Mullin; Wilson had eye-glasses, but did not use them; he had the cord, a round black cord with a ragged knot to it, around his neck; the buttons

on his pants were riveted on instead of being sewed on; I asked him for a button one day, and he said "why don't you get buttons as I do, and then they won't come off?" I then saw how his button was fixed on; I made him a present of a bone collar button the afternoon of the day he went away; I had it about eighteen months or two years before giving it to him; it looked something similar to what a ham bone would—as though it had been smoked; it was a sort of brownish color; he put it in his shirt at the collar-button, and buttoned his shirt; I gave a description of it before seeing it; that was in August last; I described it as I have done here; the button here shown is it, to the best of my knowledge.

Mr. Hayes here stated in a low tone to the Court, so that the jury could not hear, that the State desired to prove by the witness that in May last Wilson told him he was interested in an insurance suit in Baltimore; that he was afraid that he would lose it; that afterwards he said he had been successful, and his share would be \$15,000; that he afterwards proposed to the witness to engage in defrauding life insurance companies; said he would play principal, that a man and a woman would have to be engaged in the job, and that he (Wilson) would go to Europe.

The Court said the transaction in Baltimore was a fact which might be shown, but there was no evidence of such combinations between the deceased and the prisoner which would render him liable for the words or acts of the deceased. There was no evidence sufficient upon which to base the introduction of the testimony offered. At present the Court was clear that it was not admissible. The Court said the witnesses from Newark must not leave, and that the admissibility of the evidence could be afterwards determined as the case progressed.

The witness resumed in answer to Mr. MacVeagh.—He had no collar-button and used a pin; such-collar buttons are not uncommon; it has now the same tinge which it had when I gave it to A. C. Wilson; I bought it for a collar-button; he had a red collar-button, but could not find it; it was about 3 P. M. that I gave him the collar-button; I was with him until 10 or 12 that night; I was with him part of the time in his room; I distinguished the valise by the black iron band, running around over the sides and top; I never saw any name on it; he was looking for the partition board the day he left; he had an old coat and a couple of bottles in one side; he wanted to swap valises with me; I have seen a great many valises and I think it is the only one I ever saw with a black band; I have seen some valises with leather bands and wooden bands; I never saw one with a copper band; I have seen one with a brass band, but never before with an iron band; one side of the paper inside is darker than the other; I showed the photograph of W. S. Goss to Mr. Sutton; others saw it, but I did not show it to them; I showed it to one or two outside; I did not show it to Mr. Baldwin; I have put a card over the chin whisker to try, and found no difference; a man with the expression Wilson had you could tell if he had all his hair shaved off; Mr. Wanger gave me the photograph of Wilson; I have seen buttons riveted on other clothing and believe they are common on ready-made clothing; Mr. Goss had been wearing a shirt button.

To Mr. Whitney.—I do not intend to say more than that I gave Wilson a collar button resembling the one here shown in shape and color, and that it is that button to the best of my knowledge.

To Mr. Hayes.—I laughed at the idea of swapping valises with him, and I examined it then.

Benj. C. Norris testified.—I reside in Newark, New Jersey, 331 Mulberry street; I am a house-builder; I knew A. C. Wilson then boarding at Mrs. Toombs' from June 20, 1873, to 25th of same month; I think I should recognize him; the man standing in the photograph resembles A. C. Wilson; he called my attention to a pair of pants which he had; they had been worn a good bit, and he called them dove-colored; they were a light colored brown pants; the seat had been darned very much, and he said he darned them himself; they were darned very nicely I thought.

[The pants were here shown.] After carefully examining them the witness said: I think these are the pants; they look like them at any rate; I tell by the darning in the seat; he did not take them away with him, at least he said he did not intend to take them, but I did not see him or them after he left.

To the Court.—I saw them last in his room, and was not there afterward; he had his valise lying on his bed, packing it, and the pants were lying on the bed; he said he would not have room for them; I did not see his invention.

To Mr. Perdue.—I was boarding at Mrs. Toombs'.

Mrs. Elizabeth Toombs was now recalled, and testified.—Wilson left a coat and a pair of pants at my house; the pants were light-colored, and I think these are the same; I saw him darning them, and spoke to him about it; they were very short for him; his coat was a black cloth one, and I should call it a frock coat; it was very long; it was an old coat, and I should say this coat (here shown) is it, to the best of my knowledge; Mr. Pennypacker received the coat and pants from me the last of July or 1st of August.

To Mr. Perdue.—It was a single-breasted coat; it looks like the same coat which was in my possession.

Mr. Saurin was again recalled by the State and testified.—He left a pair of old pants and a black coat; the pants were light colored, with a kind of brown thread in them; he gave them to me for overhauls, but I never wore them; the coat was of black broadcloth, long, and had square corners; these are the same pants; this is the same kind of a coat.

Lewis Engel was recalled and testified.—When Goss lived at our house in Baltimore county he had a pair of light pants, mixed with brown, and a vest of the same color; the pants had a welt on the side; he always had them on during the week for the best part of the time he was there; he boarded with us about four months; these look very much like the same pants; to the best of my knowledge I believe they are the same pants.

To Mr. MacVeagh.—That was in the summer of '71; I don't know what was the color of my father's pants during that summer; I do not know the color of my brother's pants during that summer; my pants were light, mixed with black; I saw his wife wash those pants, and I helped her to wash them; I never washed my father's pants, my brother's, or my own; I have borne the color of Goss' pants in my mind ever since, and also the welt. [Here the pants were examined by the jury].

To the Court.—I observed at the time that they were short for him.

Horatio G. Litzenberg (recalled) testified.—Wilson left a coat with me when he left my place at Aithensville; it was a dark coat, with flaps on the side and long breasted; the skirt was short; I believe that is the coat; I delivered it to Mr. Pennypacker; when he got it I was not certain that it was the one Wilson had left. [Here the witness requested to see the coat again.] Then he said: I am certain that is the coat.

To the Court.—This coat now presented is the coat Mr. Wilson left with me; when I gave it to Mr. Pennypacker, I was not certain as I was in a hurry. Next the witness took off his coat and put Goss' coat on. Then he said: This is the coat Mr. Wilson left with me; I am positive; I had it on once before for a short time—perhaps half an hour, and may be more. [N. B. This coat was not the same recognized by Mrs. Toombs and others from Newark, but another coat, and the one in which Goss was photographed by Mr. Bachrach.]

Mr. Sutton was again recalled and testified.—Wilson had a light pair of pants darned in the seat; I saw them when I roomed with him; they were very short for him; these look like them but I could not say they are; I have noticed the darning.

Franklin E. Mills (recalled) testified.—I only remember that his pants were light colored.

O. F. Br-see testified.—I reside in Baltimore and am General Agent of the Mutual Life Insurance Company of New York for the Southern

States; I knew W. S. Goss; he was a man very much my size; I think just my size; very much my build; he may have been a trifle shorter; his hair was dark brown; he was a man of prominent features; I should call his face a full, square face; I insured his life.

Here Mr. MacVeagh, for the defense, interposed and stated to the Court that at this point a further branch of the case was involved, and one which he thought should be discussed before the Court alone. The jury was accordingly taken out.

Mr. Hayes said the State proposed to show that W. S. Goss, alias A. C. Wilson, within a few months or a year prior to the burning of a shop, February 2, 1872, on the York road, near Baltimore, Md., procured sundry insurances on his life in four companies, of which the New York Mutual Life Insurance Company was one, to the extent of \$25,000, the insurance in that Company being \$5,000; at the time the fire took place William E. Underzook and others alleged that he was burnt; and Underzook made an affidavit to that fact, and furnished it to the companies or their officers for the purpose of procuring the said \$5,000 for Mrs. Eliza W. Goss, in whose favor the policy had been taken out; that payment of the money was refused, the insurance companies alleging that W. S. Goss was not burned at that fire, and was not dead; that suit was commenced in the name of Mrs. W. S. Goss (Eliza W. Goss) against that company and the others; that Underzook was one of the main witnesses relied upon to sustain that suit; that the State would show the subject matter of his affidavit and testimony at that trial. The plaintiff was successful in that suit; a motion was made for a new trial, setting forth among other things that if time was allowed, that they would satisfy a court and jury that W. S. Goss was living. It was subsequent to this time, and while that motion was pending, that Underzook persuaded and procured A. C. Wilson, alias W. S. Goss, to meet him in Philadelphia at the William Penn Hotel, took him thence to Jennersville, thence to a point at or near Baer's Woods for the purpose of murdering him.

The hour of 1 P. M. having arrived, the Court, pending argument on the legal questions involved in the above offer, adjourned for half an hour.

During the time Mr. Hayes was stating the offer of the State, there was silence throughout the court-room. The prisoner paid the closest attention.

AFTERNOON SESSION.

The Court reassembled at half-past two o'clock, the jury being kept out as ordered by the Chief Judge. The court-room was more crowded than it had been during the morning session, and many were standing. The prisoner was accompanied by his wife and mother. Mrs. Eliza W. Goss, of Baltimore, also appeared among the spectators, dressed in black. Mr. and Mrs. Arden, of Baltimore, were present. The infant child of the prisoner was not brought in to-day, but his daughter, a bright little girl of about six years, was with him this afternoon, and sat in his lap for awhile after the Court opened.

The question before the Court upon its reassembling was the admissibility of the evidence offered by the State at the close of the morning session.

Mr. MacVeagh said he was unable to see the relevancy of a portion of the proffered testimony at the present state of the case, and he doubted if he would ever be able to see it. This was not a prosecution for a fraud upon an insurance company, but for an alleged act of an alleged co-conspirator. If this man was on trial for a conspiracy with Goss to defraud these insurance companies, there might be testimony such as was offered admitted, but when the relations were changed, and the conspiracy was ended, only acts immediately connected with the crime alleged at bar could be proved. He was unable to see how the acts or declarations of Goss, or the preliminary acts leading up to the

alleged murder could be given in evidence. The acts and declarations of Goss were given to prove a conspiracy for which he was not on trial. He thought it his duty to ask the Court to restrict the testimony to what was direct. It is not alleged that the prisoner was to be benefited, but that he was only a witness. The action of Goss in insuring his life being wholly independent of the prisoner, could not be brought against him. Underzook first appears in the offer as a witness, and the previous acts of Goss could not be brought against Underzook.

The Court said the counsel had made himself clearly understood, as he always did. The Court appreciated the importance of the evidence. It might be that some parts of the testimony were not admissible, but the main features bear upon two branches of the cause—first, the identity of this man Wilson, and secondly, the motives which actuated the prisoner. There is evidence that Wilson was Goss, and that Goss belonged in Baltimore, and his name was Goss, not Wilson. It is proper, indeed necessary, that the Commonwealth should show why Wilson or Goss was there.

The Commonwealth proposed to show a motive for changing his residence and name, and that he was engaged in a fraud, and that it was necessary that he should appear to be dead. If Wilson should appear to be Goss, and it should further appear that Goss was insured, the motive for Goss' disappearance from Baltimore would be shown. It was proposed to show that the prisoner made affidavit that he was dead, and that affidavit was the basis of that suit against the insurance companies. If he was in the conspiracy he had a motive to keep Goss concealed from the world, not only to secure his portion of the profit, but to secure himself against criminal prosecution. Then it might be that it became necessary to kill Goss in order to further to conceal the conspiracy. A part of the testimony must be admitted, and the Court would note an exception. The jury was then brought in.

John W. Butler was called, and as he came to the stand shook hands with Underzook in passing his seat. He testified: I reside in Baltimore, and am a manufacturer of woodwork; I knew Winfield Scott Goss for several years, and roomed with him; I knew him first in Baltimore; he showed me a screw-driver with a ratchet attachment; I did not take particular notice of it, but believe it was made so as to save the motion of the hand. [A piece of wood was here shown the witness, and he said it was framed with the principle of a ratchet—something like the one Goss showed him.] Continuing: He showed it to me between '69 and '71; have received letters from W. S. Goss, and answered them, receiving replies; I could not say how frequently we corresponded; I used to know his handwriting very well, and think I should know it now; it was just before the commencement of the war that I corresponded with him; he was then living in Nashville, and his occupation was broken up by the occupation of our (the Federal) troops.

To Mr. MacVeagh.—I destroyed his replies some years ago; I cannot give the date of the last letter, but I think about eight years ago; I was shown before coming into Court the letter that is to be shown me; I think I was capable of deciding in my mind his handwriting before it was shown me; I have his signature in a book, and it is before my mind's eye now; it is my best judgment that I would recognize his handwriting independent of my recollection of the signature.

To Mr. Hayes.—I saw three or four letters at Mr. Wanger's office; to the best of my belief the letters now shown me (the one to Dr. Steele, of New York, without date or address) is in the handwriting of W. S. Goss; I recognize this letter (written to S. R. Downs, and signed A. C. Wilson) as in the same handwriting of the party who wrote the letter just shown; it is difficult to keep out of mind the other letter, and I had rather not be too positive about it, but in my judgment it is in the same handwriting; I say the same about the letter to David R. Mullin, from New York, dated June 3, 1873, now shown me; the signature, A. C. Wilson, to the due bill to H. G. Litzberg, is in the hand.

writing of W. S. Goss, but the rest is not his handwriting; the signature, A. C. Wilson, in the express book, written in lead pencil, is somewhat different; in the signature, A. C. Wilson, on the register of the William Penn Hotel, Philadelphia, under date of June 26, 1873, I recognize the letters better than I do in the other; but I would not like to say from my knowledge of Goss' handwriting that that is his signature; I have not a judgment in respect to the signature on the express book and hotel register; the signature, A. C. Wilson, on the register of the Central Hotel, Philadelphia, I should have taken to have been written by Goss; I know the prisoner, but not his handwriting. Mr. Butler was not cross-examined.

O. F. Breese, Esq., was now recalled, and testified.—I insured W. S. Goss for \$5,000 in the Mutual Life Insurance Company; on the 21st May, 1868, his application was made, and the policy bears the same date; this here is a certified copy of the policy; it was regulated, kept up with small intermissions, and was in force at the time of his alleged death, February 2, 1872; this death proof, as we call it, is signed by Mrs. Eliza W. Goss, the beneficiary; she makes affidavit that her husband died; then by William Weaver, undertaker, and others; I have a copy of the policy, and a letter written to me by A. C. Goss; I think I saw W. S. Goss sign his application; I have several of his signatures, having obtained them in business transactions; the signature to the application is that of W. S. Goss.

To Mr. Whitney.—I am not acquainted with Dr. Arthur Brogden personally or by reputation; he signed the physician's certificate of death.

J. W. Langley (recalled) testified.—W. S. Goss insured through me in the Continental Life Insurance Company of New York; the application was made May 18, '71; I saw him sign it; the insurance, \$5,000, is payable to Eliza W. Goss; the policy is dated May 26, 1871; it was paid for one year, and it lapsed for failure to pay, but not before his alleged death; shortly after his alleged death proof of death was handed in at our office by Mrs. Goss; I do not distinctly remember what other signatures were upon it; he came voluntarily to my office, and proposed to insure.

To Mr. Perdue.—I was well acquainted with Mr. Goss; I can't say we lived near; I lived then on the York road; I nearly always drove in, and he took the cars; I regarded myself merely as an acquaintance; I sign in the application my name as friend in the majority of cases in which I know the parties; I signed the application as "correct," and approved it as manager; we had an arrangement with regard to taking out the policy; I had several conversations with him; he made several visits before the application was signed; I saw Goss write his name to the application, and am familiar with his signature; I did not require him to have the signature of his family physician, because he said he had none, and had not been sick for several years.

Thomas C. Maguire (re-called) testified.—I am State agent of the Travelers' Life and Accident Insurance Company, of Hartford, Connecticut; W. S. Goss called at my office October 18, 1871, and made application for a \$10,000 general accident policy; it was not at my solicitation; the application is signed W. S. Goss, and was signed in my presence; a policy for \$10,000 was issued, (witness produced a copy of policy); it was in force February 2, 1872, when the fire occurred; application for the insurance money was made, with preliminary proof.

Cross-examined.—To Mr. Whitney.—Goss had had a month's policy in my office previous to this one; I did not know Goss before he came to my office; the papers you (Mr. Whitney) have contain the preliminary proof of death; the verdict of the Coroner's inquest attached came with the other papers; I think the papers were brought to my office by A. Campbell Goss, brother of W. S. Goss.

J. C. Smith (recalled) testified.—The shop occupied by W. S. Goss February 2, 1872, two and a-half miles from Baltimore, on the York road, was originally a dwelling, and was about 600 feet from the road; it was on Mr.

Lowndes' lands, and near Dr. Richard Sappington's; I think it was two hundred and fifty feet from Lowndes' house and three hundred and eighty feet from Dr. Sappington's; mine is the next nearest—about five hundred feet—and Mr. Myers' about five hundred and fifty feet; I think Mr. Cator's is next—about one thousand feet; there are others; Colonel R. M. Johnston's is about eleven hundred feet off; Goss' shop was in about the centre of them; Mrs. Emory's is about the same distance as Mr. Cator's, and in another direction is Mr. Griese's; Mr. Engel's is eight hundred feet from the shop, and at the time of the fire the nearest store was about a mile, and at Waverly, on the York road; I would take the shop, framed and two stories, to be 14x24 about; I was never inside of it; on the north, east and west sides there were two windows each side; I do not know about the south side; the door opened on the east; when I got to the fire the house was in flames; the widows were kept covered with newspapers up to a little above the bottom sash; I have seen Goss go up Stelle's lane; I was at the singing school at Waverly Hall with my little son the night of the fire; I thought at first it was my dwelling; after seeing that it was in flames, I left to assist in keeping Dr. Sappington's buildings from catching; after we thought all the danger was over we went back, and the building had fallen in and lay in a burning mass; when I got close up to the fire I heard Mr. Cator complaining to Udderzook for not creating an alarm before the fire got so far, and Mr. Cator asked him if he wished to create a false alarm by saying that Goss' body was in the fire; Udderzook said he did not know anybody about the place; I left them then, and authorized Martin Quinn, who had drawn my attention to what was thought to be a body, to get me a sixteen-foot running board—not a paling; I got as near to the fire as I could, threw the board, and struck what we all thought was the body; we were positive that it was and I sent for an ice hook; they brought it; I asked Martin Quinn to go in and told him if he got tangled I would fetch him out; he went half way and came back; then I put a handkerchief over my face, went in as far as I could, slung the ice hook and Martin Quinn and I pulled the body out; Quinn then brought a bucket of water and threw it on the body and I asked Udderzook if he was going to let it lie there like a dog and if we could not get a box; he turned his back, put his handkerchief up and made a noise as if he was crying; we placed the body in a box, took it to Mr. Lowndes' stable; then we dispersed; no one remained with the body; the next morning by break of day I went again on the ground and searched for Mr. Goss' watch, ring or anything he might have had; I don't know why I went, but I thought I would try to find them for him; all I found was a bottle, which was melted up; I found a few of the small bones of the body and a part of a cast-iron butt hinge from the door, partly open; I took the few bones and placed them with the body at the stable, and carried the bottle and hinge to my house; I saw Udderzook when I first went to the fire, standing near it, with his hands in the pockets of his overcoat; not many people were there; mostly neighbors; not more, I suppose, than twenty-five, boys included; nobody was doing anything, and could not do anything, there being no water works there; when I got there the blaze was coming out of the windows up stairs and down; I saw nothing to prevent the opening of the door; the flames were not such as to prevent persons getting to the door; the arms and legs had been burned off below the elbows and trunk when we took it out; it was very black; the left arm was burned off close up to the shoulder and the right leg right up to the body, and the left leg above the knee; the flesh was preserved on the rest of the body except in the back, where I sent in the ice-hook; I pulled it out on its face; the flesh was not off the face, but it was dark and kind of charred; the bones of the face and neck did not

show; the head and face were considerably smaller than what I expected to find for Mr. Goss; I could not recognize it; I saw the body next morning about 7 o'clock when I took the few bones down; it was just as we had left it; I did not like to look at it and hardly looked at it; I did not look to see if I could recognize it the next morning; the waist in particular was smaller than I expected to find Goss'; he boarded next door to where I lived; I did not observe the teeth; the head was up to the chimney and the back facing northeast; I observed nothing else about the body; the chimney was in the middle of the building; I searched there very closely and I suppose for half an hour at least; it had been snowing during the night; I expected to find the hinge and the watch melted up together.

To Mr. Whitney.—I testified in the insurance case in Baltimore; my house was four hundred or five hundred feet from the road; Goss' shop was due east from my house; Mr. Engel's house was about sixty feet from the road; I usually left my home at 7 o'clock; I am a rag, paper and metal merchant—a junk dealer, commonly speaking; my store is corner of Gay and Saratoga streets; I was only once in Goss' company, but passed him often as he had sat under the cherry tree on the road side with his wife; I was about forty feet from him when I passed; I had seen his ring when I was in company with him at Cold Spring Hotel; nobody went with me to the ruins in the morning, and there were four or five inches of snow that night, so that I could know that no one had preceded me; there was no snow where the house had stood, it having melted.

The court here, at 5.15 P. M., adjourned until next Monday at 9 o'clock. The Chief Judge cautioned the bailiffs to be most careful in guarding the jury, and said they could not be taken to church and must be kept as far removed as possible from all influences prohibited by law.

The trial will probably occupy all of next week. A large number of witnesses for the defense remain to be examined, and the case has taken a broad latitude. The jury is patient and it is noticeable that the colored juror pays very strict attention. Udderzook begins to look somewhat worn down, but his florid complexion conceals generally the emotions which sway him. He does not now converse so much with his wife as during the first two days, and both seem more intent upon hearing all that is said.

WEST CHESTER, Pa., November 3, 1873.

The great trial was resumed at 9 o'clock this morning, before Chief Judge Butler and Association Judges Passmore and Hawley. The court-room was not crowded, and the attendance during the morning sessions is usually smaller than during the afternoons. Mr. MacVeagh, for the defense, was not present when the court opened. The prisoner was brought in by Sheriff Davis, with his handcuffs on. He seemed to be in low spirits, but was calm. Soon after seating himself, and after his irons had been removed he looked very closely at the jury, and seemed to be judging from their faces what view they held of his case. His wife joined him in a few minutes, and was accompanied by her little daughter. Mrs. Udderzook appears anxious, and her position is certainly one of severe trial. The little girl was handsomely dressed, but was very quiet. One of the most painful aspects of the case is that which involves the family of Udderzook. He has the reputation of being a devoted husband and father, and doubtless he feels deeply the circumstances of peril which surround him. His mother was also present to-day in the court-room. She has a very sad look, and is aged and quite infirm. The father of Udderzook has at no time been present, and it is understood that he expresses himself harshly toward his son. The mother's conduct is in striking contrast, and true to the feelings which distinguish her sex. She clings to her child in his sorest trial.

Sheldon R. Down testified.—I reside at Success, Long Island; I should say that the letter

dated June 19, 1873, from Newark, New Jersey, is the one I received. There was no cross-examination.

Lewis Elgel (recalled) testified.—I reside with my father, near the shop on the York road, Baltimore county; the shop was 24 by 24 feet square, and had four rooms on the first floor and two cellars under the two south rooms; there was no cellar under the north rooms; it was about one and a half stories high; it fronted south, and on that side had two windows and a door on the first floor; the door entered into a three-cornered passage, and from that passage a door led into each room; there were two windows on the east side, one in each room; on the west side it had two windows, one in each room; on the north side it had a window and a door—a door in the northeast room; it was an outward door; you entered the northwest room by a door leading from the northeast room; the fireplace was in the northeast room; in that room the body was found near the chimney which was in the southwest corner of the room; there were fields around the shop, and woods near by; I would suppose the nearest part of the woods was one hundred feet from the house; it was a large body of woods; Goss was engaged in making a substitute for India rubber and gilding picture frames; he had a stove in the southeast corner of the room and a boiler on top of the stove and a tin tube leading from the boiler to a pine box in the cellar; the box was not lined as far as I know; I saw a piece of the India rubber, but did not examine it; I never saw any at the building, but at my father's house; sometimes I would be at the shop with him; part of the time he would be gilding frames, and then down in the cellar; I saw the box down there, but he would not let me go further than the bottom of the steps; he would go down to arrange things about his box, but I never saw him do anything particular about it; I suppose he occupied the shop about five months before the fire; I was at the fire; Mr. Udderzook was at our house, and had come three times that evening; the first time he came for an ax, saying he wanted it to chop some wood; I did not see Udderzook and Goss together that evening; I only saw Udderzook once at our house; that was his third visit when he came for the lamp; it was dark then; he said the lamp at the shop had gone out, and he had come for ours; I used to see Udderzook at the shop with Goss; he would come out nearly every Sunday, and they would go together to the shop; occasionally he would come out in the week; Goss sometimes called Udderzook "Doctor;" I had not seen Udderzook at the shop before on that day; Udderzook and my brother came to our house; I do not know which one asked for the lamp; they stopped about the house awhile; the lamp was lit, and then Udderzook went out to get a drink of water in the kitchen; he went to the door to throw out some of the water from the dipper; I think my brother then went out to the porch with him, and saw the reflection of the fire on the old house; I do not remember that Udderzook said anything then; Udderzook, my brother, and myself then ran to the fire; the inner part of the house was in flames, and they were coming out of the northeast corner; I was on the north side, and the door on that side was closed; I heard no alarm suggested that anybody was in the house; I ran first and got to the fire sooner than my brother or Udderzook; after the house had all burned down Udderzook asked me to go to town for him and tell them of it, and that Goss was missing, and he did not know where he was; I went and told Mrs. Goss about it; Mrs. Goss and Mr. Arden came out, and as no one was then around the fire they went to Mr. Lowndes where the body had been taken; I first saw the body Saturday morning, the morning after the fire; Martin Quinn in my presence shoveled up the ashes, but found only a little steel chain; I saw Goss' double ratchet screw-driver; he told me it was his invention; [here the witness described it]; I suppose it was twenty or thirty minutes after Udderzook and my brother came to our house that I saw the fire.

To Mr. Whitney.—My brother works upon the farm; he raises hay and vegetables; he is not at work on his hay now, but is hilling celery; I was a witness in the Insurance suit in Baltimore; I believe Underzook took supper that night at our house; there was a little snow then on the ground, and it snowed more during that night; it was snowing when I returned from Baltimore; the body was removed to Baltimore, Saturday evening; when I reached Baltimore I first saw Miss Arden, and then Mrs. Goss; I do not remember inquiring if Mr. Goss had returned to Baltimore; I don't think I said at the former trial that I saw Underzook at supper; I saw a lamp at Goss' shop; it was a large glass lamp, and I judged from its looks that it was a coal oil lamp; it would hold between a pint and a quart; I have no knowledge that a candle was used there the night of the fire; I was a witness before the coroner's jury, but did not testify about the fire, and only about going to Baltimore at Mr. Underzook's request; I was not asked about the fire; Goss and Underzook married sisters—Misses Stuart, and stepdaughters of Mr. Arden, of Baltimore; Mr. Goss' wife was Eliza W. Stuart; I saw the body when it was examined by Dr. Arthur Brogden, both when it lay upon its face and its back. Under a lengthy cross-examination nothing of special interest was elicited. The Court here announced that the jurors not on the special panel would be again discharged until next court, as the case at bar would probably not be ended this week.

J. C. Smith, of Baltimore, was recalled and testified.—I put the body in the box; the waist was so small that when I first pulled it out I thought it was the body of a female; I do not know whether or not I said at the insurance suit that I first thought it was the body of a female; the first party who came to me about the insurance suit was Mr. Mottu, a lumber merchant of Baltimore, and an uncle of Goss, and then Detectives Pontier and Mitchell; during the week several came to see me, and Mr. Langley among them; I do not know Mr. Langley came to see me; I do not know in whose interest the detectives came; Underzook said the body was that of Goss, and Mr. Lowndes said in Underzook's presence that his colored woman had said she had seen Goss going down the lane just before the fire; that lane leads to the York road; Underzook said, "No, that (the body) is Goss." and commenced to cry; when he commenced to cry that shook me in my belief that it was a female; I swear that Mr. Lowndes, the owner of the property, I don't know his first name, made the statement about his colored woman having seen a man run down the lane; I do not know that Underzook was crying, but he was making a noise; I became suspicious of everybody.

Officer James S. McFarland testified.—I am a police officer in Baltimore, and was so on the 2d of February, 1872; I have a certain beat, about three and a-half miles from Goss' shop; about 11 o'clock the night of the fire I saw the prisoner; I was then at the intersection of Madison and Eutaw streets in conversation with Officer Hughes; Underzook came up and asked if we wished any news for the newspapers of an accident which had happened that night in Baltimore county; he then said that he, his brother-in-law, Mr. Goss, and another friend had gone to Baltimore county to try experiments for a patent as a substitute for gutta serena; that Goss had rented a frame building purposely to try the experiments; that after they had been there some time Mr. Goss wished to be alone, not wishing them to see him work on the patent, and requested them to retire; he did not mention his friend's name; he and his friend went to a house, and while they were out the building occupied by Goss took fire, and when he got back the building was entirely consumed, with Mr. Goss' body lying there, burned up; nothing remained, he said, but a portion of his body; I asked how he supposed he took fire, and he said either by the explosion of coal oil lamp or some of the chemicals he was using in the experiment; we generally get reports for the press, and I

wished to get a correct report, so I invited him into a cigar store; we requested the young man there to take down Mr. Underzook's statement, which he did; it was similar to what he had given me, except that he gave Goss' full name and residence; we had to have the name and residence for the press; I asked his name and residence, and he gave them without hesitation; he said he lived in Conway street, on Federal Hill; he said he was on his way home, and had just come in from the fire.

To Mr. Whitney.—He said he had not been to Mr. Goss', but had sent word by a young man; if reporters are out late they generally call for all up to 12 or 1 o'clock at night; we give the items to the sergeants; we try to benefit the press all we can in giving them information; we told Underzook that we wanted it to go in the papers the next morning; it appeared the next morning in the Baltimore GAZETTE.

To Mr. Hayes.—Underzook was then a quarter of a mile from Mrs. Goss, but when he left he did not go in that direction, but towards his house; he was a stranger to me, and I noticed him particularly; I recognize him now, and cannot be mistaken.

Charles E. Hughes testified.—I am a policeman in Baltimore; Underzook came to Officer McFarland and myself and said, "You are the first officers I have met; I came to give you a report of an accident which happened in Baltimore county, about three miles from the city;" he said he, Goss and a friend had hired a vehicle to go three miles out on the York Road; then he told what Officer McFarland has detailed; he said he supposed Goss had been suffocated; he did not say what became of his friend and the horse and wagon; he said he had walked in.

Officer McFarland, upon being recalled, said that Underzook told him that he and his friends had gone out in a vehicle.

Dr. E. Lloyd Howard was here recalled, and the defense obtained permission to ask if the remains he saw on the 18th of July last were recognizable, but upon Dr. Howard's answering the Court that he had never known Goss, the Court ruled the question out. Mr. Whitney called attention to the fact that there was a distinction between the recognition of the body on the 18th of July, and the recognition by other witnesses of the remains found on the York Road. The Court reviewed the question and said that it could not allow the question. Dr. Howard was a scientific gentleman, but the question was not a scientific one. Mr. MacVeagh having arrived, desired the Court to note an exception.

Mr. Hayes said the State would withdraw objection to the question if the defense would agree that the same question should be asked by the State of other witnesses who had seen the body, and that the photograph of Goss should be shown them.

Mr. MacVeagh said he would not agree that the witnesses who had been called should come again and guess at this point but he was willing to take the opinion of Dr. Howard as a scientific witness and a professor of anatomy in two colleges.

After some desultory offers and discussion, the State objected to the question, and the Court ruled it inadmissible.

Dr. Howard resumed.—About the 10th of February, 1873, a year after the burning, I examined with other surgeons (Drs. Miles, Wisong and Gorgas) two being physicians and one a dentist, the body found in the ruins; I made a very careful and critical examination of the teeth as of the whole body; we found in reference to the upper jawbone that it had been somewhat burned along the margin of the sockets of the teeth; a portion of the body of the lower jawbone had been burned below the sockets of the teeth; in the upper jaw we found but two teeth remaining in position, and that five more had been lost immediately preceding or after death; in the lower jaw seven teeth were in position, and two had been lost immediately preceding or after death; of the nine found in the head, one was but a root and five others showing marks of disease; there were marks of an abscess upon

the bones of the upper jaw, showing it had existed at the root of one of the front teeth; of the teeth remaining in the upper jaw about the time of death, five were front teeth, including the eye teeth, and two of them were back teeth; in the lower jaw of the teeth at time of death, five were front teeth and four back teeth; the root found in the lower jaw was included in this enumeration; that root was one of the middle front teeth, and the two front teeth upon either side being inclined over that root; the teeth were a very irregular set, but sixteen remaining in the mouth at the time of death, thirty-two being the natural full number, so that half were missing; I could know with certainty that he had but sixteen teeth at the time of death; they had been lost some months preceding death; in the upper jaw, upon the left side, there were six teeth missing, five back teeth and one front tooth; the front tooth was the second one from the centre; upon the right side of the upper jaw there were teeth missing, all back teeth; on the lower jaw, upon the right side, three were missing, all back teeth; on the left side of the lower jaw there were four missing, one front and three back; that front tooth was next to the middle tooth.

Here the Court adjourned until half-past two o'clock. The audience increased during the session, but the proceedings were quite tedious, being confined to the inquiry into the identity of a body about which but little interest is felt, apart from its connection with the case at bar.

AFTERNOON SESSION.

[Special Telegram to Baltimore Gazette.]

WEST CHESTER, PA., November 3.—Dr. Howard was recalled, and testified in relation to the teeth and condition of the body examined by him on the 10th of February last, but nothing special was elicited. He was not able to recognize the body of Goss on the 10th of last June. The State now offered in evidence the record of the trial of the suit in Baltimore by Eliza W. Goss against the Mutual Life Insurance Company of New York. The Chief Judge said that all brought out at that trial would not be evidence against the prisoner except so far as he was connected therewith, but the fact that suit was brought could do to the jury.

Mr. MacVeagh then stated that suits were brought, and that one only was tried, that of the Mutual Life Insurance Company of New York, and it was decided on the 2d of June, '73, against the Company, and motion for a new trial was made by the defendant, and was pending at the time of the alleged murder.

William R. Crockett, of Newark, New Jersey, testified that he sold A. C. Wilson, last June, shirts, hose and collars; he identified the shirt found with the remains in Baer's Woods as one he had sold him, being positive from the mark of his firm in indelible ink; he could not identify the hose or collars.

W. S. Hinds, of Baltimore, testified.—Reside in Baltimore; knew W. S. Goss 16 years; used, as a tailor to do work for him; I measured him last for a black frock coat. [The witness then gave the measurements from a book.] That was July 27, 1866; the coat (the one identified by Mrs. Toombs, of Newark) here shown me has the appearance of the coat made, but is very much worn; it is an old fashioned coat now, but still it has marks of my manufacture; the inside work and sleeve lining are mine; have measured it, and the measurements compare exactly with those I took of W. S. Goss; I can identify the coat only by the measure.

To Mr. MacVeagh.—I remember making a coat of black cloth; the only mark is a name on the collar loop; examining it with a magnifying glass I see the letters W. S.; those letters are also the first of my name; the custom is to put the initials of the customer; cannot recognize this coat by any other means than by the length and by general appearance.

The counsel in the case here agreed that suits were entered to recover insurances on the life of

W. S. Goss; that a trial was had to recover, against the Mutual Life Insurance Company of New York, and the verdict was for the plaintiff; that a motion for a new trial, not made, however, on the grounds of the discovery of new evidence, was pending, and that other suits to the amount of \$15,000 were also pending.

J. O. Clephane next testified.—Reside in Washington and am a stenographer; was present at the trial in Baltimore of the suit of Eliza W. Goss vs. Mutual Insurance Company; took notes of the testimony of Wm. E. Udderzook; cannot say from recollection what he said, but can identify a transcript of the short hand notes I took there; recognize this transcript, it was made by several parties from my notes and subsequently carefully compared by me with my notes; it would be impossible for me by merely refreshing my mind by the notes to say to what he testified, I can do nothing but read from my notes. The Chief Judge said there was a class of cases in which the testimony of a stenographer would be admissible, but he would hesitate a great while before he would admit such evidence in a capital case. The stenographer was not under oath to make an accurate and full report, and the prisoner was entitled to every fair doubt.

J. W. Langley recalled, testified that Udderzook signed in his presence an affidavit to the fact and manner of the death of W. S. Goss on the 2d of February, 1873. [The affidavit was put in evidence and read to the jury.] He also testified that at the insurance suit in Baltimore Udderzook testified that he identified the remains as those of W. S. Goss.

Thomas C. Maguire recalled, testified that Udderzook testified that the remains were those of W. S. Goss.

Mr. Hayes now proposed to offer the statement of A. C. Wilson, made to D. R. Mullin and family, that Udderzook had sent him there, and also the statement and proposition made to Michael O'Donnell, at Newark, N. J., asking him to engage in defrauding life insurance companies.

The Chief Judge said: I am decided in the judgment that is not evidence; declarations of co-conspirators can be admitted when in pursuance of a design. The statements were mere confessions and could not be admitted against the prisoner.

Robert H. Hodgson testified.—Reside in New London, Chester county; know the prisoner, and met him on the 28th of June, late in the afternoon, in Wilmington, Del.; he took a seat by my side in the cars, and I rode with him to Philadelphia; we got out of the car together and separated in the depot; did not see him again until I saw him since he has been up; he said he was going to New York; I got in the car at Elkton, and he said he came from Baltimore; I thought I recognized him, and he told me his name; I have a diary at home but did not bring it here; I have referred to it; I remained in Philadelphia over Sabbath.

Josiah Jacobs testified.—I live in Philadelphia; am a clerk in the William Penn Hotel, West Philadelphia; on the 27th of June last saw the prisoner at the hotel; he asked for A. C. Wilson, who was in his room; I showed him up to Wilson's room, knocked and Wilson admitted him; I saw them the next morning at breakfast, and both left in the morning; did not see them afterwards; A. C. Wilson came to the hotel on the 26th June, before dinner, bringing nothing when he first came; in the afternoon of that day he brought a valise; he registered his name in my presence; the name now shown me on the leaf from our register is his; Udderzook did not register.

Mr. Hodgson was recalled.—I feel that I am not mistaken about remaining in Philadelphia over Sunday, but am not so positive that it was Saturday evening I reached Philadelphia. [Orders were given for the register of the Colonnade Hotel, Philadelphia, at which the witness stopped, to be brought into court, that the day of his arrival might be fixed.]

Singleton Coyle, Express Agent, Newark, N. J., was called, but his knowledge of the delivery

of packages to A. C. Wilson was not sufficient to render his testimony admissible.

Francis M. Pyle, testified—I reside at West Grove, Chester county; saw the prisoner on Monday, June 30th, in my barn, between 10 and 12 o'clock; hearing footsteps on the barn floor I went up and saw two men; one I recognized as Wm. E. Udderzook, and the other a stranger; I merely spoke to them; asked Udderzook, I believe, if they were strangers in the neighborhood, and he said: "We came out from the city to take a little recreation and fish along the creeks;" that was all that was said there and then; I went to the house, leaving both there; I stayed at the house half hour or three quarters; came out; met Udderzook at the back yard, 50 or 60 yards from the house; he asked me if they could get or buy a pie, and I told him I did not know anything about that, he would have to ask the women; went on to the barn, and Udderzook went on to the house; I went up on the upper barn floor where they had been; I walked out on the barn bridge, and saw Udderzook and my two little boys going up towards the other man who was standing at the head of the orchard, near the house and one hundred yards from the barn; Udderzook was carrying something like a plate, with a cloth thrown over it; I went to the house, and as I went, noticed the men under the apple trees in the orchard; I went on to dinner and saw nothing more of them; I had known Udderzook since '54 or '55; also knew his two brothers; he spoke to me as if he did not recognize me; he wore a straw hat, blue pants, boots on and pants rolled up; it had rained that day; Udderzook's hat was trimmed with buff.

The court here adjourned. The court-room was crowded, many ladies being present. Udderzook's wife and daughter were with him. Sheriff Gill remarked to the prisoner, "You are a doomed man." Udderzook quietly replied, "I don't see it."

Arrival of Mrs. Goss.

Mrs. Goss arrived Saturday morning, and that night held a conference with Mr. Whitney. He stated to her his conclusions, but what they were is not known. Saturday afternoon, soon after the meeting of the Bench, Messrs. MacVeagh and Whitney retired for a few minutes into an ante-room with Mrs. Goss and announced to her that from the proof afforded by the letters identified, they believed that A. C. Wilson and W. S. Goss were one and the same person. At this news Mrs. Goss was much affected and swooned away, and there was a promise of a scene, but her friends succeeded in restoring her, and she became more composed. She came here under telegraphic summons from Mr. Whitney. She was accompanied by the little son and daughter of the prisoner, and Saturday afternoon they were present with their father in the court-room. Both were prettily dressed, and the little girl is decidedly handsome. Udderzook took them upon his knees and caressed them. At the time Mr. MacVeagh was arguing the inadmissibility of the testimony touching the alleged conspiracy Udderzook paid close attention, but at the same time held to his children tenderly. His wife soon joined him, and the family picture only needed the baby to complete it.

It is known that A. C. Goss, of Baltimore, is now under \$10,000 bonds to answer the charge before the Criminal Court of Baltimore of conspiring with Udderzook to defraud the insurance companies, and it is avowed by the insurance men that their companies will prosecute him to the full extent of the law. They are resolved to make this a test case, and have not relaxed their efforts to protect themselves from what they believe to be a bold attempt. The testimony in the insurance suit was taken in full by Mr. Clephane for the companies, and he is here in their interests.

Of course there is much inquiry as to the movements of W. S. Goss after he left Baltimore on the night of the fire, February 2, 1872, until June 22, 1872, when he reached Mr. Mullin's,

near Cooperstown. It came out at the insurance suit that on the night of the fire a man was seen to run down Steele's lane, near Goss's shop, and it is now known that Goss took the cars at President street depot and got off at Wilmington. He remained several days in Wilmington, and the next heard of him was through the postmark of a letter to A. C. Goss, from Saratoga Springs, New York. It is believed that he then went to Canada, thence to Michigan, thence to Memphis, Tennessee, near which place his father's family resides, and then via Baltimore to Cooperstown. He was even bold enough to register his name at a hotel in Baltimore as A. C. Wilson.

The insurance companies were able to satisfy themselves that Goss was living, but were not able to obtain, at the time of the suit, proof to satisfy a jury. The teeth of the subject taken from the ruins of the fire afforded the strongest proof in their possession, but was thrown out by the jury, as stated at the time to your correspondent by a member of the jury. It will be remembered also that there was considerable testimony as to the movements of A. C. Goss on the evening of the fire, including the hiring of a buggy from Dr. John Thorn and his engagement with a young lady at his boarding house. A pair of gloves also figured, and there were some sharp contradictions.

It is well known to detectives that parties who engage in a conspiracy and assume names generally retain some portion of a name most familiar to them, and that they often cling to what has been longest in their minds. Goss assumed the name of Alexander Campbell, that being the Christian name of his brother, who, it is now alleged, was a co-conspirator. Udderzook, when he went to Newark on the 11th of May, was introduced under the name of Mullin, that being the name of the gentleman with whom Goss had boarded at Cooperstown, and with whom both were acquainted. When A. C. Goss hired the buggy from Dr. Thorn he gave his name as A. C. Arden, 314 Eutaw street, Baltimore, that being the name and residence of the stepfather of Mrs. W. S. Goss; letters from Goss alias Wilson were addressed to Miss Eliza Burke, 167 Conway street, Baltimore, care of Udderzook; Eliza Burke is at present in West Chester, and is nursing Mrs. Udderzook's child; she is an ignorant servant; cannot write, and was then living in Udderzook's house; it appears in evidence that Goss alias Wilson addressed letters to Eliza Arden in Baltimore; the first name of his wife is Eliza, and her stepfather's surname is Arden.

WEST CHESTER, November 4, 1873.

At the opening of the Court this morning, the spacious room was not more than half filled, a majority of those present being ladies, but by half-past 9 o'clock every seat was occupied. The ladies present embraced every class and age, from the early morning scrubbers to the fashionable ladies who air their sweetness in costly carriages on pleasant afternoons, and from the school miss with primer in hand, to the sedate and respected grandmother in spectacles and drab. As I glance round not less than a dozen of these grand dames, eagerly listening to every word that falls from the witnesses, are in view, and here and there an opera glass, held by a young lady, is fixed on Udderzook.

Promptly at 8.25 the prisoner, erect and with steady step, walked into the court-room, followed closely by the Sheriff. Reaching his seat he faced about with military precision, fronting the Sheriff, and lifted his manacled hands, first presenting the right, and then the left to be unshackled. While this was being done a crimson flush stole over his face, and he seemed to feel that every eye was fixed on him. His hands unmanacled he smoothed his already nicely combed hair, and took his seat. Shortly after his wife took her accustomed seat on his right side. Her face wears a look of much care and anxiety. None of his children were present. Mrs. Udderzook and Mrs. Arden, of Baltimore, were in the court-room. Hon. John Hickman, formerly well known as a Pennsyl-

vania politician and member of Congress, was among the spectators. Mrs. Eliza M. Goss was not present.

The Court met promptly, as usual, Chief Judge Butler and Associate Judges Hawley and Passmore on the bench. All the counsel were present.

Francis M. Pyle was recalled by the State, and testified.—The stranger with Underzook at my house on the 30th of June was large-sized, with dark eyes, dark side-whiskers and mustache; he weighed, I suppose, 170 or 180 pounds; he wore light colored pants; I believe he had no coat on when I saw him; he wore gaiters; his teeth looked as if they might be good; he had on a dark cap; I don't think he had on a collar; I noticed that he had a ring on, but did not notice it particularly; I could not say that the gaiters here shown are those he wore, but they look like theft; I think I would know the man if I were to see him [picture shown]; the man standing looks like a photograph of the stranger of whom I speak; I reside quarter mile northwest of West Grove, on the road leading to Jennersville, two miles from Jennersville—I judge about ten miles from Baer's Woods; it was rather a warm day; I did not see that they had any baggage.

To Mr. Perdue.—I fix the date as June 30, because we began to mow on that day; I have known Underzook since '54; I made up my mind before I left the barn that he was William E. Underzook and I told my wife so; I had not seen him for may be fifteen years; they did not seem to want to talk much; I tried to enter into conversation with them, but they did not wish to converse; I think the stranger said something about being at the cherry tree and I told him that was all right; Underzook said they had stopped in my barn out of the rain, and I told him that was all right; I did not make myself known to Underzook or ask him if he was not Mr. Underzook; I was certain that he was Wm. E. Underzook; I asked nothing about his family; I did not notice Underzook's teeth particularly.

To Mr. MacVeagh.—The stranger said, "Let's be going," and Underzook said "No, let's wait until it dies off;" the stranger was a marked man and I noticed him particularly.

Elmer Pyle, a handsome and well-dressed boy of ten years, was next called and said, in answer to the Chief Judge, that he knew that when he was sworn he should tell the truth, and said further that if he told a falsehood he was liable to punishment in what they call hell's fire. The Chief Judge then decided that he could testify.

He then testified.—I am the son of Francis M. Pyle, and live at West Chester; I saw the prisoner at my father's farm; it was some time near the 30th of June, and on a Monday; I first saw him coming up the road, and next at the cherry tree on the side of the road, then I saw him near the house, and again at the upper end of the orchard; one man was with him; the first time I heard them talk much to each other was about the eyeglasses; they were then at the cherry tree, and I was there, too; I went down to them; the stranger, who had the cap on, wanted to look for cherries; he seemed to be looking for them, and then he asked if Underzook and I had seen anything of his eyeglasses; we looked around for them; after a while the stranger looked behind and found them at his back, and still attached to the black cord; I saw the glasses attached to the string or kind of cord tied together in a knot; the cord looked as if it had been broken; he put the glasses on his nose and commenced to look for cherries; I left them at the cherry tree; as I was starting I heard the stranger call Underzook "Doctor," and told him "we had better be going up under the shed out out of the rain;" Underzook called the other man "comrade;" when I returned from West Grove, as I came up the road, I saw them at the upper part of the orchard; I went on to the house, joined my father, and as we went towards the barn we met Underzook coming toward the house; Underzook asked my father if he thought he could get anything for them to eat; my father told him he would have to go to the house and ask the women; I went then back to the house with him;

he asked my mother for something to eat, and she told him to come around to the front porch, and he did; then she gave him something to eat; she asked him if he would like to have some water, and he said he would; Underzook took the food up to his comrade, and I took them a pitcher of water; they commenced to eat, and I was called to the house; I heard no talk at that time, and did not notice the glasses; I went over there again, and they asked me to take back the dishes; they then went up the road towards Jennersville; the comrade had on a cap; he had broad shoulders and a very high forehead; I saw some kind of a button at his neck; he had a pair of gaiters; Underzook wore a straw hat.

To Mr. MacVeagh.—It looked like rain when I first saw them; I was going down a path from the barn when I first saw them; I was at the cherry tree about fifteen or twenty minutes; I did not notice what Underzook had around his throat, and I noticed the comrade more because he had his coat off. The little fellow bore himself throughout with much credit.

Elizabeth J. Pyle testified.—I am the wife of Francis Pyle and first saw the prisoner and his friend on the 30th of June, walking around the orchard about 10 A. M.; I was not near enough to notice them particularly; about 11 o'clock Underzook came to the barn and he asked if I could give them something to eat; I said I supposed I could, but why not go to a hotel where they would get a regular dinner; he said they did not wish to do so and thought they would get it from me; got them something to eat; he took it to his comrade; my son, Elmer, took them a pitcher of water; Mr. Underzook said they had not expected to be begging for something to eat, and that they had bought three pies, had put them in a satchel, and after getting to the depot found they had forgotten it; he said they had left it within a square of the depot, but had not time to go back for it before the train left; he said they came out on a day's excursion; it was on Monday; it was wash-day, and the girls were washing; I don't remember that we had any other conversation; Underzook wore a coat, pants and vest all of dark blue; he had on a wide collar and a long blue necktie extending down his bosom, but not far enough to hide his shirt studs; he wore a fashionable "rough and ready" straw hat, with the rim turned up.

To Mr. MacVeagh.—I had been to church the day before, and know it was Monday; Underzook wore shirt studs—gold frame, with a clear glass stone; they were quite small, but very pretty; his cravat was tied so as to let the ends hang down.

To the Court.—My husband said that day who he thought Underzook was.

John A. Nichols testified.—I reside now in Brooklyn, N. Y., but until the 1st of June last in the vicinity of Baltimore; I was general agent for the Knickerbocker Life Insurance Company; I met W. S. Goss once; he applied to me for insurance, on the 26th of January, 1872; he had not applied before; he was brought to my office, and took out a policy for \$5,000, making payment for three months; I do not remember seeing him sign the application; there was an application made through A. C. Goss for the money after the fire on the York road.

To Mr. Whitney.—Mr. Goss was introduced by Mr. Barnitz, who has testified here.

Thomas D. Loudenslager testified.—I reside in Baltimore and know the prisoner; he worked for Jos. Thomas & Son, on Clay street, for 18 months the last time; he was discharged just before the fire; on the day of the fire a box came to our place, was unloaded, and sat upon the pavement; that was in the forenoon, and in the afternoon it was taken away by Underzook and W. S. Goss in an express wagon; I do not know who the driver was; I was as far from the box as across the room; I was at the end of the factory looking out of the door; from the distance at which I saw it I would take it to have been four or five feet long, fifteen or eighteen inches high; it was closed up all around; when Underzook came up from helping to unload it three of the workmen and myself were standing

together; one of the workmen asked him what was in the box, and he said it contained machinery for the laboratory on the York road; nothing more was said by or to him.

To Mr. MacVeagh.—The box was taken away soon after 1 P. M. in an express wagon; it came in an express wagon; I first made the statement about the box soon after the discovery of this murder; I knew of the insurance suit; I was asked about the box by Mr. A. R. Carter; a Mr. Laughton, an insurance agent from New York, asked me about the box, but I gave him no information; I denied to him that I knew anything of it; I do not consider that exactly a falsehood.

To the Court.—He was discharged soon after the fire on the York road, as business got dull with us; I don't think Underzook mentioned why he brought the box to our place; my only reason for withholding information from Mr. Laughton, was, that I did not wish to have anything to do with this trial.

David R. Mullin, (recalled) testified.—The piece of wood now shown me, is part of a screw-driver which Wilson made at my house.

John J. Chambers testified.—I reside at West Grove; deal in lumber and coal, and am agent of the railroad company; about the 30th of June, after the 9.30 A. M. train had arrived, a person called and asked the way to Jennersville; I do not remember that he left anything but that a valise was left there about that time, and to the best of my knowledge it was there several days.

The witness was not cross-examined.

Mrs. Mary Watson testified.—I reside at Jennersville, in the house of Mrs. Jane Underzook, the mother of the prisoner; the house is on the road from Jennersville to Cochranville; on the 30th of June a man came to the gate and inquired for Mrs. Underzook; it was early candle-light; she was not there; he left me and went toward the hotel about twelve feet from me, then turned and went back toward Cochranville the way he came; he went about forty feet, crossed the road, and got over a fence into Mr. Woodward's orchard; he was going east from me; I did not observe him particularly.

Samuel C. Jefferis testified.—I reside now at Lancaster, Pa.; moved there on the 17th of October of this year, and had previously resided at Jennersville; I kept the hotel in the village; saw the prisoner on the night of the 30th of June last, about 9 o'clock, at my hotel, and with another man; he asked for supper, and I told him it was too late for supper; after some solicitation on his part I gave him a lunch; Underzook and his friend ate the lunch; Underzook paid for it; I then told them it was bed-time, and if it would be any accommodation to them they could stay all night; Underzook said he would consult with his friend and tell me in a moment or two; in a few moments he came and said they would remain all night; I then showed them to a room in the second story, fronting south; the adjoining room was, I believe, occupied by Harvey Townley, a drover; I discovered that no wash-stand was in their room, and after bringing one for them I retired; the next morning before breakfast Underzook came down; when breakfast was ready I asked him if his friend was ready, and he said he was indisposed and would not come down; either before or after breakfast he asked me respecting a team; he ate breakfast and took breakfast to his friend; I referred him to Ed Patchell for a horse; then I left for Kimberly; he told me he would be back for his friend by dinner time; I returned about 2 P. M., and Underzook came back between 6 and 7 P. M. that day, July 1st, 1873; he had a falling top wagon and bay horse; I noticed a lap blanket folded, lying on the seat, and a sheet such as is used as a summer cover for horses; he watered the horse and had some conversation with his friend; I observed them go aside and converse; his friend was on the porch when he returned; Underzook said he was going down to see his mother; that was said as they were separating; Underzook went down the road towards his mother's is his conveyance, and said he would return in about thirty minutes; he returned in about thirty minutes; I

did not particularly observe his friend the night they came; when I came at 2 P. M. July 1st, I went into the dining room which was darkened, and I saw a man lying on the lounge; the man was on the porch about 4 P. M., and he called me to him; we had some conversation off and on for probably a half hour; he was at tea; Harvey Townley and my son George Jefferis were at the table; he left in the carriage with Underzook, Underzook sitting on the right side and driving; I did not see the stranger afterwards; they went in the direction of Cochranville; Underzook wore dark clothes; I had not seen him before; his straw hat was trimmed with brown; I noticed that the stranger had a mustache, was erect, and rather a fine looking man; as my recollection now serves me he wore no vest; I would suppose he was from the neighborhood; they went away the evening of Tuesday, July 1st, about 7 o'clock; (picture shown) the man standing resembles the man I saw with Underzook.

To Mr. Perdue.—I merely noticed that Underzook wore dark clothes, coat, vest and pants; I first saw Underzook on the afternoon of Tuesday, about six o'clock, when he came with the horse and buggy.

Mr. Hodgson, of Elkton, Md., took the stand, and said he had examined the register of the Colonnade Hotel, Philadelphia, and found that he arrived there on the afternoon of the 28th of June last. [The clerk of the William Penn Hotel, Philadelphia, had testified that Underzook had registered there on the 27th of June. Mr. Hodgson had testified that he traveled with Underzook on the 28th of June, on the cars from Wilmington, Del.]

Margaret C. Jefferis testified.—I have seen the prisoner; it was on Monday, June 30; he was standing by our kitchen; a man was with him; I saw Underzook come and ask Mr. Jefferis for supper; I afterwards saw them as they went upstairs to retire; I saw Underzook at the breakfast table next morning, and waited on him at the table; he said he would take the other man's breakfast up to him; I gave it to him, and Underzook went up-stairs with his breakfast—omelette and ham, blackberry sauce, bread and butter; they occupied the same room; I did not see Underzook that day after he took breakfast; I saw the other man between 9 and 10 o'clock; the day was warm; thinking the man was a relative of Mr. Underzook's, I inquired particularly after his health, having heard he was sick in the morning; I conversed some four or five minutes, and told him I would close the dining-room shutters, and he could lie on the lounge; the next I saw of him he was lying on the lounge; I conversed with him while he was in the dining-room; after this, about 11 o'clock, he rapped on the kitchen door, and I opened it and conversed with him a very short time; next I saw him lying in the dining room; he jumped up straight, and exclaimed he would pay any price for liquor; he then ordered his dinner and got it; he was alone; it was near 12 o'clock; a little girl, Sallie Cook, waited upon him; he ate heartily; he was a stout man, fine looking, but appeared rather soiled.

The witness further described his personal appearance, features, &c. She thought he was the straightest man she had ever seen. He had no vest or collar on. The photograph of W. S. Goss was shown, and the witness said it resembled the man. This witness was not cross-examined.

Harvey Townley testified.—I reside in Crawford county, Pa., am a farmer, and drive cattle; I saw the prisoner at Jennersville on the 30th of June last in the evening at Mr. Jefferis' hotel; I was lying on the lounge; I saw nothing more of them that night; my room adjoined the one occupied by them; I fastened my door, and could hear them poking around in their room; about midnight I heard a racket in that room which waked me; the other rooms were unoccupied; the noise was as if some one was up stirring about; I got up, lit my candle, looked to see the time, and found it a little after 12; I listened to see if I could hear what they were talking about, but they were whispering, or talking low, and I could not hear what they

said; I then went back to bed and slept till morning; Udderzook told Mr. Jefferis at breakfast that he had had a good bit of trouble with his friend for a couple of nights; after breakfast Udderzook came out on the porch and sat near me; he then asked Mr. Jefferis for a team to go to Penningtonville; Mr. Jefferis refused, and Mr. Wallis, who lived opposite, came up, and said, "If William Udderzook was in this country, I would think you were the man," Udderzook said that was his name; sometime after I saw Udderzook and a boy leading Mrs. Patchell's bay mare towards the blacksmith-shop; saw him no more till evening; in the evening after supper I was going to a store across the street and heard awagon rattle over a sewer; I looked around and saw Udderzook and his friend coming from towards Cochranville; he got down, hitched his horse and went towards Mr. Wallis'; as I came back from the store I saw those two men get in the wagon and go off towards Cochranville; I had known Udderzook's mother and sister, and I took a pretty good look at him; he was dressed in what we call navy blue; I think he wore a straw hat; his friend wore light clothes. The Court here took a recess.

Eleven witnesses have been examined, principally as to the movements of Udderzook and his companion on the 30th day of June and 1st day of July last. On this point the evidence was conclusive.

AFTERNOON SESSION.

[Special telegram to the Baltimore Gazette.]

WEST CHESTER, Pa., November 4.—Harvey Townley resumed, and described minutely the appearance of Udderzook's companion when they arrived at Jenersville, and said the photograph of Goss resembled the man.

George C. Jefferis, son of the hotel keeper at Jenersville, identified prisoner as the party who was at the hotel with a stranger June 30 and July 1.

J. A. Wallace, testified.—That he had known prisoner twelve or fifteen years, and saw him at Jenersville, July 1st last; said to him, "This is Billy Udderzook if I am not mistaken;" he raised his head, but spoke so low in reply, that I did not hear him; the prisoner is the man I saw.

To Mr. MacVeagh.—When I spoke to him, I did not hear his answer with sufficient distinctness to repeat it.

Charles Watson testified that he saw Udderzook at Jenersville July 1st last, in the morning, and again in the evening, with a horse and buggy; he also saw his companion.

Ed. Patchell saw the prisoner July 1; he came to his house about 7 A. M., to get a horse; when he saw him he said, "Hello, Billy, you are a stranger in this country;" Udderzook replied, "I was sent here to get a horse to go to Penningtonville, or this side, to Samuel Rhodes;" after engaging the horse he asked for a carriage, saying he had a friend at the hotel he wanted to take to Samuel Rhodes'; witness said he had no carriage, and Udderzook left on horseback, returning about five P. M., bringing another horse and a buggy, and returning his (Patchell's) mare; he then drove off towards Jenersville, and later in the afternoon with ss saw Udderzook going up the road with a man in the buggy.

Annie Rhodes testified next.—I am the wife of Samuel Rhodes and a sister of the prisoner; on the 1st of July Wm. E. Udderzook came between 11 and 12 o'clock that morning to see us; I reside three-quarters of a mile south of Penningtonville; he asked if Mr. Rhodes was at home, and I told him, "No, he was at Mr. Zachariah Baldwin's." [Here the witness burst into tears, and for several moments was deeply affected. Udderzook's mother, who was outside of the bar, immediately behind, buried her face in her handkerchief and wept bitterly. A chair was brought by order of the Court, and the witness was seated until she became more composed. Udderzook bowed his head, but soon recovered his usual calmness.]

Witness resumed.—He (Udderzook) said he wanted to see Mr. Rhodes; that he had come from Philadelphia, and I accompanied him to Mr. Baldwin's hay field, where my husband was working. The witness testified further that near the hay field Udderzook and her husband held a conversation, which she did not hear; after the conversation she and Udderzook walked to Penningtonville, distant about three-quarters of a mile, where he hired a horse and buggy, and they returned together in the buggy to her house; Udderzook declined to remain to supper; said he would be back that night, and drove off; he had told me he had a friend at Jenersville in delicate health, and that he thought a few days in the country would do him good; he asked if it would be an inconvenience to us to entertain him, and I told him no; he did not give me the name of his friend, and I asked no questions about him; we sat up and waited for him until 11 o'clock, and about half-past 11 we heard a vehicle drive quite rapidly past.

Samuel Rhodes testified.—I reside about three-quarters of a mile from Penningtonville; my wife and Mr. Udderzook called on the 1st of July to see me at Mr. Zachariah Baldwin's, in the hay field, between 1 and 2 o'clock; he first said it was warm; then we passed a word or two; he had written me rather a suspicious letter, and as soon as I saw him I thought of it; after he spoke to me I asked him about that letter, telling him I had written back to know what it was and had received no answer; he said "No I couldn't write any more, it had to be done by word of mouth;" however, he said it is just as good now, and better, if anything; he said it is a sure thing for 1,000 dollars apiece; then he said let's go up to the shade; we walked and sat in the shade at the edge of the field; I asked what it was, and he said, well have you got a horse; I said yes; he said have you got a wagon that will hold three; I said yes; I believe I said I had no carriage, but could get one; I asked him when we would get the money; he said we will get \$500 apiece right away; there was more money we would get; he began to say something about it and stopped; he said he would guarantee me \$1,000 any how; I asked where we would get it, and he said right here at Jenersville; I have towed it to Jenersville; I asked him what it was; he said it was a man who was drinking and spending his money for no good; he said he had "the pokes" two or three times since he had been with him; he said he had about \$1,000 with him; he was pretty certain because he had been drawing his money through him; he wanted me to hitch up and go right away with him to Jenersville, get this man, take him to the woods, and he would give him a little laudanum to put him to sleep and take his money; I said I can't go on that; I told him if he commenced that he would ruin himself and his whole family; he said there was not a bit of danger—he had had this man to New York, or Newark, am not certain which, and Philadelphia; I said I wouldn't go to all that trouble unless I knew what I was doing; I told him that nobody knew what they were doing when they commenced that kind of business, and that he would have to give up the idea; he said "I'll not go home till I get it;" he said he would do the stealing, and spoke as though he only wanted me to hide the money; he said if I would have nothing to do with it, he had been at a good deal of trouble and expense, he would do it himself, and bury the money; I told him not to do it, and that I must go to my work; I told him to stay a day or two, and I could talk to him; he said the man would not stay in Jenersville by himself, and if he stayed he would have to bring the man up; he asked me if he might; I told him he should; he then asked me for my horse to bring the man up; I told him I could not give him my horse as he was at Napoleon Warner's; he asked if there was a livery stable at Penningtonville, and I told him he could get a vehicle there; he said the man was very sick, and that he thought he would have died the night before, or the other night; he said he had to dose him up, and he believed he would die; he said, "How would it be

with you and Annie, if he happened to die at your place; would you allow me to put him away, and say nothing about it?" I told him if a stranger died at my place, there would have to be a Coroner's inquest; he said there was nobody to look after this man, and that he had been lost for a long time, and ever ybody thought he was dead; he had no friends to look after him, or who cared anything about him; I told him it made no difference, and that if a stranger died, there would have to be an inquest; he threw his head down; his cheek next to me grew red, and he said that might lead to some suspicion; I told him I could not help it, and told him I could not have anything of that kind; he said, "Well, what then?" I told him I could not tell anything until I saw the man; he started then in the direction of Penningtonville with my wife. [The witness identified the following letter as one he had received from Udderzook, between the 16th and 20th of December last, to which he had replied and received no answer]:

Friend SAM

I have, something of much interest that I wish to communicate to you. *it* must be done by word of mouth. please don't let *any* one know of our *communications* but as soon as you read this. *mount your horses and come to Oxford take the morning train* to Baltimore when you arrive in Baltimore inquire for Mr. Duker & Brother plaining & saw mill. This mill is right a cross the street from where you get out of the cars. I am employed in said mill and am there every day. you will arrive at one O'clock you must take the next train for Oxford which is at half past two that will give us one hour and a half which will be sufficient, for us to arrange one of the finest planes that you have heard of. there is a COOL one thousand dollars in it and there is nothing to prevent us from getting it this is *without a doubt*. do not by your ticket at Oxford but pay for your fair on the cars. do not let a *sole* know where *you go*. I cannot explain further till I see you. *do not fail to come drop every thing at once*. you can make the trip in a few hours. I have no person else in confidence with me and now propose to take you. you will find that it is the best days work that you ever did. I will give you the full explanation when I see you (bring this letter with you) your expenss will be only four Dollars or a little less. Very Respt Yours

WM. E. UDDERZOOK.

(Be firm, Be true.)

The letter concludes, and is signed on the third page of the note sheet. On the fourth page, near the bottom, evidently written after the letter was folded are the words: "If you decline to come write me a line to 167 Conway street, Baltimore, Md."

The envelope containing the letter was addressed to Mr. Samuel Roades, Penningtonville, Chester county, Pa., and postmarked Baltimore, December 16. He was rigidly cross-examined, but his testimony was not shaken.

He stated, however, that Udderzook had been an enemy of his, and that he had suspected him of having a trap laid for him. He was not required to give an account of his visit to the body in Baer's woods.

Annie Skelton testified that Rhodes showed her Udderzook's letter the day he received it.

Mrs. Elizabeth Udderzook, widow of a brother of the prisoner, testified that Mr. Rhodes showed her the letter last April.

Albert Baldwin, keeper of a livery stable at Penningtonville, testified that Rhodes told him of the conversation with Udderzook prior to July 11.

Zachariah Baldwin saw Rhodes and Udderzook on the 1st of July in conversation, and two days after Rhodes told him of it.

Samuel Slocum testified that on the 6th of July Rhodes told him of his conversation with Udderzook, and showed him his letter.

Samuel McKeon saw Udderzook at Penningtonville, about 2 P. M., July 1st; directed him to Baldwin's livery stable, and saw him drive off, taking a lap cover and blanket; he said he would return at about 6 o'clock.

Albert Baldwin hired Udderzook a buggy at Penningtonville on 1st of July, to go to Cochranville; he promised to return at 6 P. M., but had not at 9 P. M.

Gassaway Peters, a stable man at Baldwin's livery stable at Penningtonville, testified.—I passed Udderzook in a buggy on the afternoon of the 1st of July, going towards Jennersville, and recognized Mr. Baldwin's horse; I waited and saw him that night when he returned at twenty minutes of twelve o'clock; I told him he was out late; he said when a man gets among the women he does not know when he is getting in; I called his attention to the broken dash frame, and he said he did not know how it had been broken; the dash frame was bent over outwards several inches; two rivets had also been broken out; the witness identified the ring previously shown and the bone collar stud as those he had found in the buggy seat between the two cushions the next morning; he did not know which way Udderzook went that night.

The Court here adjourned.

The State's testimony will close to-morrow, probably by noon. The case will be ended Saturday night. The District Attorney, Mr. Wanger received by this evening's mail, an anonymous letter, dated Baltimore, November 3d, telling him that if he wished an important witness to send for Thomas Christian, of Baltimore, at C. Matlings oyster packing house, West Falls avenue.

At the adjournment this evening the District Attorney said they should probably get through with the witnesses for the Commonwealth to-morrow. The defence could not give a very definite idea of how long they would occupy, but Mr. MacVeagh said he felt sure the matter would not be expedited by night sessions. Rhodes' testimony has given rise to a great amount of discussion on the street, many giving no credit to his story. The excitement over the trial is higher to-night than at any time since the commencement. The prisoner, during portions of Rhodes' testimony, was seen to laugh, and at others bent over his daughter, hiding his face, or conversed with his wife. It is evident that he was greatly affected, and the appearance of the witness created a great sensation in the audience, which was greatly crowded.

A new disclosure has just come out in the Udderzook affairs. On Sunday afternoon Mrs. Udderzook had an interview with her husband in his cell. During this interview the conversation became so loud in the cell as to attract the attention of the keepers and, it is thought, of parties outside. Under keeper Reuben Mercer went to the cell, which was closed; he did not hear the prisoner say anything, but Mrs. Udderzook said: "Mr. Whitney has had an interview with ma and Minnie, and pressed them closer, closer and closer." Then the conversation became so low that he could not hear; but again she said: "Don't you admit anything; if I have to lose you, God knows I don't want to lose them too." This was all the conversation he heard, and as the noise was evidently heard outside the prison, we give the facts.

WEST CHESTER, PA., November 5, 1873.

The trial of Wm. E. Udderzook, charged with the murder of W. S. Goss, in Baer's woods, on the night of the 1st of July last, does not now seem to attract the same eager interest that was noticeable during the first days' proceedings. The testimony has been of so damaging a character that the trial now lacks the incentive of the sight of a man fighting for his life, and the scene is rather that of one driven to the wall. Udderzook bears up with remarkable firmness and calmness, and his wife, too, does not seem to realize the imminent peril in which her husband stands.

The Court was called promptly this morning, Chief Judge Butler and Associate Judges Hawley and Passmore on the bench, and all the counsel present. Udderzook was brought in by

Sheriff Davis Gill, and in a few minutes his wife joined him. The crowd was not great when the court opened, and the majority of the spectators were ladies.

Charles Hann was first called, and testified.—I am a bookkeeper in the National Mechanics' Bank of Baltimore, and knew W. S. Goss; he kept an account in our bank, opening it February 4, 1870, and closing it May 13, 1871; he then opened it again June 17, 1871, and closed it January 31, 1872, drawing the balance (\$365 75) on the 1st of February, 1872; I have carefully examined the book, and there is no doubt that the money was paid; I am familiar with his signature, and I would say that the signature to the letter now shown (without date or address, but understood to have been received by Dr. Steele, of New York) is that of W. S. Goss.

To Mr. Perdue.—I am not able to say that I saw the bank book and checks returned to W. S. Goss, and I cannot say positively who paid the check; I was a witness in the insurance suit.

The defense here put in evidence the letter without date or address, signed W. S. Goss. It has been published in the GAZETTE. The defense also put in evidence the letter signed A. C. Wilson, written from Newark to S. R. Downs, Successor, L. 1., and dated June 19, 1873; also the letter signed A. C. Wilson, dated New York, January 13, 1872, and addressed to David R. Mullin; also the due bill given by A. C. Wilson to H. G. Litzenberg, dated November 23, 1872; also the promissory note, dated September 20, 1872, signed Henry Ronke, spoken of by Mrs. Mullin, who saw A. C. Wilson write it; also the check signed W. S. Goss, for \$365 75, spoken of by Mr. Hann; also the register of the Central Hotel, Philadelphia, and the letter signed Wm. E. Udderzook, and addressed to Samuel Rhodes.

Mrs. Jane Udderzook, the aged mother of the prisoner, was next called and testified.—I have frequently corresponded with my son, and I should judge that I know his handwriting; I have corresponded with him for years as my son; I hav'n't got my glasses, and can't see very well without them.

Judge Passmore now gave the witness his glasses, and she said she still could not see very well.

To the Court.—When I see my son's handwriting I can think I know it or I can think I do not; I should think I did know my son's handwriting when I saw it; it is likely that this signature now shown me is that of my son's. The letter was dated Baltimore, October 30, 1871, and was addressed to his mother. Another signature was shown her and she said "It may be the same." The Chief Judge said that was no opinion, and the witness explained that she did not have glasses which suited her. She then said "It is my judgment that it is likely that the signature is his." She said the same of another signature and said she said so from its appearance. The second letter shown her was dated November 16, 1871, and addressed to Mr. and Mrs. Mullin, the other signature was that first shown. She testified, with qualifications to other letters.

Upon the conclusion of her testimony, the Chief Judge said in a very kind tone, "That is all, Mrs. Udderzook; find a seat for Mrs. Udderzook." She then retired. While on the stand, she bore herself very well; but the position was evidently a painful one to her. She spoke in a low tone, and appeared to be feeble. The trial might have been well spared her by the State's officer.

Gassaway Peters was recalled and said.—I noticed when Udderzook returned, about 12 o'clock on the night of July 1, that there was dirt on his pants up to his knee, but I cannot say what kind of dirt; I noticed it only on one leg; he had no blanket with him when he returned.

To Mr. Perdue.—It was a warm night, and about the hottest weather we had last summer; he wore dark pants.

John Hurley testified.—I reside in West Fallowfield township; there is one small field from my house to Baer's woods; my wife waked me on the night of the 1st of July, and between ten and eleven o'clock I heard a noise like a man

halloaing; I got out of bed and I heard a great halloaing, and thought some one was at the gate; I came to the window, which was raised, and he halloaed again; my wife asked me if it was not the cattle; I heard the hall-aing three times after I came to the window, and it was very loud; it stopped for about two minutes, and I could tell that two men were scolding very severe—very wicked; I could not distinguish what they said; I heard some words, but could not understand them; I thought I heard some word like "hitch," but I heard none so as to be able to repeat them; one of them then cried out "oh," very hard, and not near so loud as any of the rest; I sat there about twenty minutes to see if I could hear the track of who they were, and I heard the track of a wagon or carriage, which seemed to me to be light, and going very fast towards Penningtonville; I am two fields from the road and could see the road; I could not see the vehicle; the sound of the scolding came to me from about the middle of Baer's woods; about daylight the next morning I saw a light in Baer's woods, and it was about where we afterwards found there had been a fire in those woods.

To Mr. MacVeagh.—When I heard of the murder I began to think backward, and fixed the date in my memory as the 1st of July; on the morning of the 2d of July I told a man who was working with me that I had heard a great fight in the woods.

To the Court.—I can tell that I heard more than one man's voice.

To Mr. MacVeagh.—I did not hear any third party's voice in the woods, and I never so stated; I heard "hitch," or "hit," but I could not understand what it was; my wife did not go to the window.

Dr. John J. Gibson testified.—I reside at Cochranville, Chester county; on the morning of July 2, 1873, I observed smoke arising from the woods of Jacob Baer, about the centre or a little to the left of the centre, looking at it from the south; I was then in Cochranville, and about one and three-quarters or two miles in a direct line; Cochranville is on high ground southeast of the woods; to the best of my recollection, it was 5.30 A. M., July 2; I fix the date by several circumstances.

James Robinson testified.—I am a millwright, and in the latter part of June or first of July I saw about 4.30 A. M. smoke ascending from near the centre of Baer's woods; I was just by Cochranville school-house, one and a half miles off, when I saw it; I got within three-quarters of a mile of it, stopped and looked at it; it was a heavy body of smoke with the reflection of the sun upon it; I fix the date at July 2, by a sale at Joseph Walton's farm. He was not cross-examined.

Samuel Robinson testified.—On the morning of July 2, between 4.30 and 5 A. M., I saw a smoke near the centre of Baer's woods; I fix the date by Walton's sale; on the Sunday after the discovery of the body I found a few fragments of clothing in Baer's woods where a fire had been. The witness here exhibited a small piece of black cloth.

Wm. Hannum testified.—I saw smoke in Baer's woods on the 2d of July about the centre; I have visited the woods since the discovery of the body; there is a little opening just where the fire was; I fix the date from Walton's sale.

Albert Baldwin recalled.—On the morning of July 2d, about half-past 8 o'clock, I saw the wagon or buggy I had hired Udderzook; the dash was broken on the left side and bent over out [the dash was here shown]; the oilcloth from the bottom of the buggy had been torn out, and the floor was entirely uncovered; there was some little oilcloth remaining around the tacks; I noticed on the 4th of July stains on the floor of the buggy, but it had been hired out in the meantime; I saw splashes in the wagon which looked like blood stains; it had run through one crack in the wagon; the largest mark was as big as a penny; I had to examine closely to see it; others saw it at the same time that I did, and among them Mr. Samuel Rhodes; Dr. Howard of Baltimore and

'Squire Rambo took away the wood upon which the blood-stains appeared; I made the examination because of something I heard from Mr. Rhodes; I missed the blankets which I had given Udderzook, and he paid for them; I gave to Mr. Patchell the bill for the blankets, breaking the wagon and over-time; this bill (here shown) is the one; I received \$9.

To Mr. MacVeagh.—I cannot tell who used the buggy before Mr. Udderzook; it may have been out previously that day.

Edward Patchell testified.—Albert Baldwin gave me a bill against Udderzook, and I saw him at his mother's on the 2d of July, in the evening; he said nothing for a moment or two, and then said, "Yes, I lost the blankets, but I did not break his wagon"; then he said, "Yes, I broke one small iron in front"; he further said, "I do not feel willing to pay for the wagon, but I'll pay for the blankets"; he paid me \$9 in one dollar notes, he asked me for a receipt, and I told him it was unnecessary for me to give a receipt; he said, "I'll not be here longer than to-morrow morning, but Mr. Baldwin can give it to mother."

To Mr. MacVeagh.—It was about 8 P. M. when I saw him at his mother's; his mother was at Mr. Joseph Miller's.

Robert Holston, a blacksmith, testified that he mended a wagon for Albert Baldwin on the 2d of July, putting in two rivets; I noticed nothing about the wagon.

John Woodruff testified.—I reside a mile below Cochranville, and on the morning of July 2, about 7 o'clock, I saw the prisoner in Cochranville coming from towards Penningtonville; he wore dark clothes and a straw hat; he went into the hotel; I had seen him in Cochranville the previous afternoon.

Joseph Wilson, the clerk and barkeeper in the hotel at Cochranville, testified that a man resembling the prisoner came about half-past six o'clock, or near seven o'clock, and called for breakfast; he paid for it and went off.

To Mr. MacVeagh.—I was in the bar-room when he came, and had just come from my breakfast.

Mrs. Lydia Bowman testified.—I reside in Cochranville at the hotel; I saw the prisoner at the hotel on the morning of July 2 last; I waited on him at the table; his clothes were dark; he wore his coat buttoned up. The prisoner at the bar is the man.

To Mr. MacVeagh.—He was at breakfast only a short time; I did not see him after he left the dining-room.

Thomas Martin stated that he believed he saw the prisoner July 1, on horseback, going towards Penningtonville. His testimony was wholly immaterial.

Samuel C. Jefferis was recalled and testified.—I met the prisoner, Udderzook, on the morning of the 2d of July last, between 8 and 9 o'clock, on the road, about two and a-half miles north of Jennersville, going towards that place, and I had a brief conversation with him; after saying good morning, I asked him what he had done with his partner; he told me he had left him at Parkesburg; that he was going down to see his mother, and then home; Udderzook was on foot; I remarked that if he (Udderzook) was going the other way I could help him—meaning I would take him in the buggy.

To Mr. MacVeagh—His coat was off; I think he was carrying it on his shoulder.

Mary A. Lee, a colored woman, was sworn and testified that she saw Udderzook at Joseph Miller's, where his mother, Mrs. Jane Udderzook, was at the time, on the morning of the 2d July last; it was about 10 o'clock; witness was washing at Miller's on that day; two shirts and a pocket-handkerchief of Udderzook were washed before dinner; they were washed by Mrs. Udderzook, the prisoner's mother; one, was a muslin shirt, the other an undershirt.

This witness was questioned at some length by the Presiding Judge relative to the appearance of the shirts before being washed, and the color and appearance of the water in which they were

washed, to which she replied that she saw nothing peculiar or remarkable in either.

Mr. Hayes, to witness.—Mary, I observed you cried when you first came on the stand. Can you tell us why?

Witness.—Because I didn't want to have any thing to do with it.

Robert C. Kelton affirmed.—I reside at Penn Station, on the Baltimore Central Railroad; the prisoner was there on the 2d of July last, and I sold him a ticket to go east on the 6 o'clock P. M. train; he went on the train east, and returned about 7 o'clock; he had nothing with him when he first came; when he came back he had a valise; the trains meet at Kennett Square; I was not at the station when the train came in from the East; after it came I met Udderzook and said to him, "Billy, you did not stay long," and he replied, "I did not intend to stay long;" he went toward Joseph Miller's; I next saw him on the morning of the 3d; he took the train going to Baltimore, but did not get a ticket; all I noticed about the prisoner was, that he carried a little bundle under his left arm; he did not have the valise I saw him have the night before.

To Mr. MacVeagh.—When Udderzook returned I merely met him in the path; I was not at the station when the train arrived, and did not see him get off the cars.

Samuel K. Chambers testified.—I reside at West Grove, on the Philadelphia and Baltimore Central Railroad; in the fore part of July I saw the prisoner get off the 6 o'clock train due there from Baltimore; the train was going towards Philadelphia; Penn Station, on the same road, is towards Philadelphia; when I first saw him I thought I knew him, but then I noticed that he was a stranger; he came to the office and asked me if the trains made connections for Baltimore that night, and I told him they did not; he then took a ticket for Penn Station, but I did not see him get on the train; I observed nothing that he had with him; West Grove is three miles east of Penn Station.

To Mr. MacVeagh.—I had not known Udderzook.

Henry Painter testified.—I reside in West Chester, and on the morning of the 27th of July I was at Joseph Miller's where Mrs. Udderzook resided; I asked for Mrs. Udderzook, and saw her; she gave me a valise containing a box of paper collars; I identify the valise here shown as that one, and also the box of paper collars.

To Mr. MacVeagh.—I went at Mr. Wanger's instance, and searched the premises on the following Thursday; I had no search-warrant.

To Mr. Hayes.—I searched it with the full permission of Mrs. Miller and Mrs. Udderzook.

Dr. E. Lloyd Howard (recalled) testified.—While at Penningtonville, on the 18th of July last, I received from Hugh Rambo, Esq., several packages sealed and endorsed; one was endorsed "charred remains and fringe picked up by Cloud Clafaul and Henry Jordan;" I examined the contents, and found in the first place a red worsted fringe; I found in addition a number of pieces of cloth burnt to cinders, which showed that the cloth was of two kinds—cotton and woolen, and they are of at least four different textures.

At this point some discussion occurred as to the order in which Dr. Howard's testimony on this branch of the case should come in, and he was requested to retire for the present.

Thomas Carroll testified.—I reside in Baltimore, and am a detective officer; on the 15th of July last Sheriff Gill came to Baltimore; I went with him to Otto Duker's planing mill, corner of President street and Canton avenue; we there arrested the prisoner and took him to our office; we took him into the back room, and in the presence of Deputy Marshal Frey, Chief Detective Crone, Sheriff Gill and myself, he stated voluntarily that he came to Chester county to see his mother, hired a horse, went to see his sister and brother-in-law; that the horse was a false one, and when he got there, he concluded to hire a horse and buggy; he then started back to take the horse to his owner, but he would not lead,

and he untied him and left him on the road; he then took the wagon to return it to the parties from whom he had hired it, and that while going along a man came out, asked him to take him in, and he did so; he carried him to Cochranville, and there put him out; Mr. Crone then asked if he knew who the man was, and he said he did not, and that he was a stranger; Marshal Frey, Sheriff Gill, and Detective Crone, then left me alone with the prisoner; he remarked to me, "This looks bad, doesn't it?" I asked him if any one had seen him let the man out at Cochranville, and he said he did not know; I then said I thought he had better find some one who did see him let him out; our conversation then ceased until I delivered him at the depot to Sheriff Gill; in the car he asked me if I thought he would get out of it, and I told him I did not know what evidence the State would be able to produce against him.

To Mr. MacVeagh.—I made no memorandum of the conversation; he was in Otto Duker's office when we arrested him; Mr. Otto Duker told him we wanted him; I don't think there was any conversation at the planing-mill about the murder; Marshal Frey first asked him if he had not belonged to the police force, and he said he had.

Deputy Marshal Jacob Frey, of Baltimore, next testified.—About the middle of last July I was notified that Sheriff Gill had come with a warrant for the arrest of Wm. E. Udderzook; when he came with Mr. Gill and Officer Carroll he told me he had been a member of the police force; he said he had been to Chester county to visit his people, and that he had thought he would remain there on the 4th of July. The Marshal then repeated the statement made by Udderzook as testified to by Officer Carroll.

Continuing.—He said he had not asked the man his name, or where he had come from, and that he had first met him in the cars, going from Philadelphia to Jennersville; that he appeared to be sick, as he laid his hands on the back of the seat in front of him, and leant his head upon them; that the gentleman had asked for a drink of water, which he gave him; he asked permission to go home and change his clothes, but I told him I could not grant it; I told him that I would send an officer for his clothes, and that his wife could see him; he was then taken to the station-house and locked up. Marshal Frey was not cross-examined.

Chief Detective Wm. C. Crone testified.—I asked him why he came back on the 3d, and he said he had gotten through with his business; he said he thought the man was an agent of some kind; we found upon him Mr. Baldwin's bill.

The Court here adjourned. One of the jurors —Mr. Latshaw—complained of sickness, and the Court directed that Dr. Wood should prescribe for him in the presence and hearing of the officers in charge of the jury.

Mr. Hayes, counsel for the State, in explanation of the irregularity with which the testimony has been introduced, stated that he had been obliged to consult the wishes of witnesses from a distance, for whom he could use no process of law, and he had to promise the favor of putting them on the stand as best suited their convenience.

It has been noticeable that Mr. Whitney has taken but little part in the conduct of the case since the introduction of the testimony of the Newark witnesses, which established the identity of A. C. Wilson and W. S. Goss, and it is understood that he will not address the jury. The arguments for the prisoner will be made by Messrs. MacVeagh and Perdue. The case must come to an early close.

AFTERNOON SESSION.

[Special Telegram to the Baltimore Gazette.]

WEST CHESTER, PA., November 5.—The court reassembled at 2.30 P. M.

Sheriff Gill testified that he went to Baltimore for the prisoner, and detailed the circumstances of the arrest, as before stated, by Officers Crone and Carroll; he also stated the details of a

conversation between himself and the prisoner which occurred either before leaving Baltimore or while they were on the cars, in which Udderzook stated he got off the cars at West Grove, and walked to Jennersville, where he remained all night; that the stranger was sick during the night, and he took him his breakfast, and that he afterwards hired a horse and left the stranger at Cochranville; the rest of his conversation agreed with what had been previously testified to.

Wilmer W. Thompson, editor of the *Local News*, of West Chester, testified that he had visited Udderzook in jail a day or two after his arrival here; Udderzook inquired about public opinion, and asked if the body had been identified; he asked Udderzook if he thought he would be able to prove his innocence, and he answered, "Yes;" Udderzook remarked that he saw no use in disinterring the remains so often.

George Robinson, a boy, testified that on July 11, after the body was found, he found buttons and charred remnants of cloth where there had been a fire.

James M. Crossan testified that he found an elastic button and a rivet button at the spot where the fire was, and saw nearly a dozen buttons, and a buckle and bits of cloth taken from the same place.

Squire Hugh Rambo (recalled) stated that he had examined the buggy a few days after the finding of the body, and found dark spots on the under side of the floor of the buggy, where there was a crack; the spots were sufficiently distinct to enable him to form a judgment about them, and he thought they were blood spots. He cut off some pieces of the wood marked with spots and gave them to Dr. Howard.

To Mr. MacVeagh.—This was about three weeks after Udderzook had had the buggy; he further testified to having given Dr. Howard packages containing charred clothing and buttons taken from the place of the fire in Baer's Woods.

Dr. Howard, of Baltimore, was now recalled and testified to finding red stains on the floor of the buggy, which he cut off; to the naked eye they appeared blood stains; on examination he found them to be such; they were on the under surface of the buggy floor, and in the edges of the crack in the floor; he examined them with sufficient care to satisfy himself they were blood stains; his examination was made with reference to determining whether they were from human blood, but he could not form such an opinion as he would be willing to give as testimony; he compared them with pieces of wood stained with his own blood, and upon examination the result was the same; the stained piece of wood given him by Squire Rambo both to the naked eye, and upon examination, contained all the characteristics of blood stains.

To Mr. MacVeagh.—He had formed his judgment upon an agreement of all the experiments he had made; the experiments were made partly under the microscope and by chemical analysis, which the Doctor described; no coagulation had resulted from these experiments, nor did such result when he tried his own blood.

The State now put in evidence the applications for insurance signed W. S. Goss, the whiskers, shirt, hair, box of collars, shoes, bone collar stud, ring, pantaloons, valise, and buttons referred to so frequently. The Court admitted all Albert Baldwin's bill against Udderzook was also put in evidence. It had been found by Detective Crone in Udderzook's pocket.

Mr. Hayes now, at 3.30 o'clock, announced the close of the State's case, and there was a stir throughout the crowded audience. The prisoner was still calm.

Mr. MacVeagh remarked to the Court that several witnesses had been requested to attend from Baltimore. They had not arrived owing, it is stated, to an election there yesterday, and the counsel for defense requested a short time for consultation. This was granted, and after a few moments' consultation within the bar, they asked permission to retire a short time with the prisoner to some room in the building.

The Court said this might be done, but the Sheriff must accompany the prisoner. Mr. MacVeagh and Mr. Perdue, counsel for the defense, with the prisoner, and Sheriff Gill, then retired from the court-room, closely followed by the wife of the prisoner. Mr. Whitney remained in the court-room. During the absence of the prisoner and his counsel there was much conversation. The jurors were observed to be in earnest conversation among themselves, as if passing opinions.

The Chief Judge restlessly paced the floor in rear of the bench. All appreciated the importance of the hour. After an absence of thirty-three minutes the prisoner, looking somewhat cast down, returned with his counsel, and quiet again reigned. The Chief Judge called the attention of the State's counsel to the fact that the valise had not been connected with the prisoner as required by law. After some discussion it was allowed to remain as the State's officers had left it. The Chief Judge also permitted the photograph of W. S. Goss to go to the jury.

Mr. MacVeagh now said that the defense would make no formal statement, in view of the fact that they could offer this evening only fragmentary evidence. He further stated that the election in Baltimore had prevented the attendance of some of his material witnesses.

Mrs. Eliza W. Goss was then called and testified.—I was the wife of W. S. Goss; we lived at No. 314 North Eutaw street in the beginning of February, 1872; cannot say that my husband was engaged in any particular business, but he was working at gilding, and in the preparation of a substitute for India rubber; we had been boarding at Mr. Engle's, opposite his shop, on the York road; we went there about the middle of July; I went to Baltimore about November, and my husband then boarded with my mother; that condition continued until the fire; I last saw my husband alive on Friday noon, February 2, '72; about half past nine o'clock that night I first heard of the fire; I did not know at that time that he had been burned and not until that night at eleven o'clock; Lewis Engle told me that he had come at Mr. Udderzook's instance to tell me of the fire; Mr. Udderzook came about eleven o'clock that night; the remains reached my home at six o'clock Saturday evening, and I saw them; I recognized them as the remains of my husband; they remained in our house till Monday at 10 o'clock; I saw them two or three times in the interval; I accompanied them on Monday, and they were placed in Baltimore Cemetery, in a public vault, and remained there until the following Thursday, when I was present; they were opened on that Thursday, but I did not see them; I never heard from my husband, directly or indirectly, in any way, after February 2, 1872; we had been married nine years, the 26th of November last; we were married in 1863, on Thanksgiving day; I could not tell who went with the remains to the vault but the family and a great many friends; when the interment was made on Thursday, a number were present, among them Mr. and Mrs. Udderzook; the photograph now shown was taken, I suppose, six or seven years ago of my husband; there was no scar upon his forehead; the color of his eyes was dark blue; I have been shown this ring, the one which had been so often shown before by Mr. Perdue, and I have examined it; I don't believe it was my husband's ring; from my recollection of his ring, where this has a beading in the centre his ring was in creases or grooves all around, and not so many as on this; there is a smooth appearance around the setting on this ring which I do not think my husband's ring could have had, as he had only worn it about eighteen months, and this ring has a worn appearance to me; cannot say that it has a familiar look to me except by the stone, but I did not know until after this trouble that the stone in his ring was what they call a blood-stone.

To Mr. Hayes.—Mr. Udderzook first called about eleven o'clock and remained I judge about thirty minutes; we were looking anxiously for

him to come and had been since half-past nine; I sent no message to Mr. Udderzook by Mr. Engle; I recognized the remains by the form of the head and the fullness of the neck; that was all for me to recognize them by; there was then no question of their identity; my husband had dark brown hair, was stout built, wore mustache and goatee, at the time of his death; his complexion was fair; the bones of my husband's feet were found and put in the coffin, but I saw no bones; the remains were in a coffin when I saw them; they were then covered with a sheet, and I uncovered all that was left; I saw them sometime after 6 o'clock, February 3d; the whole body was of a brownish color; the mouth and eyes were closed; there was a small portion of hair on the back of the neck; I know Eliza Burke; I don't know Priscilla J. Turner; Eliza Burk is Mr. Udderzook's servant; the picture now shown me; that previously often shown, is of my husband and Mr. Langley; I suppose the one now shown me is a picture of A. Campbell Goss; my husband's ring was of the same style as that shown me; the only difference I can mention is that I have already mentioned; I don't know how he got it; I never saw any ring that resembled his; I do not know what became of his ring.

To the Court.—My recognition of the body was based upon the general size and shape of the body and head.

To Mr. MacVeagh.—In Baltimore I tried to describe my ring to Mr. Perdue as near as I could remember; I spoke of the grooves.

Mrs. Goss now retired. She was handsomely and tastefully dressed in deep black. She is a decidedly pretty woman. Her testimony was given in an unexceptionable manner. At one time during the delivery of her testimony she was deeply affected. When she left the room her mother followed her.

David Arden testified.—I am the stepfather of Mrs. Goss, and live at 314 North Eutaw street; Lewis Engle came on the night of February 2, 1872; I went with him to the shop on the York road; I first saw the remains at the Coroner's inquest; I attended the funeral; I thought I identified the remains, recognizing the shape of the head, neck and chest; had known Mr. Goss eighteen years; he had fair complexion and smooth skin; saw the remains exhumed at Penningtonville on the 19th or 20th of July; had two photographic views taken of them; Mr. Hampson, a hatter of Baltimore, was with us; he had made Mr. Goss hats for a number of years; he did not measure the head at Penningtonville.

To Mr. Hayes.—I recognized a resemblance to Goss in the remains on the York road; I did not expect to find Goss' remains at Penningtonville; Mr. Hampson came, because he was well acquainted with him; he was the only one we could find who could spare the time to come; I never saw a scar on Goss' forehead.

To Mr. MacVeagh.—We did not know that the insurance agents were going to Penningtonville.

John M. Branson testified.—I am a photographer at Cotesville, Chester county; I took the views now shown me of the remains at Penningtonville; one is a full-face and the other a side-face view; that was on July 19; the body was propped up at an angle of sixty degrees.

To Mr. Hayes.—The teeth were gone, and the flesh was almost all gone from the face.

Mr. Arden recalled.—The last time I ever saw Mr. Goss alive was February 2, 1872, and I have never heard from him since, directly or indirectly.

Sarah Moore, colored, testified.—I live at No. 2 Front street, Baltimore, and on the 2d of February, 1872, I lived at Mr. Lowndes' on the York road; I saw Mr. Goss ten or fifteen minutes before the fire outside of the shop in his shirt-sleeves, and with a light in his hand; he went in and locked the door, and I saw him no more; I was sitting down eating my supper and a little black dog came and gave a loud bark; I opened the door then and saw the fire in one of the windows; I went back and told Mr. Lowndes to come quickly to save the tenement houses; on Monday William Lowndes found a lock pistol,

several silver teaspoons, and a tape measure; my house was about one hundred yards from Mr. Goss'; I never saw Mr. Goss after he went into that house.

To Mr. Hayes.—I heard the chickens making a noise, that is how I came to see Mr. Goss; he went in the door sideways, and I heard him lock it. She was cross-examined at length, but related nothing of interest.

At 6 P. M. the Court adjourned until 9 A. M. to-morrow, Mr. McVeagh stating that the defense would not occupy over two hours with their testimony. Mr. Whitney will not address the jury.

The argument will commence, and probably conclude, to-morrow, when the Chief Judge will deliver a charge, reviewing all the testimony, and the case will then go to the jury. It is not believed that the jury will be long in rendering a verdict.

The Awful Array Against Udderzook.

At the adjournment to-night it was evident that Udderzook's case was hopeless. The able counsel for the defense have nothing to bring forward to combat in any measure the awful array against him. Mr. Whitney left the case on Friday. A movement is on foot to-night to get Mrs. Jane Udderzook to advise her son to confess as he knows, and trust to the mercy of the Court.

Mrs. Udderzook had an interview with C. H. Pennypacker, counsel for the insurance companies, about nine o'clock, when the exact state of the case was laid before her, showing the light in which all the parties to the insurance and homicide cases stand, and that the only hope he could have was in making a clean breast of it, but without urging her to any course in the premises, as she was accompanied by friends of sound judgment. Her determination may have the effect to bring a confession from the prisoner; otherwise the defense will go on.

WEST CHESTER, PA., November 6, 1873.

The trial of William E. Udderzook was resumed promptly at 9 A. M. to-day before Chief Judge Butler and Associate Judges Hawley and Passmore. The public was evidently anxious to witness the closing scenes, and in a very short time after the opening of the door every available place, even in the aisles, was occupied by an eager, bustling crowd. The ladies were out in force.

The jury seemed fresh and bright, the sick juror, Latshaw, having, apparently, recovered from his indisposition of yesterday, under the treatment of Dr. Wood. Udderzook appeared as if he had rested quite well during the past night, but traces of anxiety were evidently impressed on his usually unimpressible face. Sheriff Gill was seated to the left of the prisoner, and to his right, first his little son, a bright little fellow between four and five years old, and next to him his sister aged about seven. Both were dressed with neatness, and they appear to be interesting children. The little boy looked about the room, on all sides, with a child's curiosity, and when this seemed satisfied, he nestled his head in his father's bosom. Poor child! In the innocence of his tender years, he had not a thought of the terrible ordeal his father was undergoing, and should he reach the years of manhood, the scene of to-day will seem like a dream, if even a trace of its memory exists. His little sister appears to have an idea that something serious is going on, and that her father bears an important part in the great crowd around, but she does not realize the peril in which he stands. Mrs. Udderzook was not present. The mother of the prisoner was also absent.

It is said that Mrs. Udderzook converses quite freely about the case. Yesterday she asked an officer of the Court what he thought of the testimony, and he informed her frankly that he thought it was against her husband. She then asked how public opinion was, and he told her that it was naturally against him. It is known

that the prisoner's counsel made an earnest effort to get a confession from Udderzook for the purpose of basing an appeal for a sentence less than murder in the first degree, but his wife strenuously opposed it, and declared that if she was to lose him she at least would not have this shame declared to the world through his own lips. She recently paid a visit to the office of the *Local News* of this place and complained bitterly of the press. The editor of that paper promptly inserted her version of the affair at the jail on Sunday morning, but gave at the same time one in contradiction from a sub-keeper of the prison. The public was thus left to judge between them.

A. C. Arden was recalled and testified.—Mr. Goss always wore his moustache long, and I could not see his teeth well; the body was quite bloody when it was brought to our house from the shop on the York road.

To Mr. Hayes.—I never noticed his teeth, but knew him from his seventeenth year.

Mrs. Sarah Arden testified.—I am the mother of Mrs. Goss; at the time of the fire she and her husband were living with us; as far as recognition went we could not tell a great deal about the body, and only from the form of the head, neck and shoulders; the form was very much dried by the heat; I last saw Mr. Goss on the day of the fire; I followed the remains to the cemetery; they were laid out in the parlor; they were first placed in a vault, and buried on the following Thursday; I have never seen nor heard from Mr. Goss since he left us on the 2d of February, 1872; the winding sheet of the body from the shop was very much stained with blood and cinders; I never saw any scar on Mr. Goss' forehead.

To Mr. Hayes.—I could not tell a great deal about the body as far as recognition was concerned; there were no marks by which I could tell it; Mr. Goss did not have good teeth; he wore a moustache, and I never noticed them particularly, but I heard him complain of them; on the 4th of last July the prisoner took dinner with me; he did not say where he had been, and no questions were asked him; his baby was not quite a month old on the 4th of July last.

Mrs. Elizabeth Miller testified.—I live in Penn Township, near Penn Station; Mrs. Jane Udderzook, the prisoner's mother, was at my house the 1st of July, and in the evening of that day the prisoner came to see her; he took supper, talked with his mother, and then went away; about nine o'clock on the morning of July 2d he returned; he went out on the porch and I think he was there half an hour; I heard no conversation between him and his mother; he went up stairs to change his shirt and I don't think he was down again until dinner; he borrowed one of my husband's shirts; I did not notice the condition of his clothing; I believe he wore his vest; he took it off before he went up stairs; I noticed nothing unusual about his shirt; his pantaloons were very dusty.

To Mr. Hayes.—He came in a wagon on the first and on foot on the second of July; he went to Penn Station about 6 P. M. July 2d, and came back about 7 o'clock; the colored woman was not there when he returned; I don't think he was down until after dinner after he went up stairs with his mother; I did not notice that his pants were turned up.

Mrs. Margaret Jefferies testified.—On the second of July, about 9 A. M., I saw Mr. Udderzook passing our house in Jennersville; he had his coat hanging over his shoulder; he passed near the store door, and went towards Penn Station; I noticed no change in his clothing from what it was the day before.

Mrs. Sarah Jane Kemble testified.—I am a sister of the prisoner; I was at Mr. Mullin's the latter part of last June, and saw several strangers; I can give you only the name of one called Mr. Wilson; we arrived before dinner and left that afternoon; we sat together on the porch, and I saw him at dinner; I was there again last November; we stayed there Sunday night, and went chestnut hunting the next morning; I think I would know him if I were to see him [picture shown]; I cannot recognize either of those men,

and I do not see any resemblance to any one I ever saw.

To Mr. Hayes.—Mr. Wilson and I did not have a conversation about Mr. Udderzook; we had nothing to say about Mr. Udderzook; I learned his name through Mrs. Mullin; my mother and my two little children, and not Mr. Wilson, went with me chestnut hunting; I had not been there before; I was at Mr. Mullin's during the past summer.

The defense objected to the question if Wilson said in the hearing of the witness that he knew Udderzook. The Court overruled the objection, and the defense excepted.

The witness continued.—I cannot say that he said in my presence anything about Mr. Udderzook; I can't recollect that he said anything particular about my brother; the conversation was directed to my mother, and I cannot say that he did or did not say anything about my brother; I cannot say, because I do not exactly know; I have been attending the trial a week; I would not swear that I have ever seen either Mr. Langley or the other in the picture; Wilson was not tall, but was fleshy, and smooth-faced, having no beard; my mother and Wilson conversed together for about half an hour; I did not see my mother converse with any of the other boarders.

Jacob Price testified.—On the 4th of August I examined Mr. Udderzook at the instance of the District Attorney with a view of finding marks of a struggle; it was a thorough examination and we found no recent marks of any kind.

Dr. Isaac Massey testified.—I assisted Dr. Price in the examination, and we found no recent marks.

Robt. A. Young testified.—I live at Parkersburg, Chester county; I know Samuel Rhodes, and live four and a half or five miles from him; I have known him about three years; the public report of his truth and veracity is not so good in some cases.

To the Court.—I don't think I could make any other answer than that I have given.

To Mr. MacVeach.—The character that Samuel Rhodes bears in the neighborhood, as I have learned it from hearsay, is not so good.

To Mr. Hayes.—I have heard Mr. Ring of Penningtonville, speak of it, and not since this affair; I do not know that his truth-telling was spoken of particularly, but his general character was talked about; know nothing of Rhodes' character for truth-telling.

John Townsend testified.—I have known Samuel Rhodes a little more than a year; I live one and a half mile from Jennersville; I have heard that his character in the neighborhood for truth and veracity is not very good.

To Mr. Hayes.—He moved from Jennersville about a year ago; I cannot recollect who I have heard speak of his character for truth-telling; I heard it at the mill where I work, and after this affair; I do not recollect hearing anything before.

The Court said the witness' testimony was not evidence, and must be thrown out.

Daniel Myers testified.—I have known Samuel Rhodes eighteen months; I don't know that his character is very bad; I heard some reports, but none on the subject of his veracity before this case.

Mr. Hayes said sharply, "No questions."

Rittenhouse Myers testified.—I reside one and a half mile from Jennersville; Samuel Rhodes' character for truth-telling is not, as I know by hearsay, so good.

To Mr. Hayes.—I never heard it spoken of before this affair.

Henry Jordan testified.—I live one-quarter of a mile north of Penningtonville; on the 2d of July, between 11 and 12 o'clock, I passed Baer's woods, and saw a horse hitched to the fence; I saw a man about fifteen or twenty feet off, as near as I could tell, coming through the woods towards the horse; he was getting over the fence just as I passed the hind part of his wagon; I spoke to him, and he made some reply, but I do not remember what he said; I was in the woods on the 15th of July, and the man was, when I saw him, nearly opposite to where I found the

grave; I did not know the man; I did not see his front face; I have never seen the man since; he had what I call a mill wagon.

To Mr. Hayes.—The man followed on after me; he had on a light gray coat, and a round top hat; I had often seen people before hitch their horses to the fence along Baer's woods.

Joseph C. Harper testified.—I live at Cochranville, and on the first of July between 10 and 12 P. M. I passed Baer's woods in a jagger wagon; I saw nobody as I went by and nothing to attract my attention in any way; I heard no sounds.

To Mr. Hayes.—I had been to Penningtonville to buy paints; I was also at Mrs. Harvey's; when I left home that night I heard a wagon going at a trot towards Penningtonville; I met no wagon on my way; I suppose my house is a hundred yards from the road.

Andrew Shellady testified.—I have known the prisoner since 1850, when he came into our neighborhood; I think he was sixteen years old when he came, and he remained six or seven years; then he went to Baltimore, and the last ten years I have not seen him very often, and only when he came into the neighborhood; his character was good for anything I ever heard of him, and I have not heard anything to the contrary.

To Mr. Hayes.—I saw him about two years before this affair.

David R. Mullin testified.—The prisoner came to live with me when he was seven years old; his character was good and he was a good boy; he stood high until within the last two years, when I lost sight of him.

To Mr. Hayes.—I cannot speak of his character in Baltimore, and he lived in Baltimore.

John W. Butler, of Baltimore, testified.—Mr. Udderzook worked for me nearly a year in '67; I have known him ever since; all the time he worked with me I had no fault to find with him as a workman, and his character was good; I have heard him spoken of, and he always bore a good character; he was a good, clever fellow, and everybody liked him.

Colonel Louis Schley, David Bachrach, Gottlieb Engle and Mr. Hampson were called, but did not answer.

The defense now put in evidence the photographic views of the dead body, and the photograph of W. S. Goss taken in early life. They then announced the close of their case.

Dr. Howard, of Baltimore, was then recalled by the State, and testified.—I cannot answer positively how long blood will run from a body after death, but I can say certainly it will run four or five weeks after death.

Dr. Bailey testified.—I have known Samuel Rhodes since '66 and I never heard his character for truth telling questioned.

Robert N. Brown testified.—I have known Samuel Rhodes at least ten years, and I never heard his character for truth telling talked about.

Dr. John J. Gibson testified.—I have known Samuel Rhodes since '61, and never heard his character questioned.

Hugh Rambo testified.—I have known Samuel Rhodes fifteen years, and I never heard anything against his character for truth.

John K. Malon testified that he had known Samuel Rhodes fifteen years, and had heard nothing against him for truth-telling. Thomas Martin had known him ten years, and confirmed previous witnesses. Charles Reese had known him over twenty years, and had never heard his character for truth-telling doubted. Andrew Shannon also testified to his character.

The case was then, at 10:48 A. M., finally closed on both sides. Udderzook did not at this trying moment show any fear, but was calm. He held his little son on his left knee, and his daughter sat to his right. The little boy was observed to say something to his father, to which he listened attentively. There was an impressive quietness throughout the audience.

The Court then inquired in what order the counsel would address the jury, and said he did not propose to hurry them, and that he would have given a month to the case if it had been necessary. Mr. Wanger announced that one

speech would be delivered by the State, and Mr. MacVeagh announced that Mr. Perdue and himself would address the jury for the defense.

At four minutes of 11 o'clock Mr. Perdue commenced his argument. He had hoped that the State would open the argument and advance a theory. He would go over the testimony briefly and carefully, following very much the order in which it had been introduced. A review of Gainer P. Moore's testimony was first made, and his manner and conduct commented upon. Mr. Perdue then reviewed much of the testimony, commenting in earnest terms upon whatever was favorable to his client. It was evident, however, that it was all the white up-hill work. The jury heard him very patiently. During the delivery of his argument Underzook sat quietly in his chair, with his right arm resting on the back of a chair, which he had drawn near to him. He watched the faces of the jury intently.

At 1 P. M. the Court adjourned until 3 P. M., when Mr. Perdue will resume. He will be followed by Mr. MacVeagh, who has the reputation of being one of the first criminal lawyers of Pennsylvania, and his effort is anticipated with much interest. He will doubtless do all that is possible in advocating the cause of his client.

It is understood that Mr. Wanger will address the jury at the close. The labor of the examination of witnesses has devolved upon Mr. Hayes, and he has acquitted himself well. It is to be regretted that he has been excluded by the District Attorney from addressing the jury, and comments are made upon the fact.

Last night a wag wrote upon the register of the Mansion House, the leading hotel of West Chester, the name of "A. C. Wilson, New York," and this morning it was generally rumored that the veritable A. C. Wilson had arrived, and would rise in court and explain. The matter served, however, only as the text for amusement and jokes.

It is stated here to-day that A. C. Goss has been again arrested in Baltimore upon a presentment by the Criminal Court of that city, to answer the charge of conspiring to defraud the life insurance companies. The Chief Judge is now engaged in preparing an elaborate charge to the jury, as required in capital cases by the laws of Pennsylvania.

AFTERNOON SESSION.

[Special Telegram to the Baltimore Gazette.]

WEST CHESTER, PA., November 6.—The arguments of counsel to-day in the Underzook-Goss case have revived the eager interest of the public, and now all who can obtain an entrance rush in to gain the spacious court-room.

At 3 P. M. the Court reassembled. The prisoner was accompanied by his wife, but his children were absent. The aged mother of the ill-fated man was also present, and she seems to feel more than any of the others who are dear to him the terrible ordeal through which he is passing.

Underzook was this afternoon about the same in manner and bearing as during the morning session, only that he seemed better satisfied that his wife was with him. He sat close to her, as if clinging to her the more as the clouds gather around him. Evidently he leans upon and trusts her, and she appears tender and sympathizing. Mr. Perdue resumed his argument upon the reassembling of the Court, and after commenting further upon the points of testimony of advantage to his client endeavored fairly, but earnestly, to make out the defense of Underzook as far as possible, by throwing doubt upon the language, manner and characters of the witnesses, and warning the jury of the great responsibility which rested upon them. He closed at 4:30 P. M. with a fervent appeal. His entire argument occupied three hours and a half. During Mr. Perdue's closing remarks the stout-hearted prisoner bowed his head, and he and his wife shed tears. His mother wept, and seemed to be suffering greatly. She sat outside the bar, but not far from her son. Mrs. Arden, of Baltimore,

was also much affected, especially when reference was made to her daughter and the tender little ones of the prisoner.

Hon. Wayne MacVeagh, the leading counsel for the defense, then addressed the jury, showing with effect the points of testimony which could be turned to the side of Underzook, commenting forcibly upon the character of the prosecution, and presenting his views in truly eloquent language. He was heard by jury, Court and spectators with marked attention, and even those who have formed their opinions conceded that his effort was a strong one. His earnest manner, impressive style, and power of illustration cannot fail to have weight with the jury.

At 6 P. M. the Court adjourned until 8:30 A. M. to-morrow, when Mr. MacVeagh will resume his argument, and occupy probably two or three hours. Mr. Wanger expresses a purpose to go over the whole case before the jury to-morrow, and the Judge's charge will probably not be delivered until the afternoon session. The end is awaited now with considerable impatience.

WEST CHESTER, PA., November 7, 1873.

There is not the increase of public interest in the trial of Wm. E. Underzook for the murder of W. S. Goss, which is generally so marked at the close of trials of its magnitude. Indeed, it seems so settled in the minds of the people that the case of the prisoner is hopeless, that they rather turn away from the court-room, and appear to be reserving themselves for the closing scenes which will necessarily have something of the dramatic about them.

There was this morning considerable desire to hear the argument of Mr. MacVeagh, who deservedly enjoys a reputation for eloquence and high legal ability, and many were curious to see how he would handle his case in the face of desperate odds. But all felt that his effort would necessarily be hedged in, for they knew that at every step he would be confronted by a mass of testimony of a character impossible to overcome. The court-room was not filled at the reassembling of the Bench, at half-past eight o'clock this morning, but in a short time the seats were all occupied, and many were standing in the aisles. The prisoner still appears calm, but it is noticeable that he no longer wears the look of hope and buoyancy which was so observable on his face at the commencement of his trial. He has, however, borne up with remarkable imperturbability despite the forlorn condition in which he has found himself placed day by day. His dress is always neat and he makes the best appearance possible. His wife was with him this morning, occupying a seat close to his right. The children of Underzook were not present, but his mother and sisters were in the court-room.

At a few minutes after the meeting of the Bench Mr. MacVeagh resumed his argument for the defense, and closed at 10.41. his entire address having occupied about three and a half hours. The argument of the distinguished counsel was directed to the inherent improbabilities of the case, and he made the most of all that could be in any way turned to the advantage of his client. He spoke with fairness and in admirable temper, and it may be truly said that he fought against the coils which encompass Underzook with an ability which showed that with a footing before the jury he could have done much in his behalf. He did not go over a great deal of the testimony, but dwelt upon the points which he thought could be called to the attention of the jury with a hope of their consideration. It was rather the drift of his argument to argue the probabilities of self-defense, and in discussing the remarkable phases of the case, he earnestly brought to view the facts which seem to warrant that aspect.

The District Attorney, Abram Wanger, Esq., followed Mr. MacVeagh with the closing argument for the State. His introduction was graceful, and he then proceeded to review the facts which bear most heavily against Underzook, grouping them before the jury, and claiming that there could be no doubt of the identity of

A. C. Wilson and W. S. Goss, and that the guilt of the prisoner had been fixed upon him by the array of circumstantial proof. Pending his argument the Court adjourned until half-past two o'clock, when he will resume. It is believed that the verdict will be rendered to-night.

During Mr. Wanger's argument Underzook and his wife paid very close attention. He remained calm, but Mrs. Underzook's face showed that she was ill at ease.

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AFTERNOON SESSION.

[Special Telegram to the Baltimore Gazette.]

WEST CHESTER, November 7 —A dense crowd was present at the assembling of Court, and much eagerness was shown. The District Attorney concluded his argument at eight minutes past 3 o'clock, when the Chief Judge delivered the following charge to the jury:

Charge of Judge Butler.

Gentlemen of the Jury: The prisoner at the bar, as you have learned, is charged with murder.

This offense consists in the unlawful killing of any human creature, under the peace of the Commonwealth, with malice aforethought. The distinguishing criterion of the crime is malice aforethought. For the purposes of the case we are trying, it is sufficient to say, that where one individual maliciously takes the life of another, he is guilty of murder.

The case of the Commonwealth rests upon what is known as *circumstantial* evidence. And indeed where willful, deliberate murder, contemplated beforehand, is committed, it rarely occurs that direct, positive evidence respecting it exists. Perpetrated as it usually is by lying in wait, by means of poison, or by falling upon the victim when no one is by, the only evidence much, commonly, be found in the *circumstances attending it*. And this character of evidence is ascertained by experience to be little, if any, less satisfactory than that which is known as direct or positive. Where the circumstances relied upon are properly established and the inferences arising from each one, and from all of them combined, point naturally in one direction, there is no greater danger in following them to their conclusion than attends all human investigation. That we *may* err in such cases, is possible; but so we may where the evidence is direct or positive; the circumstances *may*, possibly, mislead, but so may the eyes, or the ears, or the dishonesty of witnesses.

As was said by Chief Justice Gibson, in the case of the Commonwealth vs. Harman, 4 Barr 269: "The only difference between positive and circumstantial evidence is that the former is more immediate, and has fewer links in the chain of connection between the premises and conclusion, but there may be perjury in both. A man may as well swear falsely to an absolute knowledge of a fact as a number of facts from which, if true, the question of innocence or guilt depends. No human testimony is superior to doubt. The machinery of criminal justice, like every other production of man, is necessarily imperfect, but you are not therefore to stop its wheels. Innocent men have doubtless been convicted and executed on circumstantial evidence, but innocent men have sometimes been convicted and executed on what is called positive proof. All evidence is more or less circumstantial, the difference being only in the degree, and it is sufficient for the purpose when it excludes disbelief; that is actual disbelief; for he who is to pass on the question is not at liberty to disbelieve as a juror while he believes a man. It is enough that his conscience is clear. Certain cases of circumstantial proofs," (we are still quoting the distinguished authority before referred to), "found in the books, in which innocent persons were convicted, have been pressed on your attention. These, however, are few in number, and they occurred in a period of some hundreds of years, in a country whose criminal code made a great variety of cases capital. The wonder is there have not been more. They are constantly re-

sorted to in capital trials to frighten juries into a belief that there should be no conviction on merely circumstantial proof."

Now turning to the evidence, we find that on the 9th day of July last, 1873, as John Hurford was passing Baer's woods, on the Gap and Newport Turnpike in this county, he observed buzzards about it, and an unpleasant odor in that vicinity. Two days later as Gainer P. Moore passed the same place, on his way to Cochranville, he also observed buzzards there in large numbers, and a very offensive odor. When returning home he entered the woods to ascertain the cause of what he had observed; and at the distance of about sixty-five feet from the turnpike he discovered, (in his own language) "something mysteriously hidden," a small part of which was uncovered (doubtless by the birds), the balance concealed by means of leaves and a thin covering of earth, and with the dead limbs of trees placed lengthwise over it. Obtaining the aid of Mr. Rhodes, who lives some distance away, he returned to the place with a shovel. Upon the earth being raised up at the left side of the body, a bloody shirt was uncovered. Next the head was raised, and the body ascertained to be that of a man. At this time, the witness says, the face was quite white and natural, and he believes he could have recognized it had he been acquainted with the individual in life. It was now about half-past 5 o'clock in the evening. They left the grave in the condition described, and (after attempting to procure the aid of a man who drove by on the turnpike) went to Penningtonville, and notified the Deputy Coroner, Mr. Rambo. This gentleman, with several others, started for the place, and reached it, as they have said, about 7 o'clock, being a little before sunset. Mr. Moore also again returned soon after. The color of the skin had now changed, and was quite dark—as you heard it described. The Deputy Coroner had the covering removed from the other parts of the body, and it was then seen that the legs and arms were off. That part of the abdomen which was exposed when Mr. Moore first entered the woods, was open, the entrails had disappeared, a mass of semi-liquid corruption occupying their place. In another part of the woods, about 65 feet distant, the arms and legs were found, also under a slight covering of earth and leaves. The body, with the limbs, was removed to the turnpike placed in a box, and then taken to Cochranville. At the grave in the woods, and at Cochranville, it was examined by Dr. Bailey, (more critically, at the latter place,) and he has described to you the marks he found upon it. He says there was one opening in the side, between the third and fourth ribs, another he thinks between the fifth and sixth ribs and another between the eighth and ninth, and that these openings were on a line; that he found another between the sixth and seventh ribs, (farther towards the back,) and another at the lower part of the breast bone. How these openings or holes were made, the witness is unable to form any judgment, inasmuch as decomposition had probably changed their form when he saw them. He also found a small cut on the left side of the neck about an inch above the collar bone, not penetrating deeper than the skin; another incised or cutting wound commencing on the left side of the neck under the ear, and on a line with it running across the windpipe opening it in two places. Also a small incised wound across the depression of the lower lip, not through the skin; and another wound across the bridge of the nose, breaking the bones, and depressing them, apparently made with a blunt instrument of about the thickness of a spade. He also found that the front teeth, four above and four below, had been driven back into the mouth—two still adhering to the gum, and two lying loose upon the tongue.

Dr. Keeley testified that he was present at an examination on the 16th, and that his observations of the body and the marks upon it, agreed substantially with those stated by Dr. Bailey.

Dr. Howard testified that he made an examination on the 18th of July; refers to the wounds on the nose and the mouth, and says the blows by

which they were inflicted must necessarily have been very severe.

Now were these remains those of one who had lost his life by violence?

The unusual place and unusual manner of interment; the mutilation by severance of the limbs, as to prevent identification, and their separate concealment, the marks upon the body, and manifest evidence of violence about the neck, nose and mouth; the bloody shirt found in the grave, all bear with great weight upon this question. If you find that a murder or homicide of any grade was committed, you will next pass to the question: Who was the man so killed? The Commonwealth alleges that it was *Winfield Scott Goss*. Was it?

Winfield Scott Goss resided in the city of Baltimore, and its near vicinity, in the year 1871, and the early part of '72. He was a brother-in-law of the prisoner. Mr. Barnitz, who knew him intimately, having been employed in the same establishment with him for some years, describes him as about five feet, eight to nine inches in height, well built, with an exceedingly prominent bust, very erect, with shoulders thrown far back, his form full, and in every way well developed, with dark eyes, a straight nose, a round full face, dark brown hair, a little mixed with grey, a prominent forehead, and good teeth. Other witnesses similarly describe him—Mr. Carter saying that his teeth were very fine.

He had procured insurance on his life, in several different companies, to a large amount—the first policy bearing date the 21st day of May, 1868, and the last the 25th day of January, 1872. On the night of the 2d of February, 1872, a frame shop, in which it is said he was engaged in gilding picture frames, and experimenting with a substitute for India rubber, was found to be on fire. After it was consumed, or nearly so, the charred and blackened remains of a man were discovered in the cinders, lying near the chimney, which was about the centre of the building. Goss was no more seen in the neighborhood, and on the 23d day of the same month in which the fire occurred, his wife made application to the insurance companies for payment of the sum insured on his life. Payment being refused, she commenced suits against them, the prisoner appearing as a witness in her behalf. Were the remains found in the fire those of Goss?

That Goss went to the building some time during the day preceding the fire, is clear. Joseph Loudenlager (the comments on whose testimony you will remember) says he saw Goss, in company with the prisoner, start on the afternoon of that day from the city for this building; that they took with them a box four to five feet long, about fifteen inches in depth and width, containing, as the prisoner alleged, machinery for Goss' laboratory. Lewis Engle testified that the prisoner and Gottlieb Engle came to his father's house (a short distance from the shop) after dark, saying the lamp at the shop had gone out, and desiring another to take over; that they did not start back immediately, but, in the language of the witness, "stopped about the house after the lamp was ready;" and while still there the prisoner, who went to the door to empty a tumbler or dipper, from which he had been drinking, saw the fire and gave the alarm; that he, the witness, the prisoner and Gottlieb, ran over—the prisoner and Gottlieb falling a little behind; that when he reached the shop, it was in flames, and not long after the roof and upper part fell in; that he saw no attempt to enter the building, or arrest the fire; that he heard no suggestion that any one might be inside, until after the building was burned nearly down, when the prisoner came and requested him to go to Baltimore and inform Goss' family of the fire and that Goss was missing. Sarah Moore, the colored woman called by the defense, testifies that she was living at the time of the fire about 100 yards from the shop; that, having occasion to go to her door, she saw Goss outside the shop, with a light in his hand; that it was dark, and she did not see him in front, but observed his side face

as he passed in, and heard him lock the door; that she then sat down to her supper, and soon after finishing it, discovered the shop to be on fire.

Mr. Smith testifies that he reached the fire when the building was all in flames; that he heard Mr. Cator complaining to the prisoner for not giving the alarm before the fire had gotten so far, if he supposed anybody to be within the building, asking him if he desired to create a false alarm by saying Goss' body was in the flames, and that the prisoner replied he was unacquainted with anybody about the place.

The witness says he then went nearer the fire, and procuring the assistance of Martin Quinn, found a body, and succeeded in dragging it out of the flames; that seeing the prisoner again in the crowd he asked him if he was going to leave the corpse there like that of a dog, while claiming it to be the remains of his brother, upon which the prisoner turned his back and made a noise as if crying. The corpse was then placed in a box, and taken to Mr. Lowndes' stable, where it was left for the night. The next morning this witness says he went to the scene of the fire, as early as it was light enough to see, and sought among the ashes for Goss' watch and ring, finding nothing but a melted bottle, part of the door hinge and a few small bones. From the body the hands and feet were off; the skin was burned crisp and blackened, and identification by means of the features and expression was impossible. Mrs. Goss testifies that the corpse was brought home in the evening of the day following the fire; that she identified it as that of her husband. She says, however, she judged only by the size and shape of the head, the neck and body; that in these respects it resembled him. This, it must be observed, falls short of identification—which can only result from observing some peculiar mark by which the individual may be known, or the peculiar expression formed by the features of the face. Mr. Arden, the step-father of Mrs. Goss, who saw the corpse, also testifies that he observed the same resemblance to Goss in the head, neck and body. Mrs. Arden, the mother of Mrs. Goss, says the body could not be recognized by reason of its condition, but that the shape of the head and body resembled those of Goss. Mr. Smith, before referred to, says the body when taken from the fire by him was not susceptible of recognition, but that, for the reasons which he states, the thought occurred to him that it was the body of a female. Dr. Howard, however, dispels this suspicion. He testifies that about one year after the fire he made a careful examination of this body and found it to be that of a man, of about five feet, eight to ten inches in height, with full chest, and shoulders thrown back. This witness further says that upon a critical examination of the mouth, he found that one-half the teeth had been lost, many months, at least, before death—two of them directly in front, one being from the upper and the other from the lower jaw. This latter statement is important when considered in connection with that of the witnesses who have described Goss' teeth as regular and fine.

On the day preceding the fire it is testified that Goss drew out of bank the balance standing in his favor, and his account there closed.

Was it his body that was found in the fire? If the inquiry stopped here it might be unsafe to conclude that it was *not*. But the inquiry does not stop here; there is other evidence bearing upon this question, of a highly important character. On the 22d day of June following the fire, and while the suits referred to were pending, a man presented himself at the house of David Mullin, in Coopertown, asking to remain as a boarder, and giving his name as A. C. Wilson. Mr. Mullin says he remained until the 16th day of the next November, when he left for Athensville, about two miles distant. Here he remained one week, and then left, appearing at Mrs. Toombs' boarding-house, in Newark, on November 29, where he remained nearly seven months. The witnesses who saw this man at Coopertown and in Newark, describe him as stoutly built, 5 feet 8 to 9 inches in height,

full chested, shoulders thrown back, with dark brown hair a little mixed with gray, good teeth, full broad forehead, and having, when in Newark, mustache and side whiskers. The witnesses do not all precisely agree in describing his features, but unite as regards his general appearance, and in saying that his face was fine. Several witnesses also state that he had a habit of drinking to excess. These witnesses further testify that he carried on some correspondence with Baltimore, where Goss had resided—sending letters and packages, and receiving others in return. One witness, Michael Olrey, testifies that, being acquainted in Baltimore, he conversed with Wilson about mutual acquaintances residing there. It is clear he knew the prisoner, for he received a visit from him while at Newark. A pair of pantaloons, which several witnesses recognized as Wilson's—left behind when quitting Newark—have been exhibited. They are darned in the seat, and are thus identified. Mrs. Toombs says she noticed that they were very short for him. Lewis Engle testified that when Goss boarded in his father's family, near Baltimore, during the summer or fall preceding the fire, he had such a pair of pantaloons as those exhibited; says he, the witness, assisted Mrs. Goss to wash them; that he noticed the color, the cord on the side of the leg, and also observed that they were short for Goss when worn.

It is further shown that this man wore a large blood stone ring, such, in general appearance, as the one exhibited here. Some of the witnesses testify that they recognize this as the same. Engle testifies that Goss had a similar ring, being in all respects like this; that he, the witness, wore it sometimes, and that he believes this to be the same; while Mrs. Goss, who describes her husband's ring as being of about the same size and of the same general appearance as this, says it was, according to her recollection, in some respects different. Whether it is possible for any of the witnesses to recognize the ring fully, so as to swear to its identity, is for you to determine. It would seem to the Court safer to conclude that the ring worn by Goss at Engle's, and that seen on the man known as Wilson were alike in size, shape, material and general appearance. A frock coat is produced which Mrs. Toombs identifies as a coat worn by Wilson, and left behind him when quitting her house. On this coat being exhibited to Mr. Heins, a tailor, residing in Baltimore, he testified that he made one in all respects like it, being of precisely the same measure, for Goss. That while he cannot describe to you how he recognizes his own work upon this coat he tells you that he believes he does. It is shown by several witnesses that Goss, while in Baltimore, had in his possession what is called a double ratchet screw-driver, very peculiar in its construction, and claimed to be his own invention. It is further shown that the man calling himself Wilson had a wooden model of this same screw-driver, which he claimed to have invented. Lewis Engle testifies that when Goss boarded at their house, near Baltimore, he saw him and Underzook a good deal together, and that Goss frequently called Underzook "Doctor." Several of the witnesses who saw Underzook and the man called Wilson together at Newark, testify that Wilson called Underzook "Doc." The significance of the last mentioned circumstances cannot be overlooked.

And now following this evidence, designed to show similarity in person and apparel, in the habit of intemperance, possession of the screw-driver, and in the appellation or title used when addressing Underzook, the Commonwealth has undertaken to prove the actual identity of Goss and the man known as Wilson, by exhibiting the photograph of Goss to the witnesses who were familiar with Wilson, some of them having been his room mates in the boarding-house. Were it possible to produce Goss himself before these witnesses, as he appeared in life, they would tell us, doubtless, whether he is the same man who was known to them as Wilson, and their judgment would be the highest and best source of information on this subject. As Goss cannot be so

produced possibly, the next best means of judging of his identity with Wilson is obtained by producing his photograph, (if it be a perfect one), and allowing these witnesses who were familiar with Wilson to base their judgment on it. The picture is of course a much less satisfactory means of judging them than the presence of the individual would be, because it shows the face in a state of repose, not very frequently observed in the individual; and showing it on a much smaller scale the expression of the face is less distinct. Still where a photograph is perfect, it shows an exact likeness to the extent presented, and can generally be recognized with great ease by those familiarly acquainted with the individual. The photograph exhibited here is shown to be that of Goss. Some of the witnesses who knew the man called Wilson, say this picture looks like him, that the shape of the forehead and face is like his, but they do not recognize the picture as his. Their testimony must not be overestimated. It goes no farther than to show resemblance. Other witnesses more familiar with this man, particularly some of those who boarded in the same house with him, say they recognize Wilson in this picture, one saying, he "sees the man in it," others "it is him," and so on, in varied language expressing the same thing.

Too much importance should not be attached to the fact that these witnesses were not able to point out any particular feature, by which they recognized the picture as his. If asked to point out the feature, or features, by which your most intimate friend is distinguished from others, you probably could not do it. Were you to refer to the size of his head, shape of his face, nose or mouth, you would doubtless find that in all these respects he is not singular. But you recognize him instantly, and with absolute certainty, by the peculiar expression, which results from the combined effect of all his features and his mind. And this you cannot describe, for words will not portray it.

In determining the weight to be attached to the testimony of the witnesses, who say they recognize Wilson in the picture, or recognize the picture as his, it is important to remember that when they knew him his beard was different. What effect the change of beard would have had on the expression and appearance of the picture, you will judge. You will also be in mind the comments of the defendant's counsel on this testimony, and the fact that the prisoner's sister, who saw Wilson at Mr. Mullin's, says she does not see any likeness to him in this photograph. The Commonwealth has further undertaken to show that Goss and this man wrote, not only a similar but the same hand. In this connection Emna Taylor testifies to the receipt of many letters or notes from Wilson, and a knowledge of his handwriting. Two letters—one of them addressed to Mr. Mullin signed A. C. Wilson, being exhibited to her, she says, in her judgment, they are in his handwriting. On being shown another letter signed W. S. Goss, and testified by Mr. Butler (as he believes) to be in Goss' handwriting, she says that in her judgment this is the handwriting of Wilson. This witness, however, as you will remember, did not exhibit such accurate knowledge of Wilson's handwriting as to render her judgment in regard to it very reliable; and what she says should therefore be received with great caution.

John W. Butler testifies that he knew Goss intimately, and corresponded with him some years ago; that he knew his handwriting very well, and believes himself able to recognize it. The letter signed W. S. Goss (before mentioned) being shown him he answered, "I believe this to be Goss' handwriting." The two letters signed A. C. Wilson (also before mentioned) being shown this witness he answered, "that the writing, in his judgment, is that of Goss." The signature of A. C. Wilson, on the register of the Central Hotel, in Philadelphia, under date of —, being shown the witness, he answered that he would take this to be written by Goss, as also the signature on the register of the William Penn Hotel, though in respect to these single signatures his judgment is less distinct than that expressed in regard to the letters. The intelligence mani-

tested by this witness, as well as the caution observed in expressing his judgment should be considered in estimating the value of his testimony.

Franklin Mills testifies that he knew the man called Wilson and upon one occasion when sitting at his side discovered a small scar running up into his hair on the side of his forehead—that he had never noticed it before. Mrs. Goss testified that her husband had no scar upon him. You have heard the comments of counsel in respect to this, and will determine what weight this contradiction should have—but in doing so will remember that Mr. Mills speaks of the man more than a year after Mrs. Goss had last seen her husband.

Now was this man called Wilson at Coopertown and Newark Winfield Scott Goss under an assumed name?

If he was you will judge whether the conclusion is or is not reasonable, that he had entered into a scheme to obtain money fraudulently from the insurance companies, and that the burning of his shop was a part of this scheme. If you reach this conclusion, a reason will be found for his appearance in Pennsylvania and New Jersey under an assumed name. Still, if you find that this man was Goss under an assumed name, you will have made but a step towards finding that the remains discovered in the woods were his. But now (if this was Goss) we have him in Newark on the evening of the 25th day of June, sixteen days preceding the discovery in the woods. He then started for Philadelphia. Mrs. Toombs testifies that, three days later, he wrote to her from Philadelphia under date of the 28th. Francis Jacobs testifies that he is clerk and bar-tender at the William Penn Hotel, in Philadelphia; that in the forenoon of the 26th (the day after this man left Mrs. Toombs'), a man came to the hotel, representing himself to be A. C. Wilson, and registering this as his name. The witness describes him, and being shown the photograph exhibited here, says it looks like this man. He is unable to describe any other stranger who called about that time or since, and says he did not recognize the resemblance in the photograph until told whose it was. You will judge whether this witness can truly describe this man as he undertakes to do, and whether he does see the resemblance in the picture, to which he testifies. That a man came to the hotel, representing himself to be A. C. Wilson, that the witness saw him register his name, that he stayed till the next day, that the prisoner visited him, occupying the same room, and went away with him the next day the witness is positive. The register is produced, and the name of A. C. Wilson appears upon it; and this signature, as we have seen, Miss Taylor and Mr. Butler expressed the judgment is in the handwriting of Goss. If this witness is believed, it was on the morning of the 27th that the prisoner and this man left the William Penn. Where they went at that time does not appear.

On the evening of the following day, the prisoner was seen upon the train at Wilmington, by Mr. Hodgson, who rode with him to Philadelphia. We do not observe any conflict between the testimony of Mr. Hodgson and that of Mr. Jacobs—because we fail to see inconsistency between the facts to which they speak. Two days later, Francis Pyle, who lives near West Grove, in this county, testifies that the prisoner in company with another man came to his place. He says he had known the prisoner formerly, and recognized him. Mrs. Pyle and the little boy Elmer Pyle, also saw the men there and say they recognize the prisoner as one of them. Mr. Pyle and the boy describe the appearance and parts of the dress of the other, referring to his build, his whiskers and mustache. Mrs. Pyle saw but little of him and was not very near. Mr. Pyle says he wore gaiters like those shown here, and had a ring on his finger. Upon being shown the photograph he says it looks like a picture of this man. The son also, in addition to the general description, says this man wore gaiters, had eye glasses, and that when they were together under the cherry tree this man called the pri-

soner "Doctor." This last circumstance, if true, is very significant, for as we have seen (if the witnesses are believed,) this is the same appellation by which Goss, in Baltimore, and the man calling himself Wilson in Newark, addressed Udderzook.

From Mr. Pyle's place these men went in the direction of Jennerville. In the evening of the same day Mr. Jefferis, Mrs. Jefferis, and Mr. Townley, testify that the prisoner with another man, appeared at the hotel of Mr. Jefferis, in Jennerville. These witnesses recognize the prisoner, as does also Mr. Wallace, who saw him there, and had known him before. They describe the other man as about five feet eight to nine inches in height, good looking, full breasted, straight, with shoulders thrown back, mustache and side whiskers of a dark color, Mrs. Jefferis saying that she, at the time, thought he was the straightest man she had ever seen. On being shown the photograph, before referred to, these witnesses also say the picture resembles this man. The next morning—being the first of July—it is shown (if the testimony is believed) that the prisoner obtained a horse of Mr. Patchell, living near by, and visited his brother-in-law, Samuel Rhodes, who resides a short distance from Penningtonville.

Here he was recognized by Mr. Rhodes and his wife, who is the prisoner's sister. They testify that he spoke of the man he had left behind at Jennerville, and Mr. Rhodes says he described him as a man "having no one to look after him, who had been lost for a long time, and was supposed by everybody to be dead, one whom the prisoner had had at Newark, or New York, the sound being so much alike that the witness is not certain which, and Philadelphia." The bearing of this description upon the identity of the man left behind is most important. You will judge whether it does or does not describe Goss, and the man known at Newark as Wilson with great certainty. "Lost for a long time, supposed by everybody to be dead, whom he (the prisoner) had had at Newark (or New York) and Philadelphia." On the evening of the same day, the prisoner having hired a carriage and horse at Penningtonville, went to Jennerville, took the man he had left there in and started back. When he reached Penningtonville in the night this man was gone; and was no more seen alive. Baer's woods is by the roadside. Were the remains found there his? The last time seen he was going in that direction. If Mr. Rhodes is believed, the prisoner had contemplated leaving him in the woods.

When the remains were first uncovered Mr. Moore testifies that the face was white and natural; says he looked to ascertain whether he could identify it, and believed at the time, and does still, that he could if he had known it. On being shown the picture before referred to, he says it bears a resemblance to that face. This, standing alone, would be of no value, because of its uncertainty. But Mr. Moore and others who saw the remains that evening and the next day, say the upper lip presented the same appearance as the cheeks did where the whiskers came off on being touched, showing that the man had worn a mustache with side whiskers; that his hair was dark brown, mixed a little with gray, and Dr. Howard, as well as all the witnesses who examined the remains with care, says the forehead was square and straight, the face fine, chest full, shoulders well thrown back, the person very erect, and teeth regular and good. You will judge whether this is or not an accurate description of the man we have been following. In the same grave a shirt was found. It is not identified, for there are no marks upon it by which to distinguish it from others. There are many such, as Mr. Crockett testifies, but this witness says he sold a shirt in all respects like this, in Newark, to a man called Wilson, as he was informed; and Mrs. Toombs testifies that Wilson had such a shirt, showing another point of resemblance.

Then again a pair of Congress gaiters are found upon the feet resembling those worn by the man we have been following. But a more remarkable and striking resemblance still, is found in the

fact that this man's gaiters were marked No. 8, on the inside near the top, (if Mrs. Toombs is believed, of which you will judge) and had recently (as Mr. Saurin testifies) been half-soiled, and the gaiters found on these remains exhibited a similar number, in the same place, and a similar condition in respect to the soles. Now you will determine whether these are the remains of the man we have been following. If they are and this man was Goss, then did the prisoner take his life?

In starting upon this inquiry the first thought that presents itself is, had the prisoner any motive to commit this crime? If the remains are those of Goss, you will still judge, as before remarked, whether he had not entered into a scheme to defraud the insurance companies by hiding himself from the world and endeavoring to create the belief that he was dead. And if he did enter into such a scheme you will further judge whether the conclusion is or is not reasonable, that the prisoner had also entered into this scheme. For it would follow that while Goss was thus alive under an assumed name, and while the prisoner knew this, for, (according to the testimony as we have seen) he visited him at Newark on the 11th of May—he appeared as a witness on the 28th day of the same month to prove his death; not it is true by swearing directly that he was dead, but by swearing to circumstances by which he sought to create that impression, and the result is the same. If it is true that the prisoner had united in such a scheme, it was very important to him that the existence of Goss should not come to light; for if it did, not only would the scheme fail, but the prisoner become liable to prosecution for conspiracy and perjury. If you find such motive existed, then you will judge whether the disappearance of Goss from the neighborhood in which he was known, and his reported death, did not invite the commission of the crime by reason of the immunity from discovery which these circumstances tended to afford. Still a motive to commit the crime, and such opportunity to gratify it, would be of no consequence in the absence of evidence that the prisoner did commit it. Then what is the evidence that he did?

If Wilson was Goss under an assumed name, and the remains found in the woods were his, then we have found the prisoner and Goss together on the first day of July. On the evening of this day, as we have further seen, the prisoner visited his brother-in-law, Samuel Rhoades, whose testimony I will now read: "The prisoner came down to where I was in the field between 1 and 2 o'clock; he had written me a letter, and as soon as I saw him I thought of it; after he spoke to me I asked him about that letter; I said I wrote to see what it was; he said, no I could not write any more; it had to be by word of mouth; however, he said, it is just as good now and better; it is a sure thing for \$1,000 apiece; then he said it is warm, let us go up to the shade—we walked up and sat in the edge of the field in the shade. I asked him what it was, he said well, have you a horse. I said yes. He said, have you a wagon that will hold three? I said yes—I believe I said I have no carriage. I asked him when we could get the money, and he said we will get \$500 apiece right away, and said there is more money we will get. He began to say something and stopped, and said he would guarantee me \$1,000 anyhow. I asked him where we would get it. He said at Jennerville: I have towed it right here to Jennerville. I asked him what it was. He said it was a man that was drinking, and spending his money for no good; said he had about \$1,000 with him, for he had been drawing his money through him. He wanted me to hitch up and go right with him to Jennerville, get his man in, and he would give him a little laudanum and put him to sleep and take his money; I said I can't go on that; I told him if he commenced this kind of thing that he would ruin himself and his whole family; he said there wasn't a bit of danger, he had had this man—I ain't so certain whether to Newark or New York—and Philadelphia, and says he, I wouldn't go to all that trouble unless I knew what I was doing; I

told him nobody knew what they were doing when they commenced that kind of business; I told him he would have to give up the idea; he says I'll not go home till I get it; he said he would do the stealing; he spoke as though he wanted me to hide the money; he said if I wouldn't have nothing to do with it, he had been at a good deal of trouble and expense and would do it himself and bury the money; I told him not to, I must go to my work; I told him to stay a day or two and I could talk to him in the evening and the morning till the hay was fit to work at; he said the man would not stay in Jennerville by himself; said if he staid at our place he would have to bring the man up, and asked me if he might; I told him he should; he then asked me for my horse so that he could bring the man up; I told him the horse was at Poley Warner's; he asked if there was a livery stable at Penningtonville; I told him there was and he could get a team there; he said the man was very sick; he thought he would have died last night he said, he had to be up with him dosing him with whisky and stuff; he said he believed he would die and he said, how would it be with you and Annie (my wife) if he would happen to die at your place; would you allow me to put him away and say nothing about it; no, I told him, if a stranger would die at my place there would have to be a Coroner got, and an inquest held; he said there was nobody to look after this man; he said he had been lost for a long time, and everybody thought he was dead; he had no friends that would look after him, or cared anything about him; I told him it didn't make any difference, if a stranger would die there there would have to be an inquest; he was setting with his cheek next to me; he threw his head down, and his cheek was getting red; he said that might lead to some suspicion; I told him I couldn't help it, I could not have anything of that kind; he says well, what then? I told him I could not tell him any more till I saw the man; he started then in the direction of Penningtonville, with my wife."

This witness and his testimony have been criticized by counsel, and you will determine what weight his statements should receive. In this connection it is important to remember that he exhibited the prisoner's letter, referred to, soon after it was received, and reported to his neighbors the interview, detailed here, almost immediately upon its occurrence. You will also remember the testimony heard respecting his character for truth telling; and will examine the prisoner's letter, to see whether it does not corroborate his statements. That letter appears by the envelope to have been forwarded in the preceding December, and Mr. Rhoades testifies that it was received at that time. It is in the following words:

[The letter from Udderzook to Rhoades, addressed "Dear Sam," was here read.]

On the evening of the same day after the interview with Rhoades, as night was coming on, the prisoner started, with the man by his side in the direction of Penningtonville. Baer's woods is about nine miles from the place of meeting, and in this direction the parties were going when last seen. John Hurley who lives within a short distance of the woods testifies that his wife, in the night, aroused him to hear a noise in that direction. That he distinctly heard hallowing, and distinguished the voices of two individuals, but could not distinguish any expression except the exclamation "Oh!" That about day-light the following morning he discovered smoke arising from a fire in the woods; and several other witnesses testify to having seen fire in the woods on that morning.

Now, if the remains found in the woods are those of the man who started with the prisoner from Jennerville, you will judge whether the prisoner did or did not carry out the design which Rhoades says he expressed in the interview a few hours previous; whether the hallowing testified to by Hurley as heard that night, did not come from this man; and whether the smoke seen did not issue from a fire that consumed the bloody garments (as well of the perpetrator as of the victim), and other evidences of the crime.

It is further shown that about 12 o'clock the same night the prisoner returned the vehicle to the stable at Penningtonville. The iron supporting the dasher on the left side, where the man was sitting when last seen, was broken, and the leather bent forward; two of the bows supporting the top, on the same side, were broken from the bed, and swinging loose. The oil cloth that had covered the floor was torn out and gone; the blanket and sheet that accompanied the wagon were missing. What had become of them? Had they been stained with blood and consumed in the fire? After discovery of the body in the woods the floor of the wagon was examined, and red spots, apparently made by blood, were observable on the edges of the boards forming the bottom, and underneath where it appeared to have spread. Doctor Howard testifies that having applied microscopic and analytical tests to these spots he ascertained them to be made by blood.

Where the prisoner spent the balance of the night after returning the vehicle does not appear; he was seen early the next morning entering Coehranville on foot. Later in the day he was met still on foot going in the direction of Jennerville. On the evening of the same day, about six o'clock, he appeared at Penn station on the Philadelphia and Baltimore Railroad, where he took the train east, getting off again at West Grove—this being the point at which he and his former companion had (according to his own statement), left the train two days before. In a short time he reappeared carrying a carpet bag or valise, and entered the train going westward. At Penn station he again left it, and passed in the direction of Mr. Miller's, where his mother resided. On the next day—being the 3d of July—he took the train for Baltimore. When arrested he made a statement, which you have heard; and you will judge whether it is consistent with probabilities, or finds any countenance in the ascertained facts of the cause. We now repeat the questions before stated: First, were the remains found in Baer's woods those of Winfield Scott Goss? Second, if they were, did the prisoner at the bar take his life? Both these questions must be found against the prisoner before he can be convicted. In passing upon them you will carefully weigh all the evidence, as well as the comments of counsel upon it; and will also consider the testimony which the prisoner has produced in regard to his former character.

If you convict him you must determine the grade of his crime. That it is *murder*, if he is guilty at all, has not been questioned by his counsel. But in Pennsylvania the Legislature, considering the difference in guilt, where a deliberate intention to kill exists, and where no such deliberate intention appears, has distinguished murder into two degrees—murder of the first and murder of the second degree; and required the jury trying the accused, if it finds him guilty to ascertain and find by their verdict whether it be murder of the first or murder of the second degree, and has further provided that "murder which shall be perpetrated by means of poison or lying in wait, or by any other kind of willful, deliberate and premeditated killing, shall be murder in the first degree; and all other kinds of murder shall be deemed murder of the second degree."

Then if the defendant is guilty, is it of murder of the first, or murder of the second degree?

If the prisoner is guilty of killing Goss, you will determine whether it is not plain that the crime was contemplated beforehand, and the killing willful and deliberate? The circumstances bearing upon this question, have been so fully stated, in treating other parts of the cause, and must be so distinctly present in your minds that we need not repeat them here.

Still this question is for you alone to determine, and if you convict the prisoner you must say whether it is of murder in the first or second degree.

In conclusion, we urge upon you to bear constantly in mind its great importance. To the prisoner it involves everything of earthly desire.

You will, therefore, give to the facts not only their most reasonable construction, but also their most charitable and merciful construction; and if, when thus considered, they fail to satisfy you of his guilt, you will acquit him, regardless of all consequences, and he is entitled to the benefit of every reasonable doubt. A doubt, however, is not a mere possibility that the prisoner may not be guilty, but an honest hesitation of the mind arising from want of proof.

If on the other hand the facts satisfy you of his guilt, you must convict him. In such case no consideration of pity or mercy can influence you. To the tender appeal made by the presence of wife and children, you must turn a deaf ear. To listen to it would be more than a mistake; it would be a crime, a crime against the innocent—against society. With the consequences which may attend conviction, you have nothing to do, they rest upon others. If the evidence satisfies your minds of his guilt you have no choice. Following the pathway of the evidence you can turn neither to the right, nor to the left, but must accept the conclusion to which the facts lead. If you entertain views unfavorable to capital punishment, you must disregard them here, remembering that it is not the jury, but the law, that inflicts the punishment. The jury does not pronounce the sentence, which condemns to death, but simply determines whether the prisoner has committed the crime.

You will now take the case, and forgetting everything but the law, the evidence and your duty, will pass an honest, deliberate and fearless judgment between the Commonwealth and the prisoner.

The reading of the charge was ended at 4.35, and Mr. MacVeagh reserved an exception. During the time occupied by the Court in charging the jury, all paid deep attention, and there was almost a painful stillness throughout the courtroom. The prisoner and his wife kept their eyes fixed upon the Chief Judge during nearly the entire delivery, and the jurors seemed to hang upon the words of the presiding officer.

When the Chief Judge had concluded, the indictment was placed in the hands of the foreman of the jury and the constables in charge were sworn to keep them without meat or drink and to suffer no one to speak to them and not to speak to them themselves except to ask if they agreed. The grave looking jurors then filed out slowly, closely watched by all present. The Court adjourned for thirty minutes and in a short time there arose the chorus of hundreds of voices in animated conversation.

The prisoner remained seated at his wife's side, and engaged in conversation with her, his counsel, Mrs. Arden, his sister, Mrs. Kemble, Sheriff Gill and others. Even at this moment of suspense Uderzook and his wife were calm and composed to a remarkable degree. At the expiration of thirty minutes the Court adjourned until 9 o'clock A. M. to-morrow, unless the jury should agree before midnight.

The jury remained out from Friday afternoon until Sunday morning, November 9th.

WEST CHESTER, November 9.—At half-past 9 o'clock this morning the jury sent a note to Judge Butler, which he refused to open except in open Court. Counsel being notified, the prisoner was brought in looking very neat and rather cheerful. Directions for assembling the Court were conducted very quietly, but the prisoner being observed on the way to the courthouse, a rush was at once made, so that it was quite filled up when the jury came in. Court was opened at 10.20 A. M. The jury came in and answered to their names. Judge Butler said he had received a sealed note purporting to come from them, and that he had decided to receive it in open Court in presence of the prisoner; he would now open the note; he found it to be a request to see him; if they had any communication to make he would hear it.

Mr. Morton, foreman of the jury.—The jury are unanimous in the opinion—

The Court.—Stop! Stop! I must not hear anything in regard to your difficulties or differences in the jury room. If you desire any information upon the law or the evidence in the case, I will answer.

Mr. Morton.—We feel that we are totally unable to agree upon a verdict unless we have some more light in regard to the evidence.

Judge Butler.—If you will name the witness in regard to which you need information I will read the evidence to you.

Mr. Morton.—In regard to Dr. Bailey's testimony.

The Court then sent for its notes, and read the desired evidence carefully.

Mr. Morton then said that the counsel had particularly called their attention to certain papers, which they were charged to examine carefully. These papers had not been put before them.

The Court asked if the jury wished them, and Mr. Morton said he thought some of the members did.

The Court said they would send for the papers, and pass upon them, and send them in, which was afterwards done.

Judge Butler then said they would now be returned to their room. In answer to the announcement that they could not agree, he could only say that we all regret to hear you say so; it is your duty to seek to agree; it is not the duty of any man on the jury to seek to make others agree with his opinion one way or the other. It was their duty to sit down with a full sense of their responsibility before God, and make honest, patient and earnest investigation, endeavoring to arrive at the truth. Anything like obstinacy or an endeavor to force an opinion on the part of any jurymen was not only wrong, but in a high degree criminal; a willful going astray upon one side or the other is a high crime. You have not been out so long that the Court doubts your ability to agree, and we entertain no thought of discharging you. We regret your trouble; you have our deepest sympathy, but we cannot aid you, except to answer such questions as you may ask.

The jury then retired to their room, and the Court adjourned.

At 2 P. M. the Court was reopened on information that the jury had agreed, and the prisoner was brought in. The jurors came into court with downcast countenances, none of them looking at the prisoner, and the foreman, Mr. Morton, had tears in his eyes.

The Clerk then asked: Gentlemen of the jury, have you agreed upon your verdict?

Mr. Morton (foreman).—Yes.

Clerk.—What say you in the issue joined between the Commonwealth of Pennsylvania and William E. Udderzook, defendant. Do you find him guilty in manner and form as he stands indicted, or not guilty?

Foreman.—Guilty.

Clerk.—Of what?

Foreman.—Murder in the first degree.

This was repeated in the same form with each member of the jury until all had answered, when the Clerk said: Hearken to your verdict as the Court have it recorded. You say in the issue joined between the Commonwealth of Pennsylvania and Wm. E. Udderzook, the defendant, you find him guilty in the manner and form as he stands indicted, and so say you all.

The jury then took their seats.

Judge Butler said: Gentlemen, your duties have been arduous and painful, and we have sympathized with you very deeply. We now discharge you, and for the careful and patient manner in which you have fulfilled your duty, you are entitled to the thanks of your fellow-citizens.

He also said that as many of them could not reach their homes to-day, if they would come in at the assembling of the court to-morrow morning and answer to their names they would be allowed another day. In the case of those who could not do this, he had no doubt the Commissioners would allow it anyhow.

Mr. Perdue, of the prisoner's counsel, made a motion for a new trial. He was told that he had four days in which to file his reasons. The pris-

oner was remanded back to jail, and the court adjourned.

Although several of the jury seemed deeply affected by the weight of their responsibility, the prisoner showed no emotion whatever, but gazed unwinkingly on each jurymen as he gave in his verdict. When all was over he adjusted his hat to a nicety on his head, and walked out of the court-room in charge of the Sheriff with nothing about him of the air of a man walking to his doom.

The balloting by the jury was as follows: First ballot, six guilty, five not guilty and one undecided; second ballot the same; third ballot six guilty and six not guilty; fourth ballot five guilty and seven not guilty; fifth ballot four guilty and eight not guilty; sixth ballot even. They then went in and received the instructions of the Court. Seventh ballot nine guilty and three not guilty; eighth ballot eleven guilty and one not guilty. On the ninth ballot all voted guilty in the first degree.

Thus closes the second act of this crime. The cause which kept the jury out so long is understood to have been their inability to agree upon the question of the identity of the Penningtonville body as that of W. S. Goss. This appears to have been set at rest by the exhibition of letters written by Goss and Wilson and a review of the evidence of Dr. Bailey.

The working up of the Udderzook case, which resulted in his conviction, and the reasons that induced the insurance companies to delay payment of their several policies until they had thoroughly investigated all the circumstances, is not the least interesting portion of this extraordinary case. It may be stated as follows: Immediately succeeding the

BURNING OF GOSS' SHOP,

on the York road, there were whisperings and suspicions of fraud. It was unreasonable that an athletic, strong man as Goss was known to be, could not, and should not have escaped from a small frame building, well provided with ways of escape, before it was consumed, and equally unreasonable that no cry should have been raised, nor intimation given that Goss was in the shop, until it had been burned down. Another

SUSPICIOUS CIRCUMSTANCE

was that \$20,000 of the \$25,000 for which policies had been issued on the life of Goss, had been taken out within one year of his alleged death by burning, and the annual premiums on these policies were far in excess of his means and business. Investigation disclosed the fact that while his income was between thirteen and fourteen hundred dollars, he had actually taken out policies calling for an

ANNUAL AGGREGATE PREMIUM OF \$449 95.

Suits were brought against the companies, and they proposed, through their counsel, an examination and critical examination of the remains taken from the ruins of the shop. This proposition was acceded to by the counsel for the plaintiff, Mrs. Goss, and two medical gentlemen were selected by each party to conduct the examination. A minute description of the personal appearance of Goss, including the condition and soundness of his teeth, furnished by the plaintiff, was in possession of the companies.

THE EXAMINATION OF THE REMAINS

by the four physicians took place, and the condition of the jaws and teeth, of which a plaster cast was taken and preserved, proved, if not conclusively, at least beyond reasonable doubt, that the remains were not those of Goss. His teeth were described by the plaintiff and all intimately acquainted with him as a full set, white, sound and regular, while those found in the jaws of the charred remains were badly decayed and more than half (upper and lower) entirely gone, having been lost long before death. The

RESULT OF THIS MEDICAL EXAMINATION

was the groundwork of all future proceedings, as in the well-known Parkman case. Had the

teeth found in the remains agreed with the description given by the plaintiff, the companies would have paid the money. But they were now convinced that Goss had not been burned, and that the corpse of another had been procured to perpetrate a fraud, coupled with the crime of arson. They set their agents to work to

UNRAVEL THE MYSTERY,

and were soon on the track of the fleeing conspirator. It was ascertained that Goss, after leaving his shop in flames, took the night train on the Philadelphia road and getting off at Wilmington, Delaware, spent the night there and had his whiskers shaved off. Thence he went West, wandering to different places, and remained several months, when he returned East.

THE SUIT BROUGHT TO TRIAL.

The suit against the Mutual Life Insurance Company of New York was brought to trial, as detailed in the first part of this report. It ended in a verdict for the full amount of the widow's (?) claim. A motion for a new trial was made, and its disposition was pending when the country was startled by the finding of the mutilated remains at Baer's Woods.

NO ORGANIZED PLAN DEVISED.

On the afternoon of the 16th of July, 1873, Charles H. Pennypacker, Esq., attorney at law at West Chester, Pennsylvania, received a telegram from J. M. Stuart, Secretary of the Mutual Life Insurance Company of New York, directing him to protect their interests in the Goss-Udderzook case. At this time no organized plan had been devised for the preservation of the proofs of the guilt of Udderzook, and indecision and hesitation seemed to rule the action of the proper authorities.

A PROGRAMME ARRANGED.

Mr. Pennypacker, with Coroner Joseph B. Smith, went immediately to Parkesburg, where they spent the night, and in the morning met M. E. Parrott and W. W. Laughton, special agents of the Continental Life Insurance Company, of New York, and Travelers' Insurance Company, of Hartford, Connecticut, respectively. The meeting was purely accidental, and it was not long before they compared views, and decided to travel together. They went to Peningtonville. Their arrival here

WAS MOST OPPORTUNE.

Some one had given orders to have the shirt of the murdered man washed, and it had just gone into soak. A few moments talk convinced every one of the importance of preserving intact this evidence of the murder. The shirt was rescued from the water, and the Deputy Coroner's office (Hugh Rambo, Esq.) was converted into an inquisition room, where witnesses were heard and articles examined. From thence they went to the house of Samuel Rhoades, and after searching from garret to cellar, both husband and wife were questioned and cross-questioned, and a full report of their answers and statements committed to paper. Nothing in their demeanor or in their answers

RAISED ANY SUSPICION

of their complicity. They withstood a most thorough examination satisfactorily.

The locality of the murder next claimed attention. With the scanty evidence already obtained they began to see the victim as Goss. The alluring words of Udderzook to Rhodes told of a man lost to family and friends, supposed to be dead, whose actual death would be their mutual gain. The woods were searched for the spade with which the two holes for the dissevered body had been dug, and for the knife with which the bloody midnight assassination had been done, but in vain.

THE ONLY TRACES REMAINING

were the open graves, and the ashes and charcoal remnants of the burnt blood-stained blankets, and clothing of the murderer and his victim. The party then proceeded to John Hurley's, a short distance from Baer's woods, and took his statement; thence to Gilfillan's tannery, hard by, to Cochranville and Jennerville, where a halt

was made for the night. Mrs. Jane Udderzook, the mother of the accused, lived at the latter place, and her house was searched. Nothing of much importance was found. Letters written by William to his mother mentioned the Goss case and showed that it was

THE SUBJECT OF GENERAL FAMILY CONVERSATION.

The next morning (the 18th) Messrs. Parrott and Laughton boarded the cars at Penn Station, for Baltimore. In the vicinity of Jennerville they had obtained the testimony of some eight other witnesses, all of whom figured subsequently at the trial. The next stopping place was at the dwelling of Francis M. Pyle, near West Grove, where Udderzook and his victim had lunched the 30th of June. The evidence of Mr. Pyle, his wife and intelligent boy was carefully noted, and thence they drove to West Chester.

W. S. GOSS STILL LIVES.

About four o'clock in the afternoon of the following day (Saturday, July 19,) William Sharpless informed Mr. Pennypacker that his son-in-law had just returned from Media, Delaware county, Pa., and whilst there had heard a report that Goss had been living with a family at Coopertown, in that county, during the summer of 1872. In less than an hour a start was made for Coopertown, and early the following morning the boarding house of David R. Mullin was reached. A brief interview with the family satisfied the party that W. S. Goss, of Baltimore, still lived in the person of A. C. Wilson, at Coopertown. A fan and section of a model of a screw-driver, left by Wilson, and two letters written by Udderzook to Mr. Mullin, were obtained here. Two miles beyond, at Bryn Mawr Station, at the boarding house of H. G. Litzenberg,

A COAT LEFT BY WILSON

was obtained, also a due bill signed by him, and his signature in the receipt book of Adams Express Company. The investigation and search at Coopertown and Bryn Mawr did not seem to surprise the people. They had read the papers with an account of the murder and suspicions; had recalled and talked over many incidents in Wilson's life among them, and were apparently satisfied of his identity with Goss.

Mr. Olrey, an intelligent Frenchman, who lived with Litzenberg, had frequently taken packages and letters to Philadelphia for Wilson, addressed to Baltimore, under circumstances that

EXCITED HIS SUSPICION;

had actually taken counsel on the subject, and made arrangements to visit Baltimore, and ascertain from Campbell Goss who his Coopertown correspondent was, bearing the assumed name of A. C. Wilson. A domestic affliction in the family of Mr. Olrey alone prevented his visit to Baltimore. Had he come it might have averted a terrible tragedy and saved two lives. Learning at Bryn Mawr that

WILSON HAD GONE TO NEWARK,

that city was visited the following day, Monday. At the express office it was ascertained that his residence had been 327 Mulberry street, a boarding-house kept by Mrs. Elizabeth Toombs. This lady was called upon and on being asked if any letters were there for A. C. Wilson, she replied there was one, and produced the letter. It was opened and found to be from Campbell Goss. The story of the murder was then told to Mrs. Toombs, who in turn narrated the facts given in her evidence. Five or six intelligent, creditable persons, living in her family, several of whom had roomed with Goss, next heard the story, and were satisfied that Wilson and W. S. Goss

WERE ONE AND THE SAME MAN,

and that "Doc" Mullin, who visited Wilson in May, was William E. Udderzook, the accused. It was ascertained that Wilson left Mrs. Toombs' at Newark, on the 25th of June, 1873. He was next traced to Jennerville, where he left the hotel in a buggy in company with William E. Udderzook, and that was the last seen of him alive.

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