

1744
THE TRIAL AND EXECUTION

OF

DR. JOHN W. HUGHES,

FOR THE

MURDER

OF

MISS TAMZEN PARSONS,

Ohio



WITH A

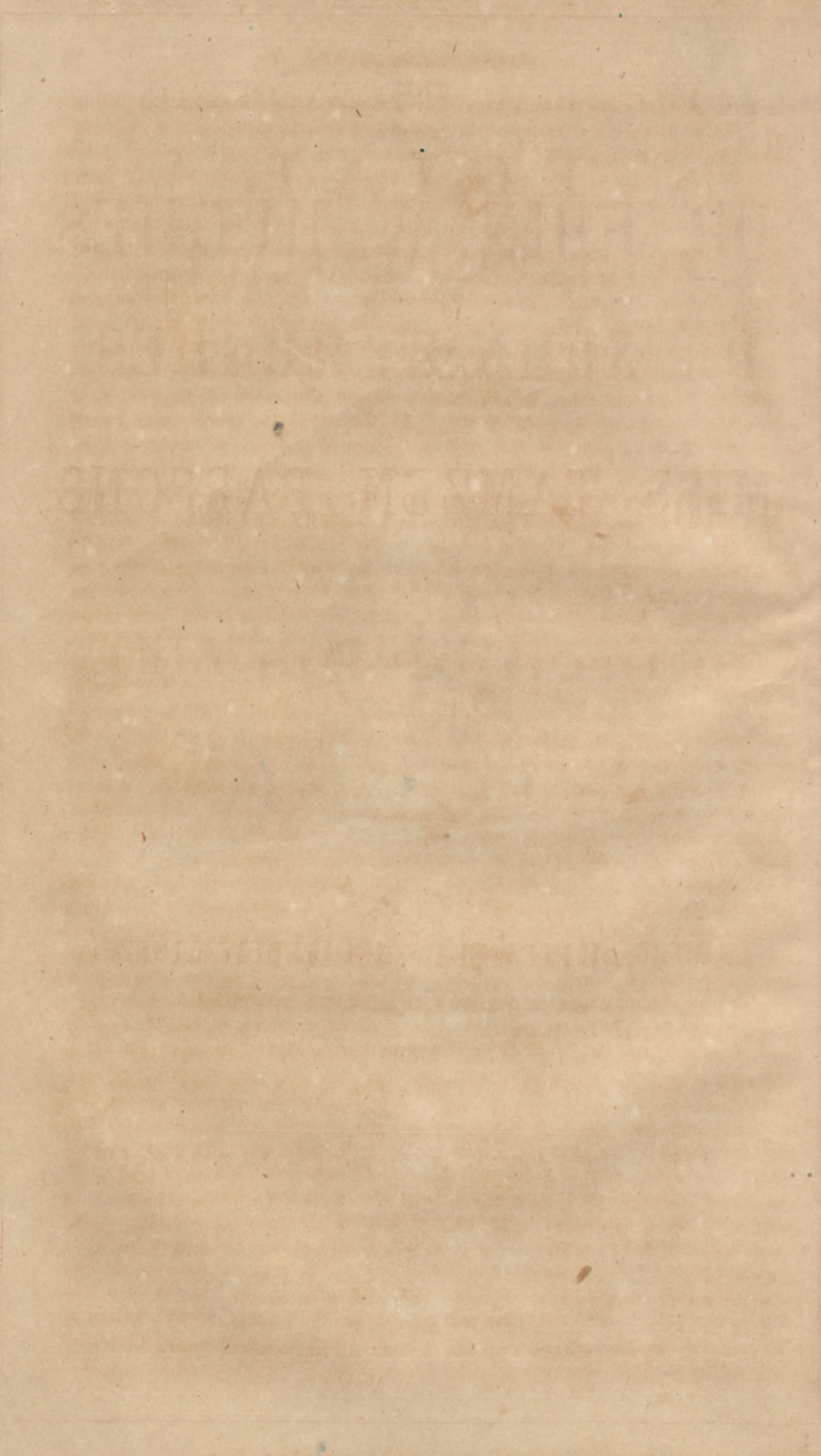
SKETCH OF HIS LIFE AS RELATED BY HIMSELF.

A RECORD OF LOVE, BIGAMY AND MURDER UNPARALLELED IN
THE ANNALS OF CRIME.

PUBLISHED BY JOHN K. STETLER & Co., CLEVELAND, O.

CLEVELAND, OHIO:

PRINTED BY THE CLEVELAND LEADER COMPANY.
1866.



MACKENZIE'S
TEN THOUSAND RECEIPTS,
IN ALL THE
USEFUL AND DOMESTIC ARTS;
CONSTITUTING
A COMPLETE AND PRACTICAL LIBRARY,
RELATING TO

AGRICULTURE, ANGLING, BEES, BLEACHING, BOOK-KEEPING, BREWING, COTTON CULTURE, CROCHETING, CARVING, CHOLERA, COOKING, CALICO PRINTING, CONFECTIONERY, CEMENTS, CHEMICAL RECEIPTS, COSMETICS, DISEASES, DAIRY, DENTISTRY, DIALYSIS, DECALCOMANIA, DYEING, DISTILLATION, ENAMELLING, ENGRAVING, ELECTRO-PLATING, ELECTROTYPING, FISH CULTURE, FARRIERY, FOOD, FLOWER GARDENING, FIREWORKS, GAS METRES, GILDING, GLASS, HEALTH, HORSEMANSHIP, INKS, JEWELLERS' PASTE, KNITTING, KNOTS, LITHOGRAPHY, MERCANTILE CALCULATIONS, MEDICINE, MISCELLANEOUS, RECEIPTS, METALLURGY, MEZZOTINTS, OIL COLORS, OILS, PAINTING, PERFUMERY, PASTRY, PETROLEUM, PICKLING, POISONS AND ANTIDOTES, POTICHOMANIA, PROOF-READING, POTTERY, PRESERVING, PHOTOGRAPHY, PYROTECHNICS, RURAL AND DOMESTIC ECONOMY, SUGAR RAISING, SILVERING, SCOURING, SILK AND SILK-WORMS, SORGHUM, TOBACCO CULTURE, TANNING, TREES, TELEGRAPHING, VARNISHES, VEGETABLE GARDENING, WEIGHTS AND MEASURES, WINES, ETC., ETC.

BEING AN ENTIRELY NEW EDITION

CAREFULLY REVISED AND RE-WRITTEN,

AND

Containing the Improvements and Discoveries up to Date of
Publication,

OCTOBER, 1865,

BY A

CORPS OF OVER FORTY PERSONS.

The list embraces some of the most distinguished and scientific gentlemen in the country

Medicine is fully treated by PROF. HENRY HARTSHORN, President of the Pennsylvania Medical College at Philadelphia, and includes a carefully prepared article on Cholera and its treatment.

If the several subjects treated of in this book were printed and made into separate books, in the usual manner of book-making, they could not be sold for less than \$20 to \$25.

PRICE FIVE DOLLARS.

Agents are wanted in every County, Town and Village to sell this work Men possessing the requisite qualifications, will find this work to offer rare inducements.

Address, specifying territory wanted, and enclosing stamp for return postage,

JOHN K. STETLER, Gen'l Agent,

156 Superior Street, Cleveland, O.

“KNOWLEDGE IS POWER.”

Everything that tends to elevate and enlighten a class or people, deserves our cordial support and patronage.

☞ Have the kindness to give the following Letters and Circular a careful perusal.

SELECTIONS FROM NUMEROUS LETTERS RECEIVED.

LETTER FROM REV. J. RICE TAYLOR.

EAST CLEVELAND, O., Jan. 10th, 1866.

Mr. JOHN K. STETLER—DEAR SIR:

Most cheerfully do I comply with your request for my opinion as to the merits of the recent issue of a revised and enlarged edition of “Mackenzie’s Ten Thousand Receipts.” Although long familiar with the title of the work, I had little conception of its REAL VALUE, until my attention was lately called to it, by yourself. I had imagined the book to be a somewhat random compilation, with an imposing title, made chiefly to sell. My surprise, therefore, you may readily conceive, when I came to examine the work and found it to contain a multitude of well chosen and carefully prepared Receipts for the practice of almost every art, from the curing of diseases to the cultivation of the soil, to the simpler process of twisting of a doughnut and the knotting of a rope. Apart from the infinite number of receipts, relating to the wants and contingencies of every day life, the work embraces distinct treatises on Agriculture, Cookery, Medicine, &c., &c., any one of which, by itself, would make a book, in ordinary type, worth half the price of the present large and closely printed volume. Whatever the value of the former edition, the present issue commends itself by clear typography, while it claims to have been carefully revised, and also to have received valuable additions of original materiel.

Very respectfully and sincerely yours,

J. RICE TAYLOR.

LETTER FROM J. W. BRADFORD, M. D.,
Graduate of N. Y. College of Surgeons and Physicians.

No. 115 PEARL ST., CLEVELAND, O., Jan. 10th, 1866.

JOHN K. STETLER, Esq.—DEAR SIR:

We have in our family a copy of Mackenzie’s Great Family Receipt Book, a work which commends itself to all intelligent persons.

There is, perhaps, no book extant which is of more general use, and from which more information can be obtained. I find every subject treated scientifically, fully, and reliably. The subject of Medicine treated at length, and with great accuracy, by Prof. Hartshorne, especially that part relating to Cholera and its proper treatment.

There are hundreds of receipts in the book which are worth alone and singly, more than the cost of the work.

No family should be without a copy of this work.

Respectfully yours, &c.,

J. W. BRADFORD, M. D.

LETTER FROM PROF. PROCTOR THAYER, of the Cleveland Medical College.

JAN. 18th, 1866.

J. K. STETLER—SIR:

I have read many of the 10,000 receipts contained in Mackenzie’s Great Family Receipt Book—some with profit, some with pleasure, and some for fun. It is what it pretends to be, a book of valuable receipts, pertaining to the economy of life; well worth the money it costs, and should be owned by every family; for it will pay.

Respectfully yours, &c.,

P. THAYER, M. D.

CLEVELAND, O., Jan. 17, 1866.

JOHN K. STETLER—DEAR SIR:

I beg to testify my high appreciation of your popular work—Mackenzie’s Great Family Receipt Book. I have it in my family, and find it of such general use that recourse to its pages is almost of daily occurrence. It is truly a work of rare merit, which needs but to be seen to be appreciated; and which should be in every household. I have treated, successfully, a severe case of Diphtheria and ulcerated sore throat, by following the directions given in the work for treating such cases; also a bad case of congestion with similar success.

Judging from the amount of sickness in my family, in the past few years, in the same ratio, I think it will result in the saving of at least \$50 per annum. I would not spare my copy—providing another could not be procured—for double its cost.

Very truly yours, &c.,

MRS. M. A. BERWICK.

THE

TRIAL

OF

DR. JOHN W. HUGHES,

FOR THE

MURDER OF MISS TAMZEN PARSONS;

WITH A

SKETCH OF HIS LIFE,

AS RELATED BY HIMSELF.



A RECORD OF

LOVE, BIGAMY AND MURDER,

UNPARALLELED IN THE ANNALS OF CRIME.



PUBLISHED BY JOHN K. STETLER & CO., CLEVELAND, OHIO.



CLEVELAND:

PRINTED BY THE LEADER COMPANY, NO. 142 SUPERIOR STREET.

1866.

2294
42
S.G.

11228

THE
TRIAL

DR. JOHN W. HUGHES,

MURDER OF MISS TAMZEN PARSONS;

SKETCH OF HIS LIFE

Entered according to Act of Congress, in the year 1866, by

JOHN K. STETLER & CO.,

In the Clerk's office of the U. S. District Court for the Northern District of Ohio.

A RECORD OF
LOVE, BIGAMY AND MURDER

UNPARALLELED IN THE ANNALS OF CRIME

PUBLISHED BY JOHN K. STETLER & CO. CLEVELAND, OHIO.



CLEVELAND:

PRINTED BY THE CLEVELAND PRESS, NO. 125 COLUMBUS STREET.

1866

BIOGRAPHICAL SKETCH.

On the ninth of August, 1865, John W. Hughes, a physician and surgeon, of little note in this city, committed a murder in the neighboring village of Bedford, which, from the nature of the case, the character of the parties to the tragedy, and the antecedents of the deed, forced him upon the attention of the people of Cuyahoga county not only, but of all Northern Ohio. The public was startled and shocked on the following morning by the publication that Miss Tamzen Parsons, a young lady seventeen years of age, had been shot down in the streets of Bedford by this man, who had been her lover, and who, under cover of a forged bill of divorce from his loving wife, had married her in Pittsburgh, in December, 1864, and suffered in the Pennsylvania penitentiary the penalty attached to the crime of bigamy. We propose to give in this little pamphlet, beside the proceedings of the trial, a brief biographical sketch of Dr. Hughes, (the facts of which are furnished by himself,) with the view of showing that this deed, horrible as it was, was but the natural conclusion of that career upon which he had entered in early years; and thus, with an account of his execution, exhibit the unity of his short but crowded life. We believe this record will be acceptable to that home-public which has taken such deep interest in the case, and to which the trial has appealed with louder voice than to that larger public whose attention has been drawn to the case, from the fact that it has not a parallel in the annals of crime. And it may serve as an effectual warning to many, unless, indeed, it be true that "nobody will use other people's experience, nor has any of his own, till it is too late to use it."

John William Hughes was born Nov. 11th, 1833, in the town of Douglas, Isle of Man, of wealthy and influential parents. He was the eldest and only surviving child. His father, who was a landed proprietor or country gentleman, possessed of an hereditary estate which had been in the family for generations, died when John was but four years of age. John inherited many traits from his father, who was a full-blooded man, of high temper and given to occasional drunken sprees. But, in spite of these "obliquities," he was looked up to by the people of the parish in which he lived, and held in the high consideration which wealth and consequent social position invariably give to landed proprietors in the over-crowded countries of the Old World.

On the death of John's father, an uncle by marriage, Mr. Thomas Moore, now Commissioner of the Island, and a very influential man, was appointed his guardian. In the fact that his children were, after

John, the next heirs to the estate of the latter, is to be found the occasion of much of the subsequent irritation which developed this boy into a headstrong, reckless, irrepressible youth, and a dissipated, wicked man of the world. Mr. Moore lived in the town of Ramsay, about twenty miles from the estate known as "Hughes Ballamona." Two years after the death of Mr. Hughes, the father, Mr. Moore, instigated by his wife, an aunt to John, brought an action against the widow, John's mother, to get possession of a dower of £2,000 which her father had settled upon her at marriage, claiming that it should be incorporated with the estate. He came off victorious after an obstinate trial, which engendered such bitter feeling in the guardian and his wife that he tore John away from his mother at the age of six or seven years, and put him at a boarding-school, under Dr. Maffatt, of Eyreton Castle. He received there his first instructions, and after the expiration of three years, during which time he saw his mother only at rare intervals when he ran away, he was sent to Glenview Academy, where many of the aristocrats of Great Britain send their sons to receive their preliminary education. John remained there four years—a period of almost perfect isolation from his mother. He was often flogged by order of his guardian for running away, and, in consequence of one of these chastisements, ran away to Liverpool and shipped on the *Marian*, a merchantman bound for Calcutta. The ship sprang a leak when ten days out, and put back. John returned stealthily to his mother, and in consequence of an attack of rheumatic fever was not able to return to his ship. On his recovery the guardian removed John to his own house in Ramsey, but he would not stay in it. An independent suite of rooms was furnished in princely style for him, and there he got the first taste of fashionable life. He kept a pony, had an unlimited supply of money, the income of half his estate, drank champagne, smoked cigars, indulged in wine and women, and every tradesman in Ramsey respected his frequent orders.

We may here say that the Isle of Man is one of the gayest, most fashionable and frivolous places in the world during the summer season. It is then the resort of the gentry and nobility of Great Britain, who crowd to it in large numbers, as the wealthy Southerners used to visit Saratoga and other fashionable watering places in the North. Every steamboat brings to the Island a gay party, bent on pleasure, and heedless of expenditure. The summer months are a whirl of parties, in which the senses are run away with. Life is considered only from the side of indulgence and physical enjoyment, and after the lapse of days or weeks, parties visiting the Island, as well as those living in it, who participate in the ceaseless festivities, awake as from a midsummer night's dream, a good deal spent, each one quite like a sucked orange; and have they as much virtue as they had before? We will not press the inquiry, as it may apply to the mass of pleasure-seekers; but we may easily imagine what an effect such an experience would have upon the wild, resolute, hearty, irrepressible youth,—a veritable Hotspur and fire-brand done into human flesh and blood,—John W. Hughes. He whiled away a fashionable season in such a round of indulgence, dissipation and moral and physical *abandon*, when his guardian plainly perceived that a crisis was approaching, if, indeed, it had not already come; and he, therefore, wished John to study law, divinity or physic. He concluded to study navi-

gation, and was put under the tuition of Thomas Cannell, of Kirk Andreas, the most famous mathematician in the Island, and lodged in his house. He lived there in gay style, kept a pony, "studied one hour and food seven." The venerable Archdeacon of the Island, who lived in the neighborhood, interested himself in John, and desired him to study divinity. He began the study of theology, under the guidance of Lord Auckland, Bishop of the Island, who confirmed the youth according to the rite of the Church of England, and in view of entering the ministry he was sent to King William's College, in Castletown. Before the fifth term had passed the appearance of the cholera suspended operations in the college. During these five terms John applied himself with commendable persistency to his studies. He got quite an insight into, and a considerable knowledge of, the classics. He took one prize,—a rich copy of Crabb's Poems,—a circumstance to which he always afterward referred with pleasure. King William's College is the best institution in the Island, and the students who pursue their studies there are generally of that class who are students by natural instincts or acquired tastes. And John's sudden inspiration for study seems to have been drawn from the air and quiet faces by which he was enveloped and surrounded. His temperament was so mixed, that he was ever greatly affected by local influences, and quickly took whatever contagion might lurk in the air. He was always the child of circumstances, and easily drawn away with the whole force of his impulsive nature into the aims and pursuits of the company or clique in which he found himself.

After the breaking out of the cholera he returned to Ramsey, and re-opened the establishment of a fast young man. He got upon the race courses, and squandered his money. His extravagance brought on a quarrel with his guardian, and John ran away to Liverpool, and, barely seventeen years old, enlisted in the British army, 5th Dragoon Guards, and joined his regiment at Dublin, Ireland. He was in the army three years, went to the Crimea, was wounded severely in the left leg at Balaklava, and was sent back to hospital in London. Soon after his return his mother died. A young lady, beautiful and accomplished, living in the western part of the Island, to whom John had been engaged, broke her vows, but he, instead of seeking to derive consolation from the fact that he was also engaged at the same time to an English lady of wealth and refinement, rushed to his estate, chagrined and furious, and took sweet revenge by instantly marrying the "Belle of Ramsey," a fisherman's daughter who was then a servant girl in his house, kept, since his mother's death, by Mrs. Stephenson, his aunt on the maternal side. By this time John had come of age, and immediately took possession of his estate, which had become greatly impoverished by tenants during his minority. With his brother-in-law for steward he revolutionized the place, and became the thriftiest farmer in the parish. Agriculture was now his sole ambition, his hobby, and he rode it with fury, one foot in either stirrup,—Theory and Practice. He increased, by breeding and purchase, his stock fourfold, and provided himself with all the modern agricultural implements and conveniences, and employed a larger force of laborers than any farmer in the region dared muster. We have seen in the prisoner's cell a book of record, which he chanced to have, showing the status of his estate for one year. The expenditures for

articles of actual or fancied use are frequent, oftentimes enormous. But the entries of income and profit far exceeded the records of outlay, showing, whether as a result of financial ability on his part, or of mere chance and necessity, that the ends were more than met.

Meantime domestic machinery did not work quite as smoothly as it ought, and in a fit of bad temper John suddenly left home and went to Scotland, where he studied medicine, attending the sessions of the Royal College of Surgeons in Edinburgh, from which he graduated, as the diploma shows, May 9th, 1857. Returning to his estate, he entered upon a fast life. His house was more like a hotel than a private dwelling, and was the rendezvous of all the gay spirits of the region. He kept a race horse, and got him on the course. Betting and gambling were a consequence, and he lost often and heavily. In an insane moment, and to the surprise of every one, he advertised for sale all of his estate that was above ground, and actually sold his effects. To the day of his death, he was not able to account for this freak. All called him crazy. It was his ruin. He rented his estate, after building two gothic cottages, with grottos, cabinets, hot houses, green houses, &c., which are to this day a curiosity in the Island. His wife and child now live in one of them, her father in the other, and they are the only relics of the Doctor's once proud ancestral estate.

In 1860 he came to this country and travelled through the Canadas and the West as the companion of a young English nobleman: Parting on the return at Detroit, the Doctor came to this city to visit his Manx friends, and after a tour five months in duration returned to the Isle of Man. In the early spring of 1861 he visited the States again, without his family, and opened an office at Warrensville, in this county, during which time he drilled all the companies recruited thereabouts for the war. Returning to the Island, he settled up his affairs, and sold his bare estate, which had become encumbered by his style of living, to a rich old bachelor who married the young lady who had jilted the Doctor and is now the mistress of "Hughes Balamona."

The Doctor could never speak of this turn of the wheel of fortune with perfect composure. The blood would mount to his cheeks, and his large blue eye turn muddy, like a shallow pool stirred with a stick, as he owned that it was not John W. Hughes, but his estate, that this jilt wanted. He would, however, recover his equanimity by the reflection that he was at the time of the rupture of their relations, one of the most desirable matches in the whole Island. He was young, not bad looking, owner of a splendid estate, and possessed of those personal qualities and qualifications which so fill out the eye of romantic young ladies.

After paying off "debts of honor," squaring gambling bills, etc., etc., little was left of the proceeds of the sale. The Doctor declared to us with great emphasis: "I was always too honorable. I paid off debts, for the liquidation of which there was on me no obligations but those of words of honor spoken by one better and gambler to another. And in all my troubles, antecedent and subsequent to the payment of those debts of honor, I have always done the fair thing, made my word as good as my bond, and often enough got myself in the lurch and into the nipping place thereby." And he died regretting the foolish act which stripped him of his property, and even went so far as to own

BIOGRAPHICAL SKETCH.

that, if he had had, on the day of his arrest, one tenth of his original estate, he would have been a free man on the streets of Cleveland. He has put the case in rhyme, thus :

My fellow-citizens! do you suppose
 Incarceration holds the title of those
 Amenable to punishment? Oh, no!
 Right in your midst, in calm assurance, go
 Criminals, bad as any in the jail.
 But they have friends, who readily go their bail
 For each and every crime, or pay the fare
 Thro' litigation; or, just on the Square
 Compass it in friendship, to let it slip.
 For what's the odds, if we're in fellowship?
 All these are good; we dare not throw a shade
 On any skilled in such a trade,
 Nor by an imputation in the least,
 Ignore the ancient travellers to the East.
 Oft we mourn the loss, but to condemn
 Ourselves, to pity, we are not of them.
 Philanthropic mystery, two in one,
 Friends by the Signet of King Solomon.
 Then who are punished? those by fortune thrown
 Upon their own resources, by their own
 Extravagance, are left without redress,
 Poverty-stricken, poor and penniless;
 No friends nor influence, they have no fee
 To palm the prosecutor and be free.
 For e'en in homicide we often see
 The crime reduced from first to last degree.
 The manner's simple, tho' not often told—
 Just calm the conscience with the ready gold.
 But he who is not blessed with gilded pelf
 Must die the death, be sacrificed himself
 For an example to his fellow man.

But to return. He removed to Edinburgh with wife and child, and attended the sessions at the University of Scotland in 1861-'62. In April of the latter year, after visiting the Isle of Man and bidding all their friends farewell, the family came to this city. The Doctor opened an office on the Public Square, and practised his profession till May, 1863, when, leaving his wife and child in Warrensville, he entered the navy, as a "Jack," in Buffalo. He soon got out of that service, however, and opened an office on North Clark street, in Chicago, where he secured a good practice. But at the urgent request of his wife and friends he returned to Warrensville, and practiced medicine in that place and Bedford until March, 1864. He formed the acquaintance of Mr. Thomas Parsons' family, through their English cousin, Harry Parsons, but did not see Tamzen till the winter following. In March he enlisted as a private in the 58th O. V. I., and at Columbus was made orderly sergeant, and confirmed as such when the regiment reached Vicksburgh, as the following paper shows :

THE COMMANDING OFFICER OF 58TH REGIMENT O. V. I., to all who shall see these presents, Greeting: KNOW YE, That reposing special trust and confidence in the patriotism, valor, fidelity and abilities of John W. Hughes, I do hereby appoint him sergeant in Company C, of the 58th regiment of Ohio Volunteer Infantry in the service of the United States, to rank as such from the 26th of April, 1864. He is therefore carefully and diligently to discharge the duty of sergeant by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all non-commissioned officers and soldiers under his command to

be obedient to his orders as sergeant. And he is to observe and follow such orders and directions, from time to time, as he shall receive from me, or the future commanding officer of the regiment, or other superior officers and non-commissioned officers set over him, according to the rules and discipline of war. This warrant to continue in force during the pleasure of the commanding officer of the regiment for the time being.

Given under my hand at the headquarters of the regiment at Vicksburgh, Miss., this 26th day of April, 1864. By the commanding officer, E. P. JACKSON, Lieut. Col. 58th O. V. I., commanding the regiment.

STEPHEN DEFENBAUGH,
1st Lieut. and Adj. of the regiment.

In June, having passed an examination he was discharged from the 58th Regiment, and appointed Assistant Surgeon in the 48th U. S. C. Infantry, as the following document shows :

To Whom it May Concern :

KNOW YE, That John W. Hughes, a Sergeant of Captain J. S. Kraus, Company C, 58th Regiment of Ohio Infantry Volunteers, who was enrolled on the 19th day of March, 1864, to serve three years or during the war, is hereby DISCHARGED from the service of the United States, this first day of June, 1864, at Vicksburgh, Miss., by reason of promotion as Ass't Surgeon 48th U. S. C. Infantry.

Said John W. Hughes was born in the Isle of Man, in the Kingdom of England, is thirty years of age, five feet, eleven inches high, light complexion, blue eyes, brown hair, and by occupation, when enrolled, a Doctor.

M. H. CROWELL,
LIEUT. COL. AND
Comd'g 48th U. S. C. T.

Here is an additional paper :

ASSISTANT SURGEON JOHN W. HUGHES, 48TH U. S. C. T. :

SIR: You are hereby informed that the President of the United States has appointed you 1st Ass't Surgeon in the 48th regiment United States Colored Infantry in the service of the United States, to rank as such from the 1st of June, 1864.

Immediately on receipt hereof, please to communicate to the War Department, through the Adjutant General's Office at Washington, D. C., your acceptance or non-acceptance of said appointment; and with your letter of acceptance, return to the Adjutant General of the Army the OATH herewith enclosed, properly filled up, subscribed and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

Should you accept, you will at once report, in person, for orders, to Col. F. M. Crandal, at Vicksburgh, Miss.

Given under my hand at Nashville, Tenn., June 20, 1864, by authority of instructions from the Secretary of War.

L. THOMAS, Adjutant General.

In the summer, Surgeon Hughes was authorized by President Lincoln to organize the Marine Hospital in Vicksburgh, as a general hospital for colored troops, and appointed Surgeon in charge of the same. In October he heard that his boy was very sick, and applied for a leave of absence, but being refused he promptly sent in his resignation, which was at length accepted, and he arrived in this city on the 11th of November; his birthday. He still insists that he did not find a pleasant home; that his wife was drunk, &c. [The veracity of this story is called in question by a family in which she boarded for months at a time, and who believe her to be a good, respectable woman.] He nursed his boy a week, and, when he had been rescued

from danger, left, heart-sore and sickened, for New York, where several weeks were spent. He found his home in a worse condition on his return than on the first arrival from the army, and, stung by the spectacle, rushed madly from the house, vowing never to return. It was now December; he hired a horse and cutter and drove around the city without aim. At length he learned that a Soldier' Aid Ball was in progress at Warrensville. Thither he drove, and joined the party in the ball room of the Warrensville Hotel. Intoxicated and exhausted, he was about to retire at a late hour, when he was told that Harry Parsons wished to see him. He alone set out for the house of Mr. Thomas Parsons, which is situated about a mile from Bedford on the Warrensville road. He could never tell how he got there. He awoke the next forenoon to find a young woman bending over him and loosening his cravat. He said, "Who are you?" "Tammen Parsons." "Where am I?" "In my father's house," she said, and added, "Doctor, why do you drink so much?" Whereupon he told her his domestic troubles. She expressed sympathy, he claims, nay, more; she laid her head upon his bosom and said: "I wish to God I were your wife." Illicit love sprang up like a flame in either breast. But we will not rehearse here the Doctor's story of this intimacy, since he made a statement of the facts in his remarks to the court just before his sentence, and to this speech we invite the attention of the reader. It suffices to say, that on the 19th of December they set out for Pittsburgh; a blank bill of divorce was made out, but not signed by the Doctor; they were married on the 20th by Rev. Mr. Brown, of Pittsburgh; the Doctor was arrested on the 21st, on the charge of adultery and bigamy, and lodged in jail, while Tammen returned to her father's house. In January he was convicted and sentenced to one year's imprisonment in the Pennsylvania penitentiary. Through the unremitting efforts of his wife petitions were so numerous signed, that when she laid these before Governor Curtin, he pardoned the Doctor after the lapse of five months of incarceration in the jail and State prison. Returning to this city in the latter part of May, he opened an office on Ontario street about the middle of June, 1865. We should have stated that while in the Pittsburgh jail the Doctor wrote his agent in the Isle of Man that, in view of the probability of his being in prison several months, he (the agent) would better pay the passage of his (the Doctor's) wife and son to the Island. No answer having been received, the matter was forgotten until revived by the receipt of a note from Mr. Isaac Brayton, of this city, agent for the foreign steamship line, about the first of July, announcing that the passage of Mrs. Hughes and son to the Isle of Man had been paid. This statement is corroborated by the testimony of several parties here who had opportunities of knowing. The Doctor not only did not send her away, as alleged, but told her she must act her own pleasure in the premises, and for two weeks debated the question of returning with her himself. And it was only the mortifying consciousness that he had not the means to make such an appearance as he would desire to make in the better, more prosperous days, that deterred him from accompanying her and the little boy, Bisset, whom the Doctor loved with true paternal affection. An eye witness testifies to the very affectionate parting between the Doctor and his wife and son, at the Union depot; and the same lady also says that the

Doctor seemed to be very proud of his wife at times, while she seemed to love the very ground he trod upon.

Mrs. Hughes intended to return to this country in five weeks, but was deterred from embarking by the receipt of the astounding and, to her, heart-breaking intelligence that her husband had been arrested for the murder of Tamzen Parsons.

It may be accepted as truth, we believe, that in the departure of the Doctor's wife, and in all the preliminary preparations for that event, there was not a single thought of Tamzen. All went well until about two weeks after the departure of Mrs. Hughes, when Mrs. Charlotte Parsons, of Warrensville, aunt to Tamzen, called at the Doctor's office, and told him the tale of Tamzen's mental sufferings, and of her desire to see him and her love for him. He insists that Tamzen had made an arrangement whereby she was to go to Mrs. Charlotte Parsons' house to meet the Doctor. He paid no attention to this, but he soon received a letter from Tamzen, upbraiding him for his neglect.

It appears in the evidence that on the night of July 24th, he went to the house of Mr. Thomas Parsons. He claims that Tamzen opened the door and received him cordially. He was intoxicated, having been drinking deep with an old Crimean comrade, named Campbell, with whom he went to Newburgh. The Doctor, by his noise, aroused the old gentleman, who tried to eject him. The latter refused to leave the house, and declined with sufficient force to give ground whereon to rest an action for assault and battery, which was brought, on the following Saturday, before Justice Porter, in this city, Tamzen herself appearing and making an affidavit against him,—an act which enraged him. Personal differences, however, were at length cancelled and legal proceedings staid, through the mediation of Mr. Henry Parsons, of this city, the Doctor solemnly promising that he would henceforth have nothing to do with the Parsons family.

But, alas! for Tamzen and for the Doctor, a drunken revel with Oscar S. Russell, on the night of the 8th of August, led him and Dr. Hughes to Bedford on no holy mission. The morning of the 9th of August dawned,—that fatal day, which should have been dropped from the calendar. Hughes, Russell and the driver Carr issued from the hotel in Bedford, and drove toward the Plank Road House, over the road on which stands the house of Mr. Parsons. Dr. Hughes entered the house, and learned that Mrs. P. and Tamzen had gone black-berrying. They drove on, but soon met the women. An interview was held in the road, in which the Doctor sought a private conference with Tamzen. Mr. Robinson soon came along in a wagon, and drove them home, while the other party pushed on to the grocery opposite the Plank Road House, where they held a drunken revel for two hours. They started back with the intention, as the Doctor asserts, of visiting the Twelve Mile Lock, but arriving at the house of Mr. Krum, opposite the dwelling of Mr. Parsons, Hughes learned that all the Parsons family had gone to Bedford for safety and to arrest him. He pushed on to the village and, seeing Tamzen passing from the house of Mr. Joseph Haynes to that of Mr. Christian, he gave pursuit up Columbus street, calling for her to stop. She flew up the walk and said, "No, I will not stop," and rushed through the gate opened by Master Christian, panting to reach the front door in

which Mrs. Christian stood. But before that asylum was reached, the pursuer laid violent hands on her, and, saying, "You won't stop, will you?" fired his revolver. The ball glanced off the side of her head, she screamed, but her piteous, unavailing cry was instantly hushed by a second and fatal discharge of the deadly weapon, when Tamzen Parsons fell upon the green sod—a corpse.

We will not here detail the flight of the Doctor and his capture, since this is reported graphically in the evidence. It is sufficient to say that he was conveyed to the county jail in this city, together with Russell and the driver, Carr, on the 9th of August. The preliminary examination of the Doctor was set for nine o'clock on Saturday morning, the 12th of August, before Justice Kolbe. The prisoner was brought into court at that hour, and through the advice of his counsel, Wm. S. Kerruish, Esq., waived an examination and was remanded to jail. At ten o'clock that morning Oscar S. Russell and Ori Carr, who were embraced with Hughes in one common indictment, entered the plea of not guilty for murder. C. W. Palmer, Esq., Prosecuting Attorney, appeared for the State, and M. S. Castle, Esq., and Judge Andrews for defendants. Carr was discharged on Saturday, and Russell on the following Monday.

HIS OCCUPATION IN JAIL.

The time before the November session of the Court of Common Pleas was not spent in pitiful brooding upon his fate and unavailing pinings over his lot; but he coolly and resolutely addressed himself to the task of arranging his case, searching out witnesses and giving his attorney such hints and information as enabled him to present in court a quite respectable looking case. Nevertheless, it was inevitable that he often ran over in mind his career, and reflected and moralized on his grossly misspent life. He passed the time in writing not only letters to his wife and friends, but verses,—a pastime and innocent habit of his boyhood. We reproduce here a poem, which, although not written until after he entered the cell of a convict, under the shadow of death, and so a little out of the chronological order, answers our purpose here, inasmuch it shows the state of his mind and the drift of his thoughts:

A STRANGE INFATUATION.

Guilty and innocent at times reflect
 Upon the cause, the increase and effect
 Of daily vices, which have always stood
 Opposed to private worth, the public good.
 Vile, ruinous, destructive, great and small,
 One is, we must admit, the most of all.
 All kindreds suffer in its tight'ning girth
 Of every people on the face of earth.
 Not long ago where'er this vice was nam'd,
 This noble continent was justly fam'd
 For freedom from it. Now—more's the pity—
 It reigns supreme o'er country, town and
 city.
 Domestic peace it breaks, uproots the health
 Of social law in State and Commonwealth.
 But from its ills I'll for a moment turn

To the location of my brief sojourn.
 Not to particularize among the rest
 That it is worse than others, nor the best
 In moral tone, but simply speak the truth,
 The growing cause of crime in age, in youth.
 Scarce three score years and ten since Indian
 trail
 Was followed safe thro' woods and down
 the vale
 Where now canal and river run to hide,
 Commingled waters in old Erie's tide.
 Where red man chased the flying deer in
 sport
 Is now a finished town, a thriving port.
 Wealth, commerce, enterprise combined to
 make
 Cuyahoga's Forest City of the Lake,

Whose public buildings, churches, schools
are classed
Equal in architecture unsurpassed
By any place for homes in pretty lots—
Palatial mansions grand, with cozy cots—
In shaded streets from Kinsman to St. Clair—
Ohio City—Wilson to the Square.
The avenue, the suburbs round to Bank,
We find abodes well suited to each rank;
While style and fashion, etiquette, bon ton
Are set to Euclid's rules. They can't be
wrong!

Ability and talent, beauty, where
To Cleveland's sons and daughters can com-
compare?

Associations learn'd, unceasing lend
Instructive aid in literature to bend
Its youthful purity of mind and heart
And will, from which they never should de-
part.

But all are mortal, not one exempted
From Satan's quick device; each is tempted.
Conspicuous at corners ev'rywhere
The gilded signs, the blazing lamps, the
snare

To coax, entice, to cheat you to your face
Of all that's noble in the human race.
But I'm digressing; bye-and-bye I'll tell
Of evils that we see and know so well
Yet take no warning, for to every hand
We turn to see the same throughout the
land.

Such then this favor'd spot for comfort, health,
Or riches, if you yet must strive for wealth.
But how to make it? I will take you where
Keen speculation turns an equal share
Of labor, genius, art, in business whirl'd
To find that magnet which will draw the
world.

Nature's planning, but busy men applied
The plauteau 'tween the East and Western
side;
The depot, which Superior ores has made
A great emporium of the iron trade.
Machinery of ev'ry shape and kind
In ev'ry trade where metals used you'll find
In constant action by mechanic skill,
Producing wonders of the human will.
All buyers here the utmost wants can win,
Be suited from an anchor to a pin.
In constant toil these workshops never cease
Dispensing implements for war or peace.
Steam's mighty power! mechanism splen-
did!

Rare invention, are in science blended.
It is not strange where so much work is done,
Are men of every people 'neath the sun;
A varied crowd, such a congregation
Of ev'ry handicraft; from every station
In life's stage, samples of every nation
Could scarce be matched in all creation,
As a community in one location.

'Tis certain Virtue does not reign alone
In such a medley. Tempting Vice's throne
Is well supported; hourly, all day long
Brings some fresh bait to catch the busy
through.

Not the men—it is the money sought for
By strength of limb, sweat of brow they've
worked for.

Lottery unerring—a bank quite sure
To catch the earnings of both rich and poor.
The medium's plain 'tis proven daily,
"Whisky"—Irish, Scotch, Monongahela,
So read the tinsel labels, but to hide
The poison by the X' multiplied;
The workman's curse, the drunkard's boon
Quite pure, of course, served out in each
saloon.

Would it were so distilled from good old rye,
Or corn, or wheat, in safety then we'd try,
At needed hours and then discreetly use,
But not as now so foolishly abuse
In dissipation. Oh! how many times
Is drunkenness the parent of all crimes!
How altered! The old folks used to sup
Their beverages from the bowl, the stirrup
cup

In sociality; or swell the tide
In mirth or friendship around their fire-
side.

Or when good company were called to dine,

'Twas the custom then to pass around the
wine.
The usual thing, a glass of ale at lunch,
And after supper try a drop of punch.
They meant no harm, indeed propriety,
Such was the rule in good society.
The pioneer to lend a neighboring axe,
Claimed the earthen jug, then the only tax.
The sturdy farmer scarce an acre tilled
Without, behind the stump it lay, well
filled.

Mechanic, laborer, hunter, in good cheer,
Indulged in spirits or in healthier beer.
Free from acquired disease, so passed their
day.

In vigorous health; they rose, in rest they lay,
Not fearing calls from furious demons.
Nor hell on earth—Delirium Tremens—
Avaunt! ye specters! whisky-craving sad-
ness!

Blue devils! snakes! suicidal madness!
The old folks' ale was made from malt and
hops,
Their rum was essence of the sugar crops.
Merry toasts they gave without a parley,
In foamy fusions strong, made from barley,
Without a dread, they would be pleased to
take

A little whisky for the stomach's sake;
Or, if high-minded, could their taste enhance,
By drinking brandy—genuine—pure, from
France.

But why continue in this catalogue
Of things of by-gone days and purer grog?
Suffice it 'I say, the world is changed, we're
sure;

'Tis difficult to get a thing that's pure.
Notice now the many shakes and shrugs
Men make to swallow manufactured drugs
In shape of cordials! why, it is enough
To make men swear against the cursed stuff
That brings disease, sin, crime, with all the
rest

Of evils, fresh from Satan's medicine chest.
Now don't mistake me. Much as I respect
Men of the olden time, I don't elect
Their habits as the standard, nor the way
We ought to live in this enlightened day;
Or that their friendly hospitality
Must be our rule or partiality.

And while I eulogize an ancient brand
Of purer liquor, yet I make no stand
Upon such foolish grounds to build a chance
Of reformation from intemperance.

The Holy Scriptures saith that Rechab's vow
Of abstinence was blest from then till now,
For all the times to come, no change to sever;
What God himself has oless'd, is blest for-
ever.

All history, tradition tells the tale,
That men prolong their years robust and
 hale,

In hearty strength to hoary veneration,
By self-denial; and in moderation
Supply with prudence nature's craving wants
Of meat and drink, not needing stimulants,
Nor bitter nostrums prescribed by patent
right,

Easy to be taken, morning, noon and night,
Or by the hour, in ounce, or dram, or drop,
To make one's self a traveling doctor's shop.
Too true, indeed, the maxim now so rife,
Adulteration kills the nation's life.
But purest spirits taken to excess
Becomes a habit leads to drunkenness.
With its companions which I need not
name,

Once contracted, a life can scarce reclaim.
Fatal, indeed, this bane of human ills
Destroys all earthly ties and prison fills
With fallen creatures, their own conscience
shocked

At being so easily led, so cruel mocked,
Plung'd in fearful crimes by intoxication's
Unaccountable infatuation.

The brain is fired, the baser passions led
To rule the mortal now already dead
To self-control, or reason's prudent sway.
Virtue disappearing, all shame away,
Friends, cares of business, love of home
forgot,

Prod man becomes a slave, poor drunken sot.

Vile, miserable in all its features,
Such the case with simple-minded creatures.
But mark the difference in another kind
Of beings, blest in cultured thought of mind,
With muscular proportions in the scale
So equal balanced yet indeed so frail
To shun temptation. They are easy tools
When once adapted; always greater fools
Than other people, when to vice they turn.
For every feeling in them seems to burn
To dive in deeper wickedness, and win
A popularity in every sin.
Created appetites they must appease;
Indulgence to excess becomes disease;
Their judgment blinded they imagine still
The mind can reason o'er their stillborn will.
Till, suddenly, a demon grasps the whole
Free agency of body, will and soul;
And in its madness with a fiendish speed,
Propels the action of some fearful deed.
Then, the mental agony condenses
In remorse to bring him to his senses.
Too late, too late! the horrid act is done!
The dearest friends forsake the guilty one.
For tho' their pitying eyes with tears grow
dim
It would disgrace them to acknowledge him,
So lately loved, respected, by them thought
Irreproachable in honor, now brought
To degradation, pondering o'er his doom,
Unthought, uncared for, in a living tomb.—
A castleated cage where cruel fate
Shuts every ray of hope outside the gate;
Menagerie of human woe! Within
The victims of depravity and sin.
Coming and going daily are the tides—
Thieves, burglars, counterfeiters, homicides,
Fresh recruits, some old veterans in crime,
Yet innocent, biding each their time
When judge and jury justly sit to hear,
Their lawyers talented with wit to clear
The charge, or till the evidence has built
Testimony of sure and certain guilt.
Then no time to pine for late repentance;
Convicted criminal, get your sentence,
Crest-fallen, hopeless back to jail, from
thence
To death or to the home of penitence.
And there in lonely meditation cast
To view the misdemeanors of the past,
Bereft of home, of children and of wife,
To learn the moral of a misspent life.
Or if by youth or choice there is no tie
To bind, yet mothers, sisters brothers lie
Exposed to all the shame, disgrace that tend
To bring their relatives to such an end.
Wages of sin, equity disburses
To the criminal, yet leaves the curses
Round our doors for ready cash. Eureka!
Sure temptation for the pleasure seeker.
How plain Ohio's statute, still the law,
Can varnish over well, to find a flaw
In the indictment, just by petty fines
Smooth over sin, to draw the moral lines
Of give and take, and not of right and wrong.
The liquor law is hardly worth the song
Of grogeries, which reap the greatest gain
Of Western practice in the law of Maine.
My fellow-citizens! do you suppose
Incarceration holds the tithe of those
Amenable to punishment? Oh, no!
Right in your midst, in calm assurance, go
Criminals bad as any in the jail.
But they have friends who readily go their
bail
For each and every crime, or pay the fare
Thro' litigation; or just on the Square
Compass it in friendship, to let it slip.
For what's the odd's if we're in fellowship?
All these are good; we dare not throw a shade
On any skilled in such a trade,
Nor by an imputation in the least,
Ignore the ancient travellers in the East.
Oft do we mourn the loss, but to condemn
Ourselves, to pity, we are not of them.
Philanthropic mystery, two in one,
Friends by the Signet of King Solomon.
Then wh. are punished? those by fortune
thrown
Upon their own resources, by their own
Extravagance are left without redress,
Poverty-stricken, poor and penniless;

No friends nor influence, they have no fee
To palm the prosecutor and be free.
For e'en in homicide we often see
The crime reduced from first to last degree.
The manner's simple, tho' not often told—
Just calm the conscience with the ready
gold.
But he who is not blest with gilded pelf
Must die the death, be sacrificed himself
For an example to his fellow man
Who takes so many months to form a plan.
Pre-fixed maliciously in purpose, set
To meditations, deliberate, to get
Official stepping stones, great ambition
Send your erring brother to perdition!
Bed-ridden judgment, bigoted, endow'd
By notoriety to please the crowd.
Clearest case for learned prosecution
The fee—scientific execution.
Such wisdom, man's law of God by Moses—
'Tis obsolete, for who to-day supposes
Adultery, Sabbath breakers, the breath
Of slander, each and all "be ston'd to death."
The same for other scores! Economy
In time compels. See Deuteronomy.
Did Jesus say so, 'mid the crowd's uproar?
No! "Saint throw first; Go woman, sin no
more."
Just one point's sacred, such logic's fallow,
A gnat to strain at, a camel swallow.
Not quoting punishment to pride, "Naaman,
Wash, be clean," but hang him up like
Haman.
In numbers xxxv is this decree,
'Crazed homicides, to refuge cities flee."
We have one, tho' they had nearly seven.
How! we save trouble, send them straight
to heaven.
A foreign patriot soldier saith,
I fear not hardships, nor ready death.
Admitted I am guilty of an act
Of cruel madness, yet rehearse the fact
Of services rendered, and in mercy's name
Just spare the infamy, disgrace and shame
Will be bequeathed from the fatal tree,
And ignominious fame for legacy,
To save the widow'd relict, offspring young,
The taunt that one so dear to them was
hung.
A momentary pang and all is done
For him. Who then, is punished? wife and
son.
Now reason which is best; proof is ample;
Crime is no decreased by death's example.
If he has any talent in his trade,
Whate'er his calling, be it pen or spade,
Instead of double murder let him rue
The deed by doing all the work of two
In meeting his atonement face to face,
A useful servant to the human race.
Punish, reform, not in coolness giving
Life to death with curses for the living.
Such ideas do not shift a suture
In the operations for the future.
Eye for eye, tooth for tooth, ancient reason
Is lead by law, Christ says, out of season.
If not satisfied with such conviction,
Let the argument be proved by fiction.
Our mind is too much troubled to rehearse
Far-fetched saws now, but to end my verse,
Like prosecutors, editors, I'll go
From Scripture texts to Shakespeare's plays
to show
That law is fiction, decreed diversion,
Still immutable like Mede and Persian.
They pick speeches given in the quarrel;
We give Othello's words; 'Tis the moral
Of others like him; mark the quotation,
The dying Moor gives his last oration:
"Soft you, a word or two before you go.
I have done the State some service, and they
know it.
No more of that, I pray you; in your letter,
Speak of me as I am; nothing extenuate,
Nor set down ought in malice: then must you
speak
Of one, that loved not wisely but too well.
Of one not easily jealous, but being wrought,
Perplexed in the extreme; * * * * *
* * * * * I kissed thee * * * * *
* * * * * Killing myself to die upon a kiss,

Strangest problem, drunkenness with lust is ;
 Solesolution,—retributive justice.
 Proof—metaphysical phrenology,
 Physiological pathology.
 A few more hours to live—prepare—
 I then must die.

Adieu, my wife ; my child, farewell!—
 Kind friends, good bye!

JOHN W. HUGHES, Surgeon.

CLEVELAND, County Jail.

Thus was whiled away the long interval afforded the Doctor, in his cell, for the review of, and reflection on, his past career and the fifth act of his enacted tragedy. The sultry days of August wore away, September passed, and October merged into November, offering days which were full of mental suffering to the prisoner. The Court of Common Pleas opened its sessions on the 13th of November, and on the 25th of that month, the Grand Jury returned the following indictment for murder in the first degree against John W. Hughes :

THE STATE OF OHIO, }
 CUYAHOGA COUNTY, SS. }

At a term of the Court of Common Pleas, begun and held at the Court House in Cleveland, within and for said County of Cuyahoga, on the thirteenth day of November, in the year of our Lord one thousand eight hundred and sixty five, the Jurors of the Grand Jury of the State of Ohio, and of the County of Cuyahoga, good and lawful men, then and there returned, tried, empaneled, sworn and charged to enquire within and for the body of the County of Cuyahoga, at the term aforesaid, upon their oath aforesaid, in the name and by the State of Ohio, do present and find that John W. Hughes, late of the County aforesaid, on the ninth day of August in the year of our Lord, one thousand eight hundred and sixty five, with force and arms at the County aforesaid, in and upon one Tamzen Parsons, then and there being, did, unlawfully, forcibly and of deliberate and premeditated malice, make an assault, and that the said John W. Hughes a certain pistol then and there charged with gun powder and one leaden bullet, which said pistol he, the said John W. Hughes, in his right hand then and there had and held, then and there unlawfully, purposely and of deliberate and premeditated malice and with intent then and there and thereby purposely and of deliberate and premeditated malice she the said Tamzen Parsons to kill and murder, did discharge and shoot off to, against and upon the said Tamzen Parsons, and that the said John W. Hughes with the leaden bullet aforesaid, out of the pistol aforesaid then and

there by force of the gunpowder aforesaid by the said John W. Hughes discharged and shot off as aforesaid, then and there unlawfully, purposely, with deliberate and premeditated malice and with intent thereby purposely and of deliberate and premeditated malice, her the said Tamzen Parsons then and there to kill and murder, did strike, penetrate and wound the said Tamzen Parsons in and upon the back of the neck of her the said Tamzen Parsons, purposely and of deliberate and premeditated malice, one mortal wound of the length of one inch, of the breadth of one inch, of the depth of four inches, of which said mortal wound so as aforesaid, purposely and of deliberate and premeditated malice given by the said John W. Hughes to the said Tamzen Parsons, she the said Tamzen Parsons then and there died ; and so the Jurors aforesaid, upon their oath aforesaid, do say that the said John W. Hughes, her the said Tamzen Parsons, in the manner and by the means aforesaid, on the day and year aforesaid, at the County of Cuyahoga aforesaid, purposely and of deliberated premeditated malice did kill and murder, contrary to the form the statute in such case made and provided and against the peace and dignity of the State of Ohio.

CHARLES W. PALMER,
 Prosecuting Attorney,
 of Cuyahoga County.

The Doctor was arraigned the same day, the 25th, and entered a plea of not guilty, when his case was set for December 4th.

PERSONAL APPEARANCE OF THE PRISONER.

One seldom sees a finer looking man than was Dr. Hughes. He was "the mould of form," and presented a physique which, in point of proportion and development, must needs command the admiration not only of underlings and invalids, but of those possessed of figures which hint the Apollo. He was five feet eleven inches in height, of excellent proportions, and his frame so harmoniously compounded and the parts so firmly knit, that his attitude and carriage were at once graceful and dignified. He moved about with the ease and grace of a woman, while his bearing was at the same time regal. His skin was as polished as marble, and his flesh as firm as a granite slab. He had, in fine, a perfectly developed organization, and was the best animal in the world. And he had a full-blooded habit. He always wore the florid aspect of the hearty, ale-drinking, beef-eating Englishman. The head was large and fully developed, especially at its base. An inclination to baldness gave him an older appearance than was warranted by fact, but the hair he had was of a brown color and glossy, and dressed in the "French twist mode." He wore a becoming moustache and imperial. His eyes were very large and blue, and had that strong earnest look which of itself seems to give brutes their power of vision at night. The expression of his eyes varied widely, and he appeared to have the power of discharging from them *all* expression. At other times they seemed to be set on fire of hell, and again they were "muddy," and gave one the impression that they were deep, but impenetrable. They could assume a sinister expression, and we can easily believe the statement of Mrs. Christian, that the Doctor looked "venomous" when she told him that Tamzen had set her affections on another. The right eye looked larger than the other, owing to the fact that it was once knocked so far out that it hung upon the cheek.

The wood cut on the fly leaf of this pamphlet, which was engraved by Mr. Tibbetts, of this city, from an excellent photograph taken by aid of chemical light, by Mr. Thomas T. Sweney, the well-known army artist, gives a very fair and faithful exhibit of the head and face.

The Doctor was a man of most remarkable nerve, and when all was seething around him and the breath of the excited populace puffed up hot in his face, he was cool and collected as when alone in his office. His power of self-possession evinced itself when he was captured; when he was brought into court to testify on the examination of his companion Russell, and on every trying occasion during the progress of his trial. He was statuesque and held the reins of his faculties with a firm, resolute hand. There was never a single instance of halting or toning down, but whether listening to the verdict of the jury, ad-

dressing the court when there was left no hope, hearing the sentence pronounced, receiving the news of the failure of the effort fort to secure the commutation of his sentence, he was ever borne up by nerves of steel and muscles of iron. Though others sank under the proceedings, he was never visibly moved, much less unmanned. And this was, apparently, the result of no effort; there was no manifest working of himself up to the sticking point; nor, on the other hand, did he seem indifferent to the issue, and make the impression of a hardened villain who cared not for his fate. Life was sweet to him, as to all; but he knew from the first that his case was desperate, that death must inevitably be his doom, and he committed himself to that issue, and saw, without the movement of a muscle or a quickened pulse, one dream after another fade into nothingness, and hopes fail, and desires come to nought.

The Doctor had the appearance of a man of very considerable culture, and his conversation made good his claim upon the attention of the intelligent. Members of the medical fraternity acknowledge his ability as a surgeon, and it is said that he never in his practice betrayed the confidence of his profession. It would seem that his patrons had faith in his judgment, skill and integrity as a practitioner, for they remained till his death his best friends, remembering him in his cell, daily, and sending him the delicacies of the season and whatever would minister to his temporal wants or gratify his tastes.

THE TRIAL.

The Grand Jury having returned an indictment for murder in the first degree against JOHN W. HUGHES, the Criminal Branch of the Court of Common Pleas, JUDGE COFFINBERRY presiding, was occupied all the forenoon of Saturday, December 2d, in impannelling a special jury, which was composed of the following men:

MOSES HUNT, Brecksville; WILLIAM BARR, Brecksville; BUELL STEARNS, Olmsted; JESSE H. LUCE, Orange; HENRY FISH, Brooklyn; WILLIAM C. SNOW, Parma; MARIUS MOORE, Dover; JOHN G. HASSEBROT, Cleveland; THOMAS GARFIELD, Newburgh; JOSEPH SLAGHT, Cleveland; LAWTON ROSS, Brooklyn; ALFRED KELLOGG, Brooklyn.

M. S. CASTLE and R. E. KNIGHT, Esqs., consented to serve as counsel for the accused, and they, together with WILLIAM S. KERRUISH, Esq., conducted the defense; CHARLES W. PALMER, Esq., conducted the prosecution, assisted by ALBERT T. SLADE, Esq. When it was announced that JUDGE RANNEY'S services could not be counted on, as they had confidently been, WM. S. KERRUISH, Esq., defendant's original attorney, endeavored to get a postponement of the case to the next term of the court. But the court, although disposed to exercise all lawful clemency, could not consent to a postponement after Wednesday morning. At a quarter past ten o'clock Wednesday morning, December 6th, the case was called again. Very soon every foot of standing room was occupied by an interested public. The roll of jurors was called. The defendant sat down among his counsel. Imprisonment had told somewhat on him. He was considerably reduced in flesh, and wore a pale, nervous aspect. CHARLES W. PALMER, Esq., opened the case by giving the jury an admirable summary of the incidents and events which led to the tragic death of MISS PARSONS. The roll of witnesses on the part of the State was then called, and the court addressed itself to the elimination of the evidence:

TESTIMONY OF MR. HAYNES.

Joseph B. Haynes sworn: I reside in the village of Bedford. Have lived there thirty-two years. Knew Tamzen Parsons, who was sister of my wife. Have known the defendant since December, 1864. Was introduced to him in my house by Henry Parsons, cousin of Tamzen. Having had information that Tamzen had gone to Pittsburgh with Dr. Hughes, I started, at the instance of her parents, for that place, on the morning of Dec. 20th, and arrived there at night. I went to the Mayor's office on the 21st, and, aided by several policemen, succeeded in finding Tamzen on a room at the St. Clair Hotel, where I was shown, by her, a certificate of her marriage with Dr. Hughes. The Dr. was soon after arrested in the office of the hotel, and taken to the lock-up. He was soon brought before the Mayor, when he made a little speech, declaring he would never live with his wife again, on account of her dissipated habits. He had been home two or three times and found her beastly drunk, and was resolved to leave her. He proposed to me then to go as a

substitute in the army, and give Tamzen his bounty and leave the country, if the prosecution could be stopped, adding that it would be better for her, as a continuation of it would lead to unpleasant disclosures.

I next saw Hughes Jan. 2d, the day I returned to Pittsburgh; for I had been home. On the 4th inst., I saw him in jail. He still expressed anxiety to have the prosecution stopped. I next saw him on the day of his trial. I saw him again on the day of the murder in Bedford. I recognized him near the Franklin House, in the village. This was about 2 o'clock P. M. Had seen Tamzen five minutes previous. She and her mother had come to my house. Miss Parsons went out in a very few minutes. Very soon after, Mrs. Parsons went to the gate in front of the house, and started after Tamzen. I soon followed and saw a considerable number of excited people north of Columbus St. Ran down to that street and saw that they were running to and from Mr. Christian's house. Came back to Calhoun street, where, soon after, I saw a carriage move off, very moderately, towards Cleveland.

The people were running around, enquiring what the matter was; heard some of them say Tamzen Parsons was shot. Dr. Hughes was in the carriage; after it got to the marble shop it went on more rapidly. I got a horse from a neighbor's stable and started in pursuit of the carriage; was joined by Elisha Matthews on horseback; we kept on the Cleveland road about a mile till we came to the road leading west, a mile this side of the village; turned down the west road one-fourth of a mile to the crossing of the Cleveland and Pittsburgh Railroad, where we saw a Mr. Scott; he took Matthews' horse, Scott having a revolver; after passing the railroad from one-third to one-half of a mile, I saw the carriage stop and a man get out who jumped over the fence and ran towards the woods; ran north toward Newburgh. When the carriage stopped Scott overtook me; we rode together after the carriage, which had turned south after reaching Dunham street road; overtook the carriage before it had gone one-fourth of a mile; came back with the carriage to the railroad crossing; Scott took the carriage from that place; I parted with him at that point. I went to Newburgh and with Cleveland officers came toward Bedford, and when two miles this side of Bedford met the carriage containing Dr. Hughes, Andrews, and others whom I did not recognize. I did not identify the person who jumped out of the carriage and ran to the woods. When Tamzen left my house she said she was going to Mr. Christian's. I left my house in less than five minutes after Tamzen left.

TESTIMONY OF MRS. KRUM.

Eliza Krum sworn: I reside in Bedford township, just across the street from the residence of Thomas Parsons, on the plank road, one mile from the village of Bedford. Had seen defendant about two weeks before the death of Tamzen, about twelve o'clock at night. Mr. Parsons came to our house, woke us up, and requested me and my husband to go over and stay with his daughter while he went to Bedford for her mother. We went immediately, my son and myself. Dr. Hughes stood outside on the front doorstep. Tamzen opened the front door and spoke to Dr. Hughes, saying: "I see you there behind the bushes." He advanced, when she shut the door. The Doctor then asked for a drink of water, she inside, he outside. She got a light, procured a glass of water, took it to the front door and opened the same. The Doctor had got into his carriage, and driven down in front of the door, in the road. She spoke to him, saying "you must be thirsty." He asked her to come out to the gate, as he wanted to speak with her. She went out and talked with him until her father returned.

She then went into the house, got a shawl and went out the second time. Shortly after the Doctor went into the house, and went through into the kitchen. She then came in. She said to him, "Doctor, I wish you would go away, for father won't talk with you." Mr. Parsons was at that time in the kitchen. The old gentleman took hold of him and attempted to put him out of the door. The Doctor came out into the sitting-room, where we were, and sat down on his feet by Tamzen, and said to her, "I have a home already furnished nicely for you, and will make a lady of you." She told him she would not go. He took a chair and sat quite a while, and asked my son to get a pail of water for his horse. Doctor soon got into his buggy and drove toward the Plank Road House. He was gone an hour, I guess, I had gone home, but saw him come back. He went into the kitchen at Mr. Parsons', sat down and smoked a pipe. When I went in, he asked Tamzen who I was. She said, "a neighbor." I went back home, leaving my son with Tamzen. I saw him go away again toward the Plank Road House.

Tamzen told the Doctor—but just when I can't remember—that she wouldn't go with him to Cleveland, for he had deceived her once, and she was afraid he would again. He told her his first wife had gone home. He had given her money and she had gone home to her friends.

When the Doctor was on the steps, she went to him, and he put his arm around her and tried to coax her to go to Cleveland. She told him she couldn't go then, and while standing there, she took hold of the casement inside the door. My son took hold of her hand. The Doctor left about daylight.

I next saw the Doctor at his examination for housebreaking. Saw him again the day after that. He was in at Mr. Thomas Parsons' house, with a man named Parsons, from this city. He came into my house to light a cigar an hour or so after I first saw the carriage. They came between nine and ten o'clock A. M. They took supper at my house that night—the Doctor and his companion Parsons—and left for Cleveland.

Next saw the Doctor the day of the murder. He came to our house about ten o'clock that morning with a man whom he called either Major Hazen or Hanson. He asked how Miss Parsons got along, and where she was. He was told that she had gone blackberrying. Asked for some water, and then, stepping to the door, said, Mr. Thomas Parsons is in the street. Spoke to him. Mr. Parsons came through our gate, and shook hands, when they went round the side of the house and talked about half an hour, when they, the Doctor and his companion

—went away toward the Plank Road House. No one from our house had, in the meantime, gone over to Mr. Parsons. I went over there and found Mrs. Christian. Heard nothing but this, from Mrs. Christian: "You needn't worry yourself Doctor, for her affections are elsewhere placed." He got up immediately and left the room. The Doctor looked as if he felt bad and hateful. He immediately went to his carriage.

I saw Dr. Hughes drive back, can't tell how long after, and stop at our gate. Tamzen had left for Bedford with her father. The Doctor asked my husband to get in and ride down to the village. His companion, Major Hanson, wanted us to get them something to eat. My husband joined them and rode to Bedford. I told the Doctor before he started that Mr. Parsons' people were going to arrest him again. He replied that he would have that business all settled. I did not see Hughes again before the murder. In about half an hour after they left I heard of the murder.

TESTIMONY OF MR. KRUM.

William Krum sworn: I was at home the night Dr. Hughes entered the house of Thomas Parson, about two weeks before the death of his daughter. I got up, and laid down by my own gate. Dr. Hughes was in his own buggy in the road, and Tamzen was standing in her father's yard by the fence. Hughes asked her to get into the buggy and go with him to Cleveland. She said he had deceived her once and he couldn't again. He said he had a room in Cleveland, well furnished—and added that she had no need to alarm the neighborhood; they might have a talk, and no one know anything about it; that the old man had gone down to Bedford to get help, but better believe I am pretty damned well armed. He added, "I 'spose you'll go down to-morrow and spread it around." She replied that she thought she should go down to-morrow. He said, "you can tell Joe Haynes that if I meet him in the street I'll wring his nose for him." She said, what will you do to me if you meet me; he said he wouldn't hurt a hair of her head.

The conversation between Hughes and Tamzen was what I call a tender and persuasive conversation, though he called her once or twice a fool.

Next time I saw Doctor was, I judge, the next Sunday. He was about twenty rods from my house, talking with a colored man, named Tibbs. I went and talked with them—Hughes told me he had a friend over at Mr. Parsons' house, who was "trying to settle his difficulty with them," referring to his trial for breaking into Mr. Parsons' house. He soon went out and talked with this man. (I think his name was Parsons)

and said they were likely to effect a settlement. While Hughes was talking with Tamzen in the buggy, I heard him say, "I am the drunkest I have been since—", and that was all I heard.

On the day of the murder I was cradling oats near the Plank Road House. Saw the carriage driving toward the house from the direction of Bedford. In about half an hour I went to the house to get a glass of beer. Dr. Hughes slapped me on the shoulder and said, "Old man, you are just in time to get a glass of beer." He handed me a glass, and I drank it. By the alternate orders of Hughes and Russell, the glasses were filled and drank half a dozen times. About that time a Dutchman came in. Russell said, "mother, get us some beer for this Dutchman." He drank from ten to a dozen glasses. We had several glasses after that. Hughes and Russell went into another room, and I went home. While the Dutchman was there he did all the drinking. I judged the beer to be "present use" ale. The beer-drinking was in a grocery opposite the Plank Road House, not in that house. It was remarkable then that Hughes' face was very red, and Russell (the major) rubbed flour on it. I do not think the beer drank at the grocery was very intoxicating; I was as sober when I drank the last glass as I was at first. After taking dinner at home, I started back to work, when my boy said, "there comes Hughes' carriage." When I got to my gate the carriage arrived there. The Doctor asked me if Mr. Parsons' folks were at home. Told him I thought not; that I heard our folks say they had gone down to Bedford. My wife appeared at the door, when either Hughes or I asked her when Mr. P.'s folks went, and how.—They asked me to get into the buggy and go to the village. He said again, "Get in, we won't be long." I sent for my coat, and got in with the Doctor and the Major.—There was a driver on the box. Hughes told the latter to drive pretty fast. When we got opposite the postoffice in Bedford, Hughes told the driver to haul up there. He turned around before he halted, the horses heading toward Cleveland. Hughes got out and went into Mr. Christian's tailor shop, and was there a moment or two.—Was going to get into the carriage, when he saw Mr. Thomas Parsons in a wagon just back of us. The Doctor walked back and met Mr. Parsons, and talked a minute, and then got into the carriage. He said to Mr. Parsons, "Old man, drive up and take a glass of beer." We drove to the Fountain House. Hughes went in and asked them if they had any beer. They said, "Yes." But no beer was called for, Hughes going out immediately. Mr. Parsons didn't stop. I got out to go into Mr. Hammond's store. When I got to the postoffice, I heard that the Doctor had

killed Tamzen Parsons. I turned about and saw the carriage starting off towards Cleveland.

I did not discover anything wrong in the Doctor when he came to my house the last time, from the Plank Road House.—Don't know that he spoke a word going down to Bedford.

TESTIMONY OF DR. WRAY.

Dr. Ben. F. Wray sworn: Live in Auburn, Geauga Co.; and formerly in Warrensville. Know Dr. Hughes; saw him at Warrensville two or three weeks before Tamzen Parsons' death. I saw him just previous to his trial, and prior to that in Warrensville, when he told me he had been to Chagrin Falls to perform a surgical operation. Had been to Parsons house the night before, he said. He came to my office, two and a half miles South of the Plank Road House, at five o'clock A. M.; came into my room; told me to get up immediately. I said I would see him below in a short time. I went down, and found him asleep on the sofa. After dinner he got up and wanted to know how long he had been sleeping. We went to the bar-room and drank a glass of beer. After he had eaten he drank again, when, starting toward the door, he motioned me to follow him. We went out into the road and he asked me if I had heard anything of Miss Parsons, almost whispering it to me. I said I had heard her spoken of, but not recently. He then asked me if I knew where Joe Haynes was, and said I had seen him at Bedford—that he was still there in business. Dr. H. then asked me if Miss P. was in his (Haynes') family, and when I had heard of her, and where she was; I told him I did not know her whereabouts. Dr. H. hesitated some, and then said she (Miss Parsons) was calling herself Mrs. Hughes, and said it was a disgrace to him; asked me if I had a revolver or pistol; I told him I had neither one; I then said, "Doc., what do you want it for?" and he replied after hesitation, that if Miss Parsons persisted in calling herself Mrs. Hughes, he would blow her d—d brains out, and would also do likewise by Joseph Haynes. He wanted me to go and ride with him. I refused, but finally went. He said, at the time of his arrest, (I think at Pittsburgh,) he had given some valuable papers to Miss Parsons, and wished to get them in his possession again; that he was going to her father's house, but started the other way, (North,) owing to the horse refusing to go South; he said soon, there's a man coming I wish to see, and stopped, and said to the man that he (Hughes) wanted the sword he had left with him (the man) some time before. His name was Kewish, and he offered to give Hughes the sword if he would go to his house, which we did, and Hughes got the sword,

which was put in the bottom of the carriage. Hughes then asked Kewish to go and get some beer, and said they would be friends. We then went to the hotel. Soon saw Mr. Fish and another man drive up, and took the horse that Dr. H. had, and drove off toward the Plank Road House, Hughes remaining in the bar-room. Fish afterward took Hughes toward the Plank Road House, where he said he wanted to stop. Hughes at this time first said he had been at Chagrin Falls making an amputation, and got \$300 for it. Next saw Hughes at the same house some time afterward. He told me he had been arrested for an assault upon Parsons, and asked me what time it was that he came to see me that morning, and what conversation took place between us. He said on that morning he had come directly from Parsons' house; that he had had a little difficulty with the old gentleman; that he refused to leave his premises, and also to drive off, after getting into his carriage; that Miss Parsons came out and talked with him some time after he was in the carriage. He said that Parsons went over the way and got some one from the house opposite. He then said that his examination on charge of assault would take place the next day, and wanted me to come and attend it.

TESTIMONY OF MR. CARR.

Ori Carr sworn: Live in Cleveland. Was at Bedford when Miss Parsons was shot. Dr. Hughes and Russell came to my carriage on Bank street, between nine and ten P. M., the night before Tamzen was shot. They called me "Bug," a nickname. Russell introduced me to Hughes, and he asked me what I'd charge to go to Bedford. I told him ten dollars. Russell has a saloon under Hughes' old office, in the same block on Ontario street. I drove there, left my team on the opposite side of the street, went over to Hughes office to see if he was ready. Then they got into the carriage and I drove to several houses to get some women to go with them, but did not succeed. Hughes told Russell he knew where to go, and ordered me to drive out Kinsman street. Went to Newburg and stopped at the hotel, and got a glass of beer. We drove on, Hughes directing as to the road, about a mile and a half, when he got out, and said he didn't know whether it was best to go on to Bedford or stop at the place he had mentioned, as they had no grain for the horses there. Took some liquor from a flask he had. Then we drove to Bedford, nothing more being said on the road. Stopped at the Franklin House. Hughes said they wanted to get up by six o'clock, and start by seven. Hughes and Russell came down about seven o'clock, after being called. I got out my team and they

got into the carriage. Hughes directed me to drive on to the Cleveland road. He stopped me after going a few rods and sent me to tell a man standing at a house door that he wanted to see him. I told the man, who said if Hughes wanted to see him he might come to him. Having delivered my message Hughes told me to drive on. He said, "That man has cost me \$150." Drove on then until we came to Krum's house, where Hughes and Russell got out. A little boy from Krum's house went over to Parsons'. He came back and said to a woman there, "they ain't there—they've gone—a black-berrying." Pretty soon Mr. Parsons came from his house into the road, and Hughes called to him. Parsons came to Hughes and talked with him, and Hughes afterward went over to Parsons' house, staying there half or three quarters of an hour. Then we drove on toward the Plank Road House, and in about a mile saw two women coming along, with tin pails in their hands. Told Hughes I guessed they were the folks we wanted to see. He stopped me when we met them, and called "Miss Parsons! Miss Parsons!" Mrs. Parsons turned around and said, "What do you want?" Hughes said, "Nothing, only I want to talk to you." She started on, saying, "I don't want nothing to do with you." Hughes watched them a few minutes and then got out and followed them, they walking as fast as they could, he walking fast too, and coming up with them, when the old lady motioned her hand to him. When he got up to them they slackened their pace and went on slowly till a man overtook them with a wagon. Could see the old lady motioning her hand toward Hughes, as if she was talking loud to him, he being some ten feet from the wagon, but coming nearer. The old lady got into the wagon. Hughes approached the girl, who stood near the wagon, and talked with her a minute, and she then got into the wagon. Hughes put his hand on her and talked to her some time, until the wagon was driven off. I said to him, "The old lady was laying it down to you pretty hot." He said, "Yes, but that is all right." He directed me to go to the Plank Road House, where we stopped. We went to a grocery across the road, and had some beer; drank about two glasses, when Krum came in, and we had two or three more glasses of beer. Then a Dutchman came in, and all drank five or six glasses of beer. I had enough and stopped; the Dutchman had enough and they laid him out. They were talking then about going to Rocky River. Hughes wanted to go by the way of Eight Mile Lock, or Twelve Mile Lock, as he had a debt there of \$65 which he wanted to collect. Got into the carriage, and I was told to drive to Bed-

ford. Went to Krum's and stopped. Hughes got out and asked a lady there if the Parsons' folks were at home, and was told they had gone to town. Heard somebody tell Hughes that Parsons' folks had gone to Bedford, and were going to have him (Hughes) arrested. He said something about settling or fixing it. We went to Bedford, Krum going with us. Hughes said, "Drive on as fast as you can to Bedford." He told me to go to the place where he had seen the man in the morning. He got out at the Post Office, but soon we went to the Fountain House to get some beer. Hughes saw Parsons coming along in a wagon, and Hughes asked him to have a glass of beer. Parsons said, "No, I don't want to be shot." They got out at the Fountain House, and Hughes, as we were going in, turned around and went out. We had been there quite a little while. I started out doors, and saw a lot of people running toward Columbus street. I followed, and saw a crowd gathering, and heard some one say that Hughes had shot somebody. I went back to the Fountain House and told Russell, who said, "Let's go and see." Drove down toward the place where the crowd was. Russell did not get into the carriage. Saw Hughes coming along with a man holding on his arm. I stopped my carriage; Hughes shook the man off his arm, took out a revolver, swung it around, and said, "Don't another man lay hold of me!" He came to the carriage and jumped in. As he jumped in I jumped off the carriage, went to the door and said, "What do you want?" He said, "Drive on!" I hesitated, and he said, "Drive on, as I tell you." I got on the carriage and drove on a few feet, when a lot of men cried out to me to stop the team. I stopped, when Hughes shook his pistol at me, and said, "Drive on, as I tell you." I drove ahead, when a man said, "Stop the carriage; there's a murderer in it." I stopped, when Hughes said, "You drive on, or I'll blow you through!" I drove on at a pretty good pace, and soon Russell came up and got into the carriage. We went a few rods when Russell got out and got on the carriage with me. I motioned to the people to come after and overtake me—was not going very fast. Russell told me, "For God's sake drive faster or we'll be shot!" I drove on as fast as we could, till we got to a piece of woods, when Hughes got out, stood a minute, asked Russell for some money, and Russell gave him some, though he said he hadn't much. He went to the woods. The people were coming on after us, and I drove on, with Russell. I saw Hughes next at the Fountain House, after he was arrested. When last I saw Hughes before he was arrested, he was running in the woods on the right hand

side of the road. When we stopped at Newburgh, Hughes told the hotel keeper he was going to Eight Mile Lock to amputate a limb. The man Russell also was called Maj. Hanson or Hampson. Hughes told me to call him so. When we left the Franklin House the morning of the murder Hughes appeared very well; at Krum's he appeared as usual, and also when we left the grocery to go back to Bedford. Nothing attracted my attention in his manner while we were going to Bedford. While in the grocery Hughes' conduct did not differ from that on the night previous. He didn't seem drunk. Couldn't see that the "present use" ale affected any of the party. When mention was made at Mr. Krum's, on our return, that the Parsons' folks had gone to Bedford, Hughes said, "we would have that matter all settled." He spoke kindly.

TESTIMONY OF MRS. EDDY.

Almeda Eddy sworn: I live at Warrenville, at the Plank Road House. Had seen Dr. Hughes there about two weeks before Tamzen's death. He staid at our house that night, retiring early. He got up about seven o'clock the next morning, and took breakfast there. Ellen Van Allen, Ellen Eddy and myself were present while he ate. He asked me if I had seen Tamzen Parsons lately. I told him she was at our house to hire Margaret Tier to work for her sister at Oil Creek. I said, "She has been shot at lately." He asked who had done it? "We don't know," I answered. "The ball went through her parasol." He said, "It's a pity it didn't blow her brains out; it would have saved me the trouble, some time." He left, going towards Bedford, after breakfast.

Saw him next the forenoon of the day he killed her, at a grocery opposite our house. After an hour or so he came into our bar room and washed himself and combed his hair. Saw them drive toward Bedford. Dr. Hughes' face was very red, eyes shone, walked straight, his voice was firm as usual. When he came with Mr. Fish he was quite intoxicated; couldn't walk straight.

TESTIMONY OF MISS VAN ALLEN.

Ella Van Allen sworn: I live in Bedford village; have staid at the Plank Road House. I saw Dr. Hughes at the breakfast table at the Plank Road House once. Mrs. Eddy, the Doctor, and Ellen Eddy were there. Mrs. Eddy wanted to know of Dr. Hughes if he knew that Tamzen had been shot at. He said, "no I didn't; who shot her?" Mrs. Eddy said the ball went through her parasol. He said "it was a pity it had not blown her brains out, and saved him the trouble some time."

Mrs. Eddy said, "Why, Doctor, do you intend to kill her?" He said, "O, no."

TESTIMONY OF MISS EDDY.

Ellen Eddy sworn: I live at the Plank Road House. Know Dr. Hughes. Saw him at the breakfast table at our house about two weeks before the death of Tamzen. Doctor asked mother if she had seen Tamzen lately. She said, "Yes, she was up here the other day to hire a girl to work for her sister Libbie." Mother said, "She's been shot at lately." She testified that he made the answer above given.

TESTIMONY OF MR. SALISBURY.

Vial Salisbury sworn: I live in Bedford village. Knew Dr. Hughes by sight. Saw Dr. Hughes in the latter part of July. Met him in the door of the Franklin House in the morning. He asked me if I had seen Tamzen lately, or knew where she was. He said "he must come down soon and look her up, for if she wouldn't live with him he was going to kill her." He then walked away.

TESTIMONY OF MR. ELY.

J. S. Ely sworn: I live in Newburgh Keep the Cataract House. About eleven o'clock, the night before Tamzen was shot. Dr. Hughes and Russell came to my house in a carriage with a driver. They went into the bar room, drank, smoked, I think, &c. They spoke of going up in the country to see a patient; the Doctor had a limb to amputate. Staid about fifteen minutes. I next saw Dr. H. about four o'clock the next afternoon. He was under arrest.—The Doctor went into the wash room of my hotel, washed, combed his hair, and had something to drink. Looked as if he had been drinking a good deal the day previous.

TESTIMONY OF MR. SALISBURY.

Vincent Salisbury sworn: I kept the Franklin House in Bedford last July and August. Was at home the day Tamzen Parsons was shot. Heard of it immediately. Dr. Hughes staid at my house a part of the night previous, arriving there between midnight and two o'clock in the morning. Saw the party, Hughes, Russell and Carr to speak to them about seven o'clock the next morning, when they came into the bar room from taking breakfast. Knew only Dr. Hughes. He introduced Russell as Major Hansom. He said he had been to Independence to amputate a limb. Asked him how business was? He said, "good enough for ten more like myself." They drank whisky twice after breakfast, and one of them, I think Dr. Hughes, had his flask filled with whisky

They then paid their bills, and I asked him how he had got along with his difficulty in Cleveland. He said "it was all settled." They then went off. Dr H. was a perfect gentleman while at my house.

TESTIMONY OF MRS. STANBRIDGE.

Sophia Stanbridge sworn: I live opposite the Plank Road House. Dr. Hughes was at my house the forenoon before Tamzen was shot. Party of three came about 11 o'clock. The party were drinking 'present use' ale at my house. They, in company with others who had dropped in, drank all I had, but my husband came from Cleveland with more, a little after twelve o'clock. Dr. Hughes brought the half barrel into the grocery. He had no difficulty in standing on the barrel. The Doctor quit drinking before he left the house. He would drink a little and throw the rest on the floor, and I saw him put down two or three glasses behind the scales. They left about 1 o'clock P. M. I noticed that Dr. H.'s face was very red, and the the Major put flour on it. Noticed nothing unusual in his manner. Seemed to walk straight.

The testimony of Mrs. Stanbridge was corroborated by Mr. James Stanbridge and Master Theoran Eddy.

TESTIMONY OF MR. POWELL.

Francis Powell sworn: I live in Bedford. I was working in my lot when Tamzen was shot. Mr. Christian lived on that lot. The house is about thirty feet back from the front fence. I was about ten or twelve feet west of the spot where the murder occurred. I saw Tamzen in the yard, walking rapidly toward the house, and Dr Hughes was following her very close. She tried to get into the house, but before she reached it, Dr. H. overhauled her, took hold of her dress and shot her. I asked Dr. H. what he had done. He faced me and said, 'he had shot her dead.' He stood half a moment, turned round and went up to the girl, turned her head around and examined the wound. He said, 'Yes, she's dead.'

I was looking towards them when he fired. He set the pistol right in her neck, taking hold of her dress near the shoulders, with his left hand. First saw the pistol as he took hold of her. While he was examining the wound, I jumped over the fence and ran down town and alarmed the people. I left Hughes in the yard. He had not yet left the corpse. Saw him next going down Columbus street. He had got half way to the corners. John Price had hold of his arm as they walked down together. They went clear down to the corners, when Hughes jerked Price off. I saw the carriage come from the tavern. Russell opened the carriage, and Hughes

got in, followed by Russell, when they drove off toward Cleveland.

TESTIMONY OF MR. LAMSON.

Amos Lamson sworn: I live in Bedford. Have known Dr. Hughes about a year. I was at my house when I saw a crowd gather about the corners. Saw Price catch hold of a man, who jerked away from him. Saw Price catch hold of him again, and once more he jerked away. Saw this man (Hughes) go to the carriage and get in. Heard a cry of 'Stop the carriage!' and a cry of 'Murder!' I went up town on the run. Went where the girl was shot, and saw her body in the yard. Two of us got into a buggy and started in pursuit of the carriage. On the Independence road, met the carriage coming back. Hughes had taken to the woods. I went with Mr. White to ride around this patch of woods. Some six or eight of us crossed the fields several times, but we couldn't find him. We searched along the railroad track. The alarm was given that Hughes was right ahead of us. He was in some bushes close to the track. Six or eight of us went up to him. He said he was willing to give himself up. Mr. Wells searched him and we started him towards Bedford. Found a common knife, a few small cartridges and a small pistol on his person. On the way to the village, Hughes talked some. I told him that all I could do or say would not make him any better or worse. I think I proposed hanging him on the spot. He said, 'I would as soon you should hang me here on a tree as anywhere. I knew the penalty before I did it. I bought the revolver or pistol on purpose to shoot her, and have done it.' He said, 'I have not done it under any excitement or impulse of the moment, but had studied the thing over'—I think he said for two weeks. He drew a flask out of his pocket, took a drink, when I told the men not to let him drink, for he probably had poison in the flask. But he drank. At Bedford, we put Hughes in the carriage, when he started for Cleveland. His manner did not differ from that which I have always seen in him. He showed no excitement.

TESTIMONY OF MR. LIBBEY.

E. S. Libbey sworn: When the alarm of the shooting of Tamzen Parsons was given, I was on the Warrensville road twenty rods from Columbus street. I drove on, and saw a man coming down Columbus street, men having hold of his arms. As this man reached Columbus street, he jerked away from the men holding him, drew a revolver, told the crowd to keep off got into the carriage and ordered the driver to go on. The driver started, hesitated when called on to stop but finally

drove off, as though he didn't want to drive away, but was afraid to stop. Saw the carriage come back with Russell and Carr; they were locked up, and I took a double barrelled shot gun, got in the carriage with others and started in pursuit. We searched the fields near where Hughes was found. He was in a little ditch, covered by an oak bush just large enough for a man to hide under. I discovered him, lying down with his coat off. Heard him say, "Gentlemen, you can do what you please with me—hang me up to the first pole if you choose. I came out here with that intention, and I've done it." As some of them were afterwards firing off their guns he said, "Gentlemen, you can't scare me—I've been under fire before—I'm not at all alarmed." I also understood him to say, "I'm a murderer," when he first spoke, but I'm not positive. He was cool and unconcerned.

Cross Examination: Several of the crowd said, "Hang him!" "Shoot him!" Saw him take out a flask and drink. Think it was three hours from the time he left the village in the carriage till we found him. We were searching the field about three fourths of an hour.

The testimony of Mr. Libbey was corroborated substantially by William Golding, T. E. Matthews, Warren K. Scott, and L. C. Haynes.

TESTIMONY OF DR. STREETER.

Dr. D. G. Streeter sworn: Am a physician living in Bedford. I saw Tamzen Parsons' body about half an hour after she was shot. It was still warm. Made no examination of the wound at that time, a wound in the back of the neck, just below the base of the brain, and in the center of the neck. The next day I made an examination, the body being in a vault. I found that the wound was caused by a small ball, entering the neck just below the base of the brain. The ball passed through the vertebra of the neck into the very upper portion of the spinal marrow. The ball went upwards. About three inches from that, above and back of the right ear, there was a mark about an inch long.—The center of the mark was about one-eighth of an inch wide, running to a point each end, direction upwards.

The hair was moved by whatever caused the wound. I don't think that which produced the first wound could have produced the second. My opinion is, that the mark was occasioned by a pistol ball striking there and glancing off. A ball striking as the first did, and penetrating the upper portion of the spinal marrow, or "medulla oblongata," would cause instant death. Several persons, medical and others, were present at the second examination. Made no removal of the outer parts of the head. Merely probed the wound on the examination.

TESTIMONY OF MRS PARSONS.

Mrs. Susan Parsons sworn: Witness took the stand, but was so much overcome that it was some minutes before the examination could proceed. She sighed heavily, and revived herself with restoratives. When afterward, she looked on the Doctor she nearly swooned away. She is a woman of so remarkable appearance, that no one could possibly forge her, who had seen her. Tall and spare, with thin face and large grey eyes, she has a wild, untamable and weird expression which is unforgettable. Her examination was extremely touching, and she had the sympathies of all present.

I am the mother of Tamzen. Tamzen and I started a blackberrying between five and six o'clock in the morning, the day she was shot. On our way back we noticed a city carriage coming. Tamzen called my attention to it. We passed and looked in and saw Dr. Hughes. I said, "Why, Tamzen, there's the Doctor." Dr. H. said, "Mrs. Parsons!" We made no reply. Then he spoke again, when Tamzen told him to go along; we didn't want him. He next called to me, saying, "Mrs. Parsons, it's you I want." On looking around, he was out of the carriage. He said he wanted to talk with me. I told him not to come nearer than he was. He said he wanted to talk with me and have Tamzen give him a paper that she would not trouble him any more. I told him, "There is no paper needed; she isn't your wife, and you have no claim on her." He said he had Major Hanson with him in the carriage; that he had come to give him (Hughes) a situation in Cincinnati, and he (Hughes) wanted to give Tamzen a check on the bank to get some money. I told him, "We don't want you or your money. All we ask of you is to keep away and leave us alone." Don't recollect anything more until Mr. Robinson came. He took us to our own house, where Tamzen and I got out. About an hour after reaching the house we started for Bedford. Got out of the wagon near the junction of the roads in Bedford. I went with Tamzen to the house of Joseph Haynes. Staid there ten minutes or so, when Tamzen started for Mrs. Christian's house. She went out of the house alone, but turned to me while in the yard, and said, "The carriage has come back." I went to the gate to her, and saw another carriage at the Fountain House, but did not see the Doctor. She went along towards Columbus street. I next saw her on the sidewalk, and Hughes a piece behind. She had just reached the sidewalk on Columbus street. I went back into Mr. Haynes' house, took my bonnet and started out as fast as I could, taking the shortest cut for Columbus street. I got up a little way on that street, when the Doctor came down on the other side of

the road, buttoning up his coat. Saw Mr. Powell coming, who said, "O Mrs. Parsons, the Doctor has shot your daughter dead." [Here the witness gave way, sobbing violently.] I went to the yard as quick as I could; was the first one there. Mrs. Christian opened her front door just as I got into the front yard. Tamzen's body was lying in the yard. [Here Tamzen's veil was exhibited—the one she had on at the time of the murder. The witness again went into a hysterical fit.] This veil hung down Tamzen's back. The veil was almost new. When taken off it was in the same condition it now is. [The examination was frequently interrupted by her overmastering emotion.]

TESTIMONY OF MR. PRICE.

John Price, sworn: I was working with Mr. Powell in his lot in Christian's yard, digging a trench, the day Tamzen Parsons was shot. As I was throwing out a shovel full of dirt, I heard a pistol shot and a scream. I turned around and saw the girl fall. I jumped out of the trench and saw Dr. Hughes step about three steps from the girl toward the gate, when he walked back, stooped down and put his finger in the wound, saying, "You are a dead girl." He then walked out to the gate, down street. I went to the body and saw the blood flowing down her face. I followed him and caught hold of his right arm, about four yards from where the murder was committed, and led him down to the junction of the roads. He said, "What are you agoing to do with me?" I told him I would let him know when we got down to the corner. Nothing more was said till we got down to the corner. When there, he pulled way, drew his revolver and said, "No man touch me." Saw his carriage coming up, containing Russell and a driver. He got in, Russell helping him, when they tried to start away from the crowd. Mr. Golden and I stepped up to drag Hughes out. Russell sat on the front seat, Dr. H. on the back. I laid my hand on Hughes' shoulder, when Russell pulled his revolver and putting it near my face, said, "let go of that man or I'll blow your brains out." I heard Russell "holler" to the driver to drive on. Went back to the yard, and found the body still lying there.

TESTIMONY OF MISS CHRISTIAN.

Miss Amelia Christian sworn: I am daughter of Wm. Christian and am thirteen years old. I came down to Bedford with Mr. Thomas Parsons' people the day of Tamzen's death. After we got out of the wagon, I saw Tamzen again in about twenty minutes. She was in the road, and Dr. Hughes was just stepping off the sidewalk on the opposite side of the road. When he got nearly to the gate at the side of the road, he pulled out his pistol, pushed the

gate open, and when he got to her, put his hand on her shoulder and shot her. After he had shot her the first time he cocked his pistol and shot her again. She screamed and fell down. I was standing in the front stoop. My mother was standing by me. My mother said to Dr. H., "how could you do it? the poor girl is dead." We then went in and shut the door. Stood at the front window and looked out. Saw Dr. H. go down near the gate when he came back. He looked at her a while, when he went away. Dr. H. said nothing when my mother spoke to him. He was looking at her at the time.

TESTIMONY OF MASTER CHRISTIAN.

Mathew O. Christian sworn: Am a son of Mr. Christian, and sixteen years old. When Dr. H. went by, about nine o'clock in the morning, the driver came over and told my father there was a man in the carriage who wanted to see him. Father said he might come there if he wanted. Between one or two o'clock P.M., on the day of the murder, I saw Tamzen coming toward our gate, and Dr. Hughes after her. When opposite our house she turned her head and said to Dr. H., "No, I won't stop." Then she turned across the street toward our gate. I ran and opened the gate, she passed through and I let the gate go to. The Doctor crossed the road, and when near the gate took a pistol from his pocket, cocked it and went through the gate. When about ten feet from the door he caught hold of her, put his left hand on her shoulder, and said, "you won't stop, will you?" and put the pistol to the back of her head and fired. She dropped her head a little and said, "O dear!" when he cocked his pistol again, fired, and she dropped. My mother was standing in the front door, and said, "O Doctor, how could you do so," or something like that. He said nothing. Mr. Powell standing in the ditch said, "You old villain, what have you done?" He said, "She is shot dead," and turned toward the gate. I then went into the house. Saw him go down the street, followed by Mr. Price. Tamzen seemed to be scared when she went through the gate, and in a great hurry.

TESTIMONY OF MR. HESTON.

W. M. Heston sworn: The day of the murder was at Wise's carriage shop, when the alarm was raised. Hughes was brought to Cleveland in the carriage he had at Bedford. Messrs. Cook, Wells, Strong and myself came in with him. Heard Hughes say he had done what he had intended to do if she would not be willing to consent to go with him; that she was his lawful wife. He was explaining to Wells where he intended to shoot her; he put his finger up to Wells' head and used

some medical term I don't know. Hughes took a flask from his pocket, held it up and shook it, drank the contents and gave the flask to Mr. Strong. He then gave the pistol or revolver to Mr. Wells, when they got through with it on the trial. Before reaching Newburgh McKinstry had met us, and came back with us. Hughes said he had been from the highest circles of Europe to the lowest of this country; had been in the Crimean war and had been in service in this country; that half his life was spent in that manner, and now the balance would end in a love tragedy. Don't remember any more he said about his life. I handed the pistol to Hughes, and he took it apart and showed us the inside, and handed it back to Mr. Wells. He said he had replaced the cartridges he had fired from his pistol, and thought at one time he would put it to his mouth and blow his brains out; then thought he would lie down and take a nap. I said he took it very cool. He said in response that he was no coward.

TESTIMONY OF MR. STRONG.

A. O. Strong sworn: I was present when Hughes was arrested. I said to him, "Doctor, you might as well give yourself up—there are too many of us." He said he would. On the way in, Hughes said he bought that revolver for the purpose of doing the deed he did if she didn't comply with his wishes. He said he had relieved his mind of a great load, and that he would meet her on the other side of the great water. He spoke of sending his first wife to the Isle of Man for the purpose of getting this girl to live with him; that the first time he saw her he set his affections on her. He said he was willing to give his life for hers; that they could do what they chose with him, hang him, or what they chose. He said he meant that no other man should ever possess Tamzen. I asked Hughes if he would have shot Joe Haynes if he had seen him. He said he might have done it at the time his excitement raged so high; that he wouldn't wish to harm anybody else. Something was said about Haynes wanting to marry Tamzen, but I don't recollect what it was. He said some might think he was deranged, but he was not; he was in his right mind. His manner was not excited.

TESTIMONY OF MR. CHRISTIAN.

William Christian sworn: On the day of the murder Hughes came to my shop about one o'clock; asked me if I had seen Miss Parsons that day. Told him I had not. He asked me where my wife was. Told him she had gone to Mr. Parsons' house some hours ago and I had not seen her since. He then said, "My friend, you have been too busy in my affairs of late," and related what a good friend he had been to me and my family, which indeed was true. At this time Cornelius Haynes entered, and said he wanted me to measure him for a pair of pants. The Doctor lowered his tone then, and I could not hear all he said, but it seemed to be something of a threatening character. In fifteen or twenty minutes after he left, I heard of Tamzen being shot. I never saw him intoxicated.

TESTIMONY OF MR. WELLS.

A. J. Wells sworn: Witness corroborated previous testimony in relation to the discovery and search of Hughes. On the way to Cleveland, Hughes said he came out there for the purpose of killing the girl, as she didn't comply with his wishes. I asked him what reason he had, and he replied that he didn't want anybody else to possess her; that she should not become anybody else's wife. He said he had bought the pistol for the express purpose of killing her; that he had sent his wife home to the Island, and he wanted to live with her (Tamzen); that he understood she was going to marry somebody. He put his finger on my head and showed the place he shot her. He wanted to kill her instantly so that she would not suffer. He crossed his fingers in explaining how he shot her, and said a shot given as he indicated would be instant death. He said he shot twice, and the last time he had his left hand on her shoulder. I asked him if he would have shot any of us that were in pursuit of him, and he said no one except Joe Haynes. I asked him why he would have shot Haynes, and he said Haynes had caused all this trouble. He said he had not slept well for some time back, but he could sleep well to-night; that he had been thinking over this matter. He gave me the pistol to remember him by; said it would probably have to come into court as evidence, and after they got through with it I could have it. His manner was cool and calm.

TESTIMONY FOR THE DEFENSE

TESTIMONY OF MR. LOWE.

Thomas Lowe sworn: I reside in Chagrin Falls. Had lived at the center of Warrensville before moving to the Falls. Have known Dr. Hughes two years and a half, making his acquaintance in Warrensville. He left my house in January, 1864, and went to Bedford to live and practice medicine. About a month after he went into the army. Saw Dr. H. at my house in Warrensville after he returned from the army. Came in a cutter. He was then in officers' uniform. Next forenoon he came to my house in the same cutter. Miss Tamzen Parsons came, with him. Can't tell the date. They occupied the public sitting room after dinner. Occupied no other room together that I know of. [Objection was entered to the revelation of this intercourse, but the court ruled in favor of defense.] They left about five o'clock going toward Cleveland. I talked with them about half an hour. They seemed to be on friendly terms. I have seen Dr. H. under the influence of liquor. Never saw him so affected that his walk was not good. His face would then assume a purple color. He was nervous the next day, but not when 'tight.' Was always very easily excited when drunk, and looked wild with his eyes. Have seen him in that condition several days, and even a week on a stretch. This excitement would increase as he continued drunk. Once he acted so bad, fighting with his wife, &c., that I ordered him to leave the house.

Have seen him reel a few times when he was far gone with drink; but he usually carried himself well.

The testimony of Mr. Lowe in regard to the effect of liquor on Dr. Hughes was corroborated by that of Mr. Wm Skinner.

TESTIMONY OF MRS. OWENS.

Mrs. Kate Owens sworn: Reside in Cleveland. Have known Dr. H. between three and four years. Know where he did business in August last. Was at his office on the 6th and 7th of August. He was there on Sunday the 6th, but not on the 7th. Was there in the evening. Word was left on his slate that he would be back in a little while. That was his habit. On Monday evening before the murder I found this entry, "I will be back in a few moments." I went there about half past eight, and waited till nine. I had professional engagements with Dr. Hughes. Had been my family physician off and on, about three years.

TESTIMONY OF MR. RUSSELL.

Oscar Russell sworn: I have known Hughes about two years. Was with him the day of the murder. I had been with him all the night before. Met him at the St. Nicholas saloon, Bank street, about eight or nine o'clock that evening. He was there when I went in. We drank there, don't know what, for I was drunk. I don't know that Hughes was drunk. We stayed there five or ten minutes. [Witness detailed visits of himself and Hughes to several drinking places, and their drinking.] Think the Doctor proposed to go home, but am not sure. He didn't go, because I proposed to go riding to Rocky river. I went to Carr's carriage, and Hughes asked him what he would charge to take us riding all night, and come back in the morning. I saw a pistol lying in Hughes' trunk, in his office, when we were there. I said, "That's a nice shooter you have." Hughes said, "Yes, I'll put it in my pocket." He also took a flask and had it filled down stairs. I proposed going to Rocky river, and Hughes did not object. When the driver said he could not find some women he had been looking for to go with us, Dr. H. said he could find some in the country, and we started. At Newburgh Hughes engaged rooms at the Cataract House, and said we would be back and stay there all night. I was asleep on the way to Newburgh, and also when going from Newburgh to Bedford. At Bedford we were to be called at seven in the morning. Hughes said we had better get home and attend to business. In the morning we drank whisky several times, both before and after breakfast. We started home, and I asked Hughes where the women were he was going to see, and he said he would show them to me on the road home. At the grocery opposite the Plank Road House, Hughes and I drank ale about twenty-five times. [Witness corroborated generally the account of witnesses for the prosecution in regard to putting flour on Hughes' face because it was red, and to the proposition to go to Rocky river by way of Independence that Hughes might stop there and collect some money.] At Krum's house Hughes proposed to me to go to Parsons' house, introduce myself as Major Hanson, tell them he was out there, and they would send out for him, which I refused to do. While going back to Bedford from Krum's, I was asleep. I was sitting in the bar-room of the Fountain House, Hughes having gone out, when the driver, Carr, came in and told me there was a muss. I ran out and saw Hughes

coming around the corner, keeping all off him with a revolver in his hand. He came to me just at the carriage, and told me to get in, which I did. He got in and pointed the revolver at the driver, and told him to drive on, saying, "Drive, or I'll shoot." I got out then, and climbed up to the driver. I never told any man to let Hughes alone or I'd blow his brains out. I hadn't anything to blow anybody's brains out with. When Hughes came up to me at the carriage, his face was red as fire, his eyes just as if popping out, and he was mightily excited. I told the driver to drive, or we would both be shot, and he drove as fast as he knew how. Don't remember of giving Hughes any money after the shooting. Hughes boarded with me from July 14, 1865, till the time of his shooting. I saw Hughes drunk once before this affair; his face was very red, and he talked a great deal.

I don't know when the Doctor came to the city. He came to board with me early in July. I saw him only once deep in liquor. He talked fast, his face was very red, and he told me of his troubles. 'I came near going to the penitentiary,' he said. I asked why. 'For having two wives,' he replied.

TESTIMONY OF MR. KEEGAN.

J. D. Keegan sworn: Reside in this city. Have known Hughes since the spring of 1862. He is a physician. I am a druggist. Have seen Hughes quite frequently under the influence of liquor. The effect of liquor on him was always very marked; it made him very reckless, and he seemed to have no regard for his character and to be indifferent as to what he might do while in that condition. When drunk he seemed utterly demented and senseless. Was always much flushed then, eyes bloodshot, talkative and so offensive in what he said that I forbade him coming to my store.— It didn't affect his walk much. When sober he was very gentlemanly.

The cross examination developed the fact that while intoxicated, the Doctor's talk was very incoherent and at random, often bombastic and boastful, so that one might judge of his state by his talk.

TESTIMONY OF MR. FRANCIS.

Philetus Francis sworn: I reside in this city. Was a carriage driver in July and August. Did not know defendant.— I know Oscar Russell. Saw Russell and Hughes together near Weddell House an evening or two before the murder. They asked me what I would charge to drive them to Rocky river. It was the evening they went to Bedford. Couldn't say whether they had been drinking.

TESTIMONY OF MR. MCGUIRE.

Paul McGuire sworn: Reside in this

city. Keep a grocery on Ontario street. Hughes was in my place between eight and nine o'clock, with Russell, the evening they went to Bedford. They drank something then, I think. Dr. Hughes got a half pint flask filled with whisky there.— Was going into the country, he said, to see a patient. Have seen Hughes in liquor. When drunk his face was red. Never knew him to stagger any, no matter how much intoxicated. He was ugly at such times.

TESTIMONY OF JAMES BROWN.

James Brown sworn: Reside in this city. Keep a saloon on the corner of Bolivar and Pittsburgh streets. Dr. Hughes was in my saloon the night before the murder, with Russell and a hack driver, about nine o'clock. They drank there. Saw nothing out of the way in them.

TESTIMONY OF MR. QUINLAN.

T. J. Quinlan sworn: Live and do business at No. 174 Ontario street. Have known Dr. Hughes three or four years.— He opened an office opposite my place last summer. Saw him the evening before the murder. He was in my store ten or fifteen minutes about eight o'clock. He said he was sleepy and tired, and was going home to bed. Have seen him under the influence of liquor. His face would get red, when drunk, and his eyes grow larger, but his walk was steady. Very few would ever know he was drunk.

TESTIMONY OF MASTER NICHOLS.

Edward Nichols sworn: Am fourteen years old. Know Dr. H. Was in his employ two weeks and three days. The engagement ended on the arrest of Dr. H.— I ran errands, made his bed, &c. Saw a pistol in his office; think it was silver-mounted, and a four-shooter. First saw it about eight days after I went there.

Cross examination: Saw the pistol under his pillow. Saw it every morning when I made the bed.

TESTIMONY OF MR. EASTWOOD.

Alfred Eastwood sworn: Reside in Warrensville, a few rods from the Plank Road House. Am not acquainted with Dr. H. Saw him last time at a grocery near said House, the day Tamzen Parsons was shot. Dr. Hughes and the rest were pretty well set up when I went in. I mean, intoxicated or drunk.

TESTIMONY OF MR. NORWAY.

Charles Norway sworn: Reside in Warrensville near the Plank Road House. Was in my shop, a dozen rods from said house, on the day of the murder. Saw Hughes that day at Stanbridge's grocery.

I was invited in by Dr. H. Took a glass drunk. I saw them when they had just come.

TESTIMONY OF MR. CUBBON.

John Cubbon sworn: Have lived in this city twenty-three years. Born in the Isle of Man. Knew Hughes there when a boy, and his parents. I was brought up in Hughes' father's house from the time I was ten years old till I came to this country. His grandmother Jane Kenwitch was insane and committed suicide. Other members of the family on the grandmother's side were insane; one certain, and, I think, two, committed suicide, and, I suppose from insanity. His grandmother was subject to fits of intermediate insanity. She committed suicide about a year after her husband's death, but had, meantime, five or six of these fits. [The question was asked, "What effect had drink upon the father of the deceased?" Objections were raised. The convictions of the Court were that such testimony should be excluded.] The conduct of Hughes when he is sober is gentlemanly and proper. [Objections were raised here as to the latitude allowed the defense, the Court in its convictions inclining to the view of the prosecution.]

TESTIMONY OF MR. ANDREWS.

Mr. Andrews sworn: Know Hughes; saw him on the day of the murder, three miles on this side of Bedford, after his arrest. He looked like a man that had been drinking considerably. His face was red, his eyes looked very wild. Have seen Hughes drink several times, but never saw him stagger; he is very slow in speech when drunk; have never seen him excited.

TESTIMONY OF MR. TEAR.

Jas. Tear sworn: Have known Hughes since he has been in Ohio and knew his father and grandfather. His grandfather committed suicide when insane. It was common talk that an uncle of his committed suicide in Demararra, but I don't know of it positively.

Cross examination: I know nothing of insanity in Hagnes' family except what has been told me since I came to this country.

TESTIMONY OF MR. CAMPBELL.

Edward B. Campbell sworn: Have known Hughes for five years. Saw Hughes when a member of the 6th Dragoon Guards in the English army, during the Crimean war. Also saw him when he was Assistant Surgeon of the 85th Regimental Corps d'Afrique in the Federal army at Vicksburg, in charge of a marine hospital.

Have never seen him stagger when drunk, and a person not acquainted with him would not discover that he was drunk.

TESTIMONY OF MR. ELY.

I. S. Ely sworn. Have known Hughes about two years; saw him at my home on the day of the murder, after his arrest. He did not seem to be intoxicated, but his face was very red and his eyes wild and excited. Saw him the night before, and judged he had been drinking a great deal.

TESTIMONY OF MR. LEWIS.

William Lewis sworn: Knew Hughes when he was a boy at school, and when he lived at Warrensville. Knew nothing bad of his general character.

Cross examination: Heard of Hughes running away with Miss Parsons, and thought that was against his general character, but this was after I knew him at Warrensville.

TESTIMONY OF MISS PARSONS.

Charlotte Parsons sworn: Have known Hughes two or three years. Am sister-in-law to Tamzen Parsons' father. Was at Hughes' office the day before his trial at Justice Porter's. He engaged to come to my house on Sunday to treat my ears. At Tamzen's house, I told her that Dr. H. was going to operate on my ears at my house, and asked her when she was coming. She said she wanted to come the worst way, but mother was up to Haynes', and, she said, "You know I must say any more." I told Tamzen Hughes was coming up Sunday, and asked her if she wasn't coming up. She replied as before stated.

TESTIMONY OF MRS. ROBINSON.

Mrs. Harriet Robinson sworn: Live in Bedford, Know Hughes by sight, not personally. Was very well acquainted with Tamzen Parsons. She was at my house twice after Hughes' arrest for assault. She called at my home to get a carriage to attend the trial. I said, "Tamzen, I should think you would be afraid to be out at night, for fear you will be disturbed." She replied she thought he would not injure her, or hurt a hair of her head. She told me what had happened the night he was at her house, and said next morning she was going to withdraw the suit.

TESTIMONY OF MR. JUDD.

O. B. Judd sworn: Have known Hughes since 1861. His reputation was that of a quiet, gentlemanly man. Saw him once intoxicated; he was apparently wild and did not know what he was about.

Cross examined: I heard nothing against him except his going to Pittsburg, getting into the Penitentiary, and neglect of his business.

TESTIMONY OF MR. BURKE.

John Burk sworn: Knew Dr. Hughes in Warrensville. His reputation, so far as I heard, was that of a good moral man, when attending to his business. Until the reports of the affair with Tamzen his reputation was good.

William Krum recalled for further examination: At the grocery near the Plunk Road House, Hughes said to me he wanted to see Miss Parsons; that he wanted to have a talk with her. He said he had met them on the road, but "Suzie (Mrs. P.) was so full of hell he could not talk to her." He said he wanted make provision for her support, so she could draw her money every three or six months, or year; or if she got married he would give her a check for \$500 on a bank. Said he had word from Gov. Brough to go to Nashville and take charge of a general hospital. This conversation was private between Hughes and myself in a separate room.

TESTIMONY OF DR. ROEDER.

Dr. P. Roeder sworn: Am a physician of the County Jail; was called to see Hughes next morning after his arrest, about nine o'clock; he labored under great mental excitement, and showed some of the symptoms of delirium tremens; his face was flushed, eyes protruding and his pulse was frequent and weak; his tongue was coated and feverish; I ordered whisky; I did not visit him again until next day, and continued to call frequently. The symptoms of delirium are those I have described.

TESTIMONY OF DR. THAYER.

Dr. P. Thayer sworn: I am a physician. Have known Hughes since his arrival in Warrensville. Saw him under the influence of intoxicating liquors frequently. Could always notice by his face if he had been drinking. At one time in July last I saw him perform an operation when he had been drinking; he was nervous but he performed the operation; during the time I saw no muscular effect of liquor.

TESTIMONY OF DR. MEYER.

Dr. Wm. Meyer sworn: I am a physician—do not know Hughes. (Described the symptoms of delirium tremens on different temperaments.)

TESTIMONY OF SHERIFF NICOLA.

Sheriff Nicola sworn: Am Sheriff of Cuyahoga county; saw Hughes at the door when he was brought in, the night of his arrest. I was called by the Deputy Sheriff the next morning between eight and nine o'clock to see Hughes, who appeared to be under great nervous excitement. I was advised to give him whisky, which I refused unless advised by

the jail physicians, who were called and gave him as before stated. I was present at all interviews between the prisoner and others. I had no conversation the first night, but about ten o'clock he begged for liquor, saying "for God's sake give me some beer."

TESTIMONY OF TURNKEY SMITH.

H. S. Smith sworn: Have been jailor of the county jail for the last three years. Saw Hughes the first time when he was brought in after his arrest; should judge he was pretty drunk when brought in; his face was very red and he had a wild look on his countenance. The next morning he had the shakes; called Dr Roeder who ordered me to give him whisky and laudanum, in doses of about twenty-five drops of laudanum with a drink of whisky three or four times a day for about a week. Also give him valerian three or four times a day. While giving him the medicine his appearance was one of being troubled with the delirium tremens; his appearance and conduct since then has been good.

TESTIMONY OF DR. STRONG.

Dr. Strong sworn: Am a physician and surgeon—have treated cases of delirium tremens to the number of over one hundred. The higher and greater the development of the brain, the greater the excitement produced. Have known Hughes four or five years. Have seen him intoxicated. His face was florid, language very intemperate, but when sober, found him to be a perfect gentleman. Think that the effect of liquor on him would be that of excessive excitement. He was when intoxicated inclined to be quarrelsome, but did not stagger.

TESTIMONY OF DR. STREETER.

Dr. D. G. Streeter sworn: Know Hughes from Jan. 1 to March 12, 1865; I boarded with him at the Franklin House in Bedford. Have seen him intoxicated three or four days at a time. Liquor seemed to increase his muscular power. Saw him once after several days excessive drinking start to see a patient to perform an amputation. He asked me if I would not go; had with him a mechanic's saw and a butcher knife; he said that a French surgeon had recommended them in a case of emergency. He was going to use them. Think he had surgery on the brain.

TESTIMONY OF MRS. KRUM.

Eliza Krum sworn: I remember the night Dr. Hughes was at Parsons' house, in July last. Saw his buggy in the road, searched it and found a bottle of liquor in it. Took it home with me. It would hold near a quart. Should think it was either cherry or blackberry brandy.

TESTIMONY OF MR. MCKINSTRY.

Thomas McKinstry sworn: Have lived here about thirty years, and have been in police business twenty years. Remember the day, in August last, of the arrest of Hughes. I left in pursuance of a dispatch received from Bedford after the murder, to make the arrest. Got to Newburgh where I met Hughes. Started on the road to Bedford, to reach the place where Hughes left the carriage for the woods. Just before getting there, met the carriage with Hughes in it, he having been arrested. I got into the carriage and came to the jail. The party stopped about five minutes at the Cataract House in Newburgh. Hughes looked to me like a man who had been on a long drunk. That was his general appearance. He is evidently a man who can stand a great deal of liquor. His walk was not affected, but his face and talk revealed the fact of intoxication. Have known him four or five years. His face was bloated a good deal, and of purple color, his eyes very much bloodshot. He was very nervous; was close by him in the hotel, and when combing his hair his hands showed that his nerves were all unstrung. He talked in a bravado manner, rather boasting of what he had done. After he washed, the Dr. went to the bar and drank a glass of ale. Think he drank two glasses. Have frequently seen Doctor Hughes intoxicated. When in liquor he was foolish, and did not seem to care what he did.

Cross examination: When intoxicated he would talk foolishly and incoherently, and do foolish things. He seemed to know perfectly well what was going on around him when I saw him in the carriage. He recognized me, and spoke to me. He conversed freely and coolly about the transaction.

TESTIMONY OF MRS. QUILLMAN.

Mary Quillman sworn: Have known Dr. Hughes since May, 1862. Lived in his family on Bolivar street, three years ago, about five weeks. I have seen him under the influence of drink. He appeared very sullen, his eyes were glassy, his face very red, seemed very nervous, and sometimes got very much excited. His walk was never noticeably different when drunk. Saw him once when very ugly. He had been away all night. He came to me in the kitchen. I asked what he wanted. He took hold of me with both hands, and I had to defend myself. I had the stove handle in my hand; struck him across the arm with it, when he let go. Have seen him drunk several times since I left his house.

An affidavit of the defendant, made to support a motion for continuance of the case, was here read by his counsel. It alleged that the defendant was unable to procure the attendance of J. J. Patterson and Geo. S. Kimball, medical officers of the United States army, well acquainted with defendant, who would swear they have often seen him intoxicated, and in this state very singularly affected, suffering under total aberration of mind, while his muscular system was unaffected; that it was essentially necessary to arrest him often to prevent injury to himself and best friends; and that this effect was, in their opinion, entirely due to the influence of liquor, but was involuntary. The motion for continuance having been disallowed, the allegations of the affidavit were admitted as testimony.

THE ARGUMENT.

Twelve solid days were devoted to the taking of evidence, the double extract of which we have given above. On the 19th of December, in the presence of a vast auditory, ALBERT T. SLADE, Esq., opened the argument on the part of the State:

Gentlemen of the Jury: After a long and patient examination of this extraordinary case we are now drawing our labors to a close. This is a case involving the highest consequences, not only to the prisoner, but to the community. Subsequent developments have fully sustained the position taken by the prosecutor at the opening. Against the prisoner at the bar we can have no personal feeling, but we must deal with him as a criminal who has committed the highest crime known to law. The prisoner has had every lenity shown him by the Court; eminent counsel has been assigned him; and nothing has been left undone to extenuate his great offence. But while every man is presumed to be innocent till proven to be guilty, when once shown to have violated the law, then to waver in conviction is treason to duty. The highest sanction is necessary to protect life. For the frightful increase of murder, robbery, and other high crimes there must be some cause. What is it? It is because when crimes are detected there so much uncertainty of punishment. There is even admiration for the great criminal, after the momentary excitement has passed away. The people every where are asking if a man can be convicted of murder in the first degree in Ohio.

Now what is the crime alleged against the defendant? The learned prosecutor has stated that it is the highest crime known to the law of the State. Let us now turn to and examine and review the law and evidence in the case.

What is the crime of murder? In the common law of England murder was the taking of life by man in his right mind, with malice, &c. In our statutes discrimination is made. Murder in the first and second degrees and manslaughter are recognized. Murder in the first degree is the taking of the life of another with deliberation and premeditated malice. Murder in the second degree is the taking of life purposely and maliciously, with or without premeditated malice. To constitute murder in the first degree under our statutes, the act must be done purposely, deliberately, premeditatedly and with malice.

The advocate entered into a definition and analysis of these terms, purpose, deliberation, malice, &c. Authorities were read, as follows, to show that "purpose" means intention, the making up of the mind to commit an act: Wharton's Ameri-

can Law on Homicide, pp. 184-5-6, 378; Wright's Ohio Reports, p. 399.

The second element to be considered is deliberation. Premeditation may be ranked with deliberation. It means to weigh, consider, revolve in mind, an act before its accomplishment. The following authorities were cited: Wharton on Law of Homicide, pp. 372-3-4; Wharton's American Criminal Law, pp. 376, 413; Twelfth Ohio Reports, *State vs. Shoemaker*, pp. 43, 53; also *State vs. Turner*.

The third ingredient is malice. Wharton on Homicide, pp. 33, was read. There are two kinds—expressed and implied. In the first there is a lying in wait to commit the act, and the committing of it with sedate, deliberate mind, and with a formal design. The evidence is circumstantial. In the second the act may be perpetrated or consummated while the person is doing another unlawful act.

This will suffice for the statement of the law in the case. Of the fact of murder by this defendant there is no question. Let us now turn to review the evidence in the case, by way of refreshing our memories. (The indictment was here produced and read.)

The advocate then reviewed the history of the affair, commencing with the seduction of Tamzen Parsons, an unsophisticated country girl, whose youth and ignorance made her the easy victim of this cool, calculating man. He narrated the flight to Pittsburgh, the marriage, the pursuit of Haynes, the discovery by Tamzen that her husband was a bigamist; his arrest and trial, his incarceration and her return home; his sudden appearance four or five months later, and immediate attentions to Tamzen, telling her he had sent away his first wife that he might take her to live with him in Cleveland. He detailed his subsequent actions; his breaking into Mr. Parsons' house on the night of the 25th of July; his visit to Dr. Wray at Warrensville, the next day, asked him if he had a pistol, and saying, on Wray's asking him what he wanted of it, "If that d—d bitch don't stop calling herself Mrs. Hughes, I'll shoot her;" his stay at the Plank Road House that night, and his remarks to Mrs. Eddy at breakfast the next morning, Wednesday, the 16th. "Pity it hadn't blown her d—d brains out and saved me the trouble some

time," in response to Mrs. E.'s telling him that Tamzen had a ball recently pass through her parasol; his drive to Bedford that morning and statement to Mr. Salisbury, that "he must hunt up Tamzen, and if she won't live with me I'll kill her;" his trial before Justice Porter the next Saturday, for the crime of house breaking; his settlement of the difficulty with Tamzen, through the mediation of Mr. Henry Parsons, and Hughes' solemn promise never to have more to do with or to say to this girl; his violation of this promise within two weeks—all this going to show the thread of the intention in Hughes' mind to kill this girl as an alternative. He was not intoxicated when he made these statements to Mrs. Eddy and Mr. Salisbury, and from them we can see the latent purpose, the absorbing thought of Tamzen, the desire to have her live with him, and his forming deepening intention to slay her if she refuses to comply with his request. The murder, the flight and capture were depicted with great pictorial and dramatic power. The precision with which Hughes fired, aiming at the vital point; his taking money from Russell as he left the carriage in flight, and his run to the woods to reach the cars, his coolness after the capture, and the statements of intention by the defendant on the ride to the city, show that he was in his right mind, that the murder was a deliberate rational act. There is nothing to show that he was in a frenzy and in such a mental state as to make him irresponsible for his act.

The advocate then entered on the consideration, how far the question of drunkenness should enter into the palliation or mitigation of crime. If a man has formed the purpose to commit murder, it makes no difference if he became drunk before committing the deed. The case of the *People vs. Rogers*, Smith's New York Reports, p. 13, was cited in confirmation. Further extracts were read from the same authority and also from Wharton's Criminal Law, 5th revised edition, 1st volume, p. 38, sec. 38, 39—all in proof that voluntary drunkenness is no excuse for crime committed in that state. Also sec. 41, note P. sec. 42. Also Wharton and Stelly, sec. 67, 70—that intoxication, though it reduces a man to a state of temporary insanity, is no defense of crime. It would not shield a man if he was sane before he became drunk. Also sec. 72, Eighth Ohio State Reports, *State vs. Nichols*, p. 435. A drunken malice is as dangerous and quite as wicked as a sober one. Intoxication, Mr. Slade argued, must be considered, like any other fact, to discover the status of a man's mind. If counterfeit money is found on the person of a man so drunk that he knows nothing of it, the fact of drunkenness refutes the evidence of crime. But if he had it before he became

intoxicated, the fact of intoxication should have no weight. And precisely the same application must be made in this case.

He laid down the further proposition that it makes no difference whether Hughes formed the purpose to kill Tamzen Parsons two weeks or two months before the deed was committed. As guilty in one case as in the other. Nor does it matter how much liquor he may have drank, if he knew what he was about at the time of the murder.

The advocate concluded his plea with the following recapitulation:

Gentlemen, let us for a moment pass in review this case, bloodiest in the annals of crime. The facts cannot be denied. The defendant himself boasted over the ruin he had wrought, "that he should meet the murdered one across the great waters." Seems to me even now and here he might see "wandering by, a shadow like an angel, with bright hair, dabbled in blood."

Tamzen Parsons died in defense of her virtue. When the seducer came in the person of a man of pleasing address and finished education, with a forged decree of divorce in his hand, he found her a mere child yet at school. She yielded to his machinations and was lured from home and friends. The forger became the bigamist and wrote on his forehead the horrid crime of adultery. Her friends followed, she learned of his deception and was rescued from the jaws of a remorseless prostitution! Anon the Forger, the Bigamist, the Adulterer was doomed to confinement for a year within the walls of a prison. After four months, we find this poor wife, the mother of his child, true to her womanly instincts, wending her way through our city, procuring signatures for his pardon. She obtained it. What promises he makes we know not. Does he come to her with contrition and gratitude? No! He banishes her and his child. For what? That he may again set his snares for the young and unsuspected Tamzen, that he may lead her to a life of prostitution to end her days with those fallen ones who are bought with a price.

The forger, the bigamist, the adulterer, seeks, again his prey, plies his arts. The mother of the child hovers near. Tamzen says: "You have deceived me once, you can not again." He will not desist—counts upon his strong control. He is mistaken, she will not yield. She seeks the house of refuge given by a Christian woman—nearly entered—he sees all is lost, he cannot possess her—he draws—takes deadly aim—fires, and Tamzen dies to live in Heaven. The forger, the bigamist, the adulterer, John W. Hughes, walks forth a murderer.

Let a monument be raised in memory of fallen virtue, which the young and fair

can look upon when we are dead and gone.

From this sad tragedy we learn

"The triumphs that on vice attend,
Shall ever in confusion end ;
The good man suffers but to gain,
And every virtue springs from pain.
As aromatic plants bestow
No spicy fragrance, while they grow,
But crushed or trodden to the ground,
Diffuse their balmy sweets around."

Gentlemen, we throw upon you the burden of this case. It rests with you. You have solemnly sworn to decide this issue, according to the law and the evidence.—Mercy rests not with you, not with the judge, but with the Governor of the Chair of State. You are to do justice—nothing more, nothing less. I ask you in the name of that community so cruelly outraged, that waits patiently to see whether under any circumstances, the highest penalty can be enforced—I ask you in the name of violated chastity every where—I ask you in the name of God whose image has been so cruelly defaced, and finally, I ask you in the name of the very law itself, to this day mark by your verdict your estimate of the protection which shall be given to the poor man's child.

ARGUMENT OF MR. KNIGHT.

Gentlemen of the Jury: The business here committed to your charge is one of the most important that ever arises in the affairs of men. The inquest that you now hold is one that involves the life of the unfortunate prisoner at the bar. And in a matter of such great importance it is of the utmost importance to the faithful discharge of that duty, that you look well to yourselves to see that in making up your judgment you shall be uninfluenced in any degree by prejudice or passion, and that your deliberations shall be entirely free from, and your conclusions totally unaffected by, either passion or prejudice. A man of great uniformity of temper and strong predispositions to vice, after hours of drunken revelry and dissipation and in an unfortunate moment when madness, like a destroying angel, had usurped the dominion of his mind and subverted reason from her seat, committed what the prosecution and the populace see fit to characterize as murder. And hence there has arisen a powerful prejudice against the defendant. I ask you in behalf of justice, in the name of liberty, which it is your duty to shield and protect, that you shall remain unaffected by it. Let its storms wail as wildly, madly and furiously as they may around this temple, and gather and beat until it shall rock upon its foundations, still no breath should enter here.

I pass now, gentlemen, to a consideration of the law as applicable to this case.

The defendant is charged with murder

in the first degree. To make that out the State have to establish five things: First, the killing; second, that it was malicious; third, that it was purposely done; fourth, that it was done with deliberation; and fifth, that it was done with premeditation. What now are we to understand by these several elements which constitute murder? It is a rule of interpretation, that we are to give effect to each of the words of the statute or of an instrument which we wish to interpret.

Here various authorities were cited to show the meaning of the several words above named, and the general conclusion deduced that the meaning of the first section of the Crime's Act containing the above words, and under which the defendant is charged, is that the killing must be done in pursuance of an intention or design to kill, which intention must have been formed before the party attempted to execute that design, and that he must have stopped to consider, to weigh in his mind that design; that if the act was committed whilst the defendant was in a fit of anger or of rage induced by the deceased, he would not be guilty of the charge; that if the intention to kill was formed whilst the defendant was subject to any passion which disqualified him for deliberation, and that intention was executed whilst still under the influence of that passion, he would not be guilty; that the intent to kill, although not essential to constitute murder at the common law, is by the first section of the Crime's Act made an ingredient of that crime. [*Fouts vs. State*, 8 Ohio State, p. 98; *Rollins vs. State*, 8 Ohio State, p. 131 and *Kain vs. State*, p. 306.]; that deliberation and premeditation, although not an essential element of murder at common law, is by the same section made an element of that crime; that the presumption of law arising from proof of killing alone is that it was murder in the second degree and not murder in the first degree; that the jury have in addition to the finding of a homicide, to find expressly and from the proof, an additional element of deliberation and premeditation; that no extent of proof of malice simply will warrant the finding of deliberation and premeditation, but that, in addition to the proof of malice, there must be proof of deliberation and premeditation as distinct facts and elements of crime; that drunkenness is competent in a charge of murder in the first degree to be proved to the jury for the purpose of showing that the defendant did not at the time of committing the act have sufficient understanding to intend the act, and that drunkenness is competent in all cases where the intention is an element of the crime. [*Pigman vs. State*, 14 Ohio, p. 555; *Ibid*, p. 435; *Nichols vs. State*, 8 O. S. Rep. p. 435.]

Now, gentlemen, this much with regard to the law for the present. I wish to call your attention to a few facts which have been given you in proof, and, first, I wish to invite your attention to a startling fact disclosed in this investigation in regard to the peculiarity of the defendant's troubles and the melancholy results, and the troubles of his ancestors and their equally unfortunate results. You cannot fail to remark it as an impressive coincidence, that the kind of trouble which led his ancestor (his grandmother) to commit suicide, was the deep grief that gathered and settled upon her heart at the loss of her husband. Thus she became at once subject to fearful visits of awful madness, and in a few months after her loss, in one of her fits of insanity, she terminated her life. So when the defendant realized the fact that she, whom he most loved, had forsaken him, he, like his unfortunate ancestor, became suddenly wild, a maniac, and in its awful visitation, he took the life of Tamzen Parsons and contemplated taking his own. It is a singular coincidence that the same character of trouble should befall him as befall his ancestor, and it is equally singular that it should fall with such fearful and yet such singular effect upon each. It certainly indicates clearly that some infirmity, defect, or predisposition on the part of his ancestors, has been transmitted to him as the hereditary accumulation of the morbid predispositions of his ancestors for generations, exalted and intensified in the organization of the defendant. And it is also a singular coincidence, that the same character of trouble which led his grandmother to commit suicide, led him to contemplate the same melancholy purpose. For you will not forget what you were told by Mr. Parsons about the bottle of prussic acid which he had prepared, and which he then had in his vest pocket, and with which he then intended to commit suicide. Gentlemen, there is nothing now better settled than that predispositions to insanity are transmissible from parent to offspring. Nay, more, I cite you the authority of Wharton and Stelle, Medical Jurisprudence, to the fact that predispositions to lying, cheating, drunkenness, theft and all other moral vices are as transmissible as gout, consumption, deafness, blindness and almost all other constitutional diseases. [Wharton and Stelle, Medical Jurisprudence, section 108.] And if that be so, and it is so, then I can clearly understand how the unfortunate defendant comes to be possessed of peculiarities of temper and mental tendencies and susceptibilities which characterized his ancestors, and you then have also the key to the fact that the effect of a great disappointment on him would be like the same on his ancestor.

This doctrine of hereditary insanity is comparatively new. Not long ago insan-

ity in all its forms was simply believed to be a visitation of God, on which we might look with wonder and grief, but to which it was our duty to bow submissively. It was not thought that it was a condition of the mind, which might be traced to a proper and adequate cause, either growing out of some hereditary defect or developed by the circumstances of habits of its unfortunate subject. But now it has come to be well understood that insanity is attributable, like any disease of the body, to causes which operate to its development. And now in the light of recent investigations, the origin and causes of insanity have been searched out, and the great truth established that insanity is transmissible by inheritance. The birthright of my unfortunate client was a powerful tendency to insanity, derived from his ancestors generations ago.

In the early part of the present century, insanity was not permitted to be given in defense of crime, but as its origin and extent were gradually studied and understood, its claim to a hearing in excuse for crime came to be recognized and adopted, and now not only the insanity of the defendant himself, but the insanity of his ancestors may be shown in his defense.

Man is a peculiar being, and strangely compounded of different natures marvelously mixed. On the one hand, in the nobility of his reason and the infinity of his faculties, he is allied to angels and to God; and on the other, in his passions and necessities, he is linked by an inevitable fatality to the beasts of the field.

"How poor, how rich, how abject, how august,
How complicate, how wonderful is man!"

It was the full realization of the marvelous mixing up of large extremes, which led the poet in astonishment to exclaim:

"Oh what a miracle to man is man!"

My client was subject to a wild and foolish infatuation in affairs of love, but he is not the first or only one who has become the deluded victim of infatuation. They have existed in all ages of the world. But sometimes this infatuation takes one hue, and sometimes another. It has manifested itself in one person in a morbid and overruling desire for money. Midas, for some service that was rendered by him to Bacchus, was told he should have whatever he wished. And so absorbing was his desire for gold that he wished that whatever he touched might be turned into gold. And from those mythological times until now there have been these whose whole being has been absorbed and overshadowed by this ruling passion.

Sometimes it manifests itself in dreams of ambition and glory. A diadem casts its maddening gleams into the eyes of ambitious men, and they long for that giddy elevation, and are ready to "wade

through slaughter to the throne." Every desire is for that end, and every thought is how they can gain it.

Sometimes it takes a religious turn, and from the time when Peter the Hermit went back from Asia to Europe, and kindled a fire of enthusiasm which lighted up all Europe, and which led to the famous Crusades, until to-day, there have been religious enthusiasts who, in the wildness and blindness of their enthusiasm, have looked on a martyr's death with indifference.

Again, it takes the more tender form of love. Paris stole the Grecian Helen and fled with her to Troy, and this illicit love led to the siege and utter destruction of Troy. Mark Antony, the greatest of Rome, gave up the world for Cleopatra. Leander swam the Hellespont for his love. Henry VIII., of England, under the influence of this passion, threw off the power of the Church of Rome in England, and established himself as the head of both Church and State, and thus led the way for the emancipation of the English people from the fearful tyrannous grasp and authority of the Roman Church.

And so all through the world's history, both in ancient fable, and in ancient and modern history, we find numberless examples of those over whom the tender passion held complete control. My unfortunate client is one of the latter class. Love is the ruling passion with him. It absorbs all others. It rises out of his temperament as natural as perfume issues from the rose. To this peculiar tendency of his temperament he adds the morbid predisposition, in the same direction which he inherited from his ancestor. And to both of these he superadds the stimulating and exciting effect of intoxication. These tendencies of temperament and hereditary morbid predisposition, excited and intensified by intoxication, gives that passion a supreme and absolute control over him. And the whole strength and current of his being sets in that direction, and makes the object of his love everything to him.

Here the speaker discussed at great length the evidence in the case in relation to the question of insanity and drunkenness, and the peculiar temperament of defendant, and the effect on his temperament of intoxicating liquors, and reading from various scientific and literary authorities in support of his propositions, and proceeded as follows:

But the prosecution say, and truly, too, that the defendant is a person of extraordinary intellect and of rare learning. We admit it. But is a great genius proof against vice and temptation? By no means. The power to control our actions

lies not in the greatness of our intellect or the power and activity of our moral force. If the intellect alone is the power which exercises moral control over any individual, then the most intellectual men would be the best. But is such the case? No, gentlemen. Lord Bacon, one of the most intellectual of men, on account of his vice and crime has been characterized as the "brightest, wisest, meanest of mankind." And it was in a felon's cell that he gave birth to those wonderful lucubrations which fell on the earth like an apocalypse of nature, and from which arose the "exhaltations of a new intellectual morning" that has arisen into a still increasing day, the genial sun of which has warmed into life a giant brood of useful arts and a still more giant brood of useful sciences, and which rolled back that cloud of darkness which enveloped the earth for a thousand years.

Our safety from vice cannot be found in the strength of intellect, but alone in the complete ascendancy of the moral nature. The great intellect and attainments of defendant could have no force in restraining the wild, morbid and overpowering passions which were his inheritance.

Here there follows a lengthy argument showing that with a weak nature the defendant was possessed of a most powerful, passionate nature, which, where it found an object meeting its fancy, made him become wildly and madly attached thereto; that Tamzen Parsons, the deceased, was that object; that he loved her madly and blindly, and, when he found the object of that love had forsaken him and turned away from him, the awful passion of love was disappointed, and he, under the influence of disappointment, became insane, and when that fearful cloud and paroxysm crossed his mind his intellect became eclipsed, and, failing in self-control and judgment, perpetrated the fearful deed.

The speaker concluded by asking the jury, when they retired for deliberation, to so decide that when they should separate from their labors there and return home again, they might say in their devotions and prayers to God,

"That mercy I to others show,
That mercy show to me."

ARGUMENT OF MR. CASTLE.

Mr. Castle confined himself throughout a seven hours' speech, to the discussion of the evidence taken by the State, reviewing it generally and in parts with merciless analysis and criticism, and putting upon it such construction as he claimed

was warranted by fact or proof, in the light of reason. He worked his way through this mountain of evidence, with commendable industry, persistency, and heroic endurance, not to speak of the ability with which he discharged his obligations to the defendant. His argument abounded with passages of eloquence, pathos, invective, satire, and impassioned appeal, which thrilled all present—which no report can do justice to, from the fact that this advocate's power is a personal, magnetic force.

His theory of the case, authorized by the evidence, is, that Tamzen Parsons was not a mere child, as represented, but a person come to responsible womanhood; that there was a mutually reciprocal passion burning in the hearts of her and Hughes; that she knew he was a married man; that the claimed forged bill of divorce must have been executed in Pittsburgh after the elopement and with her knowledge; that she never gave over her love for him, albeit she listened to the solicitations of her friends and returned home,—for, on the night of the 24th of July last she testified her willingness and even desire to keep his company when her father had gone to Bedford for an officer to arrest Hughes for house-breaking and assault, and by holding an interview of two hours' duration with him at the yard fence; that at no subsequent time did she manifest the slightest ill will toward him; that he loved her with a wild idolatry albeit it was an illicit love; that all his day was but a thought of her, and she his dream by night, so that life was nothing to him without her; that, when baffled by the opposition of her friends, and set on fire of hell by excessive drink, with his predispositions, while intoxicated, to insanity, reason forsook her seat as Tamzen fitted across his path on that dark day when he slew her; that the murder was the sudden impulse of a brain crazed by drink, and no deliberate, malicious act.

The advocate devoted much time to the ventilation of the alleged threats made by Hughes to take Tamzen's life; viz., that to Dr. Wray, on the 25th of July, when he said that if she did not stop calling herself Mrs. Hughes he would kill her; that to Mrs. Eddy, the next morning, at breakfast at the Plank Road House, in response to her informing him that a bullet had been fired through her parasol: "Pity it hadn't gone a little lower and blown her d—d brains out, and saved me the trouble some day;" and that to Vial Salisbury, at Bedford, the same day: "I must hunt her (Tamzen) up, and if she won't live with me, I'll kill her." He dwelt long and loud on the essential absurdity and improbability of his making such statements when his love for her is considered, his desires and efforts to get her to live with him. It is inconceivable

that, if he meditated her murder, or desired to take her life, that he should thus drum up witnesses of the contemplated deed, and so plan things as to make his conviction fatally sure. It was the poison he had swallowed in copious draughts which killed Tamzen Parsons—not John W. Hughes.

Mr. Castle's voice giving out, he was obliged to give over the case into the hands of the Prosecutor, C. W. Palmer, Esq. That gentleman entered upon a statement of facts and interpretation of evidence in the case, weaving a web of iron threads.

ARGUMENT OF MR. PALMER.

Gentlemen of the Jury: I stand before you for the last time in the discharge of the responsible duties connected with the investigation of this important case, not to measure rhetorical blades with my friend who opened for the defense, in the shadowy region of metaphysical and theoretical speculation, in which for the greater part of his address he roamed, nor to test pinions with my other friend who closed for the defense, who has so long delighted us by his adventurous flights of eloquence. The business of the hour requires of me to render such aid as I may in elucidating the truth from the testimony rehearsed in your hearing, and to that task, impressed with the solemnity of the duty I have to discharge, I now address myself. It is truth which is at issue here. I shall show you that we have established every point made in our opening statement.

This is a complete drama, with a beginning, all the consecutive stages of development, and a tragedy for a fitting conclusion. One year ago to day (Friday, the 21st) this defendant was brought before the Mayor of Pittsburgh, charged with the crime of bigamy. All this tragedy has been developed in one short year that is just past. Let us review it. The curtain rises in the quiet village of Bedford, and two characters came upon the stage, a little over one year ago. Who are they? One has been before you for the last two weeks, a mature man of the world, educated and polished; the other, an unsuspecting country maiden, seventeen years of age, inexperienced, confiding, who now sleeps quietly in the cemetery at Bedford. This man sought that virtuous, artless maiden in her secluded home, at a time when she was deprived of her mother's watchful care, and plied the arts and fascinations at the command of a cultivated, experienced man of the world. His honeyed words meant lust. "Love!" Forgotten by him were all the lessons of childhood, solemn marriage vows, the

pleadings of his innocent boy, who claimed from him the legacy of a fair name.

On Monday, December 19th, 1864, the parties leave Bedford for Pittsburgh. The mother of Tamzen hears of the flight on the same day, and sends her son-in-law in pursuit, on the 20th. Lured thither by the tempter, he prevailed over this unsuspecting maiden's heart and induced her to take this step by the exhibition of a bill of divorce, which he had forged for that purpose. They had been married. On the 21st he was arrested on the charge of bigamy, and flung into jail to await trial, and she, bitterly deceived, returned to her father's house. And the curtain falls upon a felon's cell, its inmate leprous with lust, a forger, a bigamist and an adulterer.

In January he was convicted and sentenced to the penitentiary of Pennsylvania. During those four or five months of imprisonment what was passing in his mind? This imperious nature brooded over his failure to carry out his designs. He could not brook it. He would show Tamzen Parsons, when he got out, that he would accomplish his purpose. His will becomes more relentless and determined, and he makes a resolve not to be foiled again. For, accepting, in early summer, the boon of liberty from the hands of his devoted wife, whom he treated with equal cruelty and meanness, he was no sooner released from the penitentiary than he makes his appearance here in July last, and sets about completing his foiled purpose. He sends away his wife and child to his native Isle of Man, that they may offer no impediment. Three several times the defendant himself expressly said that he sent them away in order that he might get Tamzen to live with him. He *will* live with her.

On the night of the 24th of July these characters come upon the stage again. He enters her father's house late at night, seeking an interview with Tamzen. For four long hours he exercises all his powers of fascination and persuasion, in vain. "You have deceived me once, and you shall never do it again," she reiterates in answer to his passionate urgings and entreaties. He drives off, foiled again, and by this young girl, towards Warrensville. That imperious will has once more been balked, and his spirit chafes and rages at the result of the interview. He sees Dr. Wray at the Warrensville House, on the morning of the 25th, and in conversation with him the feelings of Dr. Hughes' heart are shown and his purpose vaguely expressed. He is provoked, angry, and the first sparks of a kindling revenge show themselves. He asks Dr. Wray if he has a pistol. "No; why?" "That h—d — (Tamzen) is calling herself Mrs. Hughes, and if she doesn't stop I'll blow her brains out." He indulges freely in

drink, and when he arrives that night at the Plank Road House he is drunk. His purpose is more distinctly stated before Mrs. Eddy, at breakfast on the morning of the 26th, when, in response to her information that a ball recently passed through Tamzen's parasol, he said, "Pity it hadn't gone a little lower and blown her brains out, and saved me the trouble some-time." He is still brooding over his disappointment, the thwarting of his darling purpose, and in these statements we get glimpses of the state of his mind toward the girl. A few hours later he meets Vial Salisbury, and the expression of his purpose is no longer vague or even indistinct. "If she will not live with me, I'll kill her." He is arrested on Thursday on the charge of house-breaking, examined on Saturday before Justice Porter in this city, Tamzen herself making affidavit against him. That act of hers makes his failure all the more apparent, and his prospect of success now seems hopeless. He buys the pistol that day, the pistol with which two weeks later he shot her.

He meets Henry Parsons that evening, who advises him to settle that difficulty, and offers himself as a mediator. Here is a gleam of hope to Dr. Hughes' mind. If she can be reconciled unto him, he thinks, he may still win her with his charms. They go to her house the next day, Sunday, where Henry Parsons, after a four hours' interview with Tamzen, gains her consent to stay the prosecution, but on the proviso that the Doctor shall solemnly promise to molest her no more. He was maddened by reason of the length of time taken to settle, even on these terms, and told Parsons that he had made up his mind, if she did not stay the prosecution, not to go to trial on that charge (house-breaking), but on another, pulling a pistol from his pocket, and adding, "I would have shot her dead, taken to the woods, and (drawing a vial of prussic acid) destroyed my own life." This shows his state of mind.

The settlement was made, the promise given. Here was new hope for the successful issue of another effort. That strong will, never yet balked, was not willing to acknowledge itself conquered by a village maiden. He awaited an opportunity, and on Tuesday evening, August 8th, it occurred. He met Russell; they drank, Russell proposed a drive, the defendant engaged for a ride to Bedford. Here is a twin villain who will aid him, perchance. If they meet Tamzen, and she refuses to go with him, they may kidnap her. The pistol and flask of whisky are taken by Hughes. They are necessary attendants in all purposes and deeds of violence and blood. They start with the double lie of calling Russell Major Hanson and that their errand is the amputation of a limb. Hughes was not

drunk. He gave all the directions on the road. Arriving at the cross roads near Bedford, Hughes ordered the driver to stop. Why? He was debating whether it were better to go "there" that night or wait until morning. He had failed in one nocturnal visitation. He would try his fortune in daylight. They stop at the hotel. It is not corroborated that Hughes drinks much the next morning. They set out, see Mr. Christian in the street. Hughes sends for him, with the remark, "That man cost me \$50." It was he, her warm personal friend, who brought Tamzen into the city to file an affidavit against the Doctor. It shows that he was brooding over this matter. He evidently wished to learn where Tamzen was, whether at his house in the village or at her father's, so as not to lose his journey. They drove on, Hughes ordering the driver to turn to the left, on the road where Mr. Parsons lived. He sought a private interview, believing it in his power to revive her love for him. He meets Mrs. Christian at Mrs. Parsons' house, and learns that Tamzen and her mother have gone blackberrying. When she tells him not to trouble himself, for Tamzen has set her affections elsewhere, he looked "venomous," and drove off toward the Plank Road House. Soon meeting the object of his search, Hughes orders the driver to stop. The women would not stop, but he followed on, overtook them and parleyed about matters of receiving papers, giving checks on the bank, &c., as a ruse to throw Mrs. P. off her guard, and gain a private talk with Tamzen. It is refused. Robinson comes along in a wagon, and will take the women home. Hughes parleys, an interview is refused, he tells Tamzen he will live with her if he has to hang for it. No one else shall have her if he has to swing for it. She still denies him an interview; he put his hand to the pocket where his pistol was, but catches Robinson's eye, drops his hand, and as they drive on walks back to his carriage, and thence to the Plank Road House. He needs stimulus, he falters in his purpose. They drink and post back to Krum's opposite Parsons' house, ask for Parsons' family, and, learning that they have gone to Bedford, Hughes says drive on to Bedford. He goes first to Christian's shop. Why? To find out where Tamzen is, whether at his house, having rode to town with his wife, or at Joseph Hynes'. He accosts Mr. Parsons and asks him to drink. Why? To find out where Tamzen is. Just then he spies her going to Christian's house, and gives pursuit. She was alone. Here and now, or never, was opportunity to see her alone. If he fail now, his final avowed purpose must be executed. She flies, he pursues, she says, "No, I will not stop," rushes through the gate opened by the boy Chris-

tion, which is then by him closed. Hughes draws his revolver, cocks it ere he reaches the gate, opens it, speeds up the walk, and within ten feet of Mrs. Christian's open door, lays violent hand on Tamzen's shoulder and fires. She utters a cry so piteous, it would have melted a heart other than adamant. He fires again, and Tamzen's spirit soars to where the wicked cease from troubling and the weary are at rest.

The speaker detailed the flight and capture with graphic power. The coolness, the run to the woods for the railroad, the manifold declarations of the prisoner, testified to his saneness of mind after the murder. He continued:

Now what crime has been committed? has any? We admit and accept the burden of proof as to deliberation and premeditation of this act. By five different declarations, four of which were made when sober, viz, to Wray, Mrs. Eddy Messrs. Salisbury, Parsons and Robinson, we establish that deliberation. We have shown it by the circumstances of the act, and by the declarations of the defendant after his capture.

Now what is the defense? It is hard to tell. Is it insanity? No one swears to it. But it was uncontro lable impulse, say the defense,—to what? love? They cite Othello's love. But the love of the noble Moor was an honest love. He never committed forgery. Was it drunkenness? That was no excuse in the eye of law, the purpose to kill her having been proven to have been formed two weeks before. If drunk, as claimed, he wrought himself into a frenzy by drink as a means to an end. But nobody swears that he was drunk. He was cool, collected, deliberate. The fact of intoxication, not the amount of liquor drank, must be proven.

The speaker proceeded to consider what were the mental states of the defendant, what inspired his acts, and named desire for an object, disappointment, anger, jealousy and revenge as springs of action, discussing their power, natural operations, effects, consequences, &c., and showing by his exercise of these, as well as by a consciousness of the act in all its bearings, his full memory of all the details, that the defendant acted like a rational, not an insane being; and this view is supported by his prior preparations and conduct, as well as subsequent action. Did he know what he was about? Was he mistaken when he told why he had done the deed?

I will not stop to speak of the flimsy fabric reared on his appearance the morning after his arrest, and talk about *delirium tremens*. He was excited, it is claimed; he trembled and looked wild.

Ah! we can imagine what the horrors of that night would be to his guilty soul. We can imagine in his dreams, if he could sleep at all, the ghost of his murdered victim passing before him, as did the visions of his murdered victims before the guilty Richard on the eve of Bosworth Field, and, like him, in terror he started in his fitful sleep, exclaiming:

"O coward conscience how thou dost afflict me!

It is now dead midnight—
Cold, fearful drops stand on my trembling
flesh.

What do I fear? Myself? There's none else
by:

* * * * *
Is there a murderer here? No—yes; I am;

* * * * *
My conscience hath a thousand several
tongues,

And every tongue brings in a several tale,
And every tale condemns me for a villain.

Perjury, perjury in the highest degree;

Murder, stern murder in the dirt'st degree;

All several sins, all used in each degree,

Throng to the bar, crying all—GUILTY!

GUILTY!"

After alluding to the degrading character of this defense, which would go to make the human will a whiff of smoke, which cannot resist temptation on occasions, the advocate said:

Pray, gentlemen, what will make mur-

der in the first degree? What, by your verdict, will you say? That two weeks' deliberation, five declarations of fell purpose, the purchase of a pistol for the avowed purpose, declaring motives and doing all ordinary acts resulting from such motive, exhibiting motive, reason, deliberation, will, consciousness, and, after the deed, clear memory, describing the act with coolness—if all this be not murder in the first degree, pray, what is it? Is there such a crime possible?

Gentlemen of the jury, my duty is done. I fully appreciate the solemnity of the issues that crowd thickly as I entrust this case to you for the performance of your duty. The consciousness of having so done will be an abiding consolation. The serenest reflection you can have, in after years, on recalling the scenes of this memorable trial, will be the conviction that you here did your duty, responsive to the solemn obligations of your oath to render a verdict according to law and the testimony. And when these walls have crumbled, when judge and jury, counsel and spectators, are gathered to meet the dread arbitrament of the future, may you, each, be able to say, in reference to this case, as I now can, I did my duty.

CHARGE OF THE COURT.

On the conclusion of the argument by Mr. PALMER, Judge COFFINBERY proceeded to read the following admirable charge to the Jury:

MEASURE OF PROOF.

The prisoner at the bar stands charged by the indictment, with the willful, deliberate, and malicious murder of Tamzen Parsons, in the county of Cuyahoga, and State of Ohio, on the 9th day of August, 1865, by shooting her in the back of the neck with a pistol ball.

To this indictment a plea of not guilty has been entered on behalf of the prisoner, and this constitutes the issue which you are impanelled and sworn to try.

The State asserts that he is guilty, as charged in the indictment; this he denies; and the burden of proof rests upon the State, and it is incumbent upon the prosecution to prove his guilt beyond a reasonable doubt, of some one of the offenses, of which it is possible to convict under this indictment; and if it has failed to make such proof it becomes your duty to return a verdict of not guilty.

It is proper that I should commence my charge as to the law governing the case, by calling your attention to some of the distinctions between the rules of evidence and the measure of proof which obtain in civil and criminal cases. In a civil case the mind of each juror should be as a sheet of white paper, or a clean slate, without any presumption for or against either party. But in a criminal case, such as this, it is the duty of the jury to presume the defendant to be innocent until he is proven by the evidence to be guilty. In civil cases when a party has made out his case by a preponderance of all the evidence in the case, or by the *weight* of the evidence, as it is sometimes termed, he is entitled to a verdict in his favor. But in criminal cases the State is not entitled to a verdict of guilty upon a mere preponderance of evidence, but to warrant a conviction the evidence must establish the

guilt of the defendant beyond a reasonable doubt.

Applying these rules to the case in hand, it becomes your duty upon taking your seats as jurors, to presume that the prisoner at the bar was innocent of the crime charged against him in this prosecution, and this presumption of innocence you were to adhere to and entertain until it should be overcome or rebutted by evidence tending to prove guilt. And so long as there is reasonable doubt of guilt in your minds, you are to give him the benefit of that doubt. The doubt, however, which should work an acquittal of the defendant, should be a reasonable, actual and substantial one; not a merely speculative or possible doubt, for which no reason can be assigned.

If, after you have carefully and impartially weighed and considered all the evidence, and all the circumstances of the case, as they have been given in evidence, you do not feel an abiding conviction, a moral assurance of the prisoner's guilt, your verdict should be not guilty. But, upon the other hand, if you are assured from the evidence that the defendant is guilty as charged in the indictment, or that he is guilty of murder in the second degree, or of manslaughter, no sentiment of tenderness or sympathy with the defendant should prevent you from rendering a verdict in strict accordance with your honest convictions and judgment in the premises.

Under this indictment the defendant may, upon proper evidence, be convicted of either "murder in the first degree, murder in the second degree, or of manslaughter," as the charge for the higher or greater crime embraces charges for both the lower or minor grades of homicide. The better to apprehend the sense and meaning of either of these crimes, it will be well to give your attention to a brief analysis of each.

The 1st section of the Crimes Act defines the crime of murder in the 1st degree as follows: "If any person shall purposely and of deliberate and premeditated malice, (or in the perpetration or attempt to perpetrate any *rape, arson, robbery or burglary*, or by administering poison, or causing the same to be done) kill another, every such person shall be deemed guilty of murder in the 1st degree, and upon conviction thereof shall suffer death."

The 2d section, defining the crime of murder in the 2d degree, provides "that if any person shall *purposely and maliciously*, but without deliberation and premeditation, kill another, every such person shall be deemed guilty of murder in the 2d degree, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor during life."

The 3d section, defining manslaughter,

provides "that if any person shall unlawfully kill another *without malice*, either upon a sudden quarrel, or unintentionally while the slayer is in the commission of some unlawful act, every such person shall be deemed guilty of manslaughter, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than ten years, nor less than one year."

Murder in the first degree under our statute embraces two classes of cases:

1st. Killing *purposely* and of *deliberate and premeditated malice*.

2d. Killing purposely in the preparation or attempt to perpetrate a *rape, arson, robbery or burglary*, or by administering poison, or causing the same to be done.

As it is not claimed in this case that the prisoner was perpetrating, or attempting to perpetrate, either of the crimes named in the second class of cases mentioned in the statute, it is not necessary to ask your attention further to this class of cases.

The ingredients of the crime of murder in the first degree in the class of cases with which we have to do, are:

1st. The killing of one human being by another.

2d. The purpose or intention to kill.

3d. That the killing be done of *deliberate and premeditated malice*.

Murder in the 2d degree is when one person kills another *purposely and maliciously* but without *deliberation and premeditation*.

Manslaughter is the intentional killing of another without malice upon a sudden quarrel, or the unintentional killing of another while the slayer is in the commission of some unlawful act.

The first subject for investigation in prosecution for murder or manslaughter usually is whether one person has been killed by another, but in this case it is admitted that Tamzen Parsons was killed by the prisoner at the bar, on the 9th day of August last. This being admitted, you will proceed to the consideration of the circumstances preceding and attending the homicide, and determine from them whether the defendant is guilty of any crime, and if of any, of what crime he is guilty.

Intention.— You have seen from the reading of the statute that to justify a conviction for murder in the first degree you must find from the evidence that the prisoner *intended* to kill the deceased, Tamzen Parsons; and to justify a conviction of murder in the 2d degree, you must be satisfied from the evidence that he intended to kill some human being, and did, in fact, kill Tamzen Parsons.

The purpose or intention to kill can only be directly shown by the declarations of the prisoner previous to or at the time of the act, or by his subsequent confessions.

But whilst this is the direct means of

proof, it is not by any means the only evidence by which the intention or purpose to kill can be proven. The manner and purpose of the killing may afford as satisfactory and conclusive evidence of a purpose to kill, as the voluntary confession of the party.

If a rational person voluntarily shoots another through the brain or heart, or other vital part with a pistol, musket or rifle ball, or stabs another with a sword or dagger in a vital place, or cleaves the skull with an axe or heavy iron bar, it is almost impossible to avoid the conviction that the perpetrator of such an act of deadly violence intended to kill. The relation between such acts and the intention or motive which prompts them is well recognized, and the law implies or presumes the *purpose* from the *act*. In the language of the books, the law presumes that every man *intends* the natural and probable consequences of his own voluntary acts. And this legal presumption but expresses the sense and judgment of every intelligent mind.

If, therefore, you should find from the evidence in this case, that the prisoner at the bar voluntarily used such a kind and degree of violence towards Tamzen Parsons as would necessarily or in all probability result in her death, you will be justified in presuming and finding by your verdict that he intended to kill her.

You will take into consideration all the facts and circumstances of the case which go to show the intention or purpose of the defendant in doing the act which resulted in the death of Tamzen Parsons at the time and place charged, and if in your judgment they prove beyond a reasonable doubt that the defendant then and there intended to kill her, the State has made out this element of the crime of murder in either the 1st or 2d degree; but if the intention to kill is not so proved, the prisoner is entitled to a verdict of not guilty.

DELIBERATION AND PREMEDITATION.

In order to constitute a homicide, or the killing of one human being by another, *murder in the first degree* in this class of cases, there must not only be clear and satisfactory proof of an *intentional* killing, but the evidence must show that it was done of deliberate and premeditated malice.

Deliberation and premeditation are acts of the mind, requiring the exercise of *reason, reflection, judgment and decision*, and these cannot exist in any case where the faculties of the mind are deranged, or destroyed to such an extent as to deprive the party of his free agency and render him incapable of understanding the nature and consequences of the act he was doing, or about to do, or of discriminating between right and wrong.

Although deliberation and premeditation are necessary ingredients in the crime of murder in the 1st degree, it is not necessary that it should have been meditated and deliberated on, for any particular length of time. It is sufficient if the intention or *purpose* to commit the crime has been distinctly formed in the mind before its execution, and it is immaterial as to the length of time which transpires between the forming of the design or purpose and its execution. A moment's reflection upon it, and entertaining the purpose or intention for any perceptible period of time is all the deliberation and premeditation which the law requires. The mind must *conceive* the design to kill, the reason must *perceive* the nature and consequences of the act, and judgment *elect to do it*. When all these concur they constitute all the deliberation and premeditation requisite to make a killing murder in the first degree.

To constitute homicide, or killing, murder in the first degree, there must be an intentional killing, with deliberation and premeditated malice.

The distinction made by our statute between murder in the first and second degrees is this: In murder in the first degree the killing must be done purposely and of *deliberate and premeditated* malice. In murder in the second degree, the killing must be done purposely and maliciously, but *without deliberation and premeditation*. In murder in the first degree, the malice *goes before or precedes* the act of killing, whilst to constitute murder in the second degree, the malice *goes with or accompanies* the act of killing.

MALICE.

We will now ask your attention to the technical meaning of the term *malice*, as used in the statutory definition of murder.

As used here, malice includes not only hatred, ill will and revenge, but every other unlawful and unjustifiable motive. It is not confined to ill will towards any one or more individuals, but it is evidenced by any action proceeding from a wicked and corrupt motive. To justify a conviction for murder, it is not necessary to show that the slayer entertained a malicious sentiment, or spite and ill-will especially towards the person slain—but it is sufficient if the evidence proves a general malignity, a depraved inclination to dangerous and deadly mischief, fall where it may, or a reckless disregard of the lives and safety of others. In the language of another, it means that general malignity, that disregard of the lives and safety of others which proceeds from a heart void of a just sense of social duty, and fatally bent on mischief.

This legal malice may be promoted as well by motives of avarice, bigotry or jeal-

ously, as by hatred, revenge or cruelty. If one human being voluntarily and unlawfully takes the life of another from any unlawful and improper motive, it is done, in legal contemplation, maliciously.

Malice may also be *express* or *implied*. Express malice is where one person kills another with a sedate, deliberate mind and formed design—which formed design is usually evidenced by external circumstances, discovering or indicating that inward purpose.

This kind of malice is usually shown by lying in wait, antecedent threats or menaces, evidence of formed grudges, concocting schemes, or providing means or weapons to compass the death of the party slain. Seeking one with a view to kill him, or by an unusual degree of cruelty, deliberation and precision attending the act of killing. This is the kind or degree of malice which must be proven to make the case of murder in the first degree.

IMPLIED OR CONSTRUCTIVE MALICE

is where there have been no previous threats, manaces or preparation, but where there are such circumstances attending the act of killing as are the ordinary indications of a wicked, malicious and blood-thirsty spirit, as when one person kills another suddenly, without provocation, or without any considerable provocation, or when a person in a sudden affray, without necessity, makes use of a deadly weapon and kills an adversary therewith, from the proof of such circumstances the law implies that kind of malice which is a necessary ingredient in the crime of murder in the second degree.

When malice is once shown to exist toward the person killed, it is presumed to have continued down to the perpetration of the meditated act, unless there is evidence or some circumstance in the case repelling or overcoming such presumption.

Evidence tending to prove that the prisoner and Tamzen Parsons were found together in Pittsburgh, and of the statements and conduct of the prisoner whilst there, has been given by the prosecution, and also evidence of the arrest of the defendant in this city for some alleged offense, or some indignity to her family after his return to this city.

But, gentlemen, this evidence was not admitted as tending to prove the defendant guilty of bigamy, forgery, adultery, assault and battery, or immorality, and you have no right to entertain it or consider it for any such purpose; nor should it in the least affect the general character of the defendant in your deliberations, serving and accepting so much of it as was called out by the State in cross examination of witnesses who were called in behalf of the prisoner, to testify to his

character as a peaceable law-abiding citizen.

That evidence was permitted to be given for the sole purpose of enabling you to judge of the relations between the prisoner and Tamzen Parsons, that you may the better understand their relations to each other, and the history of their intimacy, and as affording you the means to judge of the intentions, motives and sentiments of the defendant toward her, as affecting his guilt or innocence of the crime charged against him in this indictment, and you are not at liberty to use it for any other conceivable purpose.

INSANITY.

The defense of insanity is interposed in behalf of the prisoner, and if this defense is clearly made out, to the satisfaction of the jury, by the weight of the evidence, or, in other words, by a preponderance of the evidence in the case, it is a perfect bar to a conviction for any crime whatever under this indictment.

But in reference to this defense it is met upon the threshold with a legal presumption that the accused is of sound mind, that his mind is not so diseased or alienated as to exonerate him from punishment for the commission of a criminal act. This legal presumption of sanity you are not at liberty to disregard. It is essential to justice and to the safety of society, that you should entertain this presumption of sanity and act upon it, until you become satisfied from the testimony and circumstances of the case that the defendant was of unsound mind at the time of the killing, and therefore not responsible for his conduct.

It is not necessary, however, that insanity be established beyond a reasonable doubt; it is sufficient if it is shown by clear and satisfactory evidence; by a preponderance of the proof that he was in fact insane at the time of the commission of the act.

But it is not sufficient to show that possibly the prisoner's mind was so far diseased or alienated as to render him incapable of committing crime. Nor is it sufficient, if the evidence merely shows that it is *probable* that his mind was in such a condition; but to make evidence of insanity available as a defense, it must be such as to reasonably satisfy your minds that the defendant was in fact insane at the time of the commission of the act. Nevertheless, evidence of drunkenness, anger, jealousy, morbid conditions and nervous excitement is admissible as affecting the question of intention, deliberation and premeditation.

EXPERTS.

For the purpose of improving the condition of the defendant's mind at the time of the commission of the act, it is compe-

tent for the prisoner to call witnesses who are familiar with his peculiar mental characteristics under the influence of intoxication, and also to call physicians and others, whose professions and associations in life are such as to have made them familiar with the faculties and operations of his mind, and these persons may testify to matters of opinion or science in reference to the probable condition of his mind at the time of the commission of the act.

Such testimony is legitimate, and when used for its true and proper purpose, that of affording you assistance in determining the condition of the prisoner's mind, it may be of the first importance. But after all much of it is frequently merely a matter of opinion, and should be received and acted upon by a jury with great caution, and should there be great conflict, or manifest and irreconcilable inconsistency in their testimony, or if in your judgment it is not sustained by reason and facts you are not bound to adopt their opinions.

You are not to be intimidated by your homage and respect for the learning and intelligence of professional witnesses, from determining the question of sanity and drunkenness for yourselves, as well as every other question of fact in the case. The question of sanity or insanity is for you and you only to determine, and the fact that scientific men may regard the accused as sane or insane, drunk or morbid, does not relieve you of the responsibility of deciding for yourselves. It is both your right and duty to hear their evidence, to consider it carefully, and to give it all the credence and influence it may seem to deserve, but the question after all is left to your own good sense and judgment, and you are to determine it according to the preponderance of all the evidence and circumstances of the case.

DEGREE OF INSANITY.

This leads to the consideration of the degree or species of insanity or mental misrule and alienation, which absolves a party from legal guilt and punishment for crime.

The rule of law, as I understand it to be on this subject, is this: That "a man is not entitled to an acquittal on the ground of insanity, if at the time of the alleged offense he had capacity and reason sufficient to enable him to distinguish between right and wrong in reference to the particular act he is doing or is about to do, and understands the act, and his relation to the party injured. If he has not a knowledge or consciousness that the act he is doing is contrary to the dictates of justice and right, injurious to others and in violation of the dictates of duty, he is not amenable to punishment for his act.

But, although his mind may be morbid and laboring under partial insanity, still,

if he understands the nature and character of his act and its consequence, and that it is wrong and criminal for him to do it, such partial insanity is not sufficient to exempt him from responsibility.

If it is proved to your satisfaction that the defendant's mind was in a diseased and unsound state, and that for the time being his mental disease was such, that in reference to this mental act, it overwhelmed his reason, conscience and judgment, and that in committing it he acted from an irresistible and uncontrollable impulse, and not as a voluntary agent, he was not answerable to the law and should be acquitted.

INSANITY FROM DRUNKENNESS.

With reference to insanity from drunkenness, the law discriminates between criminal acts which are the immediate results of a fit of drunkenness, and which are committed while the party is yet intoxicated, and such acts are the result of a settled, permanent, or intermittent insanity, which has been remotely produced by previous habits of intemperance.

When the mind has become diseased by a habit of intemperance, and is so far alienated as to be unable to discriminate between right and wrong, and to comprehend the nature and consequences of a criminal act, the party is no more amenable to the penalty of the law than if his insanity were the act of God. And so it is if the act were committed during an attack of the *delirium tremens*, which rendered him insane for the time being, and which delirium was the result of a previous habit of intemperance, or of long continued drunkenness.

But when the crime is committed by a drunken man whilst intoxicated under the influence of drunken frenzy or madness, and who is not insane when sober, his drunkenness and the temporary insanity or madness produced by it is no excuse or palliation whatever. The law will not permit him to screen himself from punishment for his criminal acts by proving his own gross vice and misconduct.

A settled fixed insanity, however caused, is a good defense. Drunkenness is no excuse whatever. The frenzy, passion and madness of voluntary drunkenness is not that species of insanity which excuses crime.

But that settled insanity or delirium, which is caused by previous habits of intemperance or long continued drunkenness, is a good defense, notwithstanding the fact that the party have lucid intervals. But if the act were committed during a sane or lucid interval, the fact that a party is subject to intermittent insanity is no excuse.

One reason for this discrimination is, that men voluntarily get drunk, and some-

times for the very purpose of bracing their nerves and inflaming their passions to the commission of crimes which they have meditated when sober, but which they then lack the nerve, courage or disposition to perpetrate. But no man voluntarily becomes permanently insane, or seeks to bring on a fit of delirium tremens; and if it even were done for the sole purpose of committing violence upon another, the delirium would be more likely to defeat than to accomplish such purpose.

But if a person were made drunk by the machinations of others, without any intention or fault upon his part, and should injure or kill another during the fit of intoxication, and whilst his mind was so disordered as to be unable to comprehend the nature of his act, or to distinguish between right and wrong, he would not be amenable to punishment.

DRUNKENNESS, EVIDENCE OF, AND ITS EFFECTS.

It is also competent for the defense to prove that the prisoner was drunk at the time of the killing, as leading to show whether the act was done with deliberation and premeditation.

But if the evidence shows that the purpose to kill was formed before he became drunk, or if he got drunk to brace his nerves and harden his mind for the act of killing, then, however delirious he may have been at the time of the act, it can avail him nothing by way of defense or mitigation, and the drunkenness would not reduce the offense to murder in the second degree. Let me illustrate the idea I wish to convey by showing the application of this principle to another class of cases. A person charged with passing counterfeit bank notes cannot palliate or excuse his crime by showing that he was drunk at the time of passing them. But inasmuch as a knowledge of the base and counterfeit character of the bills passed is a necessary ingredient of the crime of uttering and publishing counterfeit bank bills, he may prove that he was drunk, as tending to show that he did not possess this guilty knowledge of their true character. As it requires some degree of skill and judgment to determine whether a bill is genuine or counterfeit, and as experience teaches that one whose senses are steeped in intoxicating liquors is not so capable of exercising the skill and judgment as the same person would be when sober, it is proper that his condition as to his intoxication should be shown, that the jury may be better able to judge of his capacity to distinguish the true character of the bills he had passed.

So in this case, if the prisoner is guilty of murder in either degree, drunkenness is no excuse or mitigation of the crime, but evidence of his condition as to intoxication is received as tending to show of what crime he is guilty.

In all cases where it becomes material to know, as it does in this case, whether the act of killing was done of deliberate and premeditated malice, which constitutes murder in the 1st degree, or whether it was done maliciously, but without deliberation and premeditation, making it murder in the first degree, the fact of drunkenness may be proved.

The experience of mankind proves that as a general rule a drunken man acts with less judgment and circumspection, and more from sudden impulse and passion, than he would when sober, and as deliberation and premeditation are acts of the mind requiring some degree of sedateness and reflection, it is competent for the defendant to show what was his condition as to intoxication, as tending to prove that at the time of the commission of the act he was incapable of deliberation and premeditation, or if he was capable of them, that in consequence of drunkenness he was less likely to have meditated and deliberated upon the act than he would have been if sober.

But if you should find, from the evidence in the case, that the defendant meditated the act when sober; that he prepared means and sought opportunities for its commission; that he determined that in case he should not be able to induce her to live with him, or submit herself to his pleasure, he would take her life, and that he finally killed her in pursuance of that purpose, such killing would be murder in the 1st degree, however insane or frenzied he may have been at the time from drunkenness.

In passing upon the subject of deliberation and premeditation, you should carefully consider the means and the manner of the killing, the demeanor and conduct of the defendant at the time and immediately subsequent to the act, as well as that tending to show his condition before the act.

DRUNKENNESS AND IDIOSYNCRASIES.

The defendant has offered evidence tending to show insanity in one or more of his lineal ancestors, and that his own mind has been frequently affected in a singular and extraordinary manner as a consequence of intemperance. Upon this subject you have as well the evidence of witnesses here in court, as the statements of the defendant as set forth in the affidavit made for the continuance of the case, which are to be received and treated by you in all respects as if Drs. Patterson and Kemble had appeared in open court and testified to those statements before you; that while his gait was unaffected and his physical powers apparently unimpaired, his reason was clouded and destroyed to such a degree that it became necessary to put him under restraint to prevent him doing deadly harm to himself

and his friends; that such condition was not what is usually known as *delirium tremens*, but that it was a peculiar *temporary* condition, which some of the witnesses cannot ascribe wholly to intoxication. This evidence, it is claimed, in connection with evidence tending to prove that the defendant was intoxicated and delirious from anger, jealousy and disappointment at the time of the commission of the act, exonerates him from responsibility before the law.

If, gentlemen of the jury, you should find from the evidence that this temporary condition did not in fact exist, but that it was the direct result and effect of voluntary drunkenness, intensified by some peculiar taint or morbid condition of the defendant's mind or temperament, not amounting to insanity or delirium until roused to activity by the excessive use of ardent spirits, and that he knew that intoxication would produce this mental condition, and, knowing it, became drunk and committed the act under drunken frenzy, such temporary madness is no excuse for the crime, although it may have been aggravated by such peculiarities of temperament and morbid mental condition.

But this evidence, like evidence of mere drunkenness, is admissible as affecting the question of *intention, deliberation and premeditation*.

The law in its humanity makes all proper allowance for the infirmities of our weak human nature, but it cannot and does not bend to suit all the morbid conditions, tempers and idiosyncrasies of individual citizens. It rather seeks to control our tendencies to evil, so that they shall not endanger the peace and safety of society -- it is a *rule of conduct*, which we are not at liberty to disregard. In the language of an eminent judge, "we are in a court of law, not in a school of science; our action must therefore be governed by legal adjudication, and not by the theories and speculations of the schools."

CONFESSIONS.

The State has offered evidence of statements and declarations alleged to have been made by the accused, before the death of Tamzen Parsons, as well as the alleged confessions of the prisoner after she was killed. This evidence is competent as tending to prove deliberate and premeditated malice, and tending to rebut the claim of the defense that the prisoner at the bar was incapacitated at the time of the commission of the act to deliberate and meditate upon the deed. But it is my duty to admonish you that evidence of threats, or declarations indicating malice, and evidence of verbal confessions of guilt, are to be received and acted upon with great caution, for, besides the danger of mistake from the misapprehension of

witnesses, the misuse of words, the failure of the accused to express his own meaning, and the infirmity of the human memory, it is to be remembered that they are frequently made without reflection, whilst the mind is laboring under depression, agitation or intoxication. It therefore becomes your duty to scrutinize them closely, examine well the circumstances under which they were uttered, and the appearance, manner and apparent intelligence, candor and consistency of the witnesses who testify to them. But if you find, in the exercise of such care and scrutiny, that declarations or threats indicating malice and a purpose to take life have been deliberately made, or confessions of guilt after the act, you should give them all proper weight and influence in your deliberations, for whilst this kind of evidence is to be received with careful scrutiny, it is at the same time recognized as one of the most effectual means of proof known to the criminal law.

But the value of such deliberations and confessions depends upon the supposition that they are deliberately and voluntarily made, and upon the presumption that a rational being will not make admissions prejudicial to his interests and safety unless impelled to it by the promptings of truth and conscience.

CHARACTER, EVIDENCE OF.

The prisoner has called witnesses for the purpose of proving good character. In this case it was competent for the defendant to call witnesses to speak of his character as a peaceable, law-abiding citizen. It is sometimes argued that the evidence of good character is only to be considered by the jury in doubtful cases, and that its only office is to resolve doubts in favor of the innocence of the accused. This construction of the law would render such evidence of but little utility in most cases. It is the duty of all criminal courts to charge the jury that the prosecution must prove guilt beyond a reasonable doubt, and that if they have a reasonable doubt of the defendant's guilt they should resolve such doubt in favor of innocence. So that in a really doubtful case the defendant needs no evidence of good character, as he is entitled to a verdict of acquittal without. But in my judgment the effect of evidence of good character should not be confined to such narrow limits. It is competent to offer it for the purpose of rendering the guilt of the accused doubtful under circumstances when it might not be considered doubtful in the absence of such proof.

There may be cases in which the evidence of guilt is so conclusive and overwhelming that no evidence of good character can make it doubtful. But there may be other cases in which the evidence given against a person without character, would

leave a conviction in which the proof of a high and unblemished character might properly produce a reasonable doubt of guilt.

The general office of such evidence is to disprove guilt, but it is also admissible in a case of murder to aid the jury in ascertaining the probable grade of the offense, to wit: whether the killing constitutes murder in the 1st or 2d degree.

You will then consider the evidence touching the defendant's character, recall what the witnesses said of it, as well upon cross examination as upon the examination in chief, and if you are satisfied from it that the defendant had previously and down to the commission of this act been a peaceable, law abiding man, of a mild and pacific character, one not likely to contemplate the commission of murder, it may aid you in determining whether the killing was done of deliberate and premeditated malice, making it murder in the first degree, or whether it was done purposely and maliciously, but without premeditation and deliberation, making it murder in the second degree, or whether it was committed at a time when the defendant was so insane as to be incapable of comprehending the nature and consequences of his act, and not amenable to the penalty of the law.

The purpose for which you are empaneled is to ascertain, and by your verdict declare the truth in reference to the issue joined between the State of Ohio and the prisoner at the bar.

Your verdict is to be made up from the law and the evidence as they have been given you here in court. You are to know nothing and care nothing for popular sentiment, prejudice or clamor, if they exist. You are lifted above outside pressure, if any there be, and set apart from it. It must never invade the seats you occupy. They are sacred to truth and justice. This temple is dedicated to justice, and we are unworthy the seats we occupy if we conscientiously permit sympathy, prejudice, or fear of public sentiment, to exercise the slightest control over our judgment or conduct.

It is proper and right in view of the consequences to the prisoner, of a verdict of guilty of murder in the 1st degree, that you should most carefully, patiently and impartially consider the evidence you have heard, and see to it that your verdict shall correspond with and be justified by the proofs; but no considerations of mercy, and no weak shrinking from responsibility, must be permitted to repress or stifle the honest convictions of your judgment.

Upon the other hand, no zeal for the public service, or the safety or well being of society should influence you to bring in a verdict of guilty against the defendant of murder in the 1st degree, unless you are convinced beyond a reasonable doubt, that the killing was done by the defendant purposely, and of *deliberate and premeditated malice*,

And so in reference to a conviction of murder in the 2d degree, you should not consent to a verdict of guilty unless you are satisfied beyond a reasonable doubt that the killing was done purposely and maliciously, but without premeditation and deliberation. Nor can you convict of manslaughter until the State has proved beyond a reasonable doubt the *intentional* killing without malice upon a sudden quarrel, or that he unintentionally killed her while engaged in the commission of some unlawful act.

If you find the defendant guilty of murder in the first degree, your verdict should be, "We find the defendant guilty of murder in the first degree." If you should find him guilty of murder in the second degree, your verdict should be, "We find him guilty of murder in the second degree only."

If you find him guilty of manslaughter, your verdict should be, "We find the defendant guilty of manslaughter only."

If you find him not guilty by reason of a failure of proof on the part of the State, your verdict should be, "Not guilty."

But if you find the defendant was insane at the time of the commission of the act, and acquit him for that reason alone, your verdict should be, "We find that the defendant was insane at the time of the commission of the act, and therefore find him not guilty."

"WAITING FOR THE VERDICT."

The Jury retired, and the Court adjourned till two o'clock. A tremendous crowd filled the room at that hour. The prisoner was brought in, and sat with irons on his wrists. It was reported that the Jury had agreed. A hush was on all lips, and in all hearts a stifling sense of the awful solemnity of the occasion. The suspense was dreadful. The air seemed thick with vapors of death, and all breathed poison. At precisely three o'clock the Sheriff led in the Jury. The moment crushed the spectators like an avalanche. The roll was called. The Court said—

"Gentlemen of the Jury, have you agreed?"

The foreman, Dr. Moore, replied—

"We have."

"What verdict do you return?"

"Guilty of murder in the first degree."

The prisoner was not visibly affected. Not a muscle moved, not a nerve twitched, the color did not come or go in his face. He was made of iron. Only once did we perceive an effort on his part to nerve himself up. There was a convulsive pressure of his left forefinger on his hand. As the Sheriff stood beside him, the prisoner looked up as if to read on his pale face the verdict before it was given.

The prisoner was remanded to jail, and walk'd out firmly, bearing the profoundest pity of the spectators.

M. S. Castle, Esq., gave notice of making a motion for a new trial. It was ordered filed.

THE FINAL ARRAIGNMENT.

The announcement that Dr. Hughes would be sentenced at nine o'clock Saturday morning, Dec. 30th, drew an immense crowd to the court room. Long before the hour named the spacious room was densely packed. The spectators clambered on the backs of seats and on windows to gain a view of the proceedings. A few minutes before nine o'clock the prisoner was brought into court for the last time. He looked remarkably well, was dressed neatly and presented a very tidy and gentlemanly appearance. His manner was cool, collected and deliberate. His overcoat and the manacles having been removed, he stood several moments conversing with his counsel, Messrs. M. S. Castle, R. E. Knight and Wm. S. Kerruish. At precisely nine o'clock Judge Coffinberry commanded the sheriff to open court. The prisoner was conducted to a chair near the sheriff's stand, and sat down among his counsel. When order had been secured, the Prosecuting Attorney, C. W. Palmer, Esq., arose and moved the court that the sentence of the law be now pronounced in the case of the State of Ohio against John W. Hughes.

The court asked the counsel for the defendant if there were any objection. "None, your honor," replied Mr. Castle. The prisoner was then commanded to stand up, when the court said: John W. Hughes, have you anything to say why the sentence of the law should not be passed against you?

The prisoner said he would like to make a statement, and proceeded to read the following paper of thanks to court, prosecution and counsel.

REMARKS OF DR. HUGHES.

Your Honor, Ladies and Gentlemen :

I have no reason to give against the sentence of the extreme penalty of the law being passed upon me; for though it chills my life's blood to anticipate the fearful moments of such an ignominious execution, yet when I recall the overwhelming testimony of my folly, the powerful evidence of my crime, with the consciousness of my guilt which has accumulated in weightiest crimination during the trying ordeal of my trial, sober, sensible, and truthful as I now am, I must admit the verdict of the jury, just; the sentence of the law, inevitable. To your Honor I offer most sincere thanks for the true magnanimity you have evinced in procuring me counsel, and for the unbiassed deliberation and attention you have devoted to the trying requirements of such a long and tedious investigation as mine have been. And I wish you at your earliest convenience to assure the gentlemen of the jury, who so earnestly and faithfully sat day after day to listen and deliberate over the fearful amount of testimony and protracted arguments brought before them, that instead, as some may suppose, I have prejudiced myself against them, I respect

them for their impartiality, and honor them for the faithfulness with which they have done their duty. Sheriff Nicola is a man of tender feelings, yet very strict in the discharge of his duty. While furthering the ends of justice he does not forget the requirements of the prisoner. Impartial, just, not tyrannical, he tempers his authority with mercy. His gentlemanly demeanor gains him the deserved respect of all. I am much indebted to him for the kindness, courtesy and forbearance which he has shown me during my incarceration. To Mr. Palmer and Mr. Slade, who have prosecuted the case with such earnestness, I must say, that while I admire the ability and talent with which they have portrayed the thrilling incidents of the fearful drama, I cannot but acknowledge that they also have but done the duty which an incensed community required of them. To Mr. Castle and Mr. Knight, who have so ably defended me, I must now publicly tender the heartfelt acknowledgments of unbounded gratitude for the untiring zeal with which they exerted themselves, day and night for weeks, to search out every mitigation for my crime, and for the touching eloquence with which they brought the resources of their acknowledged talent, learning and ability, to bear in

every conceivable form, to rebut if possible the crushing weight of the prosecution they contended with, and if possible to avert the awful fate which now awaits me. And Mr. Kerruish, I cannot find expressions to justify your claims on my gratitude—while those I thought to be my friends joined in the well deserved denunciations, wildly and madly thrown on me, the perpetrator of such an outrage—even then you did not forsake me—for you know my failings. In this as in all my troubles you have been my truest friend. You know my domestic difficulties—you advised me. Oh! that I had but heeded your counsel, this fearful fate would never have befallen me. If the ties of nearest kindred bound us, you could have done no more. You have indeed been a faithful brother. May God bless you.

If I am permitted, I wish to give a brief sketch of the unhappy circumstances of my past life since the time an unfortunate matrimonial alliance caused me to seek relief in visiting foreign lands and finally drove me to enlist in the army. While in the army I passed through the various positions from a private up to orderly sergeant, and then, having passed an examination, I received a commission as surgeon. I returned to my home after a long absence, expecting to find a welcome and a happy home. But such a scene as met me there was enough to drive the most callous person in the world to forsake such a home. I rushed from the house, and formed a determination never to return. I knew not which way I was going. I drove out to the country. I attended a party, and while there some one told me that Harry Parsons, a cousin of Tamzen Parsons, was present and very anxious to see me. I had been drinking very heavily that day. I drove to Mr. Parsons' house that night, but what occurred there I do not know. I awoke in the morning filled with shame and remorse, for I was waked by a tender hand. I asked, "Who are you?" and she told me it was Tamzen. She said, "Doctor, why do you drink so?" I saw in that look sympathy and pity that filled my whole soul, and I saw my feeling was reciprocated. While in that condition a wild mad love took possession of me, such an one as I had never experienced before, an illicit love, one which led to an illicit intercourse, and which love I have until this day cherished.

But it was not all passion. Love destroys all baser passion. I went to Pittsburgh, and the next day Tamzen asked me to marry her, and, insane as I was, I did so. I went to the Mayor of the city, and the principal minister of the city married us, and it was my intention to seek some retired spot, and settle down, and live in quiet. And the next day when I was making arrangements to find a place to reside, I was arrested and brought before the May-

or, on a charge of bigamy. I made an offer to Mr. Haynes, which, had he accepted it, would have prevented all exposure and the unfortunate events that have since happened. But Mr. Haynes, for some reason which he best knows, refused; whether it was from a virtuous determination to vindicate the character of his family, I do not know. I was tried. I did not bring one word of testimony for my defense in that trial. I was brought in guilty of adultery and bigamy. Immediately after my trial Tamzen came to the jail, and there occurred a scene I shall never forget. But I parted with her forever, as I then supposed. After she left I wrote her a letter, explaining the whole matter and told her it was best that we should not meet again.

Meanwhile I was kept in jail till March, having been sentenced for a year. Meanwhile a reconciliation had taken place between me and my wife, and I was pardoned. I returned to this city and opened an office on Ontario street. My former patrons returned to me. I was doing well.—I practiced faithfully, and during all my practice I have never betrayed the confidence of my profession.

My means were so limited I could not furnish a home, and I obtained a little furniture and fitted up a suite of rooms. In the midst of these preparations I received information that my wife's passage had been paid to return to the Isle of Man. It has been said that I sent her. But I did not. I thought of returning with her. However, I had not the means necessary, and concluded I would not go with her. My wife left, and in all this there was no thought of Tamzen Parsons till nearly a week after my wife had gone. Then I received a letter from Tamzen, reproaching me for my neglect of her, and asking me to come and see her, since there was now no obstacle in the way. While considering the matter, I received another letter from Tamzen. I still fought against it. Then at that instant an individual of my acquaintance came in to see me. It was Mr. Campbell, who had been an old companion of mine in the Crimean war. He asked me to take a drink with him, and I indulged in that vice which has been my ruin. In the morning I went with him to Newburgh, and while there we drank heavily. The events of the night of July 24th, when I entered Mr. Parsons' house, have been fully revealed. But Tamzen Parsons never said to me she did not want anything to do with me; that I "had deceived her once, and should never do it again." On the contrary, she said she would go with me to the end of the world. It was just after this interview that I met Dr. Wray, and had some conversation with him, and I might have made some such assertion as he testified that I made. But if I said it,

it was only a ruse. The next day I went to the Plank Road House, and what happened there, or what I said, I don't know. I returned to the city on the following day, and was arrested for an assault and battery by Tamzen's father. It was not till I saw Tamzen and talked over the circumstances with her that I thought she had been playing false with me, and the next day Mr. Parsons, the druggist, went with me and we settled the matter up. The next night was a restless one for me. I had been drinking a good deal, and what dreadful determination might have entered my mind I do not know.

In the joy I felt because a settlement had been effected, I might have made such threats as I am said to have made. But I came to the city fully determined never again to have anything to do with Tamzen Parsons. I devoted myself to my business. On the evening of the 8th of August, having been busily employed in my office all day, and being very tired, I met my friend Russell in a saloon and we drank several times, when I proposed to go home. On account of some quarrel he said he would *not* go home, and he proposed to go to another saloon and drink; and we went from place to place, and drank, and I became very much intoxicated, and Russell proposed a ride to Rocky River. Went around town on a very unholy-mission, and visited many places, but did not succeed in getting any companion, and on going to my room Russell asked to see my pistol. But there was no thought at that time of going to Bedford, nor any thought of the murder of any human being. It was not till we went to Newburgh that any thought entered my mind of Bedford. Nor then did I think of such a dreadful tragedy as this would occur.— We went to Bedford, and in the morning I wished to return home, but Russell then taunted me bitterly about the girl, and I told the driver to take the right hand road and I went to Mr. Parsons' house but did not find the family at home. After leaving the house we met Tamzen with her mother on the road. The old lady was very angry, but Tamzen never uttered an unkind word.

We were both very drunk from the effects of ale and whisky, and we became mad and reckless. We returned to go the Twelve Mile Lock and Rocky River, and on the way Mrs. Krum rushed out of the house and told us Tamzen Parsons had gone to town to have me arrested. Arrived at the village, the old man Parsons happened to pass with the wagon, and I got out of the carriage to speak with him; and at that moment Tamzen came toward the carriage, and I rushed after her and asked where she was going. I don't know what reply she made. It has been said here that I went there with the intention of committing the dreadful deed, but that

is not true. From the moment she passed the carriage, I do not remember the particulars of that dreadful tragedy. It must have been a legion of devils had taken hold of me, for it is contrary to my nature to be cruel. There never was in all my life a feeling of revenge to take the life of any person.

From that moment I don't know what occurred till I found myself in jail. When I learned what I had done, if ever a man felt the torments of hell, I did. For two or three weeks, and while the effects of intoxication were passing off, when I think what I suffered, I wonder I have any reason left. It was then, when I thought there was neither hope in heaven or on earth for me, I threw my all upon my Maker; and it was then that I received assurance that to all such sinners as I had been, there was mercy. Earnestly I struggled, and I received that assurance. It has been said that I am a "man of iron." But that power of self-command has been given me from some greater source than I have within me.

I am resigned. I have reviewed the whole matter and I know that I deserve death. But I never deliberated or premeditated the murder of Tamzen Parsons. Poor girl! My worst fault was I loved her too well. But I must submit. I deserve it. I hope that this may be an example to all to keep free from the terrible vice, the curse that has ruined the families and destroyed the hearts of millions. I hope, indeed, that the example may be a lasting one.

I feel prepared. Sometimes an hour comes when I remember and think of the old church yard at home, and its long range of tombstones where my ancestors sleep. When I think of the annals of my little native island, there are many recollections of the good services of my kindred. When I think of these things I sometimes think I would wish to be saved from this fearful disgrace; and my poor boy—this is an awful legacy to leave him, an awful legacy. For that reason, and for that reason only, I would wish this cup might pass. But God's will be done. I am resigned.

The prisoner spoke in a slow, deliberate, impressive manner, as of one borne down beneath the awful weight of impending doom. He exhibited no signs of weakness or depression. His extraordinary nerve bore him up well, and there was not the slightest tremor perceptible in his frame. As he spoke many about him were affected to tears.

When he had made an end of speaking, the Court proceeded to pronounce the

sentence, prefacing it with a statement, the substance of which we give:

REMARKS AND SENTENCE OF THE COURT.

John W. Hughes, you stand convicted of the wilful, deliberate and premeditated murder of Tamzen Parsons, in the village of Bedford, on the 9th day of August last.

You were tried by an honest jury, and defended by the ablest counsel whose services could be procured for you by the court.

Your counsel labored faithfully in your behalf, literally exhausting themselves in the effort to secure your acquittal, or to reduce your offense to murder in the second degree. But your conduct was indefensible, your case was utterly hopeless. The evidences of deliberate and premeditated malice were such as to close every avenue of escape from a conviction for murder in the first degree. Your counsel labored without hope, and, although many pity you, your best friends must acknowledge the righteousness of that verdict which condemned you to expiate your fearful crime upon the scaffold.

I would not discourage any effort your friends may make to secure a commutation of your sentence, but in view of its apparent hopelessness, I do most earnestly entreat you to make your peace with God.

It is the sentence of the law, that you, John W. Hughes, be taken from the bar of this court to the jail of Cuyahoga County, that you be there safely kept until the time of execution, and that on the 9th day of February, in the year of our Lord one

thousand eight hundred and sixty-six, between the hours of ten o'clock of the forenoon and two o'clock of the afternoon of said 9th day of February, you be, by the Sheriff of Cuyahoga county, hanged by the neck until you are dead.

The Judge pronounced the sentence not without emotion. The prisoner was unmoved, albeit many ladies in the room gave away to tears and sobbings. The prisoner resumed his seat, and rested his head for a moment on his hand. The court ordered the audience to remain quiet while the prisoner should be conducted to the jail. In the midst of profound silence, save as it was broken by the sound of weeping, Dr. Hughes was ironed and led forth to the jail, whose grim walls he was never again to pass, alive.

After the prisoner had been escorted to jail, on hearing the verdict rendered, he told the Sheriff that the finding of the jury was just, and that having made his peace with God, he should die content. Had it been proper he would liked to have thanked all parties for the kindness shown him. Rev. J. Monteith held a season of prayer with him immediately after he was conducted to his cell. The prisoner entered into the exercise with deep contrition, his iron nature giving way and he weeping like a stricken child.

PRISON EXPERIENCE.

The Doctor entered the jail under the weight of the penalty of death. He had already solicited Rev. J. A. Thome to act as his spiritual adviser, and he now addressed himself with apparent earnestness and sincerity to the work of preparing himself for death. But this was soon interrupted when the Doctor learned that his friends were making great efforts to secure the commutation of his sentence. He revived. He passed the time in reading religious books, writing verses and letters, and receiving the calls of friends. He conducted himself with such perfect propriety in jail, that he received many privileges which he could not otherwise have enjoyed. He frequently addressed his fellow prisoners, and they all held him in the highest respect.

EFFORTS TO SECURE A COMMUTATION.

About two weeks after the sentence was passed against the prisoner, his attorney, William S. Kerruish, Esq., drew up the following petition to Governor Cox, praying for the commutation of the sentence of Dr. Hughes to imprisonment for life :

TO HIS EXCELLENCY,

THE GOVERNOR OF THE STATE OF OHIO :

Your petitioners, residents of Cuyahoga County and the City of Cleveland, in said State, respectfully ask that the sentence of death passed upon John W. Hughes, convicted of murder in the first degree at the November term of Court within and for said County, be commuted to imprisonment for life at hard labor in the Penitentiary. And for cause your petitioners say that the trial resulting in said conviction was had at a time and in a community laboring under a great pressure of excitement and prejudice against the prisoner; that while your petitioners do not deny that the trial was in itself impartial, yet it is proper to affirm that the prisoner was denied the presence of two important witnesses by the Court's refusal, under the rule, to continue the cause on the defendant's application, compelling him in lieu thereof to abide by his statement of their testimony—that said testimony, (which was the testimony of competent and skill-

ful medical men, possessing peculiar means of knowledge,) together with the testimony of several of the leading physicians and medical men in said community, given at said trial, tended strongly to show that the effects of intoxicating liquors, proven and admitted to have been taken in large quantities, at the time of the commission of the crime, operating on the defendant's peculiar temperament and organization, might have and probably did superinduce such a condition of mind as to incapacitate him for forming a deliberate purpose. That a taint of insanity was proven to have existed in the line of his immediate and remote ancestors, but by reason of the proof on this point being principally confined to England, it was unable to be made as fully as the facts warranted, as we are led to believe. That the prisoner's conduct before the homicide, at the time thereof and after, was extraordinary, and to a great degree inexplicable upon any other hypothesis than some mental bewilderment or aberration. That the prisoner is a stranger and a foreigner, without means or friends, whose sole vice, as far as shown, was the habit of intemperance, and unfortunate connection with the deceased victim of his illicit love and phrenzy. That the prisoner served the country of his adoption faithfully during the War of the Great Rebellion, rising from the ranks to the position of Post Hospital Surgeon at Vicksburg. And that in the opinion of the undersigned, the commutation of sentence above prayed for, would be a fit exercise of Executive clemency, and would satisfy the ends of Justice.

These petitions were numerously signed, and Rev. J. A. Thome bore them to Columbus and laid them before the Governor. On the 2d of February, Sheriff Nicola received the following official letter, which quenched the hope of a commutation :

EXECUTIVE DEPARTMENT,
COLUMBUS, Feb. 1, 1866. }

SIR: I am directed by Governor Cox to inform you that an application has been made to him for the commutation of the sentence of John W. Hughes, now in your custody, and that he has declined to interfere with the execution of the law.

Very respectfully,
your obed't serv't,

W. T. COGGSEHALL,

Secretary.

To the Sheriff of Cuyahoga
County, Cleveland, O.

Dr. Hughes received the intelligence in a very calm manner. The following verses express his state of mind at that time :

DR. HUGHES TO HIS FRIENDS.

Of trifles the world is composed,
Like minutes that grow into years;
So friendship, in pity reposed,
Allays our most troublesome fears.

Away from all comforts at home,
From all the desires of my heart,
Not building on pleasures to come,
With feelings of hope I must part.

A moment of phrenzy, unthought,
A second of madness defined—
What change in the creature is wrought,
The soul in such horror entwined !

To review the dear scenes of the past,
Is but a renewal of strife
To a mind so constant o'ercast
In weighing the issues of life.

Grateful thanks is all I can give
For mercies which others deny.
Oh ! that I were destined to live
To recompense you bye and bye.

Your efforts are sadly in vain ;
The plea was a day or two late.
Remonstrance its malice to rain
Had hopelessly finished my fate.

Yet your prayers shall be to my death
Like the hidden treasure of heaven,
My spirit to raise by their breath
To wait it to Jesus in heaven.

I pray, and I never forget
To ask of my best friend above,
For blessings on those in whose debt
I am bound by their pitying love,

The Doctor maintained a cheerful disposition, and having made his peace with God, as he felt assured, became possessed of a longing to depart. He seemed at first to have Unitarian tendencies and predilections, but as his hour approached, he grew into strange sympathy with the Spiritualists, and at last received the rite of extreme unction from Father Gallagher, of the Catholic Church.

ATTEMPT TO COMMIT SUICIDE.

On Thursday morning the Doctor swallowed a dose of morphine, which had been smuggled into him by some of his friends. Fortunately for the end the law holds in view, it was an over-dose. A fit of violent vomiting was induced, by which the drug was expelled. Drs. Maynard and Cushing were summoned, and soon gave the patient relief. His wrists were then manacled, and his arms caught behind him, as a preventive of further self-destruction.

THE SCAFFOLD.

The machine of death used for the execution of Dr. Hughes was that on which James Parks, *alias* James Dickinson, met his ignominious death, June 1st, 1855, for

the murder of William Beatson, at Cuyahoga Falls, April 13th, 1853. It was brought from its long retirement amid county lumber in Akron, Summit county, and erected in the northeast corridor of the jail, the identical spot on which it stood on the former occasion. It consists of two upright posts of pine, united at the top by a heavy pine bar, through the center of which was driven a large iron staple to which the rope was fastened. Immediately below and back of the cross-piece was the trap, which was newly constructed and fashioned like double doors, hinged at either side to the platform, and kept in place by a lever which was secured by an iron bolt. The drawing of this bolt caused the lever to give way, and the trap doors to open downward. The drop or trap was four feet six inches wide. Behind it was constructed a platform eight feet four inches in length and about six inches in width. It was reached by a flight of twelve steps. The ropewas manufactured especially for the occasion by Mr. John Craig, of this city, and was one inch in diameter, and three inches in circumference. It was securely fastened to the cross piece which was pierced with the iron staple aforesaid, and gave a fall of six feet two inches. The noose was formed by the regular "hangman's knot," and the lower portion of the rope was slushed with soap so thoroughly that a pressure of five pounds caused the noose to perform the function designed. An arm attached to the lever under the drop, rose about six inches above the platform. A slight pressure on this raised the lever and drew the pin, when the trap instantly fell.

THE FATAL DAY.

The day dawned, and with early light the people thronged the streets and all seemed animated and eager, driven by impulse and impelled by curiosity. The ground was covered with moist snow, and whatever noise broke the stillness caused the air to echo like an immense hollow globe. This was the last morning of the prisoner, and these echoes were among his latest monitos of the world he was soon to leave.

At seven o'clock Marshal Schmitt drew up the entire police force of the city within the jail yard all dressed in complete uniform. The entrances to the enclosure were strongly guarded. About eight o'clock the hungry crowd began gathering outside the paling, a force which was augmented every moment. They stood hour after hour in the moist snow, gazing at the dull pile of stone which inclosed a man who figured in their imaginations as a human form begirt with real and fantastic shapes,—an adulterer, a seducer, a bigamist, a murderer, a felon under doom standing on a painted scene, with Death for a background. Only those were admitted to the jail who had been previously furnished

with tickets by sheriff Nicola. Spectators not to exceed a score were in attendance.

At half past nine o'clock the hearse belonging to James Howland's undertaker establishment, inclosing a coffin, was driven into the jail yard. The coffin was furnished by the Mona Society of this city, which is composed of Manxmen, the countrymen of Dr. Hughes. It was made of rich materials, silver mounted and of rosewood highly finished.

THE LAST NIGHT AND MORNING.

Dr. Hughes retired about nine o'clock on Thursday night. As his manacled hands were caught up behind him, he was compelled to lie on his side. A double bed was made for him and his guard, Mr. Bissell, on the lower floor of the jail near the stove. The Doctor slept soundly under the influence of the morphine he had taken, for about four hours. The irons hurt him, the position was painful, and he awoke in consequence. After walking around half an hour, he again took to bed, and slept till morning. He arose in a very easy, cheerful frame of mind, was washed, shaved, and then made a change of under clothing, after which he ate a very hearty breakfast. He entered into conversation with his guard, and talked as cheerfully and hopefully as at any time during his incarceration. He expressed no fear, no apprehension, no dread.

At seven o'clock Father Gallagher, of the Catholic Church, who had administered the rite of extreme unction to the prisoner on Thursday, made application for admission. But the Doctor had just finished a letter to him, stating that his presence was not desired; that he (the Doctor) still adheres to the Catholic faith; that he had no fears; is well, and hopeful of the future, and feels greatly relieved; that for reasons which he could not then give, the Father could not be admitted to see the prisoner.

The sheriff gave Father Gallagher the communication, which he afterwards destroyed, and immediately retired.

COOLNESS OF THE PRISONER.

That remarkable nerve which has made Dr. Hughes the wonder of all who have been cognizant of his bearing since his arrest, remained firm and rigid to the last. Between 9 and 10 o'clock he moved about freely among the spectators, his wrists ironed, quietly smoking a cigar and talking pleasantly and without reserve to all. There was something painful in the spectacle. Under doom of death, which would fall ere three hours rolled away, he walked around as if assured of an immortal life here on earth. He was very neatly dressed, and his face bore little or no indication of the rash attempt he had made the previous day to take his life by poison.

INTERVIEW WITH MR. THOME.

After ten o'clock Rev. J. A. Thome, spiritual adviser to the condemned, arrived and the prisoner was in close conversation with him, in the north hall of the jail until eleven o'clock. He expressed gratitude to him for the interest he taken in his case, but told him frankly that he did not coincide with the religious views held by Mr. Thome; that he did not believe in Christ as the Son of God, &c., but inclined to the faith of the spiritualists. He talked coolly, but like a crazed brain, and it was painful to listen to the conversation.

HUGHES MAKES THE TOUR OF THE JAIL.

At eleven o'clock the Sheriff notified the Doctor that his hour drew nigh, and that, if he desired to bid the prisoners good-bye, he might now have such opportunity. He accordingly made the tour of the west side of the jail, attended by the turnkey and several police officers, visiting each of the cells in which the prisoners had been locked. He spoke very kindly to all, calling each by name, and address-words suited to the case of each. To a young negro he said: "You and your race are now free. Your first duty is to learn to read and write, and then use your education as a real man should. Remember all the words I have said to you before. Fear God and obey His commandments. Good bye." The colored man said "God bless you, Doctor," when the latter moved on. To another he said: "Leave off your frivolous and dissipated habits. When you go out of this jail, strive to get into good society. Shun evil associations. God bless you." To a third, "You'll do better, my boy, when you get out of this. Be a good boy." To Anthony—— he said: "You are my oldest friend here. You have been in the jail with me six months. You have been a good boy. Take the advice I have given you, and all will be well." In passing along he met on the verandah a friend, and said: "Mr. —— I have got to say the last word to you. I am going to brighter, fairer and better world. I shall expect to see you there. Give my best wishes to your wife. Don't set me down as the black-hearted villain I have been reported." To another prisoner he said: "Be a good man, read your Bible and believe, and practice its precepts." In the next cell he bid farewell to two young men: "Nothing but laziness is the matter with you. You ought not to be here. When you get out, go into some good work.— You might do well. This is plain talk, but they are my last words to you. Remember that cleanliness is next to godliness. Keep yourselves in better trim."

They all promised to remember his words.

He next met on the stairs, Kate, the matron of the jail: "You have been like

a mother to me, Kate, since I have been here. I hope you will continue to do as much good as you have done me. You have dispensed on every hand nothing but charity." Kate was affected to tears. All the prisoners listened attentively to what he had to say, and invariably said, "God bless you, doctor."

INTERVIEW WITH HIS COUNSEL.

The Doctor then returned to his cell to hold a parting interview with his counsel.

He thanked them cordially for the efforts they had made in his behalf. On being notified that a delegation of the Mona's Benefit Society had arrived, he descended, and passed between them as they were drawn up in file, and took each by the hand, and made the following

REMARKS TO THE COMMITTEE:

"Friends: I am approaching my doom. I have to abide the issue. I have committed a great crime, and am soon to suffer the penalty. I want you to know, that in all my career in the Old World there was no blot on my name. This is my only crime. I don't remember firing that pistol. It was not J. W. Hughes who did it;—I was propelled by evil spirits during a fit of intoxication. I ought to have been an honor to you all. I have had worse and better advantages than any Manxman in this city. I had wealth, education, and position in life. I had the best advantages that our little, beautiful Island could give. Our family stood number one. No Manxman can deny that. But I have committed a heinous crime, and for which I am about to give my life. When I give it, the debt will be paid.

In our century, superstition and ignorance handed down these things to posterity, and do so till this day. But, gentlemen, I wish you to remember that murder is no consistent part of J. W. Hughes; I was led by the feelings of illicit love and jealousy. I was overwhelmed by intoxication. I was impelled to do the deed for which I am to suffer. At the same time, gentlemen, I ask your pardon and that of all my countrymen for being a disgrace instead of an honor to you. And I beg of you, not to point the finger of scorn at my boy, but take him by the hand and to your heart; and cultivate in him those virtues which will make him an honor to the country of his adoption. I wish my name to rot on yonder scaffold. Let my boy not hear it. I hope he may be adopted by some one, who will give him a fair name.

My poor remains—I give them to you, gentlemen. It matters little to me what becomes of this carcass. Let it be put in a lot, and when you pass it, think of it—of the man. Take it as a warning. Think of it as being the remains of one of your unfortunate countrymen.

CONVERSATIONS, REVELATIONS, INCIDENTS

It was now fully half past eleven o'clock. The Doctor sat down by the stove, and talked cheerfully with all. His nerves were still somewhat affected by poison, yet there was not a tremor perceptible in his frame. He owned to us that he took morphine enough to kill five men, about ten o'clock Wednesday evening, just after the departure of Father Gallagher; that he began to feel its effects immediately, but that, having partaken largely of oyster soup, the milk acted as an antidote to the poison. He expressed himself annoyed at the result. He had desired to die an easy death, and by self-murder, to avoid the ignominy of dying on the scaffold.

THE CLOSING SCENE.

At 12:35 P. M., the prisoner mounted the scaffold, with firm step, preceded by Sheriff Nicola, and followed by Deputy Sheriff Ridgway, Rev. J. A. Thome, Mr. Smith, the turnkey of the jail and Ex-Sheriff Spangler. Dr. Hughes stepped at once upon the trap, and faltered.

The Doctor attempted to speak, but could not, and, turning to Rev. J. A. Thome, said, "Won't you pray first? I can't say anything till you pray."

PRAYER BY MR. THOME.

Oh God! Our Father who art in heaven, hallowed be thy name. We bow to Thy divine will. With Thee are the issues of life; Thou hast given human life. We are fearfully and wonderfully made—made by Thy hand and stamped with the image of our heavenly maker. Thou hast hedged about this human life in Thy care and wisdom, all this priceless worth, with safety and both of divine and human law. And now oh Lord, we are brought to the verge of the life of a fellow being, and we have come to speak to Thee humbly supplicating Thy mercy for him who is soon to be no more in the land of the living. For a deed of fearful crime, is this fellow being of ours brought to this verge of earthly life. His hands have been imbued in the blood of a fellow creature, and now must he expiate this high crime by yielding up his own life. Oh, God, we know that thou regardest Thy creatures upon this earth with great compassion, even though they be among the chief of sinners. And now, with all his sins, and vices, and crimes upon this, our brother man, we plead with Thee in Jesus Christ, our mediator, once his mediator, that Thou will have mercy upon him through the bosom of Christ, which cleanses from all unrighteousness. Cleanse his heart of those bloody sins of which we trust he has been penitent and sorry in the depths of his heart. And do Thou graciously forgive our brother. Forgive him though his sins are great, and grant

that he may be prepared through the blood of Jesus Christ, by faith in the blood shed for the remission of sin, to stand before Thee in that great day. Grant that his spirit may go to the bosom of God who gave it. We beseech thee that thou wilt remember the wife and child that are now to be left desolate by this event of to-day. Remember them in their distant home; shield them with the kindness and care of a heavenly father. Be with that boy who bears the name of him who is about to expiate his guilt upon the gallows. May he grow up to be a good man, and do thou efface from his memory whatever mark or stain may be left upon his young life by this sad event. May he live to be a man whose influence in life as far as it is possible shall vindicate the name that has been so stained by his father. God in mercy now hear, and grant in mercy the prayer we offer before thee, and have mercy on the spirit of him who is about to appear before thee through the blood of our Lord Jesus Christ, and save him; and to the Father, Son and Holy Ghost be everlasting praise, forever and ever. Amen.

The reverend gentleman laid his hand on the head of Dr. Hughes, when the latter offered the following:

PRAYER BY DR. HUGHES.

Our Father, Thou the great God forgive me, a miserable sinner, and in Thy mercy show to human wisdom the folly of the different ways they have to approach Thee. Oh, God, grant the enlightenment of the human race, and may soon appear all our different sects of religion who have their different ways to come to Thee, that Thy knowest them all. Oh, have mercy, look on me a sinner, in a few moments I will be with Thee and will know the great secret of futurity. Oh, God, that Thou would impart to humanity what is a great secret. Have mercy upon all that see me. Have mercy upon all that know me—upon all that have known my fate, and grant that it may be in word, and that it may be in conscience a great example to all. I would ask all for the Mediator's sake. Amen.

Mr. Thome—And now may the grace of our Lord and Saviour Jesus Christ, and the blessing of the Holy Spirit be with us and our friend. Amen.

SPEECH OF DR. HUGHES.

MY FRIENDS:—This is indeed a sad fate I would wish you to remember it, not as an example, but as the acme of human justice. Do you suppose that I think for a moment that the law of man is just in taking my life? No. Men's law is but the law of a murderer like me, who made that law, Moses. And who was he? The greatest murderer we ever heard of.

Look in the second chapter of Numbers and you will find some examples of murders with premeditation, and purpose, and deliberation, in Moses taking the life of an Egyptian, and then he comes and proclaims himself a priest, prophet and king, and by his law I suffer, and every other murderer. I would admit that life is dear to all, and ought to be protected; but if a man takes the life of another, it is the greater madness to retaliate upon him in this manner. If the people of Bedford had taken my life at the time I committed that deed, I would have said that is nature's law and comes from the heart; but when after six months of preparation and deliberation over the matter, by those in official position, I say then they murder—they murder, gentlemen! What is the advantage to society to take my life, or any man's, in comparison to employing him for the rest of his days in some useful employment? and if J. W. Hughes has any ability for anything, then keep him in confinement and employ him in useful labor and make a good man of him, and turn him out a reformed man, and give him an opportunity to atone for all the evil he may have done society.

This death penalty is ridiculous, and if you will consider over it you will find it is wrong. One life is as good as another. What advantage is it to take my life? None! It is not an example to deter others from crime. Did I remember this in that wild fit of drunkenness, did I remember pointing that pistol? No, I don't remember it this hour.

Yet it is the law and we must abide by it—the law of man but not of God. I am convinced of it. For six months I have had every sect of religion to visit me, and they came in to tell me which is the way to heaven. Do I believe them? No! What is man's way to heaven? The same as his way on earth. Do unto others as we wish to be done to. I have thought it all over fully and conscientiously and have come to the conclusion that my life in another world will be the same as in this, with the exception that there all will be pure. I have considered this over for six months, and intended to give my own life up to my exit out of this world. I intended to take my own life, but did not succeed. I took enough to take me out of the world, but it is the great Spirit's will that I should not, and I have not done it. (Turning to the sheriff he said) My brother! Gentlemen, this man has treated me like a brother from the first to the last, and Mr. Thome, my spiritual adviser is my dearest friend. I respect him as my father. I never had a father. Gentlemen, I never knew what a father was. He is my father, and I love him as a father, and feel my whole heart borne up to him as a father. And if I could, I would thank

him for all his principles and doctrines. But his is not my ideas. Since I have been in this prison I have had every set of religion visit me. You cannot tell me of one that I have not had to talk to me. I argued with them on all their opinions and learned all the secrets of their hearts on the matters of salvation, and dare I deny them? No. I have talked with my spiritual adviser not because I believe as he does. I love him as a father, but at the same time my mind is not his mind. I don't believe to-day—God forgive me if I say anything wrong—that Jesus Christ was the son of God. My anatomical knowledge and everything says that the immaculate conception is not right. It is against nature and philosophy. It is against human nature. I believe that no purer spirit, no better man ever lived on earth than Jesus Christ, and that in the spirit world he is next to the great Creator himself—as far as we know. At the same time I will tell my experience, tell what I know in my own soul. I know from experience that there is communication with those who have departed from this life. I am to-day about to suffer the extreme penalty of the law, but at the same time am sure I shall be with you after the execution as I am now. I don't believe in Spiritualism particularly, because I have never seen any mediums, nor have I ever seen the indications of this. At the same time every creature, I don't care who he is, will know that at some time in his life he has been influenced by some peculiar idea or sentiment he never would have thought of himself. So far as I know, I believe the doctrines of Spiritualism. I thank my spiritual adviser who has spoken to me in relation to heaven and the sufferings of Jesus Christ and I believe in him as a mediator, but I don't believe in his miraculous birth. I believe in him as being the purest man, the purest spirit that ever ascended on high. And I have taken the advice and counsel of Mr. Thome as a friend and a father. He came here in a moral way to reform every one, and he laid such a foundation in my name that I have finally taken the belief I now have given. If I thought for a moment that I was going to brimstone and hell and that kind of thing for eternity, I should fear, or did I think I was going to heaven and sit there for all eternity, and do nothing but sing, I should be a fool. They can kill this body but they cannot kill this soul. This soul soars aloft to the great

Being that gave it being. It has its work to do and I believe this moment that I shall be as much here after this execution as now before it, I believe I am here.

Sheriff—"Time is going."

"Hughes—"Yes, sir."

I will say just in conclusion, the Sheriff has been a brother to me. The Jailor, Mr. Smith, has been a father to me. If it were his own son he could not have done more than he has done for me. God bless him. Good bye Mr. Smith.

I go, gentlemen, not to the land of perdition but to the land of progression, and while I admit the justice of the law of Ohio to-day I say it is foolish and vain. And if you should say to me that because that rope goes around my neck and chokes me to death that it is going to prevent any crime. I say it is foolish and vain, for in the condition in which John W. Hughes was when he committed this crime, no example on earth would prevent any man from doing just as he did. I submit to the law of the land, believing it a cruel murder to take my life. From the time I fired that pistol up to this hour, I don't remember the firing of that pistol. Do you think all the examples on earth would have prevented any man in that condition from doing as I did? No, it is a mistake. No; I hope my example will not be remembered as an example of the death penalty, but for the folly of it.

He commenced his speech at 12 45 and closed at 1:1. The Sheriff, with eyes inflamed by weeping, then informed the condemned that it was his painful duty to inflict on him the extreme penalty of the law. Deputy Sheriff George Ridgway fastened the irons on his wrists, and, with the aid of the turn-key, pinioned his elbows and knees. The Doctor tore off his collar and coat, and tossed them below, with a smile. During the proceeding, he said to the spectators, "Good bye." And again he exclaimed, "O Grave! where is thy victory? and O Death! where is thy sting?" Before the rope was adjusted he called: "Mr. Kerruish! Good bye!" The rope was then put around his neck and the black cap drawn over his face. The Sheriff touched the arm of the lever, and the trap instantly fell at seven minutes past one o'clock. The neck was instantaneously broken. Not a muscle moved. There was absolutely no indication of pain, and not a perceptible tremor. The body swayed to and fro, and did not come to rest until the pulse had ceased to throb.

