THE COURTS.

First Day of George S. Twitchell, Jr., for the Murder of Mrs. Hill.

CONCLUSION OF YESTERDAY'S PROCEEDINGS.

Judge Brewster announced the opinion of the Court against the old law that a bond was a deed and hence not a. ... He thought it irrelevant to inquire into the contents of the deed until it was produced. The witness was asked if a certain man was the agent of the defendant, and he could be asked as to the directions the defendant gave, and whether they were communicated to Mrs. Hill. The objection is therefore overruled.

Mr. Hagert now offered a deed from Elizabeth Hogg and Thomas Hogg to Mrs. Hill, dated 1st, 1st Pleasanton, to Camilla E. Twitchell, dated March 12, 1868, recorded on the 23d March, the consideration being $16,000.

Mr. Gilbert recited—Do you communicate at any time to Mrs. Hill that the deed was drawn in the name of Mrs. Twitchell?

Objected to, as any conversation with the witness and Mrs. Hill was irrelevant.

Judge Ludlow—Do you object to the form of the question?

Mr. Hagert—To the question itself.

Mr. Hagert—Prior to July, 1866, is part of my question, also; and that is all we intend to ask.

Judge Brewster—This is to be followed by what?

Mr. Hagert—I simply want to show that Mrs. Hill had no information as to the subject prior to 1868. I propose to show that, at the urgent request of Mrs. Hill, the deed was narrowed in the ...

Judge Brewster—Proceed relative to the first proposition.

Witness resumed—I have said I did not converse on the subject with Mrs. Hill prior to July, or after the completion of the transaction in July. '68, I had an interview with her at my house. Mr. Henderson accompanied her to my house.

Question—Do you know the purpose of the interview?

Objected to.

Judge Ludlow—Was young Twitchell there?

Answer—No, sir.

Judge Brewster—The objection is sustained.

Question—Was the fact that the title was in Camilla Twitchell discussed at that time?

Objected to and sustained.

Question—Was Mrs. Hill aware that the title was in Mrs. Twitchell at that time?

Objected to and sustained.

Witness resumed—I had a conversation with Mrs. Twitchell about the property, in ... spoke about making two stores on Third street, and making a private entrance on Pine street, and the balance of the house for a private dwelling; Mrs. Twitchell deposited with me a will for safe keeping in the presence of her husband, as was Mrs. Twitchell's will.

Mr. Mann objected ... it had no connection with the murder.

Mr. Hagert proposed to show that Mrs. Twitchell deposited the will made in favor of the husband, and that it was subsequently returned to Mr. Twitchell. He asked counsel for the prisoner to produce the will.

The will was produced and an offer made to produce the bonds, which is a matter of little ...

Mr. Mann said it was the doctrine a good long time ago to show that because a man was poor he would be unable to defend, but it has long ... the law, however, then, not is it now. A good man will not give way to intemperate ... but the tempter comes to all alike. In other cases, money, the fruit of a robbery, was found on the ... bonds, and this led to evidence to show he had no money before the commission of the crime. Is it a circumstance to add poverty to the case of a man who is home at his home invaded by his mother-in-law? Would it be contended the witness of John could be received in evidence were he charged with murder? It would be absurd to prove that a man from the county of a woman killed her to stop that bounty.

Judge Brewster decided that neither the poverty nor wealth of a man would affect his ... in the eye of the law. The law is practical science and deals with a plain and a little man. Motive is one of the ... to be proven, as shown in Prof. Webster's case and in the case of Mrs. Williams and Winemore; not because poverty is an evidence of crime, but as a matter of fact. It would be competent to show the defendant was pressed. Some papers to get if the bonds are yet have continent, which is great riches. In addition to poverty a man may be a drunkard so as to lead to his property having ... and this could be shown. If a number of ... were placed in a room and it was drawn, and circumstantial evidence showed that a man entered the room and pacified the liquid, it would be competent to show the man was dying of thirst. Here a human life had disappeared, and certainly the Commonwealth has a right to ... motive which could be the disappearance. It had already been shown that a dual life of the defendant was possession of the deceased, and it was competent to show that he had not the money to pay it.

Judge Ludlow said he concurred in all said by Judge Brewster, and for the reasons he gave.

Judge Brewster told the Commonwealth's officer to proceed, leaving out the bonds.

Mr. Mann—Mr. Hagert, I understood to Mr. Twitchell the interview with Mrs. Hill and Mr. Henderson; I stated to him that I was mother-in-law (Mrs. Hill) had been to see me with Mr. Henderson, and Mrs. Hill stated that he and her daughter had robbed her of money at different times; she had placed money in wardrobe and bureau—$1,000 one time, and $1,500 at another—and part of this money was taken; not all. I told him I did not feel safe in holding that will in my house under these circumstances, and I would take the will I declined to let him have it unless he put it ... order from ... wife as she had executed me with it; he got the order from his wife and I gave him the will; this is the order, dated July 27, 1868. We did not make any other rep y. I think, to what I had communicated. I have visited Mrs. Hill on Tenth and Pine, several times, not frequently; they kept close to the house; it was very rare I know by entering the door; as it was as much as I could get to see them. Mrs. Hill has lived for a very long; have seen them; they were small dogs; I have reason to know the bonds were owned by the defendant after this interview of July 27, 1868.

Cross-examination.—We ceased to be friends previous to that; it has been some eight months since; all the talks with me and Mr. Twitchell were a year ago, except the July one; I never said to him I believe he is a friend; a man can cut a man from his habits and still be friends at the time the disagreement; I have seen Mrs. Hill four friendship lasted eight months ago or more; I might say we were quite intimate when the conversations were had; I used to meet him at the table, but not by appointment; he accidentally sometimes we went out riding late in the afternoon; I have ridden occasionally with him; he used to call to know if I would take ... and sometimes I would; I thought he seemed to confide in me; he never told me the occurrence to show how poor the old woman was; she was not queer with him; she was not in the dark; she did not tell me he came to show her want of recollection; he did not tell me he put money where she forgot it, and where he hid it; he did not tell me he hid it afterwards; he never explained she had found her money where he put it, and they had become friends, that kind relations resumed; I put the will in my house; I did not tell him I was going to see Mrs. Twitchell" and put it away; showed it to Mrs. Hill in the presence of her husband; she was from Mrs. Twitchell to Mr. Twitchell, leaving Mrs. Hill in the house; I have reason to not consider it a breach of confidence to show the will to Mrs. Hill; because ...

Mr. Mann objected to the reasons.

The Court—Confidence between some could give his reasons.

Witness resumed—I considered it unsafe for me to hold that will after the fearful story Mrs. Hill had related of the conduct of this man and his wife to her.

Mr. Mann asked this to be stricken out, as it was a statement not in evidence, and he was not betraying his friend.

The Court decided that strictly speaking the defence could not object to an answer drawn out by the witness' own evidence. The prisoner's life was at stake, however, the sentence would be stricken out if the counsel for the defence, or, however, to reflect upon the witness.

Witness resumed—I considered the will at his request; it was not as his motion that he would give it; she asked me to interview with the old lady and her agent.

Cross-examined by Mr. Mann.

Judge Brewster decided that the witness had a right to explain, and the Witness said—After the interview I was asked by Mrs. Hill to keep papers belonging to that class of people; I went to see Mrs. Twitchell; she said she was not in; I left my name, and Mr. Twitchell called on me; I told him I had been to see the old lady; he said he wrote for me to keep the papers; he said he would take the will away, and I said he, not unless he put it in order; I told him the old lady said he had his wife and family.

Cross-examined.—When I returned the will the interview; I did not ask him if any one else; I did not appeal to my Maker, and say I had not shown it to anybody; I did not call on the witness no one had seen the will; I don't see much difference in the language I was taken to be my acquainted with the proprietor and having business with him; I used to stop in and leave papers, I might have called for Mr. Twitchell; I did not require it, as he was always there, or I would have called; I have known Mrs. Hill some many a time for Mr. Twitchell; on some occasions I might have inquired for him; I was talking with other parties; Mr. Vanleer and Dr. Taylor; I did not go riding with Twitchell more than any one else; did not ride with him very frequently; he was intimate with me for some months ago; after the interview with the old lady I have not spoken to him; he stopped coming to see me after I stopped him; we never quarrelled; never had an intimate word; we parted on the best of terms; I have not spoken to him since; I have not spoken to him; he stopped coming to see me because I stopped him; I never quarrelled; never had an unkind word; to the best of my knowledge I never did anything over say the will but the old lady while it was at my house; he never reproached me for showing the will; I have spoken to Mrs. Hill since; I have not in me without unmoot kindness.

Examination resumed—I simply ceased intercourse with him after what I had seen; never had any quarrel or unkind word.

Cross-examined—I acted as agent for General Twitchell; I was not agent for Mrs. Hill or Twitchell.

Examined direct—This is my name signed to the will as a witness.

Cross-examined—Signed it about the date of it.

Randall E. Morgan, affirmed—I am the sheriff of the county of Delaware.

Question—Did you make an execution or disposition of the property of Mrs. Hill?

Objected to, as documentary evidence must be shown.

Mr. Hagert submitted that it was not a matter of record.

Mr. Mann—Mr. Hagert, I understood, to Mr. Twitchell the interview with Mrs. Hill and Mr. Henderson; I stated to him that I was mother-in-law (Mrs. Hill) had been to see me with Mr. Henderson, and Mrs. Hill stated that he and her daughter had robbed her of money at different times; she had placed money in wardrobe and bureau—$1,000 one time, and $1,500 at another—and part of this money was taken; not all. I told him I did not feel safe in holding that will in my house under these circumstances, and I would take the will I declined to let him have it unless he put an order from ... wife as she had executed me with it; he got the order from his wife and I gave him the will; this is the order, dated July 27, 1868. We did not make any other rep y. I think, to what I had communicated. I have visited Mrs. Hill on Tenth and Pine, several times, not frequently; they kept close to the house; it was very rare I know by entering the door; as it was as much as I could get to see them. Mrs. Hill has lived for a very long; have seen them; they were small dogs; I have reason to know the bonds were owned by the defendant after this interview of July 27, 1868.

Cross-examination.—We ceased to be friends previous to that; it has been some eight months since; all the talks with me and Mr. Twitchell were a year ago, except the July one; I never said to him I believe he is a friend; a man can cut a man from his habits and still be friends at the time the disagreement; I have seen Mrs. Hill; our friendship lasted eight months ago or more; I might say we were quite intimate when the conversations were had; I used to meet him at the table, but not by appointment; he accidentally sometimes we went out riding late in the afternoon; I have ridden occasionally with him; he used to call to know if I would take ... and sometimes I would; I thought he seemed to confide in me; he never told me the occurrence to show how poor the old woman was; she was not queer with him; she was not in the dark; she did not tell me he came to show her want of recollection; he did not tell me he put money where she forgot it, and where he hid it; he did not tell me he hid it afterwards; he never explained she had found her money where he put it, and they had become friends, that kind relations resumed; I put the will in my house; I did not tell him I was going to see Mrs. Twitchell" and put it away; showed it to Mrs. Hill in the presence of her husband; she was from Mrs. Twitchell to Mr. Twitchell, leaving Mrs. Hill in the house; I have reason to not consider it a breach of confidence to show the will to Mrs. Hill; because ...

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