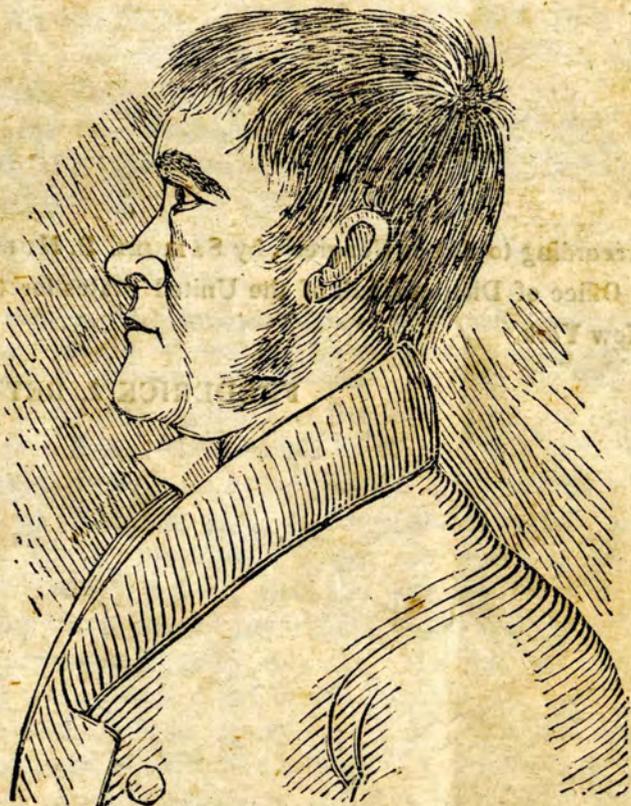


S. P. HULL'S
REPORT OF THE
TRIAL AND CONVICTION
OF
ANTOINE LE BLANC,
FOR THE
MURDER
OF THE
SAYRE FAMILY,
AT MORRISTOWN, N. J.

ON THE NIGHT OF THE ELEVENTH OF MAY, 1833.



*I Certify the above to be a correct Likeness of Antoine
Le Blanc. August 30th, 1833.*

*GEORGE H. LUDLOW,
Sheriff of the County of Morris.*

EVERY DOCUMENT CERTIFIED AS CORRECT, BY
THE PROPER PERSONS.

WITH HIS
CONFESSION,
AS GIVEN TO MR. A. BOISAUBIN, THE INTERPRETER.

LEWIS NICHOLS, *Printer,*
Corner of Pearl and Beekman streets, New York.

S. F. HULL'S
MORNING OF THE
TRIAL AND CONVICTION
OF
ANTOINE LE BLANC
FOR THE
MURDER
OF
MRS. SARAH S. SAYRE
IN
MORRISTOWN, N. J.
ON THE NIGHT OF THE 11TH OF MAY 1833.

Entered according to Act of Congress, by SAMUEL P. HULL, in the year
1833, at the Office of District Clerk of the United States for the Southern
District of New York.

FREDERICK J. BETTS, *Clerk.*

TRIAL, &c.

State of New Jersey, }
 } **MURDER.**
 }
ANTOINE LE BLANC. }

Morris Oyer and Terminer,
Special Term, August 13, 1833.

Present—GABRIEL H. FORD Esq. Associate Justice.
Council for the State—HENRY A. FORD, Esq. Prosecutor
of the PEAS, associated with JOHN R. BROWN and JACOB
W. MILLER, Esqrs.
Council for the Prisoner—FRANCIS R. M'ULLOCH,
WILLIAM HALSEY, and N. W. WEISE, Esqrs., who were
appointed by the Court to defend the Prisoner.

The following Oath was administered to Mr. Louis Theodore
Snyder, the Interpreter:—

You shall well and truly interpret the questions and demands made by the
court to the prisoner at the bar, and his answers made to them, according
to the best of your skill and understanding. So help you God.

The prisoner was indicted at the July term for the murder of
Samuel Sayre, Esq., Mrs. Sarah S. Sayre, his wife, and Phebe,
a colored servant woman belonging to Mr. Sayre, on the night
of the 11th of May last past. The present term was appointed
for the trial of the prisoner. After the opening of the court,
Mr. Halsey entered a plea, that the present court had no juris-
diction to try the prisoner, principally upon the grounds, that said
court had not been legally called. Mr. H. continued his re-
marks until the adjournment of the court.

Aug. 14—10 o'clock court met. Mr. Halsey continued his
remarks, followed by Mr. M'Culloch. At 11 o'clock, Mr. Brown
rose in reply to those gentlemen, followed by Mr. Miller.—Mr.
Halsey rejoined. At 1 P. M., Judge Ford delivered the opinion
of the court on the various points:—1st, That there is a *right* by
the statutes of the state to call special terms. 2d, That he,
(Judge F.) has a right to hold a special term of Oyer and Ter-
miner, although he held the previous regular term. 3d, The no-
tice calling the board of Freeholders *does* contain the proper

Copy 1

reasons for calling the board to request a special term. 4th, That personal service of the notice on the freeholders is legal, and, in the eye of the law, a superior service than leaving it at the residence of the freeholder. 5th, The act says, the notice must be left 14 days previous to the meeting; the notices were served on the 6th, and the board met on the 20th. It is proper that one day be considered as *inclusive*, and one *exclusive*, either the day on which the notice was served, or on which the meeting was held. The Court, therefore, is of opinion, that that body is legally empowered to proceed to the trial of the prisoner.

3 o'clock court met. Mr. Halsey moved the court, that a jury be called consisting of equal numbers of foreigners, the remainder, citizens of New Jersey, alias "a jury de *mediate lingua*." Mr. Ford replied, after Mr. H.'s argument. *By the court*—The party must claim it either by common law or by statute; in either case, we have no case on record in our courts. On this decision Mr. Halsey objected to further proceedings, as defendant had no copy of indictment served, as he had a right by statute. Mr. Ford, in reply, stated, that such copy has been furnished, properly certified by the county clerk. The caption to the indictment appears to be the principal point of difference. *By the court*—Many capital cases have been decided in New Jersey, but the court does not recollect of a single instance wherein the caption to the indictment was demanded. In cases of *certiorari* it is proper the caption should be given. The prisoner may have considerable interest in the caption, as it is a part of the history of the case. The court, therefore, order that two entire days be given for the amendment of the indictment, by giving a copy of the *caption*. Council for prisoner are willing to waive that right. The court informed them that the prisoner himself might use that privilege; after a conference with the prisoner, through the interpreter, prisoner says he will take no measures in the premises. Mr. Ford wished the prisoner arraigned, that a copy of the panel may be rendered him two days previous to the trial. Mr. Halsey objected—after some desultory conversation between the bench and the members of the bar, court adjourned for one hour to examine authorities.

6 o'clock P. M. court met. The motion on the part of the state to arraign prisoner was objected to on the account that the caption was not attached to the copy of the indictment given prisoner: Mr. Halsey rose and commenced reading authorities, accompanied with his own observations; Mr. Ford, in reply, read from Hale's Pleas, p. 189, that the caption is no part of the indictment; Mr. H. again gave his opinions to the court. *By the court*—The prisoner can have a copy of the caption of the in-

dictment if he calls for it, but the state's council is not obliged to give it him; Mr. Halsey again objected to the arraignment, and contended, that the prisoner was entitled to a copy of the indictment and a list of the jurors two entire days after the commencement of the court, and that the service of the copy of the indictment and panel before the sitting of the court, was not sufficient; Mr. Ford, in reply, read an extract from our statute, as also from Chitty's Criminal Laws, vol. i, p. 517—which, after a few remarks, was followed by Mr. Miller, who contended, that a copy of the indictment and a list of the jury and witnesses might be legally furnished to the prisoner before the sitting of the court to try him, and that the statute had been fully complied with, if it appeared that they had been furnished to the prisoner two days before his arraignment for trial. Mr. Halsey again rose in defence of his former position—the court overruled the objection, and decided, that a copy of the indictment and of the panel of the jurors, were each duly served according to the statute. Adjourned to 9 o'clock to-morrow morning.

Thursday, Aug. 15, 9 o'clock court met. Prisoner was arraigned, and the indictment, read by Mr. Ford, in the English language. Mr. Amadee Boisubin was directed by the court to explain to prisoner the contents of the indictments in the French language, (Mr. Boisubin having been sworn as interpreter in the place of Mr. Snyder, who could not attend). After which the prisoner was asked, whether he was guilty or not.—He answered not guilty. The court ordered the jury to be called, when Mr. Halsey raised an objection as to the manner in which the panel was served. After his remarks, Mr. Brown read from Chitty's Criminal Laws the same extracts which he did last evening. The court overruled Mr. Halsey's objections, and ordered the trial to proceed. Mr. Halsey moved a postponement of the trial, on the ground that the recent time in which the crime was committed, and in which the indictment was found, a great excitement exists with the people prejudicial to the prisoner: Furthermore, that there are persons somewhere in the United States, he believes, who was acquainted with him in Europe. Also, that the money found in a belt around his body he obtained at a broker's in New York. Prisoner's counsel then presented an affidavit to the above effect, followed by remarks from Mr. McCulloch. Mr. Brown answered, and read from 1st Chitty, p. 482—1st Massachusetts Reports, p. 6—Wheeler's Criminal Cases, vol. 2, p. 224—2d Halsted's Reports, p. 220. Mr. McCulloch read in answer to Mr. Brown, from 1st Chitty, p. 493. Mr. Ford made a few remarks in addition to Mr. Brown, in opposition to a postponement of the

cause. Mr. Halsey followed in behalf of a postponement, and continued until the adjournment of the court.

2 o'clock p. m. court met. The court overruled the objections of the prisoner's counsel, and ordered the trial to proceed. The following jurors were sworn:—William Sayre,* Robert Hand, David Bruen, James M. Flemming, John P. Cook, William N. Hennion, Freeman Wood, David T. Cooper, Robert Caskey, Andrew Bay. The panel being here expended, the court ordered a tales of twelve freeholders, from which number Moses A. Brockfield was sworn. The tales being expended, a second was ordered, and the court adjourned for one hour.

At the opening of the court, the second tales was called, from which no one was sworn, all being rejected. A third tales of twelve was then called, to be composed of persons in the court room. The doors were immediately closed, and the sheriff proceeded to summon the jurors. On the third tales, Abraham B. Walker was sworn as a juror, which completed the panel. Adjourned to 9 o'clock to-morrow morning.

Aug. 16—9 o'clock, court met. Mr. Ford opened the cause in behalf of the state, in a speech of one hour and forty minutes, and read from 1st Starkey on Evidence, p. 19, sec. 19.

Mr. Ford stated in substance the following Examination, which is here given at length, as certified by the Clerk of the Court:

State of New Jersey, Morris county, to wit.

The examination of Antoine Le Blanc, late of the Township of Morris, in the county of Morris aforesaid, taken before me Robert K. Tuttle, one of the Justices of the Peace in and for said county, this 18th day May, in the year of our Lord eighteen hundred and thirty-three, in pursuance of the statute in such case made and provided. The said Antoine Le Blanc being charged before me with feloniously, wilfully, and with malice aforethought, murdered Samuel Sayre and Sarah his wife, and Phebe, a servant of the said Samuel Sayre, at the township of Morris aforesaid, on the night of the eleventh day of this present month of May, A.D. eighteen hundred and thirty-three, by the sheriff of the county of Morris, who has the said Antoine now in custody before me. He the said Antoine, upon his examination, now saith that his name is Antoine Le Blanc, and that he will be examined here upon the charges aforesaid. And is willing that Monsieur Amedee Boisaubin be interpreter on this occasion. He says he was born at Chateau Salin, and has lived the last six years, of his life at Bistross, in Germany; that his ordinary business, or occupation, is that of a farmer, his object in coming to this country was to labour—he landed at New-York about the twenty-fifth day of April last past. He has boarded in three different houses, one German and two American—he first boarded at an American house, near the water's-edge—he does not recollect who kept it, staid there only a day and a half—and the next house that he boarded at was near a large hotel that was burnt, and staid

* This Mr. Sayre is no connexion to the family of the deceased, although of the same name.

two days—he next went to an American house near where a boat leaves the ferry every two or three minutes, and remained at this house about a day and a half—he changed his lodgings because his friends that were with him did so. He did not know the names of his friends, any farther than as some were called Francis and Joseph. That he had two hundred and twenty francs after paying his passage—he had about one hundred francs in gold, and the rest in five franc pieces—he changed the whole with Mr. Marris, except two five franc pieces, into dollars, and half dollars—he had a marche de route when he left home—he did not follow it, because he met a Frenchman who came from the place where he was going to—who told him that he had been there two years, and could make no money, and was returning home: and another reason was, he could not find any one that could give him directions to go to Aratz, where many of his friends were. That Mr. Samuel Sayre called at the hotel where he last staid, and not finding him in, said he would call at 4 o'clock, and at four o'clock he saw him—he did not make any engagement with Mr. Sayre at that time—that there was some person that interpreted for him—does not know his name—the Interpreter took him to a gardener to find employment. When he came to work on trial with Mr. Sayre, at the end of ten or fifteen days they were to come to an agreement—he has worked for Mr. Sayre fifteen days and a half—he saw no person, while working for Mr. Sayre, that he was acquainted with before—and that he was not in the habit of conversing with any body in his own language—that once saw a German boy at one of the taverns, who was to have written a letter for him, but he did not see him afterwards—he was not acquainted with any one in Morristown, except he sometimes spoke to a baker that called there occasionally. He never went out in the evening but twice—once on Saturday evening, the first Saturday after he came, to get tobacco. And the Sunday following, he went to church, and the next time he came to get a letter written—the first Saturday he went to a large hotel where there was bushes before the door—he says now that he was mistaken about his going out the first Saturday after he came—it was on Sunday; there were pillars before the tavern—that he returned home that night about 10 o'clock—he was absent that night from Mr. Sayre's about two hours. That on Saturday evening last he left Mr. Sayre's house about 8 o'clock—he went and asked leave to go of Mr. Sayre—he says Mr. Sayre understood some French words, and with signs gave him to understand that he wanted to go to get him a hat, and wanted to see the German, to get him to write a letter for him—he had no communication with the rest of the family, except by signs, and with Mrs. Sayre a little. When he left, to go to town, he, Mr. Sayre was in the kitchen washing his feet, when he asked permission to go to town—there was a small lamp burning at the time in the kitchen—he did not observe any other—he does not know whether Mr. Sayre shaved that evening or not—does not know whether there was any lamp in the entry or not—he believes that Mrs. Sayre was in the front room below stairs. Phebe was eating supper in the kitchen when he left to go to town—he thinks that Mrs. Sayre was hard of hearing, as when they spoke to her they spoke very loud—they burnt lamps and candles both—that on Saturday night last, when he went to town, he went from house to house, to look for the baker, who was the person who promised to write for him—he first stopped at a store, he did not want to purchase anything—he wanted to find the German baker—he staid perhaps an hour in the store—he bought four segars, and three glasses of cider; he then went

round the town, and stopped at the tavern, where he bought a glass of brandy—it was the same tavern where he had been before—he believed they gave him a segar, but he did not ask for one—it might have been so undersold—he passed again near the baker's house, but not finding him, he went home—was not at the tavern over a quarter of an hour—he was absent from Mr. Sayre's house perhaps two or three hours—in returning home he walked sometimes on one side, and sometimes on the other side of the road—he saw no person whom he knew on his way home—the last person he saw on his way home was a person who went into a blacksmith shop, where there were three persons at work, it was where Mr. Sayre's sulky was mending—the person whom he saw last went into the door of the house next to the blacksmith shop, he thinks, he will not be positive, there was no light in the street along where he went—it was near eleven o'clock—he stopped only two or three minutes on his way home to hear the conversation of two or three persons that were talking, was about twenty minutes on his way before he reached the house—he found the oxen in the street and turned them in, and did not go to the barn or stable before he went into the house—he says he did not go to the barn or stable after his return home that night—(being shown a roundabout) he says he had it on, he put it on before going to supper after finishing his work—he put it down cellar where he had his clothing—(a cap being shown him) he says he wore it that night, he left the cap under the back piazza by the kitchen door, (being shown a pair of pantaloons) he says he did not wear them that night, nor that day (being shown a hatchet) he said he used it in the garden trimming that day, and after using it he put it in the piazza or Mr. Sayre put it there, and his great coat under the piazza that evening—(being shown a large club) he says he does not recollect of seeing it before, it was not used to fasten the barn doors at present—that two days before a carpenter had fixed the barn doors—the back doors were fastened with a latch—(being shown a striped vest) he says he did not wear it on Saturday—he wore a black silk waistcoat that day—the last time that he wore the striped vest was on Friday, the day before, and left it in the cellar—he slept in the first room of the cellar, but before, when he slept with Mr. Sayre's other man, he slept in the back room, and when he removed into the first room Mr. Sayre's man that slept with him removed these pantaloons of velvet, into the front room—he carried the pantaloons into the first room, thinks he put them under the bed as a pillow—thinks he wore them on Saturday last, and took them off about two or three o'clock in the afternoon, because they were wet and dirty a digging holes for the posts for the garden gate on Saturday last, the first work he did was to curry the horses and to cut straw, then turn the cows to pasture, then feed the hogs, then breakfasted, after breakfast put a large ladder behind the house, and then cut straw almost till night, when he was called to set the posts, and then went after the cows, they were lost, and he got wet all over—he then changed his pantaloons, and did no other work but clean out the stables—at the time he changed his pantaloons he rolled them up, but does not know whether he put them under the bed or not, as he was called by Mr. Sayre to feed the hogs and afterwards went to dam the water, he watered the horses, and Mr. Sayre gave them their oats—(being again shown the velvet pantaloons) he says that Mr. Sayre sent him to get lime or plaster, he dont know which, it was put into a peck measure or a half bushel measure, and he took it to Mr. Sayre, who mixed up corn with it; he has not observed any white on his pantaloons, he says that on Thursday and Friday Mr. Sayre

and the other man put the plaster on the corn, but on Saturday he, Antoine, mixed it—at noon and in the evening—and that which was mixed in the evening was put under the back Piazza—the barrel of plaster was put under the shed at the barn near the stable, about four or five o'clock that afternoon—he did not overturn the barrel—the other man had dressed and gone off, he, the other man, was in the habit of going off before night every Saturday—(being again shown the pantaloons) he says it cannot be blood that is on his pantaloons—(being again shown the striped vest) he says that the carpenter and the other man can account for the blood on his vest, he frequently bled at the nose, he has a handkerchief somewhere that is full of blood—it is a yellow pocket handkerchief—his nose bled while he was in the garden, he kept on working and did not let his nose bleed on the ground, but used his handkerchief—he has two handkerchiefs, a red one and a yellow one, the yellow one he used on Saturday, (being shown a blue coat) he says he wore it last Sunday a week ago, he left it in the cellar. He says he entered Mr. Sayre's house on his return from town last Saturday evening by the back door, he was only in the house three or four minutes, that is all that evening before he finally quit it. After his return from town he found a light burning in the kitchen, he does not know whether it was the same he left, he cannot tell whether it was a lamp or a candle—there was no lamp burning in the lower entry—there was a light in the front room below stairs—the only difference in the condition of the kitchen was a looking glass on the table—he did not go to bed because he was frightened—because he saw no one in the house—when he started to go into the cellar he was taken with affright—the entry was dark—in going into the kitchen he had a presentiment that he would be murdered, and without seeing any thing to lead to it—it is the first time that he ever had such a fear or dread—when he left the kitchen he started to go down into the cellar, he was affrighted, it was all done in a flash, he turned and immediately went up stairs straight up into the garret, to see if there was any one there—he went into no room on his way to the garret—he saw no person but the girl, who was dead—hn took the candle with him that was in the kitchen—he called out as loud as he could for the girl and for his master—he ran to Phebe's bed and seeing that she was dead, he ran down and in his hurry tumbled down stairs, the candle went out, he cannot tell what covering was on Phebe—for to save his life he cannot tell what wounds she had, he saw the blood and then started, and being in the dark he ran and left the house immediately—said he picked up in haste what he could in the dark, and ran out and went on, it struck twelve o'clock at the first house in the village he first arrived at, it was a clock in a house—he would have looked for Mr. Sayre if he had not seen Phebe—he did not search for the other man—he knew that Phebe slept in the garret, he could see her at the window there from the garden—he says there is a window in that part of the garret, he had never been in the garret before, nor in the front room. When about to start, being in the dark, he picked up what he could find in a small room in which there is a bed on the same floor with the kitchen, near the cellar steps—there was a great many things in a drawer in that room which he took at one grasp—he says if he was to die for it he could not tell what things he took—the watch was the most valuable thing that he took—he took some shirts and a coat and he cannot tell what else—a vest and many other articles he cannot tell what they were, all in the same drawer—some things were in a bag, which he supposes were ear rings—he made no bundles in the house; he found two bags among the clothes

into which he put the clothes, but did not make bundles of the goods until he got to Newark, or this side of Newark, he first put the clothing in a great coat—(being shown a strap marked K 3553) he says he had it in his pocket when he came to Morristown, on Saturday night last, he has had it in his pocket since a week before; he wanted to cut it for to make suspenders, he says he bought it in Germany to fix his travelling bag with—he put all the articles that he took into Mr. Sayre's great coat, and strapped it with a circingle, and carried them so until he got near Newark, when he took this strap marked as aforesaid from his pocket, and used it in carrying the bundle—he found the silver money in the same drawer wrapped up in a sheet of paper—he did not know that he had any money until he arrived at that house near Newark, except his own—he believes that he put the aforesaid marked strap into a bag at the aforesaid house, near Newark—(being shown a bead bag) he says he never saw it before—(being shown an opera glass with a bag covering it) say he dont know that he has ever seen it—he says that about five or six miles from this place, as he was sitting under a tree near the road side a horse passed him at full speed, does not know whether the horse had on a saddle or bridle—nor could he tell the colour of the horse. He says that an umbrella was open under the Piazza when he started, and he took it—that what he took made but a small bundle, and therefore he was able to carry the umbrella by carrying the bundle under his arm—(being shown the gold watch) he says he never knew what he had until he arrived at that house—(being shown a red pocket-book with a clasp) he says that he had one, and thinks that he saw it—he found the gold watch in a little bag among the articles he took—(being shown two visiting card cases) he says that he found them at the house where he stopped to make up his bundle—(being shown a gold hair ring, set with pearl) he thinks that he saw it among his things—(being shown a pair of gold ear rings, broken, and a golden belt hook for a watch, and a ring) says he has seen them before, and found them in a small bag that the watch was in—(being shown a small box with a gold chain in it) he says that he had several small articles and thinks that they were among them—(shown a number of trinkets from a small box in the bead bag) says that he never saw them—(being shown articles taken from the bead bag in a small box) says he believes that he has seen them—(being shown a large breast pin taken from the bead bag) says he has not seen it—(being shown some white stockings) he says he has stockings like them, but did not put them there—he says that he took the coat, the shirts, and all the other articles that he carried from that house except the vest, from one drawer—that he found the vest under the Piazza—when he thought that he heard a noise in the house he ran out of the back door—leaped the garden fence, ran across the garden, and made a half circle to get into the road, and stopped to listen—the reason why he stopped to listen was, that if he should hear his master he would return—he says that he passed from the kitchen through the board fence that was open across the potatoe ground into the rye, and from the rye field got into the road—returned towards the house where the roads forked, and went on—and when he got nearest the house he stopped to listen, and looked at the house—he imagined that he saw something in the house, but did not see any thing but a light burning in the house—he did not walk fast—(on being shown two razors) he said they were his, he shaved himself with them—(being shown a large knife with an instrument used in farering) said it was his—(shown a razor strap about six inches in length) says it is his—(shown a small brass padlock) says

is not certain, he thinks his was a little larger—he thinks there was one in Mr. Sayre's vest that he took hanging under the piazza. He says that in the house where he breakfasted he changed his dress, took Mr. Sayre's coat from among the clothes that he took, and put it on under the piazza—he says it is the great coat that he took from under the piazza—says that he took the tight bodied coat of Mr. Sayre and put it on before he went to the drawer, having first put his roundabout under the piazza—says that he took great coat and all and put it into a bag at the house where he stopped for breakfast—he supposes that they might have seen him—says that there was two small bags which he put into one bag, and carried them in that way, and when he was taken by the sheriff he had but one bag. He says he and Mr. Sayre had no dispute—he had no disputes with any of them—the money that he had in his pantaloons pocket was the money that he got out of the house, except the change of a five franc piece—he did not know the road to New York—he enquired as he went along—he stopped on the way, it was dark, he enquired of a person the way, they said go on.

Being asked if he did not murder Mr. Sayre and Mrs. Sayre, says he did not. (Here the examination of the said Antoine was closed for this day, and I committed him to the custody of the Sheriff of the county of Morris, until Monday next, the 20th day of May instant, for the further examination of the said Antoine.)

Monday the 20th day of May, A. D. eighteen hundred and thirty-three, the said Antoine, by my order, being again brought before me for further examination, on the charges aforesaid—he says, he had seven shirts belonging to himself, he thinks one or two were not marked with the initials of his name, and the rest; were he cannot account for the blood on the shirt that he wore on Saturday, except that his nose frequently bled—while cutting straw on the Saturday in question, as he was whetting the knife the blood ran out of his nose a little, a few drops only; he says, the shirt he had on that Saturday, he took off on the way and put on Mr. Sayre's: that it was among the articles found by the Sheriff; he had but these with him; he did not change the shirt in any house, he changed it in the woods; he cannot tell where it was; persons were passing at the time, and saw him, it was out of the road, over the hedge, it was after breakfast; being shown two white handled knives, he says they were in the pocket of Mr. Sayre's tight coat, cannot tell how they came there, he first discovered them when he changed his shirt, they were in the side pocket, opposite the left arm; he had walked an hour, or an hour and a half after breakfast before he discovered them; he stopped and took tea at the entrance of a long village, paid eight cents for it; they gave him some bread and some fish, they were at breakfast; he says it was scarcely light when he took his first breakfast, it was a piece of bread, and about nine o'clock he got his tea; he did not pay for his breakfast; it rained hard; they gave him a piece of bread, and he went on, it was not a tavern: there was only a woman up at the house; he went in to light his segar; he recollects to have passed a bridge, where he paid for passage two cents; it was not at the entrance of that place where he got his tea, but a good ways this side; it was on the left in going that he stopped to light his segar, and got the piece of bread; he cannot tell what kind of house this was, large or small; being shown a circingle, he says he took that where the coat lay, under the Piazza—he says Mr. Sayre had three saddles, one was in the stable, and this circingle they had put under the Piazza to brush and clean it, with two other saddles; he now says that they were not there at this time, he did not know what had become of them, says he never rode with a saddle; being shown a tooth brush with sealing wax on the back of

it, does not recollect of ever seeing it before; being shown a hair brush, cannot say whether it was in his sack or not; he says all the articles which he took, except the great coat, the tight-bodied coat, the vest and the hat, were in the drawer, he found the hat hanging by the coat, near the kitchen; he said it was dark when he took these goods, as the candle was burning in the kitchen; he put Mr. Sayre's hat on at the moment he made his escape while he was in the house; he says he had but one cap; when he left the house there was a light in the stove-room, the front room; he says when he went up to Phebe's room, he went up to her, he said in German to her, are you asleep? she did not answer, he then touched the cover, saw the blood and ran, the blood was hissing and bubbling at the time; he remembers that there was a long board in the stable, they used it to cover some feed that was there; says that Mr. Sayre fed the horses himself, and he, Antoine, had no occasion to use a candle; cannot tell how that plank was broken; does not know that it was broken; says that he had never used a light or a lantern in the stable, and never knew of one being used there; has never seen about Mr. Sayre's premises a lantern made of glass, in the form of a globe; the only lamp or light that he has seen or noticed, is a small tin lamp used in the kitchen; says he had on his own boots when he was taken; he says he did not know that he had the circingle until he had got several miles from town; the clothes were slipping about, and when he discovered the circingle he bound it around them, having first tied the bundle with the great coat sleeves, a short time before; says that the woman of the house where he first eat in the morning gave him the rope that he had round the bundle, that he made a sign that he wanted a rope, and she went and got it.

Taken before me, }
R. K. TUTTLE. }

The foregoing examination being offered to the said Antoine Le Blanc, he refused to sign it.

Witnesses for the Prosecution.

John P. Feusier, resides in New York, keeps a boarding house at 75 Fulton street, is acquainted with prisoner; came to witness' the 26th of April, remained nearly 3 days. Mr. Sayre called there, and asked witness if he knew of any person who would go into the country and work his farm, showed him prisoner, but could not recommend him, being a stranger; did not see Mr. Sayre again. Mr. Sayre told prisoner to come up the next day, on trial. Prisoner's counsel here requested the court to have the testimony interpreted to prisoner. *By the court*, we know of no law for the court to appoint an interpreter for the prisoner, but as he does not understand our language, the court is willing to allow some one to give prisoner the substance of the testimony, or even word for word, if necessary. Mr. A. Boisubin was, therefore, requested by the court to interpret for prisoner. Witness continued—about the last of April, prisoner left witness' house; stage driver called for him; prisoner's bill was \$1 75, prisoner paid 75 cents; \$1 due witness; prisoner could not pay, as he had no more money; does not know that he remained at any other house whilst in the city; came to witness' same day of his arrival from Havre; does not know whe-

ther he applied to any other for employment; was to leave a pair of boots in pledge, for the payment of the \$1; went off without so doing; cannot designate the stage driver.

Cross examined—Mr. Sayre communicated with witness in English; communicated the conversation of Mr. S. in French to prisoner; paid witness in American money; prisoner told witness, the day of his arrival, the boots were too small for him, and wished to sell them, never saw the boots; prisoner had a bag containing his effects; never demanded the boots of prisoner, but thought Mr. Sayre would pay it; several came over with him; prisoner did not go out much, the others did; six came with him to witness' house in company; knows a man by the name of Merlin, was a cabin passenger in the vessel with prisoner; Merlin has gone to Bogota; at the time the bill was presented, he promised to leave the boots; left there about 10 o'clock.

Direct, resumed—No one but witness talked with Mr. Sayre about prisoner; knows nothing of the business between Merlin and prisoner; prisoner told witness that he was a Frenchman, but spoke German.

Paul W. Piper, sworn. Is acquainted with prisoner, brought prisoner to Morristown in the stage from New York, from the house of last witness, in the latter part of April last; witness paid prisoner's passage in the boat from New York to Elizabeth Town Point; Mr. Sayre paid for his stage fare; does not know why prisoner did not pay his boat fare; witness did so by direction of Mr. S.; left him at Mr. Sayre's.

Cross examined—Do not recollect that prisoner called for any thing to drink on the way; did not go within the house of Mr. Feusier; prisoner left the stage a short time at Springfield; does not recollect of any person in the stage that spoke French; prisoner had his clothes in a knapsack, with straps to go over his shoulders; bundle not very large, weigh probably from 20 to 25 lbs; no communication with prisoner relative to his having money.

Samuel Stansborough—Worked for Mr. Sayre at the time of his death, went there the last week in March, and continued till his death; prisoner first came there on a Saturday, in April. The Sayre family consisted of Mr. and Mrs. Sayre, daughter Mary, Phebe, the coloured servant, and witness, when the prisoner came. Mary left a few days afterwards, probably a week; she went to Newton, Sussex county; did not return until after her father's death; prisoner assisted in removing brush, the first labour he done; prisoner principally laboured in the garden; witness remained with deceased continually, until the murder, except Saturday night, when he went home, and remain-

ed until Monday morning; lived at Basking Ridge, 7 miles; at first prisoner and witness slept together about a week; did not like to sleep with prisoner, as he did not think him decent, being uneasy in bed, and kept witness awake; prisoner was removed to the 1st room to sleep, and witness kept his old room; witness generally kept his door fastened, as he did not like the manners of prisoner; was ugly at times, and would not be instructed; prisoner arose once in the night, went out, returned, and got into bed with his clothes on, whilst they lodged together; it was possible for prisoner to go through the house without knowledge of witness; prisoner was filthy in his manners; never saw him wash his feet on going to bed, although working barefoot; was similarly treated with witness, and eat with him; never saw him drink liquor; appeared to work as if he was accustomed to it; done but little but plant corn and work in the garden; Mr. Sayre could make himself understood by prisoner, in broken French; prisoner would talk and make signs to witness, but could not understand him; knew of no one visiting him; prisoner spent his evenings in the kitchen, generally smoking; does not recollect of prisoner's going out at night; Phebe got the victuals for them; she frequently went to bed previous to the others; Mr. Sayre generally wished all in the house by 9 o'clock; all retired before Mr. and Mrs. Sayre; prisoner and witness generally retired soon after supper; Mrs. S. generally fastened the kitchen door; Mr. and Mrs. S. slept in a bed room adjoining the kitchen, at the end of the hall, about 2 steps from one door to the other. Mr. S. sometimes shaved in the kitchen; has a small glass to sit on the table; shaved in the evening; sometimes wore slippers in the evening; does not know of Mr. S. having but one pair of boots; generally had a tin lamp in the kitchen; there was a lamp fastened up in the hall; was never lighted whilst witness was there; did not notice it the morning after the murder; had frequently seen it, did not know if it was smoked. Mr. Sayre's bed room has but one window, looking to the rear, towards the barn yard; a carpenter was at work there, who kept his tools in the left side of the barn; he had two chisels, one wide, the other narrow; thinks they were in the barn the Saturday of the murder; saw one of the chisels in the house after the murder; witness generally took care of the horses; sometimes prisoner did; taken care of about sun set; knows of no light being used in the stable, but once; had a glass lantern for that purpose; it was kept in the kitchen, on the cupboard, in plain sight. Stable door not locked at night; fastened with a latch and hook; had a club or stick to fasten the door open with, (the club of solid white oak, shown witness,) that is the stick;

last saw it on the Saturday of the murder, near the stable door; deceased had two horses, the mare a light gray, the horse dark; kept in the stable, and fastened with ropes; the mare stood near the door; the mare was the most active, and best riding beast; Mr. Sayre generally used her. Was a large heap of manure in front of the stable; a load or two had been taken the week previous to the murder; the barn is a few rods from the house, towards the town; the stable beneath the barn, and the door at the corner, towards the house; a shed projects from the barn, towards the house, and opens towards the stable door; a barrel stood under the shed, with ground plaster in it, about half full; was placed there about ten days previous; was there the Saturday evening in question; on Sunday morning it was turned over, and rolled 8 or 9 feet from its former position; it had been rolled in an ascending position; the plaster was procured to put on the corn, &c.; was at deceased's house the whole of Saturday, excepting about an hour, he came to town to shell seed corn; prisoner was occupied principally that day at cutting straw in the barn; in the afternoon prisoner assisted in putting up a ladder against the house; towards evening, Mr. Sayre, prisoner, and witness, went to set a bar post; witness fed the horses before he went home, about 6 o'clock; prisoner was then around, not doing much; prisoner went after the cows after the fence was repaired, but did not get them; prisoner wore a pair of black velvet pantaloons that day, and his blue frock; the manure was thrown out of the stable a few days previous to the murder. At 1 o'clock court adjourned for 1 hour.

2 o'clock P. M. Court met; Stansborough's direct examination continued—A pair of pantaloons exhibited to the court. Witness, those are the pantaloons worn by prisoner; at half after 6 o'clock on the night of the murder, prisoner had them on; he believes the vest also in court; at that time prisoner was feeding the hogs; a saddle and bridle were in the stable when witness left there, hanging on the left hand of the door as they entered; a circingle was presented; does not recognize it, probably belongs to one of the two side saddles in the house. No plaster sown or used that week; that in the barrel was for the use of the corn; when witness left there, deceased and prisoner were at the hog pen; Phebe was returning home from town, when witness met her; Mrs. Sayre was in the kitchen; the hatchet presented in court belonged to deceased, and was usually kept on the back piazza; had seen it there on the Saturday of the murder; the knapsack presented in court was the one prisoner brought his clothes in; goat skin, dressed with the hair on. A person standing at the stable door, could not be seen from the

street, or any neighbouring house, as the shed obstructs the view; it is a retired place, and woods below it.

Cross-examined. The hatchet presented is the only one used about the premises; witness put in the helve; planted the corn in May—the week of the murder; rolled the corn in the plaster; prisoner dropped some, and deceased also; dark night of the murder; rained some during the day; never saw prisoner on horseback; the horse the most gentle; plaster in the yard where the cows run; stood against the side of the stable under the shed; witness complained to Mrs. S. of prisoner, and Mr. S. altered his lodging; deceased gave no liquor to his hands—only cider; witness drew cider when he wished it; no misunderstanding of import between prisoner and witness, except the Saturday in question, when witness wanted the box to cut straw; does not recollect of any except this one. A daughter of deceased left there previous to prisoner coming; black man named Martin ran away from deceased a short time previous to the arrival of prisoner—probably a week; knows of no difference between Martin and Mr. Sayre; Martin was a servant in the family; never have seen Martin since his elopement; Martin ran away in the night; he was about 19 years of age; there are no marks on the chissel spoken of by which he could swear to it, but judge from general appearances; does not recollect how long previous to the murder the carpenter worked there; plaster had been sown on the oats; prisoner had sown no plaster; it was talked of that witness's wife was to come and stay there, and clean the house; prisoner's bed was prepared for him previous to talking of witness's wife coming; cannot swear positively he had the vest on in the afternoon, or any part of the day; had his frock on when he went after the cows; had no waistcoat on over his frock; Phebe was Martin's sister.

Examined Direct. The front room was the usual sitting room; lamp in the hall below would shine above; never saw prisoner's nose bleed; the strap presented has the appearance of one in prisoner's possession, with his other articles; belt marked "K. 3553;" belts of the knapsack marked the same manner, were all white buckskin tanned.

Nathan B. Luse. Witness first saw prisoner either one or two weeks previous to the murder, on a Saturday night; came for something to drink; next time saw him at his house, on the night of the murder, from nine to half-past nine—prisoner took a glass of brandy and water and a segar; remained in the bar-room about ten minutes; Mr. J. Wilson, Mr. Ford, Joseph Brown, D. C. Martin, C. Robertson, and others, were in the room at the time; was very mannerly when he left the house; wore

a blue-mixed round-about, and similar pantaloons; did not particularly notice his dress; he next saw him at the half-way house between Newark and New York, between twelve and one on Sunday, the day the murder was discovered; witness was talking with the landlord relative to the murder, and on turning to go to the door he discovered prisoner on a bench in a corner near the door; stepped up to prisoner and asked him where he was travelling; prisoner looked up—witness told landlord this man was the murderer, at which time the sheriff and Mr. Z. Drake arrived; prisoner attempted to go out of the back door, but was prevented; was taken to the front door where his bundles were; in his bundles, the first article was a blue frock coat of Mr. Sayre's—next, a shirt with deceased's name marked on it; prisoner was tied and searched; in his pocket were one or two small pocket books or wallets, with the name of the family, as also visiting cards; the ladies' kid mitts shown, marked with the name of Mary Sayre, were taken from his vest pocket; tooth brush, watch chain, seal and key, buckles, thimble, hair brush, two case knives with ivory handles, ear and finger rings, pillow case marked S. S. S., several pair of woollen-stockings, &c. &c. were taken from the pillow case witness opened; there were two pillow cases filled and tied together; first stopped at Drake's hotel in Newark; arrived at Morristown a little before sun-down; was in Newark about two hours; witness went with Sheriff Ludlow to Newark; he took a sulkey and went towards New York, a few minutes in advance of the Sheriff and Z. Drake.

Cross-examined. Prisoner could see witness when he first went into the tavern where he was arrested; did not rise from his seat until witness tapped him on the shoulder; was in about one minute before he saw prisoner; the front door was open; the bundles were on the front piazza; prisoner appeared fatigued; the small articles were taken from his pockets; the watch was in the prisoner's vest pocket.

William H. Wetmore. Saw prisoner before; was at witness's store, and purchased cider and segars the evening the murder was committed; paid for the articles a five franc piece; had on a black cap, similar to the one presented.

Joseph Brown. Saw prisoner at Luse's hotel, on the evening of the murder, about half-past nine; he called for brandy; had on a dark round-a-bout coat, dark cap, dark pantaloons; witness left the tavern about 10 minutes after prisoner, and it was 10 minutes of 10 o'clock when he got home; distant about a quarter of a mile.

Cross-examined. Prisoner was in the tavern about 20 minutes; prisoner's pantaloons darker than the coat.

Daniel C. Martin. Saw prisoner at Luse's hotel, on Saturday evening the 11th May; had a dark hair cap on his head, a dark round-a-bout coat; and dark pantaloons; striped vest, similar to the one exhibited; prisoner came into the tavern about nine o'clock; as he was a stranger, witness took particular notice of him, and also as to his manners, &c.

Cross-examined. Do not know whether the pantaloons were wet or dry; was very polite when he left the room—bowing to those in the room.

David B. West. Resides on the Reeves farm, adjoining the farm where S. Sayre resided, and beyond it; was in town until nearly 10 o'clock on Saturday night, 11th May, and left for home with Edward N. Rogers; overtook C. Robertson and J. Wilson, near J. Wood's house; parted with Robertson and Rogers at their residence, between town and Mr. Sayre's; at the time of parting with them a clock struck 10; continued on homewards; parted with J. Wilson at his house, also this side of Sayre's; Mr. Wilson's house is on the opposite side of the street from Mr. S.'s; continued that side of the street until opposite Mr. S.'s, and crossed on a small bridge from the walk to the road; Mr. Sayre was sitting by the window, and Mrs. S. about the centre of the room; there are 2 front windows in the room; the window up was nearest the town, at which Mr. S. was sitting, reading a newspaper; did not perceive Mrs. S. doing anything; was from five to 10 minutes going from Mr. Rodger's to Mr. Sayre's; saw no window blinds; the town clock struck 10 about the time witness parted with Mr. Wilson; saw a white-faced ox rubbing against the barn in the yard; was well acquainted with Mr. S.; saw no light in any other part of the house; believes a candle was on the chimney piece, and one on the table at which Mr. S. was reading.

Cross-examined—Mr. Sayre had on no coat, a dark vest, no hat; a dark cloudy night; could not well distinguish a person across the street; was on the opposite side of the street, where he saw the ox.

Edward N. Rodgers, recollects returning to his house in company with D. B. West, on the evening of the 11th of May; saw Mr. Martin, Mr. Wilson, and Mr. Robertson; as witness opened his door, his clock struck 10; did not hear the town clock strike; it is a little over a quarter of a mile from witness' house to Sayre's.

Cross-examined—It was a cloudy evening, might discover a person 4 rods.

Moses Cherry, has had the charge of the town clock for a number of years; regulates it every Sabbath morning; regulated

it the morning of Mr. Sayre's death, was 4 minutes too slow; regulated it by Luse's time, which is considered correct.

George Johnson, was fishing on the night Mr. Sayre was murdered, with Isaac Cole and Lewis Jagers; started to go about 7 o'clock; passed Mr. S.'s house in going, saw nothing to attract notice about S.'s house; went to Post's pond, about 3 miles from town; left the pond after 12 o'clock; went down in a one horse wagon; left the wagon at Mr. Ogden's, a quarter of a mile from the pond, this side; had 2 time-pieces in company; walked to the wagon; the horse was put to the wagon, and came directly home; passed Mr. S.'s house on their return; saw a man inside the house as they passed, through the window next the piazza; came from the hall to the window, and looked out as they passed by; the person had on a dark coat; did not notice whether it was Mr. Sayre or not; was a light in the front room and hall; the wagon made some noise; the window-blinds were partly up; lives about 200 yards towards town, from Mr. S. in the same street; sometime after he got home, looked at the time, which was half past 1; nearly half hour after he got home; there was a dim light over the hall, up stairs; very bright light in the hall; could discover it as the door was open leading from the hall.

Cross-examined—Saw the light over the door below, a fan light; the light in the room appeared to be in the centre of the room; the man had no light in his hand; first saw the light as they came to the garden, a short distance from the house, from the end window; drove home pretty fast; set on the opposite side of the wagon, from the house; the person continued looking from the window for some time; some remarks made as to the light in the house, at that hour; dim light at the other window; the blinds probably being down; the person appeared to be middling sized; dont recollect as to having on a hat; heard no noise around the house; came to the window as they passed, and looked directly out; noticed no cattle about the house or barn; the rattling of the wagon could be heard in the house; formed no opinion at the time as to whom it was.

Isaac Cole, was fishing in company with Johnson, on the night Sayre was murdered; when they left the pond it was a quarter past 12 o'clock; was 10 or 15 minutes going to the wagon, and getting the horse ready; about 3 miles from where he lives to the pond; as they approached the house they discovered a light in the house, and thought it a late hour for the people to be up; as they got opposite the house, some person passed from the hall to the front room; witness turned his head as the person came into the front room; saw a dim light in the 2d story, over the hall; saw no light only where he has mentioned; thought the

man had on a dark dress; was a common sized man; about the size of prisoner; the hall was lighted up.

Cross-examined—Saw a bright light in the hall, when coming up; saw no lamp or candle; drove pretty fast; did not look at his watch until he went to bed; Mr. Sayre was about the size of prisoner; when witness went to bed, it wanted 20 minutes of 2 o'clock.

Lewis Jagers, was in company with the two last witnesses; was not quite 7 o'clock when they passed Mr. Sayre's, saw no one there; quarter past 12 o'clock when the horse was ready to start, by his watch; first saw a dim light in the 2d story window, at the gable end; saw a light in the front room and hall; a man came from the hall into the front room, and looked out; had on dark clothes; cannot tell whether a long or short coat; no hat; bright light in the hall, as also one in the front room; a short time after he got home, looked at his watch, and found it 25 minutes past 1 o'clock, not more than 2 minutes after passing Mr. Sayre's.

Cross-examined—Saw no candle any where, only the light. At 7 o'clock court adjourned until 8 to-morrow morning.

Aug. 17, 8 o'clock, court opened.

James W. Wetmore, sworn—Saw prisoner the evening of the murder, about half past 8 o'clock; he was in the store about 15 minutes; he drank 4 glasses of cider; gave witness a 5 franc piece in payment; dont know which course he took when he left the store.

Cross-examined—Four of the glasses would make 3 half pints; pretty hard, strong cider; saw him have no other money.

Lewis K Halsey, resided in the house owned by Jabez Rodgers, on the 11th of May, in South street, 100 rods from Mr. Sayre's, towards town; on the morning of the 12th of May, passed Mr. S.'s house about half past 6 o'clock, after his cow and calf; went down on the side of Mr. S.'s house; running down; went about 40 rods towards Mr. Ford's woods; on his return, found a bundle of clothes on the old road, a little before its junction with South street; a pretty good sized bundle, wet and heavy; with a buckskin strap buckled around it; the one presented was the one; (same as recognized by Stansborough, as prisoner's); as witness returned, on the side of the house towards town, picked up a black cloth coat, and bombazine do., black cloth pantaloons, flageolet, a piece of black silk, a piece of calico, 3 handkerchiefs, yellow pocket handkerchief; the pantaloons were in the strapped bundle, one of the legs hanging out; in the strapped bundle were 4 coarse linen shirts, marked A. B., with red thread, in the breast; no fine shirts in it; flannel waistcoat, yellow vest; the strap was loose, as if articles had fallen from it.

Picked up, also, a small white handkerchief, marked Sayre, and a flag silk do.; brought the whole to Mr. Rodgers' shop, near witness' dwelling, and spread them out on the logs; some of the neighbours examined them; whilst witness was breakfasting, the neighbours went to S.'s house, and as witness went down, met Mr. Robsetson, who told him that the family were murdered.

Cross-examined—There is a deep gully where the articles were found, sufficiently so for a person to get on a horse; the scattered articles found nearly opposite the lane leading to the stable, first found them 10 or 12 feet from the bridge spoken of by West; they were lying in a circular form, as if they had been dropped by a person going round; the flageolet was in the middle of the road, and the last article found; the gully is a place where there is little or no travelling; the clothes were all wet, both in the strap, and those scattered; the gully spoken of, is a water course.

Collin Robertson—Lives in South street, quarter of a mile from Mr. Sayre, towards the green; on Sunday morning 12th May, rose half past six, the young woman called witness and stated that something unusual was going on opposite at Mr. Rogers'; went over, and asked Mr. Rogers what was the matter; after some conversation, requested Mr. R. to go to deceased's house with witness, as probably the house was robbed; they went, first thing they saw was the barn doors open, fronting the road; cows and oxen in the yard, articles in the barn in confusion, the cattle having been in; stated to Mr. R. this was unusual for Mr. Sayre; they passed to the gate leading into the stable yard; in that passage found a japanned lamp lying on the side on the ground; a few steps further discovered a horse with a rope around its neck, in a lot adjoining the stable yard; the large gate leading from the stable yard to the lot, was open; went to the stable, found the door open and the other horse missing, also the saddle and bridle, supposed the horse stolen, and the house robbed, saw a glass lantern lying on the side in the stable, under a plank which reached from one side of the stable to the other; no floor to the stable, grease on the plank as if a spermaceti candle had been stuck to it; if a candle had been placed there, light would shine out the door under the shed; on going to the house, they discovered the large gate open at the street, leading from the stable yard to the street; observing some articles there, they went up the lane and found a part of a large paper of tobacco about midway to the street, a round hair brush with a glass in the back of it, the one presented to court was the one, or similar; a blue cloth coat, the one prisoner now has on, hung the coat on the fence, two black silk handkerchiefs were also found; near the

under the shed, witness found a hatchet lying on a shaving horse, also the blue mixed round-a-bout coat presented; the hatchet is the same recognized by Stansborough, saw some plaster spilled under the shed, and barrel lying on its side; they went to the front door and knocked repeatedly pretty hard, and called also, but no answer given. Mr. Rogers went after Jacob Wilson to go into the house with them; Mr. R. returned with Mr. Wilson and a Mr. Camp. Whilst Mr. R. was absent, went to the rear of the house, and there saw a German pipe on a bench on the stoop; lifted the kitchen door latch, and found it was not fastened, returned to the front door until the others came; the front door was locked; Mr. W. came, they all went around the house and in at the back door; Mr. W. took a dung fork in his hand by way of precaution; on the kitchen table was a dressing glass, and a cravat nearly under the table, also a pair of coarse men's shoes under the table, the quarters down; a decanter of some kind of liquor was on the table, they went into the hall, saw nothing material until they came to the bed room door at the end of the hall, about 4 feet from the kitchen door; in that room the secretary was broken open, the papers, clothing, &c. scattered around, one or two of the draws broken; a carpenter's chissel was lying on the secretary, the draws open and contents principally taken out; the clothes of the bed were turned down from the pillow as if a person had been preparing to go to bed; the bed not tumbled; from thence to the front room and saw nothing in much disorder; went up stairs and there found a large quantity of bedding, men and women's wearing apparel of every description in great profusion, on the floor; there are three rooms up stairs leading this hall; handboxes were emptied of their contents on the floor in the hall, the doors up stairs were all open, some trunks in the hall broken open and contents turned out, a blue paper curtain hung at the front window in the upper hall; the back room over the kitchen they first went in, there was a bureau with all the locks broken, the draws partly out, and mostly of the articles apparently removed to the hall; in the upper hall found a set of silver teaspoons lying together, but not tied, found all in disorder in the other rooms; from thence they went to the garret; as witness got on the floor, discovered the feet of Phebe projecting from beneath the bed clothes, saw a large quantity of clothes on the bed, and a buffalo skin over all; took the articles off, and found her dead, the buffalo skin was over her face, a large quantity of blood and froth was lying in the bed as if it came from her mouth and nose, two gashes or holes in the temple, similar to those made by a pitch fork; told Mr. W. the girl was dead; going down stairs suggested that the alarm

be given in town; witness took the horse, rode through, gave the alarm; was absent probably half an hour; saw no marks of blood about the house except in the bed of the black girl. The stable is about 25 feet long, and from 10 to 12 wide, the top of the stable is not as high as the street; lights in the stable door could not be seen from the street; from the street could see no one at the stable door; the shed projects 20 feet or more from the stable door: it is what is called a *cellar stable*.

Cross-Examined—There is a window at the gable end of the house below, saw Yankee blinds to it afterwards; stable had but little litter or manure in it, the shaving horse was in its usual place, the dark gray horse was in the lot in the morning; the spoons were discovered in the midst of the articles, in the upper hall; after his return, saw a table set of silver, tea and coffee pot, sugar dish, milk cup, sugar tongs; first saw them in a closet in the lower front room, noticed no other articles of silver in the house; believes the blinds in the lower front room were raised; one of the windows in the upper front room was raised, the other was down, and the paper curtains all rolled up, is not certain; the third window, at the gable end towards town, witness believes was up; three windows in the lower front room, the two front with venetian blinds, the end, paper; the rope around the neck of the horse was long enough for him to use as a bridle, and appeared to have been untied; there were no tracks of cattle in the plaster on the ground; a ladder was up to the west gable end of the house, very heavy, and about 30 feet long, could not be managed by one man, no; near enough for a person to enter the window, is not positive as to its position; deceased was a small man, not quite so tall as the prisoner; prisoner could go from his bed room to the cellar, and thence out of doors, or up stairs into the lower hall. Prisoner was dressed when at Luse's on the evening of the 11th, similar to what he had seen him wear previous; pantaloons darker than his coat; prisoner had no appearance of intoxication; the pipe presented witness believes is the same he found on the rear piazza.

Examined Direct—The round-a-bout exhibited is the one witness found on the shaving horse under the shed, and the same prisoner had on the evening previous at Luse's.

Jabez Rodgers. Resides in South Street, a quarter of a mile from deceased, opposite Mr. Robertson's; went to the house of deceased on Sunday morning, with C. Robertson; the reasons for going were similar to those given by Mr. Robertson; first observed a glass on the kitchen table, a razor partly open, lather box and brush, a decanter of liquor near the end of the table in rear of the glass; merely looked in the front room to see if any

as there; a liquor case was in one of the rooms broken; fully corroborates Mr. Robertson as to the situation of the interior of the house; believes it would take 2 or 3 hours to commit such a depredation; it would take a persons 5 minutes to walk from E. N. Rodgers to the bridge nearly in front of deceased's house; it would take about 20 minutes to walk from Luse's to the house of deceased—about 3 quarters of a mile; the impression of witness that he picked up the pipe in the stable-yard, and put it on the rear piazza of the house—it was either the pipe or the lamp; the plaster was scattered in something of a circular manner; the track of a man's shoe was discovered in the plaster under the shed; thinks the lantern was laying on the plank; it was a dark and cloudy night; rained before morning.

Cross-examined. Took particular care about avoiding to tread in the plaster; saw some remaining in the barrel; it did not strike them forcibly on discovering the plaster; went under the shed when they came out of the stable; saw several prints of person's feet on the edge of the plaster; took no measurement of the size; discovered the tracks immediately on going under the shed; does not think it possible witness or Mr. Robertson could have made the tracks; corroborates Mr. Robertson as to the windows; will not be positive, but believes the plaster barrel was standing up, either the first or second time he saw it.

Jacob Wilson. Was at Luse's hotel on the evening of the 11th May; prisoner came in after 9 o'clock, and left there about half past 9, about 5 or 10 minutes previous to witness; it was 10 when witness arrived at his own door; Mr. Sayre's house is about 350 yards from the residence of witness; went to the house of deceased on Sunday morning; fully corroborates the two last witnesses; saw one or two handboxes in the upper hall, empty; the upper hall was the principal place of deposit, but articles scattered in the other rooms; it must have taken 2 or 3 hours to have broken the locks, and examine the several articles, and make selections; the room in the rear of prisoner's was locked, the only one he saw which was not broken open; the large trunks in the garret where the black woman was killed, were broken open, and contents taken out; no partition in the garret; a quantity of lumber was near the house; deceased was about building a kitchen.

Cross-examined. Do not recollect the situation of the windows; prisoner had on the coat presented at Luse's; had seen him wear it previous; when prisoner came into the bar-room, some one asked who it was, when witness replied he lived with Mr. Sayre; prisoner took water with his brandy.

William Jagers. Was at Mr. Sayre's on Sunday morning,

12th May; went down with Alexander Robertson and others; went about a quarter past 7, on account of Mr. Robertson's informing them that the black woman was killed; went down the lane leading to the stable yard; on going to the stable door, Alexander Robertson discovered calico under the straw, and said he found some more clothes; on pulling it witness saw the leg of Mrs. Sayre; they also saw the feet of Mr. Sayre projecting from the manure; they went up to the gate until others came, and then went back and dug the bodies out of the dung heap; Mrs. Sayre was lying across the front of the stable door, and a horse could not easily be taken from the stable without walking over her; Mr. Sayre was lying 6 or 8 feet further out; feet towards the stable door; Mrs. Sayre had an old hood on her head, and one coarse shoe on one foot; saw wounds on the head; Mr. Sayre had on a straw hat, and coarse boots on his feet; his pantaloons had not been pulled down after putting on his boots; wounds on his head and temples; his arms were drawn back over his head at full length; had a silk pocket handkerchief around his neck; had the appearance of being dragged from towards the stable by his hands to the left in the manure; the head of Mrs. Sayre was lying towards the head of Mr. Sayre; if Mrs. Sayre had been drawn to where she lay, she must have been drawn from under the shed; the plaster spoken of was about 10 feet from her feet; the club was near the corner of the stable, near the door; the one presented witness believes is the same; the hatchet present was lying on the shaving horse; the bodies were drawn a little down hill in the manure; Mr. Sayre was buried the deepest; the bodies were taken into the house soon thereafter; taken into the kitchen; Mr. Sayre had on mixed clothes; Mrs. Sayre had on a calico gown.

Cross-examined. Knows not whether Mr. Sayre was in the stable that night; saw no marks of his having been dragged; supposed he was dragged into the hole from the circumstance of having his arms over his head; blood on his face when discovered; appeared to have run from the temple; the position of his body was about level; saw no blood about the plaster; the plaster was lying in a circle; did not suspect Mrs. Sayre had been dragged away—but, if so, must have been from the direction of the shed; blood around her head; her arms were lying in front of her; the bodies were fully dressed.

Examination direct. Mr. Sayre's hat was drawn down almost over his nose; saw a candle on the plank; believes the coat in court was the one on the shaving horse.

Alexander Robertson. Was at the house of Samuel Sayre on Sunday morning, 12th of May; went there on account of the alarm of murder; went there about 7 o'clock; went into the lane

leading to the stable yard, and saw a silk handkerchief, then a coat, then some calico, as witness thought, and said there were more clothes in the dung heap; a small piece of calico appeared; took hold of it to take it up, and found it was Mrs. Sayre's frock; some one observed there was Mr. Sayre's boot, then went to the lane, and informed the people the bodies were found; was then sent to Bottle Hill, to inform Archibald Sayre; got home as they were taking the bodies into the house; the coat presented (the one identified on prisoner at Luse's the previous evening) was on the shaving horse under the shed.

Dr. John B. Johnes. Was at the house of deceased on Sunday morning, 12th May; the alarm given of the murder induced him to go; Mr. and Mrs. Sayre were on the dung hill in the yard, and the coloured girl in bed in the garret; Mr. and Mrs. Sayre were taken to the kitchen, and examined in company with Doctors Canfield, Cutler, and Condict; the wounds on Mr. Sayre's head were in two places; one on the left side of the head, a bruise in the flesh sufficient to draw a little blood, but not break a bone—sufficient to knock a person down; appeared to have been done with a blunt instrument, but not heavy; a blow on the forehead sufficient to change the appearance of the face, crushing in the bones at the junction of the nose and forehead; no skin broken; the nose and forehead bones broken and depressed; altogether much shattered, so much so that the brains were forced from the nostril; some of the brains were taken from off the breast; the fracture on the forehead sufficient to produce death, and no doubt produced the death of Mr. Sayre; undoubtedly repeated blows were made use of; the club presented (heretofore identified) was sufficient to produce death, and the indentation of the bones would lead them to suppose it was produced by a bludgeon; on Mrs. Sayre's head were several wounds; on the back was one which bruised through to the skull; a round opening, the size of a shilling, as if done with a stick; on the left side of the head one similar to the first one on Mr. Sayre's, but bruised through the skin; on the forehead were two marks similar to one made with the corner of the head of the hatchet; on the right temple Mrs. Sayre had a severe blow which fractured the bone from the cheek to the eye. The wounds on Phebe first presented themselves as if she had been stabbed in the left temple, being a hole about the size of a goose quill; on opening the scalp the left temple bones were all shattered, as if done with a blunt heavy instrument; had also a wound on the left side of her head similar to that of Mr. Sayre, and the skull fractured; blood had issued from her nostrils apparently rapidly, as on the bed near her face was a large quantity of froth, say a quart; in the rim of the left ear was an incision; appeared to have been made by a sharp instrument, but very little blood; from the nature of the wounds she

must have been killed instantly, as apparently she had not moved even a muscle; a great many arteries in the head evidently were instantly opened; life necessarily is not taken when suddenly stunned; it is not possible for a person to commit the deed, walk down stairs and immediately back, and find her gasping; but if one went down and another up, and find her gasping, they must have met on the way; the quantity of froth designates the rapidity of the flowing of the blood, and the suddenness of the death; she lay in bed as if asleep, and a person would so consider her if no blood or wound was perceptible. When first saw Mr. Sayre, his arms were stretched above his head, and had the appearance of being much strained; the blows on Mr. and Mrs. Sayre were very similar on the left side of the head.

Cross-examined. The wounds on Mr. S. appeared to have been inflicted with the same instrument; on the head of Mrs. S. were 5 different wounds; the one on her forehead was evidently done with an instrument having a square corner; the others may have been done with the same instrument, if struck square; but the one on the side and back of the head were similar to those on Mr. S.'s, but the skin was cut through; much blood was in Mrs. S.'s bonnet; it is possible the wounds on both were made with one instrument; but the one on Mrs. S. was evidently done with a cornered instrument; the blows on the head of Phebe resembled those on Mr. and Mrs. Sayre, on account of appearing to have been done with a blunt instrument: she had a long fracture, some 2 or 3 inches, extending from the temple to the ear; the long wound could possibly have been done with the side of an axe if struck fair; judged Mr. S. had been dragged, from the appearance of the position of the hands, and having discovered blood in the stable about 8 inches in diameter; had a recent appearance of being placed there; could not have been there long, or it would have been disturbed and scattered around more; appeared to have remained as it run from the wound; the blood must have come from the nostrils of Mr. S., if it came from him at all; the stable door sill is raised its depth from the ground; about a half pint of blood ran in the stable; the blood on the door sill had the appearance of having been wiped off by drawing Mr. S. over it; the hole was dug below the manure to cover the body of Mr. S.; the spots on the vest presented, were spots of blood, and could have proceeded from the nose of Mr. S. when struck on the forehead; the spots on the pantaloons have the appearance of blood; the white on the bottom is apparently plaster: the grease on the vest and pantaloons has the appearance of coming from a spermacetti candle—similar spots could have proceeded from a rapid and sudden bleeding of the nose, or blowing of the nose whilst bleeding; did not see the vest in two weeks after the murder; the bodies appeared to have been dead

some hours—equally rigid and stiff. Witness's opinion was, that the blows on them were first on the back of the head and fell, afterwards the others.

Dr. Isaac W. Canfield. Was at the house of S. Sayre the morning after the murder was discovered; examined the wounds on the corpses; concurs with the statement made by Dr. Johnes; believes the club presented was a proper instrument for committing the murder; the hatchet *could* have been made use of; the witness's opinion was at the time, and now is, that they were first knocked down by the blow on the side of the head, and then dispatched by those on the forehead; the principal one on her was on the right side of the head, near the eye and temple; she had evidently received several glancing blows; on Phebe's head was a severe wound on the left temple; the bone fractured extending to the ear; she was lying on the right side in a sleeping posture, and apparently had never stirred after the blow was given; the system must have been immediately paralyzed; the head of the hatchet in court appears to have been the instrument to have given the death blow, or blows followed up with a club; it is not within the range of possibilities, that after the severe blow, a buffalo skin could have been spread over her, a person go down 2 pair of stairs to the street, come up again, and find her gasping.

Cross-examined. The blow on the side of the head did not probably produce death with Mr. Sayre, but stunned him; was sufficient to prevent an outcry from him; they had been dead evidently several hours previous to the examination; Mr. S. was more bloated than Mrs. S.; it is *possible* that a person could have gone from the lower room to the garret, and found Phebe gasping; she could not possibly have lived over 3 minutes.

Examination, direct. Saw the vest soon after the murder; the spots were blood, and much plainer than now; the bottom of the pantaloons was covered with plaster, or something similar to it, and much plainer than now; the blood spots on them was also much plainer; the plaster has been much shaken off since; saw the clothes a very few days after the murder; observed the incision in the left ear of Phebe.

William A. Carmichael. Was at the premises of Mr. S. on the morning of the murder; saw blood on the straw and hay in the stable, 4 or 5 feet from the door; saw the blood in but one spot—a place as large round as the crown of a hat; took the straw in his hands to examine more distinctly; the blood appeared to be fresh; was there between 8 and 9 A. M.

Bernard McCormick. Was at the house of Mr. S. on the morning in question, about the time Mr. and Mrs. S. were discovered; went into the room of prisoner and Stanberry; the latter was not fastened; it was some time after his arrival before he went down; Stanberry was there some time previous; did

not observe the liquor case until the following day, when he saw that the lock of it was broken; had charge of the house with others, 8 or 9 days; saw no trace of blood in the house except in the garret; was in prisoner's room; bedstead, bed, and chest in it; examined the chest and found a piece of crape similar to what was worn on Mr. S.'s hat; behind the chest found an opera glass, and a note given by John Crissey to Sally Crissey, for \$152, dated Feb. 3, 1815; (the name of the former Mrs. S. previous to her marriage); found the vest and pantaloons (now in court, and previously spoken of) spread under prisoner's bed, on bed-quilts, which rested on the bed cord; found these articles on Monday following; were spread on the quilts; there were old strips of rags in the chest also, with a pair of old suspenders; don't recollect of any thing else; gave the clothes in the charge of the sheriff; Mr. S. apparently had been shaved the previous evening.

Joseph Fairchild. Was at the house about 7 on Sunday morning after the bodies were found; saw a coat on the fence, from the pocket of which witness took a hair brush and a book; the coat is the one the prisoner now has on—dark blue; was one who took charge of the house; remained 11 days; was present when the vest and pantaloons were found; saw the blood on the articles much plainer when found than now; the white on the pantaloons was much higher up, and more on than now; thought at the time it was plaster; thinks it was Wednesday the opera glass was found behind the chest; the note was *in* the chest, as also a pair of shoes said to belong to the prisoner; the ladder was about one-third the distance from front to the rear of the house; on Sunday evening endeavoured to light the lamp which was fastened to the ceiling of the stair way; it would throw light into the upper hall; the glass of the lamp was very black; there was considerable oil on the floor under the lamp.

Cross-examined.—The clothes were nicely spread under the bed on the quilt; the book was a French Roman Catholic prayerbook; got the oil from the kitchen to fill the lamp; it was in a decanter.

Examination, direct. The circle of the plaster was about 10 feet; the barrel was on end when witness saw it; Stansborough's room was locked when witness first went there; it was open afterwards; witness is a blacksmith; prisoner brought to his shop a pair of sulkey wheels to be repaired on Saturday; on Saturday evening witness was at a singing society; it broke up about half-past 9, and went directly home; got home before 10; the shop is nearer the green than the house—the next door.

Cross-examined. No other door in the house had locks except the front door and upper front room, except Stansborough's.

William Kirk. On Saturday evening previous to the murder was at the singing society, at B. A. Sherwood's; Mr. J. Fairchild was there; broke up about half-past 9.

George H. Ludlow, Sheriff. Was at the house of Mr. Sayre on Sunday morning, 12th May; the bodies of the deceased had just been discovered; the plaster under the shed was similar to that described by the other witnesses; did not observe that it was shuffled about; most of it under the shed, and extended outward towards the stable door; thinks the barrel was lying down; saw the plank in the stable; saw nothing on it of consequence; remained on the premises but a short time; suppose it would require a person at least three hours to derange the house in the manner it was; the lamp was attached to the stair casing about 6 feet high; would illumine the upper and lower hall; saw no lock in the house but what was open; every drawer or trunk in the house was forced open; the drawers generally apparently were forced open with a chisel about one and a quarter inch in width; some of the locks appeared to have been driven in; the note spoken of by Mr. McCormick was given witness by Mr. McCormick; on Monday after the murder was informed of the discovery of the pantaloons and vest; the spots and other marks on them now not so bright; the bottom of the pantaloons covered with plaster nearly to the knees, when first discovered; have frequently been examined since; Mr. S.'s private papers were in and about the secretary in his bed-room, all displaced and in confusion; some on the floor; subsequently found \$180 in paper money, in three parcels, and \$3 in specie.

Adjourned to 9 o'clock on Monday morning.

Monday, 9 A. M. court met. George H. Ludlow still under examination. The lamp in court is the one attached to the stair case in the lower hall of Mr. Sayre's house, it is one of unusual structure, and requires much skill to prepare it; witness went in pursuit of prisoner on the 12th May; started nearly 10 A. M., in company with N. B. Luse; went to Newark—there changed horses and took Z. Drake; went towards New York; Luse passed them; at the half-way house Luse came to the door as they drove up, and said he believed they had the murderer; witness went in, and prisoner was sitting with a part of a glass of cider; Mr. D. and Mr. L. took hold of each hand and led him to the door; witness took from his vest pocket a small gold watch, and a pair of ladie's kid mitts marked Mary Sayre; in his vest pockets were 3 small pocket books—articles of jewelry, trinkets, &c., finger and ear rings, gold watch, chain and seals, silver thimble, &c. &c.; ladie's gold watch hook found next day in prisoner's pantaloons pocket; the watch presented is the one in his vest pocket, with ribband around his neck; steel for striking fire; jack knife, and 2 razors; 2 case knives in the breast coat pocket on prisoner—the coat belonging to deceased; the hat of deceased on prisoner's head, with the name in it; black cloth vest of deceased; pair of black pantaloons in one of his

bundles; 2 pillow cases presented, marked S. S. S. No. 7, were filled with articles tied together with a rope, and a cane and umbrella passed through; the latter was written on the border, "Samuel Sayre, Morristown, N. J.;" other articles identified as sworn to by N. B. Luse; 11 cravats, the name of S. Sayre on some of them; bombazin shawl; 1 linen sheet, marked C. L. S.; (the initials of Mr. S.'s first wife) 4 pair of ladie's cotton, 1 pair silk, 1 pair worsted stockings, and 1 pair marked Mary E. Taylor; 2 pair white pantaloons; 1 white vest; 1 pair of muslin drawers on prisoner; 5 linen shirts—Samuel Sayre marked on some of them; 7 muslin shirts; prisoner was brought to Newark, and remained at Drake's hotel about 2 hours; got some irons at the prison at that town, and returned to Morristown, the sun about half hour high; on Monday morning went to his cell—stripped him, and took from him the articles belonging to deceased; next to his skin was a leather belt buckled around his body, with \$42 in specie—one 5 franc piece, two Spanish dollars, the remainder in American half dollars; about \$15 dollars in small change in his pantaloons pocket, no piece over a quarter; his feet were clean, and had on a clean shirt when examined; prisoner understands some English words.

Cross-examined. Witness believes he has seen the lamp lighted in the hall; did not observe oil on the floor; 2 windows in the hall below; saw the barrel of plaster; had evidently been intentionally rolled from one side of the shed to the other, and the plaster much scattered, some places about 4 feet wide, some places merely sprinkled, and others an inch thick; there were 12 large silver table spoons, 12 desert spoons, 24 tea spoons, tea and coffee pot, milk cup and slop bowl, silver premium cup, and several plated candlesticks; witness did not see the bank notes when first discovered; \$30 in bank bills were in a secret drawer of the secretary, which appeared not to have been discovered; there was 230 or 235 dollars worth of silver, as was appraised; was in the house when the paper money was found; it was in the secretary rolled up in a piece of paper, and had evidently been overhauled; the silver money was in the same desk; the drawer in the secretary in which was the \$30, was not locked; saw no track of cattle or horses in the plaster; it was observed by some that the plaster was evidently sprinkled to cover blood; examined one or two places but saw none; the candle on the plank must have thrown its rays directly on the line of the plaster; the notes in the drawer were lying loose; the plaster lay in a line from Mrs. S.'s feet to the rear of the shed, and the light would have shown from her feet to the rear of the shed; when prisoner was arrested, was much confused, and talked much and fast, but could not understand a word he said.

Catherine Killerine. First saw prisoner at Mr. Drake's, on

Sunday, the 12th May, about noon; asked prisoner what he had been doing, in German language; he told witness, he went out from deceased's house to get a letter wrote home in German—when he came back he wanted \$5, and could not get it; said he came home about 11 in the evening, and found no one about the house, and went up stairs and found the black girl in the bed dying, which frightened him so much that he went down into the cellar and got his clothes; he took 6 shirts, 1 watch, Mr. Sayre's hat and frock coat—he took the horse and then run away; he rode the horse so hard, that the horse fell down and threw him, and could not catch the horse again; (witness here repeated the conversation in German to the prisoner); prisoner asked witness if he must die right away—witness said no.

Cross-examined. Native place is Germany; been in this country 3 years; arrived at New York; could not speak English before she came to this country; lived 2 years in New York and 1 year in New Jersey; several present during the conversation; Mr. Drake requested witness to converse with prisoner; explained to the sheriff and others what he said.

Archibald Sayre—Resides at Bottle Hill, about 200 rods from the turnpike, on the Hanover road, is a connexion with deceased; deceased was frequently at the house of witness, and generally rode or drove a gray mare, when he did not come with his family. Knows James A. Campfield, he resides about 2 miles from witness, at Columbia, on the same road; witness resides about 4 miles from Morristown.

Moses Force—Resides at Bottle Hill, about 20 rods beyond Archibald Sayre's, on the Hanover road; heard some one pass his house about 4 o'clock on Sunday morning pretty fast, it rained at the time, wife of witness was sick, and witness was sitting up, it was a little before daybreak.

Cross-Examined—Did not look out; horse was on a gallop, had not slept that night, heard no other person pass that night, commenced raining about 12 o'clock, and continued until after sun rise.

James A. Campfield—Resides at Columbia, Chatham township, on the road leading from Bottle Hill to Hanover church; on Sunday morning, the day on which he heard of the murder, saw a man pass his house, was called up earlier than usual, and was in his barn yard; the man came past him on a pretty fast trot, with a large bundle on front of the rider, it was a gray horse.

Cross-Examined—Saw but one bundle, saw no overcoat on the rider, broad day light, before sun rise, it was not raining, thought it was a pedlar broke down; about 500 feet from witness.

David Morehouse—Lives in Livingston township, Essex county, on the Newark turnpike, about 3 miles from Columbia;

on the morning of the murder, saw a light gray beast coming from the direction of Newark, towards witness' house, with saddle and bridle, the reins of the latter were resting on the mane near the saddle; could plainly discover where a man had sat on the saddle, as it was dry, the remaining part wet, the beast was walking, witness took her up with some difficulty, and tied her to the door yard fence until church time, when she was put in his stable; at the intermission saw handbills describing the beast; previous to his arrival at home, some other person had taken her; it had rained during the night, the hair lay close, did not then think had been rode hard, did not raise the saddle.

Cross-Examined—Lives about one and a half miles from Campfield, about 9 miles from Morristown, via. Bottle Hill, took up the beast about 10 minutes after sun rise, no mud about the beast except what would collect by travelling.

Samuel Wade—Lives in Livingston township, about a quarter of a mile beyond Morehouse's, towards Newark; on the morning of the murder saw the tracks of a horse going towards Newark, and another return; afterwards went towards Newark about 4 or 500 yards, saw the track of a horse leave the road to the bank, and then take a circuit in the road and returned towards Morristown; lives three quarters of a mile this side of Joseph Courter's, saw the tracks between 6 and 7 o'clock A. M.

Cross-Examined—Saw no place where a horse had stumbled and fallen.

Joseph Courter—Lives in Livingston township, about three quarters of a mile from Wade's, the last witness; on Sunday morning, 12th of May, after sunrise, saw a man on foot coming with a large bundle on his back, about the size of a pedlar's pack, looked as if a dark great coat had been put around it to keep it from the rain, a strap like a circingle around it, a stick on each shoulder attached to the bundle, and his arms extended in front of him; common sized man, with dark whiskers, took particular notice of him, from the singular manner in which he carried his bundle; could not swear the prisoner was the person, as he was a darker complexion.

Cross-Examined—No appearance of his being in the mud; thought he had a blue coat on, hat on, did not speak to prisoner.

Peter Cook—Lives about a mile from last witness; has seen prisoner before; first saw him on Sunday morning, 12th May, not far from 6 o'clock; prisoner was going toward Newark, and a few rods from witness, when first saw him; had a large bundle, thought him a pedlar; bundle covered with a dark coat; had an umbrella on the right shoulder, and a stick on the left attached to the bundle by a circingle; could not understand prisoner; prisoner came up to witness and made signs by putting up his

hands, &c., understood New York only; walked pretty fast; umbrella of the description of the one in court, and heretofore recognised as belonging to deceased.

Cross-Examined—No mud on him, as if he had fallen; prisoner's countenance is familiar, but not so dark, and thinner in flesh.

Mary Harrison—Thinks she saw prisoner before this; lives half a mile from Peter Cook's, towards Newark; prisoner was walking in the road; witness was at the well opposite the house when prisoner came along; he had a large dark bundle on his back; prisoner kept looking at witness as he passed, and afterwards; between 6 and 7 o'clock of the morning she heard of the murders.

Cross-Examined—Prisoner had on a black hat; no appearance of having fallen in the mud; lives 4 miles from Orange.

Lewis Freeman—First saw prisoner the day he heard of the murder; saw him as he went through the toll gate; his father keeps the gate; prisoner was on foot, and going towards Newark; about 7 o'clock; had a large bundle, described by the other witnesses; the bundle was carried on the ends of an umbrella and a stick, one on each shoulder.

Cross-Examined—Prisoner asked for *Newick*.

Mary Freeman—Lives at the gate spoken of by last witness; saw prisoner pass through the gate about 7 o'clock on the morning of the 12th May; had on black coat and vest, and mixed pantaloons; had a large bundle apparently done up in a dark great coat, as the sleeve hung down; a circingle was around it; carried the bundle as described by the others.

Cross-Examined—Prisoner endeavoured to ask the way to either Newark or N. York; had some trouble to understand him.

Elizabeth Harrison—Resides in the upper part of the town of Orange, one quarter of a mile from the Episcopal church; prisoner arrived at witness' house between 7 and 8 o'clock on Sunday morning, 12th May; had on a black coat, dark mixed pantaloons; came on foot, with a large bundle, and very heavy; endeavoured to remove it from the door, and had to drag it; came in in great haste, and understood he wanted something to eat; took breakfast at witness' house; could not understand what he said, only *caffee*, the remainder by signs; was about half an hour at the house; witness lives about one mile from the gate; paid a 10 cent piece for his breakfast; looks like the man at her house; appeared to be in a great hurry for his breakfast, by his motions; was getting breakfast for the family; does not keep public house.

Cross-Examined—Witness' door stood open when prisoner came in; did not speak the word coffee very plain, but understood him; prisoner laid the money on the table; looked very

nice in his dress; at the time thought his countenance showed he was unhappy; looked sorrowful.

Valeria Harrison—Recollects to have seen prisoner on Sunday morning referred to, between 7 and 8 o'clock; came to their house on foot; remained about half an hour; saw the bundle, with a blue coat wrapped around it; could not speak the English language; the collar of his shirt was clean; was not in the room when prisoner left the house; let the bundle fall off his shoulders when he came in; much fatigued.

Alfred Pierson—Saw the bead work-bag now in court; found it in the road leading from Bottle-Hill to Columbia, about 150 rods beyond Archibald Sayre's; found it about 8 o'clock, A. M., 12th May; in the bag were 2 pair ladies' cotton stockings and 1 of silk; 1 pair was marked C. L. S.; 1 finger-ring, set with pearl; sewing silk wound around a card; 2 plated stock buckles; braided hair bracelets, with gold snaps; several small gold clasps; gold locket; do. breast-pin; 1 large do.; 2 gilt buckles; 1 gilt scarf ring; several other small articles in the work bag; found an old pillow-case, muddy and torn, about 2 rods from the work-bag; articles found about 4 1-2 miles from Morristown.

Mary W. Sayre—Is daughter to the deceased; the bead work-bag found by the last witness belongs to witness; was at Newton on the 12th May; had been there about 10 days; the bag was left in the next to the upper drawer in the bureau, in the back chamber; nothing in it; the room was witness' bed room; the large finger-ring was left in a dressing glass drawer in witness' bed room, on the bureau; there were two; both presented in court; the gold brooches were in the same drawer; gilt and paste buckles, same place; the sewing silk was in a paper box, in the bureau; 1 pair silk stockings were in the under drawer of the bureau; 1 pair cotton do., in the same drawer; these articles were all in the bead work-bag. The opera glass belongs to witness, and was left in the next to the upper bureau drawer; the needle case belongs to witness' mother; was in the bureau drawer in her father's bed room; the gold chain belonged to witness' father, and was in the same drawer with the needle case; the large seal was in witness' bureau drawer up stairs, and the small seal was in her mother's work basket; the chain and seals were not heretofore put together as they now are. The gold watch, &c. belonged to her mother, who frequently wore it, and when not worn, was kept in the bed room; ear-rings and drops belonged to witness, and left in her bureau drawer; were not broken; the ivory handled case knife belongs to a set kept in a trunk in the upper front room, rolled in a paper, and near the bottom; the bone handled one belonged in the closet in the front room, down stairs; witness' father's best clothes were

kept in a trunk in a small bed room, at the end of the upper hall; he usually wore a black coat, and frequently black vest; the woollen stockings were usually kept in the under bureau drawer in father's bed room, down stairs; the shirts and cravats in the same bureau; the clothes identified are her father's; the flageolet was witness', generally kept on the table in the front room, down stairs; piece of calico belonged to witness' mother, and in the bureau drawer, down stairs; the lamp in court was fastened to the stair way, in the hall below; was sometimes lighted when witness was at home, but seldom without; it would always smoke when the wick was two high; it would give a light up stairs sufficient to go about; the articles in the house were replaced before witness went to the house; all the locks broken except two, and they were forced without breaking; there were some old trunks in the garret; father generally retired about 10 o'clock; black girl frequently went first; sometimes would shave in the kitchen; almost always set up until his work hands returned at night; he preferred seeing the house fastened at night; the hood which her mother had on when found belonged to the black girl; the stockings marked Mary E. Taylor belonged to her cousin; witness' father seldom permitted a light to go to the barn, but when they did, took a globe lantern; the one in court was the one; he conversed with prisoner principally by signs; knew a few words in French; took the New York Observer, and got it on Saturday evening; he generally took off his boots and put on slippers some time previous to going to bed; there were 2 side-saddles in the house, kept at the foot of the stairs in the basement story; the circingle belonged to one of them; there was a chest in prisoner's bed room; sometimes a lamp and sometimes a tallow candle burned in the kitchen; spermaceti candles occasionally burnt in the other part of the house; hair brush belonged to witness, left in the upper front room, on the table; father lost a relative after witness left home; Phebe wore a pair of coarse shoes in wet weather; the one presented belonged to her; generally left them in the kitchen when she went to bed.

Cross-Examined—The closet below, in the front room where the knife belonged, was the place where the plate was kept; 5 pair plated candlesticks up stairs; father did not usually read by a sperm-candle; not generally used except when company was there; black man left witness' father a short time previous to prisoner's arrival; no serious difference between them; threatened to correct him about a month previous to his going away; went so far as to make him take off his coat; was not as obedient as formerly; was not aware of any specie in the house; knew nothing of her mother's funds; the black boy

which ran away from her father was a brother to the black girl which was killed.

Jabez Rodgers, called again—Saw the gray mare of Mr. Sayre's, at Mr. Morehouse's, on the Orange mountain; took her to Newark and brought her home; believes Mr. Sayre wore crape on his hat.

James Rodgers—Is a carpenter; worked for deceased, quit on Friday noon, previous to the murder, left his tools in the barn; on Saturday towards evening went down there and put the tools up on some corn stalks in the barn, and covered them up with straw; prisoner was the only person saw witness put them there; prisoner was in the barn cutting straw, wished prisoner to know where he put them, that he would not move the stalks and let them fall down; Stansborough had gone home when witness put up the tools

Cross-Examined—Saw Stansborough go past witness' house on his way home; Stansborough worked the farm; witness was about putting up an addition to the house; the chissels belonged to witness, and were those he put up among the cornstalks, saw the remainder of the tools in the place he left them; saw a part of a barrel of plaster lying on the side under the shed. A week previous to the time witness left there, prisoner was sitting on the ground with his head down, asked Mr. Sayre what the matter was, who answered that he expected his nose was bleeding; prisoner's back was towards them, saw no blood; did not get the chissels until Monday; heard no complaints of, or from the black fellow, appeared to work as well as any other person in his condition, prisoner usually wore a black velvet pantaloons, and blue frock, no vest on when it was represented his nose was bleeding, never saw him wear any other.

Elizabeth Shannon—Was at the house of the deceased on the day of the murder; whilst putting away the articles saw two linen sheets which had been opened and blood on them as if a person had wiped blood from their hands; the linen was in the upper part of the house, the bodies of Mr. and Mrs. Sayre were laid out below stairs in their bed room; would not suppose a person laying out the body of any of the deceased, would take a clean sheet in a different part of the house to wipe their hands upon, when there were plenty of towels, &c. in the same room.

Sheriff Ludlow was called upon to show a letter which he found in a writing-desk in the lower front room, it was considerably bloody: discovered it in the course of the week, whilst arranging the papers; the blood similar in appearance that it now has.

Stephen Vail, remembers Sunday morning the 12th May last; held the inquest over the bodies of Mr. and Mrs. Sayre, and Phebe, the coloured woman; witness forbid the rummaging of the articles about the house after the inquest was in session; it would take from 2 to 3 hours for one person to do the mischief

that was done; the Jury were cautious about handling any of the articles, or suffering any other person; the locks were broken on the liquor case and pantry door in the cellar; the handboxes appeared to have been drawn from under the beds, and pillaged; the plaster barrel was thrown down, and the contents thrown therefrom, as if it had been rolled; discovered some blood under the shed, and apparently was a considerable struggle there; walked from Luse's house to Sayre's house in 14 minutes; the blood on the sill of the stable door looked as if it had been wiped off; discovered some clothes on a line near the head of Phebe, which were sprinkled with blood; have since seen blood on the rafters over where her head lay, from 2 to 3 feet over her head.

Henry King. Phebe, the coloured woman of deceased, came to the post office for letters and papers for deceased, on the evening of the 12th May; deceased took the New York Observer, which paper comes on Saturday; she came towards dusk.

John L. Ward was present when prisoner was stripped and examined on Monday morning after the arrest; his feet were clean; was at the house of deceased on Sunday; saw the chissels afterwards.

Cross-examined. Prisoner had boots on; does not recollect as to stockings; was searched in the prison; it was sufficiently light to see every thing.

The preceding examination of the prisoner was here given in evidence; Amadee Boisaubin, the Interpreter, was sworn, and says that he was present at taking of prisoner's examination, was at that time sworn to act as interpreter.

Cross-examined—The examination was voluntary on the part of the prisoner; prisoner made no objections at being examined.

After the reading of the examination, Mr. Boisaubin rose and stated to the court that it was properly translated to the prisoner at the time, as he (Mr. B.) was sworn so to do; but he must beg of the Court to be excused from serving longer, for whilst Mr. Ford was reading the examination, prisoner made use of many vile epithets, calling him, (Mr. B.) a liar and villain, and Mr. Ford a Jew, and that the examining Court had no authority to examine him. At the request of the Court, however, he concluded to remain and act during the remainder of the trial.

Victor Fleury is a baker, takes bread, &c. around the town; has taken it to the residence of deceased; frequently saw prisoner there.

Cross-examined. On one occasion Mr. Sayre asked witness if he could talk German, said he could, and attempted to converse with prisoner, by asking him where he came from, &c.; had but a few minutes conversation with him; this was about a week previous to the murder; prisoner never asked witness to write a letter for him; never saw him in the village; was at

home at 9 o'clock on the evening of the murder, and the remainder of the night. Court adjourned to 10 to-morrow morning.

August 20th—10 o'clock—Court met.

Wm. N. Wood. Was at the house of deceased shortly after the discovery of the bodies; went to the stable door, there saw blood on the straw in the stable, about 3 or 4 feet from where he stood; about the size of his hat; a light on the left side of the stable-door would reflect its rays directly under the shed; could not be seen in the lane.

Catherine Kellere recalled. Prisoner told witness that Phebe was gasping when he went to her bed.

Dr. J. W. Canfield recalled. From the nature of the wound on Phebe, life might not have been extinguished under 2 or 3 minutes, and physicians could have discovered life by the pulse, and a very feeble respiration, like a person fainting; but believes that she could not have gasped 1 minute after the blows, and probably never did gasp; a hard blow on the temple, breaking in of the brain, and a profuse flow of blood from the nose, would produce immediate death.

Cross-examined. Cannot distinguish human blood from the blood of animals, when put on articles whilst warm; the substance on the letter presented has every appearance of blood; saw the pantaloons directly after they were found, and had far more the appearance of blood than it has now.

Dr. John B. Johns recalled. From the nature of the wound on the head of Phebe, the respiration must have been very weak and short; she *might* have gasped one minute, and the respiration continued from 3 to 5 minutes; the substance on the letter in court has the appearance of blood, but would not swear it was blood; saw no brains in the case of Phebe, on the outside; a rush from many blood vessels must have been made suddenly through the nostrils, and discharged itself some 3 or 4 inches from the face where the large bunch of froth was found; but little blood between the froth and nose; she lay on her right side, with her right hand under her face, and back towards the stairs.

Samuel Stansborough recalled. Never saw prisoner with stockings or shoes on; wore boots; never saw a sperm candle burned in the kitchen; prisoner had two coats, the round-about, and the blue cloth coat prisoner now has on; the chissels Mr. Rogers kept in the barn, sometimes on the mow; saw no plaster on prisoner's pantaloons before they were found under the bed; Mr. Sayre attended the funeral of a relative a short time previous to the murder, and wore crape on his hat.

Cross-examined. There was a chicken killed on the Friday, it may have been on Saturday; left there about half-past six o'clock; no one used the chissels but Mr. Rogers; knows of no use Mr. Sayre had for them; witness killed the chicken in the

shaving-horse, with an axe; threw it down in the yard, and could not have got to the stable-door; knows of no other killed.

Amadee Boisaulin recalled. Prisoner told witness that Mr. S. gave prisoner a 5 frank piece on the evening of the murder; prisoner said he asked deceased for a shilling, when he gave the piece.

Cross-examined. The knapsack in Court is such as is used by the Swiss soldiers, as also by persons travelling on foot in Germany, for carrying the clothes, &c.; should say that the mark on the belt denotes that it belongs to a military person.

Zebulon W. Conklin. Was at the house of the deceased on the 12th May; was a little after 8; there was a Yankee blind at the gable end window, towards the garden and foot of the stairway; it was rolled up about one-third of the way; would permit the light to pass through that part which was not rolled up; the light from the lamp would, from its position, throw the light through this window, into the upper hall, and also into the front room when the door was open.

The Counsel for the prosecution here rested their case. The defence was opened by N. W. WEISE, Esq.

Joseph Fairchild recalled. Saw a dead chicken in the cellar; there was considerable oil on the floor.

George H. Ludlow recalled. Found a shirt in the bundle of prisoner, belonging to prisoner, but saw no blood on it.

The passport of prisoner was here read and interpreted by Mr. Boisaulin, given by the General Police of France to Antoine Le Blanc, to go into foreign countries. Description: 31 years old, 5 feet 5, brown hair, do. eyebrows, gray eyes; sailed in the Manchester, 16th March, 1833, from Havre. The second paper is a certificate of his birth, copied from the records, 21st Jan. 10th year French Republic. The 3d paper gave directions to go to Canada. The native place of prisoner is where some of the greatest battles in the section of that country; it had been conquered by Napoleon. The certificate and passport are evidently correct and genuine. The language of the passport is similar to that given by our government to persons travelling to France.

Mr. Medina is agent of the government of Colombia to this government; passports are frequently handed to witness to give them new ones to pass to South America; French government very particular in giving passports; a convict would not receive one as his having been a criminal; a certificate of birth is necessary before he obtains a passport.

The defence being here closed, Mr. Brown, at 12 o'clock, opened the case in behalf of the State until 1. Court adjourned to 2.

Two o'clock, Court met. Mr. Brown continued his argument until half past 4, when Mr. Halsey rose and addressed the jury in behalf of the prisoner until 8 o'clock in the evening. Adjourned until 9 to-morrow.

Aug. 21. Court opened at 9 o'clock. Mr. McCulloch addressed the jury in behalf of the prisoner, which continued until half past 12, when the Court adjourned until 2. Two o'clock, Court met.

Mr. Miller concluded the argument in behalf of the State, and closed at half past 4.

Judge Ford then charged the jury as follows:—

GENTLEMEN:—You have before you the evidence of three most direful murders, marked with such atrocity as surpasses all others in the annals of the county. You see a private dwelling deliberately ransacked through every one of its apartments; its secretaries, bureaux, drawers, trunks, chests and handboxes, after every individual of the dwelling had been first cut off, in the night, save one, and he the person accused of perpetrating these bloody deeds. He is now on trial for the murder of one of the three persons, Samuel Sayre, the owner of the dwelling house, the husband, the father, and head of the family. You are enquiring upon this indictment for only his blood, and whether the prisoner at the bar is the man who shed it.

Here I beg leave to make two observations that should be remembered at each step of the investigation, and be present at each moment of your deliberations. The first is, that you must discard every report and rumour concerning this offence, which you could not but have heard before you came to the dock, and form your opinions entirely on the evidence here in court. You are bound by the terms of your oath, to render a verdict according to evidence; and these opinions, reports, and rumours are so far from being evidence, that any admission of them by the court would pollute it all.

Remember in the next place that no direct evidence has been given that the prisoner committed the murder in question; no eye witnessed the perpetration of the deed; the proofs are drawn from facts that are circumstantial and presumptive merely. Now circumstantial evidence is to be examined with the most studious care; and my second observation is, that if the circumstances shall leave on your minds any reasonable doubt of the prisoner's guilt, it will be your duty to acquit him of this murder. I do not mean if you can excite yourselves into a doubtful mood, by surmising possibilities that have no probable support in a spark of evidence, for such are not to be called rational doubts—they are the creations and vapours of fancy, lighter than air, and nothing more than nervous affections. But if the evidence of the witnesses shall leave on your minds one single, serious and rational doubt of the prisoner's guilt, it will be your duty to acquit him. Let the evidence be of what nature it may, whether circumstantial or direct, if it fail in establishing his guilt to your entire satisfaction you ought to acquit the prisoner of the indictment.

The law concerning murder as it stands in the statute of our state, is expressed in these unequivocal words—Every person who shall commit murder, on being convicted thereof shall suffer death.—It was said at the bar, by the prisoner's counsel, that the justice and policy of this law have been arraigned and denied by many respectable and worthy men, who hold it to be the relic of an abolished dispensation; that human life is the gift of God, and man has no right to take it away. How strange it is that this sophistry should be cherished by one who acknowledges a God and believes in revelation. That *Being* who is infinitely just and righteous, once condescended, *Himself*, to enact laws for the government of a great nation, and one was, that whosoever sheddeth man's blood, by man shall his blood be shed. That people has long since ceased to exist as a nation; but the civilized world has felt confident that it could not err in copying from *Him* who is the very perfection of justice and righteousness. Those casuists who would excite you to forsake *His* counsels should take heed not to advance Satanic policy in giving to murder a free scope. But what have you or we to do with the

justice or policy of the laws of the state? Is it any part of our business to make laws for this republic? Where is our commission?—On the contrary, we are sworn to the faithful execution of them, and what is resistance better than rebellion?

Another branch of our law is alleged by the prisoner's counsel to be complained of extensively in society—that of convicting for a capital offence on circumstantial evidence. But do these carpers know their own meaning? Do they wish a free license to murder, on condition that it be done without an eye-witness; or, if there happen to be one such, do they wish it safe also to murder him, before the trial comes on, secretly, and obtain impunity for one murder by committing another? Then he who assassinates one in a large family shall be hung; but if he shall murder them all, he shall go clear! Believe me, Gentlemen, there is no such law; he who asserts that there is, slanders the institutions of the state. Circumstantial evidence is allowed to prevail to the conviction of an offender, because it is capable of producing the highest degree of moral certainty. What is called direct, positive testimony, may not be more certain. The person called an eye-witness may be instigated to swear falsely by malice, by revenge, by conspiracy, by political or religious rivalry and hatred, or may be himself the murderer. The truth is, that innocence has suffered in more instances by what is called direct and positive testimony, than it ever has done by circumstantial evidence. And I lay it down as a settled law, that convictions may be founded on circumstantial evidence, for the high crimes of murder, arson, rape, burglary and robbery, no less than for the inferior offences of larceny and other misdemeanours. If the circumstances beget an entire conviction in your minds, of the prisoner's guilt, unimpaired by any countervailing rational doubt, you are bound to find the verdict according to such conviction. You cannot say you find him not guilty with a safe conscience if your full belief is the other way. If you entertain a real doubt you ought to acquit; but neither sympathy nor mistaken humanity, should interfere with a stern, virtuous and conscientious discharge of duty.

It is not my intention to review the minor circumstances of this case, but to recall some of the leading ones to your consideration.

1. Were Samuel Sayre and family all alive that night, when the prisoner came home from the tavern to their house? David B. West had to pass Mr. Sayre's house in going home that night; he walked with three other persons residing in the same street till they successively turned into their respective houses, one of whose clocks struck ten as he was passing. Five minutes after it the town clock struck ten. He was then left by the last man of his company, and a walk of only five minutes more, brought him in front of Mr. Sayre's house. It was five minutes after ten o'clock, corroborated by those persons who were walking with him. The sash and blind were both up in Mr. Sayre's front room; there were two candles burning; and he saw Mr. Sayre at the table reading a newspaper by one of the lights, and Mrs. Sayre, his wife, sitting quietly in the same room. The family were all well at five minutes after ten. Now the prisoner left Luce's tavern to go home, as he says, at half after nine o'clock that night. The time of his leaving the tavern is proved by numbers who tarried longer, but having a less distance to walk had got home as the clock struck ten. The prisoner says moreover, in his examination, that he did not stop on his way home, after leaving the green, and that as he passed the house of Joseph Fairchild, the blacksmith (whom he well knew) he saw Mr. Fairchild enter his house and shut the door. Mr. Fairchild had spent that evening at a singing school; and when he got home and was closing the door after him, he well remembered that his clock struck ten. It is about five minutes faster every Saturday night than the town clock; but the latter is regulated and brought even with his every Sunday morning at the ringing of the first bell; and it being only ten

minutes of ordinary walking from Mr. Fairchild's to Mr. Sayre's house, the prisoner arrived at the latter house in at least five minutes after Mr. West had passed it. Were, then, all this family murdered, and two of the dead bodies buried in the barn yard, while the prisoner was in the house and he knew nothing of it? Mr. Sayre, and after him his wife, were the first two victims, and the black woman, Phebe, in the garret was the last. The prisoner says when he saw Phebe, she was making her last gasp, and before that Mr. and Mrs. Sayre were both missing; he took the kitchen lamp and looked, but saw them not, he called for them and received no answer. If, then, he was present from the commencement to the termination of these barbarous and protracted murders, you must draw from his presence your own conclusions. The influence appeared so irresistibly fearful to the prisoner's own mind that he was led to say that the family were all murdered before he got home. But how does this consist with the direct and positive testimony before you?

2. What length of time would it take to murder Mr. Sayre, dig his grave and bury up his corpse; next to murder Mrs. Sayre, dig her grave and bury her corpse; next after these double interments, to pass away from the barn yard into the house, and ascend to the garret on tiptoe, for fear of waking up this sleeping victim, accomplish her murder last, and there wait till death was evident by no flinch on slitting her ear? Could an active butcher accomplish these deeds in less than one hour, and could the prisoner have run in a panic, as he says, about the house during that hour and have had not a glimpse of these occurrences? You must answer this question honestly to yourselves.

3. The innocent citizens who discovered the mangled corpse of Phebe first in the morning, saddled a horse and spread the alarm of murder over the town instantly. But when the prisoner alone by himself saw her shattered skull and gushing brain, her foaming blood and gasping mouth, he hid it all with the skin of a buffaloe, and buried up these facts in the deepest silence and secrecy of his heart.

4. These murders were not perpetrated in this hideous form for nothing; the guilty wretch must have had some definite object.—Now does the evidence, I repeat it, does the evidence before you disclose to you any purpose beside that single one of plunder? Then who was this plunderer? It was the prisoner, and no body with him to share in the booty. Every article taken from the house was found upon his person, or picked up early in the morning in the exact line in which he fled during the night.

5. Death is a spectacle that strikes those who view it with instinctive awe; but how did the presence of three dead and mangled bodies affect the prisoner at the bar? Did he employ himself in plundering all the apartments, and in forcing the locks of all the drawers? Did he coolly dress himself in the clothes of the dead, even to the primary articles of a shirt and cravat? Judge ye gentlemen of the ruthlessness of such a monster. I leave all minor circumstances, and lighter corroborations to your own recollection and judgment.

The jury, at 10 minutes past 5, after an absence of 20 minutes, returned a verdict of GUILTY. The verdict was then rendered in the French language to the prisoner, and also was informed that at 10 o'clock to-morrow morning, he would be sentenced, which would give him time to answer such questions as would be put to him why he should not receive such sentence as the law directs. Prisoner stated to the interpreter that he was innocent; that they only wanted to take his life, and he was willing they should have it. Thursday morning, 10 o'clock, Court opened.

Mr. Ford, the public prosecutor, prayed that the judgment of the Court be pronounced on the prisoner. Judge Ford asked prisoner, through the interpreter, what he had to say why the sentence of death should not be pronounced upon him. Prisoner stated that he was not guilty of the murder, only of the robbery. Judge Ford then pronounced the following sentence:—

Antoine Le Blanc: You stand convicted of the murder of Samuel Sayre: wherefore it is considered and ordered by the Court, that you be detained in the jail of the county of Morris, in safe and secure custody, until Friday, the 6th day of September next, and that you be taken from the said jail on that day to a place of execution, and then and there, between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon of the same day, that you be hung up by the neck till you are dead. And it is further considered by the Court, that after execution is done, your body be delivered to Dr. Isaac Canfield, a surgeon, for dissection. And may the Almighty God have mercy on your soul.

CONFESSION.

I WAS born at Chateau Salin, (Meurthe,) in the N. E. department of France, on the 20th March, 1802, of reputable parents, who are still living. My means of education were not as limited as many others of similar circumstances, but I never was fond of study, nor could my parents prevail on me to employ the advantages which were offered me. My delight and sole aim was mischief, and the principal part of my time was occupied in playing truant and teasing our neighbours. My father frequently corrected me for my faults, but they were as soon forgotten, and I returned to my follies again. In his admonitions, my father has frequently and vividly portrayed to me my end, and many a time have his admonitory lessons recurred to my mind since I have arrived to the years of maturity.

Nothing of serious consequence occurred to me in my youth, although I was continually engaged in broils, as I was very passionate, and would on every convenient occasion give an insult, but never take one. In the autumn of 1826, I found that my situation was disagreeable to myself and friends, I was determined to leave my native place. I accordingly started for Germany, and after rambling about several weeks, I came to the house of Mrs. — Smicht, a widow woman, residing at Bistrotz, (Moselle,) on the borders of Germany. I engaged to work for her, and for several months we agreed very well. She was kind and affectionate to me, as well as her three daughters, Christine, Marotte, and Marie. After I had lived with the family upwards of a year, I paid particular attention to the youngest daughter, Marie. She received my addresses kindly, and after much solicitation she consented to be mine. The consent of her mother could not be obtained, for she said that she was afraid

we never could live happily together, as I was passionate and ill-tempered, and Marie was quite the contrary. I endeavoured for a long time to gain her mother's consent by the most implicit obedience to her commands, and the most humiliating conduct towards the family. A certificate of my good conduct from my old friends in France was demanded, but this, through several excuses on my part, was never obtained, for I well knew I could not get it. I was determined to make Marie my wife, and as her pure soul was wrapped in me, and she the favourite of the family, I changed my course of life, and became a different person—I commanded instead of obeying, and my passion carried me so far as to chastise and greatly abuse the whole family, from the mother to Marie herself? My passion and rage became unbounded—having been pent up for such an unusual length of time, and burst forth with ten-fold vigour. I had a friend by the name of Bouse, living a neighbour, who probably instigated me to commit these rash acts, and I now believe that his object was to supplant me in the affections of Marie. This course of life continued until about the first of March, of the present year, when, after lingering about the neighbourhood for a long time, I found that I could not obtain my wishes without blood shed, (for Marie would never disobey her mother, and I had forfeited the confidence of the remainder of the family.) I was determined to go America. I stole an interview with Marie, and told her my determination, which was, to go to New York, and thence to some place near there to get into business. That when I was properly settled I would write to her, and she pledged herself to follow me. The last interview we had was at Morhange, where we were pledged to each other. I there said to her, that something within told me we should never meet again in this world, but she endeavoured to quiet my fears, and we faithfully promised before God never to marry another so long as either was living. I left them, to the great joy of this worthy family and the whole neighbourhood, with the exception of Marie, and started for my native place, where I remained but sufficient time to obtain the certificate of my birth, and from thence to Paris, where I remained three days. I then went to Havre, where I found a vessel which was to sail the next day for New York. Having but little more money than to pay my passage and purchase sea-stores, I felt very unpleasant at leaving my native country, and in company with entire strangers. The good counsel of my aged and worthy parents would frequently recur to my mind during the voyage; and as often would I regret the pranks I had played upon the youth of my own age during the services in the church, or going or returning from there. But for ten years had I neglected to bow the knee to my Maker, which I sullenly was obliged to do whilst under my parents roof.

I contemned all his pious instructions, and laughed at his bigotry, as I termed it, as soon as he was out of sight. But as I was bound for the new world, these thoughts were soon forgotten.

I arrived at New-York on the 26th of April, and there found some persons who directed me to the house of Mr. Feusier, who keeps a French boarding-house in Fulton street. I now found myself far from my home, among strangers, and not one dollar in my pocket. I felt miserable. I thought of my native home, and how happy I could have been there. I thought of Mrs. Smith's—of Marie, how I had abused this excellent family, and compared my present situation with what it would have been had I behaved myself properly. These thoughts continually employed my mind, and prevented my going out much from the house. The third day after I had been there, Mr. Sayre came into Mr. Feusier's house, and inquired for some one to go into the country and work on a farm, as I learnt from Mr. Feusier. I told him that I would go; and it was agreed that I should go on trial for two weeks, when we were to make a bargain for a year. This agreement was made through Mr. Feusier. I told Mr. Feusier that I could not pay him the whole of his bill, but paid him six shillings, and then intended to let him have a pair of boots as security. The next morning I left his house without leaving the boots, as I wanted them, and intended to send him the money as soon as I could earn it.

I had not lived with Mr. Sayre more than a week before I saw that I was considered more as a menial servant than a common hired man. As soon as my work was done for the day, I had something to do about the house, such as feed the hogs, take care of the horses, cut wood and bring it in, carry water, and the like, and was under the servitude of the servants around the house. I was further convinced of this when my lodging was exchanged for one of very inferior quality. I plainly saw that as I was a stranger and a foreigner, unacquainted with the customs and manners of the country, I should be made a miserable beast of burthen if I suffered it, to whom no pay would be returned but my food. From these considerations engendered the first idea of murder and plunder. I had longed to be in possession of sufficient money to either send for my betrothed Marie, or go to her. I saw that Mr. Sayre paid out and received considerable, and believing from my treatment I should never be able to earn enough by my labour, these murderous thoughts often came into my mind. I then began to pray to God to prevent me from committing so great a sin. Every time I thought of it I began to pray, but I found that God had left me: I had not confessed for ten years.

These ideas were continually recurring to me whilst I was at my daily labour, and my treatment determined me. I had formed my plans, but I waited several days for their daughter Mary to

return, that I might murder her also, as she had a gold watch which I wanted. Finding that she did not return, and that daily I became the more degraded in my own eyes; after their hired man had gone away, on Saturday afternoon, I asked Mr. Sayre for five dollars, as I wanted a hat and some other articles. He gave me a five franc piece. This I considered an insult, for I had worked hard for him, and was willing to do the same justice to him a year to come. I had made my preparations by cleaning the stable properly, and feeding the gray mare more than I did the horse. I then went to town and got some cider and segars at a grocery store, and then went to a tavern, at which I had been once before, and took a glass of brandy and a segar; this was done to pass away the time until the people had gone to bed. I went home a little after ten o'clock, and remained around the barn some time, and then went into the kitchen, where I found Mr. Sayre shaving. I pretended to be frightened, and told him by words and signs that something was wrong at the stable. I ran out and stood inside the stable door for some time with a spade in my hands, waiting for him to come. At length I saw him coming with a candle in his hand, and as he came in the stable I struck him down with the back of the spade, on the left side of the head, which killed him without a struggle. I gave him another blow on the forehead to make sure work of it, and then dug a hole in the heap of manure, dragged him into it, and covered him up. As soon as he fell I threw the candle on the plank near by, to prevent any light shining out and exposing me. —I then went into the kitchen and decoyed Mrs. Sayre out in the same way: she came out in a hurry, but without any light; and as soon as she got past the shed I struck her with the same weapon with which I had killed her husband. It being dark, the blow glanced—she screamed; I gave her another, but with like effect; she screamed again and again, clinging hold of me, and begging for her life; and it was not until I gave her several blows, that I brought her to the ground. I got tired of striking her with the spade, and then I kicked her on the head with my heavy shod boots. She died a terrible death, and I see her every time I close my eyes to sleep. When I found she was dead, I covered her up in the same heap of manure, and rolled the plaster over the blood which had run from her head whilst I was murdering her. I then went into the kitchen with a club in my hand, took a light, went softly up stairs to the garret, where Phebe, the colored woman, was sleeping, and with a single blow she passed into an eternal sleep. The blood spouted into my face and on my vest and hands: she did not stir after I first struck her. I then took the chissels which I had seen the carpenter put into the corn stalks, and opened all the drawers and trunks in the house. My object was only money. The silver money found in the belt

around me belonged to Mr. S., as also the change the sheriff took from my pocket, except a few shillings left from the 5 franc piece which Mr. S. gave me. I would not take the paper money, as I did not know the value of it, and I was afraid it would lead to my detection; nor would I take the silver spoons, &c. for the same reason.

Whilst I was plundering the house, I thought of my Marie.—I found a large quantity of jewelry, &c., which I thought would become her person, as also several articles belonging to females; I therefore put them into my bundles for her. I well recollect the wagon passing with the men in it who had been fishing, for it frightened me much, and I went to the window to see if they would stop; but as they did not, I continued my search after money, and such other articles as I could easily carry. Hearing a noise in the garret, I went up and cut a slit in Phebe's ear; but I found that she was dead, and that a cat had disturbed me. After I had put up my two bundles in the upper entry, I took off my own clothes and put on a suit of Mr. S.'s, which fitted me very well. After putting my clothes under my bed, I went to the kitchen—took the glass lantern—went to the stable, and set it within the door. I put the saddle and bridle on the gray mare which Mr. Sayre generally rode; took one bundle before me, and the other fastened over my shoulder, and rode out of the lane. The beast there did not go very well, and turned around with me once or twice, so that it loosened the bundle which was over my shoulder—spilled several things out, and finally I lost the whole of it after I was fairly started: this was about the breaking of day. I made the beast go pretty fast, and take her own course, as I believed, she knew the way to New York. When I went through a part of the first village I came to, she wanted to stop at a large white house, and troubled me here also; and here I lost some valuable things which I intended for Marie. After it had got towards sunrise, I turned her out of the road and got off with the largest bundle. I here did not know what to do with her, and whilst I was resting myself by the side of the road, I made up my mind to cut the poor animal's throat. Before I arose, however, she turned away from me, crossed to the other side, and went back the direction from whence she came. It was my intention to go immediately to New York, and there take passage the first opportunity for my native country, with my booty, and fulfil my vows to Marie; for I did not believe the murders would be found out until Monday, when I should be secure; but I was unexpectedly overtaken when I thought no one but myself knew of my crimes. This is a full and frank confession of my many sins, for which I pray forgiveness, and for the truth of which I call upon that God to witness, from whom I hope to see salvation. The sentence is just, and I am ready to die.

Morris County Gaol, August 29, 1833.