Hough & Yard, printers, Chancery Building, Trenton.

New Jersey Court of Errors and Appeals.

In Chancery.

The State of New Jersey (James H. Baird, prosecutor,) *vs.* Adeline W. Baird and William Torrey. } *On habeas corpus, &c.*

Petition of Prosecutor.

[Filed April 12, 1864.]

To the Honorable Henry W. Green, Chancellor of New Jersey.

The humble petition of James H. Baird, of the city of Philadelphia, in the state of Pennsylvania, respectfully showeth, that your petitioner is in the forty-first year of his age, is a minister of the gospel, in connection with the Presbyterian church, commonly called "Old School," and was married to Adeline W. Torrey, daughter of William Torrey, of Manchester, in the county of Ocean, in the state of New Jersey, on the twentieth day of September, in the year of our Lord one thousand eight hundred and forty-nine; that the said marriage was duly solemnized, on the day aforesaid, by the Rev. William E. Schenck, at the residence of her uncle, John Torrey, one of the professors of the College of New Jersey at Princeton, in this state, and at the time of said marriage your petitioner was a resident of this state; that after said marriage, up to, on, or about the eleventh day of March, eighteen hundred and sixty-two, your petitioner and said Adeline lived together as husband and wife, and had born to them, as the fruit of said marriage, the following children, now living, to wit, Adeline T., now in the thirteenth year of her age; James H., now in the eleventh year of his age; William T., now in the ninth year of his age; Robert B., now in the seventh year of his

age, and Edward P., now in the fifth year of his age; and that since the day and year last aforesaid, said Adeline has also borne, as your petitioner has been credibly informed and believes, another child, now in the second year of his age, who is still living, but his exact age and his name are unknown to your petitioner.

And the petition of your petitioner further showeth, that on the said eleventh day of March, eighteen hundred and sixty-two, the said Adeline, without any reasonable or just cause, deserted your petitioner, and left his residence in the said city of Philadelphia, and took with her, without the knowledge or consent of your petitioner, the five children first above mentioned, and went with them to the residence of her said father, at the said village of Manchester, and has there lived with said children ever since in a state of separation from your petitioner, without your petitioner being permitted to see or visit her, although your petitioner, on one occasion since said separation, went to Manchester for the purpose of visiting his said wife and children, on which occasion, however, he was not permitted to see her, but was allowed to see and converse with the first five of said children, and that that is the only occasion since said separation that your petitioner has seen any of said children.

And the petition of your petitioner further showeth, that he is credibly informed and believes that the said children are now in the custody of the said William Torrey and your petitioner's said wife, and are kept away and detained from the lawful custody and care of your petitioner, who is now, and since said separation has been denied access to them.

And the petition of your petitioner further showeth, that he is advised and believes that, by the law of New Jersey, your petitioner is entitled to have the absolute care and custody of the three elder of said six children, who are above the age of seven years, and to have reasonable access at proper and convenient times to the others, until they shall, respectively, attain the age of seven years, and their care and custody, also, after having arrived to that age; your petitioner therefore prays that a writ of *habeas corpus* may be issued out of this honorable court, directed to the said William Torrey and Adeline W. Baird, requiring them to have the bodies of the said six children before your honor, in this honorable court, at a certain day and place, to be expressed therein, with the cause of their caption and detention, and to do, submit to, and receive whatsoever this honorable court shall then and there consider of them in this behalf; and your petitioner will ever pray, &c.

JAMES H. BAIRD.

New Jersey, Camden county, *ss.*—James H. Baird, the petitioner mentioned in the above petition, maketh oath and saith, that the matters and things set forth in said petition, so far as they relate to his own acts and deeds, are true; and that so far as they relate to the acts and deeds of others, he, this deponent, believes them to be true; and further this deponent saith not.

JAMES H. BAIRD.

Sworn and subscribed, at Camden, this eleventh day of April, A. D. 1864, before me, one of the masters in chancery of New Jersey.

S. H. GREY, *M. C.*

Writ of Habeas Corpus.

[Filed July 26, 1864.]

[L. S.] New Jersey, *ss.*—The State of New Jersey to William Torrey and Adeline W. Baird, greeting:

We command you that you have the bodies of Adeline T. Baird, James H. Baird, William T. Baird, Robert B. Baird, Edward P. Baird, and —— Baird (youngest child of James H. Baird and Adeline his wife), by you restrained of their liberty and detained in your custody, by whatsoever names they may be called and known, together with the day and cause of their being taken and detained by you or either of you, you have before the honorable Henry W. Green, our Chancellor, at his chambers, in the city of Trenton, on the twenty-third day of April, instant, at ten o'clock in the forenoon of said day; then and there to do, submit to, and receive whatsoever our said Chancellor shall then and there consider in that behalf.

Witness the Honorable Henry W. Green, Chancellor of the State of New Jersey, at Trenton, the twelfth day of April, in the year of our Lord one thousand eight hundred and sixty-four.

BARKER GUMMERE, *Clerk.*

A. BROWNING, *Solicitor.*

Return of Adeline T. Baird to writ.

[Filed July 26, 1864.]

To the Honorable Henry W. Green, Chancellor of the State of New Jersey.

The answer and return of Adeline T. Baird to the annexed writ of *habeas corpus*, sued out at the instance of James H. Baird, against her, the said Adeline, and her father, William Torrey.

I, Adeline T. Baird, to whom the said annexed writ is directed, do hereby answer and return thereto, that I have here before the Chancellor the within named Adeline T. Baird, James H. Baird, William T. Baird, Robert B. Baird, Edward P. Baird, and George D. Baird, my youngest child, as within I am commanded, and I do further return and show to the Chancellor the time and following cause of their detention in my custody—that is to say, they are my children and all of a tender and helpless age, and require the nurture and care of a mother; and their father, the said James H. Baird, has not the means of maintaining and educating them, and has not made the necessary provision for maintaining me and my children for a large portion of my married life.

That I have read a copy of the petition of James H. Baird, whereon I am informed that the within annexed writ was issued; that it is true, as therein alleged, that the said Adeline is the lawful wife of the said James H. Baird, having been married to him at the time and place therein stated, and is the daughter of William Torrey, now of Manchester, in the county of Ocean, in this state.

That I have lived with the said James H. Baird from the time of my marriage to the month of March, eighteen hundred and sixty two, except at various intervals of time, when my father and brother have taken me and my children to their houses to maintain and provide for us, as the said James H. Baird had not the means to support us, and made no provision for our maintenance.

That the names and ages of my children are correctly stated in said petition, and the name of my youngest child is George D., and was born at Manchester aforesaid, on the fourteenth day of September, eighteen hundred and sixty-two.

That I left the said James H. Baird in Philadelphia, on or about the fourth day of March, eighteen hundred and sixty-

two, by reason of his long continued ill treatment and cruelty to me, his personal violence to me, and his immorality and impurity of character having broken down my health and spirits and become unbearable by me any longer. I took my said children with me, and went to my father's home for his protection, comfort, and maintenance of myself and my five helpless children, and my father fitted up and provided for me a house to live in with my children at Manchester, in Ocean county, where I still reside with my said children; and ever since I left the said James H. Baird as aforesaid I and my children have been entirely maintained by my father, and by his means I am enabled, in my present situation, to take the proper care and nurture of my children; to have the guidance of their minds in virtuous ways; to educate them in the best christian manner under the tender and happy surrounding influences of my christian parents and friends, who take a deep interest in their welfare, happiness, and christian education.

That Adeline, my oldest child and only daughter, is in the thirteenth year of her age, and has recently been admitted to the communion of the Presbyterian church in Manchester, and is a solace and source of great comfort to me in my severe trial, and her separation from me would be an insupportable affliction.

That immediately upon my marriage I went with Mr. Baird to live in Geneseo, in the state of New York, where, through the intercession of my brother-in-law, the Reverend William E. Schenck, he had obtained the position as principal of the Synodical Academy, and in December following he was requested by the trustees to resign that situation, they having pronounced him unfitted for the station, and he complied with their request; whereupon my father went to Geneseo, and took Mr. Baird and myself to my father's house in Manchester. Mr. Baird being without any means with which to defray the expenses, he wished to take me, while in a delicate state of health, by stage routes to Pittsburgh, while the thermometer stood at zero, and deep snow on the ground, and from thence to go West, with no definite object, and on the uncertainty of finding an opportunity for employment; but my father advised him, if he desired to go to the West, to go alone, and after he had found a suitable home for me, that my father would send me there. I remained with my parents at Manchester at their expense, and while there, in eighteen hundred and fifty, my first child was born, and died a few days afterwards.

In August, eighteen hundred and fifty, and while I was at Manchester, Mr. Baird wrote to me that he had a good prospect of a settlement at Vicksburg, Mississippi; and in order

that I might go to him, my father took me to Sandusky, Ohio, and placed me in the charge of Bishop McIlvaine, who conducted me to Louisville, Kentucky, and from there I went alone to Memphis, and from thence to the interior of Tennessee, to the residence of Mr. S. J. Baird, with whom the said James H. Baird was then staying, and from thence I went alone to Vicksburg, to the said James H. Baird, who had gone there before I went. We remained at Vicksburg about a year, and while there Mr. Baird had a quarrel with a member or members of his congregation, and we left that place without Mr. Baird having any home in view, and went to Evansville, Indiana, and staid there a short time, and from there we went to Cincinnati; and I being sick while there, at my urgent request, Mr. Baird took me to my brother Samuel's house in Sandusky, and while we were at my brother's house, my brother being about to visit New York with his family, Mr. Baird having no home, nor any prospect of providing a home for me, my brother persuaded Mr. Baird to let me go with my brother to my parents in Manchester, where I arrived about the month of June, eighteen hundred and fifty-one; and while at Manchester my second child was born, in September, eighteen hundred and fifty-one. In a few months after this I went to my brother Samuel again in Sandusky, and from there to Wooster, Ohio, where Mr. Baird had a call to the Presbyterian church, and there my third child was born, in September, eighteen hundred and fifty-three. We remained at Wooster about two years, and there Mr. Baird had a quarrel with the session of his church, which was carried to the presbytery, the synod, and the general assembly, which resulted in his withdrawal from his pastoral charge about eighteen hundred and fifty-four; and Mr. Baird having no means of support or home for his family, my father took him, with myself and children, to his home again in Manchester. After some time Mr. Baird obtained ministerial employment at Rushville, Indiana, and my father again forwarded me, with my children with me, to him at Rushville, which place he left after a few months' residence there, and stopped for a time at two small villages, and from there we went to Wooster again, where we remained for a time at board. After this, Mr. Baird obtained an appointment from the missionary board to preach at Toledo, Ohio, and we removed to that place, and remained there about a year, during which time my fourth child was born, in May, eighteen hundred and fifty-five, which last named situation Mr. Baird left in consequence of the leading supporters of the mission in Toledo informing him that they would do no more to aid the church, unless he resigned its charge.

From Toledo we removed to Upper Sandusky, Ohio, and remained there until about June, eighteen hundred and fifty-six, and while there nearly all the family were very sick with fever and ague; and my parents were then living in Philadelphia, and my mother came to me from Philadelphia, and, as Mr. Baird had no means to take care of and provide for myself and children, my mother took us all, at her expense, including Mr. Baird, to Philadelphia, where my father hired part of a house for us, and furnished it, and wholly supported Mr. Baird, myself, and children, until Mr. Baird moved to Lockhaven, Pennsylvania, about April, eighteen hundred and fifty-seven, and my father paid the expenses of our moving there; and while in Philadelphia, as aforesaid, in November, eighteen hundred and fifty-six, my fifth child was born, and while there my father supplied Mr. Baird with the funds to travel with in search of a ministerial appointment, except such small sums as were handed to him for preaching. My sixth child was born at Lockhaven, in March, eighteen hundred and fifty-eight. While we resided at Lockhaven, Mr. Baird had a fierce quarrel with members of his congregation, which was carried before the presbytery and synod, and resulted in his resigning his charge, after receiving a written request to do so from a number of the leading men in the congregation; and from there we returned to Philadelphia, in the autumn of eighteen hundred and fifty-nine, from which time to the present my father has wholly supported and maintained me and my children, except from December to March, when Mr. Baird assisted in so doing for three months. My seventh child was born in Philadelphia, in January, eighteen hundred and sixty.

In the spring of eighteen hundred and sixty-one, being entirely without means for the support of himself and family, and expressing his belief that he could get employment in New York or Brooklyn, at his request my father sent us to live in New York, and also provided the means for the support of myself and children while there; but finding great difficulty in procuring board with so many little children, after a short and very uncomfortable stay in that city, my father provided a suitable place in Redbank, in this state, for me and my children to live, where we lived until December, eighteen hundred and sixty-one, at my father's expense.

During our residence in Philadelphia, as above mentioned, Mr. Baird went to the West, and obtained an appointment as supply to a congregation at Westport, Missouri, for six months in the region disturbed by the border war, and without any longer settlement there than for six months. Mr. Baird sent to Lockhaven, above mentioned, a distance of fifteen hundred miles, for the house furniture, and insisted

that I and my five children should go out to him at that place. I and my parents objected to my going there, on the ground that, in my then impaired condition of health, I was not physically able to accomplish such an undertaking, and also on account of his having no more permanent home there than an engagement for six months, and requesting him first to see if he could get a more permanent home there, with some reliable assurance that he could remain there with his family; and if he could secure these objects, that I was willing to go and take my children, and my father consented, in that event, to pay our expenses of the journey, as I was entirely without any means and without the necessary supply of clothing for myself and children to go there with. And the letters of Mr. Baird to me from that place were very severe reproaches for my hesitating to go there immediately. Very soon after this that country was devastated by the border war, which was soon followed by the war of the rebellion, which was waged there in a very sanguinary manner.

In a few months after this, Mr. Baird left Missouri, and returned to Philadelphia, where, in the fall of eighteen hundred and sixty-one, he obtained a call to a church in that city, and I went to him with my children in December following his settlement there; but his salary being entirely insufficient to support his family, my father furnished me with six hundred dollars a year, in monthly payments of fifty dollars, to enable me to procure the necessaries and moderate comforts of life for myself and children, all of which was expended in the support of our family, except fifty dollars, which Mr. Baird took to pay a debt, and was continued to me by my father as long as I remained in Philadelphia, and as long as it was possible for me to live with Mr. Baird, which was until the month of March, eighteen hundred and sixty-two, at which time, on account of his long-continued cruel, unnatural, and insulting treatment of me, and of his immoral and impure conduct, which brought upon me a wretched life and impaired health, I went to my parents with my children, in Brooklyn, without previously notifying them of my intention, and informed them that Mr. Baird's treatment to me was such that it was impossible for me to live with him any longer; whereupon my father fitted up for me, at Manchester, in this state, a comfortable house, where I have ever since lived happily with my children at my father's expense, who has also clothed and educated my children in a comfortable and proper manner, and in September, eighteen hundred and sixty-two, my eighth child, named George D., was born, and I now have six children living with me.

In the spring of eighteen hundred and sixty-two, Mr. Baird had an excited and sharp quarrel with the session and trustees of his church in Philadelphia, caused by his immoral conduct and violation of truth, on account of which his congregation petitioned the presbytery to dissolve his connection with them, and Mr. Baird resigned his position, since which time I have not been informed he has employment of any moment; that one of the modes of his insults and ill-treatment of me, is the fact of his conducting himself towards the female servants, and females employed or visiting in the family, in an insulting, impure, and immoral manner, and he has gone to their bed-rooms, from time to time, while they were dressing and undressing themselves, and looking in upon them, of which conduct the servants complained to me; and to prevent him from continuing this practice, the servants were obliged to lock their bed-room doors. Upon receiving these complaints from the servants, I have frequently and in a proper manner and spirit expostulated with him. Even the young girl I had to assist in taking care of my infant was subject to impure and insulting treatment from him. His usual course of conduct towards me, commencing very soon after our marriage, has been characterized by cold neglect, personal insult, degrading me in the presence of my parents and servants, violence of manner towards me, and when absent from him, by sending me most atrocious letters. He has on three occasions used personal violence upon me, the last of which occurred a very short time before I left him in March, eighteen hundred and sixty-two, on which occasion I was endeavoring to mitigate an unjustifiable attack he made upon the servant girl—he seized me by my shoulders, in the presence of the servant girl, and thrust me out of the room, and held me down. The conduct of Mr. Baird towards our female servants, throughout most of the time since my marriage, has been exceedingly disgusting and distressing to me. When my mother has been staying with me, my female servants have complained to her (as she informs me) of the intrusion of Mr. Baird to their bed-rooms, and not many months before I left him, on my servants complaining to my mother of such intrusions, she remonstrated with Mr. Baird about it, he replied, that he always had a passion for looking at female statuary and heavenly formed women. A short time before I left Mr. Baird, I was at my father's house in Brooklyn, and Mr. Baird was also there, and while alone for a short time in the room with a most worthy and christian girl, in my mother's employment as a seamstress, in the absence of my mother from the room for a few minutes, his conduct towards the girl was so indecent and insulting as to

cause her immediately to retire from the room, as I am credibly informed.

In consequence of Mr. Baird's inability to support his family, my father provided me repeatedly with additional means for our support, and Mr. Baird was much enraged because that money was given to me instead of to him, and he endeavored, with violent threats, to get that money out of my hands, and to prevent me from expending it properly towards the maintenance of the family. For a long time before I left him he was in the habit of using the most offensive language to me concerning my parents and brothers, who have always treated him with forbearance and consideration, prompted by a strong desire and evidenced by a course of conduct towards him well calculated to promote his happiness as well as that of his wife and children; and so unnatural and inexplicable were his temper and disposition towards them, that he would make their acts of generosity to him and his family the occasions of his violent denunciations of them. One of the immoralities and impurities of his conduct in Philadelphia, at the various periods when he was there, almost constantly was a habit of being from his home very late at night, disguised with shabby clothing, without any proper occasion for it, and of conversing in the streets late at night with impure females, and of going to their doors at a late hour of the night; and on one occasion he wanted to bring a disreputable and impure female into his house, and take her to the West as a servant, on the allegation that he was anxious to save her soul.

I therefore respectfully submit to your Honor the Chancellor that the custody of the said children be undisturbed, and that they should be remanded and continued in my keeping and care. For the removal of my little children from my care and nurture and guidance, while in such tender years, and to deprive them of the great benefit they derive from the christian influence and teachings of the church and my parents, and from the ample provision which they make for their support and education, and especially to tear my daughter from the happiness she now enjoys in her connection with the church and sunday-school at Manchester, would be cruel to them, and to me heartrending in the extreme.

ADELINE T. BAIRD.

State of New Jersey, *ss.*—Adeline T. Baird, being duly sworn according to law, on her oath says—that the acts, matters, and things set forth and contained in the foregoing answer and return, so far as they relate to the acts and deeds of this deponent, are true, and so far as they relate to the

acts and deeds of other persons therein stated, she believes them to be true.

ADELINE T. BAIRD.

Sworn and subscribed, this third day of June, A. D. 1864, before me, at Manchester, New Jersey.

SAMUEL S. OSBORN, *M. C.*

Return of William Torrey to writ.

To the Honorable Henry W. Green, Chancellor of the State of New Jersey.

The answer and return of William Torrey to the annexed writ of *habeas corpus*, sued out at the instance of James H. Baird, against him, the said William Torrey and Adeline T. Baird.

I, William Torrey, to whom the said annexed writ is directed, do hereby answer and return thereto, that I have not here before the Chancellor the within named Adeline T. Baird, James H. Baird, William T. Baird, Robert B. Baird, Edward P. Baird, and George D. Baird, the youngest child of James H. Baird and Adeline his wife, or any or either of them, as within I am commanded, because they, or any of them, are not restrained of their liberty by me, nor detained in my custody, but that they and all of them are in the custody, charge, and care, and under the control and direction of the said Adeline T. Baird, the mother of the said children, and are all living with their mother in Manchester, in the county of Ocean, in this state, in a dwelling house occupied by the said Adeline and her said children, in which the said Adeline is at housekeeping by herself with her said children.

The residue of the return stricken out by order of the Chancellor, made July 26th, 1864.

[And I also further return and show to the Chancellor, that the said Adeline T. Baird is my daughter, and that I entertain for her a deep and lively affection, which is greatly increased by the sad and suffering condition to which she has been brought by the cruel treatment she has for many years received from the said James H. Baird, her husband; and that I also feel a deep interest in the best welfare of her children, in their proper maintenance and education, and

especially in the christian cultivation of their hearts and minds.

That my said daughter was married to the said James H. Baird in September, eighteen hundred and forty-nine, and since their marriage he has never been able to support his wife and children; and for the want of means on his part, I, together with my sons, have furnished my said daughter the means necessary for the maintenance of their family, including Mr. Baird, a considerable part of the time.

That although a minister of the gospel, the said James H. Baird is of such irascible temper and quarrelsome disposition that he has been able to remain but a very short time in any of the numerous pastoral charges he has been connected with since his said marriage, and is now without any means whatever for the support of himself or his wife and children, and his wife and children now are and for several years past, except partially for three months, have been entirely maintained and educated by me.

That although I have witnessed with pain for many years the distressing and crushing effect which his unnatural and cruel treatment of my daughter has wrought upon her mind and health, I have always exercised great forbearance towards him as the husband of my daughter, with much more respect and consideration than his treatment of his wife and his conduct towards her entitled him to; and I have always received him at my house with civility, and have never prevented or denied him the opportunity of an interview with his children; and I have always striven to keep his children in utter ignorance of his conduct to their mother; and I have told the said James H. Baird that, whenever his children were at my house, he was at full liberty to come and see them, if he wished to, and as often as he chose to, and in eighteen hundred and sixty-one, I obtained and furnished him with a free annual pass over the railroad, to enable him to do so.

That in the spring of eighteen hundred and sixty-two, without any previous knowledge or information on my part, and without any intimation of her intention, my said daughter came to my home, in Brooklyn, in the state of New York, and brought with her all of her children, and told me that, in consequence of the continued cruel treatment of her husband to her, and her fear of him, it was impossible for her to live with him any longer, and asked me to take care of her and her children; whereupon I fitted up and provided for her a house for herself and children to live in at Manchester, in the county of Ocean, where she now resides with her children; and ever since she left her husband as aforesaid I have entirely supported her and her children,

and have made provision for a good education, which the children are now receiving; and being anxious that the children should be brought up under the example and teachings of a devoted christian mother, and educated in the best manner for their temporal and spiritual welfare, I am willing, and will give any security that your Honor may deem requisite or proper, to provide the means to have them so brought up and educated under the care and supervision of their mother, who is peculiarly qualified to bestow upon and secure for them the best nurture and education which a christian parent could desire; and if your Honor deems it proper, when at a suitable age, to take the two eldest boys, and place them in a suitable boarding-school in this state, and I will provide the means for their nurture, clothing, and education in the best place that can be found for them, with the equal right of each of their parents to a properly regulated access to the children.

The conduct of Mr. Baird towards his wife in the presence of her parents, even in my own house, was harsh and repulsive, filling our hearts with utter dismay.

At an early day after their marriage he seemed not to possess the ordinary feelings, nor to be guided by the usual instincts of a man.

When he had lost his situation in Geneseo, and while his wife was in a delicate condition previous to the birth of her first child, it was known to ladies and gentlemen there that he was talking of taking his wife in stages and public coaches, in midwinter, across the country to Pittsburg, and thence to some unknown western point, where he hoped to find a settlement; and these ladies and gentlemen, among whom were the Rev. F. D. W. Ward and his wife, and Mrs. Ayrault, a lady of high position there, united in earnest entreaties to me not to lose sight of my child, but to take her under my protection until a proper season would admit of her removal to some suitable home.

About the time when my daughter left Mr. Baird to come to me at Brooklyn, he made a furious and malicious attack upon the character of Dr. J. S. Ludlow, a physician of high character and standing, and their family physician in Philadelphia, who had kindly and gratuitously attended my daughter and her children, when sick, at various times since eighteen hundred and fifty-six, and charged him with criminal complicity with his wife and her mother in procuring an abortion, and alleged that his wife and her mother aided and encouraged Dr. Ludlow in it, and forbade Dr. Ludlow to visit his family, and, in a letter to me, he calls Dr. Ludlow a murderer and monster.

I most respectfully submit to your Honor that Mr. Baird

New Jersey State Library

is wholly unfit, by reason of his bad disposition, want of common sense, irascible temper, habit of untruth, and immorality and impurity of life, to have the custody and training of these children, and has no home to take them to or the means of providing for them, and that their mother should have the custody, training, and education of them, and I am willing to provide Mr. Baird with a free pass at all times over the railroad to Manchester to enable him free of expense to visit his children as often as he desires to, which my daughter, their mother, also assents to.]

WILLIAM TORREY.

State of New Jersey, *ss.*—William Torrey, the defendant named in the foregoing return, being duly sworn according to law, on his oath says—that the acts, matters, and things set forth and contained in the foregoing answer and return, so far as they relate to the acts and deeds of this deponent, are true, and so far as they relate to the acts and deeds of other persons therein stated, he believes them to be true.

WILLIAM TORREY.

Subscribed and sworn to, the third day of June, A. D. 1864, before me, at Manchester, Ocean county, New Jersey.

SAMUEL S. OSBORN, *M. C.*

Order striking out Return.

[Filed July 26, 1864.]

IN CHANCERY.

The State of New Jersey (James H. Baird, prosecutor) *vs.* William Torrey and Adeline W. Baird.	*On habeas corpus, &c.*

It appearing to the court that due notice hath been given by the said prosecutor to William Torrey, one of said defendants, of an application to the Chancellor, at this time and place, to strike out all of the separate return made by him, said William, to said writ, as impertinent and improper, except the two first paragraphs of said return, denying that he had the custody of the children of the said prosecutor, and the Chancellor having heard the argument of the coun-

sel of said parties on said application—It is, on this twenty-sixth day of July, eighteen hundred and sixty-four, ordered and decreed by the Chancellor that all of said return, except said two first paragraphs, be stricken out as impertinent and improper.

HENRY W. GREEN, *C.*

Answer of Prosecutor to Mrs. Baird's return.

[Filed July 26, 1864.]

IN CHANCERY.

The State of New Jersey (James H. Baird, prosecutor,) *vs.* William Torrey and Adeline W. Baird. } *On writ of habeas corpus, &c.*

The answer of James H. Baird, the prosecutor, to the return of Adeline W. Baird, made to the writ of *habeas corpus* of the state of New Jersey against her, the said Adeline, and one William Torrey, the defendants, requiring them to have the bodies of Adeline T. Baird, James H. Baird, William T. Baird, Robert B. Baird, Edward P. Baird, and George D. Baird before the Chancellor, with the causes of their caption and detention.

This prosecutor now and at all times hereafter, saving and reserving to himself all manner of benefit and advantage of exception to the many errors and insufficiencies in the said return, for answer thereto, or unto so much and such parts thereof as he is advised material for him to make answer unto, he answers and says—that he admits it to be true that the said Adeline T. Baird, James H. Baird, William T. Baird, Robert B. Baird, Edward P. Baird, and George D. Baird are the children of the said defendant, Adeline W. Baird, and that they are severally of the ages set forth in said return; but he believes that they are no more helpless, and that they no more require the nurture and care of their mother than ordinary children of like ages; and this prosecutor avers the truth to be, that they are also his children by the said defendant, born in lawful wedlock, and that they also require the nurture and care of him, as their father, who is, as well by the revealed laws of God, as by the municipal laws, responsible for their maintenance and education and for their moral and religious culture and

training; and that those duties, thus imposed, can be in no wise discharged so long as they are kept from his custody; that if the said defendant would discharge the obligations of nurture and care, resting on her as the mother of said children, she could have best done so by remaining with, or returning to her husband, and blending that discharge in discharging, also, the incidental ones of a wife; but if, by an unjustifiable abandonment of him, he is obliged to live in a state of separation, thereby necessitating a separate care of said children, then this prosecutor respectfully insists that he has a just and legal right to their custody, except, it may be, of the three younger, until they severally attain the age of seven years, unless the said defendant "be of such character and habits as to render her an improper guardian for them" until they arrive to that age.

And this prosecutor, further answering said return, in reference to all the averments and insinuations therein, to the effect that he has not the means of maintaining and educating his said children, and had not, before the desertion of the defendant and her abstraction of said children, made necessary provision for her and them, says, that even if it be true, as therein maintained, that by reason of his instability of conduct, irascible temper, want of thrift, of worldly wisdom, of proper management, or for any other cause not involving gross moral turpitude, the said defendant and said children were frequently subjected to privations and hardships, not only equal to, but far greater than pretended, yet he respectfully insists that such privations and hardships arising from such causes would be of the common misfortunes of life, incident to the divine institution of marriage, but would be no justification to the defendant for her abandonment of the obligations of that relation, much less her abstraction of said children, even if she possessed within herself, or could command by reason of her desertion, more ample means of support; that wealth has not, and cannot have any just or lawful right to absolve marital obligations or release a father from his paternal duties, much less to increase his misfortunes by depriving him of the natural comforts and consolations of the care and companionship of his children; but this prosecutor avers the truth to be, that all of said complaints are without any just foundation in truth, that although without wealth, yet he has now, and always since his marriage with said defendant had the means of maintaining her, and also of maintaining and educating said children suitable to their condition in life; and to this end it has been, and still would be his pride and pleasure to labor; that, as already appears, as well by the petition on which the aforesaid writ was issued, as by the said defendant's return

thereto, this prosecutor is a minister of the gospel in connection with the Presbyterian church; that in preparation for said ministry, under the guidance and training of a fond and faithful father, the Rev. Thomas D. Baird, he received a liberal education, and shortly before his said marriage entered upon the duties of that ministry with, as he humbly believes, more than usual promise of success and usefulness; that at and before said marriage, it was well understood, both by him and her, that he had nothing to bring to their support after marriage but his talents, education, profession, and character, and that she also was without wealth or expectation; that with this mutual understanding, and a confident trust in God for the future, their marriage was solemnized, she receiving at or about that time, from her father, an outfit of only about one hundred dollars; that from that time up to that of her said desertion (which was on the eleventh, instead of the fourth day of March, eighteen hundred and sixty-two, as stated in said return,) a period of not quite twelve years and six months, this prosecutor received for the labor of his profession not less than twelve thousand five hundred dollars, an average of one thousand dollars a year, all of which was honestly expended in the maintenance of himself and his said wife and children; and at the time of her desertion of him, as aforesaid, this prosecutor was in good standing in said ministry, and had charge of the Fifteenth Presbyterian church in the city of Philadelphia, at a fixed salary of nine hundred and fifty dollars a year, which, with the incidental perquisites, would amount to a yearly income of about twelve hundred dollars.

And this prosecutor, further answering said return, says, that the said defendant is a lady in feeble health, and in herself entirely destitute of means to support or educate said children; that, so far as this prosecutor knows and believes, she is in her voluntary separation entirely dependent on her father, the said William Torrey, and that he, as this prosecutor has always understood and believes, is now, and for many years has been, largely in debt, and greatly embarrassed in his circumstances, so that the property in his possession at Manchester, commonly called his, and consisting mainly of a large quantity of outlands, as this prosecutor has been informed and believes, is held by him in the name or names of others, to avoid its seizure in payment of his debts; this prosecutor therefore submits that, aside from any other considerations, to commit the maintenance and education of said children to a lady thus circumstanced would be a judicial consignment of them to the precarious care of one personally inadequate to the charge, destitute of any pecuniary means in herself, and dependent wholly on the uncer-

tainty of the life, disposition, and shattered fortune of another, without any legal responsibility to contribute a farthing to her or their support.

And this prosecutor, further answering said return generally, as to all those parts of it which state and intimate that a large, if not the greater part of the means of supporting the family of this prosecutor, after his marriage to said defendant, were furnished by her father, William Torrey, says, that upon a careful consideration of these matters, he feels safe in asserting, what he believes is strictly true, that all the donations made by said William Torrey to this prosecutor, or any member of his family, from the time of said marriage to the aforesaid desertion of his wife, including the aforesaid outfit, would not in the aggregate exceed the sum of twenty-five hundred dollars; that several of the larger of those donations, amounting to at least one thousand dollars, were made by the said William, upon agreement to compensate for losses sustained by this prosecutor in making changes in his situation, at the request of said William, and that, except such compensatory contributions, this prosecutor—looking to the time and circumstances of their being made—is well satisfied that the welfare and order of his family would have been more promoted by their withholding than by their bestowal; and that under a consciousness of this truth, this prosecutor, on more than one occasion, objected to a repetition of such donations.

And as to several of the specific charges made in said return, that the said William Torrey at certain times maintained the family of this prosecutor—without attempting a particular answer to all of them—this prosecutor further answering says, that it is not true, as or in the sense set forth in said return, that this prosecutor and the defendant, on leaving Geneseo, (which was on the twenty-eighth day of December, eighteen hundred and forty-nine) went to and remained at Manchester at the expense of her father, the said William Torrey, until after the birth of her first child (which was on the first day of June, eighteen hundred and fifty); on the contrary, this prosecutor avers the truth to be, that upon resigning the principalship of the academy at Geneseo, it was his wish and intention to go directly to Sandusky, Ohio, then more easy of access than Manchester, having made suitable arrangements to that end with a view to a permanent settlement in the West; but at the earnest entreaties of the said William Torrey, and on his agreement to board both this prosecutor and his said wife, and in addition thereto pay this prosecutor fifty dollars to take charge for three months of the church at Manchester, he forbore his design of then going West, and in fulfilment of said agree-

ment, went with his said wife to Manchester, taking charge of the church, and continuing there in charge of said church until the ensuing month of April, and then went West, in fulfilment of his original design; during which period this prosecutor, instead of subsisting on the bounty of the said William Torrey, actually loaned him money, which he afterwards with some difficulty repaid; nor is it true, as stated in substance in said return, that on this prosecutor resigning his charge of the church at Wooster, Ohio, (which was in May, eighteen hundred and fifty-four,) he had no means of support or home for his family, in consequence of which the said William Torrey took this prosecutor and his family, and maintained them at Manchester; on the contrary, this prosecutor avers the truth to be, that on resigning his said charge at Wooster he had sufficient means of support, and provided for his said wife and their two infant children a suitable and comfortable boarding-house at that place during a necessary absence in the discharge of his ministerial duties; and on his return to Wooster, in consequence of a serious disagreement which had occurred in his absence between her and the proprietor of said boarding-house, this prosecutor reluctantly consented to her making a visit, with said children, to her father's at Manchester, which was prolonged during the two ensuing summer months, without, as this prosecutor supposes, any actual payment of board, or any expectation or thought of such payment; but this prosecutor, to the best of his recollection, did not himself, on that occasion, visit Manchester at all; nor is it true, as stated in substance in said return, that while at Upper Sandusky, Ohio, this prosecutor had no means to take care of and provide for himself and family, in consequence of which Mrs. Torrey, on a visit there, about the month of June, eighteen hundred and fifty-six, at her own expense, took this prosecutor and his family to Philadelphia, where they were wholly supported by the said William Torrey until there removal, at his expense, to Lockhaven, Pennsylvania, in April, eighteen hundred and fifty-seven; on the contrary, this prosecutor avers the truth to be, that the removal from Upper Sandusky to Philadelphia was in the latter part of *October*, instead of *June*, eighteen hundred and fifty-six; that previous to such removal Mrs. Torrey made a visit to Upper Sandusky, and finding the family of this prosecutor seriously distressed by the ague, then prevalent there, she strenuously urged their removal at once to Philadelphia, offering to defray the expenses of such removal, and that her husband, said William Torrey, should support this prosecutor and his family in Philadelphia until he could procure a situation East, as a compensation for the necessary

loss of several hundred dollars, which he would sustain by such removal; that in compliance with these solicitations and promises, pressed also by the said defendant, this prosecutor took up the arrangements which he had made for continuing at Upper Sandusky until the ensuing spring, and came to Philadelphia, the expenses of which were borne by said Mrs. Torrey, as were also, in part only, the expenses of remaining in Philadelphia until the removal to Lockhaven, in the ensuing month of April, borne by said William Torrey; but the expenses of moving to Lockhaven from Philadelphia were in no wise paid by the said William Torrey, unless it may be the personal fare of the wife of this prosecutor, about which he has now no recollection: nor is it true, as stated in substance in said return, that from the time this prosecutor resigned his charge at Lockhaven, in the autumn of eighteen hundred and fifty-nine, William Torrey, the father of said defendant, wholly supported her and said children; on the contrary, this prosecutor avers the truth to be, that notwithstanding very serious impediments to his success—created, as he thinks, by the disobedient and unwarrantable conduct of the said defendant as his wife—not necessary, as he is advised, to be detailed here—he expended of the fruits of his own labor, unaided, so far as she was concerned, between the said time of resigning his charge at Lockhaven and that of her desertion, a period of about two years and four months, towards or in support of her and said children alone, independent of his own personal expenses, upwards of sixteen hundred dollars.

And this prosecutor, further answering said return, as to the narrations therein of the numerous charges of this prosecutor in his ministerial labors—designed to produce the impression of great instability of character, and, in some instances, impropriety of conduct—says that his ministerial labors, during the period referred to in said return, were mostly of a missionary character, which necessarily involved frequent changes, and to this extent their enumeration is but a relation of travels from one missionary station to another; and that, as to others not strictly missionary, the changes in most, if not all the cases, were made on consultation with the said defendant, and with her and her said father's approbation; some of them were superinduced by causes not foreseen, and over which neither this prosecutor nor his wife had any control, and not therefore chargeable to either, but rather to the common misfortunes of life. That, as to the resignation of the principalship of the Academy at Geneseo, it was a synodical institution, under the care of the old school synod at Buffalo, and designed for the advancement of old school doctrines, but, by some

strange mishap, the board of trustees appointed an executive committee of four, three of whom were of the new school party, and one a Dutch reformed, between whom and this prosecutor there was necessarily an antagonism of principle and teaching, which rendered a resignation desirable, if not necessary; but there was not the least personal irritation between them and this prosecutor, and upon retiring, he received the testimonials "of the undiminished confidence which they entertained for him as a scholar, a gentleman, and clergyman," and that, almost immediately thereafter he received from a committee of the presbytery at Buffalo, consisting of the Rev. George W. Lane, and the Rev. Doctors Hall and Lord—the latter of whom was a member of the Geneseo board, and cognizant of all the circumstances which led to said retirement—a written invitation to visit Buffalo, with a view to an appointment in the Presbyterian Academy of that city; so that it is not true, as stated in said report, that the trustees of the Geneseo Academy pronounced this prosecutor unfitted for its principalship. That touching this prosecutor resigning his charge at Vicksburg, it was in no sense induced by a quarrel between him and a member or members of his congregation, for no such quarrel was had; nor by reason of any disagreement between him and said congregation, or any dissatisfaction on their part with him as their minister, for upon his determination to resign coming to their knowledge, they, with great unanimity, united in expressing their deep regrets and in an earnest appeal for him to remain; on the contrary, the said resignation was occasioned by the baleful effects of the climate on this prosecutor, threatening a breaking down of his constitution, and terminating in an attack of yellow fever, after recovering from which, but still in feeble health, he resigned his charge, and with his said wife, at the invitation of her brother, Samuel Torrey, travelled northward to his residence at Sandusky, Ohio, combining pleasure and recreation with ministerial labors, in a leisure journey of nineteen days, making Evansville and Cincinnati stopping places on the route; that at Cincinnati, this prosecutor, on a special invitation, turned aside to visit a church at Muddy run, and permitted his said wife to pass on to her brother's alone, making arrangements to join her there; but on arriving, her brother, having broken up housekeeping, was about starting for Manchester, and, at his instance, she accompanied him without waiting the arrival of this prosecutor. That it is not true, as stated in said return, that this prosecutor had a quarrel with the session of his church at Wooster, Ohio, although it is true that a difficulty arose there with one of the *members* of the session, who, declining to have his child-

ren baptised, resigned his office of ruling elder, and subsequently attempted to resume it in opposition to the wishes of the congregation and the action of the session, resulting in an appeal to the presbytery, the synod, and, finally, the general assembly, which affirmed the decision of the session, overruling the synod and presbytery; that these trials produced such partisan feelings as rendered a resignation advisable, but there was nothing like a personal quarrel either with the session, (which sustained the views of this prosecutor) or with any members of it, or of the congregation. That as to Toledo (which was a missionary station to which this prosecutor was sent and sustained by the board of missions), after succeeding in organizing the first Presbyterian church at that place, it gave this prosecutor a unanimous call, which he declined accepting mainly on account of his impaired health, from an almost continuous ague prevalent there, but also, in part, by reason of an opposition, subsequently made by a few members of the congregation—in no sense the leading supporters—which, in the opinion of this prosecutor and of the members of the executive committee of the board of missions, whom he consulted, made his declination of acceptance the more proper. That it is true that a serious difficulty sprung up between this prosecutor and a member of the congregation at Lockhaven, while stationed there, the details of which he is advised it is unnecessary to state, but not such, however, as to be properly denominated a "fierce quarrel;" and it may also be true that this prosecutor was in some sense responsible for it, but he was sustained by more than five-sixths of the congregation, and he then thought, and still thinks his course was proper. Still the difficulty was sufficient in itself to justify, if not require a resignation of his charge. That the invitation to visit Westport, in Western Missouri, with a view to a permanent settlement there, was accepted by this prosecutor, on full consultation with the defendant and her father, and with his and her consent; and in answer to the complaint, in the said return, touching this movement, this prosecutor says, that on its acceptance, about the month of July, eighteen hundred and sixty, he went, first alone, to Westport, and finding it a most delightful town, and the church to which he was invited a seemingly desirable charge, and after ministering there for a few weeks with satisfaction to himself, and ascertaining that his ministrations were entirely acceptable to the congregation, he made arrangements with them to become permanently settled there at a salary of ten hundred and fifty dollars a year, and then came back to Philadelphia for the defendant; but she persistently declined returning with this prosecutor to Westport, at that

time promising, however, to follow him in the ensuing month of October (it then being the latter part of August), and that he should, in the mean time, procure a suitable dwelling, and have it in readiness for her; that, with this understanding, this prosecutor returned to Westport alone, first having, at her request, his furniture (which still remained stored at Lockhaven) boxed, to be sent on when required; that, on his return, he rented a suitable house, had it fitted up, and the furniture shipped on from Lockhaven; that after having made these arrangements and expenditures in full expectation of her coming, and advised her of them, and also having furnished the means, and made other provisions for her comfortable and convenient travel, she absolutely refused to go; whereupon this prosecutor was subjected, not only to the humiliation of resigning his charge, and returning to Philadelphia, but also to the sacrifice of several hundred dollars consequent upon these arrangements; that it is true the refusal of the defendant to become settled at Westport, after these arrangements had been made at her instance, were based on many pretexts indicating, in the opinion of this prosecutor, a fixed determination to disregard the wishes and interests of this prosecutor, rather than to conform to them; but it is not true, as alleged in said return, that she was "entirely without any means, and without the necessary supply of clothing for herself and children to go there," for the requisite amount of money for those purposes, as indicated by herself, was furnished personally to her through the brother of this prosecutor.

And this prosecutor, further answering said return, says, that it is not true, as stated in substance therein, that in the spring of eighteen hundred and sixty-one, the defendant being entirely without means for the support of herself and family, her father, the said William Torrey, at the request of this prosecutor, took her and her children, and boarded them first at New York, and then at Redbank, in this state; on the contrary, they were taken without the knowledge or consent of this prosecutor, and while he was yet at Westport, by Mr. Torrey, from Philadelphia, on the twelfth day of December, eighteen hundred and sixty, to his own home at Brooklyn, on the alleged ground of the feeble health of defendant, and shortly afterwards they were placed by him at a boarding-house at Redbank aforesaid, at which place this prosecutor found them on his return from Westport, in May, eighteen hundred and sixty-one.

And this prosecutor, further answering said return, admits it to be true that in the autumn (not spring) of eighteen hundred and sixty-two, about six months after the desertion aforesaid, very painful and serious difficulties were created,

or at least arose, between himself and several of the members of the congregation of the aforesaid Fifteenth Presbyterian church of Philadelphia, then in his ministerial care, on charges made against him of unkind and cruel treatment of his wife and children, and of gross immorality, impurity, and licentiousness of life and conduct; and this prosecutor avers that most, and so far as he knows and believes, all of those charges were the same charges which are now so broadly but indefinitely mentioned and referred to in the said return, and were then, nominally at least, preferred by two of the members of the said congregation to the ruling elders of that church, who made them known to this prosecutor, on or about the first day of October of that year; that thereupon this prosecutor asked and obtained from said elders a delay for a few days only to collect and prepare evidence to refute said charges; and on the thirteenth day of the same month of October, this prosecutor, having made the necessary preparation to refute said charges, requested the senior elder of that church to call a meeting of its session for the purpose of a formal investigation of them; but in consequence of the said elder declining so to do, this prosecutor applied to the presbytery of Philadelphia, and requested that body to have them investigated; that upon such application, the said presbytery granted the request, and appointed from their number, as a committee of inquiry, six clergymen and three elders, who, after a full and patient hearing of the whole matters thus charged, presented to them, on the one side, by the elders of said Fifteenth Presbyterian church, and by this prosecutor in his own behalf, made a formal and unanimous report of said presbytery, bearing date the eighth day of December, eighteen hundred and sixty-two, "that nothing has appeared in the facts and statements presented to the committee which should impair the confidence of the presbytery in the character, ministerial or christian, of the Rev. James H. Baird," which report was unanimously approved of and adopted by said presbytery, from whose judgment no appeal was taken; whereby this prosecutor, according to the prescribed forms of proceeding in such cases, was fully acquitted of said charges; that although thus acquitted, the hostile and partizan feelings engendered by those proceedings made it expedient, in the opinion of this prosecutor, for him to resign his charge of said Fifteenth Presbyterian church, which he did, on the fifteenth day of January, eighteen hundred and sixty-three, about ten months after the aforesaid desertion of the defendant.

And this prosecutor, further answering the said charges of unkind and cruel treatment of his said wife and children, and of immorality, impurity, and licentiousness of life and

conduct, most solemnly avers that they are wholly and absolutely untrue, and without any rational foundation in truth or grounds of suspicion, other than the untruthful; but he hopes mistaken statements of unreliable witnesses and of the distempered and jealous mind of the defendant, prompted and excited by others; that as to the travels or journeys made, or proposed to be made alone by the said defendant on the occasions referred to in the said return, and therein made the subject of complaint, this prosecutor further says, that, instead of their being compulsory or alone, they were voluntary, and, as a general thing, with an escort; and instead of being unkind and cruel, they were at the times considered and spoken of as pleasant and agreeable journeys; that the complaints of personal violence to the defendant are all destitute of truth, except it may be that on the particular occasion referred to in said return, on or about the month of March, eighteen hundred and sixty-two, when this prosecutor, to avoid the exposure which the defendant was making of herself in a paroxyism of rage, and in kindness to her, caught her in his arms and carried her into an adjoining room, but in no sense "thrust" her out of the room, or "held her down;" that the charges in said return, that this prosecutor demeaned himself towards the servants or other females of his household impurely or licentiously, in the manner stated in said return, or in any other mode, are simply untrue; and so, also, are the charges that this prosecutor was in the habit of peeping into their rooms when dressing or undressing; and as to the statement in said return, that this prosecutor, on one occasion, when remonstrated with for such conduct by Mrs. Torrey, "replied that he always had a passion for looking at female statuary and heavenly formed women," or any thing to that effect in such connection, this prosecutor avers it to be wholly untrue and without any foundation in truth; and he also denies that he ever disguised himself in the streets of Philadelphia, by shabby clothing or otherwise, or conversed with impure females on said streets, or went to the doors of such females, or desired to introduce any such female into his household for the purpose intimated in said return; but he avers that all the statements to that effect in said return are untrue.

And this prosecutor, further answering said return, says he is fully satisfied that the immediate and true cause of the said defendant's desertion as aforesaid is not assigned in said return; on the contrary, that such desertion truthfully resulted from a detection, by this prosecutor, of what he then considered and still considers not only highly reprehensible, but criminal conduct by the said defendant, in co-operation with others; but which, not having been stated or adverted

to in said return, this prosecutor, under the advice of counsel, and a strong desire not unnecessarily to divulge, refrains from stating.

And this prosecutor, further answering said return says, that although, by reason of the unfortunate separation from his said wife, he has not, since resigning his charge of the said Fifteenth Presbyterian church, (which mainly grew out of that separation, and the immediate cause of it,) either sought or accepted any other ministerial care, nor does he design so to do until the matters connected with it shall have become settled, yet he still possesses the same ability properly to maintain and educate his said children that he ever possessed, having, within the last six months, realized from his literary labors alone about the sum of four hundred dollars; and that this prosecutor's character and standing, both as a clergyman and christian, still remain to him in no wise impaired, except by those painful circumstances over which he had no control, and which he humbly trusts have not been harmful to any serious or lasting extent.

JAMES H. BAIRD.

State of New Jersey, county of Mercer, *ss.*—James H. Baird, the prosecutor mentioned in the above answer to the return of Adeline W. Baird, being of full age, maketh oath and saith—that the facts, matters, and things set forth in said answer, so far as they relate to the acts and deeds of this deponent, are true, and that so far as they relate to the acts and deeds of any other person or persons, he, this deponent, believes them to be true.

JAMES H. BAIRD.

Sworn and subscribed, at Trenton, this 26th day of July, A. D. 1864, before me, one of the masters in chancery of New Jersey.

JOS. H. HOUGH, *M. C.*

Evidence.

In Chancery.

The State of New Jersey (James H. Baird, prosecutor,)
vs.
William Torrey and Adeline T. Baird, defendants.

On bill, &c.

Examination of witnesses, taken in the above stated cause, before Charles P. Stratton, master and examiner of the said Court of Chancery, at his office, No. 57 Second street, in the city of Camden, commencing at the hour of ten o'clock in the forenoon, on the third day of November, A. D. 1864, in the presence of F. B. Chetwood, esq., solicitor of the defendants, and Abraham Browning and Thomas P. Carpenter, esq'rs, solicitors and of counsel with prosecutor.

Thomas L. Janeway, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside?

Ans. My home is at Trenton, New Jersey; Philadelphia is my place of business.

2 *Quest.* What is your business and occupation?

Ans. I am corresponding secretary of the board of domestic missions of the Presbyterian church.

3 *Quest.* How long have you been engaged in that occupation?

Ans. Three years four months and four days—since July 1st, 1861.

4 *Quest.* Are you a minister of the gospel—and if so connected with what church?

Ans. I am, and connected with the Old School Presbyterian church.

5 *Quest.* For how many years have you been a minister of the gospel?

Ans. I was licensed in 1827, and ordained in 1829.

6 *Quest.* Are you acquainted with James H. Baird?

Ans. I am.

7 *Quest.* How long have you been acquainted with him?

Ans. I first met him in 1854, and did not meet him subsequently till 1861.

8 *Quest.* Has your acquaintance with him, as a minister, been continued since 1861?

Ans. Yes, I have seen him more or less, owing to my office.

9 *Quest.* Do you know of any of his ministerial engagements and connections?

Ans. Yes; when I first entered the office he was in the service of the board in Missouri, at Westport I believe; in October, 1861, he came again in the service of the board, (he had left Westport, and come to Philadelphia,) taking charge of a church in Philadelphia.

10. *Quest.* What church?

Ans. The Fifteenth street church.

11 *Quest.* Have you been acquainted with any of his other ministerial engagements or connections?

Ans. Only from hearsay, and as such facts appear upon the minutes of the church.

[Note.—The prosecutor objects to the witness stating anything which he knows from hearsay, and anything he may state from the minutes of the church, without producing said minutes.]

He was at Wooster and Toledo, Ohio; do not know how long he was at these places without I had the minutes.

12 *Quest.* Has Mr. Baird been at any stations where he received support from the board of which you are the secretary?

Ans. Yes, at Westport, Missouri, and also at the Fifteenth street church, Philadelphia.

13 *Quest.* Do you know the amount he received while officiating at those places from your board?

Ans. While at the Fifteenth street church, in Philadelphia, he received $250 a year, and my impression is that he received the same sum while at Westport; he was at the Fifteenth street church eighteen months nominally; his first commission at this church was from October, 1861, to April, 1862, and it was then renewed for one year from that time; the board make their appointments for six months or a year; in January, 1863, the presbytery dissolved the pastoral relation between James H. Baird and the Fifteenth street church; that would have terminated his engagement with us of course, and it was a matter of courtesy whether we should pay up to the end of the commission; but we did pay up, after some discussion.

14 *Quest.* Did your official connection with the board require you to be at Toledo while Mr. Baird was there?

Ans. No, not while he was there; I have been there since.

15 *Quest.* Do you know whether Mr. Baird has had any difficulty or any controversy at any of the churches where he has been?

[Note.—This question is objected to because it is too general in its character; the question must be confined to the return, both as respects the church and the matter.]

Ans. Yes, he has had several difficulties; my first acquaintance with Mr. Baird was at the general assembly at Buffalo, in 1854; he was there then with an appeal, or complaint, connected with the church at Toledo; the last church he had, the Fifteenth street church in Philadelphia, there was difficulty, and we were told (in the office) that the elders had refused to let him preach. [This objected to.] We received information, in our official capacity, that that church had been closed against Mr. Baird.

16 *Quest.* Did you, as secretary, receive the information, and act upon the information that the church had been so closed? [Objected to.]

Ans. Yes, and that caused the difficulty in respect to the payment of his salary up to the 15th of April.

17 *Quest.* Have you any knowledge of the pecuniary means or ability of Mr. Baird since he has been connected with the Presbyterian church?

Ans. I can only give my impressions since he has been connected with the board; he received aid from our board, and he needed it or he would not have applied for it, the churches he was connected with being missionary churches.

18 *Quest.* From your acquaintance with Mr. Baird, do you consider him a capable and proper person to have the care, custody, and control of young children apart from their mother? [This question objected to.]

Ans. I have got the impression, from my knowledge of Mr. Baird, that he is not a very amiable man, and not of a happy disposition.

Being cross-examined—

19 *Quest.* Have you ever interchanged any social civilities with Mr. Baird?

Ans. I have never been at his house; my intercourse with him has only been through my office.

20 *Quest.* On what occasion and under what circumstances did you meet Mr. Baird in 1854?

Ans. At the general assembly at Buffalo, where he was prosecuting an appeal or complaint while pastor of the church at Toledo.

21 *Quest.* How and under what circumstances did you meet with him in 1861?

Ans. He came to the office in Philadelphia (having left Missouri) to collect a claim for services which he said he had rendered, and which we declined to pay because he had left the field, his commission not having expired.

22 *Quest.* Were your subsequent communications with him of an official character?

Ans. Yes, altogether.

23 *Quest.* Did you keep books in which you recorded your official transactions?

Ans. Yes, or my clerks did; I did not make the record myself.

24 *Quest.* Are all these transactions relating to the missionary services of Mr. Baird recorded in those books?

Ans. Yes.

25 *Quest.* Where are those books?

Ans. In Philadelphia, at the office, No. 910 Arch street.

26 *Quest.* Do you rely upon those books or upon your memory for the statements you have made?

Ans. Upon the books—I looked at them yesterday.

27 *Quest.* Are compensations made by your board to those having charge of missionary churches, in reference to their pecuniary ability, or for the services they render?

Ans. Of course it is for services rendered, for the churches are too poor to support pastors.

28 *Quest.* Do you receive any official information of the pecuniary condition of those who fill missionary churches?

Ans. No, sir; but rich men never come on the funds.

29 *Quest.* Missionaries, then, are employees of the church, and not paupers?

Ans. Yes, employees; we have no paupers in our church.

The witness asks leave to explain; he states that Mr. Baird may not have been at Toledo when he first made his acquaintance in 1854—he may have been at Wooster or may have been at Toledo; it is the impression of witness that Mr. Baird was at Toledo, but he may be mistaken; that can easily be settled by the records.

THOMAS L. JANEWAY.

Sworn and subscribed before me, this third day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

William E. Schenck, a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. In the city of Philadelphia, No. 1635 Spruce street.

2 *Quest.* Are you in any way related to Mr. James H. Baird or Mrs. Baird?

Ans. My first wife, now deceased, was an older sister of Mrs. Baird.

3 *Quest.* How long have you been acquainted with Mr. Baird?

Ans. Since the latter part of 1848, or beginning of 1849.

4 *Quest.* What is your vocation?

Ans. I am a clergyman, and am secretary of the Presbyterian board of publication (old school).

5 *Quest.* How long have you been a minister of the gospel?

Ans. I was licensed in 1842, and ordained in 1843.

6 *Quest.* Have you seen much of Mr. Baird in his domestic and family relations since your acquaintance with him?

Ans. I have.

7 *Quest.* Have you ever resided with Mr. Baird?

Ans. Not for any great length of time—frequently for a few days.

8 *Quest.* Have you observed Mrs. Baird's management and care of her children?

Ans. Very frequently and very carefully.

9 *Quest.* Will you state the character of her management and care of her children? [This question objected to; not within the issue.]

Ans. I have always regarded it as eminently affectionate, judicious, and faithful.

10 *Quest.* What do you say as to the capacity and qualification of Mr. Baird for the care and custody of young children, in the absence of their mother? [This question objected to.]

Ans. I deem him, in a very unusual degree, unfit to have such care.

11 *Quest.* Have you any knowledge or acquaintance with any of the pastoral relations in which Mr. Baird has been placed? [This question objected to.]

Ans. I have knowledge from Mr. Baird's own correspondence with me, and from intercourse with the members of those congregations (or some of them) as well as from general rumor.

[Note.—The prosecutor objects to the witness stating anything touching his correspondence with Mr. Baird without the production of the letters, or any information which he may have derived from members of Mr. Baird's congregation or general rumor.]

12 *Quest.* Can you name any of the places at which Mr. Baird had ministerial connection with churches?

Ans. His first connection was with an academy at Geneseo, New York; he was sought for the place as a minister; that was in the fall of 1849, or the early part of the winter; he was at Toledo and at Wooster, both in Ohio; he was for a time (whether installed or not I can't say) at Lower Sandusky, Ohio; he was for a time at Rushville, Indiana; at Vicksburg, Mississippi; at Lockhaven, Pennsylvania, and the Fifteenth street church, Philadelphia; I do not recollect any other places—there may have been others.

13 *Quest.* Do you know whether Mr. Baird, while he was

at any of these places, and which, had any difficulties and controversies, in connection with his ministerial relations, which came before the church courts or tribunals, and if so, state them?

Ans. He had such difficulties at several of those places; he had such in the Fifteenth street church, Philadelphia; at Lockhaven, Pennsylvania; at Wooster and Toledo, Ohio; I am not quite sure whether both of these last cases came before the courts—one of the two did certainly; at Vicksburg he had difficulties with the people—I am not sure whether they came before the church courts or not.

14 *Quest.* Do you know whether at any, and at which of those places the difficulties resulted in a dissolution of his ministerial relations?

Ans. To the best of my belief it was so in all the five places last named.

15 *Quest.* Were you a member of, or in any way officially connected with any of the courts or tribunals where any of the difficulties or controversies you have referred to were brought and acted upon?

Ans. I was a member of the presbytery of Philadelphia when the troubles of the Fifteenth street church were brought before it; I was not connected with any other court before which these cases were brought.

16 *Quest.* If not a member, were you in attendance as an individual, or in any official capacity upon any of the other courts or tribunals where any of those difficulties or controversies referred to were acted upon?

Ans. I was not.

17 *Quest.* Do you know the time when Mrs. Baird left her husband, took her children, and went to her father's home at Manchester?

Ans. I remember the time very well—I can't state the day—it was late in the spring or early in the summer of 1862.

18 *Quest.* Was your daughter visiting the family of Mr. Baird shortly previous to Mrs. Baird's leaving her husband?

Ans. She was—in March, 1862.

19 *Quest.* Did she finish the visit, in point of time, that she contemplated making when she went there?

Ans. She did not.

20 *Quest.* Why not?

Ans. I withdrew her from his house because of a letter written to me by Mr. Baird.

21 *Quest.* Have you that letter in your possession?

Ans. I have that letter, which I here produce with the envelope.

The letter (and envelope) dated March 10th, 1861, Phila-

delphia, is here offered in evidence, and marked *Exhibit No. 2* on the part of defendants.

22 *Quest.* During your acquaintance with Mr. Baird, have you been in the habit of visiting at his house?

Ans. At times.

23 *Quest.* Have Mr. and Mrs. Baird been in the habit of visiting at your house?

Ans. They have frequently been there during the time between the period of their marriage and their separation.

24 *Quest.* Have those interchanges of visiting been frequent and of any duration in point of time?

Ans. During portions of those years those visits were frequent, varying in length from one day to five or six weeks.

25 *Quest.* During these visits of which you have spoken, what was the conduct and treatment of Mr. Baird toward his wife?

Ans. Very variable, but oftentimes characterized by roughness and harshness of manner.

26 *Quest.* What was the conduct and treatment of Mrs. Baird toward her husband?

Ans. It was usually timid, but always kind and gentle.

Being cross-examined, saith—

27 *Quest.* Did you solemnize the marriage between Mr. Baird and his wife, and if so, at what place?

Ans. I did so, in the parlor of her uncle, Doct. John Torrey, at Princeton, New Jersey.

28 *Quest.* Were you on terms of friendly and social intercourse with him after his marriage for a number of years, and if so, down to about what time?

Ans. I was, and until his separation from his wife I have never had any difficulty with him, either before or after.

29 *Quest.* You have spoken of difficulties between Mr. Baird and certain congregations where he was stationed—do you know of those difficulties from observation, or do you speak from mere rumor?

Ans. Largely from Mr. Baird himself; partly from official documents; partly from members of those churches, and in some degree from general rumor.

30 *Quest.* What did Mr. Baird himself ever tell you about those things?

Ans. He admitted to me the existence of the difficulties with his congregations.

31 *Quest.* What particular difficulties?

Ans. The difficulties alluded to before, with the churches of Toledo, Wooster, Lockhaven, Vicksburg, and the Fifteenth street church, and which were generally attributed by him to enemies who had arisen in the congregations.

32 *Quest.* Can you be any more specific?

Ans. I can go into particulars to some extent in each of those various churches, if you desire.

33 *Quest.* To what official documents do you refer?

Ans. The printed minutes of the general assembly in one case, and the records of the presbytery of Philadelphia in another case.

34 *Quest.* You refer to the minutes of the general assembly for what case?

Ans. The case that was before that body at Buffalo.

35 *Quest.* What case?

Ans. It was the case of an appeal that was carried up by Mr. James H. Baird to the general assembly from the church at Wooster, of which he was then the pastor.

36 *Quest.* Did the general assembly sustain Mr. Baird?

Ans. It did sustain him in part, as a matter of form.

37 *Quest.* The other official document to which you refer was the report of a committee, appointed by the presbytery of Philadelphia, to investigate charges made against Mr. Baird by his congregation, was it not?

Ans. It was.

38 *Quest.* That report was made in or about the month of December, 1862, was it not?

Ans. About that time.

39 *Quest.* Were you a member of that committee?

Ans. No; I was a member of the presbytery to whom the report was made.

40 *Quest.* Does your memory serve you as to whether that report did not conclude with the words "that nothing has appeared in the facts and statements presented to the committee which should impair the confidence of the presbytery in the character, ministerial or christian, of the Rev. James H. Baird"?

Ans. To the best of my belief, those words are contained in the report of that committee; it is also true that, in the earlier part of that report, the committee stated what they more fully stated verbally to the presbytery, that matters were offered to be brought in evidence before them which they did not receive, because they were irrelevant to the specific object for which that committee had been appointed.

41 *Quest.* Do you mean to be understood as saying that in the report it is so stated?

Ans. To the best of my belief it is so stated in the preliminary part of that written report.

42 *Quest.* You produced a letter, written by Mr. Baird to you, dated March 10th, 1862—was that letter followed by any others upon the subject referred to in that letter by Mr. Baird?

Ans. The letter of March 10th, 1862, was, to the best of my belief, the only letter I ever received from Mr. Baird at all touching upon the matter of his dislike to having my daughter in his family.

43 *Quest.* Did not Mr. Baird write you a letter upon that subject, bearing date the 24th of April, 1862?

Ans. I have no recollection of any other letter than the one referred to.

44 *Quest.* Do you mean me to understand that you received no subsequent letters from Mr. Baird touching any of the matters referred to in his letter of March 10th?

Ans. I do not know what matters were referred to in some portions of that letter of March 10th.

45 *Quest.* In the letter of March 10th is the following sentence: "Not only is her (your daughter's) presence at this time incompatible with higher and controlling considerations, but it may involve her name in a way, which my regard for you leads me to wish to avoid, in occurrences which will possibly assume a very unpleasant publicity"; do you know to what that passage alludes?

Ans. I do not know; I presume to the possible necessity of giving public evidence in just such a case as this which has arisen.

46 *Quest.* Do you not know that that sentence refers to a charge which had then been made by Mr. Baird against Doct. Ludlow, of Philadelphia, of attempting clandestinely to procure an abortion upon his (Mr. Baird's) wife?

Ans. I did not know it, and never had a suspicion of such a meaning to that passage in the letter until this moment.

47 *Quest.* Did you receive no subsequent letters from Mr. Baird respecting difficulties in his family, and with which you were connected?

Ans. I did receive two or three letters from Mr. Baird, whether before or after the date of March 10th, I am not sure; these letters were to a considerable degree unintelligible to me, and were laid away without answer; they related, at least in part, to difficulties existing in Mr. Baird's family, in which difficulties, according to the best of my recollection, he professed a desire that I should not become implicated.

48 *Quest.* Did you not understand what the nature of those difficulties were?

Ans. Only in the general; there were serious disagreements between Mr. Baird, on the one side, and his wife and her family, on the other; I laid the letters away after a hasty glance, and have never looked at them since.

49 *Quest.* Did you not understand that those difficulties arose from Doct. Ludlow's medical attendance upon Mrs. Baird?

Ans. To the best of my recollection, I had heard nothing of those difficulties in which Doct. Ludlow was concerned until after my withdrawal of my daughter from Mr. Baird's house, in consequence of receiving the letter of March 10th.

50 *Quest.* Was not your daughter withdrawn from Mr. Baird's immediately on receiving the letter of March 10th?

Ans. Immediately—I think the same day.

51 *Quest.* You say you laid those letters away; can you produce them?

Ans. I think it probable, although I am not sure; I will produce them if it is desired—I have no objection to doing so. [Prosecutor desires the witness to produce the letters, which he agrees to do, if he can find them.]

52 *Quest.* Do you know Doct. Ludlow, of Philadelphia?

Ans. I do.

53 *Quest.* Do you not recollect that, about the time of your withdrawal of your daughter from Mr. Baird's, you had a conversation with Doct. Ludlow in respect to the difficulties?

Ans. I recollect having had a conversation with him, perhaps more than one, subsequently to her withdrawal—I do not recollect any before that time.

54 *Quest.* Can you state about how long after?

Ans. No, cannot tell within a month.

55 *Quest.* In those conversations did not Doct. Ludlow say to you that a charge had been preferred against him by Mr. Baird to the college of physicians?

Ans. He did tell me that a charge had been preferred against him before some medical or surgical association—I do not know what—which charge had been laughed at by that association.

56 *Quest.* Did you not understand from him the nature of that charge?

Ans. He gave me some description of it in a general way; if I recollect aright, I stopped him, being unwilling to hear all he had to say upon the subject.

57 *Quest.* Did you not understand, from what he did say, what the nature of the charge was?

Ans. I presume I did.

58 *Quest.* What was it?

Ans. The charge was, that he, Doct. Ludlow, had been guilty of producing an abortion, or something very like it, upon Mrs. Baird.

59 *Quest.* Did you understand him to say that the college of surgeons or physicians laughed at a charge of that kind?

Ans. I did, sir.

60 *Quest.* Were not these conversations, or some of them, before you had received those letters from Mr. Baird?

Ans. I cannot say, for I do not remember the dates of the letters or conversations.

61 *Quest.* You made no answer to any of the letters which you received from Mr. Baird?

Ans. Not a word.

62 *Quest.* Did you not have a personal interview with Mr. Baird in relation to those letters subsequently to their being received at the presbytery held in the Fifteenth street church?

Ans. At a meeting of presbytery, held that spring, I think in April, but I do not recollect in what church, I exchanged a few sentences with Mr. Baird upon the subject of his domestic troubles.

63 *Quest.* Did you not, in that interview, give as an apology for not having answered those letters, that you had been absent, and also that you preferred having a personal interview, to writing upon the subjects to which they referred?

Ans. I very probably alluded to an absence, as I am often absent from the city at that time of the year; I distinctly remember that I refused to have any written correspondence with him upon this disagreeable subject; I believe I declined all further communications, either verbal or written.

64 *Quest.* Was not that interview brought about by your beckoning to him, with your hand, across the room of the presbytery?

Ans. It was; I wished, as kindly as possible, to express to Mr. Baird my unwillingness to receive further communications from him, or to take any part whatever in his domestic troubles, and that was the purport of our brief conversation.

65 *Quest.* Did not Mr. Baird, in that interview, say to you, that as his communications to you were in writing, that you were bound to reply in writing, and decline to receive any verbal explanations from you in regard to the information he sought?

Ans. He did not.

66 *Quest.* Did not that interview close up the friendly relations between you and Mr. Baird which had previously existed?

Ans. I never was aware that it did; I have seen him much seldomer since, but my feelings towards him have been not at all more unfriendly than before, nor have I been aware at all that his feelings were more unfriendly toward me.

67 *Quest.* Has there been, in any sense, the same friendly social relations existing between you since that interview as before?

Ans. Whenever Mr. Baird and I have met we have passed

an interchange of civilities, but have had no other social intercourse.

68 *Quest.* What part, if any, did you take in the abstraction of Mr. Baird's children from his house at the time of the separation?

Ans. I will relate the circumstances: when sitting at my desk in my office one day engaged in writing, Mrs. Baird and her children entered the room; she was weeping bitterly, and seemed to be almost overcome with grief; she told me that her domestic wretchedness had become entirely unbearable, and appealed to me, as a brother, to aid her in getting to her father's protection; she remained at my office perhaps half an hour, after which I proceeded with her and her children to the foot of Walnut street, crossed to Camden, and placed them in the cars; I then telegraphed to her father that she had left in that particular train;—this is the entire amount of my connection with her departure for home.

69 *Quest.* Was any person with Mrs. Baird and her children on that particular occasion?

Ans. I think a servant girl accompanied her.

70 *Quest.* Was there no other person than the servant girl who accompanied Mrs. Baird to your office?

Ans. No other person entered with her; my eldest daughter, with one of Mrs. Baird's children (or perhaps two) arrived there, and entered the office about ten minutes after Mrs. Baird and the other children.

71 *Quest.* Did Mrs. Baird herself bring any of the children to your office, or did they precede her to your office, and remain there until she came?

Ans. My recollection is, that the children all entered the office with their mother, except the one or two who came with my daughter.

72 *Quest.* What time of the day was it that Mrs. Baird and her children came to your office?

Ans. I think it was towards the close of the forenoon—I cannot remember the hour more definitely than that.

73 *Quest.* Was that the first you knew of her intention to leave her husband?

Ans. The very first.

74 *Quest.* Was not that the very day after you received the letter of the 10th of March?

Ans. I think not; without feeling sure, my impression is that it was at least several days after.

75 *Quest.* Can you assign any reason for your impression that it was several days after?

Ans. No, I cannot.

76 *Quest.* How many days is it, as nearly as you can state, that you have the impression that it was?

Ans. I think between three days and ten—that is the most definite answer I can give.

77 *Quest.* Why then did you state, in your examination in chief, that the separation took place in the latter part of spring or the early part of summer?

Ans. Because that was then my impression; going over these circumstances has brought it more particularly to my mind.

The further examination of witnesses is adjourned to Friday morning, November 4th, at 10 A. M.

Friday, November 4th, 10 A. M., the cross-examination of the witness resumed.

Since I made the answer to the last question of yesterday respecting the date of the separation, I have examined a memorandum, made upon the day of the separation, and find that I withdrew my daughter from Mr. Baird's house on the same day on which I received his letter, March 10th; and further, that it was on the next day, March 11th, 1862, that Mrs. Baird appeared with her children at my office, and was placed by me in the cars at Camden.

78 *Quest.* Have you that memorandum by you?

Ans. No, I have not.

79 *Quest.* You stated that it was in the month of April, 1862, that you beckoned to Mr. Baird to converse with him respecting his letters—if you have any memoranda touching that occurrence, or if you have any different impression concerning that date, will you not say whether it was not upon the 1st day of July, 1862, that this happened?

Ans. My only reason for saying that it was in April was that our presbytery always meets in the month of April, and that I knew the conversation took place in a meeting of presbytery; it is also true that our presbytery meets in the month of July, and it may have been at the July meeting that the conversation occurred.

80 *Quest.* Did you not receive one of the letters touching which that conversation was had during the sitting of the general assembly at Columbus?

Ans. I have no recollection whatever of having received any letter from Mr. Baird while I was attending the general assembly at Columbus.

81 *Quest.* Do you know Mr. Winthrop Sargent.

Ans. I do.

82 *Quest.* Did he not in person deliver to you, at Columbus, one of those letters?

Ans. I have no recollection whatever of his doing so.

83 *Quest.* Have you searched for the letters referred to last evening?

Ans. I have; you spoke of three letters last evening, I have found two of them, which are here with me.

84 *Quest.* Will you produce those letters?

Witness produces said letters, and desires to state as follows: "On the receipt of these letters, they were hastily and imperfectly glanced over, and placed in a corner of my desk, because I saw that they related to Mr. Baird's domestic matters, with which I was determined to have no manner of connection, and to hold no correspondence about it; they have never been read from that day to this, and I am to-day entirely ignorant of their contents, excepting in general that they relate to that subject."

1st letter, dated Philadelphia, April 24th, 1862, offered in evidence by the prosecutor, and marked by me *Exhibit A* on the part of said prosecutor.

The second letter produced is dated Philadelphia, July 10th, 1862, and is marked by me *Exhibit B* on the part of the prosecutor.

85 *Quest.* You produce both of these letters in one envelope—can you tell to which of these letters this envelope belongs, or what has become of the other?

Ans. I cannot tell to which letter it belongs; with regard to the other envelope my recollection is, that in sorting out the letters in my desk, at some subsequent day, in order to throw into my waste paper box letters which I did not desire to keep, the two were slipped into the same envelope, that they might not become separated. (Envelope marked by me *Exhibit C* on the part of prosecutor.)

86 *Quest.* Did you make any search for the letter of May 16th, 1862, to which I called your attention last night?

Ans. I searched through every part of my desk where such a letter was likely to be found, and am fully satisfied that these were the only two letters from Mr. Baird that were in the desk.

87 *Quest.* Have you any idea where that letter is, or whether you preserved it or no?

Ans. I have no recollection of ever having received any such third letter, and feel tolerably sure I never did; I had that impression when three letters were mentioned to me last evening.

88 *Quest.* Did you see Mrs. Baird in company with your daughter on the morning of the day that you brought Mrs. Baird to Camden, before they came to your office?

Ans. I have not the slightest recollection of seeing them together until after they had entered my office separately.

89 *Quest.* Did you see them together on the day previous?

Ans. To the best of my recollection I did not.

90 *Quest.* Nor at all in reference to the separation of Mr. and Mrs. Baird, until they came to your office?

Ans. Not at all; nor had I the slightest suspicion that such a separation was thought of until Mrs. Baird made her request, at my office, that I should take her to Camden.

Re-examined in chief.

91 *Quest.* You have stated already that you assisted in placing Mrs. Baird and her children in the cars at Camden the day she left her husband—can you state the hour of the day on which that train left Camden?

Ans. It was the 2 P. M. train for New York.

92 *Quest.* In your cross-examination, you stated that Doct. Ludlow informed you that Mr. Baird had made a charge against him of procuring, or attempting to procure an abortion upon Mrs. Baird; at that same time did Doct. Ludlow say anything to you, and if so what, in relation to the truth or falsity of the charge? [Objected to.]

Ans. He expressed, although in what t rms I cannot recollect, his utter denial of the charge, and seemed to feel that it was too ridiculous to be entertained by any person of good common sense; this is the sum of what he said.

93 *Quest.* At that time was Doct. Ludlow your family physician?

Ans. He had been for five or six years previous, was then, and still is.

94 *Quest.* From the time that he was first your family physician, down to the time at which he gave you that information, had you been in the habit of seeing him frequently, and, as near as you can state, how frequently?

Ans. Quite frequently, as often as any member of my family had occasion for medical attendance or advice.

95 *Quest.* How long have you been acquainted with the fact that Doct. Ludlow is a practising physician in the city of Philadelphia?

Ans. By general reputation, ever since I removed from Princeton to Philadelphia, in 1852; more personally since the summer or fall of 1856, when he was strongly recommended to me as a family physician by Doct. Hugh L. Hodge.

WM. E. SCHENCK.

Sworn and subscribed before me, this fourth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

John L. Ludlow, a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* What is your vocation?

Ans. I am a physician.

2 *Quest.* Where are you practising as a physician, and how long have you been practising in that place?

Ans. In the city of Philadelphia—about twenty-two years.

3 *Quest.* Are you acquainted with James H. Baird, and for how long have you known him?

Ans. Yes; I can't state the date, but it was after his return from the West, at which time I was attending in Doct. Schenck's family, when I was called to see Mrs. Baird at Doct. Schenck's; I cannot fix the date any nearer—I made no memoranda or charge of the matter; it was six or seven years ago I should say.

4 *Quest.* Can you recollect how often your professional visits have been in his family?

Ans. I saw his children first, who were sick; Mrs. Baird was near her confinement, suffering from general debility, with more or less rheumatism, her fingers contracted from rheumatic pain up to the time when she was actually confined; can't state the date of her confinement—never made any charge against Mr. Baird for my services; it was before Mr. Baird went to Lockhaven; on account of Mrs. Baird's crippled up condition, and her suffering so much, I was obliged to give her ether, as she was unable to make any, what we call, trection effort, from her hands being so crippled, and also from her cramps in her limbs; she suffered terribly before I administered it.

5 *Quest.* Were you present at the birth of that child?

Ans. I was; I was the attendant physician upon that occasion.

6 *Quest.* What was the sex of the child then born?

Ans. I do not remember that.

7 *Quest.* Do you remember its condition as a healthy or sound child?

Ans. I think it was a healthy child, although I can't remember much about that.

8 *Quest.* Have you been with Mrs. Baird at the time of the birth of any other child?

Ans. I have.

9 *Quest.* Do you remember the time of that other birth?

Ans. It was after the return of Mr. Baird from Lockhaven.

10 *Quest.* Do you recollect the circumstances of that birth, and the condition of Mrs. Baird's health?

Ans. She was in a miserable condition, very similar to what was the case before; she looked like a skeleton with the skin drawn over the bones, except that she was large, from being in the family way.

11 *Quest.* Can you recollect whether at that birth you administered anything to Mrs. Baird?

Ans. I did administer ether for the same reasons as on the previous occasion.

12 *Quest.* Is ether used to any extent among practitioners upon such occasions, and for the like purpose that you administered as stated?

Ans. Yes, it is in the city of Philadelphia, and is particularly adapted to such cases.

13 *Quest.* Have you attended Mrs. Baird during confinement upon any other occasion than the two mentioned?

Ans. I have not; after I first attended Mrs. Baird in her confinement, I continued attending the family, for various diseases, up to the time they went to Lockhaven, and after the second confinement of Mrs. Baird, after their return from Lockhaven until she left Philadelphia for her father's residence; Mrs. Baird was at that time boarding at the southeast corner of Sixth and Walnut streets; Mr. Baird had gone away to Kansas or some other place.

14 *Quest.* From that time subsequently have you attended Mrs. Baird or the family?

Ans. Yes, sir; after he took charge of the church at Fifteenth and Lombard streets, Philadelphia, I attended the children, and afterwards Mrs. Baird in a severe attack of some uterine disease accompanied with intense agony; this is the sickness upon which Mr. Baird accused me of trying to procure an abortion; when I relieved her of all her pain she got up perfectly comfortable.

15 *Quest.* Was Mrs. Baird at that time pregnant?

Ans. I cannot say; it was in the early months, when we cannot possibly tell; upon examination by the touch, I found an excessively tender and enlarged uterus, so much so that she could hardly bear me to make the necessary examination.

16 *Quest.* Did you continue to visit Mrs. Baird or her family after that visit?

Ans. Yes, I attended her until she was able to sit up and to go about her room, writing my prescriptions in her room, leaving them upon the bureau open to all; after this, as I was about leaving the house one day, I met Mr. Baird at the front door, when I said to him, in words to this effect, that I was glad Mrs. Baird was so much better; that I felt that she was too feeble to have any attacks of uterine irritation from any cause, and I begged of him to have separate apartments, and that she was in a state that required strengthening and building up—upon which he replied, "Oh, she is always better when she is in the family way;" I had no more to say, and turned away from him in disgust, and never had any more communication with him, except by his writing to me; I never wrote to him but once; he wrote one or more notes to me, telling me not to come any more—that was all;

I wrote to Mr. Torrey, after receiving the first note, asking him what I should do under the circumstances.

17 *Quest.* Did you continue visiting the family after this?

Ans. I called once to say, that under the circumstances, I could not attend any more.

18 *Quest.* During all the time that you visited Mrs. Baird, what was her general condition of health?

Ans. Miserable; I had to be continually building her up, and trying to anticipate rheumatic attacks, etc.

19 *Quest.* Did you ever think of, or do anything intended or calculated to produce an abortion upon Mrs. Baird?

Ans. Certainly not; my business is to save, not to destroy; I gave her just such remedies as I am using constantly for similar cases, and I am happy to say with as much success as anybody who practises in the city of Philadelphia; if I had desired to produce an abortion (when we of the profession think it necessary to do so to save the life of the mother) I should have used more direct means—I should not go about the stomach to do it.

20 *Quest.* You have stated that you made no charge against Mr. Baird for your services—why not?

Ans. Simply from the kindness of my heart—I have no other reason; I have never received one cent from him in any shape or form.

21 *Quest.* During your professional visits to Mr. Baird's house, did you notice the conduct of Mr. Baird to his wife?

Ans. At the first of my visits—the first of my knowledge of him—I did not see anything in his manner towards Mrs. Baird—I did not see him often—Mrs. Baird appeared to be always afraid of him, and seemed very timid; after the return of Mr. Baird from Lockhaven his manner was changed (at least as far as I saw it)—he seemed to be harsh and irritable under any questions or anything his wife might suggest; he was not present at the time of his wife's confinement; when at the corner of Sixth and Walnut streets his manner then, as far as I saw (I did not see him often), was harsh, as I considered it, to his wife; I did not see any abuse, but there was a harshness about it; he soon after went to Kansas (I believe); he went somewhere out there, I can't say where; the eldest child was taken sick with rheumatism, another with pneumonia or croup, and the children were sick off and on, and Mrs. Baird herself at one time laid up with rheumatism, and in a very distressed situation, having no one there to assist her; at the time she had this rheumatic attack she was unable to use her hands to dress her children, and I have seen her a number of times lift her child by the teeth while she adjusted its dress; this is the state in which Mrs. Baird was left by her husband when he went away.

22 *Quest.* Did you notice, during your visits in Mr. Baird's family, the manner of Mrs. Baird in the care, culture, and management of her children, and if so, what was it?

Ans. I never saw a more tender mother, or one more careful in the management of her children.

23 *Quest.* During those visits, did you observe the management and treatment of Mr. Baird towards the children?

Ans. His manner was harsh and imperious to them; it was very different from the mother's treatment—the little ones seemed a good deal afraid of him.

24 *Quest.* From your knowledge of Mr. Baird and his treatment of his children, do you consider him a fit and proper person to have the care and control of those children apart from their mother?

Ans. I am sorry to say that I do not.

Note.—The prosecutor objects to the whole of the foregoing testimony as irrelevant and improper, and makes his cross-examination subject to such objection.

Being cross-examined, the witness says—

25 *Quest.* What was the technical name of the uterine disease under which Mrs. Baird was laboring, and of which you have spoken?

Ans. Apparently congestion of the uterus, with violent neuralgic symptoms.

26 *Quest.* Did you not understand, from Mrs. Baird, that she was pregnant?

Ans. No; she said she did not know whether she was or not; I put the question to her.

27 *Quest.* (Being shown a paper marked *Exhibit D* on the part of the prosecutor, the witness is asked)—is that your prescription?

Ans. It is; that prescription Mr. Baird sent to the censors.

28 *Quest.* It was that medicine, then, which you prescribed for a congestion of the uterus with neuralgic symptoms?

Ans. It was; I am happy to say it relieved her, and I believe it saved her life.

29 *Quest.* Do you know what druggist filled that prescription?

Ans. I do not; Mr. Baird got the prescriptions filled, I believe; I do not know this of my own knowledge; I left the prescription open.

30 *Quest.* Did you furnish any other prescriptions?

Ans. I did; and I think it probable that the prescriptions Nos. 22 and 23, on page 40 of this manuscript book shown to me, are copies of those I furnished; they are such as I would have recommended.

31 *Quest.* Is this a copy of the note, referred to by you, written by Mr. Baird to you?

Ans. (Being shown a copy of note, marked by me *Exhibit D A* on the part of prosecutor)—I think it is a copy of the identical note.

32 *Quest.* Did you receive a second letter from Mr. Baird?

Ans. I think I did.

(Being shown a copy of letter, marked *Exhibit E* on the part of prosecutor, purporting to be a copy of letter from James H. Baird to Doct. Ludlow, dated February 25th, 1862)—

33 *Quest.* Did you receive a letter of which this is a copy?

Ans. I did receive a letter like that—I presume that is a copy; I then called and told Mrs. Baird that under the circumstances I could not come to see her again.

34 *Quest.* Did you write a letter to Mr. Baird touching these two letters?

Ans. I think I did.

(Being shown a letter, dated February 27th, 1862, Philadelphia, signed J. L. Ludlow, marked by me *Exhibit F* on the part of the prosecutor)—

35 *Quest.* Did you write this letter?

Ans. I did; that letter is mine; it is true as gospel.

36 *Quest.* Who was the ecclesiastical adviser referred to by you in this letter?

Ans. Doct. Engles.

37 *Quest.* Did you speak to any other clergymen about the matter?

Ans. I spoke to the Rev. Doct. Boardman (who referred me to Doct. Engles) and also to Rev. Mr. Breed.

38 *Quest.* Did you confer with Doct. Schenck in relation to the matter?

Ans. Not in regard to any ecclesiastical suit—I had a conversation with him in regard to Mr. Baird's treatment of me.

39 *Quest.* Do you know the Rev. M. B. Grier?

Ans. I do.

40 *Quest.* Did you speak to him on the subject?

Ans. I called upon Mr. Grier (not upon this subject), but we had a conversation touching it.

41 *Quest.* What was the time and place?

Ans. I cannot say—I think it was in Chestnut street, Philadelphia.

42 *Quest.* Did you, on that occasion, tell him that you had been attempting to procure an abortion upon Mrs. Baird, and that you were apprehensive that Mr. Baird would commence a prosecution against you on account of it, or words to that effect?

Ans. No, sir; all I said was, that Mr. Baird had charged

such a thing as that; I had no fear of a prosecution, and said nothing about a prosecution.

43 *Quest.* Did Mr. Baird prefer a charge against you to the college of physicians?

Ans. He did to the censors of the college; those censors consisted of Doct. Joseph Carson, professor of materia medica in the university, Doct. George W. Norris, Doct. Isaac Hayes, and Doct. Lewis Rodman.

44 *Quest.* The charge thus preferred was to the effect that you had attempted to procure an abortion upon his wife, was it not?

Ans. It was—so the censors told me.

45 *Quest.* Did you call down upon the elders of the church, and say that such a charge had been made, and that the consequences would be serious, unless it was withdrawn?

Ans. I can't say that those were the words; I saw Mr. O'Neil, or McNeal, upon the subject.

46 *Quest.* Did you make a second call?

Ans. I may have done so—I cannot say.

47 *Quest.* Was it not, during the times you attended Mr. Baird's family, a custom of respectable physicians in the city of Philadelphia to attend the families of clergymen gratuitously?

Ans. It is only partially so—it is left entirely to our discretion.

48 *Quest.* Was it not your custom?

Ans. In certain cases where the families were poor, except in cases of confinement, I always charge; I consider that extra, except in cases of poverty.

49 *Quest.* How came you, after the first peremptory note of Mr. Baird to you, again to visit his house?

Ans. Simply to explain the cause why I could not attend, having no ill feeling towards Mrs. Baird or the family.

50 *Quest.* Did you not prescribe further for Mrs. Baird?

Ans. She sent some person to my house, and asked for a prescription for one of the children that was threatened with an attack of croup; I had attended the child in a similar attack, and she said she found the prescription of so much use that she wanted it again.

51 *Quest.* Do you remember who was the medium?

Ans. I do not—I think a servant.

52 *Quest.* Was it Miss Addie Schenck who called on you?

Ans. I think not—I think it was a servant.

53 *Quest.* Have you any knowledge where, and in what condition, Mr. Baird left his family when he went to Westport, Missouri?

Ans. He left them at the corner of Sixth and Walnut streets, in Philadelphia, in a little room in the boarding-

house, up stairs, in a confined spot, with all the children and the new baby in one room; they were then in a very distressed state; that is, so far as I can remember as to the room and place where they were left.

Re-examined in chief.

54 *Quest.* In the early stages of pregnancy are females often times ignorant or mistaken of the fact of pregnancy?

Ans. Yes, sir, especially in the exsanguineous and debilitated state that Mrs. Baird was in at the time spoken of; they are unable to state positively at such times; there is so much irregularity of the monstrual secretions at times that it is impossible to get at anything definite.

55 *Quest.* At the time you inquired of Mrs. Baird, as you have stated, whether she was pregnant, was her physical condition at that time such as to make it difficult for her to know whether she was pregnant?

Ans. I think so.

56 *Quest.* Who are the legal advisers in your letter to Mr. Baird alluded to by you?

Ans. Mr. Richard Ludlow, my brother, and Theodore Cuyler, esq.

57 *Quest.* Are they both respectable lawyers?

Ans. They are, sir, as respectable as any in Philadelphia.

58 *Quest.* What action was had by the censors of the college of physicians and surgeons upon the charges against you preferred by Mr. Baird, and what did that action result in?

Ans. I demanded of them a close and scrutinizing investigation—I could allow of no favoritism or friendship in the matter where my honor was involved; they dismissed the charges, and sent to me the original charges which Mr. Baird had made to them against me, to do with as I saw fit.

59 *Quest.* You say they dismissed the charges—do you know whether they investigated them?

Ans. Doctors Carson and Norris both informed me that they had thoroughly investigated them.

60 *Quest.* Do you know whether they either saw or had knowledge of the prescriptions which you had written for the medical treatment of Mrs. Baird?

Ans. Doct. Carson informed me that he had examined them particularly, (I quote Doct. Carson, for he is at the head of the profession in that department, and I was very glad he was in the board); he laughed at the idea in regard to it.

61 *Quest.* Did you receive any other information from the other censors that they had investigated the matter?

Ans. I did; I made it a point to call on all of them; they

all gave the same information as Doct. Carson; they acted upon it.

[Note.—All that part of this witness's testimony which relates to the action of the censors of the college, and what was told him by them, is objected to as irrelevant and improper.]

Re-examined—witness saith—

62 *Quest.* Was the action of the censors of the college, or any of the information of the members to which you have referred, made in writing?

Ans. I am not certain.

63 *Quest.* Do you know of any formal investigation of the matter, or any investigation at all?

Ans. Only from what they told me.

64 *Quest.* Were you ever present at any investigation of the matter?

Ans. I never was; they took charge of the matter.

65 *Quest.* Are you familiar with the handwriting of Doctor Norris?

Ans. Not very.

(Being shown a paper, marked by me *Exhibit G* on the part of the prosecutor, the witness is asked)—

66 *Quest.* Do you know whether this is the handwriting of Doctor Norris?

Ans. I suppose it is.

(Being shown another paper, marked *Exhibit H* on the part of the prosecutor, the witness is asked)—

67 *Quest.* Do you know whether this is also the handwriting of Dr. Norris?

Ans. I do not doubt it is.

J. L. Ludlow.

Sworn and subscribed before me, this fourth day of November, A. D. 1864.

Chas. P. Stratton, *M. C.*

Adjourned to November 9th, at 10 o'clock A. M.

November 9th, 10 o'clock A. M., examination resumed, in pursuance of the above adjournment, in the presence of solicitors of the parties.

Jane Sweeney (*Mrs.*), a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. I live in Philadelphia, in Twenty-first street, between Lombard and Pine—have lived in Philadelphia going on three years.

2 *Quest.* Are you acquainted with Mrs. Baird, and Mr. James H. Baird, her husband?

Ans. Yes, sir.

3 *Quest.* How long have you been acquainted with them?

Ans. This two years.

4 *Quest.* Did you ever live in their family in Philadelphia, and if so when?

Ans. Yes, sir, about two years ago.

5 *Quest.* In what capacity did you live in the family?

Ans. I used to go there to wash.

6 *Quest.* How long at a time were you at work in the family?

Ans. I would be there a week at some times, and sometimes but two or three days—I was there but five weeks altogether; when they would be out of a girl I would go there.

7 *Quest.* At any of the times when you were there, did you do any other work than washing?

Ans. Yes, I cooked.

8 *Quest.* While you were there at work a week at a time or so, did you stay all night?

Ans. No, sir.

9 *Quest.* Did you notice Mr. Baird's conduct towards his wife, and the manner in which he treated her?

Ans. Yes, sir.

10 *Quest.* How did he treat her?

Ans. I saw that he was not very kind to her.

11 *Quest.* In what way was he not kind to her?

Ans. In not giving her what she wanted.

12 *Quest.* Did you hear him talk to her frequently?

Ans. At table I used to hear him talking to her.

13 *Quest.* How did he talk to her at table?

Ans. I could not hear what he would say, but I knew he was talking very unkind to her.

14 *Quest.* How did you know that he was talking unkindly?

Ans. I used to see her cry.

15 *Quest.* How many times did you see that?

Ans. Once or twice.

16 *Quest.* How did Mrs. Baird always conduct herself to her husband?

Ans. She never would say anything—I never heard her say anything, but cry.

Being cross-examined, witness saith—

17 *Quest.* Are you a married lady or widow?

Ans. I am a married lady.

18 *Quest.* What is the business of your husband?

Ans. A stone mason, sir.

19 *Quest.* You live together, do you not?
Ans. Yes, sir.
20 *Quest.* Do you still go out to wash and do housework?
Ans. No, sir.
21 *Quest.* How came you to be here on this occasion?
Ans. This gentleman (pointing to Mr. William Torrey) came after me.
22 *Quest.* When did he first come to see you about this matter?
Ans. About three weeks ago.
23 *Quest.* Did he tell you what he wanted you to come here for?
Ans. Yes, sir.
24 *Quest.* Just tell what he said he wanted you to come for?
Ans. He just told me he wanted me to come and say what I saw going on of his conduct to her.
25 *Quest.* Did he take down in writing a memorandum of what you told him?
Ans. Yes, sir.
26 *Quest.* Did you tell him the same as you have stated here, or something beside?
Ans. The same, as near as I can think on it.
27 *Quest.* How long did he remain there?
Ans. About half an hour, or less.
28 *Quest.* Anybody with him?
Ans. Yes, sir.
29 *Quest.* Who?
Ans. Mrs. Baird.
30 *Quest.* Anybody else?
Ans. No, sir.
31 *Quest.* Has either he or Mrs. Baird been to see you at any time since?
Ans. No, sir; except he came last night to tell me when I would be wanted over here.
32 *Quest.* How long did he remain last night?
Ans. I should think half an hour.
33 *Quest.* Did you talk this matter all over last night?
Ans. Yes, sir.
34 *Quest.* Do you follow any business yourself, and what?
Ans. Yes, sir, I make pantaloons.
35 *Quest.* Was anybody with him last night?
Ans. Yes, sir, a gentleman; that gentleman sitting there (pointing to Mr. Chetwood).
36 *Quest.* Did you wait upon the table while you were at Mr. Baird's?
Ans. Sometimes I did.
37 *Quest.* You say you saw Mrs. Baird cry once or twice—where was this?

Ans. At the table; I saw her bursting out, and crying at the table.

38 *Quest.* Do you know what made her cry?

Ans. Yes, she cried from his talk; I do not know what he said, but I know it was from that.

39 *Quest.* Were you at Mrs. Baird's when she took the children and went away?

Ans. Yes, sir; I was there that morning.

40 *Quest.* How came you to be there that morning?

Ans. I just happened there.

41 *Quest.* Without being sent for, were you there?

Ans. Yes, sir; I was not sent for.

42 *Quest.* Did you help Mrs. Baird pack up?

Ans. No, I did not; Mrs. Baird did send for me the night before—I forgot that.

43 *Quest.* What did Mrs. Baird say she wanted you for?

Ans. She did not say.

44 *Quest.* What time did you get there?

Ans. About 8 o'clock in the morning, as near as I can tell.

45 *Quest.* How long did you remain?

Ans. About an hour and a half.

46 *Quest.* What did you do while there?

Ans. I did nothing.

47 *Quest.* Did Mrs. Baird say what she sent for you for the night before?

Ans. No, she was not in.

48 *Quest.* Did you see her at all?

Ans. No, sir.

49 *Quest.* Did you see the children?

Ans. I saw two of them?

50 *Quest.* Where were the other three—did you understand?

Ans. I did not understand.

51 *Quest.* Did those two go away while you were there?

Ans. Yes, sir.

52 *Quest.* Who took them away?

Ans. I took one of them.

53 *Quest.* Who took the others?

Ans. Another girl, Margaret Fagan.

54 *Quest.* Did you and Margaret take them away together?

Ans. Yes, sir.

55 *Quest.* How came you to take them?

Ans. Mrs. Baird's niece, Addie Schenck, told me to take them.

56 *Quest.* Was Addie Schenck there?

Ans. Yes, sir.

57 *Quest.* Was Miss Addie there when you got there, or did she come in afterwards?

Ans. She came in afterwards.

58 *Quest.* Where did she tell you to take them to?

Ans. To my house.

59 *Quest.* Did Miss Addie go with you?

Ans. Yes, sir.

60 *Quest.* How long did you keep them at your house?

Ans. About an hour.

61 *Quest.* Were Mrs. Baird and the other children at your house?

Ans. No, sir.

62 *Quest.* Where did you take them from your house?

Ans. I took them no further than my house.

63 *Quest.* Who took them from your house?

Ans. A carriage—I can't tell who the man was that came with it.

64 *Quest.* Was anybody with the carriage but the driver?

Ans. No, sir, only the driver.

65 *Quest.* Did you see anything of Mrs. Baird that day, or the other three children?

Ans. No, sir.

66 *Quest.* Did you see anything of Mr. Baird that morning?

Ans. Yes, sir.

67 *Quest.* Where did you see him?

Ans. At his house; he came into the kitchen.

68 *Quest.* How long was that after you got there?

Ans. Very shortly.

69 *Quest.* Do you know where he was when you took the children?

Ans. I can't actually tell; he was up stairs.

70 *Quest.* Did he have a police officer with him?

Ans. Not as I know; he was up stairs.

71 *Quest.* Had you seen Mr. Baird that morning till he came into the kitchen?

Ans. No, sir.

72 *Quest.* Did Mr. Baird ask you anything when he came into the kitchen?

Ans. He did, sir, but I cannot recollect what it was.

73 *Quest.* Did he not ask you where Mrs. Baird and the children were?

Ans. Afterwards he did.

74 *Quest.* What did you tell him?

Ans. I told him I did not know anything about them.

75 *Quest.* Was that true?

Ans. No, sir, it was not true.

76 *Quest.* Did you not know at that time that Mrs. Baird had gone off with the children?

Ans. It was a week or so after the children had gone that Mr. Baird sent for me to ask if I knew what had become of the children, and I told him no; it was not on the morning they went away; he did not ask me then.

77 *Quest.* Did Miss Addie Schenck tell you what the children were to be taken to your house for?

Ans. Yes, sir; when she came up to my house, she told me the children were to be taken away; this was after I got them to my house.

78 *Quest.* Did Miss Addie remain at your house till the carriage came?

Ans. Yes, sir, she did.

79 *Quest.* When you took the children away, did you walk leisurely with them or hurry?

Ans. I hurried with them.

80 *Quest.* Why did you hurry with them?

Ans. I was afraid that Mr. Baird would come and take the children—that he would be after me.

81 *Quest.* Why did you fear Mr. Baird coming after his own children?

Ans. I thought the children were better off to be with their mother than with him—I thought the mother was the best.

82 *Quest.* Did you contrive to take them out while he was up stairs?

Ans. Yes, sir; we did not contrive—we took them out the front door; we did not try to hide them.

83 *Quest.* Did you not know Mr. Baird was up stairs when you took the children out?

Ans. I guessed he was—the girl said he was up stairs.

84 *Quest.* Did you take them out, then, so that he might not see you?

Ans. I did not care much—though I would rather he would not see me; I did not care much whether he caught me or no.

85 *Quest.* Where was Miss Addie then?

Ans. She was walking along with us.

86 *Quest.* Did you see any gentleman at the door, or standing in the street, when you went out?

Ans. No, sir.

87 *Quest.* Was anybody up stairs with Mr. Baird?

Ans. I do not know.

88 *Quest.* Do you not know a police officer was with him?

Ans. No, sir; I saw nobody with him but himself.

her
JANE ⋈ SWEENY.
mark.

Sworn and subscribed before me, this ninth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Margaret Fagan, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you live, and how long have you lived in your present place of residence?

Ans. I live in the city of Philadelphia, at Tenth and Locust streets—have lived in Philadelphia ten or eleven years.

2 *Quest.* Are you acquainted with Mrs. Baird, and Mr. James H. Baird, her husband, and how long have you known them?

Ans. Yes, sir; I don't exactly know how long I have known them, over two years I should say—I forget.

3 *Quest.* Did you ever live in their family in Philadelphia, and if so, how long?

Ans. Yes, sir; I don't exactly know how long; I don't think I had been there more than a week or two when Mrs. Baird went away, and I lived with Mr. Baird a week or two afterwards.

4 *Quest.* Did you live with Mrs. Baird at the time she and the children went away from Mr. Baird?

Ans. Yes, sir.

5 *Quest.* How many stories high was the house in which Mrs. Baird then lived?

Ans. I think three stories high.

6 *Quest.* In which story of the house was your bed-room?

Ans. I think in the third story.

7 *Quest.* In which story was Mr. and Mrs. Baird's bed-room?

Ans. Second story, front room.

8 *Quest.* Was there any other hired girl living in the family at the time spoken of by you, and if so, who was it?

Ans. Yes, a girl named Mary—do not remember her last name.

9 *Quest.* Was it Mary Wayson?

Ans. Yes, sir, that was her name.

10 *Quest.* Do you know where she is now?

Ans. No, sir.

11 *Quest.* How long since you have heard of her?

Ans. I have heard nothing of her since she left with Mrs. Baird; she went to New York with Mrs. Baird.

12 *Quest.* At the time she was living with Mrs. Baird, where was her bed-room?

Ans. The same bed-room with me.

13 *Quest.* Did Mr. Baird ever come to your bed-room, and if he did when—and state the circumstances about it?

Ans. Yes, sir, one night when we was going to bed, he came to the door, and the door was not closed; he put his head in the door, and I do not recollect what he said; I was not undressed—the girl was going to bed, and she was partly undressed.

14 *Quest.* Was there a light burning in the room?

Ans. Yes, sir.

15 *Quest.* How long did he stand with his head in the room?

Ans. He put in his head and went right away again; I do not know what he said.

16 *Quest.* From where he was at the time he put his head in the room, could he see both of you girls?

Ans. I cannot say whether he could or not.

17 *Quest.* From where he stood when he had his head in the room, could he have seen you if he wanted to.

Note—This question objected to as leading, and as being a repetition of the previous question.

Ans. Yes, sir.

18 *Quest.* When he spoke to you, did he say what he wanted?

Ans. I don't know, indeed sir, what he said; he said something, but I don't know what it was.

19 *Quest.* Did he ever come to your bed-room at any other time, either night or day?

Ans. No, sir; one evening when I was dressing I heard him coming down stairs, and he kind of frightened me, but he did not say anything to me.

20 *Quest.* The night you say he put his head into your bed-room, how long had you and Mary been in the bed-room before he put his head in?

Ans. Indeed I cannot exactly tell—it must have been ten or fifteen minutes.

21 *Quest.* What time of the night was it?

Ans. I think it was between nine and ten o'clock—I could not exactly tell.

22 *Quest.* Had you and Mary gone up to your room to go to bed?

Ans. Yes, sir.

23 *Quest.* While you lived in Mr. Baird's family, did Mr. Baird ask you any questions as to whether you saw anything in Mrs. Baird's bed.

Ans. He did not ask me that way—he asked me did I see anything up stairs in the room; I did not know what he meant, and I was thinking what it could be, when Mr. Baird's brother asked me if I saw anything in the bed.

24 *Quest.* Tell me everything Mr. James Baird said to you or asked you about that?

Ans. He explained what it was, but I don't like to tell it here—it is not very nice talk before gentlemen; he said had I saw blood up stairs—I don't remember in what bed; I don't know whether I knew what he meant that day or not.

25 *Quest.* Is that all that you recollect that he said?

Ans. Yes, sir; that is all that he asked me at that time that I can recollect.

26 *Quest.* Did he say anything about it at any other time, and if so, what did he say?

Ans. I do not recollect whether he did or not.

Being cross-examined, witness saith—

27 *Quest.* After Mrs. Baird took the children away, you remained with Mr. Baird, did you not, and his mother and sister came and took charge of the house?

Ans. Yes, sir.

28 *Quest.* About how long did you remain?

Ans. About one or two weeks after Mrs. Baird went away, to my best knowledge.

29 *Quest.* Was the children's room adjoining yours up stairs?

Ans. Yes, sir.

30 *Quest.* Was there a door between your room and their's?

Ans. Yes, sir.

31 *Quest.* Were the children sick?

Ans. Indeed I can't tell—I forget whether they were sick or not.

32 *Quest.* Don't you remember Mr. Baird telling you to keep the door open between your room and the children's in order that you might hear the children, if they coughed?

Ans. Do not remember that.

33 *Quest.* Had Mr. Baird to pass through the children's room to get to the door that opened into yours?

Ans. Yes, sir.

34 *Quest.* Did you see Mr. Baird at all when he opened the door and spoke, or did you only hear him?

Ans. I saw his head.

35 *Quest.* How were you standing, with your side or face toward him?

Ans. I was standing by the side of the bed.

36 *Quest.* Did you understand at all what he said?

Ans. No, sir.

37 *Quest.* Did you understand him to speak to you or to Mary?

Ans. I do not know.

38 *Quest.* Do you remember whether you had a light in the room?

Ans. Yes, we had a light.

39 *Quest.* Was there a light in the children's room?

Ans. I do not know.

40 *Quest.* Did you see any part of Mr. Baird but his head?

Ans. I think nothing but his head.

41 *Quest.* Did you help to take the children away on the morning of the separation?

Ans. Yes, sir.

42 *Quest.* How came you to take them away?

Ans. Well, her niece told the girl who worked there to take one of them, and I was to take the other.

43 *Quest.* You took them because Miss Addie Schenck directed you to then?

Ans. Yes, sir.

44 *Quest.* Did you see Mrs. Baird when she took the other three children away?

Ans. I knew she was going to take them—she told me so; but I did not see her go right out of the door with them.

45 *Quest.* Where was Mr. Baird when she took the three children away?

Ans. I do not know; he was out somewhere.

46 *Quest.* Where was Mr. Baird when you and Jane Sweeny took the two children away?

Ans. I think he was up stairs.

47 *Quest.* Did you go after Mrs. Sweeny the night before to get her to come round?

Ans. No, sir.

48 *Quest.* Who did?

Ans. I don't know—I guess the other girl.

49 *Quest.* Did you assist Mrs. Baird in packing up her things when she was preparing to go?

Ans. Yes, sir, I got the things that were in the wash, and folded them up.

50 *Quest.* Did you see the policemen who were at the house on that morning when Mr. Baird came back?

Ans. I did not see them when he came back—I have seen them in the house afterwards.

51 *Quest.* Where were these policemen when you and Mrs. Sweeny took the children?

Ans. I do not know, sir.

52 *Quest.* Did you remain at Mrs. Sweeny's until the carriage came after the children?

Ans. No, sir.

53 *Quest.* Were you at Mrs. Baird's while Doct. Ludlow was visiting her?

Ans. No, sir, she was just getting better when I went there.

54 *Quest.* Do you remember which of Mr. Baird's brothers

was present when he asked you about seeing blood in the bed?

Ans. Yes, sir, I do.

55 *Quest.* Was it not Mr. Samuel Baird who put the question to you, and not Mr. James Baird?

Ans. Yes, sir.

56 *Quest.* He was asking you, was he not, respecting the recent sickness of Mrs. Baird?

Ans. They were both asking me.

57 *Quest.* But was it not Mr. Samuel Baird who put the question?

Ans. Yes, sir.

58 *Quest.* Was not Mr. Samuel Baird then making inquiry about the recent sickness of Mrs. Baird?

Ans. I cannot tell.

59 *Quest.* Did they say anything about a physician having been attending upon Mrs. Baird?

Ans. I think they did talk about it.

Re-examined in chief.

60 *Quest.* Is the door which Mr. Baird put his head in, the night you have spoken of, the door between your bed-room and the children's bed-room?

Ans. Yes, sir; there was no other door.

61 *Quest.* How soon after you went to Mrs. Sweeny's with the children did Mr. Baird know that?

Ans. He knew it right away, just as soon as I came back he was looking for his children; he wanted me to tell him where the children went, and I did not like to tell him.

62 *Quest.* Was this on the same day that you went to Mrs. Sweeny's with the children?

Ans. The same day.

her
MARGARET ⋈ FAGAN.
mark.

Sworn and subscribed before me, this ninth day of November, A. D. 1864.

CHARLES P. STRATTON, *M. C.*

Willard M. Rice, a witness produced on the part of the defendant, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside?

Ans. In Philadelphia—I have resided there twenty-four years last July.

2 *Quest.* What is your vocation?

Ans. I am a clergyman, the pastor of the Fourth Presbyterian church.

3 *Quest.* Have you any other official connection with the Presbyterian church?

Ans. I am the stated clerk of the presbytery of Philadelphia.

4 *Quest.* How long have you been clerk?

Ans. I have been stated clerk of the presbytery of Philadelphia since the division of the presbytery in 1860 or '61; my impression is that the presbytery was divided in 1860, and that I was elected in January, 1861—it may have been a year earlier.

5 *Quest.* Who has the custody of the records and minutes of the presbytery of Philadelphia?

Ans. They are in my keeping.

6 *Quest.* Have you the book of minutes of the presbytery with you?

Ans. I have.

7 *Quest.* Do the minutes of the presbytery which you have contain an account of any difficulties existing between James H. Baird and the church with which he was connected, or officers or members of the church of which Mr. Baird was pastor?

Ans. There are minutes upon that subject.

8 *Quest.* Have you a copy of those minutes?

Ans. Yes, sir.

9 *Quest.* By whom was the copy made?

Ans. By my son, under my direction, and examined and compared with the original minutes by me.

10 *Quest.* Is the copy now produced here by you a true and full copy of all the minutes on that subject recorded in the book of minutes?

Ans. It is.

The copy referred to is here produced, and marked by me *Exhibit No.* 3 on the part of the defendants.

11 *Quest.* Were there any written papers or documents relating to the difficulties existing in Mr. Baird's church with himself?

Ans. None except such, the substance of which or the exact wording of which, is to be found in the minutes.

12 *Quest.* Where are such original papers or documents as exist upon the subject?

Ans. They are in my keeping.

13 *Quest.* Have you those papers or documents with you?

Ans. No, sir; nothing but the book of minutes and the copy referred to.

14 *Quest.* Did the committee appointed to inquire into those difficulties, as stated in the minutes, report upon the subject, either verbally or in writing?

Ans. They did report in writing, and that report forms a part of the minutes, and also accompanied their written report with verbal statements and explanations.

15 *Quest.* Can you state what were the verbal statements and explanations made by them, and accompanying their report in writing?

Ans. I remember very distinctly that some verbal statements and explanations were made by some two or three members of the committee; but while I have a distinct impression as to the nature of those statements and explanations, occupied as I was with my duties at the time, I might fail if I attempted to give the precise language or import of those statements and explanations.

16 *Quest.* Will you please to state what is your distinct impression as to the verbal statements and explanations made by those members of the committee at the time they presented their written report?

Note.—This question objected to, because no part of the action of the committee, which was in writing, nor of the report, the simple volunteer explanation of individual members, their whole official action being in their report, which is in writing.

Ans. I should prefer not to give any answer to that question, as Mr. Crowell, who was a member of that committee, and one of the gentlemen who made verbal explanations, is here present, and can speak of the matter himself.

17 *Quest.* We should prefer to have your answer?

Ans. The committee, or members of that committee, stated in presbytery that they [Note.—The prosecutor objects to the witness stating any impressions without designating the particular person by whom any statement was made] met Mr. Baird and members of the church at the church; that they heard statements of members of the church, Mr. Baird and others, with regard to the difficulties existing in the church; they further stated, and in this I think all of the committee who spoke agreed, that certain persons came there, and desired or volunteered to give testimony upon matters which they deemed had nothing to do with the object of their appointment, and for this reason they declined to hear them; perhaps I should say, instead of others, one other person; my impression is that the only other person mentioned by the committee was Doct. Baird, the brother of James H. Baird.

18 *Quest.* Do you recollect how many of the members of the committee, and who of them, were present in the presbytery when the written report was made by the committee, with the verbal statements alluded to?

Ans. I do not remember how many were present—the minutes of the presbytery will show.

19 *Quest.* Do you remember who of the committee made the verbal statements alluded to?

Ans. I can't state with certainty, but my impression is that Mr. Grier and Mr. Crowell were among those who spoke upon the subject.

20 *Quest.* Did more than one of the committee make verbal statements upon the subject?

Ans. Several of them spoke upon the subject.

21 *Quest.* Did any member of the committee express any dissent, or make any contrary or different statement from the statement made by the other member or members of the committee?

Ans. I heard none.

22 *Quest.* Did you hear any member of the committee express any assent or approval of the statements made?

Ans. There were some two or three of the members who spoke, and they made substantially the same statements.

23 *Quest.* How long have you been acquainted with Mr. James H. Baird?

Ans. I have only been acquainted with Mr. Baird since about the time of his going to the Fifteenth church; that has been about four or five years—my acquaintance has been rather an official than a personal one.

Note.—The prosecutor here objects to all the testimony previously recorded relating to what the witness's impressions respecting the statements and explanations of the committee, or members of the committee, were, and all of his statements in regard to the same.

24 *Quest.* From your knowledge of Mr. Baird, do you consider him a fit and proper person to have the care and management of children apart from their mother?

Note.—Objected to, because it is at most only an opinion on the part of the witness, for it does not appear that he has any knowledge of the domestic relations of Mr. Baird.

Ans. As I said just now, my acquaintance with Mr. Baird has been an official, rather than a personal one; I never was in his house, and while I may have impressions upon the subject, they would be only impressions; I do not know that I am qualified to give an opinion on the subject.

Being cross-examined, the witness saith—

25 *Quest.* At whose request are you here to-day?

Ans. Mr. Torrey requested me to come with my minutes, as clerk of the presbytery.

26 *Quest.* Did no other person than Mr. Torrey, before or after he made the request, make a similar request?

Ans. No one, except as repeating his request.

27 *Quest.* Who repeated his request?

Ans. Mr. Torrey came to me with the request that I would bring the minutes of the presbytery, as stated clerk; I said

to him, that if some other member of the presbytery would come with me, either Mr. Breed, or Mr. Crowell, or Doct. Schenck, as moderator of the presbytery, I would come; according to my suggestion, I saw Doct. Schenck, and appointed to come this afternoon.

28 *Quest.* Where did you see Doct. Schenck?

Ans. I called at Doct. Schenck's office to see him, and he was out; knowing, I suppose, that I had been to see him, he called at my house.

29 *Quest.* Is the original report made by the committee of the presbytery in existence?

Ans. I presume it is, I file all papers; that is an exact copy which I have here.

30 *Quest.* Does your memory serve you whether that report was signed by the committee?

Ans. The original report was presented by the chairman of the committee, and was in his handwriting, and my impression is it was not signed, or the signatures would be to this copy.

31 *Quest.* It was presented as the unanimous report of the committee?

Ans. Yes, sir.

32 *Quest.* You did not hear any of the committee express any dissent or dissatisfaction at any of the statements or results expressed in that report, did you?

Ans. I have already stated my impressions as to what the committee said when they presented their report.

33 *Quest.* Did you hear any dissent from the facts or results stated in that report by any member of that committee?

Ans. I have already stated my recollections with regard to what the committee said; in both their statements and in the report, I understood the committee to be unanimous.

34 *Quest.* Did you hear any member of the committee say that he dissented from any fact or result stated in the report?

Ans. A majority of the committee were present; they agreed in the verbal statements and in the written report—how could there be any dissent then?

35 *Quest.* Did you understand anything in these verbal statements to be different from the written report?

Ans. No; the committee I understood as intending to cover the whole ground of their appointment by their written report, and refusing to go into matters for which they were not appointed.

36 *Quest.* Does this paper, purporting to be extracts from you rminutes, which you have produced, contain all that is in those minutes relating to these transactions?

Ans. Yes it does, from the appointment of the committee to the time of the dissolution of the pastoral relation of Mr.

Baird; there is a minute touching the salary of Mr. Baird at the Fifteenth church, on the 35th page of the minute book—I will furnish a copy for you.

Copy made by this witness is here furnished, which is marked by me *Exhibit I* on the part of prosecutor.

W. M. Rice.

Sworn and subscribed before me, this ninth day of November, A. D. 1864.

Chas. P. Stratton, *M. C.*

James M. Crowell, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside?

Ans. In the city of Philadelphia—have lived there since April, 1857.

2 *Quest.* Are you connected with any Presbyterian church in that city?

Ans. I am pastor of the Seventh Presbyterian church.

3 *Quest.* Were you a member of the committee appointed by the presbytery of Philadelphia touching the difficulties of Mr. Baird in his church?

Ans. I was.

4 *Quest.* (Being shown *Exhibit No.* 3,) Is this a copy of the report made by that committee, to the best of your knowledge and belief?

Ans. It is.

5 *Quest.* Was the report signed by the committee?

Ans. I do not remember.

6 *Quest.* Did that committee investigate the charges predicated upon that difficulty, and upon which this report was made?

Note.—The question objected to.

Ans. They did so, but only so far as was necessary to fulfil the end for which they were appointed.

7 *Quest.* For what purpose and to what end did the committee consider themselves appointed and act? [Objected to.]

Ans. We considered ourselves as having been appointed to visit the church and hold a friendly conference with the pastor and officers of the church, as to certain difficulties existing among them.

8 *Quest.* Were there written charges preferred in relation to those alleged difficulties?

Ans. There were charges made—I cannot remember whether they were written.

9 *Quest.* Did the committee investigate the charges?

Ans. They did so, but not in a judicial capacity; they did

so only in order to have a clear understanding of the real nature of the difficulties existing among them.

10 *Quest.* Were any witnesses examined in support or against the charges?

Ans. We examined no witnesses in the strict sense of taking testimony as upon trial; we heard statements from the elders of the church, and I think from some of the trustees.

11 *Quest.* Did the elders offer to bring to the committee witnesses to support the charges, which witnesses were declined to be heard by the committee?

Ans. They did so, and complained because the committee declined to receive them.

12 *Quest.* Can you tell us why the committee declined to receive them? [Objected to.]

Ans. Because we thought it would be transgressing the limits of our appointment.

13 *Quest.* Will you say whether a committee appointed by a presbytery of the Presbyterian church (such a committee as this) have an admitted power, under the regulations of the church, to try charges against a minister, like those charges preferred against Mr. Baird? [Objected to.]

Ans. We have not, and that was the ground of our refusal.

Being cross-examined, the witness saith—

14 *Quest.* Under the rules and regulations of the Presbyterian church, has a committee of the presbytery appointed to inquire into certain difficulties, alleged to be existing between a pastor and his congregation, a right to inquire into those difficulties?

Ans. Certainly they have.

15 *Quest.* When, therefore, your committee was appointed to inquire into the difficulties between the Rev. James H. Baird and his congregation, did not your power extend to the making of such inquiries?

Ans. It did.

16 *Quest.* Did you not make those inquiries in pursuance of that power conferred upon you?

Ans. We did, so far as to ascertain the nature of the difficulties in the church.

17 *Quest.* In your opinion, does the power to inquire into certain difficulties extend only to an inquiry into the nature of those difficulties?

Ans. By inquiring into the nature of those difficulties, I mean inquiring into the kind of troubles existing in the church, the faults, if any, alleged by the pastor against the people, or by the people against the pastor.

18 *Quest.* Would not the nature of difficulties appear by the statement of them?

Ans. No, sir, because I understand by the nature of difficulties, in part, their origin and peculiar history.

19 *Quest.* When you say that you were appointed to examine into certain difficulties alleged to exist, were not those difficulties stated?

Ans. Not at all in such a way as to give us a definite idea of them.

20 *Quest.* Did you, in the conduct of your inquiries, proceed in your judgment according to the regulations of the church?

Ans. We did, so far as I can remember.

21 *Quest.* Did your authority extend to the subject matters, in your opinion, covered by your report?

Ans. Strictly—I think not; we alluded, however, in the report to one subject, in consequence of certain things or events which transpired during our work as a committee.

22 *Quest.* Did you not aim to confine your inquiries to the subject matters referred to you?

Ans. We did so, but had great difficulty in doing so.

23 *Quest.* Did you not aim to confine your report to the subject matters of your inquiries?

Ans. We did so, as far as possible.

24 *Quest.* Is not the report, in your opinion, truthful?

Ans. It is truthful, but I think, and stated in the presbytery, that it should have been qualified in the first item after the preamble.

25 *Quest.* Why then did you, acting as a committee of your church, join in an absolute report, which, in your judgment at the time, ought to have been qualified?

Ans. I have two reasons for that—the first is that it is frequently the case that written reports are qualified by verbal statements; the second is, that we presented that item in that report as an answer to those who complained because of our refusal to take testimony against Mr. Baird, and to let them understand that we did not regard it within our province to take such testimony.

26 *Quest.* Is not the conclusion stated in item No. 1 of this report based upon the investigation stated in the preliminary paragraph immediately preceding?

Ans. Not altogether so.

27 *Quest.* Had you anything to do in reference to these difficulties with the elders or other parties connected with that church prior to being appointed upon that committee?

Ans. I do not remember having had anything to do with anybody connected with that church; I think I was spoken

to by some persons, but I cannot tell whether it was before or after.

28 *Quest.* Did not the elders of that church, or some one or more of them, advise with you touching those difficulties?

Ans. I think they did, but it was during our existence as a committee, and it was to remonstrate against this same point, about which the committee were strenuous, of refusing to receive testimony against Mr. Baird.

29 *Quest.* Do you mean to be understood as saying you were not consulted as touching these difficulties by any elder of that church prior to the appointment of that committee?

Ans. I do not remember being consulted by any of them; I wish to say, however, that my recollection of times is very indistinct; I do remember of being called upon by one or more persons.

JAMES M. CROWELL.

Sworn and subscribed before me, this ninth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adjourned to November 10th, Thursday, at ten o'clock, A. M.

November 10th, ten o'clock A. M.—The examination of witnesses resumed on the part of the defendants.—Present Thomas P. Carpenter, esq., for the prosecutor, and F. B. Chetwood, esq., for the defendants.

Henry Johnson, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside?

Ans. At Manchester, New Jersey, in Ocean county.

2 *Quest.* How long have you resided there?

Ans. Nearly two years and a half—two years and three months.

3 *Quest.* Are you acquainted with Mrs. James H. Baird and her children?

Ans. Yes; I have known them near upon four years.

4 *Quest.* Have you at any time, and if so where and for how long, have you lived in the same family with Mrs. Baird and her children?

Ans. Yes; I think it was in September, 1861, till the close of December in the same year—it was at Redbank, in Monmouth county, New Jersey.

5 *Quest.* Have you resided in the same family with Mrs. Baird at any other place than Redbank?

Ans. No, sir, except with the children.

6 *Quest.* What do you mean by except with the children?

Ans. The two boys lived with me some three months; I think this was in 1861, but the month I cannot state; this was at Redbank.

7 *Quest.* In what relation did they live with you, apart from their mother?

Ans. They were boarding with me.

8 *Quest.* Why were they boarding with you?

Ans. As far as my recollection goes, their mother brought them down; I was instructed to send them to school.

9 *Quest.* When was that?

Ans. It was in 1861, I cannot recollect the month.

10 *Quest.* Where was Mrs. Baird and the other children living at that time?

Ans. I do not know.

11 *Quest.* Do you know whether at that time there was a school at Manchester?

Ans. I believe not, sir.

12 *Quest.* Do you know whether they were placed in your family that they might have the opportunity of attending school at Redbank?

Ans. I believe that was the object.

13 *Quest.* Is there a school now kept at Manchester—when was it commenced, and what is the character of that school?

Ans. Yes, there are two schools there now; a Sunday school was commenced there in December, 1862, and a day school, which commenced not long after, perhaps a little before, I cannot tell exactly; the day school is a well ordered school, and is taught by a good teacher, in every sense of the word.

14 *Quest.* What is taught in that school?

Ans. Of course reading and writing and spelling—the children are exercised a good deal in singing; at the time I speak of, the school used to be opened with prayer by the teacher; the Sunday school was conducted in the church, and the day school in the school-house; I am connected with the Sunday school.

15 *Quest.* Since you have lived in Manchester, have the children of Mrs. Baird attended those schools, or either of them?

Ans. Yes, four of the children attended the Sunday school the first year, and five of them the second year; four of the children, to my certain knowledge, attended the day school for two years; I believe the fifth child has attended for some months, but I cannot recollect how many.

16 *Quest.* Are Mrs. Baird or her children, or any of them,

connected with the church at Manchester as church members?

Ans. Mrs. Baird and her daughter are.

17 *Quest.* During your acquaintance with, and observation of Mrs. Baird and her family, have you observed the manner of her care and culture of her children?

Ans. Yes; I think the children have been carefully, kindly, and religiously trained; also that they have had the best care which a prudent and faithful mother could give to her children.

18 *Quest.* While you have lived at Manchester, where have Mrs. Baird and her children lived?

Ans. Within about fifty yards of my house, nearly opposite—they have lived in a house by themselves, not in a family with anybody else.

Being cross-examined, saith—

19 *Quest.* What is your occupation?

Ans. I am a paymaster in the employ of the Raritan and Delaware bay railroad.

20 *Quest.* Did you hold that position while you lived at Redbank?

Ans. Yes.

21 *Quest.* The Raritan and Delaware bay railroad was mainly built by two of the Messrs. Torrey as contractors, was it not?

Ans. Yes.

22 *Quest.* The duty of paymaster, I suppose, was to pay the workmen employed on the road, was it not?

Ans. Yes.

23 *Quest.* Which two of the children boarded with you at Redbank?

Ans. The two oldest boys.

24 *Quest.* Was that before or after Mrs. Baird lived in the same house with you at Redbank?

Ans. Before, to the best of my recollection; the two boys did go to school from my house in Redbank; perhaps I ought to explain here that about two months ago the school teacher and his wife went to live in the same house with Mrs. Baird—they still live there.

HENRY JOHNSON.

Sworn and subscribed before me, this third day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Charles D. Nott, being duly sworn on the part of the defendants, deposeth and saith—

1 *Quest.* What is your vocation, where do you reside, and how long have you resided in your present place of residence?

Ans. I am a clergyman—I reside at Manchester, and have lived there since the last of May, in the present year.

2 *Quest.* Have you a pastoral charge at Manchester, and over what church?

Ans. Yes, the Presbyterian church.

3 *Quest.* Are you acquainted with Mrs. James H. Baird and her children, and for how long have you known them?

Ans. Yes; I have known them since I lived at Manchester.

4 *Quest.* Are Mrs. Baird and her eldest daughter church members in your church?

Ans. They are.

5 *Quest.* When was her daughter admitted?

Ans. On the first Sunday in June last, I think.

6 *Quest.* Have you visited Mrs. Baird and her children since you have been at Manchester, and about how often?

Ans. I have visited them, I cannot say how often, perhaps six or seven times.

7 *Quest.* In your visits, and in your pastoral duties at church and in Sunday school, have you observed Mrs. Baird's manner in the care and culture of her children?

Ans. I have; she is all that a mother and a christian could be to her children; her manner has been so good that I have spoken about it to my wife; her child who joined the church had been prepared by her mother—I had nothing to do with it; she joined the church immediately upon my coming to Manchester.

8 *Quest.* Do you attend the Sunday school exercises yourself?

Ans. Yes, I do; I have only missed one Sabbath since I came to Manchester.

9 *Quest.* Are you acquainted with the day school at Manchester and its teacher?

Ans. I am.

10 *Quest.* What is the character of that school?

Ans. It is, so far as my knowledge goes, an admirable school for a common school.

11 *Quest.* What ages of children are educated at that school?

Ans. I should think there was no child over sixteen years of age there—they are as young as four years there, I should think.

CHARLES D. NOTT.

Sworn and subscribed before me, the ninth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Jeannie Johnson (*Mrs.*), a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you live?

Ans. At Manchester, Ocean county, New Jersey.

2 *Quest.* Who is your husband?

Ans. Henry Johnson, who was examined here as a witness in this cause the other day.

3 *Quest.* How long have you lived at Manchester?

Ans. A little over two years.

4 *Quest.* Where did you live previous to living at Manchester, and how long did you live there?

Ans. At Redbank, in Monmouth county, and lived there two years.

5 *Quest.* Are you acquainted with Mrs. Adeline W. Baird?

Ans. Yes, sir; I have been acquainted with her about four years.

6 *Quest.* During your acquaintance with Mrs. Baird, have you lived in the same house with her?

Ans. Yes, sir; I lived with her at Red Bank; we lived together for three or four months.

7 *Quest.* How near to the residence of Mrs. Baird did you live while you and she lived in Manchester?

Ans. I think about fifty yards—it is very near.

8 *Quest.* For how long a time did you live there?

Ans. A little over two years; we live there still.

9 *Quest.* While you have been living at Manchester, what has been your intercourse with Mrs. Baird and her family, and how much have you been in her family?

Ans. Our intercourse has been very happy and very pleasant, and I have visited her very often.

10 *Quest.* While you were living at Redbank, were any of the children of Mrs. Baird living with you prior to Mrs. Baird's going to Redbank and living in the same house with you?

Ans. Yes; the two oldest boys lived with me—I think the time they lived with me was between two and three months.

11 *Quest.* For what purpose were the childrsn placed in your charge prior to Mrs. Baird's removing to Redbank?

Ans. They boarded with us; but I can't remember whether they were sent down to go to school or not, nor can I remember whether they did go to school.

12 *Quest.* Do you remember whether the children went to school at Redbank at any time?

Ans. Yes; they did when their mother was living at Redbank I know.

13 *Quest.* During your acquaintance with Mrs. Baird, and your intercourse in her family, have you noticed the manner of Mrs. Baird's management and culture of her children?

Ans. I have; the chilren are religiously trained—in my opinion, they are as well trained as a good christian faithful mother can train her children.

Being cross-examined, the witness says—

14 *Quest.* Your husband is paymaster, or paying clerk in the employ of the railroad company, is he not?

Ans. He is.

15 *Quest.* What year was it that the children lived with you at Redbank?

Ans. I think in 1861, near the end of the year—I cannot really recollect about the time.

16 *Quest.* Was it not the beginning of the year 1861?

Ans. I don't recollect.

17 *Quest.* What season of the year was it that they left you?

Ans. I think in February or March.

18 *Quest.* What season of the year was it that Mrs. Baird came to live with you?

Ans. She came to live at Redbank before she lived in the same house with me—this was after the children lived with us; she came down and took the children, and boarded in another house—she boarded at the hotel.

19 *Quest.* At what time did she then come to your house?

Ans. Between August and September, I think.

JEANNIE JOHNSON.

Sworn and subscribed before me this tenth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Hiram B. Willits, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you now live, and how long have you lived there?

Ans. I live at Manchester, Ocean county, New Jersey, and have lived there over six months.

2 *Quest.* Where have you resided during some years past, and how long at your places of residence?

Ans. I resided rather more than two years at Morristown, New Jersey, three years at New Providence, New Jersey; I lived at New Providence previous to living at Morristown, and at Morristown previous to living at Manchester—they are only a few miles apart.

3 *Quest.* What is your vocation and employment, and what has it been during the periods of time you have mentioned?

Ans. I am a teacher—nothing else.

4 *Quest.* How long have you been at Manchester, and what have you been teaching?

Ans. I teach a school at Manchester.

5 *Quest.* Are any, and how many of Mrs. Baird's children pupils of your school at Manchester, and how long have they been so?

Ans. Four of them have been my pupils during the whole period of my residence there.

6 *Quest.* Have you a family, and have you been at board or housekeeping since you lived at Manchester?

Ans. I have a wife; we have boarded since I brought my wife to Manchester (over three months) with Mrs. Baird.

7 *Quest.* During your residence in Mrs. Baird's family have you noticed the manner of Mrs. Baird's management and culture of her children?

Ans. I have noticed carefully—those children are carefully and faithfully trained, physically, morally, and religiously.

8 *Quest.* Previous to your marriage, and living in the family of Mrs. Baird, where did you live while at Manchester?

Ans. I boarded with Mr. Samuel S. Osborne all the time.

H. B. Willits.

Sworn and subscribed before me, this tenth day of November, A. D. 1864.

Chas. P. Stratton, *M. C.*

Mary J. Willits, a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Are you the wife of Mr. Hiram B. Willits, who has just been examined as a witness in this cause?

Ans. I am.

2 *Quest.* Where do you reside, and how long have you resided there?

Ans. At Manchester, nearly three months.

3 *Quest.* Are you at housekeeping or at board, and if you board, where?

Ans. We are boarding at Mrs. Adeline W. Baird's.

4 *Quest.* How long have you boarded there?

Ans. Nearly three months—all the time I have lived in Manchester.

5 *Quest.* Have you noticed the manner of Mrs. Baird's management and culture of her children, and if so, what have you noticed in that respect?

Ans. I have noticed they are very well trained children; they are very fond of their mother, and seem to be altogether devoted to her.

Mary J. Willits.

Sworn and subscribed before me, this tenth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Bridget Mason, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you live, and how long have you lived there?

Ans. In Philadelphia, about seven or eight years.

2 *Quest.* How old are you?

Ans. I am going on sixteen.

3 *Quest.* Are you acquainted with Mrs. Adeline W. Baird and Mr. James H. Baird, her husband?

Ans. Yes; I have known them two years and a half.

4 *Quest.* Have you ever lived in their family, and how long?

Ans. Yes, sir, for two weeks.

5 *Quest.* When did you live there?

Ans. It was about two years and a half ago since I left there.

6 *Quest.* In what capacity did you live there?

Ans. I done the up-stairs work, and assisted in minding the children.

7 *Quest.* How many stories were there in the house in which they lived at that time?

Ans. It was a three-story house.

8 *Quest.* In which story was Mr. Baird's bed-room while you lived there?

Ans. Second story, front room.

9 *Quest.* In which story was your bed-room?

Ans. In third story, back room.

10 *Quest.* While you lived there was there any other hired girl living in the family at the same time?

Ans. Yes, sir, a girl named Mary—I do not remember her last name.

11 *Quest.* Do you know where she lives now?

Ans. No, sir.

12 *Quest.* How long since you have seen her?

Ans. I have not seen her since I left Mrs. Baird's.

13 *Quest.* In what part of the house was her bed-room when you lived at Mr. Baird's?

Ans. She slept in the same room that I did.

14 *Quest.* While you lived there did Mr. Baird come into your bed-room, and if so, state when and under what circumstances?

Ans. Yes, sir, he came one morning into the bed-room—he came and told me to get up, that it was time to get the children dressed.

15 *Quest.* Did he come entirely into the room, or only look in?

Ans. He opened the door and came into the room, and went right out again.

16 *Quest.* Was your bed-room door closed and latched before he came in?

Ans. It was closed, but not latched, I mean not entirely closed, but open an inch or two.

17 *Quest.* What time in the morning was it?

Ans. I can't exactly state what time.

18 *Quest.* Was you later than usual that morning in getting up?

Ans. No, not later than usual—I need not get up any morning till the children got up.

19 *Quest.* Do you know whether the children were up that morning when he came in or not?

Ans. The children that slept next to me were not up—I can't say whether the others were up or not.

20 *Quest.* Did he knock at the door or call to you before he entered the room?

Ans. No, sir; he opened the door right away, as soon as he came to it.

21 *Quest.* Did you know he was there, or at the door, till you saw him come into the room?

Ans. No, sir.

22 *Quest.* Was you alone in the room when he came in?

Ans. Yes, sir; the other girl was not in the room.

23 *Quest.* When he came into the room, was you in bed or out of bed?

Ans. I had just got out of bed.

24 *Quest.* Had you dressed yourself?

Ans. No, sir, I was undressed.

25 *Quest.* Did he look at you when he spoke to you?

Ans. Yes, sir.

26 *Quest.* What did he say?

Ans. He said, "Bridget, get up; it is time to dress the children," and he walked right away from the room.

27 *Quest.* When he spoke to you did you make any answer to him?

Ans. No, sir, not as I remember.

28 *Quest.* Did the other girl you have spoken of sleep in that bed-room the night before he came in?

Ans. Yes, sir.

29 *Quest.* Was she in the room when he came in?

Ans. No, sir.

30 *Quest.* How long had she been up?

Ans. I cannot tell how long she had been up.

31 *Quest.* What work did she do in the house while you were there?

Ans. She cooked.

32 *Quest.* Was she in the general habit of rising earlier in the morning than you or not?

Ans. Some mornings she got up earlier than I did, and some mornings she did not.

33 *Quest.* Do you know whether at any other time Mr. Baird was at your bed-room door?

Ans. One night I heard the floor kind of creaking, and I got up and opened the door suddenly, and Mr. Baird was walking away from the door, facing the other way, in his night clothes.

34 *Quest.* When you heard that noise, and opened your bed room door, how near to your bed-room door was Mr. Baird?

Ans. I suppose about this distance (pointing to objects six or seven feet apart).

35 *Quest.* At this time of which you are speaking now, were you alone in your bed-room?

Ans. No, sir, Mary was with me.

36 *Quest.* What time in the night was it?

Ans. Between ten and eleven o'clock.

37 *Quest.* Had you and Mary gone up to your room to go to bed?

Ans. Yes, sir.

38 *Quest.* Had you a light burning in your room at the time you opened the door and saw Mr. Baird?

Ans. Yes, sir.

39 *Quest.* How long had you been in your room before you opened the door and saw Mr. Baird?

Ans. I guess we had been about ten or fifteen minutes up.

40 *Quest.* In order to get into your bed-room, did you have to go through a room in which some of the children slept?

Ans. Yes, sir.

41 *Quest.* Were the children in bed when you went through their room in order to get to your own room that night?

Ans. Yes, sir.

42 *Quest.* As you went through the children's bed-room did you notice whether they were asleep or awake?

Ans. They were asleep.

43 *Quest.* At the time you opened the door, as you have spoken of, was your door fastened?

Ans. Yes, sir.

44 *Quest.* Was you in the habit before that night of fastening your door when you went into the room?

Ans. Yes, sir.

45 *Quest.* If the children slept in the adjoining room, why did you fasten the door between the rooms?

Ans. Because I had heard that Mr. Baird made a practice of coming up to the girls' doors.

46 *Quest.* After you had gone to your room, or gone to bed, at any time whilst you were there, were the children in the habit of calling to you for anything they wanted?

Ans. They would call to me if they was awake when I passed through their room, but in the night I never heard them.

47 *Quest.* After you saw Mr. Baird that night going away from your door, did the children call to you, or did you hear anything of the children during the night?

Ans. No, sir.

48 *Quest.* After both of these occurrences which you have related, or either of them, did Mr. Baird reprimand you or complain to you for having told Mrs. Baird anything about him?

Ans. Yes, sir; coming out of his own bed-room into the next room (which was some of the other children's bed-room) he stamped his foot on the floor, and said I must not tell any tales to Mrs. Baird on him.

49 *Quest.* What did you reply?

Ans. I says, Mr. Baird I didn't tell any tales to Mrs. Baird about you.

50 *Quest.* Was Mrs. Baird there?

Ans. No, sir; she came in right after Mr. Baird stamped; Mrs. Baird said I did not tell any tales to her about him; he catched her by the back of her two shoulders, and pushed her in her own room; that is all that occurred at that time that I saw.

51 *Quest.* When Mrs. Baird came in and said that you had not told any tales of him, or when he pushed her into her room, did Mr. Baird say anything to Mrs. Baird, and if so, what did he say?

Ans. I do not remember what he said; he was in such a passion I did not turn round to see.

52 *Quest.* In what state of mind was Mrs. Baird, or how did she appear?

Ans. She appeared as she did always.

53 *Quest.* When Mr. Baird pushed his wife into her room, did she make any reply or say anything to him?

Ans. I did not hear her say anything to him.

54 *Quest.* While you lived with Mrs. Baird, did you notice whether the treatment of Mr. Baird toward Mrs. Baird was kind or otherwise?

Ans. I don't think he was very kind to her, I never saw him show any of it.

55 *Quest.* Did you ever know him show any unkindness to Mrs. Baird?

Ans. I have heard him talk loud to her, and seen her cry.

56 *Quest.* While you was there, did you notice the behavior and conduct of Mrs. Baird to Mr. Baird, and if so, was it kind or otherwise?

Ans. So far as I seen, I thought she was very kind towards him.

Being cross-examined, saith—

57 *Quest.* When will you be sixteen years of age?

Ans. Two weeks before christmas.

58 *Quest.* What season of the year was it that you lived at Mr. Baird's?

Ans. It was in the fall.

59 *Quest.* Was it before christmas?

Ans. I don't know.

60 *Quest.* If it was in the fall, was it before christmas?

Ans. I don't know.

61 *Quest.* How old were you when you went there?

Ans. I was thirteen, going on fourteen.

62 *Quest.* How much over thirteen?

Ans. I don't know; I can't exactly tell.

63 *Quest.* Where did you go after you left Mr. Baird's?

Ans. I went home to my mother's house.

64 *Quest.* How long did you stay there, and where have you lived since?

Ans I don't know how long I stayed there that time; I lived at Twenty-third and Pine streets after that, and Twentieth and Walnut.

65 *Quest.* Whose house did you first go to from your mother's?

Ans Mr. Baird's.

66 *Quest.* Where was that?

Ans. At Twenty-third and Pine.

67 *Quest.* How long did you live there, and where did you go to from there?

Ans. I lived there about two or three months; I went to Mr. Fry's (Twentieth and Walnut) from there.

68 *Quest.* How long did you live at Mr. Fry's, and where did you go to from there?

Ans. I lived about a month or two, and then I went home.

69 *Quest.* How long did you remain at home?

Ans. I have been there ever since, ain't gone anywhere.

70 *Quest.* Was the only passage to your room through the children's room at Mr. Baird's house?

Ans. Yes, sir.

71 *Quest.* How many children were there, and what were their names, who slept in the third story?

Ans. I don't know how many, nor their names.

72 *Quest.* Was Robert one of the children who slept there?

Ans. I don't know.

73 *Quest.* Did the daughter sleep there?

Ans. I aint sure whether it was the daughter or the largest of the boys.

74 *Quest.* What was the daughter's name?

Ans. I don't know, I don't remember any of the children's names.

75 *Quest.* Was there more than one child slept in that room?

Ans. Yes, sir.

76 *Quest.* Did you say you were employed to help take care of the children?

Ans. Yes, sir.

77 *Quest.* Did you dress and undress the children who slept there?

Ans. I did, the smallest of them.

78 *Quest.* Who dressed and undressed the others?

Ans. They dressed and undressed themselves.

79 *Quest.* How many slept in that room?

Ans. Three.

80 *Quest.* Had either one of those children the croup while you were there?

Ans. Yes, sir.

81 *Quest.* Do you recollect which one?

Ans. No, sir.

82 *Quest.* Who took care of that one with the croup?

Ans. Mr. Baird was the one who seen to it most after night.

83 *Quest.* Was there more than one had the croup?

Ans. I couldn't tell.

84 *Quest.* Did you ever get up in the night to attend to that child with the croup?

Ans. No, sir.

85 *Quest.* While the child had the croup, did you sleep with the door fastened?

Ans. Yes, sir.

86 *Quest.* Did you hear Mr. Baird up there in the night while the child had the croup?

Ans. No, sir.

87 *Quest.* Were not several of the children sick while you were there?

Ans. Yes, there were a good many of them sick.

88 *Quest.* How long were they sick?

Ans. Not very long.

89 *Quest.* How long was it after you were there that Mr. Baird came into your room?

Ans. I guess I was about a week and a half there.

90 *Quest.* Was it before or after that that you heard him in the other room?

Ans. I don't know whether it was before or after.

91 *Quest.* Who did you first tell that Mr. Baird went into your room?

Ans. Mary, the cook.

92 *Quest.* Who called upon you to come to this examination?

Ans. Mrs. Baird's father and Mrs. Baird herself.

93 *Quest.* When was that?

Ans. I guess it has been about three weeks since Mrs. Baird was at our house, or two weeks, I can't tell.

94 *Quest.* Was that the first time you were spoken to upon the subject?

Ans. No, sir; it was the first time she spoke to me about this case.

95 *Quest.* Was that the first time anybody spoke to you about this case?

Ans. Yes, sir.

96 *Quest.* How came you to leave Mr. Baird's?

Ans. Why, I went to a party, and staid out all night.

97 *Quest.* Was this the first time you had been out all night?

Ans. No, sir; I had often staid out all night at my brother's at parties; this was a ball, the same as a party though; this was the first time I had staid out all night while I lived at Mr. Baird's.

98 *Quest.* Did you stay out all night again while you lived at Mr. Baird's?

Ans. I left his house the next morning.

99 *Quest.* Are you sure you did not stay out two nights while you were living at Mr. Baird's?

Ans. Yes; I could not have staid out two nights, for I was only there two weeks, and I could not have staid out two nights.

Note.—The prosecutor here closed his cross-examination, and Mr. Chetwood, for the defendant, asked the witness to step into another apartment for the purpose of making some inquiries before re-examining the witness in chief.—Mr. Carpenter, for the prosecutor, objects to this private interview, and demands that a record be made of his objection.

Re-examined in chief.

100 *Quest.* Tell us what that party was which you have spoken of attending while you lived at Mr. Baird's?

Ans. It was a society party, belonging to our church, which had it.

101 *Quest.* Who did you go with to that party?
Ans. With a young man, who was my cousin, and his sister, both my cousins.
102 *Quest.* What church did that society belong to?
Ans. St. Patrick's church.
103 *Quest.* What ages were the persons who attended that party with you?
Ans. They were of different ages, some old and some young.
104 *Quest.* Were there any men there with their wives and children?
Ans. There were men there with their wives, but had no children with them.
105 *Quest.* What was the object of having that party?
Ans. That society has that party every year.
106 *Quest.* What was the object of the party?
Ans. The society have the party every year, and if any money is left over, and if anybody be sick, they have so much money every week out of it.

Re-cross-examined.
107 *Quest.* Where is St. Patrick's church?
Ans. In Twentieth street, between Spruce and Locust streets.

BRIDGET MASON.

Sworn and subscribed before me, this tenth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adjournment at three P. M. to Friday, November 11th, at ten A. M.

Friday, November 11th, 1864, ten o'clock A. M.—Examination of witnesses for the defendants resumed—Present A. Browning, esq., and F. B. Chetwood, esq., solicitors.

John Williams, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—
1 *Quest.* Where do you reside, and how long have you resided there?
Ans. I reside in the city of Philadelphia, and have resided there for twenty years.
2 *Quest.* How old are you?
Ans. I am seventy-five years of age.
3 *Quest.* Are you acquainted with Mr. James H. Baird, and how long have you known him?
Ans. I am—I cannot determine the time; I knew him

from being in the Fifteenth street church, from that time—some little while before, not long.

4 *Quest.* Have you been connected in any way with the Fifteenth street church?

Ans. I was a member of the session, and also of the board of trustees.

5 *Quest.* Was you thus connected with that church when Mr. Baird was pastor?

Ans. Yes.

6 *Quest.* How long was Mr. Baird pastor of, or connected with that church?

Ans. I cannot give you any regular account.

7 *Quest.* To the best of your recollection?

Ans. I cannot give you any definite answer; he was there a year or more, at any rate.

8 *Quest.* While Mr. Baird was pastor of that church were there any serious difficulties between Mr. Baird and the trustees of the church, or the elders, or the congregation, which in any way came before the presbytery of Philadelphia?

Ans. Yes, sir, there was.

9 *Quest.* Will you state what those difficulties were?

Ans. The first was derived from his own family; I considered that it would have been better for Mr. Baird to resign; I wrote him a friendly letter, of which I can show you a copy, requesting him to resign, as I considered him no more useful to the congregation; if you please, I can give you a copy of the letter, which will speak better than I can. [The witness looks at a copy of a letter, dated Philadelphia, October 14th, 1862, addressed to Rev. James H. Baird, and says]—

10 *Quest.* Did you send to Mr. Baird the original letter of which this is a copy?

Ans. I did.

11 *Quest.* Do you know whether he received it?

Ans. I suppose he did.

[Mr. Chetwood here calls upon the prosecutor to know if he has the original of that letter, and if so, to produce it; Mr. Browning, for the prosecutor, replies that said letter is in his possession, and produces it, marked by me as *Exhibit No.* 5 on the part of defendants; the copy referred to above by the witness, previously marked by me, on production, *Exhibit No.* 4 on the part of the defendants.]

12 *Quest.* [The original letter being shown to the witness]—Is this the original letter written to Mr. Baird?

Ans. [After reading it]—I believe it is the same.

13 *Quest.* Who is the letter signed by?

Ans. James McNeil, John Williams, jun., and John Wil-

liams, senior, elders at that time of the Fifteenth street church.

14 *Quest.* Did the elders (or any of them) of that church address any other letters to Mr. Baird in respect to the difficulties in that church?

Ans. My recollection is not very good; there might have been letters; there were different appointments made.

15 *Quest.* What do you mean by appointments?

Ans. Meetings—appointments for meetings between Mr. Baird and the elders.

16 *Quest.* [Being shown a letter, dated Philadelphia, October 18th, 1862, signed James H. Baird, addressed to Jesse Williams, McNeil and Williams, marked by me *Exhibit No.* 6 on the part of the defendants]—Is this the letter addressed to you in reply to the letter of October 14th, 1862, (*Exhibit No.* 4)?

Ans. Yes, it is.

17 *Quest.* Subsequent to the date of your letter of October 14th, (*Exhibit* 4) or prior to that time, were there any meetings or interviews between the elders of the church, or any of them, and Mr. Baird, in relation to those difficulties, at which you was present?

Ans. I believe there was a meeting at Mr. McNeil's house, at which time I believe Mr. Baird was preparing to go to the synod (I believe it was); I believe that was the last meeting we had, as near as I can recollect—my memory may deceive me.

18 *Quest.* Was there any meeting between Mr. Baird and the elders of the church, or any of them, at your own house in relation to those difficulties?

Ans. Yes, but that was at an earlier date than this; that was the first meeting we had respecting these matters.

19 *Quest.* At any of those meetings to which you have alluded, was Mr. Baird informed of the nature of the complaints against him?

Ans. Yes; I believe he was informed that night at the meeting at my house.

20 *Quest.* What did you inform Mr. Baird those complaints were, and were they written or verbal complaints?

Ans. I do not know whether they were in writing or not; we only called the meeting to have some conversation with Mr. Baird respecting the rumors that were abroad; I suppose it was verbal only.

21 *Quest.* What did you inform him the complaints were? [This question objected to.]

Ans. Well, the gentleman who was to inform him of what the complaints were wouldn't be admitted to give the information.

22 *Quest.* Were the gentlemen who were to give that information present at the meeting?

Ans. We called them there, but Mr. Baird would not let them in.

23 *Quest.* What did he do to prevent them?

Ans. He went to the door and told them—waved them away—and said they had no business to be there.

24 *Quest.* Did they then go away?

Ans. Yes, sir.

25 *Quest.* Who were those persons who were called to inform against Mr. Baird, and who he told to go away?

Ans. Armour McFarland and William K. Johnson.

26 *Quest.* Were Mr. McFarland and Mr. Johnson officers of that church, and if so, what were they?

Ans. Mr. McFarland was on the board of trustees—I am not certain whether Mr. Johnson was on at the time or not.

27 *Quest.* Was Mr. Johnson a member of that church at that time?

Ans. He was.

28 *Quest.* Was Mr. Baird then informed, at that meeting, by any person, what the nature of those complaints against him was?

Ans. Yes, I believe he was.

29 *Quest.* What was he told the complaints were? [This question objected to.]

Ans. I can't say a great deal about it—I was distant from the church; the most of it was derived from the two gentlemen mentioned.

30 *Quest.* Will you please to state what you can of the information given to Mr. Baird at that meeting of the nature of the complaints against him? [Objected to.]

Ans. He was told that had all these rumors been untruth, it was better that he would resign his church; he had not walked as become a minister of the gospel, and it was better for his own welfare and the welfare of the church that he would resign.

31 *Quest.* Was Mr. Baird told by any person at that meeting what those rumors about him were?

Ans. Yes, sir; I believe Mr. McNeil told him something about it.

32 *Quest.* Did you hear what Mr. McNeil told him?

Ans. Of course I heard, but my memory is bad to retain for any length of time, and I never thought to be called up in this way.

33 *Quest.* Will you please to state what you recollect Mr. McNeil told him those rumors against him were? [Objected to.]

Ans. I cannot recollect—I would not like to proceed any further—my recollection is bad.

34 *Quest.* Did the presbytery of Philadelphia appoint a committee in relation to the difficulties spoken of in the Fifteenth church?

Ans. Yes, sir.

35 *Quest.* Were you present in the presbytery when that committee was appointed, and if so, can you name who was appointed upon said committee?

Ans. I was there, Doct. Blackwood, Rev. Doct. Breed, Rev. Mr. Crowell, and I think Rev. Mr. Harbaugh was on it and another gentleman—there was five of them.

36 *Quest.* Do you know whether that committee took any action upon the matter they was appointed for?

Ans. I know of no action they took; they met several times—I know of nothing they done—presbytery met again, and they rather sustained his character without hearing any witnesses.

37 *Quest.* Do you know whether any witnesses were offered to the committee for the purpose of sustaining the complaints against Mr. Baird?

Ans. I was not there at all of their meetings; I do not know—I was not there.

38 *Quest.* Do you know whether the elders of the church, or any of them, ever failed to meet Mr. Baird at any appointment made with him for an interview in relation to those difficulties?

Ans. I don't remember.

39 *Quest.* Who was the senior elder of that church at the time Mr. Baird was pastor?

Ans. I think I was.

40 *Quest.* Did Mr. Baird ever request you to call a meeting of the session of the church for the purpose of formal investigation of the charges against him?

Ans. It may be—I don't recollect.

41 *Quest.* If he had made that request, would you not have complied with his request? [Objected to.]

Ans. I was always pretty attentive to anything of the kind.

42 *Quest.* I do not think you have answered the question—please say whether, if Mr. Baird had made that request, you would not have complied with it, and called a meeting of the session?

Ans. Yes, I think I would.

43 *Quest.* Do you recollect of ever declining to call a meeting of the session, if you was requested to call such meeting by Mr. Baird? [Objected to.]

Ans. I don't recollect of declining.

Being cross-examined—

44 *Quest.* Is not your health quite feeble now?

Ans. I cannot complain much of my health—I complain of old age and weakness to be sure.

45 *Quest.* Do you observe your memory fail any?

Ans. I believe my memory is pretty good, but it is not so good as it used to be, of course.

[Witness being shown a letter of August 14th, 1862, marked *J* on the part of prosecutor, is asked]—

46 *Quest.* Is that a letter written by you to Mr. Baird?

Ans. (After reading)—Yes, it looks like it.

47 *Quest.* (Being shown another letter, August 30th, 1862, marked by me *Exhibit K* on the part of prosecutor)—Is this also a letter written by you to Mr. Baird?

Ans. Yes, it is.

48 *Quest.* (Being shown another letter, dated Philadelphia, September 4th, 1862, and marked by me *Exhibit L* on the part of the prosecutor)—Is that a letter written by you to Mr. Baird?

Ans. Yes, it is.

49 *Quest.* (Being shown another letter, dated Philadelphia, September 30th, 1862, signed J. Williams, sen., J. Williams, jun., J. McNeil, marked by me *Exhibit M* on the part of prosecutor)—Was that a letter written by those gentlemen whose names are signed it, and is it in your handwriting?

Ans. The signatures appear to be in my handwriting; the body of the letter may be my handwriting, but I am not certain; it looks like my handwriting.

50 *Quest.* (Being shown another letter, dated Philadelphia, December 11th, 1862, marked by me *Exhibit N* on the part of the prosecutor)—Is this a letter written by you to Mr. Baird?

Ans. Yes; I wish to explain this letter; the last meeting we had before Mr. Baird went to synod, we made arrangements with Mr. Baird that we should fill our own pulpit until such time as this trouble should be settled; I got the pulpit filled every day until I got a note from him saying that he had recovered his former health, and would fill the pulpit—and that is the letter I wrote him in reply; the Rev. Mr. Collier was to fill the pulpit that Sabbath morning, and Mr. Collier received a note from Mr. Baird that he would fill the pulpit himself—then I wrote this note.

51 *Quest.* Have you got the note you received from Mr. Baird, to which you allude?

Ans. I have not got it here—it may be at home—I did not find it on coming away; the time was very short.

52 *Quest.* Will you make search for the note, and produce it if you can?

Ans. I will, but it is likely I can't find it—I searched for it last night, but was not able to find it.

53 *Quest.* Did you receive answers to all or any of these letters that have been shown to you?

Ans. I think they are all answers to my letters.

54 *Quest.* Have you any of his letters with you?

Ans. Yes, I have.

55 *Quest.* Will you produce whatever letters of his you have about you?

Ans. Yes, sir. [The witness here produces two letters, one dated Wednesday, December 10th, 1862, directed to the session of Fifteenth church, signed J. H. Baird, marked by me *Exhibit O* on the part of prosecutor, and another, without date, beginning "My dear friend," marked by me *Exhibit P* on the part of the prosecutor.]

56 *Quest.* Do you have, or can you produce any other letters of Mr. Baird's touching these difficulties?

Ans. I don't know whether I have any.

57 *Quest.* Will you make search, and if you have any other letters, furnish them to us?

Ans. I will.

(Witness being shown a letter of the elders, dated October 14th, 1862, marked *Exhibit No.* 5, is asked)—

58 *Quest.* In whose handwriting is that letter?

Ans. The same as the one I gave you the copy of; I think Mr. McNeil's son was requested to write it, as we were in a hurry; to the best of my knowledge it is his handwriting.

59 *Quest.* Did you, or any of the elders of your church, advise with Mr. Crowell in respect to these difficulties?

Ans. I don't know.

60 *Quest.* Do you recollect Mr. Baird calling at your house, on the evening of the day next before *Exhibit* 5 was written (October 13th), in company with his brother, Rev. Samuel T. Baird, and not finding you at home leaving a note for you, to the effect that he (Mr. Baird) was then prepared to meet the session?

Ans. I remember to hear of his being here.

61 *Quest.* Do you remember of his leaving a letter or note there for you?

Ans. There might be one, but I do not know.

62 *Quest.* If there is any such note that you can find, will you produce that also?

Ans. I do not believe there is any such note, at least I don't think it—I have no knowledge of anything of the kind in my house.

63 *Quest.* Do you remember that a vacation was allowed to Mr. Baird of four weeks in the month of August, 1862?

Ans. I know there was such a thing took place; I don't

know the date of it; it was at the time Mr. Baird went to New York for his health; I don't remember the length of time given.

64 *Quest.* You have stated that the letter of October 14th, 1862, is in the handwriting of Mr. McNeil's son—who, if anybody, prepared that letter for Mr. McNeil's son to copy?

Ans. The session was all there present—it was written in our presence.

65 *Quest.* Did any person outside of the session prepare that paper for you?

Ans. I am not prepared to say; that paper was wrote in our presence—likely it was; I asked counsel of several; that is agreeable to our request that that was wrote.

66 *Quest.* Who, if anybody, was helping the session in this matter?

Ans. That was agreeable to our request; I decline making any further answer to the question.

JOHN WILLIAMS.

Sworn and subscribed before me, this eleventh day of October, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

The examination of witnesses adjourned to such subsequent day as shall be agreed upon by solicitors.

November 18th, A. D. 1864.—It having been agreed, between the solicitors of the parties to these proceedings, that the examination of witnesses for the defendants should be resumed this day, said examination was accordingly begun, at the same place as heretofore, at the hour of ten o'clock A. M., in the presence of F. B. Chetwood, esq., for defendants, and solicitor of prosecutor.

William K. Johnson, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside?

Ans. In Philadelphia, No. 1725 Addison street; I have resided in Philadelphia all my life, twenty-nine years.

2 *Quest.* Are you acquainted with Mr. James H. Baird, and how long have you known him?

Ans. I am, and have known him since the latter part of April, or first of May, 1861.

3 *Quest.* Are you in any way connected with the Fifteenth Presbyterian church (Fifteenth street, Philadelphia,) officially or individually?

Ans. I hold an office in that church; I am secretary of the church, and also secretary of the board of trustees.

4 *Quest.* Are you one of the trustees of that church, and how long have you been so?

Ans. Yes, since January, 1859.

5 *Quest.* Are you a member of the communion of that church, and how long have you been so?

Ans. I am, and have been so, to the best of my knowledge, since June, 1857.

6 *Quest.* Was Mr. James H. Baird the pastor of that church, and if so, for how long?

Ans. He was, and I think for fifteen months, or in that neighborhood.

7 *Quest.* While he was pastor of that church, were there any complaints against Mr. Baird's conduct, on the part of the congregation, the session, or trustees? [This question objected to.]

Ans. As trustees, there were several complaints; on the part of the trustees there were complaints; I was not a member of the session; the first complaint was, that Mr. Baird was going about in disguise in the evening; that his wife had left him, and that he went out at late hours of the night—and a woman said that he was going about trying to get a place to board a child of a girl that lived with him; a woman came to my house, and told my wife that, and asked what kind of a minister we had that was going about trying to get a place to board a child of a servant girl that lived in his house.

8 *Quest.* Are you acquainted with John Williams, sen., an elder of the Fifteenth street church?

Ans. Yes.

9 *Quest.* Were you present at a meeting of the session of that church, held at the house of Mr. Williams, in relation to the difficulties between Mr. Baird and the church, at which Mr. Baird was also present?

Ans. I was notified to attend a meeting at Mr. Williams' house, and I attended the meeting; but we had just taken our seats when Mr. Baird told us to leave—that it was a meeting of session, or to that effect—and we did leave.

10 *Quest.* How came you to be at that meeting?

Ans. Mr. Williams and Mr. McNeil, elders of the church, told us to be present, that they were going to inquire into matters in relation to Mr. Baird.

11 *Quest.* Did you do anything, and if so what, to ascertain the truth of the complaints against Mr. Baird for being in the streets disguised late at night?

Ans. He pulled up his coat collar about his ears, and drew his Kossuth hat down over his face; I saw him in that condition from Fifteenth street and Lombard to Eleventh street and Spruce.

12 *Quest.* At what time of the night, and at what season of the year, did you see Mr. Baird under the circumstances you have just stated, and state all that you saw of him that night?

Ans. It was about May, 1862; after walking from Fifteenth and Lombard to Eleventh and Spruce, he got in a car and rode to Seventh street; he went up Seventh street and turned into Orange street—there I lost him—I didn't see which way he turned; it was between nine and half-past nine o'clock that I saw him on a Friday evening.

13 *Quest.* How do you recollect that it was on a Friday evening?

Ans. It was on a prayer meeting evening, and it was after a prayer meeting.

14 *Quest.* Was Mr. Baird at that prayer meeting?

Ans. He was.

15 *Quest.* How came you to see him?

Ans. There was an understanding between the trustees and the session, and I was waiting to see Mr. Baird, to see if he was in disguise; it was an understanding between the session and the trustees that some of us would wait, and look and see if he went in disguise.

16 *Quest.* Did you follow Mr. Baird then, as you have stated, in the direction he went for that purpose?

Ans. I did.

17 *Quest.* Do you know anything of the character and general reputation of the inmates of the houses in Orange street or that immediate vicinity?

Ans. Only what others say—I know nothing myself; they say it is bad—the inmates of the houses do not have good reputations—they say they are houses of ill fame; that is their reputation.

18 *Quest.* Did you, upon any other occasion at night, follow Mr. Baird for the purpose of ascertaining whether he went through the streets disguised, and if so, state when and what you saw of him on that occasion?

Ans. On the Friday evening following the first mentioned occasion, after church was out, Mr. Baird, Mr. Williams, and myself and several ladies, went up Fifteenth street; after Mr. Baird had left, Mr. McFarland and myself went to Mr. Blackwood's house, knowing that Mr. Baird was to be there, the sexton having given us information he was to go there to see if Mr. Blackwood would preach; we waited outside a few minutes, and Mr. McFarland proposed he should sit opposite, while I should go down to Fifteenth street to see if I could meet Mr. Williams; in going down Sansom street I passed Mr. Baird between Fifteenth and Sixteenth streets, going westward; he then went into Doct. Blackwood's

house; after coming out he got into a Chestnut street car, between Seventeenth and Eighteenth streets, and rode down to between Third and Fourth streets; he got out of the car there and went into the Ledger office; after coming out, he walked up and down Chestnut street two or three times, and went into a confectionary shop, and bought some confectionary; he walked up and down Chestnut street, between Third and Fourth, twice after that, I think, and crossed over Third street, opposite Doct. Jayne's drug store; he there met a lady; the two stood there talking about five minutes —this was in Chestnut street below Third, and in front of Doct. Jayne's building; I stood on the opposite side of the street from him, and Mr. McFarland went by him twice while he stood there talking; he (Mr. Baird) then went down through Exchange place to the exchange, and got into a Pine street car, and rode to Tenth and Pine streets; he went down the west side of Tenth street to Fitzwater; he then rang the bell of a house and went in (on Fitzwater street above Tenth); this is the last I saw of him that night.

19 *Quest.* Did you see anything else occur between Mr. Baird and the female of whom you have spoken with whom Mr. Baird was conversing on Chestnut street below Third?

Ans. He seemed to be giving her some of the confectionary.

20 *Quest.* When Mr. Baird left the place where he was conversing with that female, did the female accompany him, or did they separate?

Ans. They met there and separated there; they talked talked there, but did not walk off at all.

21 *Quest.* What hour of the night was it when the female and Mr. Baird were talking together there?

Ans. It must have been quarter past ten o'clock.

22 *Quest.* Did you receive a letter from Mr. Baird in relation to a person who was very sick at that time, and if so, have you that letter with you?

Ans. I did receive a letter, but the person was dead when I received the letter; I have not got it with me.

23 *Quest.* Do you know where the letter is?

Ans. I do not—it laid in the house a good while, and has got destroyed.

24 *Quest.* Who delivered that letter to you?

Ans. A lad by the the name of Daniel McGowan.

25 *Quest.* Do you recollect the date of that letter, as compared with the day on which it was delivered to you? [Any examination in reference to the contents of this letter objected to without the production of the letter.]

Ans. It was dated six days before it was delivered.

26 *Quest.* Do you know where Daniel McGowan, the lad, belonged?

Ans. He worked in a brickyard.

27 *Quest.* Did you go to any place, and where, to make any inquiries when and where that letter was written?

Ans. Yes, sir; I went to the drug store at the corner of 21st and Lombard streets, kept by Mr. Warner; I asked Mr. Warner if Mr. Baird had been there; he said yes, that he had been there, and wrote three letters, and sent them down to Lombard street by a boy.

28 *Quest.* When you went to Doct. Warner's drug store, did you show the letter you had received to the person of whom you made inquiries?

Ans. No, sir.

29 *Quest.* Did you receive any other letter from Mr. Baird about that time?

Ans. I did not within a week or two.

30 *Quest.* Can you tell what the substance and purport of that letter was?

Ans. It was headed in the regular form: Mr. Johnson, Dear sir, and then went on—you and Mr. George Williams, David McAllister, and James Ellet, as I am out of the city, will please get a clergyman or minister to officiate at Mr. McGowan's funeral; Mr. Gamble, Mr. Rice, and another's name was attached to it—whom we might go to and get to officiate; Mr. McAllister took the note, and got Mr. McCaskey to officiate at the funeral.

31 *Quest.* After you received that letter from Mr. Baird, did you ascertain from Mr. Baird himself where he had been to out of town, as stated in his letter?

Ans. He had not been out of town at all when he wrote me the letter; no, I did not ascertain from Mr. Baird.

32 *Quest.* Did Mr. Baird tell you where he was during any of the time in which he stated in that letter he was out of town?

Ans. No, sir.

33 *Quest.* During the time of the difficulties between Mr. Baird and the Fifteenth church, was there any agreement between Mr. Baird and any of the officers of the church, that Mr. Baird should not occupy the pulpit for any length of time during those difficulties?

Ans. There was, but I had nothing to do with that; I heard so from Mr. Williams—did not hear Mr. Baird say so.

Note.—Without waiving any of the objections made to the incompetency and irrelevancy of the foregoing testimony, the witness is cross-examined.

Being cross-examined, says—

34 *Quest.* What is your employment?

Ans. I am a painter.

35 *Quest.* When was the meeting of the session held at the house of Mr. Williams to which you have referred?

Ans. To the best of my recollection, it was some time in June or July, 1862.

36 *Quest.* Was it before or after this spying in the streets to which you have referred?

Ans. It was after.

37 *Quest.* How do you fix the time of the watching in the streets to have been in May?

Ans. Our communion is the last week in June, and it was just before that.

38 *Quest.* You recollect distinctly that it was just before a communion season?

Ans. Yes, sir.

39 *Quest.* How long was it before the meeting of the session to which you refer (the watching I mean)?

Ans. It was about two months before the meeting was held at Mr. Williams' house; the meeting of the session was about two weeks after the communion.

40 *Quest.* Who preached on the first Friday evening to which you have alluded?

Ans. I can't be positive—it runs in my mind that it was Mr. Baird's brother—I can't be positive; if you mean the first Friday evening that we watched—we had no preaching then; Mr. Baird himself was at the meeting—it was a prayer meeting—we had no preaching.

41 *Quest.* Who officiated on the second Friday night to which you have referred?

Ans. Mr. Baird.

42 *Quest.* Did they deliver tokens that night?

Ans. No, sir; this second Friday night referred to was one week before the delivering of tokens for communion.

43 *Quest.* Who preached on the Friday night when the tokens were delivered?

Ans. I don't know—I was not there on that night.

44 *Quest.* How long before the communion are the tokens delivered?

Ans. It is the custom to deliver them on the Friday preceding.

45 *Quest.* Did the communion take place, and who preached?

Ans. I don't know—I was not there—I staid home, or rather I went to another church.

46 *Quest.* Is it usual to advertise in the Ledger who is to officiate in your church?

Ans. Not always—it is left open; the second Sabbath in the month there is preaching in the evening, and that is the only fixed day for advertising.

47 *Quest.* Do you know whether on that communion Sunday it was advertised that Doct. Blackwood would preach?

Ans. I did the advertising of the church, and I am positive I never advertised Doct. Blackwood to preach.

48 *Quest.* Did not Mr. Baird sometimes advertise?

Ans. Once he did.

49 *Quest.* When was that?

Ans. That was on the second Sabbath before the communion, to the best of my recollection.

50 *Quest.* Was that the occasion on which Mr. Baird was traced?

Ans. Yes, that was the time; I don't know whether he went for that purpose or not; he said afterwards to me that he went there for the purpose of advertising a small house to rent for his mother.

51 *Quest.* Did you see the advertisement in the Ledger of preaching, to which you have referred?

Ans. Not to my recollection.

52 *Quest.* How do you know Mr. Baird put in such an advertisement then (of preaching)?

Ans. Which advertisement? Mr. Baird told me he had put an advertisement into the paper of a small house for his mother.

53 *Quest.* Was that the advertisement alluded to when you said Mr. Baird had advertised once?

Ans. That was the advertisement Mr. Baird told me he went to the Ledger office about that evening.

54 *Quest.* Being shown a paper marked by me *Exhibit* 2 on the part of prosecutor—is this note in your handwriting?

Ans. Yes; I remember well the day I wrote it—I wrote it with a lead pencil.

55 *Quest.* Do you know of Mr. Baird's visit to New York that summer?

Ans. I know of his being away a couple of weeks.

56 *Quest.* To what advertising does this note (*Exhibit* 2) refer?

Ans. I can't say exactly to which one this refers, but I went to Mr. Baird's house to get the advertisement for Sabbath, and he wasn't home, so I left word with his mother for him to advertise, and I would pay him.

57 *Quest.* When was that?

Ans. It was on a Thursday evening—I always went for them on a Thursday evening to get them, so as they would be in Saturday's paper; I can't say what the time of the year was.

58 *Quest.* Was this note written before or after the watching in the streets?

Ans. I think it was after?

59 *Quest.* Was the watching in the streets before or after the death of Mr. McGowan?

Ans. After.

60 *Quest.* Was the watching before or after the absence of Mr. Baird from the city, to which you have referred?

Ans. It was after, I think.

61 *Quest.* How often have you communion in your church?

Ans. Four times a year—two of the times are in June and September.

62 *Quest.* Were you present at the September communion?

Ans. We had no communion, I think, that September.

63 *Quest.* Is the communion referred to by you the last at which Mr. Baird officiated?

Ans. The last he officiated was in June, not in September; I can't say positively—I had no date for it.

64 *Quest.* Was the communion referred to by you succeeding the watching the last communion at which Mr. Baird officiated?

Ans. I think it was.

65 *Quest.* Who requested you to watch Mr. Baird at night?

Ans. There was an understanding between the session and the trustees; the session was part of the trustees at that time, and they met together; it was an understanding at the meeting all to look, and see if these matters was true, the session and trustees connected.

66 *Quest.* Was this understanding at a meeting?

Ans. Yes, sir.

67 *Quest.* Who communicated the facts on which that understanding was had to the meeting?

Ans. There was no facts communicated—it was only a talk among ourselves as to what had been said, and to see if it was true.

68 *Quest.* Had you seen Doct. Ludlow on the subject?

Ans. I did after Mr. Baird left the church, not before or about the time he was leaving, or when the session said that Mr. Baird had signed a note to quit preaching for a while; it was about that time.

69 *Quest.* Did you attend the religious services of the prayer meeting on the first Friday evening of your watch?

Ans. No, sir.

70 *Quest.* Where did you first see Mr. Baird?

Ans. I saw him in the pulpit—I stood in the little entry of the church talking with the sexton.

71 *Quest.* Where did you see him pull up his coat collar?

Ans. In Lombard street, just below Fifteenth, on the north side.

72 *Quest.* When he got into the Spruce street car, did you get in with him?

Ans. No.

73 *Quest.* Did you trot after the car?

Ans. I walked pretty smart; the car stopped at every street corner, and I could keep up right handy.

74 *Quest.* Was the Orange street to which you allude between Seventh and Eighth, and above Spruce?

Ans. Yes, sir.

75 *Quest.* How near were you to Mr. Baird when he reached Orange street?

Ans. When he jumped off the car he jumped off on the west side of the street, and I was within ten foot of him; I was about sixty feet from him when he turned up Orange street, not more than three or four houses from him.

76 *Quest.* Had he an overcoat on?

Ans. I think not.

77 *Quest.* Did you go up Orange street?

Ans. Yes, sir.

78 *Quest.* Had he disappeared when you turned into Orange street?

Ans. I could not see him after he turned into Orange street.

79 *Quest.* Was McFarland with you on that occasion?

Ans. No, sir.

80 *Quest.* On the second Friday night, when you met Mr. Baird, had he an overcoat on then?

Ans. No, I think not.

81 *Quest.* Had you been at the religious services on that night?

Ans. No, sir.

82 *Quest.* Where is Mr. Blackwood's house?

Ans. At the corner of Eighteenth and Sansom streets.

83 *Quest.* You said you had information that he was going to see if Mr. Blackwood would preach—preach on the next Sunday do you mean?

Ans. Yes, sir.

84 *Quest.* Did you join McFarland opposite Doct. Blackwood's house?

Ans. We was together before we got there.

85 *Quest.* How long did Mr. Baird remain in Doct. Blackwood's house?

Ans. About five minutes.

86 *Quest.* When he got into the Chestnut street car, did you get in?

Ans. No, sir.

87 *Quest.* Did you keep up with the car down the street?

Ans. Yes, sir.

88 *Quest.* Did you see Mr. Baird while in the Ledger office?

Ans. Yes, sir.

89 *Quest.* Did he appear to leave an advertisement there?

Ans. No, sir.

90 *Quest.* Did you look in the Ledger to see if there was an advertisement next morning?

Ans. No, sir; I was told there was one, though.

91 *Quest.* What was you told that advertisement referred to? [Objected to.]

Ans. My wife wanted to know of me if I had put it in; that advertisement I never seen; Mr. Baird paid for it himself—I knew nothing about it.

92 *Quest.* You saw, I understand you to say, Mr. Baird give a female in the street something—do you know what it was?

Ans. I judge it to be the confectionary, for he carried it in his hand—I saw the paper in the light as he went along from where I stood.

93 *Quest.* You said you received a letter from Mr. Baird relating to the death of Mr. McGowan—did you receive that letter before or after the death of Mr. McGowan?

Ans. The evening of the day he died—after his death.

94 *Quest.* Did you procure a clergyman to officiate in consequence of that letter?

Ans. Mr. McAllister did.

95 *Quest.* At the time of the date of the letter, you say Mr. Baird was in Philadelphia?

Ans. At the time I received the letter Mr. Baird was in Philadelphia.

96 *Quest.* How do you know he was in Philadelphia at the time you received the letter?

Ans. After I received the letter I went to Mr. Warren, who told me Mr. Baird had just left for his own house; I went over to Mr. Baird's house, and found the key in the outside of the door, and the light was burning a little in the inside of the house—I waited there till twelve o'clock—the second story shutters was bowed out; the next morning I went there at six o'clock, and the shutters was tight, and the key was on the inside of the door; I seen the next day Mr. Baird going down Spruce street with a valise—he told me he was going to the country, and he told me that the evening before he had been at a hotel with some friends.

97 *Quest.* Did you ring the door-bell?

Ans. Yes, sir.

98 *Quest.* Did you go into the house?

Ans. No, sir.

99 *Quest* Where did you watch?

Ans. I did not watch at all—I set on the step, and walked up and down.

100 *Quest.* When, on going through Exchange place to the exchange, Mr. Baird got into a Pine street car, did you get into that car?

Ans. No, sir.

101 *Quest.* Did you keep up with the car?

Ans. Yes, sir.

102 *Quest.* Anybody with you then?

Ans. Mr. McFarland.

103 *Quest.* How near were you to Mr. Baird when you followed him down Tenth street?

Ans. Mr. Baird was on the west side of Tenth street, I was on the east side, about may be a hundred and fifty feet behind him.

104 *Quest.* Did you follow him up Fitzwater street?

Ans. No, sir; I stopped at Tenth street, on the corner.

105 *Quest.* How was it you did not go up the street after him?

Ans. Mr. McFarland was ahead of me, on the same side of the street Mr. Baird was; Mr. McFarland kind of halted—so I halted on the corner of the street; after that I went up the street about sixty feet.

106 *Quest.* Why did you not follow?

Ans. I had no further place to follow.

107 *Quest.* Why had you no further place to follow?

Ans. I seen the man go in a house, and Mr. McFarland came back to meet me.

108 *Quest.* Did you take the number of the house?

Ans. No, sir, I did not.

109 *Quest.* Did you notice the house sufficiently to identify it?

Ans. No, sir; for I had passed the house frequently, and knew just what it was—the first house above the corner.

110 *Quest.* On which side of the street was that house?

Ans. The north side.

111 *Quest.* Whose house is it?

Ans. I don't know whose it is.

112 *Quest.* How near were you to Mr. Baird when you say he went into that house?

Ans. About a hundred feet.

113 *Quest.* How far is the house from the corner?

Ans. About a hundred feet.

114 *Quest.* What time was it when you left the corner of Tenth and Fitzwater streets after Mr. Baird had gone into that house?

Ans. It was between fifteen and twenty minutes of eleven o'clock.

Being re-examined, saith—

115 *Quest.* Was Mr. McGowan, of whose death you have spoken, a member of the communion or of the congregation of the Fifteenth street church at the time of his death?

Ans. I can't say positive; he had been a member of that church—I can't say whether he was at that time or not.

Re-cross-examined, saith—

116 *Quest.* How long did you wait at the corner of Tenth and Fitzwater streets, after seeing Mr. Baird go in that house?

Ans. We did not wait there at all only a few minutes; I asked Mr. McFarland what time it was—he pulled out his watch and told me, and we went away.

WILLIAM K. JOHNSON.

Sworn and subscribed before me, this eighteenth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Armour McFarland, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you live, and how long?

Ans. In the city of Philadelphia, at No. 816 Fitzwater street; I have lived in Philadelphia over sixteen years.

2 *Quest.* Are you acquainted with Mr. James H. Baird, and how long have you known him?

Ans. Yes, I know him, and have known him ever since he came to our church, the Fifteenth street Presbyterian, I believe in 1861.

3 *Quest.* Were you an officer of the Fifteenth Presbyterian church while Mr. Baird was there?

Ans. Yes, I was a trustee and secretary.

4 *Quest.* Do you know whether there were any difficulties existing between Mr. Baird and the people or officers of the Fifteenth church while he was pastor there?

Ans. There were difficulties.

5 *Quest.* Were you present at the house of Mr. Williams, one of the elders of the Fifteenth church, at a meeting of the elders with Mr. Baird in relation to those difficulties?

Ans. I was.

6 *Quest.* How came you to go there?

Ans. I was told to go there by the session or elders.

7 *Quest.* Was Mr. William K. Johnson there at that meeting?

Ans. Yes.

8 *Quest.* What did you go to that meeting for?

Ans. I went there at the request of the elders for to testify

to these difficulties that were in the church concerning Mr. Baird.

9 *Quest.* Did you testify anything in regard to these difficulties?

Ans. No, sir.

10 *Quest.* Why not?

Ans. Mr. Baird said we shouldn't stop; that none but elders should be at that meeting, or words to that effect.

11 *Quest.* When Mr. Baird told you that what did you do?

Ans. Went home.

12 *Quest.* Did you go with Mr. Johnson, one Friday evening, in pursuit of Mr. Baird to see where he went?

Ans. I did.

13 *Quest.* Can you state what Friday evening it was?

Ans. It was a Friday evening, to the best of my knowledge, in June, 1862.

14 *Quest.* What led you to go in pursuit of Mr. Baird?

Ans. It was talk at the meeting of the trustees; it was understood that some was to go after Mr. Baird, and see where he should go.

15 *Quest.* State where you went from, and where you saw Mr. Baird during the residue of that evening, if you saw him?

Ans. I saw Mr. Baird first at the church, on the outside, on the pavement; I next saw him at the Rev. Doct. Blackwood's, at Eighteenth and Sansom; he left there, and went up Eighteenth street to Chestnut, and got into a Chestnut street car below Eighteenth; he got out of the car in Chestnut street, between Third and Fourth streets; he then went to the Ledger office; he came out of there, and went up Chestnut street once or twice, and between going up and down went into a confectionary or mineral water place; he then turned down Third about ten steps or so, and then turned back into Chestnut, and went down as far as Doct. Jayne's building; he stopped there—and standing there, a lady came running across the street, and stood and talked to him for some time, from five to eight minutes; he went from there down Exchange place, got in a Pine street car; got out of the car at Tenth and Pine streets, and went down Tenth street, on the west side of the way, to Fitzwater street; he turned up Fitzwater street to the first house above Tenth on the north side of the way, and rang the bell, or rapped at the door, got off the steps and walked back to the curb-stone, looking up at the second story window—the door was not opened right away; as he walked back, looking up at the second story, he called some one by name Mary, or some such name; the door was opened, and then he went in; I walked up past the door, and came down again, and saw him no more that night.

16 *Quest.* When Mr. Baird looked up at the second story, and called out Mary, or some such name, did you see any person in the second story window?

Ans. I was passing at the time, but I could discern something coming out the upper story window, and go in again as quick as possible.

17 *Quest.* Was the front door of the house opened before or after you saw the person at the second story window?

Ans. After.

18 *Quest.* When you saw Mr. Baird talking with the female on Chestnut street where was you?

Ans. First I was opposite, and secondly I walked down and up past on the same side.

19 *Quest.* Did you walk directly past Mr. Baird and the female, on the same side, while they were talking?

Ans. I did.

20 *Quest.* Was there light enough for you to be able to decide that it was Mr. Baird talking to the female?

Ans. There was.

21 *Quest.* Do you know whether there is any general reputation in Philadelphia as to the character of the occupants of houses in Orange street and that vicinity?

Ans. There is—it is not a very good neighborhood.

22 *Quest.* In what respect is it not?

Ans. In the smaller streets of that neighborhood there are a great many houses of ill fame—a great many people of that class are congregated there.

Being cross-examined—

23 *Quest.* How do you know the reputation of Orange street?

Ans. Only from the report of people in that neighborhood.

24 *Quest.* The lots of houses fronting on Washington square run back to Orange street, do they not?

Ans. Yes, sir.

25 *Quest.* Have you ever been in Orange street?

Ans. Yes, sir—have went through there.

26 *Quest.* What reason have you for saying that the Friday of your watch was in June?

Ans. The reason was that our communion was the last Sabbath in June, and that was before communion.

27 *Quest.* Do you remember how many Fridays before communion it was?

Ans. The Friday before.

28 *Quest.* How soon did you communicate the information of this watching to the elders?

Ans. I can't say positive, some time in the ensuing week.

29 *Quest.* Which of the elders did you tell it to first?

Ans. I can't remember, I think Mr. Williams.

30 *Quest.* You mentioned it to him then after the communion Sabbath?

Ans. I don't know—I don't think I saw him till after that.

31 *Quest.* How soon after this Friday night was it that the session was called to which you refer?

Ans. I don't remember.

32 *Quest.* Were you watching opposite the house of Doct. Blackwood for Mr. Baird?

Ans. Yes, sir.

33 *Quest.* Why did you look for him at the house of Doct. Blackwood?

Ans. I heard at church that he was going there after service.

34 *Quest.* Did you hear what was the object of his going to Doct. Blackwood's?

Ans. I heard he was going there to get Doct. Blackwood to preach the next Sabbath evening.

35 *Quest.* Can you tell, within two or three weeks of the time of your expedition down Chestnut street, how long it was before that meeting of the session was called?

Ans. I believe it was within three or four weeks of that time—it was some time after that, and that is the best I can say.

36 *Quest.* You said there was an understanding between you that some of you should watch Mr. Baird—did that understanding take place among you at a meeting of the session?

Ans. At a meeting of the board of trustees.

37 *Quest.* Who were present at that meeting?

Ans. I don't remember how many were there—Mr. Johnson was there; Mr. Williams, Mr. McNeil, and Mr. McAllister, I think were there, but I wouldn't say certain.

38 *Quest.* Was there a letter from any outside person produced at that meeting recommending a watch?

Ans. None that I heard of or saw.

39 *Quest.* Who called upon you to be a witness here?

Ans. Mr. Torrey.

40 *Quest.* Is he the first person who applied to you?

Ans. Yes, sir.

41 *Quest.* What is your employment?

Ans. I am a foreman in a livery stable.

Re-examined in chief.

42 *Quest.* When was you secretary of the church, as stated by you?

Ans. About 1861 and 1862, and I think in 1860; I was secretary for three or four years.

43 *Quest.* Was you secretary before or after Mr. William K. Johnson was secretary?

Ans. Before.

ARMOUR MCFARLAND.

Sworn and subscribed before me, this eighteenth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

The examination adjourned to November 29th, at the same place, at ten o'clock A. M.

November 29th, 1864, ten o'clock A. M.—The examination of witnesses on the part of the defendants resumed, in the presence of F. B. Chetwood, esq., solicitor of defendants, and Abraham Browning, esq., solicitor of the prosecutor.

Samuel W. Torrey, a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Are you related to Mrs. Adeline W. Baird?

Ans. I am; she is my sister.

2 *Quest.* Did you ever advise, or in any manner intimate to Mr. James H. Baird to forbid Doct. Ludlow, of Philadelphia, from coming to his (Mr. Baird's) house? [Objected to.]

Ans. I never did in any way.

3 *Quest.* Have you been acquainted with the pecuniary circumstances of Mr. James H. Baird from the time of his marriage to your sister, and for how long a time, and what have they been relative to a sufficiency of means to support his family? [Objected to.]

Ans. I have been acquainted to some extent, so far as to know that pecuniary assistance has been necessary, on the part of various members of my family, to provide properly for the support of my sister and her family.

4 *Quest.* Have you contributed money towards the support of your sister and her children, and how often, to the best of your recollection, and when? [Objected to as in no wise relating to the return.]

Ans. I have so contributed from time to time, but when, and to what amount, I am unable now to state.

5 *Quest.* Since the marriage of your sister, Mrs. Baird, has she been permanently settled at any place, or otherwise? [Objected to as general, and not relating to any of the particulars of the return.]

Ans. Her place of residence has been frequently changed,

not remaining for a considerable length of time in any one place, to my knowledge.

No cross examination.

S. W. TORREY.

Sworn and subscribed before me, this twenty-ninth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

George S. Dwight, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Are you in any way related to Mrs. Adeline W. Baird?

Ans. I am; I am married to her sister.

2 *Quest.* How long have you been married?

Ans. I was married in June (27th), 1860.

3 *Quest.* Since your marriage, have you been much in Mrs. Baird's family?

Ans. My relation has involved frequent visits, and of an intimate kind; my visits have been two or three weeks at a time, but generally at her father's house when she was there.

4 *Quest.* Have you lived at Manchester for any length of time since Mrs. Baird has left her husband?

Ans. I have not resided there, but have made frequent visits, for two or three weeks at a time.

5 *Quest.* Have you noticed the manner of Mrs. Baird's management, care, and culture of her children?

Ans. I have noticed it particularly, and consider it in a remarkable degree illustrative of the power of consistent religious principle in the management of children, as showing, in spite of physical weakness and disability, a strong moral control of them.

Being cross-examined, the witness says—

(Being shown a letter, dated Brooklyn, October 23d, 1860, marked by me *Exhibit R* on the part of prosecutor)—

6 *Quest.* Is this your letter?

Ans. Yes, that is mine.

7 *Quest.* (Being shown the letter)—to what did you refer in that letter where you say, "Till then do not make any more?"

Ans. The circumstances have entirely passed from my mind, and I cannot tell to what that passage refers without seeing the letter to which this is a reply.

GEO. S. DWIGHT.

Sworn and subscribed before me, this twenty-ninth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Mary Ann Fitzpatrick, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* How old are you, and where do you reside?

Ans. I will be eighteen the first of December next, and reside at No. 221 Arch street, Philadelphia.

2 *Quest.* Are you acquainted with Mrs. Adeline W. Baird and her husband?

Ans. Yes, sir.

3 *Quest.* Have you lived with them at any time, and if so, when and where?

Ans. I lived with them in Philadelphia, in New York, and in Redbank; I lived with them in Philadelphia first at Eighteenth and Green streets, and then at Mrs. Devine's, Sixth and Walnut streets.

4 *Quest.* How long did you live with them at each of those places?

Ans. I lived with them at Eighteenth and Green about two months—at Mrs. Devine's about three months.

5 *Quest.* Can you say about how long, at all the different places you have lived in Mrs. Baird's family?

Ans. Twenty months.

6 *Quest.* What was the condition of Mrs. Baird's health while you lived with her in Philadelphia?

Ans. She was very feeble.

7 *Quest.* Was Mr. Baird at home most or any of the time while you resided in Philadelphia with Mrs. Baird?

Ans. He was not at home any of the time—I never seen him in Philadelphia.

8 *Quest.* Do you recollect what year it was you lived with Mrs. Baird in Philadelphia?

Ans. It was in 1860, I think.

9 *Quest.* Do you recollect what year you resided with Mrs. Baird at Redbank?

Ans. That was in 1861.

10 *Quest.* While you resided with Mrs. Baird at Redbank, do you recollect that Mr. Baird whipped one of the children, and if so, state the circumstances fully? [Objected to.]

Ans. Yes, sir; it was the oldest little boy, Henry; he had a piece of wood, and he had a knife—Mr. Baird told him to lay down the knife—the boy did not do it; then Mr. Baird picked him up, and whipped him very hard.

11 *Quest.* Did Mr. Baird appear to be excited or not?

Ans. He did.

12 *Quest.* How old was the child at that time?

Ans. About seven or eight years.

13 *Quest.* Was Mr. Baird living at Redbank in the family at that time, or elsewhere?

Ans. No, sir; he was not living there.

14 *Quest.* Where was Mrs. Baird living in Redbank at that time?

Ans. She was housekeeping.

15 *Quest.* How long before the time when Mr. Baird whipped the child had he been to his family at Redbank?

Ans. He had not been at Redbank before at all—I had not seen him before.

16 *Quest.* How long had Mr. Baird been in the house before he whipped the child?

Ans. Not half an hour.

17 *Quest.* Was Mrs. Baird present when he whipped the child?

Ans. Yes, sir.

18 *Quest.* Did Mrs. Baird say anything to Mr. Baird about his whipping the child?

Ans. Yes, sir; she asked him how he could do so after just coming home.

19 *Quest.* Did Mr. Baird make any reply to her, and what did he say?

Ans. Yes, sir; he said he was able to attend to his own business.

[All the testimony above in relation to whipping the child objected to.]

Being cross-examined, saith—

20 *Quest.* Did you go with Mrs. Baird when she moved over from Philadelphia to New York, and go with her from there to Redbank?

Ans. Yes, sir.

21 *Quest.* You never saw Mr. Baird on that occasion referred to?

Ans. Never until he visited his wife at Redbank.

22 *Quest.* Did this whipping you have referred to take place in the morning or afternoon of the day?

Ans. Towards evening.

23 *Quest.* You are sure of that?

Ans. Oh yes, quite sure.

24 *Quest.* It was after Mrs. Baird had gone to keeping house at Redbank, was it?

Ans. Yes, sir.

25 *Quest.* Whereabouts did this whipping take place?

Ans. In the kitchen of the house.

26 *Quest.* What did Mr. Baird whip the child with?

Ans. With his hand.

27 *Quest.* What is your business now?

Ans. I live at service.

28 *Quest.* With whom?

Ans. Mr. Maurice M. Ash.

MARY ANN FITZPATRICK.

Sworn and subscribed before me, this twenty-ninth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Abraham T. Young, a witness produced on the part of the defendants, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside?

Ans. At Phelps, Ontario county, state of New York.

2 *Quest.* What is your vocation?

Ans. A minister of the gospel in the Presbyterian church.

3 *Quest.* Are you acquainted with James H. Baird and Adeline W., his wife?

Ans. I am acquainted with him, but not with his wife; I have seen her, and been introduced to her, but have no acquaintance with her.

4 *Quest.* When and where did you become acquainted with Mr. Baird?

Ans. At Warsaw, Wyoming county, New York, in 1849.

5 *Quest.* Under what circumstances did you become acquainted with Mr. Baird?

Ans. I made his acquaintance for the purpose of procuring him as principal of a synodical academy of Geneseo, New York; this academy is a literary institution under ecclesiastical control, being under the control of a Presbyterian synod, the synod of Buffalo, New York (an old school synod); it was the intention of the synod to intermingle in this school the religious element with the ordinary educational training, and was a school designed for both sexes.

6 *Quest.* Were you at that time officially connected with that institution?

Ans. Yes, I was in the board of trustees.

7 *Quest.* Were you a trustee in that institution during the whole time that Mr. Baird was there?

Ans. I was.

8 *Quest.* Was Mr. Baird connected with that institution, and if so how?

Ans. He was connected as principal of the academy; he was the male principal; if I remember right, he was principal of the whole institution, with female assistants.

9 *Quest.* How long did he remain there in that employment?

Ans. About six weeks.

10 *Quest.* Why did he leave there as principal of that institution?

Ans. Because of his unacceptableness, both to the students and the executive committee?

11 *Quest.* Were there difficulties between Mr. Baird and the board of trustees in respect to his management as principal?

Ans. There were difficulties between himself and, I should rather say, the executive committee of the board of trustees; the trustees were composed of gentlemen living in different neighborhoods in the vicinity of the academy, and they appointed an executive committee from among themselves; the executive committee were at the place in the village of Geneseo where the academy was located; the executive committee were the agents of the board on the ground, appointed to consult with the principal.

12 *Quest.* What were those difficulties?

Ans. The first difficulty was respecting the prerogatives of the principal; the matter came before the board, and as it came there was a complaint of the executive committee that the principal exceeded his prerogatives.

13 *Quest.* In what particulars?

Ans. The principal was disposed to think the whole government was vested in himself, and the committee supposed it to reside in the faculty, where, my impression is, the printed rules place it; the faculty includes the principal of course.

14 *Quest.* Did Mr. Baird claim, as one of his prerogatives, the right to go to the sleeping rooms of the female students?

Ans. It did not come up so in the board; the rooms of the ladies, not the sleeping rooms, was the matter that came up in the board; my answer is to the rooms, without the designation sleeping rooms.

15 *Quest.* Were the rooms which Mr. Baird claims the prerogative to go to the sleeping rooms of the female students?

[Objected to, the question assuming what is not proved.]

Ans. I do not know that all the rooms that the ladies occupied had their beds in the study rooms—some of them had.

16 *Quest.* Did Mr. Baird claim the prerogative to visit all the study rooms of the female students?

Ans. I can't speak so definitely as the question is on that subject.

17 *Quest.* What prerogative did Mr. Baird claim in relation to visiting the rooms of the female students?

Ans. The visitation of their rooms was claimed under the general prerogative of visiting the rooms of the students.

18 *Quest.* Were some of the study rooms of female students also occupied by them as bed-rooms?

Ans. They were.

19 *Quest.* Why did Mr. Baird leave the principalship of that academy?

Ans. Because requested to do so by the board of trustees, who requested that he should do so by resignation.

20 *Quest.* Why did the board of trustees request him to resign the principalship of the academy?

Ans. From the conviction that he was not qualified for the station.

21 *Quest.* Did or did not the trustees pronounce Mr. Baird unfitted for the principalship of the academy? [Objected to.]

Ans. It was their expressed conviction that he was not fitted.

22 *Quest.* Were you one of the trustees at the time?

Ans. I was.

23 Was that conviction of the trustees partial or unanimous?

Ans. In the consultation upon the matter at the meeting in which his resignation was read and accepted, the expressed conviction was unanimous.

24 *Quest.* Do you know that Mr. Baird was requested to resign the principalship of the academy, and if so, how do you know it?

Ans. He was not requested officially by the board, as such, by vote; before the meeting of the board, an individual trustee, knowing the disaffection that existed on two different occasions, advised him to resign; at a meeting of the board subsequently the difficulties were presented by the executive committee, who had requested the board to meet for the purpose of hearing them, when two or more trustees were named by the board for the purpose of suggesting to Mr. Baird privately to induce him to resign; upon their return, while the board was in session, after having retired with him privately, he tendered his resignation—that is, these persons were not out when the resignation was tendered—they had returned to the board.

25 *Quest.* Were you one of the two or more trustees appointed to communicate to Mr. Baird the request that he should resign as principal of the academy?

Ans. I think I was not on that committee; the difficulties between the executive committee and Mr. Baird, I should say, were freely discussed in Mr. Baird's presence, at a meeting of the board of trustees.

26 *Quest.* Did the students of the academy, and if so what number of them, petition the trustees for the removal of Mr. Baird as principal of the academy?

Ans. A paper of that kind came befor the board of trustees; it was signed by forty students.

27 *Quest.* Were the students who signed that paper male or female?

Ans. My impression is of both sexes.

28 *Quest.* Did any of the difficulties between Mr. Baird and the board of trustees, or the executive committee, relate

to any question about old school or new school doctrine or principle?

Ans. Not to my knowledge.

29 *Quest.* Was there any antagonism of principle or teaching as touching old or new school doctrine between Mr. Baird and the trustees or executive committee?

Ans. That formed no part of the discussion at the meeting of the board, as I recollect.

30 *Quest.* Did it form any part of the difficulties existing between Mr. Baird and the trustees or executive committee for which Mr. Baird was requested to resign?

Ans. I have no knowledge that it did.

31 *Quest.* Do you know whether Mr. Baird declined to resign when requested as above stated?

Ans. When advised, before the meeting of the board to resign, he did decline, hoping to make his way clear before the board when it should meet.

32 *Quest.* Do you know whether Mr. Baird was informed that, unless he resigned, the trustees would feel compelled to remove him, or anything to that effect?

Ans. Before the meeting of the board I had personal conversation with Mr. Baird, in which he mentioned existing difficulties; knowing that these difficulties would form a part of the business of the meeting, as a friend, I advised him to resign; after conversation with certain members of the board, being satisfied that a request on their part would be made that he should resign, I advised him again to do so.

33 *Quest.* In your interviews with Mr. Baird, above stated, in relation to the difficulties existing, was the subject of old or new school doctrine or principle alluded to as one of the existing difficulties?

Ans. Not at all, to my recollection—if at all, not with any prominence.

34 *Quest.* Do you recollect whether it was alluded to at all?

Ans. I cannot now recall any impressions that it was.

35 *Quest.* Did the executive committee, or some of them, while Mr. Baird was principal, consist of members of the new school party, who were appointed by the board of trustees, with the full knowledge, on their part, that such members were new school men?

Ans. They knew that some of them were ecclesiastically in the new school connection.

Being cross-examined (without waiving objections to the irrelevancy or illegality of the foregoing examination)—

36 *Quest.* Was the Rev. F. D. W. Ward chairman of the executive committee of the Geneseo Academy?

Ans. I am under the impression he was.

37 *Quest.* Were Judge Scott Lord, W. E. Lauderdale, and the Rev. John C. Van Liew also members of the committee?

Ans. I believe they were.

38 *Quest.* Were you a member of the executive committee?

Ans. I believe not.

39 *Quest.* Were George J. Davis, Miss Elizabeth Jackson, and Miss Harriet Jackson teachers in the institution while Mr. Baird was there?

Ans. The Miss Jacksons names are distinctly before my mind as teachers; Mr. Davis is not so, but my impression is he was there.

40 *Quest.* Do you recollect that Mr. Davis was a teacher there at some time?

Ans. I am not so certain about Mr. Davis, not having anything to do with the employment of teachers except Mr. Baird.

41 *Quest.* How far did you reside from the academy?

Ans. Nineteen miles.

ABRAHAM T. YOUNG.

Sworn and subscribed before me, this thirtieth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Mary Mullhall, (*Mrs.*) a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Where do you reside, and how long have you resided there?

Ans. At Lockhaven, Pennsylvania, and have resided there better than ten years.

2 *Quest.* Are you acquainted with Mrs. Adeline W. Baird and her husband?

Ans. Yes, sir; I have been acquainted with them a little better than two years.

3 *Quest.* When did you commence to live with them, and in what capacity?

Ans. It must be about five years ago; when they first went to Lockhaven, I went to live with them; I lived with them better than two years, I can't say how much longer—I lived with them as nurse.

4 *Quest.* While you lived with them in Lockhaven, did you notice the conduct of Mr. Baird towards Mrs. Baird, and if so what was it?

Ans. I did notice it; it was not as kind as it should have been or could have been.

5 *Quest.* In what respect did you notice that his conduct was not as kind as it ought to have been?

Ans. I noticed that Mr. Baird was not as affectionate and sociable to his wife as I have noticed other gentlemen—I have heard him scolding Mrs. Baird; I did not hear what he was saying, for I was not in the room, and did not know the words; Mrs. Baird and I were sitting in the room one afternoon sewing; Mr. Baird came home—he had been to a funeral service; he spoke cross words to Mrs. Baird—I do not remember what they were; Mr. Baird ordered me to leave the room—I did so; I heard him scolding Mrs. Baird after I left the room, but did not hear what he said; when I saw Mrs. Baird again she had been crying; I saw Mrs. Baird, to the best of my remembrance, three times in tears while I lived there; once, at the supper table, I heard Mr. Baird speaking loud and angry, but don't know what he said; Mrs. Baird was in tears when I saw her after supper.

6 *Quest.* You have said you saw Mrs. Baird in tears three times while you lived there—do you know what was the cause of her being in tears?

Ans. Mrs. Baird made no complaints to me, but on one occasion, as I told you, Mr. Baird came home, and ordered me to leave the room.

7 *Quest.* Were the three times you have stated she was in tears, when you heard Mr. Baird talking loud and angry to Mrs. Baird?

Ans. Once at supper table, as I have told you, and once it was a trouble about one of the children, William; Mr. Baird had punished the boy, and put him to bed without any supper; Mrs. Baird staid with the child—she was in tears; twice the times were when I heard Mr. Baird talking loud and angry—the other time was the case of the child.

8 *Quest.* At each of the three times you saw Mrs. Baird in tears had Mr. Baird been talking loud and angrily to her?

Ans. Twice, I am sure he was, but the third time I ain't certain.

9 *Quest.* While you lived with Mrs. Baird at Lockhaven, did you notice the conduct of Mrs. Baird towards Mr. Baird, and if so, what was it?

Ans. I did; always kind.

10 *Quest.* Did you notice the conduct of Mr. Baird towards the children?

Ans. Yes, sir; it was not as affectionate as I have seen other fathers to their children.

11 *Quest.* How old was the child Mr. Baird punished and sent to bed without supper?

Ans. He was not more than four years at that time, if he was that—I cannot be positive about his age.

12 *Quest.* How did he punish the child?

Ans. The punishing I mean was the sending of the child to bed.

13 *Quest.* While you lived with Mrs. Baird, did you notice the manner in which she managed and took care of her children, if so, what was it?

Ans. I did; she managed and took care of her children with as much care and kindness and affection as I think any mother could.

14 *Quest.* What was the state of Mrs. Baird's health while you lived with her at Lockhaven?

Ans. The most of the time delicate.

Being cross-examined—

15 *Quest.* How old are you?

Ans. I am over twenty-one—I cannot give you my age exactly, only that I am over twenty-one—I may be over twenty-two.

16 *Quest.* Do you recollect the season of the year of your birth day?

Ans. I do not.

17 *Quest.* How old were you when you went to live with Mrs. Baird at Lockhaven?

Ans. I do not know exactly—I was just as tall as I am now—I may have been as tall, but not so stout.

MARY MULLHALL.

Sworn and subscribed before me, this thirtieth day of November, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adjourned to December 1st, 1864, at 10½ A. M.

December 1st, 10½ A. M., resumed examination.—Present F. B. Chetwood and A. Browning, esq's, counsel and solicitors of parties.

William Torrey, one of the defendants, being duly sworn, saith—

1 *Quest.* Are you one of the defendants in this cause?

Ans. I am.

2 *Quest.* Since Mr. Baird's marriage, where has he resided, how long did he reside there, and state the circumstances connected with his removal from place to place?

Ans. I will detail them as near as I can; the changes have been frequent, and I may be inaccurate; immediately after his marriage, he and his wife went to Geneseo, New York; they were married, I think, on the 20th of Septem-

ber, 1849; some six or seven weeks after his arrival at Geneseo difficulties arose between himself and the trustees of the academy of which he was principal, and he left there in the latter part of December in the same year—I having gone there upon hearing of the troubles, and they (Mr. and Mrs. Baird) came with me to my house at Manchester, New Jersey; he remained at Manchester, in my family, engaged in ministerial work there and in its neighborhood at my request and at a small compensation paid by me for that service, I think about three months, although I am not certain about the time; leaving his wife with us, who was then not far from her first confinement (which took place in June following) he went West, and obtained ministerial employment I think in the summer or autumn of 1850 (I may be inaccurate about date) at Vicksburg, Mississippi, to which place I forwarded his wife, the child having died shortly after it was born, going with her myself as far as Sandusky, Ohio; at Vicksburg he remained, I think, about a year; there, as he stated to me in a letter (which I have) he had a difficulty of more or less extent (I don't know to what extent) with two of his elders; he went with his family from Vicksburg to Sandusky, and from there I am quite confident Mrs. Baird returned to me again at Manchester, while her husband was seeking another field of labor; his next place of residence was at Wooster, Ohio, to which place his wife went; there he remained about two years, and then had a serious difficulty with a party or parties in the church, which was carried into the ecclesiastical courts, and resulted in his leaving Wooster; I believe the next place was Rushville, Indiana, but my recollection is faint respecting that place—I can state no more; the time that Mr. Baird remained at this place was some months; I believe that the next place to which he went was Toledo, Ohio, and that he remained there about a year, when difficulties or misunderstandings arose between Mr. Baird and members of the congregation; they (he and his family) went next, I think, to Upper Sandusky, Ohio, remaining there, if I am not mistaken, from eight to twelve months; there he, Mr. Baird, and other members of his family were seriously ill with fever and ague, and my wife went there to them, in 1856, during the summer or autumn, and brought them, at her own expense, to Philadelphia; there I hired for their use, and plainly furnished, at my own expense, the half of a dwelling house, and subsequently another house, to which they removed, in Philadelphia; they remained, if I remember right, five or six months in this house or houses, I bearing the whole expense of the family; about March or April, of 1857, they removed to Lockhaven, Pennsylvania, and remained there

over two years, leaving there in the autumn of 1859, in consequence of a sore difficulty between Mr. Baird and the members or a member of his congregation, which was also carried into the ecclesiastical courts, and resulted in his leaving that place; he and his family came to Philadelphia about October or November of that year, the family remaining at board there, and he left for the west, as near as I can recollect, about July, 1860, he left, the family remaining behind; he obtained ministerial employment at Westport, Missouri, and continued there, I think about eight months, his family leaving Philadelphia in the spring of 1860, and being placed by me at Redbank, New Jersey; the time at which they were placed at Redbank must have been the winter of 1860 and 1861—it is difficult for me to remember dates; here they were maintained by me at my expense; about October, 1861, Mr. Baird accepted a call at the Fifteenth Presbyterian church at Philadelphia, and his family joined him there in the following December, remaining with him until early in March, 1862, when my daughter, with her children, left him and came to my house, placing herself under my protection.

3 *Quest.* At the time of the marriage of your daughter, what means did you provide her as an outfit?

Ans. I provided her with a full wardrobe for a lady in her circumstances; I provided her, also, with a stock of linen, etc., the usual articles of bedding and for table use that ladies have under such circumstances; I gave her also seventy-five dollars in money upon leaving, to which her mother added fifteen dollars; the whole value of the articles so furnished was more than four hundred dollars (the articles and money I mean).

4 *Quest.* Are you able to state what sum of money, in the aggregate, you have expended towards the support and maintenance of Mrs. Baird and her family, and in expenses connected with their removal from place to place, from the time of their marriage until March, 1862?

Ans. Since reading Mr. Baird's answer to the return of the writ, I have endeavored to recollect and note, and have noted, having never made any charge for such expenses, and find that they exceed the sum of four thousand dollars, irrespective of what my sons have paid or given.

5 *Quest.* Since the marriage of your daughter, have you seen much of Mr. Baird's intercourse with his family, and how much?

Ans. With the exception of about three months at my house, after they left Geneseo, I have seen but little personally.

6 *Quest.* In your observation of Mr. Baird's intercourse

with his family, have you observed Mr. Baird's conduct toward his wife, and if so, what has it been?

Ans. During that period it lacked the tenderness so common, at least between newly married people, and was harsh and exacting.

7 *Quest.* In your intercourse with your daughter's family, have you noticed the conduct of your daughter towards her husband, and if so, what has it been?

Ans. As far as I could judge, it was characterized by faithfulness in the performance of all the duties of a wife.

8 *Quest.* Since the marriage of your daughter, what has been your conduct towards Mr. Baird?

Ans. I always sought to promote his happiness and that of his family, and endeavored to treat him with fatherly kindness up to the period of my daughter leaving him.

9 *Quest.* While your daughter, with the children, were residing at Redbank or at Manchester, did you provide any facilities for Mr. Baird, to enable him to visit his family?

Ans. I obtained for him, without his request, a free annual pass over the Raritan and Delaware bay railroad for 1861, for the purpose of facilitating his access to his family at as little cost as possible.

10 *Quest.* Have you done anything to occasion the alienation of Mrs. Baird from her husband, or to induce her to leave him in March, 1862?

Ans. Nothing whatever.

11 *Quest.* Were you aware that Mrs. Baird intended to leave her husband in March, 1862?

Ans. No.

12 *Quest.* Will you state the circumstances under which Mrs. Baird came to you at that time?

Ans. I was at that time, and had been for some time previously, confined to the house with severe illness; during the afternoon prior to the evening of her arrival I received a telegram from Doct. Schenck saying, "Addie and her children are on the cars; the two o'clock train for New York," and sent a messenger to the city, and brought them to my house at Brooklyn.

13 *Quest.* Where have Mrs. Baird and her children resided since March, 1862, and by whom have they been maintained?

Ans. Shortly after their arrival I sent them to Redbank, and from there, a few weeks after, to Manchester, New Jersey, where they have continued to reside at my expense; they reside not in my house, but in a house provided for them by me.

14 *Quest.* Have you noticed the manner of Mrs. Baird's management, care, and cultivation of her children, and if so, what is it?

Ans. I have very carefully observed it, and although it has been always my aim to train my children as a christian father should, yet by her forbearance, calm, affectionate demeanor, untiring devotion, and christian culture, she has often made me feel how deficient my own course had been in comparison with hers.

15 *Quest.* What has generally been the state of health of Mrs. Baird since her marriage?

Ans. Exceedingly feeble, owing largely to the frequency with which she has borne children, she being a very little woman, weighing generally only about ninety pounds, and having been sorely afflicted with rheumatism, distorting her hands and her feet, which first visited her, if I am not mistaken, during her residence at Vicksburg, in 1850.

16 *Quest.* From your knowledge of Mr. Baird do you consider him a fit and proper person to have the care and management of his children separated from their mother?

Ans. After years of painful observation, I deem him, in a remarkable degree, unfitted for such a charge.

17 *Quest.* Was there ever any agreement or understanding between Mr. Baird and yourself that a thousand dollars, or any other sum of money which had been expended by Mr. Baird in making changes of his location at your request, were to be repaid to Mr. Baird by you, or Mr. Baird to be in any way compensated therefor by you?

Ans. I have not the slightest recollection of any occurrence of the kind, and was greatly surprised when I read it in his answer; the only places his removal from which I had any cognizance or concern with were, first, from Upper Sandusky, where my wife, as I have previously stated, went, authorized by me to say to him that, as the family could not recover while there (the place being notoriously unhealthy), that we would pay the expenses of their removal to Philadelphia, and their maintenance there until he could procure another field of labor, which we did; second, I made a proposition to Mr. Baird, while at Westport, Missouri, suggesting arrangements which were not carried out, not by the failure of either party to do their part.

18 *Quest.* Between the time of Mr. Baird leaving Lockhaven, and Mrs. Baird leaving her husband in March, 1862, do you know what amount of income Mr. Baird had for the support of his family?

Ans. Only thus—Mr. Baird told me, when he left Lockhaven, that it took his whole pay received from the church, or nearly all, including a donation at the close, to meet his indebtedness there; his only employment within that period, that I know of, was first at Westport, as stated above, and from October, 1861, to March, 1862, at the Fifteenth

street church, Philadelphia; I know of no other sources of income he had, and I was in a situation to know of others if he had had them; he also informed me that his income at Westport was nearly all absorbed in his expenses of sundry sorts; his fixed salary at Philadelphia, as he told me, was $700 a year, with temporary appropriations of the board of missions, from time to time, amounting to $250 per annum; I can add, if it is pertinent, that during the largest part of this time I supported the whole family.

19 *Quest.* Can you state the aggregate amount of money which you provided towards the support of Mrs. Baird and her children between the time that Mr. Baird left Lockhaven and March, 1862?

Ans. Having kept no account of any such expenses, I can only say that it could not have been far from $1500.

20 *Quest.* Have you it in your power to maintain Mrs. Baird and her children in a proper manner in their condition in life, and are you willing to do so?

Ans. I have it in my power, and am willing to do so.

21 *Quest.* Are you so largely in debt, and so greatly embarrassed in your circumstances that the property in your possession at Manchester is held by you in the name or names of others to avoid its seizure in payment of your debts?

Ans. The property at Manchester, known as the Manchester property, consisting of twenty-five thousand acres and over, was never owned by me, in whole or in part, and I will state, in my vindication from the aspersion in that paragraph of Mr. Baird's answer relating to the Manchester property, on page 4, the circumstances of the case: in the year 1840, I being then agent for Timothy Wiggin, banker, of London, in the collection of the large sums due to him in the United States, with his approbation, purchased that tract of land, three-fourths on his account, and one-fourth on account of my wife, with means inherited from her father, and the deeds were duly placed on record in Monmouth county, three-fourths in the name of Timothy Wiggin, and one-fourth in the name of William Hurry, trustee of Adeline W. Torrey; I had the entire and unlimited control from both parties of the management of the property in every form, and, in 1842, removed to Manchester, upon the tract, Mr. Wiggin's general affairs at that time being about settled up by me, he having closed business; in 1848, Mr. Wiggin, or his assigns, became possessed also of my wife's one-fourth interest; about 1850, my son, Samuel W. Torrey, purchased the tract from the assigns of Mr. Wiggin, and I continued in the full charge thereof as before—he purchasing it as a home for myself and family, I being embarrassed in my cir-

cumstances; subsequently he conveyed the property to another son, John Torrey, jun., with the express direction that I was to have the management of the property, and draw all that I needed for my support therefrom; in 1863, he sold the property, with the exception of the village, to James Brown, of New York, for the sum of $125,000; that money is invested with the distinct understanding, between himself and his brother Samuel, that I may draw from the income all that I may deem necessary for my support and that of Mrs. Baird and her family; I have never pretended to own that tract, and have never consciously covered up property which I owned to hide it from my creditors.

22 *Quest.* The witness being shown a letter from James H. Baird to the witness, dated Upper Sandusky, Ohio, May 27th or 29th, 1856, says (being asked)—Is this letter and the signature thereof in the handwriting of James H. Baird?

Ans. Yes; I received it from Mr. Baird.

[Said letter is marked by me *Exhibit No.* 7 on the part of the defendants.]

23. The witness also being shown a letter from James H. Baird to the witness, dated Upper Sandusky, Ohio, September 6th, 1856, marked by me *Exhibit No.* 8 on the part of the defendants, says—

This letter and the signature are in the handwriting of James H. Baird, and was received by me from him.

24. The witness also being shown another letter from J. H. Baird to the witness, dated Cape May, August 27th, 1857, marked by me *Exhibit No.* 9 on the part of the defendants, says—

This letter and signature are in the handwriting of James H. Baird, and that letter was received by me from him.

25. The witness being shown another letter from J. H. Baird to the witness, dated St. Louis, October 2d, 1860, marked by me *Exhibit No.* 10 on the part of the defendants, says—

This letter and signature are in the handwriting of Mr. James H. Baird, and said letter was received by me from him.

26. The witness being shown another letter from J. H. Baird to the witness, dated Westport, October 13th, 1860, marked by me *Exhibit No.* 11 on the part of defendants, says—

This letter is in the handwriting, and the signature is that of James H. Baird; said letter was received by me.

27. Being shown another letter from James H. Baird to the witness, without a date, consisting of two white sheets and three small yellow sheets, the witness says (marked *Exhibit No.* 12 of defendants)—

This letter and the signature are in the handwriting of

Mr. Baird; the letter was received by me; from the contents of it, it was evidently written about the latter part of October, 1860, while Mr. Baird was residing at Westport.

28. The witness being shown another letter from James H. Baird to the witness, dated Philadelphia, October 25th, 1861, marked by me *Exhibit No.* 13 on the part of the defendants, says—

This letter and the signature are in the handwriting of James H. Baird; it was received by me.

The examination was here adjourned to December 2d, at ten o'clock A. M.

At ten o'clock A. M., December 2d, 1864, the examination was resumed, Mr. Chetwood continuing the examination of the witness in chief.

29 *Quest.* Did Mr. Baird ever loan you any money?

Ans. I have no recollection that he ever did, do not believe that he ever did, unless it may be some such trifle as one member of a family sometimes may borrow of another for some temporary purpose.

Being cross-examined by Mr. Browning, the witness says—

30 *Quest.* Can you state whether the first child of Mrs. Baird was considered a premature birth or not?

Ans. The only thing I can say is that the child seemed a perfect child; it died about two weeks after.

31 *Quest.* You stated that you accompanied Mrs. Baird, when on her way to Vicksburg, as far as Sandusky, Ohio, did you there put her in the charge of any one, and if so, of whom?

Ans. My son Samuel, being personally acquainted with Bishop McIlvaine, put her in his charge; my son Samuel at that time lived in Sandusky; I left her at Samuel's house.

32 *Quest.* Have you the telegram of Doct. Schenck to you stating that Mrs. Baird and her children were in the two P. M. train, on their way to New York?

Ans. I have not—I did not preserve it.

33 *Quest.* In stating its contents, then, did you intend to be understood as giving the precise words of the telegram, and no other, or only its substance?

Ans. I think that I gave the precise words.

34 *Quest.* What do you now say those precise words were?

Ans. Addie and her children are in the cars—the two o'clock train to New York.

35 *Quest.* Was nothing else in it but that?

Ans. Nothing more.

36 *Quest.* When did you last see it?

Ans. I don't think since the occurrence, although I remember reading it two or three times over.

37 *Quest.* In whose house at Manchester does Mrs. Baird reside?

Ans. The house is owned—the title is in Samuel W. Torrey.

38 *Quest.* Do you rent it then for Mrs. Baird of Samuel W. Torrey?

Ans. No, sir; I have never heard of my son Samuel charging any rent for it—the idea has never crossed my mind.

39 *Quest.* Then it is really a house provided by Samuel W. Torrey, is it not?

Ans. When I was about sending my daughter down to Manchester, in 1862, the house was, and had been owned for some time by Doct. Schenck, who formerly lived in it; he owed the Manchester estate, which formerly belonged to Samuel W. Torrey, for advances made to him, three hundred and fifty dollars, and as the property was first given to him (Doct. Schenck) without pay, and was in a very dilapidated condition, I suggested that he should relinquish the title before expense was gone to in repairs, which he did for the $350 consideration; I then went to work and repaired it.

40 *Quest.* What did Mr. Wiggin, the banker, give for the three-fourths of the Manchester property?

Ans. I exchanged properties which I had received from his debtors in the city of New York and elsewhere, worth some thirty or forty thousand dollars, with the Clinton Bank of New York, who then owned the property.

41 *Quest.* Was the title of that property which you gave in exchange in Mr. Wiggin or some one else?

Ans. I think it was all in Mr. Wiggin, who was a citizen of the United States, resident in London, although a portion of it may have gone directly from the debtors to the Clinton Bank; I will add that, as agent for Timothy Wiggin, I received in settlement of debts due to him in the United States, very large amounts of real estate and properties other than money.

42 *Quest.* Did you ever account to Mr. Wiggin for the rents and profits of that property?

Ans. I accounted with him for all transactions of receipt and expenditure relative to that property.

43 *Quest.* Whom do you mean by the assigns of Mr. Wiggin?

Ans. Perhaps I did not use the right legal phrase; Mr. Wiggin had failed, in 1837, indebted mainly to the Bank of England, in the name of whose solicitor and cashier the title

was held at the time of its purchase by Samuel W. Torrey; that is what I meant by assigns.

44 *Quest.* How, and for what consideration, did the solicitor of the Bank of England obtain the one-fourth of this estate which was held in trust by Mr. Hurry for Mrs. Torrey?

Ans. As near as I can remember, about 1845 I proposed to Mr. Wiggin, on behalf of Mr. Hurry, trustee, to purchase the interest of Mr. Wiggin, for a sum which I do not now remember, if he would take a mortgage over the whole property, including the quarter of William Hurry, trustee, without any bond or personal obligation to pay; to this he assented, and it was done; the continual fall in the value of pine wood and charcoal (which then were the sole products of that country) made it manifest that we could not fulfil the conditions of the purchase; the estate was therefore (the whole property) sold under foreclosure of the mortgage at Freehold; the property was bought in by Mr. Freshfield, solicitor of the Bank of England, and William Marshall, cashier, in both of whose names the deed was made out and put on record; the property was bid in by Mr. Blatchford, of New York city; I continued in charge of the property as before, at the request of Mr. Blatchford.

45 *Quest.* By this proceeding, then, the whole of Mrs. Torrey's one-fourth part was lost, was it not?

Ans. Yes.

46 *Quest.* What did Samuel W. Torrey give to the Bank of England for that property?

Ans. Twelve thousand dollars; they bought it in at the sale at eleven.

47 *Quest.* Was it paid in cash, or secured?

Ans. He paid two thousand dollars in cash, and gave a mortgage for ten.

48 *Quest.* Has that mortgage been since paid, and by whom?

Ans. It has been paid—about eight thousand of it in cash by Samuel W. Torrey, and the balance, with accruing interest from the sales of wood and portions of the land.

49 *Quest.* When were these eight thousand dollars paid, and to whom?

Ans. They were paid from time to time to R. M. Blatchford, the agent, who continued as agent.

50 *Quest.* Were the two thousand dollars originally paid, and the eight thousand subsequently paid, the proper moneys of Samuel W. Torrey, and nobody else?

Ans. They were entirely.

51 *Quest.* What was the business of Samuel W. Torrey at the time he purchased and subsequently till he paid?

Ans. He was at Sandusky, in the banking and exchange business.

52 *Quest.* Did not Samuel W. Torrey fail in his business about the year 1853?

Ans. About 1854 or '55 he had pecuniary difficulties at Cincinnati, to which place he had removed—I am not sure about the year, but think about that time; I do not know to what extent his difficulties reached.

53 *Quest.* At what time did Samuel W. Torrey convey this property to his brother, John Torrey, jun.?

Ans. I do not remember the year—it was about the time of Samuel's removal from Sandusky to Cincinnati to engage in larger business, and before his pecuniary difficulties.

54 *Quest.* What did John Torrey, jun., pay Samuel for the property?

Ans. He gave him a mortgage for eight thousand dollars—this is all the consideration I know of; the avowed object, as stated by them both to me, that the home that the family had had there for so many years should be continued, John being a young man not in business and subject to the fluctuations of business.

55 *Quest.* Has that eight thousand dollars mortgage been since paid?

Ans. It has, to the parties to whom the mortgage was subsequently assigned.

56 *Quest.* By whom was the mortgage paid, and who were the parties to whom it was assigned?

Ans. The mortgage was assigned to persons living in Ohio—I can't remember their names; it was paid by a sale of about one thousand acres of land at Toms River village, part of the tract, the proceeds amounting to about ten thousand dollars, which sum was absorbed in the principal and interest; this was about 1859 or '60.

57 *Quest.* Has the whole purchase money—one hundred and twenty-five thousand dollars, given by James Brown—been invested, and if so, in whose name and how?

Ans. It has, less the commission paid on the sale, in the name of John Torrey, jun., trustee; a portion of it (a large portion) has been expended in the improvements at Manchester village—I think I may say more than one half.

58 *Quest.* Is that investment in name of John Torrey, jun., trustee, by bond and mortgage?

Ans. The investment, a large portion of it, more than one half, is in buildings and shops erected for the railroad company, dwelling houses occupied by the operatives of the railroad company at Manchester and mills, and a portion of it in the first and second mortgage bonds of the Raritan and Delaware Bay Railroad Company; a small portion of the sum yet remains unpaid; they haven't the title yet sufficiently cleared.

59 *Quest.* Of whom is John Torrey, jun., the trustee in the investment of this money, as you have stated?

Ans. Samuel W. Torrey conveyed to John Torrey, with the verbal declaration (it was not set forth in the deed) that as he had purchased the property originally not for money making, but to preserve the old family home, that I was to remain in it with my family, and draw my support to such extent as might by necessary, in my view, for my comfort and that of my family; and that he (John Torrey, jun.,) should hold it in trust; that when we had done with it, moved away or otherwise, that it should be held by him, or disposed of for the benefit of the brothers and sisters; there has never been any further action in the matter that I know of.

60 *Quest.* Does any such trust as that appear in any deed or other writing?

Ans. No.

61 *Quest.* Does it appear on the face of the papers in any of the investments of any of these moneys, that John Torrey, jun., is acting as trustee?

Ans. He keeps his bank account in New York, in the name of John Torrey, jun., trustee; keeps his books of transactions of the property also in that way; and keeps his securities of every kind distinct in a box, marked John Torrey, jun., trustee; [perhaps I ought to add that the affection existing in my family, between parents and children, is of that character that we and they, parents and children, have never sought to be rigid in our transactions one with the other, but aid has been given from one to the other without compensation, where needed, and without expecting any return, as if from outside parties.]

62 *Quest.* What portion of the Manchester estate was reserved in the sale to James Brown?

Ans. There were about six hundred acres, which included the village.

63 *Quest.* Does the title to those six hundred acres still continue in John Torrey, jun.?

Ans. About one hundred acres of that part consisting of cranberry ground has been deeded in about equal proportions to my several children or their wives; the balance, consisting of about five hundred acres, was conveyed by John Torrey, jun., about the time that he conveyed to Mr. Brown, to his mother, my wife, for the sum of eight thousand dollars, which she had as part of her inheritance from her father, and for that portion of the property upon which the improvements stand, made by him with part of the proceeds of the sale, he has been and is now taking measures

to have a deed of conveyance made from his mother to himself, as trustee.

64 *Quest.* Who negotiated the sale to Mr. Brown?

Ans. Henry M. Alexander.

65 *Quest.* Were the commissions of which you have spoken paid to him?

Ans. They were.

66 *Quest.* What amount?

Ans. Ten thousand dollars.

WM. TORREY.

Sworn and subscribed before me, this second day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adjourned to Friday, December 9th, instant, at ten o'clock, A. M.

Friday, December 9th, ten o'clock A. M.—The solicitors of the respective parties appeared, but the witnesses expected for the defendants failed to be present; the examination was further adjourned to Tuesday, the 13th of December, instant, at the same hour and place.

Tuesday, December 13th, 1864, ten o'clock A. M.—The examination continued for the defendants, pursuant to the last adjournment, in the presence of the solicitors of parties.

Annie Leonard (Mrs.), a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Where do you live?

Ans. At Germantown, near Philadelphia; I live with Mrs. Rogers at that place—have lived with her seven months.

2 *Quest.* In what capacity do you live there?

Ans. As wet-nurse to a baby.

3 *Quest.* Where is your husband now?

Ans. He is in the army.

4 *Quest.* Are you acquainted with Mrs. Adeline W. Baird and Mr. James H. Baird, her husband?

Ans. Yes, sir.

5 *Quest.* Have you ever lived with them?

Ans. Yes, sir, I lived with them in Delancey place, Philadelphia; I think I lived with them about six weeks.

6 *Quest.* In what capacity?

Ans. I done the cooking.

7 *Quest.* How long ago was this?

Ans. Nearly three years ago.

8 *Quest.* While you lived with Mrs. Baird did her husband come to your bed-room?

Ans. Yes, sir, it was the second or third night after I went there; Mr. Baird came to my bed-room door, and came a little way into my room; I asked him what he wanted, but he made no answer and walked right out.

9 *Quest.* Had you gone to your room to go to bed?

Ans. Yes, sir.

10 *Quest.* What time of night was it?

Ans. I guess about ten o'clock.

11 *Quest.* When you went into your room did you shut the door tight?

Ans. I did not, for the children slept in the next room, and when they would get awake and cry I would go into them.

12 *Quest.* When Mr. Baird came to your room was your bed-room door wide open, or only partly open?

Ans. It was wide open.

13 *Quest.* Were you in bed when he came to the room?

Ans. I was just going to bed.

14 *Quest.* Were you undressed when he came there?

Ans. Yes, sir.

15 *Quest.* Had you a light burning at the time?

Ans. There was a light burning on the little table.

16 *Quest.* Did he call to you before he came in?

Ans. No; he came in, and I asked him what he wanted; he told me for to give the children a drink, if they should waken.

17 *Quest.* What did you say?

Ans. I told him to go on, that I would.

18 *Quest.* When you told him to go on, did he immediately go out of the room?

Ans. He waited just a few minutes, and then walked out.

19 *Quest.* When he came to your room did he have his clothes on?

Ans. No, sir; he had his shirt and drawers on.

20 *Quest.* Do you know whether any of the children were awake when he came to your room?

Ans. No, sir, they were all asleep.

21 *Quest.* Was Mrs. Baird well or sick at that time?

Ans. Mrs. Baird was sick in bed.

22 *Quest.* How long had she been sick in bed?

Ans. She had been sick about a week at that time.

23 *Quest.* Do you know whether Mr. Baird slept in the same room with Mrs. Baird at the time you have spoken of and while Mrs. Baird was sick?

Ans. Mr. Baird slept in a room up stairs by himself.

24 *Quest.* Did Mr. Baird ever come to your room at any other time than the once you have spoken of?

Ans. Yes, sir.

25 *Quest.* When did he come a second time—state when, and all the circumstances connected with it?

Ans. It was two or three nights after he first came; he came to the door with the candle in his hand, and in his shirt and drawers; I asked him what he wanted; he made me no answer, but went away—I was in my own room at the time, going into bed.

26 *Quest.* When you went into the room that night, did you shut your door?

Ans. No, sir; the reason I did not was that the children lay in the next room, and I would hear them if they would cry.

27 *Quest.* Was your light burning in your room the last time Mr. Baird came there?

Ans. No, sir; Mr. Baird had a candle in his hand.

28 *Quest.* Were you undressed when he came into the room?

Ans. Yes, sir.

29 *Quest.* Had you put out the light before he came in?

Ans. Yes, sir.

30 *Quest.* Were there any other girls living with Mrs. Baird at the same time?

Ans. Yes; there was a little girl named Bridget came there before I left—Mason, I think her name was.

31 *Quest.* This second time that you have spoken of when Mr. Baird came to your room, were the children awake then?

Ans. No, sir, they were not.

32 *Quest.* Was Mrs. Baird still sick in bed the second time Mr. Baird came to your room?

Ans. Yes, sir.

33 *Quest.* Was there any way to get into your bed-room without going through the children's room first?

Ans. No, sir.

34 *Quest.* At the time Mr. Baird made his second visit to your room, did he occupy a bed-room alone?

Ans. Yes, sir; he had a bed-room by himself.

35 *Quest.* While you lived with Mrs. Baird, did you notice Mr. Baird's conduct towards Mrs. Baird, and if so, what was it?

Ans. I saw him cross with her twice at the table, but I don't know what it was about.

36 *Quest.* Did you notice Mr. Baird's conduct towards his children, and if so, what was it?

Ans. I saw him taking them and putting them down on

a chair, and telling them if they did not behave themselves he would punish them.

Being cross-examined—

37 *Quest.* Who procured you to go to Mrs. Baird's to live?

Ans. Mr. Baird and Mrs. Baird brought me.

38 *Quest.* Did they find you at the intelligence office at the corner of Fifth and Callowhill streets?

Ans. They did.

39 *Quest.* Can you tell what time of the year you went there?

Ans. It was winter—it was after christmas.

40 *Quest.* How soon after you got there was Mrs. Baird taken sick?

Ans. A few days after.

41 *Quest.* What doctor did she have?

Ans. I don't remember his name.

42 *Quest.* Was it Doct. Ludlow?

Ans. Yes, I think it was.

43 *Quest.* Did you go after the prescriptions the doctor left for Mrs. Baird?

Ans. I went only once.

44 *Quest.* What place did you go to?

Ans. I went to the apothecary named Hubbell; I don't remember where he lived.

45 *Quest.* How came you to go to Mr. Hubbell's?

Ans. Mr. Baird told me to; he was there in the room, and gave me the bottle to get the medicine.

46 *Quest.* Where did you go when you left Mr. Baird's?

Ans. I went to the hospital.

47 *Quest.* Who took you to the hospital?

Ans. I went myself; Mr. and Mrs. Baird got me the line to go in—both of them spoke about it.

48 *Quest.* Was Mrs. Baird sick when you left?

Ans. Yes, she was still in bed, but she spoke about it.

49 *Quest.* Were you near your confinement when you went to the hospital?

Ans. No, sir.

50 *Quest.* Were you confined at the hospital?

Ans. Yes, sir.

51 *Quest.* How long were you at the hospital before you were confined?

Ans. I was there some weeks—my baby was born the 4th day of April.

52 *Quest.* Did you go there for the purpose of being confined?

Ans. Yes, sir.

53 *Quest.* What was your name at that time?

Ans. Annie Fox.

54 *Quest.* Were you married then or single?

Ans. I was not married then.

55 *Quest.* How long after that were you married?

Ans. I am a year married last July.

56 *Quest.* Where had you been living before you went to Mrs. Baird's?

Ans. I had been living down Jersey, at the tavern of Mr. James Collins, Absecom.

57 *Quest.* After leaving Collins', how long had you been living in Philadelphia before you went to Mrs. Baird's?

Ans. Only two or three weeks—I had no other place.

58 *Quest.* Was Doct. Ludlow still attending Mrs. Baird when you left?

Ans. Yes, sir.

59 *Quest.* When you went to Hubbell's after the medicine, did you take a bottle, or only the paper?

Ans. I took a bottle in which medicine had been.

60 *Quest.* Was that the only time you went after medicine?

Ans. Only that once.

61 *Quest.* How many children of Mrs. Baird's slept in that room adjoining yours?

Ans. The two little boys.

62 *Quest.* Did the other servant girl sleep in the same room with you?

Ans. None but myself slept there.

63 *Quest.* Where did the other servant sleep?

Ans. She slept in the other room—next to Mrs. Baird's.

64 *Quest.* What were the names of the other servants?

Ans. I don't remember them, except Biddy, and a woman named Mrs. Sweeny used to come there.

65 *Quest.* Was Mrs. Baird's room on the same floor with you?

Ans. Yes, on the same floor.

66 *Quest.* Whereabouts in the house did the other children sleep?

Ans. In the back room next to Mrs. Baird.

67 *Quest.* Did the servant sleep in the same room with the children?

Ans. Yes, sir.

68 *Quest.* When Mr. Baird came to your room the second time, did he come into the room?

Ans. He came in a little ways.

69 *Quest.* Were you in bed that time?

Ans. No; I was standing on the floor.

70 *Quest.* Why had you put out your light?

Ans. I always do that.

71 *Quest.* Then you were standing in the middle of the floor in the dark?

Ans. Yes; he came forward with the light.

72 *Quest.* Did he say anything to you?

Ans. No; I asked him what he wanted, and then he went away.

73 *Quest.* Can you state whether it was one, two, or three days, or how many days it was after you came to Mrs. Baird's before she was taken sick?

Ans. No, I cannot; it was more than two or three days—it was pretty nearly a week.

74 *Quest.* Did you wait on the table?

Ans. Yes, I waited on the table; they ate in the kitchen then, and I waited on the table; the house was not yet fixed up.

75 *Quest.* Did you understand what Mr. Baird said to his wife when he was cross to her at the table?

Ans. No, sir.

76 *Quest.* Were the children noisy and unruly?

Ans. No; I did not see them so—they were pretty good.

77 *Quest.* Did Mr. Baird put them down on the chair for being good?

Ans. No; one of them was a little bad.

78 *Quest.* How came you to leave Mrs. Baird when she was so sick?

Ans. I was not fit to tend her—I was not able to do much—I was expecting to be confined; I was not confined so soon as I expected to be.

79 *Quest.* How long has your husband been in the army?

Ans. He went about three weeks after I was married.

80 *Quest.* Has he been home since?

Ans. Yes, once; he came home wounded.

81 *Quest.* When was that?

Ans. He came home wounded the last day of last May—he was wounded in the battle of the Wilderness.

82 *Quest.* From the time, then, that he first went away, until he returned home wounded, he had not been at home?

Ans. No, sir.

83 *Quest.* What is the name of the lady for whom you are wet-nurse now?

Ans. Mrs. Rogers.

84 *Quest.* Is your own baby living?

Ans. He is living.

85 *Quest.* How old is he?

Ans. Seven months the last of this month.

86 *Quest.* Who came after you to be a witness here?

Ans. Mr. Torrey, the father of Mrs. Baird.

87 *Quest.* How long ago?

Ans. Last week.

88 *Quest.* Had anybody been there after you before?

Ans. No, sir.

89 *Quest.* Was anybody with Mr. Torrey?

Ans. Nobody that I saw—nobody was with him when he came.

90 *Quest.* Has anybody been there since?

Ans. Young Mr. Torrey was there for me to come to this place last week, but I could not come.

91 *Quest.* Has anybody else been there?

Ans. No, sir.

92 *Quest.* Did you arrange with him to come here to-day?

Ans. I did.

93 *Quest.* When did you come in from Germantown?

Ans. This morning, in the nine o'clock train.

94 *Quest.* Did you see Mr. Torrey, Mrs. Torrey, or Mrs. Baird before you came here?

Ans. No, sir, not till I met them at the door of this office this morning.

95 *Quest.* Then you have seen nobody in connection with this matter except old Mr. Torrey and young Mr. Torrey?

Ans. Nobody else.

96 *Quest.* Do you know Mrs. William Torrey?

Ans. I never saw her till this morning.

97 *Quest.* She was not at Mr. Baird's, then, while you lived there?

Ans. No, sir.

98 *Quest.* Do you know what was the matter with Mrs. Baird while you lived there?

Ans. No, sir, I do not.

99 *Quest.* Did you nurse Mrs. Baird?

Ans. I tended her while I was there when she was sick.

100 *Quest.* Did you assist in giving her the medicine you got from Hubbell's?

Ans. Yes, I gave her the medicine.

101 *Quest.* When she took those medicines did they seem to have a strange effect upon her, anything like spasms or fainting away?

Ans. No, sir, she fainted away once, but that was before she got the medicine.

102 *Quest.* Did you understand what the object of that medicine was?

Ans. No.

103 *Quest.* Had Mrs. Baird grown better before you left?

Ans. I think she was a little better, but she was very weak at the same time.

104 *Quest.* Did you understand that Mrs. Baird was in the family way at that time?

Ans. No, I did not.

Re-examined by Mr. Chetwood.

105 *Quest.* Was you engaged to be married to the father of your first child?

Ans. Yes, sir.

106 *Quest.* How long before your child was born was you engaged to be married to the father?

Ans. About six months, I guess.

107 *Quest.* Was there any time agreed upon between you when you were to be married?

Ans. Yes, the time was fixed.

108 *Quest.* After your first child was born, did Mr. Baird apply to you to come and live with him?

Ans. Yes, sir.

109 *Quest.* How long after the child was born was it that Mr. Baird came to you to see if you would not come to live with him?

Ans. I was in bed, confined with the child at the time.

110 *Quest.* At that time did Mr. Baird know your child was born?

Ans. I don't think he did.

111 *Quest.* When you took the bottle to Hubbell's for the medicine, did you take any paper with you?

Ans. No, sir, only I told them to fill that the same as before.

112 *Quest.* How did you know what medicine to get?

Ans. Mr. Baird told me to get the same medicine as before—I believe the directions were on the bottle.

Witness is asked, by Mr. Browning—

113 *Quest.* Who nursed Mrs. Baird at night while you were there?

Ans. I did at night—I slept in her room three nights while I was there with Mrs. Baird—she asked me to.

her
ANNIE ⋈ LEONARD.
mark.

Sworn and subscribed before me, this thirteenth day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adeline W. Torrey (*Mrs.*), a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Are you related to Mrs. Adeline Baird, and how?

Ans. I am her mother.

2 *Quest.* Have you been much with your daughter and in her family since her marriage?

Ans. I have been with her several times in her confinements when away, and in her confinements at home.

3 *Quest.* Have you been in their family when they were residing at Toledo, Ohio?

Ans. I have.

4 *Quest.* Will you state the other places where you have visited them, and how long you were at each place?

Ans. As near as I can recollect, I should judge I was at Toledo between four and five weeks; my next visit to them was at Wooster, Ohio—I probably staid there two weeks; I next visited them at Lower Sandusky, Ohio—I stayed there less than one week—I brought them on from Lower Sandusky; then they were in Philadelphia, living in the next block to us; here I saw them almost every day, although I did not stay all night; I was with Mrs. Baird at this time, through her confinement, pretty much all the while; I stayed with her very closely, because she could not get a nurse.

5 *Quest.* Have Mr. and Mrs. Baird been much at your own house since their marriage, and if so, state how much and where?

Ans. They were there a great deal of the time; they were always there when he broke down in his churches—they came there and stayed till he got another; as near as I can recollect, about three months after Mrs. Baird left her father's, the trouble arose at Geneseo, New York; her father followed them to Geneseo, and brought them home to his house, to remain till Mr. Baird could find another call; Mr. Baird came home with Mrs. Baird, and remained with us till he received a call somewhere at the South—can't tell how long he remained at our house that time; the next time Mrs. Baird was at our house was the time of her second confinement; I guess Mr. Baird was with her at this time and remained till the child was old enough to travel, probably four or five weeks; as near as I can recollect, the next time she visited home was when one of her children, Henry, was badly affected with scald-head; Mr. Baird did not come then—do not recollect of Mr. Baird being at our home in the Pines after that; but at Brooklyn, when my daughter was married, he was there and stayed a week.

6 *Quest.* Did he stay at your house at other places than in the Pines?

Ans. Once, as I said, at Brooklyn, when my daughter was married, he stayed a week; there was no other place.

7 *Quest.* Has there been any occasion for your husband or yourself to provide assistance and means towards the support of your daughter and her children, and have you provided such assistance and means?

Ans. More or less, ever since the first three months after her marriage.

8 *Quest.* Have you visited your daughter in her sickness at different times, and have you found her without the necessary means and assistance for her care and comfort, and if so, state her situation?

Ans. I found her at Toledo, very much in want of many things; I provided for her as far as my means would permit.

9 *Quest.* How long was she sick at Toledo?

Ans. Only a few weeks sick—during confinement.

10 *Quest.* What was the next place?

Ans. The next place I visited her in sickness was Sandusky, Ohio; I went there to be with her in her confinement; I was there only a few days, for the reason that I found them packing up to go to Philadelphia; it was necessary at this time that some few things should be purchased for the journey—I provided them; I brought all the family on with me to Philadelphia, and we defrayed the expenses of their living in Philadelphia.

11 *Quest.* While in Philadelphia, what was their condition as to means, and what did you provide?

Ans. They were entirely without means; we furnished them, and paid all their expenses entirely—I mean we furnished their rooms and family stores, fuel and everything.

12 *Quest.* Since Mrs. Baird's marriage has she been much sick, and what has been her general state of health?

Ans. She has been sick; her disease was, in my opinion, more a disease of mind affecting her system; she had rheumatism.

13 *Quest.* Do you recollect the illness of Mrs. Baird, in Philadelphia, when Doct. Ludlow attended the family as their physician?

Ans. I was there; I think I stayed there about ten days—a week or ten days.

14 *Quest.* Do you recollect what length of time after that illness it was when the birth of Mrs. Baird's next child took place?

Ans. As near as I can recollect, it was about seven months; that child is still living—his name is George Dwight, named for my son-in-law; that child was born in Manchester, in her own house.

15 *Quest.* Since the marriage of your daughter, to the time at which she left Mr. Baird, have you noticed the conduct of Mr. Baird towards Mrs. Baird, and if so, what has it been?

Ans. His conduct has been most arbitrary and unkind, characterized by neglect and untruthfulness.

16 *Quest.* Have you noticed such conduct in your own house?

Ans. I have, sir.

17 *Quest.* Since the marriage of your daughter, to the time she left Mr. Baird, have you noticed the conduct of your daughter to Mr. Baird, and if so, what has it been?

Ans. I never noticed anything but forbearance and kindness.

18 *Quest.* Since the marriage of your daughter, to the time she left her husband, have you noticed the conduct of Mr. Baird to the children, and if so, what has it been?

Ans. Never in my presence have I ever seen anything cruel or unkind, but always a great lack of interest and affection—very great.

19 *Quest.* Can you say at what period after their marriage you first noticed the conduct of Mr. Baird towards his wife, which you have stated?

Ans. Immediately after his return from Geneseo, three months.

20 *Quest.* Did you ever inform Mr. Baird that his servant women complained of his intrusion into their bed-rooms at night, and if so, what reply did he make to you?

Ans. I did so; it was during a visit at High Bridge; he paid a visit to me, part of the day, while I was at Mr. Elliott's house; his object in making that visit was to endeavor to bring about a reunion, after some months' separation; with all the affection and kindness I could, I told him that regarding some things he was very trying to his wife; that one was, that he was too anxious to look into his servants' rooms while they were undressing, and such like; his reply to this was, that he always had a fondness for looking at well formed or heavenly formed women and statuary; during the conversation, his conversation was such as modesty forbids me to repeat—I cannot repeat it.

21 *Quest.* While you was visiting them at Toledo, Ohio, do you recollect the circumstance of a servant girl, a young woman, being sick?

Ans. I do, sir.

22 *Quest.* Do you recollect the remedy, or action, directed by the physician for her relief?

Ans. It was the application of cold cups, as near as could be, under the right breast.

23 *Quest.* Was Mr. Baird at home on that day?

Ans. He was at home; he went for the physician.

24 *Quest.* Did Mr. Baird say anything upon the subject of his seeing the cups applied?

Ans. I propos d staying with the physician, but finding he was inclined to do the same I retired in disgust.

25 *Quest.* Did Mr. Baird remain while the cups were applied?

Ans. I think he did, although I cannot say for certain, for I retired myself.

26 *Quest.* Did Mr. Baird remain in the room where the physician and the servant woman were after you retired from it?

Ans. That I cannot say, not being present.

27 *Quest.* Did you leave Mr. Baird in the room when you retired from it?

Ans. Yes, sir.

28 *Quest.* Who did you leave in the room when you retired?

Ans. The doctor I left putting on the cups—Mr. Baird was holding the candle; the cups had to be applied with the use of a flame and alcohol.

29 *Quest.* When the family left Sandusky, as stated by you, and you brought them to Philadelphia, were they in their own house at housekeeping?

Ans. They were in a suite of furnished rooms in the upper part of a private house.

30 *Quest.* Before you left Sandusky with them, did you furnish Mr. or Mrs. Baird with money to pay bills they had contracted while there?

Ans. Only to a small amount, when there means failed.

31 *Quest.* Do you know whether any means were provided, by your husband, or any of his sons, to assist in removing Mr. Baird and his family from Philadelphia to Lockhaven?

Ans. My oldest son, Samuel, sent fifty dollars to be handed to Mr. Baird to pay his moving expenses.

32 *Quest.* Did you furnish to Mr. Baird any article of clothing for that journey?

Ans. Only a blanket shawl.

33 *Quest.* Whose blanket shawl was it you gave him for that journey?

Ans. My husband's.

34 *Quest.* Who furnished their furniture while they lived in Philadelphia?

Ans. I did.

35 *Quest.* Did you furnish that furniture from your house, or did you buy new furniture?

Ans. It was some that I had used while keeping house temporarily in Philadelphia, which I had brought from Manchester—some I bought new.

36 *Quest.* In addition to that furniture which you furnished them, did your husband send them furniture from his own house at Manchester?

Ans. He did, sir; gave them orders to take anything they wanted.

37 *Quest.* From the time of your daughter's marriage, to

the time she left Mr. Baird, what has been the conduct of yourself and husband toward Mr. Baird?

Ans. I know of nothing but kindness and deep interest, and a strong desire that he should make her a kinder husband, and be a better father.

38 *Quest.* Have you ever done or said anything to alienate or estrange your daughter from her husband?

Ans. Never, sir, during the time of their living together, but since—never having fully known the depth of her sorrows till she left him.

39 *Quest.* At the time your daughter left her husband, and came to your home with her children, did you know before they came that they were coming?

Ans. No, indeed, sir; it was a very great surprise.

40 *Quest.* Have you noticed the manner in which Mrs. Baird brings up her children during the whole time of her having the children, and if so, what has it been?

Ans. Her religious training has been of the most excellent and exemplary character; I am with her daily, and almost hourly, and know every transaction—I am prepared to say that her children are most obedient and docile; her eldest daughter is the most perfect model of excellence, and piety; they are well taught both in the scriptures, and thoroughly acquainted with the catechism.

41 *Quest.* From your knowledge of Mr. Baird, do you consider him a fit and proper person to have the care, management, and culture of his children, separated from their mother?

Ans. In view of his great lack of common sense and his want of stability of character, as well as from his want of means, I do not consider him a person under whose care the children ought to be raised.

Being cross-examined, says—

42 *Quest.* Whereabouts is High Bridge?

Ans. On the Harlem river, eight or nine miles from New York.

43 *Quest.* Prior to Mr. Baird's visiting you there, had there been an unkind feeling or estrangement between you?

Ans. I don't know of anything particular, except his unkind behavior toward my daughter and his want of christian feeling.

44 *Quest.* That had produced an unkind feeling, had it not?

Ans. It had produced an alienation.

45 *Quest.* Did you understand the object of his visit to you at that time to be to bring about a reconciliation between you?

Ans. No, sir; we had had no difference; the object was to bring about a reunion between my daughter and himself—they had been some time separated.

46 *Quest.* What do you mean by being some time separated?

Ans. Mr. Baird had been in the West for some time, and she had been living, I think, at Redbank.

47 *Quest.* Can you give us any definite idea of what time that was?

Ans. I think it was in the month of August, 1861.

48 *Quest.* Did he ever visit you at High Bridge more than once?

Ans. No, sir.

49 *Quest.* Prior to Mr. Baird's visit to you at High Bridge, had there not been for several years an entire suspension of friendly intercourse between you and him?

Ans. Not at all—not that I am aware of; after the months of intimacy during the time that we were maintaining them in Philadelphia, and about the time that Mr. Baird was located in Pennsylvania, he professed for me his strong confidence in my affection for him, and my interest in him, and further said, that he would rather come to me for advice respecting a location than to any other person.

[The witness being shown a letter, bearing date October 12th, 1861, High Bridge, marked by me *Exhibit S* on the part of prosecutor, is asked]—

50 *Quest.* Is that your letter?

Ans. Yes, it is.

51 *Quest.* Was not that letter written to Mr. Baird a few days after he visited you at High Bridge?

Ans. It was.

52 *Quest.* Did I understand you to say it was Lower Sandusky to which you went?

Ans. It was not Sandusky city—I do not know what they call it—I always called it Lower Sandusky—I know it was not Sandusky city, the city situated on the lake.

53 *Quest.* Did not Mr. Baird rent and keep house while at Sandusky?

Ans. Yes, I think he did—I don't know much about them at Sandusky; I only arrived when they were packing up to go away.

54 *Quest.* What do you mean, then, by saying that they occupied the upper rooms of a private house?

Ans. I meant in Philadelphia, not in Sandusky; they occupied rooms in Philadelphia; I know little of the way they lived in Sandusky.

55 *Quest.* Had you previously to your going to Sandusky advised them by letter, or otherwise, that you were going?

Ans. They knew I was coming—I think they did at least.

56 *Quest.* Do you know whether Mr. Baird owned a house at Sandusky?

Ans. I know there was something to do about a house, but really I can't say what.

57 *Quest.* Had they not previously to your going there been greatly distressed by fever and ague, and did you not find them so on going there?

Ans. I found the family all well except Mr. Baird and the servant; Mr. Baird was very much prostrated.

58 *Quest.* Do you know the name of the physician at Toledo who cupped the servant girl?

Ans. I have forgotten.

59 *Quest.* How do you know that your oldest son Samuel sent Mr. Baird fifty dollars to pay moving expenses to Lockhaven?

Ans. It was sent either to my husband or Mr. Baird—I think I handed Mr. Baird the money—that is my recollection; the money matters were generally done through me at that time.

60 *Quest.* Do you mean to say that your son Samuel gave you the money to hand to Mr. Baird?

Ans. I don't wish to say too much; Mr. Torrey wrote to Samuel, saying that that amount of money would be needed by Mr. Baird, and the money came, but whether it was handed to Mr. Baird by Mr. Torrey or by me I can't state.

61 *Quest.* I understand you to say that you furnished to Mr. and Mrs. Baird a small amount of money at Sandusky when their means failed; what do you mean by that, what money did you furnish them with?

Ans. It was a small amount; it was something to my daughter to pay a bill for boots, or something like that; I handed Mr. Baird money to pay their expenses to New York, and he paid their expenses with my money.

62 *Quest.* What amount of money was it you gave to pay the little bill at Sandusky?

Ans. It was so small I have not burthened my mind with it.

63 *Quest.* Do you mean that you do not remember?

Ans. I do not remember.

64 *Quest.* Did you return from Sandusky by way of New York?

Ans. I think not—why should I?

65 *Quest.* Why did you say, then, you gave Mr. Baird money to pay his expenses to New York?

Ans. I meant Philadelphia—I was not aware I said New York.

Re-examined by Mr. Chetwood.

66 *Quest.* You have said, in your examination, that your daughter and her husband were separated for some time while he was in the West—why, and under what circumstances, were they thus separated?

Ans. Mr. Baird had gone to seek a new home, and left his wife and children in our care; my impression is that, when Mr. Baird went to seek this new home the family were left in Philadelphia, and we brought them to Redbank, New Jersey, that we might have the care of them.

ADELINE W. TORREY.

Sworn and subscribed before me, this thirteenth day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adjourned to Wednesday, December 14th, at ten o'clock A. M.

Wednesday, December 14th, ten o'clock A. M.—The examination of the witnesses resumed this morning, on the part of the defendants, in the presence of the solicitors of the parties.

Adeline W. Torrey, being recalled for examination by Mr. Chetwood, (Mr. Browning, on the part of the prosecutor, consenting) saith—

67 *Quest.* Were you at the house of Mr. Baird, in Philadelphia, during the last illness of Mrs. Baird prior to her leaving for Manchester?

Ans. I was there.

68 *Quest.* Can you fix the time with some precision at which you went to your daughter's house on that occasion?

Ans. As near as I can recollect, it was about two weeks before she left Mr. Baird.

69 *Quest.* In what state of health did you find her on your arrival at their house?

Ans. I found her very much exhausted, and I was fearful, from a despatch sent by Mr. Baird, that I shouldn't find her living.

70 *Quest.* Did you find a physician in attendance upon Mrs. Baird at the time, and who was it?

Ans. Yes, Doct. Ludlow.

71 *Quest.* Do you know whether Doct. Ludlow had been Mr. Baird's family physician for any length of time previous to that, and for how long?

Ans. He had been, I should think, for three or four years

he had carried her through two of her confinements gratuitously.

72 *Quest.* While at Mr. Baird's house at that time did Mr. Baird say anything to you, and if so what, on the subject of an attempt having been made to procure an abortion upon Mrs. Baird?

Ans. In his own study he told me that he believed there had been a conspiracy between Mrs. Baird and the doctor to produce abortion; my reply was, that such a thing could not be for a moment believed; that his wife was a woman of too much good principle to be guilty of such an act; I begged him to rely upon my experience in the matter, and wisheh him to feel confidence in trusting his wife in Doct. Ludlow's hands with my counsel; all which I said was to that effect.

73 *Quest.* What treatment was used under the advice of Doct. Ludlow for the recovery of Mrs. Baird while you was there?

Ans. There was no medicine given after I went there of any kind—I gave her nothing, and I know of nobody else giving her anything; after consulting freely with Doct. Ludlow, if I recollect, I suggested giving her brandy for her fainting condition; it was given after the doctor's directions; that, together with nourishments prepared by my own hand, and outward fomentations prescribed by the doctor, caused her speedy recovery.

74 *Quest.* How long did you remain with your daughter at that time?

Ans. The number of days I cannot recollect, but I should say I remained there a week; my state of mind and my unhappiness during that visit was so great that I was obliged to leave, fearing that I should sink under it; after my return home it was thought best to send my granddaughter, Addie Schenck, to take my place in nursing, which was accordingly done.

75 *Quest.* How soon after you left your daughter at that time did your daughter leave Mr. Baird, and take her children with her?

Ans. I should think about ten days, possibly a little more or a little less.

76 *Quest.* Did you know at any time that any attempt had been made to produce an abortion upon your daughter, or that any person entertained the idea of an abortion except Mr. Baird?

Ans. No, sir; not a soul living.

Being cross-examined by Mr. Browning—

77 *Quest.* Mrs. Annie Leonard, the servant woman, was

not living with Mrs. Baird when you were there at this time, was she?

Ans. I think she must have gone, for Mary was living there.

78 *Quest.* Have you any letter or memoranda made at the time by which you can fix definitely the time of your arrival in Philadelphia?

Ans. I don't keep a diary, therefore I cannot fix definitely the day we received the despatch; at the time the despatch came I was paying a visit to my son-in-law at Montclair; my husband, being greatly distressed at the announcement, came to me in great haste, and placed me in the cars for Philadelphia; at that time such was my distress of mind I did not dare even to look at the paper for fear I might see the notice of my daughter's death.

79 *Quest.* Do you know whether that despatch has been preserved?

Ans. I suppose not; there was no reason why it should be.

80 *Quest.* Are you sure it was a despatch that was received, or only a letter by mail?

Ans. I was not at home; but I am sure it was a despatch, and I will tell you for why, Mr. Torrey remarked to me that he had sent a despatch for both of us.

81 *Quest.* You did not read the paper at all then?

Ans. I was not at home, and did not see it.

82 *Quest.* In the conversation you had with Mr. Baird in his study, did you express the opinion that Mrs. Baird's sickness was occasioned by a change of life?

Ans. I don't recollect saying that, but it was then my opinion, and has been since.

83 *Quest.* What is the age of Mrs. Baird?

Ans. I think she is in her thirty-sixth year—she will be thirty-seven the 25th day of next January.

84 *Quest.* Do you know Mrs. Baird, the mother of Mr. James H. Baird?

Ans. I never saw her but once—that was the day I arrived at Mr. Baird's—I found her at the house.

85 *Quest.* Do you recollect having a conversation with her, at or about the time of your arrival in Philadelphia, touching the sickness of Mrs. Baird?

Ans. I have no recollection that she talked with me upon the subject; she soon left.

86 *Quest.* Did you know a Mrs. Imbrie?

Ans. I did.

87 *Quest.* Did you meet her at your daughter's during the time she was sick?

Ans. She called once, perhaps twice—can't remember about that.

88 *Quest.* Did she say anything to you about the treatment of your daughter before you got there?

Ans. My impressions are that she knew nothing of the treatment, but that she had perfect confidence in Doct. Ludlow, he being her own physician; Mrs. Imbrie is now dead.

89 *Quest.* When, in your conversation with Mr. Baird touching the treatment of his wife, did he not say he intended to discharge Doct. Ludlow?

Ans. He did.

90 *Quest.* Did you assent or dissent to that?

Ans. I dissented—I could not allow it to be thought of for a moment.

91 *Quest.* Can you state about how many days in all you were at Mr. Baird's?

Ans. I cannot; it is three years ago—it was a little less than a week, I think, as I stated before.

92 *Quest.* Did you write any letter to your daughter after your return home before she followed you?

Ans. I have no recollection that I did; having sent my granddaughter, I did not think it necessary.

93 *Quest.* If you did, have you not preserved a copy?

Ans. No, sir.

94 *Quest.* Did you receive any letter from her after you left, and before she followed you?

Ans. I did; a letter thanking me very kindly for sending my granddaughter to her relief; I have not preserved the letter.

95 *Quest.* Did you receive any letter from Miss Addie Schenck, after she had arrived there, in reference to the condition of Mrs. Baird?

Ans. I think I must have received letters from her, although I have no recollection now—I presume I did; they have not been preserved—they were of no moment, except to inform me of Mrs. Baird's health.

(The witness being shown a letter, dated Brooklyn, March 3d, 1862, from Mrs. Torrey, marked by me *Exhibit T* on the part of the prosecutor, is asked)—

96 *Quest.* Is that letter in your handwriting?

Ans. This is my letter; the two Addies, to whom it is directed, mean my granddaughter Addie Schenck and daughter Addie, Mrs. Baird.

97 *Quest.* Did not your daughter tell you, while you were there, that she thought she was pregnant?

Ans. We talked the matter over, and she told me she did not know, and that brought out my opinion that it might be a change of life.

ADELINE W. TORREY.

Sworn and subscribed before me, this fourteenth day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adeline T. Baird, being called for examination, and being duly sworn, saith—

1 *Quest.* Are you one of the defendants in this cause?

Ans. Yes, sir.

2 *Quest.* How long have you been married to Mr. James H. Baird?

Ans. It was fifteen years last September.

3 *Quest.* Since your marriage, has Mr. Baird had the means of providing for the comfortable maintenance of yourself and children?

Ans. He has not; my parents and friends have very kindly, from time to time, advanced money for our support, without which we would have suffered to a terrible extent; this was already the case, although receiving money from them; frequently since my marriage my children and myself have suffered for the want of food, and frequently has it been the case, while nursing my babes, that I have retired hungry, and my children have begged me to give them more of sustaining food, particularly that of meat; I have been denied the use of the purse, and Mr. Baird feeling indisposed to provide for us, we have suffered from disgrace at the village stores, being obliged to contract bills there, and compelling the storekeepers to wait for their payment until Mr. Baird saw fit, sometimes through money received from the church, from my home, or borrowed of some friend, to pay such debts; we have never been clothed from Mr. Baird's purse, although the money might have come from him at the time it was used by us, that is by me, for the benefit of the children.

4 *Quest.* Have you, at any time during your marriage, received money from your parents or brothers which Mr. Baird objected that you should expend for the support of yourself and children?

Ans. Mr. Baird was never willing that money received from my parents, brothers, or friends should remain in my hands, but always argued that he was the proper person to dispose of said money; and upon being informed that my father at some future time might settle a portion of money upon me, firmly and determinedly refused and forbade my receiving said money, if it should be placed upon me in my name, and not in his name, to be appropriated as he might think proper; when sums have been received from my friends by me, the said amount has been closely followed up, and if no account could be given of it, it was placed upon

the account book as set apart for my clothing, Mr. Baird frequently informing me that I was quite an expense to him, and when I would inform him that he must be mistaken, he would show to me by the book that such moneys were placed upon my account.

5 *Quest.* Has Mr. Baird at any time asked from you and received any moneys sent to you by your parents or brothers to pay money which he said he had borrowed?

Ans. After I had left Redbank to go to Philadelphia, and upon my arriving in Philadelphia, I received from my father, once every month the amount of fifty dollars, to assist in defraying our expenses; after receiving the first fifty, Mr. Baird informed me that he had borrowed two hundred dollars of his mother, in order to assist in settling our house, and it was his wish that the said fifty dollars should be handed to him to commence returning to his mother the money he had borrowed; I endorsed the check I had received (it coming in my name) from my father; Mr. Baird cashed the check, but I do not know how the money was disposed of; when smaller sums have been received by me from friends, Mr. Baird has invariably made known to me his indebtedness, and has requested of me that I would relieve him by giving said money to him.

6 *Quest.* Have you always expended the moneys which you received from Mr. Baird, your parents, relatives, and friends in paying the necessary expenses of maintaining and clothing yourself and children and the current expenses of the family?

Ans. Certainly so, sir, and being trained to economy at home, I felt prepared to use all money carefully and with a view to Mr. Baird's benefit and comfort.

7 *Quest.* Have you always been provided with the necessary servants and help to aid you in the ordinary household work and aid in taking care of your children?

Ans. I have always, when at housekeeping, employed one servant, but most of the time have suffered greatly for the want of a second servant, being frequently very lame, and sometimes unable to attend to any duties.

8 *Quest.* Have you yourself performed to any extent during your married life any of the menial offices of the household?

Ans. I have frequently done so, and have suffered greatly from exposure and over exertion at such times, but I may truthfully say that all such offices have been performed cheerfully and without complaint.

9 *Quest.* Will you state the kind of menial offices in the household which you have been obliged to perform?

Ans. I have frequently taken the cook's place, and when

it has been necessary, have washed such small pieces as my family might be in need of.

10 *Quest.* What has been your state of health generally since you were married?

Ans. My constitution is good; I have suffered from rheumatism, and through the whole of my married life have either been with child or nursing an infant, or from general debility, brought on as I believe by Mr. Baird's shocking treatment of me, together with his constant reproaches, cross and ill-natured language to me, frequently calling me a fool and an ass in the presence of my little children, and also his mean, low, disgraceful treatment of me in the presence of my children and servants, has caused me to be broken down in health.

11 *Quest.* At the time of your marriage, what means, as an outfit, did you receive from your father?

Ans. In view of the clothing, furniture, silver, bed and bedding, the sum amounted to about six hundred dollars.

12 *Quest.* Have you at any time been aware, or supposed that the welfare and order of Mr. Baird's family would have been more promoted by the withholding than by the bestowal of contributions to you by your parents, or any member of your family?

Ans. By no means; I never was aware that we were at all inconvenienced by the reception of such amounts, excepting what might be seen through Mr. Baird's ill temper, and I might say anger, when money arrived; at the same time Mr. Baird received such moneys as I could spare him eagerly, and without objection at the time received.

13 *Quest.* Has Mr. Baird at any time expressed to you his dissatisfaction with or unwillingness to your receiving money contributions from your parents or brothers?

Ans. Before leaving Sandusky for a temporary home in Rushville, Indiana, my brother William, knowing of our destitution, handed me as pin-money, ten dollars, and upon arriving in Rushville Mr. Baird inquired of me how much money I had in my possession; I told him I had ten dollars, given me by my brother William as pin-money, and he informed me at once that said ten dollars should not be retained by me with any such intention, and if I continued to retain the ten dollars for my own purpose he would take it from me and send it back to William; the which, however, he had not the opportunity of doing, as I felt justifiable in keeping it; still he informed me that the ten dollars should be returned, but I know not whether William ever received it.

14 *Quest.* When Mr. Baird resigned the principalship of

the academy of Geneseo, had he any place of residence engaged, and where did he propose to go from there?

Ans. He did not; it was his intention to take me, while in very trying circumstances, somewhere in the West, he knew not where; and when I begged and pleaded that, as we had no home, I might go to my father's, he determinedly refused, and argued with me that it was a wife's duty to follow her husband, and endure with him such privations and hardships as he was called upon to endure—he knowing little or nothing of woman, or what she was able to bear.

15 *Quest.* What was your condition at that time, with reference to your prospect of having a family, and at what season of the year was it?

Ans. I was quite sick, although before my marriage I was strong and healthy; being with child at the time, I was suffering greatly from all the conditions consequent upon such a case, and being entirely without encouragement, having no one to cheer and comfort me, Mr. Baird being devoid of all feeling, I was not able to travel; the time of the year was winter, the month was December; the ground was covered with snow, and made the roads almost impassable.

16 *Quest.* When Mr. Baird proposed to you, at this time, to go with him to the West, did he name to you any particular state or place in the West he proposed to go to, and did he inform you of the modes of conveyance by which he expected to reach there?

Ans. He did not; knowing myself that he always sought small towns for a place of preaching, I naturally concluded that I would be exposed to rude conveyances and comfortless inns, all of which I did not feel equal to in my situation, and under such trying circumstances.

17 *Quest.* When you proposed to Mr. Baird that you thought it best to go to your father's home at Manchester, did you tell him the reasons why you thought so, and what were they?

Ans. I did so; knowing of course that he knew my situation, I merely reasoned and made known to him that I greatly desired the rest of home and the care of my mother.

18 *Quest.* Before you left Geneseo did your father come there to you, and propose to Mr. Baird to go with you to his home in Manchester—and if so, did he give any reasons for so doing?

Ans. The day before we left Geneseo my father, while in Manchester, receiving a letter from me that Mr. Baird had resigned his charge of the Geneseo institution, and understanding, through my letter, that it was Mr. Baird's intention to turn his face westward, and that I expected to go with him, left Manchester at once for Geneseo; but finding

me gone to the house of a friend for the night, some ten miles distant, procured the only conveyance he could find at that late hour of the day, which was an ordinary open wagon, and came at once to us; he there informed Mr. Baird and myself that he very kindly desired, if it was agreeable to Mr. Baird, that instead of going West we should return with him to Manchester, and make it our home until after my confinement, my father making the offer to Mr. Baird of, I think, fifty dollars, if he would preach in the Manchester church for three months, allowing us to live with him, and receive all the comforts of his home without expense to Mr. Baid.

19 *Quest.* Do you know who paid the travelling expenses of Mr. Baird and yourself from Geneseo to Manchester?

Ans. My father freely offered to pay our expenses, and did do so.

20 *Quest.* Do you know of your own knowledge, or have you ever heard Mr. Baird say that he had at any time loaned money to your father?

Ans. I do not know that he did, and if he did was certainly paid tenfold in return by my father's kindness.

21 *Quest.* Do you know whether, shortly before you arrived at Manchester, on that journey from Geneseo, your father fell short a trifling sum in having money enough to pay the expenses of travelling, or of his borrowing from Mr. Baird any money during that journey?

Ans. I was not aware that my father fell short of money upon that journey, neither was the fact made known to me by Mr. Baird that he had lent my father money.

22 *Quest.* Do you know, either of your own knowledge or from what Mr. Baird has said to you, what amount of money Mr. Baird had when you left Geneseo?

Ans. I am not aware that Mr. Baird possessed any money other than that which he received from the sale of my furniture, which furniture was furnished by seventy-five dollars given me at my marriage by my father.

23 *Quest.* Did Mr. Baird and yourself reside at Wooster, Ohio, and for how long a time?

Ans. We did, I think three years, but cannot be positive.

24 *Quest.* When you left Wooster, Ohio, where did you next go to live?

Ans. From Wooster I went directly to my father's at Manchester, with Mr. Baird's full wish and consent.

25 *Quest.* At the time you left Wooster, after Mr. Baird had resigned his charge there, had he any other home engaged?

Ans. He had not.

26 *Quest.* At the time you left Wooster, do you know of

your own knowledge, or did Mr. Baird make you acquainted with the means he then had for the support of his family?

Ans. I do not believe that Mr. Baird then possessed any of the church salary, but I think that all the money then in his possession was received from the sale of my furniture, sold at the house at public auction at Wooster.

27 *Quest.* Was all the furniture sold which you had at Wooster?

Ans. All but a few choice articles, which I prevailed upon Mr. Baird to retain.

28 *Quest.* Had you been at housekeeping at Wooster, and from what you have said, do you mean that all your household furniture was sold except a few choice articles?

Ans. I had been at housekeeping a little over two years, and all but a few choice articles of my furniture was sold by Mr. Baird.

29 *Quest.* Where did you get that household furniture which was sold by Mr. Baird at Wooster?

Ans. Mr. Baird had borrowed two hundred dollars of my brother Samuel, and as the furniture purchased was of a very ordinary kind, we did not need to expend but little over that amount in order to commence housekeeping on a small scale.

30 *Quest.* You have stated that you went from Wooster to Manchester with the consent of Mr. Baird; did Mr. Baird express or exhibit to you any reluctance to your going there?

Ans. I do not remember that he did.

31 *Quest.* How long did you live at Upper Sandusky?

Ans. About a year.

32 *Quest.* Do you recollect the time of the year you left Sandusky to go to Philadelphia?

Ans. I think it was in March or April.

33 *Quest.* Did your mother come to you while you were at Sandusky?

Ans. She did.

34 *Quest.* When your mother arrived at Sandusky, was Mr. Baird still under an engagement to remain there for any length of time?

Ans. He had resigned his charge, and expected to leave with his family the next day, it being his intention to remain with the family at the hotel over night.

35 *Quest.* Were or were not the articles of furniture which had not been sold packed up and ready to be taken with you the next day when your mother arrived there?

Ans. They were.

36 *Quest.* How soon after your mother arrived there did you all leave Sandusky for Philadelphia?

Ans. The next day.

37 *Quest.* Have you ever at any time, by your disobedient and unwarrantable conduct, created any impediment to Mr. Baird's success in life?

Ans. I never have, nor have felt disposed to do so.

38 *Quest.* Have you ever failed or omitted to do anything to promote the success and prosperity of Mr. Baird?

Ans. I have not, but have made every effort in my power to free him from domestic duty and to aid him in his church relations.

39 *Quest.* Did you reside with Mr. Baird at Vicksburg, and if so, how long?

Ans. I did—I believe about ten months.

40 *Quest.* While at Vicksburg, do you know of your own knowledge, or have you learned from Mr. Baird, that he had any quarrel with any member or members of his congregation, or that there was any dissatisfaction on their part with him as their minister?

Ans. While there Mr. Baird had a disagreement between himself and a Mr. Gwyn, a member of the church, he being an elder of the church, I think; Mr. Baird had informed me that there evidently was dissatisfaction existing in the church regarding him, and I also heard myself that Mr. Baird's services were not agreeable to the people; he, knowing that such was the condition of things, and considering his impaired health, concluded to resign his charge, and did so after a stay of about ten months.

41 *Quest.* Did Mr. Baird talk to you upon the subject of the existing dissatisfaction among his people with him while at Vicksburg?

Ans. That subject was his daily conversation after he suspected that trouble was brewing.

Adjourned the further examination of this witness to December 15th, at ten o'clock A. M.

December 15th, ten o'clock A. M.—The examination of Mrs. Adeline W. Baird suspended, by agreement, to Thursday, December 16th, at ten o'clock A. M.

December 16th, Thursday, ten o'clock A. M.—The examination of Mrs. Adeline W. Baird continued this morning, in the presence of the solicitors of parties, as follows—

42 *Quest.* Was Mr. Baird called to Vicksburg as a settled pastor, or as a temporary stated supply?

Ans. He was not called there as pastor, but as stated supply.

43 *Quest.* Did he continue there the whole period for which he was called as a stated supply?

Ans. He did.

44 *Quest.* How long did you live with Mr. Baird at Wooster, Ohio?

Ans. About three years.

45 *Quest.* While there did Mr. Baird have any quarrel or serious difficulty with any of the officers or members of his church?

Ans. He had a serious difficulty with Doct. Day, a member of the church, and I believe at that time a member of session, but think he resigned that office at the time of the difficulty.

46 *Quest.* Was that controversy carried before the session of the church, and any further from there?

Ans. The difficulty was carried from the session to the presbytery, from the presbytery to the synod, and from the synod to the general assembly.

47 *Quest.* Did Mr. Baird resign his engagement there with the church before the expiration of the time for which he had engaged to stay?

Ans. He was not engaged to stay for any particular time —that is not the custom of the church.

48 *Quest.* Did you live with Mr. Baird at Toledo?

Ans. I did, for ten months I believe.

49 *Quest.* After Mr. Baird had organized a church at Toledo, do you know whether he received a call to remain as pastor of that church?

Ans. He did not receive a call to become pastor.

50 *Quest.* How do you know that?

Ans. Mr. Baird never mentioned the fact to me, but gave me to understand, from the time that the difficulties commenced there, that he would leave Toledo as soon as his time expired as stated supply.

51 *Quest.* While at Toledo, did you ever hear from any person that a call had been given to Mr. Baird to remain there as pastor of the church?

Ans. I did not.

52 *Quest.* How long did you live with Mr. Baird at Lockhaven?

Ans. About two years and three quarters.

53 *Quest.* Did Mr. Baird ever tell any person in your presence why he left Lockhaven, and if so, who was it?

Ans. After leaving Lockhaven for a temporary residence in Philadelphia, Mr. Baird, with myself, were viewing the Japanese passing from the office of the board of publication in Chestnut street, a Miss Johns, a lady acquaintance of Mr. Baird's, but unknown to me till introduced to her that morning, asked Mr. Baird where he was now settled; he told her he was not settled anywhere at that time; she asked

him where he had been settled; he told her at Lockhaven, Pennsylvania, but that he had been obliged to leave there because of the bad state of health of himself and family, and had come to Philadelphia to place us under the care of a physician.

54 *Quest.* What was the state of health of Mr. Baird and his family while you resided at Lockhaven?

Ans. Our health was better there than it had been in any other place since our marriage, the family not suffering from any difficulty arising from that climate, but from the ordinary difficulties to which any family is liable.

55 *Quest.* Did Mr. Baird go from Lockhaven to Philadelphia to get the benefit of a physician, on account of the state of himself and family or any member of it?

Ans. He did not, excepting to place me under the care of Doct. Ludlow at the time of my confinement.

56 *Quest.* Did he go from Lockhaven to Philadelphia for the purpose of placing you under the care of Doct. Ludlow at the time of your confinement?

Ans. I cannot say that that was his intention then, but concluded he did, as he called upon Doct. Ludlow at once, and requested him to take charge of me.

57 *Quest.* Had Mr. Baird resigned his situation in Lockhaven before you went from Lockhaven to live in Philadelphia?

Ans. He had.

58 *Quest.* Did Mr. Baird inform you of having a call at Westport, Missouri?

Ans. He did not; he never informed me of it.

59 *Quest.* Did Mr. Baird request you to go with him to Westport to live?

Ans. He did.

60 *Quest.* Did you persistently decline to go with him to Westport, and what occurred between Mr. Baird and yourself on his requesting you to go there with him?

Ans. I did not refuse to go with Mr. Baird to Westport, but prevailed upon him to allow us to remain until October, August being a very warm month to travel West with five small children, and requested him, in view of our remaining in Philadelphia till that time, to go first to Westport himself, procure a house, purchase such articles as might be necessary, and that I would then follow with the family; I also advised him not to remove our furniture West, as he might not conclude to remain longer than the time appointed by the church.

61 *Quest.* At the time you speak of, did Mr. Baird inform you for how long a time he was engaged at Westport?

Ans. I understood him to say six months from the time he came to Philadelphia for me.

62 *Quest.* Did you remain then in Philadelphia with his acquiesence?

Ans. I did.

63 *Quest.* Did Mr. Baird go himself to Westport, and did you follow him?

Ans. Mr. Baird went to Westport, but at his request, by letter, I did not leave Philadelphia at the appointed time.

64 *Quest.* You have said you did not leave Philadelphia at the appointed time; did Mr. Baird give up the idea of your going to Westport?

Ans. He wrote a letter to me, from Westport to Philadelphia, requesting me not to leave for Westport, because the border war was prevailing there at that time, and the church people had informed him that they were fearful their church could not be kept up, and that the circumstances connected with the war would make it improper to remove his family to that place.

65 *Quest.* Did you ever refuse to go with Mr. Baird to live with him where he had a settled or permanent home?

Ans. I never did, being very thankful that a permanent home was prepared for us to relieve my father of expense.

66 *Quest.* Had you ever any fixed determination or inclination to disregard the wishes and interests of Mr. Baird?

Ans. Never for one moment.

67 *Quest.* At the time Mr. Baird wished you to go from Philadelphia to Westport, had he provided you the means, or did he offer to provide you the means and necessary supply of clothing for yourself and your children to go there?

Ans. I was left entirely without means, excepting the amount sent by my father of seventeen dollars a month, with which to pay our board, as had been his custom from the time I came to Philadelphia after leaving Lockhaven; Mr. Baird once, while absent, enclosed in his letter two dollars, requesting me to pay a shoe bill of one dollar and ninety cents, and informing me I might keep the remainder—this sum came from Westport; we were very destitute of clothing, so much so that I was obliged to place clothing belonging to a younger child upon the oldest boy while the only clothes he had were being washed, and making it necessary, being entirely out of funds and not being willing to make my destitution known to my father, to dispose of the rags which accumulated from my sewing to procure a spool of cotton and some stamps; I was obliged at the time to borrow money of a boarder in the house, hoping that Providence would open a way for me to repay it.

68 *Quest.* At that time were you furnished, through the

brother of Mr. Baird, with the requisite amount of money to pay your traveling expenses and procure the necessary supply of clothing for yourself and children to go to Westport?

Ans. Mr. Samuel Baird handed me, if I recollect aright, seventy-five dollars with which to procure our clothing; with that I did procure material, as far as the money would go, for our clothing, and as I was unable to make it all up in the short time allowed me, he requested me to place such articles as I had not time to make in the depository, which I did; the money to pay for the making of that clothing I watched the mail eagerly for for three weeks; his brother not sending it to me, I could not remove my clothing from the depository, the proprietor asking me why I allowed it to remain there so long, much to my mortification; never receiving the money for that purpose, my father was obliged to pay the bill; that was the only money I received from Mr. Baird's brothers; I desired Mr. Samuel Baird, by letter, to dispose of a book case in my possession, that, through the amount received, I might remove the clothing from the depository for the use of my family, we being in need; I did not receive from him a reply to my letter, but a drayman had been ordered by some one to remove the book-case, which was done.

69 *Quest.* Did you ever receive the proceeds of the sale of the book-case, and do you know by whose order the said book-case was taken away?

Ans. I did not receive the proceeds, and I know not by whose order it was taken away, although I again wrote to Mr. Samuel Baird, pleading with him, in view of my great need, that he would send me the money from the sale of the book-case, supposing he had taken it away; I received no reply to this letter; the letters to Mr. Samuel Baird I directed to Woodbury, New Jersey, he residing there at that time, and sent them by mail.

70 *Quest.* Has your husband ever been guilty of acts of personal violence to you, and if so, state them?

Ans. He has been guilty of personal violence to me; he has been so in four instances—first, when my second child (Addie) was fifteen months old; at that time, about ten o'clock in the morning, Mr. Baird having been out, returned to the house, informing me that he intended inviting a minister to take dinner with us; I replied to him that I would not be able to prepare a dinner, telling him that I had intended preparing a lunch of tea, cold meat, and preserves; he replied that that dinner would not answer, and that a proper set dinner must be prepared; I then informed him that the girl was going through with a large wash, and the circumstances were such that she could not leave to prepare dinner,

and that I was too feeble, with the care of my little ones, to prepare such a dinner myself; he then informed me that it should be done, and I replied that the minister would be perfectly satisfied no doubt with our home lunch; he strongly insisted that the dinner should be prepared, and when I told him that it was impossible, and told him that it could not be done, he stepped forward in great anger and placed his hand firmly over my mouth, pressing his fingers with force into my cheeks, and bending me back with strength across the edge of a marble-top bureau; I made an effort to relieve myself, which increased his anger, and he struck me a heavy blow with his fist on the left side of my forehead; that was all that was needed at that time to utterly crush me and almost deprive me of reason; at another time, in the same house and room in Wooster, Ohio, because I differed from Mr. Baird in opinion, while holding my babe in my lap, he rose quickly from across the room and placed his hand firmly over my mouth; the third time, while in Philadelphia, occupying Mr. Schenck's vacant house, I received such cruel treatment from Mr. Baird, the circumstances of which are such that I cannot repeat, that I was obliged to exclaim, "do differently, or I shall call for help;" the fourth time, living in the house which we occupied in De Lancey place, in Philadelphia, just before leaving Mr. Baird to go to my father's house with my children, I informed Mr. Baird, while dressing in the morning, that the nurse Mary had been informed by the little girl Bridget, then a short time in our house, that Bridget desired that when Mr. Baird wished to speak to her, when she was in her room, she would be glad if he would speak outside of the door, and not walk into the room and look at her, as he had done one morning; I suggested to Mr. Baird the propriety of his speaking from the outside of the room; he reproved me for advising him, and went directly into the next room, where the nurse was dressing the little ones; he asked the girl who had sent the message to me how she had dared tell Mrs. Baird tales of him; hearing him say that, the door being partly open, I stepped into the next room where they were, and told him that Bridget did not complain of him to me, but had merely sent a request, through Mary, that he would speak to her from the next room; he then told me to shut up my mouth, and leave the room; I told him I only intended speaking for Bridget's sake, and he, being in a great rage at the time, took me by the shoulders and thrust me out of the room; when there, in the next room, he held me down with my head bent almost to the floor, and that without speaking to me, I begging him to relieve me or to let me go, and not to dare to treat me in that rough manner.

71 *Quest.* Was you at that time in a paroxysm of rage, or in any rage when you went into the room to speak to Mr. Baird?

Ans. I was not angry, neither had anything been said to make me angry.

72 *Quest.* Did Mr. Baird catch you up in his arms on that occasion, and carry you into an adjoining room?

Ans. He did nothing of the kind.

73 *Quest.* Do you know whether Mr. Baird had the habit of going into your servants' bed-rooms after they had retired at night to their bed-rooms?

Ans. He has done so very frequently; I know this.

74 *Quest.* Have you ever requested him not to do so, or said anything upon the subject to him?

Ans. I have frequently remonstrated with him upon that subject, desiring him to speak outside of the door, or make known his wish to me.

75 *Quest.* Have you ever blinded the inside of the key-holes of the bed-room doors of females, and if so, for what purpose?

Ans. I have done so frequently to conceal the females from being exposed to Mr. Baird's gaze.

76 *Quest.* While living in Philadelphia, was Mr. Baird in the habit of spending his evenings at home with you and the children?

Ans. His evenings were not spent at home.

77 *Quest.* Was he in the very general habit of going from home in the evening, and at what hour of the evening was was he in the general habit of returning home?

Ans. Mr. Baird spent all his evenings away from his house, returning from half-past ten to half-past eleven.

78 *Quest.* When he left home in the evening was he in the habit of going in the same dress and clothes which he wore in the day-time?

Ans. He did not wear the same clothing in the evening that he wore in the day-time; his evening dress for the street being always an old coat, soft hat, and cane.

79 *Quest.* Did he ever use these articles in the day-time?

Ans. He did not.

80 *Quest.* Did you ever say anything to him upon the subject of going out at night in such shabby apparel?

Ans. I frequently desired him to put on his good clothing for the street, telling him that he would be seen quite as much and noticed at night as in the day-time.

81 *Quest.* When you have been walking with Mr. Baird in the streets in Philadelphia, at any time, did Mr. Baird ever point out to you females you met in the street as women of ill fame?

Ans. He did so; while living in Philadelphia, Mr. Baird invited me to take an evening walk with him; we did walk out upon that evening in Chestnut street, when Mr. Baird told me to notice, and he would show me women of ill fame in that street; soon after that remark, a woman of the kind spoken of walked so close up to Mr. Baird's side as to push us both one side; the expression of the woman's face, when she looked at Mr. Baird, was so peculiar that I told him she never would have looked at him as she did unless he had looked at her in an improper manner; he then rebuked me for my want of sense, saying that I knew but little of the ways of the world.

82 *Quest.* Did Mr. Baird ever say anything to you upon the subject of bringing to his house, as a servant, a woman of ill fame, and if so, what did he say?

Ans. Mr. Baird, returning from the West at one time, when passing through Cincinnati, engaged a woman of ill fame to act as nurse for our family, informing the girl that on our way West he would call for her, and take her on with us; this fact he made known to me on reaching Philadelphia, when I positively declined taking any such person into my family, at which he was very indignant.

83 *Quest.* Did he assign any reason why he desired to take the girl?

Ans. He assigned as his reason, as he said, to save the girl's soul.

84 *Quest.* Did Mr. Baird ever tell you, at any time, that he had at any time gone with a woman of ill fame from the street to her house?

Ans. Mr. Baird told me in Philadelphia, that a woman of ill fame had asked him to go home with her; he told me that he did walk with her as far as her door, and that he there told her of the impropriety of her course.

85 *Quest.* Were you very ill in Philadelphia shortly before you left Mr. Baird and took your children to your father's home in Manchester?

Ans. I was very ill, so much so that I despaired of my life.

86 *Quest.* Who attended you as your physician at that time?

Ans. Doct. Ludlow.

87 *Quest.* Did you at that time, or at any other time, take any medicine or drug with any intention or idea of producing an abortion?

Ans. I did not.

88 *Quest.* Was it ever intimated to you, or did you ever intimate it to anybody else, to have an abortion produced during your illness in Philadelphia, or at any other time or place?

Ans. I did not.

89 *Quest.* While living in Philadelphia, and during the illness you have spoken of, who prescribed the medicine you took?

Ans. Doct. Ludlow.

90 *Quest.* Were the prescriptions verbal or written?

Ans. Written by Doct. Ludlow.

91 *Quest.* Who sent for the medicines prescribed?

Ans. Mr. Baird.

92 *Quest.* Who administered to you the medicines you took in that illness?

Ans. One of the servants.

93 *Quest.* Do you know whether the servants administered to you any other medicines than those prescribed by Doct. Ludlow by the prescriptions you have referred to?

Ans. They did not.

94 *Quest.* Were any of those medicines thus prescribed in the form of a powder?

Ans. Only in the form of a liquid.

95 *Quest.* At any time during that illness did you take medicine or drug of any kind in the form of a powder?

Ans. I did not.

96 *Quest.* During that illness, did Mr. Baird inquire of you whether you had taken a powder, and if so, state the conversation between you?

Ans. He did; after I had been sick about four days, Mr. Baird came to my bed-side and said he had a question to ask me, if I would answer it; I told him of course I would answer any proper question; he then asked me if, at any time before taking down to my bed, I had procured and taken a powder to produce an abortion; I told him I had not, and that I had never thought of doing such a thing; he came to me a second time, in the presence of my mother, and asked me if I had procured and taken at any time a powder to produce abortion; I told him that I had answered that question once while confined to my bed; that he did not believe me then, and he would not believe me now; my mother then asked me, in his presence, why I would not answer that question; my reply was, that I knew that man better than she did, and that I never would answer that question again.

97 *Quest.* Did Mr. Baird, during that illness, charge any person with procuring, or attempting to procure abortion?

Ans. He had not made any charge, to my knowledge.

98 *Quest.* At the time of that illness was you with child?

Ans. I was not aware at the time that I was.

99 *Quest.* Did you afterwards discover that you were with child, and how soon with any certainty?

Ans. I was not positive till about two months after I left Philadelphia.

100 *Quest.* Have you, since your illness at that time, become satisfied that you were with child at the time of the illness?

Ans. I am satisfied of that fact.

101 *Quest.* Where was that child born, and when?

Ans. In Manchester, on the 14th day of September, 1862; he is still living.

102 *Quest.* Have you read in print the answer of Mr. Baird to the return which you made to the *habeas corpus* issued in this cause?

Ans. I have carefully read it.

103 *Quest.* Do you know, or have you any idea, what criminal conduct Mr. Baird alludes to in the second paragraph on the 14th page of his said answer?

Ans. I do not know what he there refers to.

104 *Quest.* Did Mr. Baird ever tell you that he suspected you of any criminal conduct, or did he ever say or intimate anything to you from which you supposed that he considered you, either alone or in co-operation with any other person, guilty of any criminal conduct?

Ans. He did not, except when he addressed me upon the subject of the powder already alluded to by me.

105 *Quest.* Since your marriage with Mr. Baird, has Mr. Baird's conduct towards, and treatment of you been kind and affectionate or otherwise?

Ans. From the first of my marriage, continuing up to the time I left Mr. Baird with my children, his treatment of me has been unkind, cruel, without natural affection, devoid of all sympathy and feeling, harsh and repulsive, causing me terrible sorrow and grief of mind, living in a constant state of fear and dread of him; from the day of my marriage, only a few hours after the ceremony was perfarmed, one half hour after reaching Newark, on my way to New York—I say from that hour up to the time I left Mr. Baird in Philadelphia, he has treated me with cruelty, unkindness, and extreme brutality, causing me such suffering of body and mind that I have thought at times I must die; at such times I have found no relief from torture and dread, until I left with my little ones to ask my father for mercy and protection.

106 *Quest.* During the whole of your married life, what has been your conduct towards and your treatment of your husband?

Ans. I have tried to the best of my ability to be to him a kind, loving, and affectionate wife, and I have never known myself to be guilty of wilful disobedience.

107 *Quest.* With all the means you have received from

Mr. Baird or others towards the maintenance or support of your family, have you used them properly?

Ans. I believe I have, and have tried to influence Mr. Baird to do so.

108 *Quest.* Have you devoted any portion of your time and labor in doing work in the family for their benefit?

Ans. I was willingly, cheerfully, and constantly occupied with the duties of my family.

109 *Quest.* What has been Mr. Baird's manner and practice in the management, treatment, and bringing up of his children?

Ans. Mr. Baird has never treated his children with the affection of a father; his conduct towards them has been repulsive and unkind, he being forbidding and reserved in his manner towards them, pushing them aside as of no consequence, never encouraging them to come to him with their griefs and sorrows; when he entered a room where they were they were fearful of him and sought to absent themselves; his conversation to their mother in their presence was so dreadful and ungentlemanly that they bore upon their countenances the constant trace of unhappiness while in his presence; he forbade them at table sufficient food to sustain them, causing them to come to me and express themselves as thankful that he was absent; especially towards the children when infants, has his treatment of them been inhuman and outrageous, taking from my arms, at three different times, infants of fifteen months, or little over, and whipping them severely while on my lap, and because I interceded for them, taking them into another apartment and punishing them; when in such separate apartment, with the door locked against their mother, who was on the outside, he has chastised those children unmercifully, their screams reaching my ear outside of the door, and causing me terrible anguish; at such times I would beg him to have mercy on the child, but he showed no mercy, and continued till his anger was satisfied.

110 *Quest.* Can you mention, in this same connection, any other instances of unfatherly and cruel treatment by Mr. Baird of his children?

Ans. At one time, upon his return from the West after an absence of six months, and expecting to leave again the next day, he has gone to a boy of nine years of age, and because he did not obey him the first time he spoke to him, has whipped him severely, wounding and mortifying the feelings of the child; when alone, and suggesting the impropriety to him of punishing a child when he had just returned home, he replied to me, that I might shut up my mouth, that he was capable of attending to his own business.

111 *Quest.* Has Mr. Baird ever chastised his daughter in a manner which you considered unwarrantable at her age?

Ans. When my oldest child, Addie, was over ten years of age, because she did not rise from her bed when he first called her, in the presence of the two oldest boys, he went to her bed-side, raised her night dress, and whipped her severely, causing the child very great mortification.

112 *Quest.* What has been Mr. Baird's conduct towards you in speaking of your father's family, your parents, and your brothers?

Ans. He has always spoken of them with contempt and ridicule, making known to me that he did not approve of their visiting the house, and trying to impress it upon me that their presence was contaminating and injurious, assuring me that they were an unprincipled family, and not respected.

113 *Quest.* When did you leave Mr. Baird, and take your children to your father's house at Manchester?

Ans. I think in the spring of 1862—if I remember right, it was the 14th of March, in that year.

114 *Quest.* Why did you leave him?

Ans. Because of the neglect of me as his wife and the mother of his children, and his cruel, harsh, and unwarrantable treatment of me and them; also because of his inhuman, base, degrading, humiliating, and immodest treatment of me as his wife, all of which I did not feel that I could bear another year, and live to take charge of my little ones.

The solicitor of the defendants offers in evidence an exemplified copy of the libel filed by James H. Baird in the Court of Common Pleas of Philadelphia for divorce, marked by me *Exhibit No.* 11 on the part of defendants.

The examination of the witness being resumed, and being shown a copy of libel, marked by me *Exhibit No.* 12 on the part of defendants, she is asked—

115 *Quest.* Have you seen this paper before?

Ans. Yes, sir.

116 *Quest.* Where?

Ans. In Manchester, New Jersey.

117 *Quest.* Was it handed to you there?

Ans. It was handed to me by the sheriff of Ocean county during last summer; I know the sheriff, do not remember his name.

118 *Quest.* Is it Mr. Courtney?

Ans. That is the name.

The examination of the witness in chief being closed by

Mr. Chetwood, before commencing cross-examination, adjourned to Saturday morning (17th), at ten A. M.

Met Saturday morning, at ten o'clock A. M., pursuant to adjournment.—Present F. B. Chetwood, esq., and Abraham Browning, esq. Before commencing the cross-examination, Mr. Browning desired the following memorandum to be entered: "By agreement of counsel of parties, each of the questions propounded to Mrs. Baird was to be considered as propounded subject to all legal exceptions; and all answers and parts of answers not properly proving facts set forth in the return of Mrs. Baird to the writ of *habeas corpus*, or disproving the answer of the prosecutor thereto, were to be considered as objected to at the time of being made, and that such exceptions and objections should be noted at the end of her examination in chief, and it is hereby done accordingly."

Cross-examination.

119 *Quest.* Was your first child, at the time of its birth, considered as a full nine months' child or a premature birth?

Ans. It was prematurely born, having disease of the heart, the cause of which premature birth was my taking a long walk.

120 *Quest.* About how long before the proper period?

Ans. About six weeks.

121 *Quest.* Have you the letter which you stated you wrote to your father from Geneseo, and which induced him to come from Manchester to Geneseo for you, or a copy of it?

Ans. All my letters and papers were left in my house in Delancey place, Philadelphia, when I went to my father's; I never copied any of my letters.

122 *Quest.* At whose house were you stopping, some ten miles out from Geneseo, when your father came?

Ans. At the house of a clergyman—I don't remember his name.

123 *Quest.* Was it Mr. Edwards?

Ans. Yes, I think that is the name.

124 *Quest.* Why do you think that you left Upper Sandusky in the month of April or March, 1856?

Ans. I was not positive—I told you of the time; I cannot give my reasons why I think it was before the birth of my fifth child.

125 *Quest.* When and where was your fifth child born?

Ans. I think in November, in Green street, Philadelphia.

126 *Quest.* You have stated that your husband introduced you to a Miss Johns, at the board of publication building, at the time of the Japanese celebration in Philadelphia, can you state what Miss Johns that was?

Ans. It was Miss Johns of Newcastle, Delaware.

127 *Quest.* The daughter of Chancellor Johns?

Ans. I believe it was—perhaps a sister.

128 *Quest.* Do you remember her christian name?

Ans. I do not.

129 *Quest.* Have you got the letter which your husband wrote to you, as you state, from Westport, Missouri, touching the border war—if so, please produce it?

Ans. If that letter was preserved Mr. Baird has it in his possession—I have not got it.

130 *Quest.* You have stated that you never refused to go with your husband to any settled or permanent home—what do you mean by a settled or permanent home?

Ans. A place which I considered a permanent or settled home was a place where he might stay some ten months or a year.

131 *Quest.* Would you consider a church, to which he had received and accepted a call in the ordinary way for an indefinite period of time a settled and permanent home?

Ans. I certainly should.

132 *Quest.* You have stated that you received a letter from Mr. Baird to you in Philadelphia enclosing two dollars, with the request that you should pay a shoe bill of one dollar and ninety cents, and giving you permission to keep the balance —have you that letter in your possession, and if so please produce it?

Ans. If that letter was preserved Mr. Baird has it in his possession—I have not got it.

133 *Quest.* Do you mean to be understood as saying that those two dollars were all the money you received from Mr. Baird while he was at Westport?

Ans. I do not recollect as receiving one cent over that amount from Mr. Baird.

134 *Quest.* You have said that Mr. Baird was in the habit of looking into the rooms of your servant girls; have you reference to your servants in Philadelphia, while Mr. Baird was pastor of the Fifteenth church?

Ans. I referred to different times since I have been a housekeeper.

135 *Quest.* You have stated that Mr. Baird, when you resided in Philadelphia, dressed differently and more negligently when going out at night than when going out in the daytime—at which of your periods of living in Philadelphia do you refer?

Ans. When he was pastor of the Fifteenth Presbyterian church.

136 *Quest.* Can you identify more accurately, by color or

otherwise, the hat which you say he was accustomed to wear by night, and not in the daytime?

Ans. It was a very old, shabby, light drab soft hat that he wore at night.

137 *Quest.* You have stated that Mr. Baird, in returning from the West, made an arrangement with a woman of ill fame to become a servant in his family on his return to the West, or stated to you that he made such arrangement—do you refer to the time of his return from Westport for you in the summer of 1861?

Ans. He told me that he had procured the girl referred to, and I believed him, but I do not remember whether it was on his return from Westport, as he had returned from the western states to me or for me several times.

138 *Quest.* Do you know of his ever returning from the West without you through Cincinnati, except on the occasion of his returning from Westport?

Ans. I do not know that he had returned through Cincinnati at any other time, as he did not always explain his movements to me.

139 *Quest.* At which of the depositories in the city of Philadelphia did you deposit the material for clothing at the time you anticipated a departure with your husband to Westport?

Ans. I do not remember the name of the establishment—it was on the right hand side of Eighth street going up; that is the east side, perhaps between Chestnut and Arch—I think between Chestnut and Arch.

140 *Quest.* Do you know a Mrs. McClure, of the city of Philadelphia, whose husband was the precentor of the Fifteenth church while your husband had charge of that church?

Ans. I do.

141 *Quest.* Did you ever tell Mrs. McClure that Doct. Ludlow, or any other person, was treating you to procure abortion, or words to that effect?

Ans. I did not, for Doct. Ludlow had never made known that fact to me.

142 *Quest.* While you were sick, or shortly before you were taken sick of the sickness about which the difficulty with Doct. Ludlow occurred, did you tell your mother-in-law, Mrs. Baird, that you were pregnant, or words to that effect?

Ans. I do not recollect that I did, as I was not aware of the fact myself; considering my former life, I might have suggested that.

143 *Quest.* Do you know Miss Mary Buchanan and Miss Sarah Cathers of the city of Philadelphia?

Ans. I have an indistinct recollection of those names, but do not remember the countenances of those ladies.

144 *Quest.* Did you tell them, or either of them, at a sewing circle at your house in Philadelphia, shortly before your sickness last referred to, that you were pregnant, or words to that effect?

Ans. I do not know that I did, as I did not know the fact myself—I might have told them my suspicions.

Re-examined by Mr. Chetwood.

145 *Quest.* Can you tell how many letters and papers belonging to you you left in Mr. Baird's house in Philadelphia, at the time you left his house with your children to go to your father's house at Manchester?

Ans. I cannot tell how many, but papers and letters were left in his possession, I mean left in the house at Delancey place.

146 *Quest.* In what part of the house were they left?

Ans. They were left anywhere—I never concealed any papers.

ADDIE T. BAIRD.

Sworn and subscribed before me, this seventeenth day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Note.—The testimony of the two following witnesses was taken December 15th, by the agreement of the solicitors, during the suspension of Mrs. Baird's examination upon that day; and though following subsequently in the master's record, was taken prior to the conclusion of the said testimony of Mrs. Baird.

Samuel H. Fredericks, a witness produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. I reside at Queen's run, Clinton county, in the state of Pennsylvania; I have lived there the most part of the last fourteen years.

2 *Quest.* How near to Lockhaven do you live?

Ans. Four miles above there.

3 *Quest.* Are you acquainted with Mr. James H. Baird; when did you first become acquainted with him, and under what circumstances?

Ans. I am acquainted with him, and became so in the spring of 1857, at the time he came to Lockhaven as the pastor of the Great island congregation.

4 *Quest.* What is the name of the church of which Mr. Baird became pastor at Lockhaven?

Ans. It has always been known as the Great island church.

5 *Quest.* How long was Mr. Baird pastor of that church?

Ans. Less than three years.

6 *Quest.* When Mr. Baird first became pastor of that church, was you an officer or member of said church, and how long did you continue to be so?

Ans. I was a member of the church, but not an officer at that time?

7 *Quest.* Were you an officer in that church while Mr. Baird was pastor, and how long did you continue so?

Ans. I became a member of the session under his administration there as pastor, and am still a member of the session.

8 *Quest.* While Mr. Baird was pastor of that church, did he have any serious quarrels or difficulties with any member or members of the congregation?

Ans. He had.

9 *Quest.* Do you know with how many members he had a serious quarrel or difficulty, and the names of those persons?

Ans. With Jacob Grafius and John D. Stratton; these are the only ones I recollect of.

10 *Quest.* Are you acquainted with Mr. L. A. Mackey of Lockhaven?

Ans. Yes, sir.

11 *Quest.* Was he one of the congregation of that church while Mr. Baird was pastor?

Ans. Yes, sir; he was one of the supporting members, but not a member of the church.

12 *Quest.* Is Mr. Mackey still one of the members of that congregation?

Ans. He is.

13 *Quest.* Though you lived some distance from Lockhaven, was you much among the congregation, and was you acquainted with the state and condition of the relation of pastor and people while Mr. Baird was pastor of the Great island church?

Ans. All of my social acquaintances are at Lockhaven—there is no society at our place.

14 *Quest.* Were the subjects of the quarrels or difficulties alluded to very generally understood and freely discussed among Mr. Baird's congregation?

Ans. (The above question objected to.) They were.

15 *Quest.* Was Mr. Baird sustained on his side of those quarrels and difficulties by more than five-sixths of the congregation, and by what portion of the congregation was he sustained?

Ans. He was not sustained by five-sixths of the congregation; I don't understand as to what time the rest of the question refers, whether it refers to the time of the trial or not; I am not able to answer that question as to the number.

16 *Quest.* During the whole, or greater part of the time, was there dissatisfaction in the congregation with Mr. Baird's ministrations and conduct towards his people, and to what extent?

Ans. (This question objected to.) There was dissatisfaction existing among the members of the congregation almost from the time of the beginning of his pastorship there, so much so that there were letters presented to the session asking them to request Mr. Baird to resign his pastoral relations there.

17 *Quest.* While Mr. Baird was pastor there, did he frequently call his session together, and arraign before them members of his congregation, and prefer charges against them?

Ans. (Objected to as irrelevant.) I know of the cases of the two members arraigned before them, Mr. Grafius and Mr. Stratton.

18 *Quest.* Do you know what portion of the congregation were in favor of Mr. Baird's resignation of his charge or disconnection with his people?

Ans. (This question objected to.) Nearly all were in favor of his resignation.

19 *Quest.* Were you present in the church on the first Sunday in October, 1859, and did Mr. Baird officiate on that day?

Ans. I was present, and heard him preach that Sunday.

20 *Quest.* On that day did you hear Mr. Baird say anything on the subject of being called on by yourself with a letter from Mr. Mackey to call a meeting of the congregation, and if so, please state what he said?

Ans. (This question objected to as irrelevant, &c.) He said that Mr. Fredericks (meaning me) had called on him with a letter desiring him to call a meeting of the congregation.

21 *Quest.* Was that statement made before the congregation?

Ans. It was, after service.

22 *Quest.* Did Mr. Baird state who the letter was from?

Ans. I am at a loss to know whether he said that the letter was from Mr. Mackey or not; he did say that I had told him (Mr. Baird) that Mr. Mackey had sent me to get him to call a congregational meeting; this should have been my answer.

23 *Quest.* When Mr. Baird made that statement to the

congregation, did you rise in the congregation and make a reply to Mr. Baird, and what did you reply?

Ans. (Objected to as irrelevant, etc.) I rose up in the church, and told Mr. Baird that he was mistaken, that I had not told him that Mr. Mackey had sent me.

24 *Quest.* Did Mr. Baird make any reply to you?

Ans. I don't know that he did.

25 *Quest.* Was you present at a meeting of the session of the church when Mr. Baird made a statement of what John D. Stratton had said about his discontinuing his attendance upon the church services?

Ans. I was present.

26 *Quest.* What statement did Mr. Baird then make?

Ans. (Objected to as irrelevant). I cannot now recall what was said.

27 *Quest.* Before Mr. Baird made the statement in the church before the congregation, which you have testified to, did you tell Mr. Baird that Mr. Mackey had sent you to him?

Ans. (This question objected to). At no time did I tell him so.

Being cross-examined by Mr. Browning—

28 *Quest.* What do you mean by a serious quarrel or difficulty?

Ans. I mean persons being brought before the session, and not being able to be settled without going before the presbytery?

29 *Quest.* Do you mean, then, that Mr. Grafius made a charge to the session of his church which led to an ecclesiastical trial before the presbytery?

Ans. I don't know that Mr. Grafius made the charge; there was a trial before the presbytery.

30 *Quest.* Do you know anything about a paper, signed by members of the Great island congregation, requesting Mr. Baird to resign?

Ans. I took a letter or paper to Mr. Baird; I cannot recollect whether it was a request for him to resign or not—it was a request to call a congregational meeting that was presented by me; the paper was not handed back to me—it was signed by several members of the church.

31 *Quest.* What do you know, if anything, about a paper handed to Mr. Baird requesting him to resign?

Ans. I have only a faint recollection of that—I can't swear whether there was or was not such a paper handed to him.

32 *Quest.* Have you any knowledge or recollection of how

many members of the church there were in that congregation at the time Mr. Baird did resign?

Ans. I have not in my mind the exact number—I should think there were between a hundred and twenty and a hundred and forty.

33 *Quest.* Is Mr. Grafius dead?

Ans. No, sir; he is living.

34 *Quest.* Did you make any memorandum of any of these statements, which you say were made by Mr. Baird, or any of the occurrences to which in your testimony you have referred?

Ans. None whatever.

35 *Quest.* Your testimony, then, is simply from a recollection of what occurred at that time?

Ans. It is, sir.

36 *Quest.* Upon what calculation, then, do you base your statement, that he (Mr. Baird) was not sustained by five-sixths of his congregation?

Ans. From my intercourse with members of the congregation, and hearing them speak about it.

37 *Quest.* You mean, then, by out-of-door rumors and conversations, do you not?

Ans. In conversations with members of the congregation, and those who had been his friends before, thinking it would be best for the church that he should resign.

38 *Quest.* Did you ever make a calculation about it?

Ans. No, sir; I did not go around and see who was in favor of Mr. Baird, and who was not, I did not take names.

39 *Quest.* How is it that you recollect with so much accuracy that you were present in church on the first Sunday in October, 1859?

Ans. Well, it was on account of there being quite a feeling in the church on account of the statement Mr. Baird had made against Mr. Mackey.

40 *Quest.* Did you make any memorandum?

Ans. It was after the meeting of presbytery at Danville in September, and that is what gave me the impression that it was the first Sunday in October.

41 *Quest.* Did not this Mr. Grafius, of whom you speak, make some opposition to Mr. Baird before he took charge of that church, and did not that opposition give rise to a very large and excited meeting of the congregation, who united in a particular request that he should take charge of the church, notwithstanding the opposition created by Mr. Grafius?

Ans. Mr. Grafius, I believe, was opposed to having Mr. Baird called as pastor of the church; there was after that an effort made to have Mr. Baird stay; what proportion of

the congregation was connected with that move I can't answer, nor how many members; I was not a member of the session at that time.

42 *Quest.* Did you belong to the Grafius, or the anti-Grafius party?

Ans. I was friend to both; I belonged to neither party.

The witness being shown a paper, bearing date August 8th, 1859, marked by me *Exhibit U* on the part of the prosecutor, is asked—

43 *Quest.* Is that the paper you handed to Mr. Baird?

Ans. Yes, this is the paper I had reference to.

44 *Quest.* Did you know a gentleman named John B. Wagner, and also one named David Carskadden?

Ans. Yes, I know those gentlemen.

45 *Quest.* Do you know their signatures?

Ans. Yes.

The witness being shown a paper, marked by me *Exhibit V* on the part of the prosecutor, is asked—

46 *Quest.* Is the name, John B. Wagner, signed to this paper, the handwriting of John B. Wagner, and the name, David Carskadden, the handwriting of said Carskadden?

Ans. I can speak positively as to Wagner's signature—this is his; Carskadden's I am not so familiar with, but I think this handwriting is his.

47 *Quest.* They were members of Mr. Baird's congregation, were they not?

Ans. They were supporting members of the congregation, not members of the church—I desire to say here, by way of explanation, that when I said there were from a hundred and twenty to a hundred and forty members of the church, I meant communicant members, and not members of the whole congregation.

Being re-examined—

48 *Quest.* In your cross-examination, you were asked the question, "what do you mean by serious quarrel or difficulty," to which you answered, "I mean persons being brought before the sessions;" by whom were those persons brought before the sessions?

Ans. Persons were notified to appear by the sessions.

49 *Quest.* Upon whose charges?

Ans. I can't answer that question.

50 *Quest.* In whose favor did the trial before the presbytery you have alluded to result?

Ans. It was not terminated there; I am not able to answer the question.

51 *Quest.* Was it appealed to the synod?

Ans. Yes, sir, it went to the synod.

52 *Quest.* How did it result there?

Ans. The matter was quashed there somehow, but I don't know how.

53 *Quest.* Did the same persons generally, who composed the congregation when Mr. Baird was called to it, also compose the congregation when he was requested to resign?

Ans. Yes, sir.

The witness being shown *Exhibit V* (or one of the papers included in said exhibit), dated Lockhaven, November 1st, 1859, addressed to Rev. Mr. Kerr, is asked—

54 *Quest.* Do you know whether the Rev. Mr. Kerr ever received that letter?

Ans. I know nothing about it.

The witness being shown another of the papers, included in *Exhibit V*, dated Lockhaven, November 1st, 1859, addressed to Rev. Mr. Kerr, signed with the signature of many persons, is asked—

55 *Quest.* Do you know in whose handwriting this paper is?

Ans. I do not know—I cannot testify to that.

56 *Quest.* Does the body of the letter and signature appear to be in the same handwriting?

Ans. Yes, it does.

Note.—Mr. Chetwood objects to these papers included under *Exhibit V* being used by the prosecutor in evidence.

S. H. Fredericks.

Sworn and subscribed before me, this fifteenth day of December, A. D. 1864.

Chas. P. Stratton, *M. C.*

John D. Stratton, a witness, being produced on the part of the defendants, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. At Lockhaven, Clinton county, Pennsylvania; I have lived there about seventeen years.

2 *Quest.* Are you acquainted with Mr. James H. Baird, and when did you first become acquainted with him?

Ans. I am acquainted with him, and became acquainted with him on his first visit, by invitation, to preach to the Great island congregation previous to a call being made to him.

3 *Quest.* When Mr. Baird first came there, was you a member of that church or congregation?

Ans. I was a member of the church.

4 *Quest.* Have you continued so from that time to this?

Ans. Yes, sir, except for a very short space of time, dur-

ing which I was suspended by the Rev. James H. Baird; I was afterwards reinstated, by the entire proceedings being rescinded on the ground of illegality.

5 *Quest.* Was Mr. Baird invited to that congregation to preach on trial before he was called there?

Ans. He was.

6 *Quest.* Will you state what took place in reference to his first preaching there on trial, and the conclusion of the congregation, or the officers of the church, in relation to his being invited to settle there?

Ans. (This question objected to.) The call was made out for him, and placed in his hands for acceptance after he had preached on trial; previous to his accepting the call, a letter was received, which changed the minds of the session as to the propriety of his accepting the call.

7 *Quest.* Before he made known his acceptance was he paid for coming there on that invitation to preach, and if so, state the circumstances in relation to that transaction?

Ans. (This question objected to.)—I think he was not paid until after he accepted the call; by invitation of one of the members of the church, the session met at my house (or two members), and both agreed, after having read the letter referred to, that it was better for the interests of the church not to have him come among us; the session then agreed to notify him that he could leave on Monday morning, and proposed to pay him a sum not less than forty, nor more than fifty dollars, to defray his expenses in coming among us, and returning to his home; on the return of Mr. Crawford, one of the session, he thought it best to mention the matter to Mr. Baird; Mr. Baird agreeing to leave on Saturday morning, Mr. Crawford returned to my house, and procured from me forty-three dollars, for the purpase of paying Mr. Baird, which, with seven he had, made up fifty, to be given to Mr. Baird for the purpose of paying his travelling expenses; he did not go (that is Mr. Baird), but preached to his congregation on Sunday morning; and in the evening of the same day a large congregation assembled of members and supporters, and of persons who had never been in the church before nor afterwards; at this meeting of the congregation a resolution was offered to take a vote whether Mr. Baird should leave or remain as pastor of the church; in the vote, there was but three votes against his remaining, and Mr. Baird remained as pastor of the church.

8 *Quest.* Do you know whether Mr. Baird, before the meeting of the congregation referred to, was made acquainted with the wish of the members of the session that he should not accept the invitation which had been delivered to him?

Ans. (The question objected to.)—Not from any personal knowledge of my own; I was informed by Mr. Crawford, on his return to my house, that he had made known to Mr. Baird the wishes of the two members of the session.

9 *Quest.* Was Mr. Baird present at the congregational meeting you have referred to?

Ans. He was not.

10 *Quest.* Do you know whether any of those persons who did not belong to the congregation voted at that meeting?

Ans. I do not.

11 *Quest.* While Mr. Baird was pastor of that church did he have any serious quarrels or difficulties with any of the members of his church or congregation?

Ans. He did.

12 *Quest.* Do you know with how many, and who they were?

Ans. He had difficulties with two members of the church—their names were Jacob Grafius and John D. Stratton (myself).

13 *Quest.* Were the subjects of those quarrels or difficulties very generally understood and freely discussed among Mr. Baird's congregation and church members?

Ans. (Objected to.)—I think so.

14 *Quest.* Was Mr. Baird sustained on his side of those quarrels or difficulties by more than five-sixths of the congregation, or by what portion of the congregation was he sustained?

Ans. From my knowledge, I think he was not sustained by five-sixths; I should think there were not over thirty or forty persons in favor of Mr. Baird at the time of the difficulty.

15 *Quest.* During the whole, or the greater part of the time while Mr. Baird was pastor, was there dissatisfaction in the congregation with Mr. Baird's ministrations and conduct towards his people, and to what extent did it prevail?

Ans. (This question objected to.)—Mr. Baird preached with acceptance for some considerable time after locating among us; but at the close of his ministrations among us there was considerable dissatisfaction, so much so that his warmest friends and supporters joined in a petition asking the presbytery to dissolve the relationship existing between pastor and people.

16 *Quest.* While Mr. Baird was pastor there, did he frequently call his session together, and arraign before them members of his congregation, and prefer charges against them? [This question objected to.]

Ans. He did so three or four times to my knowledge.

17 *Quest.* Do you know what portion of the congregation were in favor of Mr. Baird's resignation of his charge or disconnection with his people?

Ans. (This question objected to.)—I do not know the exact number, I should think a very large portion were.

18 *Quest.* Were you present in the church on the first Sunday of October, 1859, and did Mr. Baird officiate on that day?

Ans. I do not recollect the date; I was present on the Sunday when Mr. Baird made some remarks in relation to Mr. Mackey.

19 *Quest.* On the day referred to did Mr. Baird say anything on the subject of being called on by Mr. Samuel H. Fredericks with a letter from Mr. Mackey, to call a meeting of the congregation, and if so, state what he said?

Ans. (This question objected to as irrelevant.)—He did say from the pulpit that Mr. Fredericks called upon him, at the request of Mr. Mackey, with a letter from Mr. Mackey, asking him to call a congregatianal meeting.

20 *Quest.* Was Mr. Fredericks at the meeting in the church referred to by you, and did he make any reply to Mr. Baird when he made that statement, and what was his reply?

Ans. (This question objected to.) He was there, and replied to Mr. Baird that he was mistaken—Mr. Mackey having sent him.

21 *Quest.* Were you present at a meeting of the session of the church when Mr. Baird made any statement of what you had said about your discontinuing to attend the church services?

Ans. I was.

22 *Quest.* What statement did Mr. Baird then make?

Ans. (This question objected to as irrelevant.)—Mr. Baird said, I would not have changed my course or acted any differently from what I had, had I to do over what I had done.

23 *Quest.* Did Mr. Baird say, on that occasion, that you said you would not change your course, or do any differently?

Ans. (This question objected to.)—He did, sir.

24 *Quest.* Had you ever said what Mr. Baird there stated you had said?

Ans. I had not.

25 *Quest.* Had you said anything on that subject, and what did you say?

Ans. I had said that I would not have absented myself from services, if I had it to do over.

26 *Quest.* Previous to that time, had you had any conversation with Mr. Baird on the subject alluded to?

Ans. (This question objected to as irrelevant.)—I had;

Mr. Baird called upon me, at my house, for the purpose of ascertaining my views in absenting myself from church; I told him that I would have continued going to church had I to do it over again.

27 *Quest.* Did you, shortly after that conversation with Mr. Baird, resume your attendance upon the church services? [This question objected to.]

Ans. I did, sir, and continued to attend till Mr. Baird's resignation.

[The witness being shown the three papers heretofore marked as *Exhibit V* of the prosecutor, is asked—

28 *Quest.* Have you read over all the names attached to the paper, commencing with the name Nathaniel Hanna, and ending with the name of Harriet Quigley?

Ans. I have, sir, and find them all either members or supporting members of the congregation.

Being cross-examined by Mr. Browning—

29 *Quest.* Did you see the letter shown to the session touching Mr. Baird becoming the pastor of the Great island congregation?

Ans. I did.

30 *Quest.* By whom was it written?

Ans. The Rev. Samuel A. Gazley.

31 *Quest.* To whom was it directed?

Ans. I think to Mr. Grafius.

32 *Quest.* Was Mr. Grafius a member of session?

Ans. No, sir.

33 *Quest.* Did Mr. Grafius hand that letter to the session?

Ans. Yes, he did?

34 *Quest.* Do you know where that letter now is?

Ans. I do not.

35 *Quest.* About how many persons, as nearly as you can state, were there present at the congregational meeting which voted for and against Mr. Baird's remaining as pastor of that church?

Ans. I should say from three to four hundred; the church was full—there were probably never more in it.

36 *Quest.* Was that meeting called by the session?

Ans. Not to my knowledge.

37 *Quest.* Do you know whether the members of the session were there?

Ans. They were there.

38 *Quest.* Do you know who were the three persons who voted against Mr. Baird?

Ans. Mr. Mackey, Mr. Grafius, and myself.

39 *Quest.* Was Mr. Mackey a member of either the church or congregation?

Ans. He was; he was a member of the congregation and trustee at the time.

The witness being shown the paper marked *Exhibit U* is asked—

40 *Quest.* Is that the petition to which you referred of the members of the congregation, asking Mr. Baird to resign?

Ans. (After examining the paper.)—It is not.

41 *Quest.* Do you know where that petition is then?

Ans. I do.

42 *Quest.* Where is it?

Ans. It is here in my possession.

43 *Quest.* Please produce the paper?

The witness here produces a paper, and says, this is the paper to which I referred; I desire to keep the original, but have no objections to a copy being made of the same to be used as evidence in this cause. [It is here agreed that a copy of this paper shall be made, and marked as *Exhibit W* on the part of the prosecutor.]

44 *Quest.* From whom did you get that paper?

Ans. From Samuel H. Fredericks.

45 *Quest.* When?

Ans. On last Tuesday night.

46 *Quest.* In whose handwriting is the petition, except the signatures?

Ans. I am not able to answer that question.

47 *Quest.* Was that the first you had seen of it?

Ans. No, sir.

48 *Quest.* Do you know where it has been since the time of its execution?

Ans. The paper was in the hands of the commissioner, Mr. M. S. Bonham, to take to presbytery; since the presbytery, it has been in the hands of Mr. Fredericks until, I presume, he gave it to me; I mean the presbytery which assembled in October, 1859, at Danville; the paper was not presented to the presbytery, for the reason that Mr. Baird had agreed to resign his pastoral charge; he did not resign at the time—a month, or about that time, had expired when another meeting of presbytery was called, at which time Mr. Baird resigned.

49 *Quest.* Were you at either of these presbyteries?

Ans. I was not.

50 *Quest.* Do you know, of your own knowledge, what was done with this paper at either of them?

Ans. I do not.

51 *Quest.* How do you know that it was not presented at the first presbytery for the reason you have stated?

Ans. Only from what Mr. Bonham has told me.

52 *Quest.* Do you know whether Mr. Baird was present at these presbyteries?

Ans. Only from what Mr. Bonham has told me.

53 *Quest.* What was the occasion of your absenting yourself from church, as you have stated?

Ans. It was by reason of a difficulty between Mr. Baird and myself.

Being re-examined—

54 *Quest.* When you produced the petition directed to presbytery, on being asked to produce it by the counsel of Mr. Baird, did Mr. Baird read the petition or examine it?

Ans. He examined it, or looked over it.

55 *Quest.* Did you hear Mr. Baird say whether he had ever seen it before?

Ans. I understood him to say that he had never seen that petition before.

JNO. D. STRATTON.

Sworn and subscribed before me, this fifteenth day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

December 17th, 1864.—The examination of witnesses in this cause, on the part of the defendants, is hereby closed, and an adjournment is made to Thursday next, the 22d instant, at the hour of ten o'clock A. M., for the purpose of commencing the taking of testimony on the part of the prosecutor.

December 22d, ten A. M.—Examination continued. T. P. Carpenter, esq., appeared for prosecutor, and Peter S. Voorhees for defendants (Mr. Chetwood absent).

Cassandra Gibson, (*Mrs.*), a witness produced on the part of the prosecutor, being duly sworn, saith—

1 *Quest.* Did the Rev. James H. Baird board at your house in September, 1862?

Ans. Yes, sir.

2 *Quest.* Was the communion celebrated in the Fifteenth church, Philadelphia, in the September of that year, and were you present at a preparatory meeting on the preceding Friday evening?

Ans. I was there on Friday evening—that was all; I was not at the communion.

3 *Quest.* Did you understand there were tokens delivered on that evening?

Ans. I suppose there were—it is customary in the church; I left immediately after service.

4 *Quest.* Did you and your daughter go to that meeting with Mr. Baird?

Ans. That I do not distinctly remember—I know he did not come home with us.

5 *Quest.* Did you and your daughter return immediately after service?

Ans. Yes, sir.

6 *Quest.* Where did you live?

Ans. In Twelfth street, the second door below Fitzwater.

7 *Quest.* Was your husband absent at the time?

Ans. He was in the army at the time.

8 *Quest.* Do you recollect at what time in the evening Mr. Baird returned?

Ans. It was between half-past ten and eleven, but not eleven.

9 *Quest.* Was your attention called to these circumstances very shortly after their occurrence?

Ans. I can't remember, but I think very likely they were.

[A letter, dated October 16th, 1862, in lead pencil, marked by me *Exhibit X* on the part of the prosecutor, being shown to witness, she is asked]—

10 *Quest.* Was that letter written by you, at the time it bears date, to Mr. Baird?

Ans. Yes, sir; written at the time it is dated.

11 *Quest.* Was it written very shortly after the occurrence to which it refers?

Ans. That I can't remember, but I rather think it was; Mr. Baird, in a few days after, called my attention to the matter, and asked me if I remembered the time of his coming in.

12 *Quest.* Did you then, in consequence of Mr. Baird's inquiry, write that letter?

Ans. Yes, sir.

13 *Quest.* When that letter was written, were the circumstances fresh in your recollection?

Ans. Yes, I think they were.

14 *Quest.* While they were fresh in your recollection, did you truly state them in that letter?

Ans. Yes; they are just as that letter states.

15 *Quest.* Is the Rev. Doct. W. J. Gibson your husband?

Ans. Yes, sir.

16 *Quest.* Do you recollect, about the time that letter was written, some man calling in the evening, inquiring for Mr. Baird, and then leaving suddenly when he appeared?

Ans. I don't recollect about the time of the letter, but I recollect a man coming in, inquiring for Mr. Baird, and leaving rather abruptly; he saw Mr. Baird in the parlor, and then left when I went in; I happened to go in about the

time; it occurred about the time these things were in agitation.

17 *Quest.* Did you understand who he was?

Ans. No, sir, I don't remember; I did hear his name, but don't remember it.

18 *Quest.* Was he connected with the Fifteenth Presbyterian church?

Ans. I do not know.

19 *Quest.* Was the man's name Johnson?

Ans. Indeed, I could not tell.

Being cross-examined, the witness says—

20 *Quest.* How long had this man been in the parlor with Mr. Baird before you went in?

Ans. Indeed, I don't know—I can't remember.

21 *Quest.* In what manner did he leave when you went in?

Ans. He left rather quickly; he rose up very soon after I went in, and went out.

22 *Quest.* What did he say, if anything, on leaving the room?

Ans. I don't remember at all—I only remember his being there, and going out of the room in rather an abrupt manner when I went in?

23 *Quest.* Did he leave without making his adieus to Mr. Baird?

Ans. I don't remember.

24 *Quest.* Was Mr. Baird boarding at your house at the time this letter (*Exhibit X*) was written?

Ans. I can't say whether he was or not—I can't remember when he came and when he went away.

25 *Quest.* When did he commence boarding at your house, and when leave there, and how long did he remain?

Ans. I could not say.

26 *Quest.* How do you know that he was boarding there in September, 1862?

Ans. Indeed I can't tell you; I know he was boarding there; I know I wrote that letter at the date of it; I know I went to church that evening, and that Mr. Baird was in the house at the time.

27 *Quest.* Did you and your daughter go to the preparatory lecture that Friday evening with Mr. Baird?

Ans. I think not—I think he did not go with us.

28 *Quest.* Did you remain there till the close of the meeting?

Ans. Yes, sir.

29 *Quest.* Did you see the tokens distributed?

Ans. No, sir, I came out as soon as the religious services were over.

30 *Quest.* If the letter, *Exhibit X*, then states that you remained at the service till after the distribution of tokens, is it a mistake?

Ans. If the letter states so it must be so—it was fresh in my memory then; if the letter states so it must be so.

31 *Quest.* At whose request did you write the letter X?

Ans. At Mr. Baird's; there was a meeting of the presbytery, and this matter was brought up, and Mr. Baird asked me if I would be kind enough to state the circumstances about his being out that night, and what time I let him in, and I wrote this note.

32 *Quest.* At what time did you and your daughter return from the Friday evening meeting—at what hour?

Ans. I could not say—as soon as the services were over.

33 *Quest.* How long was it prior to Mr. Baird's return?

Ans. Mr. Baird came in between half-past ten and eleven—I can't tell the exact minute, but it was not eleven o'clock.

34 *Quest.* How long was it prior to Mr. Baird's return that you and your daughter came in?

Ans. Mr. Baird came in between half-past ten and eleven; I don't know how much before that time we came in.

35 *Quest.* What was your usual hour for returning from such services?

Ans. I cannot tell; I don't know what time services began—it commenced at different hours.

36 *Quest.* How do you fix the hour at which Mr. Baird returned?

Ans. I was writing a letter, and after I went into the dining-room I looked up at the clock, and I observed to Mr. Baird that I was just writing a letter to Mr. Gibson; he sat down a moment, then arose, and said he would go to bed.

37 *Quest.* Had you and your daughter been home more than half an hour when Mr. Baird came in?

Ans. I think we must have been home more than that, but I can't say.

38 *Quest.* Had you been home an hour?

Ans. I can't say anything about the time; I don't know what time the services began, or how long they lasted, or anything about the time.

39 *Quest.* Had you any other person boarding with you at that time?

Ans. No, sir.

40 *Quest.* Had Mr. Baird a night-key?

Ans. He had not; sometimes he borrowed my son's, but that night he did not; the family were all gone to bed—I was up writing.

41 *Quest.* How do you know he had not your son's night-key on that night?

Ans. I know he had not, because I went to the door when he rang the bell, and let him in myself.

42 *Quest.* Did he frequently borrow the night-key of your son?

Ans. I don't know that he did, I only recollect two or three instances.

43 *Quest.* In those instances did he return after the family had mostly retired?

Ans. I cannot say—I don't know that he did.

44 *Quest.* Would there have been any necessity for his having the night-key, unless he had wished to return after the family had retired?

Ans. I suppose not; I only remember once distinctly that he said he did not think he would be in until after the family had gone to bed.

Re-examined.

45 *Quest.* Where is your daughter now?

Ans. In Clinton county, Pennsylvania—my daughter Catharine, that is.

CASSANDRA GIBSON.

Sworn and subscribed before me, this twenty-second day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

William J. Gibson, a witness produced on the part of the prosecutor, being sworn, saith—

1 *Quest.* Are you a clergyman, and where did you reside in 1862?

Ans. I am a Presbyterian clergyman; my family resided at that time in Philadelphia, in Twelfth street, second door below Fitzwater, on the west side of the street.

2 *Quest.* How long have you specially known the Rev. James H. Baird?

Ans. I have known him since the time of his settlement in Lockhaven.

3 *Quest.* Have you had frequent opportunities of seeing him, and having intercourse with him since that time?

Ans. I have.

4 *Quest.* Have you interchanged ministerial services?

Ans. We have.

5 *Quest.* Did you spend some days in his family at Lockhaven?

Ans. At different times I have been in his family when in Lockhaven.

6 *Quest.* Did you observe his deportment towards his children, and theirs towards him?

Ans. I cannot say that I made any particular observation of it.

7 *Quest.* Did you observe any harshness on his part toward them, and dread on their part of him.

Ans. I never did.

8 *Quest.* From your knowledge of his character, thus gained, and from your observation of the intercourse between him and his children, what are your impressions as to his qualifications for the care and management of his children? [Objected to as improper, &c.]

Ans. I scarcely know how to answer that question, unless I say I suppose him possessed of the ordinary qualifications to take care of a family.

9 *Quest.* Did you notice any want of affection between him and his children?

Ans. I did not.

10 *Quest.* Did the intercourse between Mr. Baird and his children appear to be frequent and affectionate?

Ans. As much so as I ordinarily see.

11 *Quest.* During the period to which you refer, were you on terms of intimacy with Mr. Baird?

Ans. I think I may say I was, though I was not so often in his house as I was in his study.

12 *Quest.* Subsequently, in 1862, did Mr. Baird make his home in your family, and how long?

Ans. I know nothing about that only by hearsay; I was absent.

13 *Quest.* Where is the Fifteenth Presbyterian church situate?

Ans. On the southwest corner of Lombard and Fifteenth streets.

14 *Quest.* How long have you been in the ministry?

Ans. I believe it is thirty-three years.

15 *Quest.* Have you been in the habit of attending the general assembly as reporter?

Ans. Sometimes.

16 *Quest.* Have you ever been a missionary of the board of missions in the Presbyterian church?

Ans. At one time I served a church that received aid from the board of missions.

17 *Quest.* Does that board, in its appointments, know of or inquire into the private pecuniary resources of its missionaries?

Ans. I believe they never do.

18 *Quest.* Are the missionaries, as a class, characterized by poverty?

Ans. Not more than ministers generally are.

19 *Quest.* What would you judge to be the average salary of Presbyterian ministers, as a class?

Ans. Having reference to the present time, I would say six hundred dollars—perhaps a few years ago five hundred dollars might have been the average.

Being cross-examined—

20 *Quest.* Upon what basis do you make your estimate of the average salaries of Presbyterian ministers?

Ans. From my general knowledge of salaries throughout the church?

21 *Quest.* What is the average salary of the Presbyterian ministers in the city of Philadelphia?

Ans. I suppose from twelve to fifteen hundred dollars.

22 *Quest.* What is the smallest salary of those having charge of Presbyterian churches, that you are acquainted with?

Ans. Four hundred dollars.

23 *Quest.* What is the largest salary that you know of?

Ans. Six thousand dollars, including California; four thousand is the largest I know of, not including California.

24 *Quest.* How large a proportion of the Presbyterian ministers in the United States receive less than six hundred dollars, and how great a proportion or per centage receive more?

Ans. I should say from one-fourth to one-third receive less than six hundred dollars, unless their salaries have been raised recently.

25 *Quest.* Then is not your estimate too small.

Ans. I don't know sir.

26 *Quest.* At the time Mr. Baird was at Lockhaven where were you located, and how far from Lockhaven?

Ans. At Jacksonville, fifteen miles from Lockhaven.

27 *Quest.* In your intercourse with Mr. Baird, did you spend your time mostly in his family or his study?

Ans. The most of my time was spent in his study.

28 *Quest.* Were the children and members of the family generally in the study?

Ans. They were not generally in the study, but were in and out occasionally.

29 *Quest.* Were you with the family to any extent except during the time of taking meals?

Ans. No, sir, I was not.

30 *Quest.* When you made your exchanges with Mr. Baird, did you put up at the house of Mr. Baird, or generally with some member of the congregation?

Ans. Generally, I think, with some member of the congregation.

31 *Quest.* Were the opportunities you had sufficient to enable you to form a very accurate opinion of the character of the intercourse between Mr. Baird and his children?

Ans. I think my opportunities were sufficient to have observed, if there had been anything wrong.

32 The same question being repeated to the witness, he answers—

I can only say further, that I never suspected anything wrong.

33 The question is again asked of the witness—

I can only give you the opinion I had formed—I may be mistaken—my opinion may be wrong.

34 *Quest.* Did you observe any particular fondness manifested by Mr. Baird toward his children, or by his children toward him?

Ans. I cannot recollect any instance in particular of the kind.

35 *Quest.* How long did Mr. Baird reside at Lockhaven while you were at Jacksonville?

Ans. I did not belong to the same presbytery, and cannot tell when he came there or left there.

36 *Quest.* How long has it been since he left Lockhaven?

Ans. I cannot tell.

37 *Quest.* How long were you in the army?

Ans. I went in October, 1861, and was in the army nearly two years.

38 *Quest.* After you went into the army, did you meet Mr. Baird frequently?

Ans. I can't recollect but once after I went into the army to the time that I finally left it.

Re-examined.

39 *Quest.* When you were reporter of the proceedings of the general assembly, did you report for the Presbyterian, the church paper?

Ans. I did so once.

WM. I. GIBSON.

Sworn and subscribed before me, this twenty-second day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Joshua S. Pearson, a witness produced on the part of the prosecutor, being duly sworn, saith—

1 *Quest.* Where did you live in the year 1862, and how long had you lived there?

Ans. I lived in Fitzwater street, in Philadelphia, the first door west of Tenth street, on the north side—I lived there about twelve years—I left there in March last.

2 *Quest.* Did you own the house?

Ans. Yes, sir.

3 *Quest.* What family have you, or had you, in 1862?

Ans. My wife and youngest son were all that were at home.

4 *Quest.* You have several sons engaged in business in Philadelphia, have you not?

Ans. Yes, sir, five sons; one is in the Schuylkill navigation office, Walnut street, one is with C. & D. Kelley, dry goods merchants in Market street, a clerk in their employ, one is in Lippincott's book-store, Market street above Seventh, one is in the Girard Bank, a teller, and one is with De Haven & Brothers, brokers, in Third street below Market.

5 *Quest.* Did you know the family who lived next door to you in 1862?

Ans. Yes; it was Mr. George Fetter, a school teacher; the second house above was Mr. Palmer's; there are but three houses between Tenth and Erie streets, and but three between Erie street and Eleventh; Doct. Cunnington at that time lived on the corner, west of Erie street.

6 *Quest.* Were those all respectable families?

Ans. Yes, sir.

7 *Quest.* Was there a house of bad reputation in that square?

Ans. Not that I ever knew of on that side of the street.

Being cross-examined.

8 *Quest.* What is your business?

Ans. I am a hatter by trade; I have not been in business for the last twelve years.

9 *Quest.* Have you an income sufficient to support you?

Ans. My wife and I have together; she has some, and I have a little.

10 *Quest.* At the time spoken of, in the year 1862, had you any domestics employed in your family?

Ans. Yes, one, a colored girl.

11 *Quest.* Had the families living west of you any servants?

Ans. No, sir; the gentleman and his wife lived together there; they had no servants—her sister lived with them; she taught in one of the public schools.

12 *Quest.* Were you in the habit of visiting the families who lived on the same side of the street with you?

Ans. We visited Mr. Fetter's quite intimately; did not visit Mr. Palmer's; visited Doct. Cunnington's and Mr. McAllister's, from out of the six families on the north side of the street between Tenth and Eleventh.

13 *Quest.* Was the opposite side of the street built up?

Ans. It was; there were five houses below Erie street, and

three above; they were then, and are now, all occupied by colored people.

JOSHUA A. PEARSON.

Sworn and subscribed before me, this twenty-second day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adjourned to Tuesday next, December 27th, at ten o'clock in the forenoon.

Tuesday, December 27th, ten o'clock A. M.—The examination of witnessess for the prosecution was continued, S. H. Grey, esq., conducting the examination in the absence of Messrs. Browning and Carpenter, counsel of the prosecutor, Mr. Chetwood present for the defendants.

Rachel Hawke, (*Mrs.*), a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. At No. 704 Orange street, city of Philadelphia.

2 *Quest.* How long have you lived there?

Ans. It will be fourteen years the 16th of next May.

3 *Quest.* What is your business?

Ans. My business is shirt making for the last fourteen years, that is in that place I made shirts, and kept a store for twenty-seven years; I do not keep a store now.

4 *Quest.* Where is Orange street located?

Ans. Just above Spruce, and goes from Seventh to Eighth streets; it extends through from Seventh to Eighth, that is the whole length of the street; it only extends one square.

5 *Quest.* In what portion of the street do you reside?

Ans. I live in the second house from Eighth street.

6 *Quest.* Is the street closely built up?

Ans. There are but four houses on the street; on the north side of the street the Quaker meeting-house occupies the whole square; there are no houses on the north side.

7 *Quest.* For what purpose are the houses on Orange street occupied?

Ans. They are occupied by decent respectable people of the lower class; the house at the corner of Seventh and Orange streets is occupied by a Mr. Bruce, who keeps a music store in Seventh street, above Market; the next one is occupied by a Mr. Beck, who is employed by Tasker & Morris; he learnt his trade of them, and is a hard working, decent respectable man; the third house from the lower end is mine, and the next one above me towards Eighth street is occupied by a man named Edward Davis, and they are a

very respectable decent family; they have lived there two years, and there never was a quieter house; the houses are all private residences.

8 *Quest.* What is the general reputation of the inhabitants of that street for morality, and what has been their reputation during the last fourteen years in which you have resided there?

Ans. I never am acquainted in a street in which I live, but the people there are both industrious and respectable and civil.

9 *Quest.* Have you ever heard or known of the existence of a disreputable house in that street during your residence there?

Ans. About five years ago there was a house there of that kind for about one month; a drunken woman got possession of a house, but the agent turned her out at the end of one month—I don't mean to say that it was a house of ill fame; the ladies in Spruce street wrote to Mr. Kingston, the agent, about the house, and he put the woman right out; I don't mean to charge that the house was a house of ill fame—I don't know that; one evening, before dark, there was a great noise of a woman screaming in the yard of the house, and it was just after that she was turned out; a drunken woman is a nuisance in a neighborhood.

10 *Quest.* What is your age?

Ans. I was born in October, '98—I am about sixty-six.

Being cross-examined by Mr. Chetwood, says—

11 *Quest.* Is your husband living?

Ans. No, sir; he died in 1827.

12 *Quest.* Do you occupy the whole house you live in?

Ans. I occupy it so far that I have been proprietor of it for the last fourteen years.

13 *Quest.* Is it a two or three story house?

Ans. A three story house.

14 *Quest.* What family have you?

Ans. I have only myself; I have no members of my family living with me.

15 *Quest.* Have you any sons or daughters in Philadelphia?

Ans. I have no children.

16 *Quest.* Do you hire out any part of the house?

Ans. Sometimes I do.

17 *Quest.* Did you hire out any part of the house in the spring of 1862?

Ans. I did; I had a family living with me at that time named Clifford.

18 *Quest.* Of how many did that family consist?

Ans. Of two, a man and wife; I have never had more than two with me.

19 *Quest.* In 1862 had you any person beside that Mr. Clifford and his wife occupying the house with you?

Ans. No, I had not.

20 *Quest.* How many rooms did they occupy?

Ans. Three.

21 *Quest.* Was there a rear building to the house?

Ans. No.

22 *Quest.* How many bed-rooms are there in the house?

Ans. Just as many as we choose to make bed-rooms of; the house is a large three story double house, with a large basement kitchen.

23 *Quest.* Did you take any boarders in 1862?

Ans. No, sir; I never took a boarder.

24 *Quest.* How many rooms did you occupy yourself?

Ans. Sometimes more and sometimes less—sometimes I occupy four, and sometimes six.

25 *Quest.* What was your own family in 1862?

Ans. Myself, sir.

26 *Quest.* Had you no help in the house at that time?

Ans. No; when I do have help, they come in the morning, and go out at night.

27 *Quest.* In 1862, how many bed-rooms did you have furnished in that house?

Ans. I had my own furnished.

28 *Quest.* Had you any other rooms beside your own with beds in at that time?

Ans. No, never.

29 *Quest.* Will you tell me how many rooms are in the house?

Ans. Nine.

30 *Quest.* How long have you been acquainted with Mr. James H. Baird?

Ans. I am not acquainted with him—I never saw him till last night; it is the reputation of my own place that has brought me here through the water.

31 *Quest.* Did Mr. Baird call on you last night to come over here, and be a witness for him?

Ans. He did not ask me to come and be a witness for him, sir; it was through the reference of my landlord, Mr. Sparks, I having lived there the longest, that Mr. Baird was sent to me.

32 *Quest.* How do you know that Mr. Sparks sent Mr. Baird to you, or that Mr. Baird was sent to you through the influence of Mr. Sparks?

Ans. He (Mr. Baird) mentioned Mr. Sparks' name; he said that a gentleman, with whom Mr. Sparks was ac-

quainted, had referred him to me to know the character of the place.

33 *Quest.* State all that Mr. Baird said to you to induce you to come over to Camden to be a witness?

Ans. He said nothing to induce me to come over here; he merely asked whether it was a place of good repute, and whether it was not considered decent for a man to be seen coming in them houses.

34 *Quest.* Was you acquainted last night, when Mr. Baird first came to your house, with the persons whom you have named as the occupants of the other three houses in Orange street?

Ans. I never spoke to them in my life—I don't see the people often; the people next door I have spoke to when they first came, and no more, merely on business points; I stay in my own house winter and summer, and mind my own business; the people next door are quiet, respectable people, and such people as you are never plagued with.

35 *Quest.* Have you been in the habit at all of visiting the persons occupying those houses?

Ans. No, sir, by no means, nor never did so in any neighborhood that I have lived in—it is rather too low.

36 *Quest.* What do you mean by too low?

Ans. I never lived in neighborhoods where they run from door to door with the dish water in their hands, gabbling and talking, and never shall.

37 *Quest.* Do you know anything at all of what is going on in those houses, or of the conduct of the inmates of those houses at night?

Ans. It is a very easy matter in a neighborhood like that, living close together, to know the character of the people in the neighborhood, by their getting up early in the morning, and going to bed early at night, you can soon see what the quality of the people is; the lower house is a music teacher, and has pupils going backward and forwards all the time, and is highly respectable.

38 *Quest.* Have you been in the habit at all of being out in the evening, where you have had an opportunity to see whether males and females have been in the habit of going in and out at night of the other houses in Orange street?

Ans. I don't know; I think I have a great deal better chance than if I went in and out—my work room is the second story front room, which gives me the best chance of any other place to see and hear, and there has been no more communication between them families than there has been between mine and them—every one lives private by themselves; they never stand out and talk; I am never out at night, except as my business calls me; then I go and come

quick; sometimes I go to the upper end of town in the cars, but I am no runner.

39 *Quest.* When you are in your work-room at night, do you always have a light in your room to work by?

Ans. I can't work very well with, and I could work less without.

40 *Quest.* When your work-room is lighted up at night, if persons were going in and out of those other houses, would you be able to see them?

Ans. I would truly, and I should like to know where the people are to come from to go in.

41 *Quest.* What is the size of the other houses in Orange street?

Ans. The next one to me is a two story house; the other two are three story houses; there is only one two story house in the square.

42 *Quest.* Have you ever heard, since you have lived there, that there was a reputation or rumor that there were houses of ill repute in that neighborhood?

Ans. No, sir; there wouldn't be, unless Eighth street or Spruce street.

43 *Quest.* How long did that woman live there whom you have said they put out of the house?

Ans. It was a man who was proprietor of the house—the woman was there; they staid there just one month.

44 *Quest.* Why did they put the man out?

Ans. I suppose he was responsible.

45 *Quest.* Do you know whether that house was the subject of complaint soon after the man and woman moved into it?

Ans. There was nothing heard or known about it till that evening; then a Spruce street lady sent word right away to the agent.

46 *Quest.* Did you hear that woman hallowing the night you have spoken of?

Ans. I heard a noise there.

47 *Quest.* Did you hear the woman?

Ans. I heard a noise—I can't say what it was—I never go to interfere; the alley lays between our yards.

48 *Quest.* Before Mr. Baird called upon you, did you know as much about who occupied the other houses in Orange street as you know now?

Ans. I knew as much then as now.

49 *Quest.* Did Mr. Baird, or any other person after Mr. Baird called on you, tell you who occupied those other houses?

Ans. No.

50 *Quest.* Did you tell Mr. Baird who occupied those houses last night?

Ans. I told him they were occupied by respectable people, but don't know whether I mentioned names; I think most I mentioned Mr. Bruce, him being a music teacher, but that I am not certain of.

51 *Quest.* Before Mr. Baird called on you last night, did you know that all the persons you have named occupied those houses?

Ans. Yes, sir.

RACHEL HAWKE.

Sworn and subscribed before me, this twenty-seventh day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Ellen McGowan, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. In Philadelphia, No. 518 South Twentieth street.

2 *Quest.* Are you a member of the Presbyterian church?

Ans. I am, I believe—I have been a member ever since the Fifteenth Presbyterian church was built—about eight years I should think.

3 *Quest.* Are you married?

Ans. No, sir; I am a widow, the widow of Neill McGowan.

4 *Quest.* Was Neill McGowan, in his lifetime, a member of the Fifteenth Presbyterian church?

Ans. He was.

5 *Quest.* Was the Rev. James H. Baird pastor of that church at the time of your husband's death?

Ans. He was.

6 *Quest.* Did he, as pastor of that church, visit your husband during his last illness?

Ans. Yes, sir.

7 *Quest.* Was he present at the funeral of your husband?

Ans. He was not.

8 *Quest.* Why was he not there?

Ans. He was sick at the time, and going out into the country.

9 *Quest.* Did he write a note to any person, and if so, to whom, requesting them to provide a minister to attend to your husband's funeral in case of his absence?

Ans. Yes; I think to Mr. Johnson; the Mr. Johnson I mean was one of the trustees of the church.

10 *Quest.* How long before your husband's death was this note written?

Ans. I think, to the best of my recollection, it was five or six days, I will say five; my husband was then in a dying condition.

11 *Quest.* Did you observe the date of this note?

Ans. No, sir.

12 *Quest.* Where was this note written, and at whose request?

Ans. The note was written at Mr. Baird's house, and by the request of my husband.

13 *Quest.* When and by whom was this note delivered?

Ans. It was delivered the last evening that Mr. Baird visited my husband, and it was my little girl carried it from Mr. Baird's to my house.

14 *Quest.* How long did you keep this note in your possession?

Ans. I kept it till the evening of the day that my husband died, then I sent it to Mr. Johnson—I sent it by my son, Daniel McGowan.

15 *Quest.* Where is your son Daniel now?

Ans. He is in the army, when I last heard from him, at Nashville.

16 *Quest.* When did your husband die?

Ans. Two years ago the first of last August.

17 *Quest.* Did Mr. Johnson, to whom this note was delivered, call upon you, after your husband's death, to question you about the difference of time between the date of said note, and the time of its delivery, accompanied by Mr. Baird?

Ans. Yes, sir; I explained the difference to him.

18 *Quest.* Did you state the facts you have stated here on examination to Mr. Johnson?

Ans. I did; I stated to Mr. Johnson that the cause of the note being dated so long before was that Mr. Baird was going to leave the city, and my husband requested him to leave a note, so that I would have no trouble if anything should happen before his return.

19 *Quest.* What did Mr. Johnson say in reply?

Ans. He seemed to be satisfied with the statement I made him at that time.

Being cross-examined by Mr. Chetwood—

20 *Quest.* How do you know that Mr. Baird wrote the note at his house, as you have stated?

Ans. I don't know only by his own signature and the little girl carrying it from his house, and himself giving it to her.

21 *Quest.* How do you know Mr. Baird gave the note to the little girl?

Ans. I did not see him.

22 *Quest.* How do you know Mr. Baird was sick then?

Ans. He said he was sick when he visited my husband last; he was unable to preach.

23 *Quest.* How do you know that your son delivered the note to Mr. Johnson?

Ans. Mr. Johnson told me so.

24 *Quest.* When was it that Mr. Johnson called on you, with Mr. Baird, to inquire about the difference between the date and delivery of the note?

Ans. I can't exactly tell the time, it was after my husband died.

25 *Quest.* Did Mr. Baird at that time tell you or Mr. Johnson that he was out of Philadelphia when your husband died, and where he was?

Ans. No, sir; he did not say anything about that.

26 *Quest.* Did Mr. Johnson at that time say that Mr. Baird was not out of Philadelphia?

Ans. (This question objected to.) Not to me, sir.

27 *Quest.* Did he say so to Mr. Baird?

Ans. Not in my presence—not that I know of.

28 *Quest.* Did Mr. Baird ever tell you where he was when your husband died?

Ans. He did not; he told me he was out of town, but did not say where he was.

29 *Quest.* How soon after your husband's death did you see Mr. Baird?

Ans. That I don't recollect.

30 *Quest.* What clergyman attended your husband's funeral?

Ans. Mr. McCaskey.

[The defendant's counsel object to the witness stating the contents of a note without the production of the note.]

ELLEN McGOWN.

Sworn and subscribed before me, this twenty-seventh day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Mary Ann McGowan, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Did you go to the house of Mr. Baird, during the last illness of Neill McGowan, by direction of Ellen McGowan, your mother, to get a note from Mr. Baird?

Ans. Yes, sir.

2 *Quest.* Who delivered the note to you?

Ans. Mr. Baird.

3 *Quest.* Did he tell you who it was for? [Objected to.]

Ans. He said it was for Mr. Johnson.

4 *Quest.* What did you do with the note?
Ans. I gave it to my mother.
5 *Quest.* Was Neill McGown your father?
Ans. Yes, sir.
6 *Quest.* How long was this before your father's death?
Ans. Five or six days.
7 *Quest.* Do you know when the note was delivered to Mr. Johnson, whether before or after your father's death?
Ans. It was the night my father died.
8 *Quest.* Do you know who took it to Mr. Johnson?
Ans. My brother took it, Daniel is his name.

Being cross-examined, says—
9 *Quest.* How old are you?
Ans. I will be fourteen the 16th of January next.
10 *Quest.* How long has your father been dead?
Ans. Two years past the first of last August.
11 *Quest.* Did yon see Mr. Baird write a note at his house?
Ans. I did not see him write the note.
12 *Quest.* When was the last time you had seen Mr. Baird at your house before you went to his house, as you have stated? [Objected to.]
Ans. I can't remember that.
13 *Quest.* How long were you at Mr. Baird's house that night?
Ans. It was in the day-time; I went there and got the note, and came back again—I can't say the length of time, but I don't think I was there more than a quarter of an hour.
14 *Quest.* Was Mr. Baird in the same room with you all the time you were at his house?
Ans. It was in the bed-room I got the note; he was with me all the time.
15 *Quest.* Did you see Mr. Baird writing a note while you were there? [Objected to.]
Ans. No, sir.
16 *Quest.* How do you know that your brother Daniel took the note, and delivered it to Mr. Johnson?
Ans. I saw my mother give the note to Daniel.
17 *Quest.* Is that all the way you know?
Ans. Yes, sir.

MARY ANN McGOWN.

Sworn and subscribed before me, this twenty-seventh day of December, A. D. 1864.

CHAS. P. STRATTON, *M. C.*

Adjourned to January 4th, 1865, (Wednesday) at ten o'clock A. M.

Wednesday, January 4th, 1865, ten o'clock A. M., examination continued pursuant to the last adjournment.—Present, on the part of the prosecution, A. Browning, esq.; for the defendant, F. B. Chetwood, esq.

Elizabeth F. Kinsey (*Mrs.*), a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. In Philadelphia, at No. 1814 Lombard street.

2 *Quest.* Are you a widow or married?

Ans. I am married.

3 *Quest.* Have you any acquaintance with Mrs. James H. Baird, and if so, please state for how long and under what circumstances you became acquainted with her?

Ans. It was in January, 1862; Mr. Baird was in search of some one, I believe, to lay carpets; he went to my brother's store, in Second street, after a person; my sister told me, knowing I knew how to lay carpets, and asked me if I would go; I said I would, if my husband was willing; he said he was willing, and I went; I had not seen Mr. Baird, but I then saw Mrs. Baird, and it was with her I made the bargain respecting the carpets; they lived at that time in Twenty-first street, between Spruce and Pine, on the upper side of the way.

4 *Quest.* How long did you remain there?

Ans. Do not recollect certainly, but it was between two and three days.

5 *Quest.* While you were there, did Mrs. Baird tell you she was pregnant, and if so, what did she tell you touching the matter?

Ans. She stated to me, in one conversation, that she thought she was pregnant, and in another, that she was sure she was; she said she thought hard of it, as she was helpless, and not as able to take care of children as she should wish to be.

6 *Quest.* Did you procure anything to relieve her of the nausea occasioned by her pregnancy, and if so, state what?

Ans. At one time after I left I brought Mrs. Baird some pickled peppers, telling her they were very nice; she said she craved something sour.

7 *Quest.* While you were engaged at Mrs. Baird's were you with her much or little?

Ans. I was with her pretty much all the time; I was with her in her sitting-room.

8 *Quest.* Did you observe much of Mr. Baird while there?

Ans. No; Mr. Baird was not much about only of evenings, and I was there only two evenings.

9 *Quest.* Where did Mr. Baird spend the evenings you were there—with Mrs. Baird or elsewhere?

Ans. The house was all in an uproar, and there wasn't any particular place where the evening was spent; both Mr. and Mrs. Baird were going about the house a good bit, daytime and night both.

10 *Quest.* Did you observe any want of harmony between them, or was their conduct towards one another kind and affectionate?

Ans. I did not observe anything that was like a want of harmony between them; they seemed kind and affectionate in my presence.

11 *Quest.* Did you observe the children of Mr. and Mrs. Baird about the house?

Ans. The children were not a great deal about the house—they were generally sent away with the nurse up stairs.

12 *Quest.* Did you observe anything peculiar in the conduct of Mr. Baird towards his children, or in the conduct of the children towards him?

Ans. No.

Being cross examined by Mr. Chetwood.

13 *Quest.* Can you state positively what time in 1862 you were at Mr. Baird's house?

Ans. No; I can't state positively—it was in January.

14 *Quest.* What do you mean by the house being in an uproar?

Ans. I mean that they had just moved in recently, and nothing was put to rights.

15 *Quest.* Have you any data which fixes in your mind with any certainty the time at which you were at Mr. Baird's house?

Ans. No, sir; nothing more than I know it was in January; Mrs. Baird had told me they had just moved there, and they moved away again right away, as I heard from my sister.

16 *Quest.* Who was present, if anybody, when Mrs. Baird spoke to you on the subject of her pregnancy?

Ans. No one was present but our two selves.

17 *Quest.* Can you state all that she said to you on the subject?

Ans. I don't know that I can state all; we had two conversations I think—one was in the dining-room in the evening—no one was present then; she said she was very much afflicted, that she was helpless, and could not take care of her children very well; she also said that nurses never gave the tender care to children that mothers could, and that she would rather not have so many; she said, too, that she had none of her friends with her, to do little kind acts for her in

her sickness and to sympathize with her; she said she often felt the want of sympathy, and was very lonely away from her friends; this was about the substance of our conversation.

18 *Quest.* Have you stated all that Mrs. Baird said to you on the subject of her pregnancy?

Ans. I don't think I have stated all; another conversation we had was in her bed-room, at least it was a back bed-room; she then told me that she thought Mr. Baird might deal a little more gently with her; that she was too delicate to have children; that was the substance of that conversation.

19 *Quest.* In your answers to my questions, have you stated all that you can recollect Mrs. Baird said to you on the subject of her being pregnant?

Ans. All that I am willing to swear to; my recollection is not clear.

20 *Quest.* You have said that Mrs. Baird had two conversations with you on the subject of her pregnancy—can you recollect how much time intervened between those conversations?

Ans. No; I can't recollect—one was in the evening and one was in the daytime; both conversations were at her house during the time I have spoken of.

21 *Quest.* When you went to Mr. Baird's house, in what state of health did you find Mrs. Baird?

Ans. She did not seem to be very well—she seemed to be suffering a great deal with rheumatism.

22 *Quest.* Did her rheumatism prevent or disable her from doing the ordinary things in a family which mothers in moderate circumstances usually perform?

Ans. I think it did in a great measure—that is my opinion.

23 *Quest.* Did you administer in any way to Mrs. Baird's ailment with rheumatism?

Ans. Yes; I bathed her with liniment—I think there were two different kinds of liniment I used—I bathed her frequently; do not recollect anything more.

24 *Quest.* Did you send the pickles you have spoken of to Mrs. Baird at her request or from your own voluntary kindness?

Ans. It was from my own voluntary kindness I took them; I heard Mrs. Baird say she craved something sour; I told her I had some very nice pickles, which my mother had put up for me, and I took her some of these.

25 *Quest.* Do you recollect bringing to Mrs. Baird any other little delicacy which you thought would be acceptable to her?

Ans. I took nothing more to her, but I sent by my sister a salad, which I had told her about, and promised to send.

26 *Quest.* While you were at Mr. Baird's, notwithstanding

Mrs. Baird's rheumatic affection, was she or not engaged in the usual avocations of a mother with the children and in her household affairs?

Ans. I can't say how I can answer that—I was not there a great while; she went round through the house like other ladies; she had two servants.

Re-examined by Mr. Browning.

27 *Quest.* Did you understand why it was that Mr. and Mrs. Baird so soon left the house where you saw them, and went to another?

Ans. I presume, from the conversation I heard between Mr. and Mrs. Baird, that it was because of a sink that was offensive.

28 *Quest.* Now do you remember in which of the conversations you had with Mrs. Baird it was she said she *thought* she was pregnant, and in which it was she said she *was sure* she was pregnant?

Ans. It was in the conversation in the bed-room, I think, that she said she was sure of it.

29 *Quest.* How came you to send to Mrs. Baird the salad of which you have spoken?

Ans. Mrs. Baird had a very poor cook (so she said), and said she was not able to prepare any nice dainties for herself; I was telling her about the salad, and offered to prepare some for her, which she said would be very acceptable.

Re-cross-examined by Mr. Chetwood.

30 *Quest.* When Mrs. Baird told you that she was sure she was pregnant, did she say she *was sure*, or that she felt *pretty sure* she was pregnant?

Ans. I would not like to take my oath, because I am not positive upon the subject.

31 *Quest.* May you not have got the impression that Mrs. Baird said she felt sure, or pretty sure of her pregnancy, from her expressing to you her fears or apprehensions upon that subject, and her dread of being in that condition?

Ans. My answer I presume must be the same, for I am not positive as to the language she used.

Question by Mr. Browning.

32 *Quest.* Did not the language made use of by Mrs. Baird convey the impression that she was entirely sure she was pregnant?

Ans. I hardly know how to answer that question; she led me to suppose so—I can't say that it was so.

E. F. Kinsey.

Sworn and subscribed before me, this fourth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Edward L. Pearson, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you now reside, and what is your calling?

Ans. I now reside in Cooper street, Camden; I am a clerk in a wholesale house in Philadelphia.

2 *Quest.* Where did you reside in the summer and autumn of 1862?

Ans. In Fitzwater street, Philadelphia, the first door above Tenth street, on the north side.

3 *Quest.* How long had you been residing there, and up to what time, before you moved away?

Ans. I had been residing there about two years previous to the 8th of December, 1862—I moved out on that day.

4 *Quest.* Who owned that house at the time of your residing there, and if your father, how long had he owned it?

Ans. My father owned it at the time of my living there, and he had owned it, I presume, for twelve or fourteen years; he sold it last spring; my father's name is Joshua A. Pearson—he was examined here on the 22d of December last, as I understood.

5 *Quest.* During the time that your father resided in that house, what was his business or calling?

Ans. He had no particular business; hat finishing is his trade, but he had not followed it for some time; he had retired from business.

6 *Quest.* Who composed his family in the summer and autumn of 1862?

Ans. My father, mother, one brother, my wife, and myself.

7 *Quest.* What was your father's condition in respect to health in the month of September, and particularly in the latter part of September, 1862?

Ans. He was lying very low all that time, from the middle of August till the time I left there, December 8th, 1862, two of his sons constantly watching him night and day.

8 *Quest.* Which room of the house did he occupy whilst he was so sick?

Ans. The front room in the second story.

9 *Quest.* Was his condition such as to require persons to sit up with him at night?

Ans. Yes; his sons took turns alternately in watching him at night—my mother and sister took care of him through the day.

10 *Quest.* Do you know who occupied the several houses

along in the row where your house was situated, at that time, and the character and business of the people?

Ans. The house immediately next door to us was occupied and owned by Mr. Fetter, the principal of the grammar school; the one next door to Mr. Fetter's I don't know who resided in at that time; the one next to that, I think was occupied by Doct. Cunnington, who is still there, the leader of the orchestra of the Walnut street theatre; those are all the occupants of the houses I remember.

11 *Quest.* Was there any house of ill-fame in that row?

Ans. None, that I know of.

Cross-examined by Mr. Chetwood.

12 *Quest.* Have you ever heard there was any reputation, rumors, or conversation of there being any house of ill-fame in that locality?

Ans. (This question objected to.)—I have heard of a rumor of one being on the opposite side of Fitzwater street, but I know nothing about it; those houses were occupied by negroes.

13 *Quest.* Did you hear of that rumor while you lived there?

Ans. Yes, sir.

14 *Quest.* Did a rumor of that kind extend to any of the adjoining or neighboring streets?

Ans. (This question objected to.)—No, sir; as regards Fitzwater street, we have no knowledge of our own in our family—I only speak from rumor.

15 *Quest.* Do you know whether the rumor you have spoken of reached the ears of any other member of your family?

Ans. (This question objected to.)—Yes, our family had spoken of it, and taken measures to ascertain whether it was true, but we never found anything to warrant the suspicion.

E. L. Pearson.

Sworn and subscribed before me, this fourth day of January, A. D. 1865.

Chas. P. Stratton, *M. C.*

Rebecca E. Weir (*Mrs.*), a witness produced on the part of the prosecutor, being duly sworn, saith—

1 *Quest.* Are you married or single?

Ans. I am married.

2 *Quest.* Where do you reside?

Ans. In Philadelphia, No. 1814 Lombard street, with Mrs. Kinsey, my sister.

3 *Quest.* Did you become acquainted with Mr. and Mrs. Baird when they lived in Delancey place, Philadelphia, in the winter of 1862—if so, state how you became acquainted with them?

Ans. Mr. Baird called at my brother's store in Second street; I was not there when he first called; my brother told me that a gentleman had been there who desired some one to lay the carpets, and that as Richard, the colored man, had gone away, perhaps Mrs. Kinsey would undertake it; he said the gentleman would call again, and told me, when I went home in the evening, to ask Mrs. Kinsey; Mrs. Kinsey said she would go; when Mr. Baird called again, I told him my sister would go and do the work for them; Mrs. Kinsey went, and came home with a sick headache; she told me that she wished I would go and call on Mrs. Baird, and see how she was—that she thought she was a great sufferer from the rheumatism; I called there one evening, do not remember what evening; the servant girl let me in, and I met Mr. Baird in the entry, before going up stairs; the house was in Twenty-first street, between Spruce and Pine; I went up stairs with him, and he introduced me to Mrs. Baird; I found Mrs. Baird in bed with the rheumatism in the ankles and hands; there was a child in bed with her sick, Robert I think they called him; the child had catarrh on the breast; I told her I thought some onion draughts would do him good; she asked me if I would not make her some, saying that the servants, when she was sick, were not as attentive as when she was about; I made the draughts for her, and she said I seemed so kind, she would be glad if I would stay all night with her; Mr. Baird asked me also to stay, the child seemed so much worse; I said I could not stay all night, for my mother would be worried about me; in the meantime another lady called, who went, I think, for a physician, as the child seemed worse; I think I then rubbed Mrs. Baird's feet and hands, and after that went home; I told her if Mrs. Kinsey was able to come and see her she would do so, but that if she could not, I would bring the salad to her of which Mrs. Kinsey spoke; that is the first time I ever saw Mrs. Baird, and the second time I ever saw Mr. Baird, the first time being at the store; the second time I saw Mrs. Baird I called at the house, in the morning, with the salad, and stayed till dinner time; they were then living in Delancey place, between Twenty-first and Twenty-second streets; I finished a piece of sewing that Mrs. Baird had on hand, and she engaged me to come and sew a week for her; she said her children required a good deal of sewing done, and that with her poor hands she was not able to do much —her hands at that time were crooked with rheumatism; I

went home, first telling her I would come on the following Monday to stay a week; in the meantime a friend of my family died, and I went there on Monday, and told her I could only stay till Tuesday evening; I went home on Tuesday evening, and staid till Thursday, and on Thursday returned to Mrs. Baird's; I stayed from Thursday till the following Monday, and have never seen her since till to-day.

4 *Quest.* While you were at Mrs. Baird's, did she tell you anything about her being pregnant, and if so, what?

Ans. She spoke of it two or three different times, I don't know how many; the first time she spoke of it I was rubbing her, and she said she thought it was so, and she was very sorry for it.

5 *Quest.* Did she get you to do anything for her with reference to the enlargement of her person, and if so, what?

Ans. She brought me a dress one morning, and said she would like me to make it larger, if there was anything ailing her; she said her friends laughed at her for altering her clothes before she was sure; she said she might have to have it altered anyhow, and it was a great deal better to have it done while I was there; if she needed it, she said, it would be ready, and if not, it would not make much difference, as the dress was not worth much anyhow.

6 *Quest.* Did you let out more than one dress for her?

Ans. No.

7 *Quest.* Were you much of the time, while you were there, with Mrs. Baird?

Ans. When she was in the sitting-room I was; but she was going about the house a good deal getting it fixed up.

8 *Quest.* Did you see much of Mr. Baird?

Ans. I saw him at meals, and in the evenings generally.

9 *Quest.* Did you observe anything between Mr. and Mrs. Baird indicating kindness and affection for each other?

Ans. They seemed to be as kind and affectionate as ordinary folks, as much as I saw while I was there; I saw Mrs. Baird sitting on Mr. Baird's lap one evening—that I thought was kind and affectionate towards one another; I was taken sick the last Friday evening I staid there, and Mr. and Mrs. Baird were both very kind to me; Mrs. Baird told me, on Saturday morning, that I had fainted the evening before; that Mr. Baird had raised me up, and that she herself had been afraid to do so—in case anything ailed her, it might have hurt her to lift me.

10 *Quest.* What was Mr. Baird's conduct, so far as you observed, towards his children—kind or unkind?

Ans. I never saw any unkindness while I was there.

11 *Quest.* What was the conduct of the children toward him, so far as you observed, that of affection or fear?

Ans. They did not seem to be afraid of him—they minded him when he spoke to them; they did not seem to fondle round him as they did about their mother—children never do.

Being cross-examined by Mr. Chetwood—

12 *Quest.* When Mrs. Baird said to you that she thought she was pregnant, and was sorry for it, did she add any reason why she was sorry for it?

Ans. She said her hands were lame, and she could not attend to the children—I do not know whether she said this at that time, but she said it two or three times while I was there.

13 *Quest.* When Mrs. Baird said to you she thought she was pregnant, and was very sorry for it, did she at the same time add the expression, or words of the same import, because she was so lame and feeble?

Ans. I don't know that she did at that time, but she did say so.

14 *Quest.* Did Mrs. Baird then say to you, while you were there at any time, that if she was pregnant she was sorry for it, because she was so lame and feeble?

Ans. Yes, she did.

MRS. REBECCA E. WEIR.

Sworn and subscribed before me, this fourth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Isaac S. Mulford, a witness produced on the part of the prosecution, being duly affirmed (first alleging himself to be conscientiously scrupulous of taking an oath), saith—

1 *Quest.* Are you a practising physician of the city of Camden; and if so, for how long have you been?

Ans. I am, and have been since the latter part of 1822.

The witness being shown a paper marked *Exhibit D* on the part of the prosecutor, is asked—

2 *Quest.* Have you seen this prescription before?

Ans. The same prescription was shown to me at my office at one time.

3 *Quest.* About how long since?

Ans. About a fortnight, I should think.

4 *Quest.* Be good enough to state the character of that prescription, and what would be its probable effect upon a lady, about two months pregnant, administered to her every three hours, night and day, for four consecutive days?

Ans. As to the general character of the prescription, I should think it one likely to excite, or at least that might excite uterine action, and that, when given under the cir-

cumstances mentioned, its administration would not be free from some hazard.

5 *Quest.* What do you mean by saying "would not be free from some hazard," and what would be the dangerous tendency?

Ans. When I speak of hazard, I have special reference to the condition of pregnancy, and that expulsive action of the uterus might be excited.

6 *Quest.* Do you mean to be understood by that answer as expressing an opinion that its tendency would be to produce abortion?

Ans. I should be of opinion that such an effect would be hazarded.

7 *Quest.* What are the peculiar ingredients in that prescription calculated to produce that result?

Ans. There are three ingredients which, in a greater or less degree, might have such tendency—one is ergot, another oil of savine, and the third oil of pennyroyal.

8 *Quest.* Are not all those three ingredients well known in the profession as powerful emanagogues, or well calculated to produce an evacution of whatever may be in the uterus?

Ans. They are all given occasionally to excite uterine action.

9 *Quest.* Do you mean by exciting uterine action, an expulsion of whatever may be in the uterus?

Ans. They may be used for that purpose.

10 *Quest.* What purpose would be indicated by giving that prescription to a pregnant woman once in every three hours, day and night, for four consecutive days?

Ans. I think I have said already what I should apprehend as to effect—I wish to say nothing as to purpose.

11 *Quest.* Would it, in your opinion as a professional gentleman, be either a prudent or safe prescription under the circumstances stated?

Ans. I think there would be some hazard in its use in that manner.

Being cross-examined—

12 *Quest.* Are you acquainted with Doct. John S. Ludlow, of Philadelphia?

Ans. By reputation only; I have no personal acquaintance with him.

13 *Quest.* From your acquaintance with that reputation, what is his repute and standing as a physician in the city of Philadelphia?

Ans. I believe his standing to be respectable.

14 *Quest.* Would you administer those ingredients to a

female, not certain of actual pregnancy, for any disease whatever?

Ans. I am sure before giving it all I should wish to satisfy myself as to the fact of pregnancy.

15 *Quest.* Suppose you were satisfied that a female was in the early stage of pregnancy, would you administer that prescription, or any part of it, for any disease, including affection of the uterus or severe rheumatic affections which the patient might labor under?

Ans. It would be a very peculiar condition of things, and there might be a choice between evils, but I should apprehend the greater evil might come from the effect of the remedy.

16 *Quest.* Have the answers you have made, and the opinion expressed, been based upon the administration of the prescription once in three hours, every day and night, for four consecutive days?

Ans. The opinions I have expressed were given in connection with the conditions mentioned.

17 *Quest.* Do you think that prescription could be administered, for the frequency and length of time above stated, to a pregnant woman without producing abortion?

Ans. I should think it possible.

18 *Quest.* Is it your practice to run what you have called hazard of producing undesirable results, with the aim and object of producing a different and salutary result?

Ans. I have said there may be a choice between evils, but in that case we should be careful not to take the greater evil.

19 *Quest.* Would you use those ingredients under any circumstances of illness of a patient pregnant at the time?

Ans. When I believed the contents of the uterus had already been detached in part, and could not be preserved, and wished to produce complete expulsion thereof, I would give those, or rather similar remedies.

20 *Quest.* Would you use those remedies in any other case or condition of illness known to you, if the woman was not pregnant?

Ans. In passive hemorrhage of the uterus, a general condition of prostration, I might give them to excite the contractile force of the uterus.

21 *Quest.* Would those ingredients be proper, in your opinion, to administer to a female patient in a very low condition from extreme feebleness and prostration, attended with acute rheumatic pains?

Ans. The question is very inexact as to the seat of the pains; if they were in the limbs, I should hardly resort to those ingredients.

22 *Quest.* Is rheumatism ever located in the stomach or uterus of a female?

Ans. I think rheumatism of the stomach a very rare affection; authorities do mention a rheumatic affection of the uterus.

23 *Quest.* Can you imagine any attack of some uterine disease, accompanied with intense agony, in which you would think it proper to administer the prescription alluded to, or any of its ingredients?

Ans. I suppose such a case might be imagined.

Being asked by Mr. Browning—

24 *Quest.* Would this prescription, administered for the time, and with the frequency stated, be either prudent or proper for a woman whose uterus, on examination by the touch, to determine whether pregnant or no, was found so excessively engorged as apparently to produce congestion of it, with violent neuralgic symptoms, and so sensitive as not to bear such examination?

Ans. The use of the medicine would not be decided upon from the symptoms mentioned, but would render its use less proper.

ISAAC S. MULFORD, M. D.

Affirmed and subscribed before me, this fifth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

George W. Fetter, a witness produced on the part of the prosecution, being duly affirmed, saith—

1 *Quest.* What is your business or calling?

Ans. I am a teacher; I am principal of the girl's high normal school in the city of Philadelphia.

2 *Quest.* Do you reside in Fitzwater street, above Tenth, on the north side, the next door west of the house in which Mr. Pearson used to reside?

Ans. I do; I have resided there six years.

3 *Quest.* Of whom did your family consist in the summer and autumn of 1862?

Ans. Myself, wife, and wife's sister.

4 *Quest.* Who lived in the next house west of you?

Ans. I don't know that I can fix the person who resided there at that time; Mr. Palmer lives there now, and I think did then—I am not sure, but either Mr. Palmer or a family named McGown.

5 *Quest.* Were these people respectable?

Ans. Yes, sir; I considered them so.

6 *Quest.* Was Mr. Pearson's family respectable?

Ans. Yes, sir; so much so that I visited them daily, and had a very high opinion of them.

7 *Quest.* Were either of the buildings in that row houses of ill fame since you lived there?

Ans. No, not to my knowledge; I don't believe they ever were; I would not live in such a neighborhood.

8 *Quest.* Can you state what was the condition of the elder Mr. Pearson's health in August, September, and October, 1862?

Ans. In the latter part of July, or in August, 1862, Mr. Pearson was attacked by typhoid fever, and lay at the point of death for three months; I thought he would die every day; he did not get about till after the first of the year; he lay in the front room, second story; I visited him there very often during his sickness.

Being cross-examined by Mr. Chetwood—

9 *Quest.* While you lived where you have stated, have you heard any rumor or talk about there being any place of ill fame in that street?

Ans. (This question objected to.)—Within the last six months, since last April or May, a family lived in the house Mr. Pearson left that some of the neighbors did not think very respectable; I however never saw anything to lead me to form any such opinion.

10 *Quest.* In what particular did those neighbors think that family not very respectable?

Ans. (This question objected to.)—I never heard my neighbors say anything about it; one neighbor told me another neighbor told him something—I never heard a neighbor say anything directly; I did not believe what was told me.

11 *Quest.* Whatever the neighbors told you they did not consider respectable, did it intimate ill fame? [Objected to.]

Ans. Yes, sir.

GEO. W. FETTER.

Affirmed and subscribed before me, this fourth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Adjourned to January 6th, Thursday next, at ten o'clock A. M.

January 6th, ten o'clock A. M., Thursday, continued the examination on the part of the prosecution, Messrs. Browning and Chetwood present.

Louisa Allen, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you live now?

Ans. I reside in the city of Philadelphia, at No. 320 South Tenth street, with the Rev. Daniel March.

2 *Quest.* How long have you resided with Mr. March?

Ans. Two years.

3 *Quest.* In what capacity?

Ans. As cook.

4 *Quest.* What is your age?

Ans. Thirty, the 29th of this month.

5 *Quest.* Do you know the Rev. James H. Baird and his wife, Adeline W. Baird?

Ans. Yes.

6 *Quest.* Did you ever reside with them as servant?

Ans. Yes, nearly three years.

7 *Quest.* Where did you first become acquainted with them?

Ans. At Buffalo, at the time of the general assembly.

8 *Quest.* Upon the adjournment of the general assembly, did you accompany Mrs. Baird to any place, and if so, where?

Ans. Yes, to Manchester, New Jersey.

9 *Quest.* Did Mr. Baird go with you to Manchester?

Ans. He did not.

10 *Quest.* From Manchester where did you go?

Ans. To Rushville, Indiana.

11 *Quest.* Did Mr. and Mrs. Baird keep house at Rushville?

Ans. They did not, they boarded—I do not remember the name of the person with whom they boarded.

12 *Quest.* How long did you remain at Rushville?

Ans. Two months, I think.

13 *Quest.* From Rushville where did you go?

Ans. To Toledo, Ohio.

14 *Quest.* Did Mr. and Mrs. Baird keep house at Toledo?

Ans. Yes, sir.

15 *Quest.* About how long did you remain at Toledo?

Ans. One year.

16 *Quest.* Where did you go from Toledo?

Ans. To Sandusky, Ohio.

17 *Quest.* Did Mr. and Mrs. Baird keep house at Sandusky?

Ans. Yes, sir.

18 *Quest.* How long did you remain at Sandusky?

Ans. One year.

19 *Quest.* Where did you go from Sandusky?

Ans. We came to Philadelphia.

20 *Quest.* Did Mr. and Mrs. Baird keep house in Philadelphia while you were there?

Ans. Yes, sir.

21 *Quest.* Did you remain with them till they went to Lockhaven?

Ans. No, sir.

22 *Quest.* How long then?

Ans. I think eight or nine months.

23 *Quest.* In what capacity were you with them at these various places and during this time?

Ans. Part of the time I was cook, and part of the time child's nurse.

24 *Quest.* At the places where Mr. and Mrs. Baird kept house during this time, how many servants did they keep?

Ans. Two, and sometimes three.

25 *Quest.* During this time were you put to any inconvenience for the want of provisions, or were you bountifully supplied?

Ans. I had plenty while I was with them.

26 *Quest.* Did you ever know of the children, or any member of the family, being obliged to go without food because there was none?

Ans. No, sir.

27 *Quest.* Did you and the other servants always have an abundance?

Ans. Yes, sir; I always had plenty.

28 *Quest.* During all this time what was the conduct of Mr. Baird towards Mrs. Baird, and of Mrs. Baird toward Mr. Baird?

Ans. They seemed to think a great deal of each other.

29 *Quest.* Did you ever know or hear of any disagreement between them?

Ans. No, sir.

30 *Quest.* What was the conduct of Mr. Baird toward the children, and the conduct of the children toward Mr. Baird?

Ans. Mr. Baird thought a great deal of his children, and the children thought a great deal of him.

31 *Quest.* Where did Mr. Baird, as a general thing, spend his evenings while you lived with him?

Ans. At home, except when church matters called him out.

32 *Quest.* Can you describe the actions and conduct of Mr. Baird with his children while you lived there?

Ans. When Mr. Baird would come in, the children would quarrel to see which should get on his lap first; they would gather around and get on his lap and on his shoulders.

33 *Quest.* Will you be good enough to describe the actions and conduct of Mrs. Baird to Mr. Baird which induced you to believe they were fond of each other?

Ans. When I have gone into the room many times where they were, she has been sitting on his lap, leaning her head upon his shoulder.

34 *Quest.* Did you ever observe anything in the actions

and conduct of Mrs. Baird and the children which induced you to believe they were afraid of Mr. Baird?

Ans. No, sir; and I believe Mr. Baird was afraid of Mrs. Baird.

35 *Quest.* Did you observe, at any period of the time you lived with them, any complaints in respect to the manner in which they were getting along, and if so, from whom did those complaints come?

Ans. I did not observe any.

36 *Quest.* Did you ever know or hear of Mrs. Baird making any complaint of unkind treatment on the part of Mr. Baird?

Ans. I never did.

37 *Quest.* Who, as a general thing, furnished the provisions for the house—got them from the store, I mean?

Ans. Mr. Baird.

38 *Quest.* Do you remember ever hearing any conversation between Mr. Baird and Mrs. Baird respecting her writing home, and her hiding the portfolio, &c.—if so, what was it?

Ans. I have heard Mr. Baird speak to her respecting writing secrets home, and hiding the letters.

39 *Quest.* Do you recollect, on one occasion shortly before you left Sandusky, Mrs. Baird coming into the kitchen crying—if so, state what occurred?

Ans. Yes, sir; I asked her what was the matter; she said one of the elders had told Mr. Baird that they could not raise the salary another year, and it was all on his wife's account; she said they did not like her because she was above visiting the poorer class of the congregation.

40 *Quest.* While you were at Toledo, were you seriously sick?

Ans. Yes, sir.

41 *Quest.* Was a physician called in?

Ans. Yes, sir; Doct. Hannan was called in.

42 *Quest.* Who went after him?

Ans. Mr. Baird.

43 *Quest.* How far did the doctor reside from Mr. Baird's?

Ans. A mile and a half.

44 *Quest.* What season was it?

Ans. I think in the fall.

45 *Quest.* What time did Mr. Baird go for the doctor?

Ans. About four o'clock in the morning; the doctor got there before daylight.

46 *Quest.* Was Mrs. Torrey, the mother of Mrs. Baird, stopping there at that time?

Ans. She was.

47 *Quest.* Did the doctor cup you on that occasion?

Ans. He did.

48 *Quest.* Whereabouts?

Ans. On the left side.

49 *Quest.* Please put your hand on the place?

[The witness puts her hand upon her left side, under the arm.]

50 *Quest.* Who was in the room when you were cupped?

Ans. I can't say whether Mr. Baird was there—if he was it was to hold the candle for the doctor.

51 *Quest.* Was Mrs. Torrey in the room at all?

Ans. No, sir; I don't think she was.

52 *Quest.* Did it strike you, on that occasion or at any other time, that there was any indelicacy in Mr. Baird being present and holding the candle?

Ans. No, sir.

53 *Quest.* In what way were your clothes, or the bed-clothing removed, so as to give the doctor an opportunity of cupping you?

Ans. From the shoulder down.

54 *Quest.* During the time that you were living with Mr. and Mrs. Baird, did you ever know of Mr. Baird saying or doing anything indelicate or improper to you, or did you ever hear of his saying or doing anything indelicate or improper to any of the servants?

Ans. No, sir.

55 *Quest.* Do you remember, while you were at Toledo, of the Rev. Mr. Crabbe coming to the house?

Ans. Yes, sir.

56 *Quest.* How long did he remain there?

Ans. He staid over night, but I can't say whether he staid any longer or not.

57 *Quest.* Did you understand from Mrs. Baird what was the object of his coming there?

Ans. No, sir.

58 *Quest.* Did you at that time hear anything said about Mr. Baird's being called to be pastor of that church?

Ans. I do not remember.

59 *Quest.* Are you a member of the Rev. Mr. March's church, or any church?

Ans. No, sir.

Being cross-examined by Mr. Chetwood—

60 *Quest.* How long had you lived in Buffalo before you became acquainted with Mrs. Baird?

Ans. Nine years.

61 *Quest.* Who did you live with at the time you became acqainted with Mrs. Baird?

Ans. With my father, James Allen.

62 *Quest.* Was your going to live with Mrs. Baird the first occasion of your going out to live at service?

Ans. No, sir.

63 *Quest.* With whom had you lived at service before?

Ans. Mrs. Jackson—(Mrs. George Jackson).

64 *Quest.* Where did she live?

Ans. In Swan street, Buffalo.

65 *Quest.* How long did you live with her?

Ans. One year.

66 *Quest.* Did you live at service any other place before that?

Ans. Yes, I lived six months with a Mrs. Hamilton Ripley.

67 *Quest.* What year did you first go to live with Mrs. Baird?

Ans. I don't remember the year.

68 *Quest.* What year did you live with Mrs. Jackson?

Ans. I can't remember the year.

69 *Quest.* What year did you live with Mrs. Ripley?

Ans. I can't remember any of the years.

70 *Quest.* Is your memory good or poor?

Ans. Pretty poor at present.

71 *Quest.* Have you been quite sick lately?

Ans. Yes, sir.

72 *Quest.* A very severe illness, has it been?

Ans. Yes, sir; inflammation of the lungs?

73 *Quest.* Are you entirely recovered?

Ans. Yes, sir.

74 *Quest.* Do you find since your recovery that your memory has failed you very much?

Ans. Yes, sir.

75 *Quest.* Has your memory failed you so much since your sickness that you cannot be positive in your recollection of things that occurred a few years ago?

Ans. I cannot remember what has occurred during the last two years in which I have lived in Philadelphia.

76 *Quest.* Have you been so unfortunate as to lose one eye?

Ans. Yes, sir.

77 *Quest.* How long since you lost the use of that eye?

Ans. I lost it when I was six years old.

78 *Quest.* Who first called on you to be a witness in this case?

Ans. Mr. Baird.

79 *Quest.* When did he call?

Ans. On the 27th of December last.

80 *Quest.* Did he tell you what he wanted you to testify to?

Ans. Yes, sir.

81 *Quest.* What did he tell you he wished you to testify to?

Ans. Mr. Baird asked me if I had ever seen any unkindness between him and Mrs. Baird, or if I had seen any bad treatment on his part towards his children.

82 *Quest.* Was Mr. Baird alone?

Ans. Yes, the first time he came.

83 *Quest.* How soon did he call on you again?

Ans. Last evening.

84 *Quest.* Was he alone last evening?

Ans. No; Mr. Browning was with him.

85 *Quest.* How long were they with you last night?

Ans. About twenty minutes.

86 *Quest.* Did Mr. Baird tell you, at either of the times he saw you, that he was always at home at evenings, except when his church matters called him out?

Ans. No, sir.

87 *Quest.* Has Mr. Baird at any time told you that Mrs. Torrey was not in your room when you were sick at Toledo?

Ans. No, sir.

88 *Quest.* At the time you were sick at Toledo were you conscious all the time?

Ans. Yes, sir.

89 *Quest.* What female waited upon you and attended you during that sickness?

Ans. Mrs. Torrey, and Annie, the servant girl.

90 *Quest.* Did Mrs. Baird wait upon you any?

Ans. Mrs. Baird came up to see me, but I can't remember whether she done anything for me or not.

91 *Quest.* Was Mrs. Baird well at that time?

Ans. No, sir, she was not well.

92 *Quest.* Do you not recollect that Mrs. Torrey was in the room with you until the doctor came?

Ans. She was not—she was down stairs, and came up again.

93 *Quest.* In what part of the house were you cupped?

Ans. In the second story back-room.

94 *Quest.* How long was the doctor in the room with you?

Ans. As far as I can remember, it was from half an hour to an hour.

95 *Quest.* Was you alone in the room when the doctor first came in?

Ans. Yes, sir.

96 *Quest.* How long had you been alone in the room when the doctor came in?

Ans. About ten minutes.

97 *Quest.* Who had last been in your room with you?

Ans. Mrs. Torrey.

98 *Quest.* How long had she been there when she left, as you have stated?

Ans. Half an hour.

99 *Quest.* What was Mrs. Torrey doing in the room before the doctor came?

Ans. I can't remember what she was doing.

100 *Quest.* Had Mrs. Baird been in your room while you were sick before the doctor came?

Ans. No, sir.

101 *Quest.* Do you know why Mrs. Torrey did not come in the room while the doctor was there?

Ans. No, sir.

102 *Quest.* After the doctor had finished cupping you, did Mrs. Torrey come back to you to the room?

Ans. Yes, sir, she did.

103 *Quest.* Do you know whether Mr. Baird was in the room holding the candl. ?

Ans. Yes, he was.

104 How long was he holding the candle for the doctor to see to apply the cups?

Ans. About fifteen or twenty minutes.

105 *Quest.* How near did he stand to you with the candle?

Ans. He stood close by my bedside.

106 *Quest.* How soon did Mrs. Torrey come into the room after the doctor left it?

Ans. As far as I can remember, in about ten or fifteen minutes after the doctor had gone.

107 *Quest.* Was Mr. Baird in the room when Mrs. Torrey returned?

Ans. No, sir.

108 *Quest.* Was you engaged in housework, or sitting in any part of the house when you were attacked with the sickness, and went to the bed, at Toledo?

Ans. I was in bed at the time I was taken.

109 *Quest.* How did any of the family first discover that you were sick?

Ans. I called Annie, the servant girl, and sent her down to Mrs. Torrey.

110 *Quest.* Had the servant girl been in bed for any length of time, and how long, when you called to her?

Ans. Yes, sir; she had been in bed from ten o'clock in the evening until four o'clock in the morning.

111 *Quest.* Had you been asleep before you were taken sick?

Ans. Yes, sir.

112 *Quest.* How do you know it was four o'clock in the morning when you called to the servant girl?

Ans. Mrs. Torrey told me so.

113 *Quest.* Did you ask Mrs. Torrey what o'clock it was?

Ans. No, sir.

114 *Quest.* How did she come to tell you the time?

Ans. She said Mr. Baird had gone for the doctor, and it was then half-past four in the morning.

115 *Quest.* Were there two or three servants in the family all the time you lived with Mr. and Mrs. Baird?

Ans. There were two, and sometimes three.

116 *Quest.* Do you allude to any one of them acting as a seamstress?

Ans. Yes, sir.

117 *Quest.* How much of the time was the seamstress in the family?

Ans. Two and three weeks at a time.

118 *Quest.* Was one of the servants generally a little girl who assisted in taking care of the children?

Ans. Yes, sir, a girl about fourteen years of age.

119 *Quest.* Did Mrs. Baird assist in making the clothes of the children and other members of the family?

Ans. Sometimes she did.

120 *Quest.* Has she ever assisted in making or mending your clothes?

Ans. Yes, sir.

121 *Quest.* Was Mrs. Baird always able to assist in making clothes, or doing any other work in the family?

Ans. Not always, on account of rheumatism in her hands.

122 *Quest.* While you lived there, was Mrs. Baird in the habit of making and mending Mr. Baird's clothes, shirts, &c.?

Ans. She mended his stockings for him; I do not know that she made him any shirts.

123 *Quest.* Do you know whether Mrs. Baird was in the habit of frequently sitting up very late at night at work upon the clothes of members of her family?

Ans. Yes, sir, she was.

124 *Quest.* Who did the principal part of the cooking for the family on washing and ironing days?

Ans. Mrs. Baird and the little girl.

125 *Quest.* While you lived with Mrs. Baird, was there any other servant living there besides you and a little girl, except the occasional services of a seamstress?

Ans. Before the little girl came there they had a grown girl, myself, and the seamstress.

126 *Quest.* Did you ever speak to Mrs. Baird at any time about Mr. Baird's taking a child out of your arms, while in Philadelphia, and taking it to his study and punishing it?

Ans. Not in Philadelphia.

127 *Quest.* Did you in any other place?

Ans. Yes, sir; I did at Toledo.

128 *Quest.* What did you say to Mrs. Baird about that?

Ans. I don't remember what I told her, but I remember the child being taken out of my arms.

129 *Quest.* Was Mr. Baird angry when he took the child?

Ans. No, sir.

130 *Quest.* What did he take the child for?

Ans. Because he would not sit still at prayer time.

131 *Quest.* Was it at prayer time he took the child out of your arms?

Ans. No, sir; after prayers.

132 *Quest.* How soon after he got through with prayers did he take the child from you?

Ans. In about five minutes.

133 *Quest.* How old was the child at that time?

Ans. As near as I can remember, he was four or five years old.

134 *Quest.* Which child was it?

Ans. Henry.

135 *Quest.* Was the child sitting in your lap during the time of prayers?

Ans. No, sir.

136 *Quest.* Were you in the room all the time during prayers?

Ans. Yes, sir.

137 *Quest.* Did you see any conduct on the part of the child that was wrong or improper during prayers?

Ans. I did—he would not sit still.

138 *Quest.* How long had you had the child in your arms when Mr. Baird took him from you?

Ans. Two or three minutes; the child came out to the kitchen to me, and Mr. Baird followed him out and took him from me.

139 *Quest.* While you lived with Mrs. Baird, did you observe her conduct and manner in the care and management of her children, and if so, what was it?

Ans. I did; she never punished her children, and never wished Mr. Baird to do so.

140 *Quest.* What makes you think Mr. Baird was afraid of Mrs. Baird?

Ans. His actions showed it.

141 *Quest.* What were his actions which showed it?

Ans. He seemed to be afraid to say or do anything against her will.

142 *Quest.* Did she seem to control and manage him in everything?

Ans. Yes, sir.

143 *Quest.* You say you have heard Mr. Baird talk to Mrs. Baird about writing secrets home, and finding the letters in the portfolio—what have you heard him say to her about that?

Ans. That she was writing home more secrets.

144 *Quest.* What else?

Ans. Do not remember anything else.

145 *Quest.* Did Mrs. Baird make any answer, and what did she say?

Ans. I don't remember her answer.

146 *Quest.* What did he say to her about hiding letters in a portfolio?

Ans. He asked her why she hid the letters.

147 *Quest.* Did Mr. Baird say he thought he ought to see the letters she wrote home?

Ans. I think he did—I am not certain.

148 *Quest.* Do you recollect Mrs. Baird saying to Mr. Baird that he could always see all the letters she wrote home, if he wished to?

Ans. No, sir.

149 *Quest.* You have said that shortly before leaving Sandusky, Mrs. Baird came into the kitchen crying, and you asked her what was the matter; did she tell you which one of the elders it was who had told Mr. Baird that it was on his wife's account that the salary could not be raised?

Ans. Yes, sir; Mr. Pierce.

150 *Quest.* Did you know Mr. Pierce?

Ans. Only seeing him at the house.

151 *Quest.* Do you know yourself whether Mrs. Baird was or was not in the habit of visiting the poorer class of the congregation?

Ans. I don't know.

152 *Quest.* Have you, at any other place than Toledo, or at any other time, heard any complaints of Mr. Baird saying or doing anything indelicate or improper to the female servants of the house?

Ans. No, sir.

153 *Quest.* Have you ever, at any time, been a member of any church?

Ans. Yes, sir.

154 *Quest.* Of what church?

Ans. Of the Green street Methodist church, Philadelphia.

155 *Quest.* How long were you a member of that church, and when was it?

Ans. One year, and about five years ago.

156 *Quest.* Have you lived in Philadelphia ever since you were a member of that church?

Ans. Yes, sir.

157 *Quest.* How near have you lived to that church since you left it?

Ans. No nearer than Tenth and Clinton.

158 *Quest.* Who was the clergyman of that church while you were a member?

Ans. Rev. Alfred Cookman.

159 *Quest.* Did you have any difficulty with Mrs. Baird while you lived with her?

Ans. Yes, sir.

160 *Quest.* How long did you continue to live with her after that difficulty occurred?

Ans. I left her at the time.

161 *Quest.* Did Mrs. Baird, in consequence of that difficulty, tell you you must leave the house?

Ans. She said I must leave the room, and Doct. Schenck came up and ordered me out.

162 *Quest.* What had you said to Mrs. Baird that made her order you to leave the room?

Ans. I do not remember what it was; she told me to leave the room; I told her I would not; she went down and got Doct. Schenck to come up, who told me to leave the room immediately, that he would not have any one there to abuse Mrs. Baird.

163 *Quest.* Did you leave the room when Mrs. Baird directed you to?

Ans. No, sir.

164 *Quest.* Before Mrs. Baird told you to leave the room, did she tell you she would not permit you to talk to her in that manner?

Ans. I think she did.

Re-examined by Mr. Browning.

165 *Quest.* When Mr. Baird told Mrs. Baird that she must not write secrets home, did you understand what he referred to?

Ans. No, sir.

166 *Quest.* Did he say it in a serious, or in a laughing, playful manner?

Ans. In a laughing manner.

167 *Quest.* Did Mrs. Baird say she would "pound" him?

Ans. I did not hear it.

LOUISE ALLEN.

Sworn and subscribed before me, this sixth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

John Kingston, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. At No. 242 Christian street, Philadelphia.

2 *Quest.* What is your business?

Ans. I am a real estate agent, collector of rents, etc.

3 *Quest.* Do you know where Orange street, Philadelphia, is?

Ans. Yes, it is a small street running from Seventh to Eighth, just above Spruce street.

4 *Quest.* How many houses are there in it?

Ans. There are but four; these are on the south side of the street—the north side is taken up by the Quaker meeting-house and ground.

5 *Quest.* How long have you known that street?

Ans. Since 1859; at that time I took charge of the property owned by Mr. Sparks in that street, and have had charge of it ever since.

6 *Quest.* Who now lives in that house of which you have charge, and who has occupied it?

Ans. There have been three tenants—Mr. Robert Beck now occupies it, and has since January, 1862; he is a gas-fitter and plumber.

7 *Quest.* Is Mr. Beck a respectable man?

Ans. He is so, a very respectable man; he was employed as gas-fitter in the Continental hotel for a considerable time.

8 *Quest.* Do you go into Orange street to collect rent?

Ans. I do once a month.

9 *Quest.* Can you describe the position of the house of which you have charge?

Ans. It is the third house from Eighth street toward Seventh—the most easterly of the houses except one.

10 *Quest.* Do you know the occupants of the other houses?

Ans. I know Mrs. Hawke; she lives in the next house to mine toward Eighth street, and has since before I took charge of my property.

11 *Quest.* Do you know whether Mrs. Hawke is respectable?

Ans. Yes, sir, she is.

12 *Quest.* What do you say in respect to the occupants of the other houses?

Ans. The person next to mine below, that is the most easterly house, is a Quaker I think; the one there before him was a liquor dealer, in business in Front street.

13 *Quest.* How long back have these two people occupied that house?

Ans. The liquor man was there before I took charge of my property in the street; the liquor man was perfectly respectable; the Quaker I don't know—he has been there, I should say, eighteen months or two years.

14 *Quest.* What do you know of the most westerly house?

Ans. Don't know—think the tenant is a German shoemaker, but don't know him at all.

15 *Quest.* Do you know of any houses of ill fame in that street since you had charge of Mr. Sparks' house?

Ans. No, I never heard of any.

16 *Quest.* Is there any?

Ans. No, sir.

Being cross-examined—

17 *Quest.* Do you know anything of the character of the house occupied by the German for morality or immorality?

Ans. I do not; I never heard anything derogatory to the house.

18 *Quest.* How far is Christian from Orange street?

Ans. About nine squares—three-quarters of a mile.

19 *Quest.* Has your business in Orange street been for the purpose of collecting rents and transacting business, and have you left it when you were through?

Ans. Yes, sir.

20 *Quest.* If there was any talk among the people of that street, occupying the houses that were not in your charge, in relation to the character of the occupants of any of the other houses, would you be likely to hear of it when you went to receive the rent of your own house?

Ans. Yes, I certainly should; either Mrs. Hawke or Mrs. Beck would certainly have known if there were any disreputable houses in the street.

21 *Quest.* Did your business of collecting the rent of the house you had charge of bring you into frequent contact and conversation with the occupants of the other houses?

Ans. No, sir, not frequent; I have had conversations with them all except the German.

22 *Quest.* Have you ever heard rumors of there being houses of ill fame in that immediate locality?

Ans. (This question objected to.)—Not in that immediate locality; there are some said to be about three squares from there in Locust street, above Tenth.

23 *Quest.* Were you in any of the houses in Orange street except your own, in 1862?

Ans. I can't say; it is too long to speak positively about.

24 *Quest.* When you went to collect your rent in Orange street, how long were you there in general?

Ans. Not over half an hour.

JOHN KINGSTON.

Sworn and subscribed before me, this sixth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Simeon T. Ringel, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. I live in Camden, at the corner of Second and Market streets, and am a druggist.

2 *Quest.* How long have you been in that business?

Ans. Fifteen years.

The witness being shown the paper marked *Exhibit D*, being the prescription of Doct. Ludlow, is asked—

3 *Quest.* Have you been called upon at any time to put up that prescription, and if so, when and by whom?

Ans. By Mr. Browning—I was called upon by him yesterday to put up the prescription in question.

4 *Quest.* Did Mr. Browning, when he called upon you, bring that original prescription, and a copy by which to put it up?

Ans. Yes, sir.

5 *Quest.* Please produce the copy?

The witness produces a copy, which is here marked by me *Exhibit Y* on the part of the prosecutor.

6 *Quest.* Did you put up the prescription from the original or the copy?

Ans. From the copy.

7 *Quest.* Did you, before putting up the prescription, compare the original with the copy to see that it was correct?

Ans. I did.

8 *Quest.* Is the copy in the same condition as when you received it, and is the endorsement upon it the same?

Ans. Yes, I believe it is.

9 *Quest.* In what way did you put up this prescription, and if in more than one way, produce the vials in which you put it up?

The witness replies, that he put up the prescription in two ways, and produces three vials, which are marked upon the labels *Exhibit Z*, *A A* *B B*, on the part of the prosecution; also numbered 1, 2, and 3 by the druggist.

10 *Quest.* Please state what is in those vials beginning with No. 1, or *Exhibit Z?*

Ans. No. 1 contains the whole prescription; No. 2, or *Exhibit A A*, contains the first ingredient named in the prescription—the quantity of that is one ounce; No. 3, or *Exhibit B B*, contains all the other ingredients of the prescription except bottle No. 2.

11 *Quest.* What is the quantity in No. 3?

Ans. One ounce.

12 *Quest.* What portion of No. 3 (or *B B*) is made of the 2d, 3d, and 4th ingredients in the prescription?

Ans. About six drachms.

13 *Quest.* How many drachms are in an ounce?

Ans. Eight.

14 *Quest.* Then the quantity in the 5th and 6th ingredients of the prescription would only be two drachms?

Ans. Yes.

15 *Quest.* Look at the first item in the prescription, and say whether there is any ingredient ordinarily compounded designated *fort*, or strong?

Ans. Not that I know of; it is not an officinal preparation, if there is; it is not so laid down in our Pharmacopiæ.

16 *Quest.* Then there is but one standard of officinal strength to that ingredient?

Ans. Yes, sir, I believe so.

17 *Quest.* What does the word *fort*, in that connection, signify?

Ans. Strong.

18 *Quest.* Is it not a direction to make that ingredient stronger than the officinal standard?

Ans. It might be, if he had two preparations of that kind.

19 *Quest.* A druggist can make a preparation of that kind stronger or weaker at pleasure, can he not?

Ans. He has no right to do it; no, sir.

20 *Quest.* Well, can he not do it if he chooses?

Ans. Certainly he can.

21 *Quest.* What are the sizes of those vials?

Ans. Two ounce vials.

The witness being shown a vial, marked by me *Exhibit C C* on the part of the prosecution, says—being asked—

22 *Quest.* What is the size of this vial?

Ans. As near as I can judge two ounce.

23 *Quest.* Are the three vials produced by yourself in the same condition, sealed up, as when you left them?

Ans. Yes.

Being cross-examined by Mr. Chetwood—

24 *Quest.* Could you make that article stronger which you have denominated strong?

Ans. It could be made stronger, if ordered by a physician.

25 *Quest.* Is there a fixed proportion of strength known to druggists by the term *strong?*

Ans. There is, sir.

26 *Quest.* Does the word *strong* denominate any particular degree of strength to which the article is capable of being extended?

Ans. I am not prepared to say; some preparations are just half the strength of others, and we designate the two by the words *mite* (mild), and *fort* (strong).

27 *Quest.* Is the word strong, as well as the word *fort*, an officinal term?

Ans. I think not; *fort* is the officinal term.

28 *Quest.* Then what you have said in relation to the word *strong* you mean to apply to the word *fort?*

Ans. Yes, meaning strong.

29 *Quest.* Is there any officinal term always directing the greatest strength of the ingredient to be used in making up the prescription?

Ans. I think there is—*fort* is the word.

30 *Quest.* When the word *fort* is added to the prescription, is it understood by druggists that they are to make the prescription as strong as they can make it?

Ans. Yes, it is understood they are to use the strongest they have if there are two preparations of it.

31 *Quest.* How long did it take you to make the prescriptions you have produced here?

Ans. I suppose fifteen or twenty minutes.

32 *Quest.* Were those prescriptions made up according to the directions of your formula?

Ans. Certainly they were.

33 *Quest.* Are these prescriptions which you have made up of the ordinary strength of the ingredients?

Ans. They are.

34 *Quest.* Do you suppose that those ingredients are each of the same strength with ingredients of the same kind used by druggists generally?

Ans. I do.

35 *Quest.* When a prescription comes to you as a druggist, do you make it up of the ingredients you have of the kind directed?

Ans. I do, sir.

36 *Quest.* If the word *fort* was written upon the prescription, would you or could you make the ingredient any stronger in itself?

Ans. I could not, unless I had two preparations.

37 *Quest.* Is the word *fort*, written upon a prescription, any further officinal direction than to use the drug in making up the prescription in its usual state?

Ans. I should suppose if *fort* was written upon a prescription, it was meant to make it strong—that is what the word means.

38 *Quest.* Can you make these ingredients, or any of them, any stronger than they are?

Ans. Not unless ordered by a physician to make them stronger.

39 *Quest.* Is ergot an ingredient?

Ans. Yes, sir.

40 *Quest.* Is savin an ingredient or drug?

Ans. Yes, sir.

41 *Quest.* Are aloes and rhubarb ingredients?

Ans. Yes.

42 *Quest.* Can you make ergot, savin, aloes, or rhubarb any stronger ingredients than the condition in which you receive them as drugs?

Ans. I can take those ingredients and make a preparation stronger than the official direction, if so directed by a physician?

43 *Quest.* I did not ask you what kind of a prescription you can make of these ingredients, or any of them—can you make these ingredients, or any one of them, a stronger ingredient?

Ans. I don't see fit to answer that question; I guess I have answered as much as I care to answer.

44 *Quest.* Why do you not care to answer any more questions?

Ans. Because I think I have answered all that I know about this matter, or anything from which you can derive any information.

45 *Quest.* Could you have made that prescription of the same kind of ingredients any stronger than you have made it?

Ans. Not unless so ordered by a physician.

46 *Quest.* If it had been so ordered by a physician, how much stronger could you have made it?

Ans. That I am not prepared to tell.

Re-examined by Mr. Browning.

47 *Quest.* *Vinum secale cornutum* is a decoction or tincture made of the ergot of rye, is it not?

Ans. Yes.

48 *Quest.* That decoction or tincture may be made more or less strong, at the pleasure of the manufacturer, may it not?

Ans. Yes.

49 *Quest.* For the purposes of sale by druggists, is there more than one standard of strength of this article?

Ans. No.

50 *Quest.* If the prescription did not contain the word *fort*, you would put it up of the officinal standard, would you not?

Ans. Yes.

51 *Quest.* The word *fort* and the word *mite* are proper to be used only where there are two or more standards of strength?

Ans. Yes, sir.

52 *Quest.* If, then, a prescription should come to you directing an article in it by the word *fort*, when there was only one standard of strength, would you not refer that prescription back to the physician, if you knew him, for further instruction, unless you had had some previous understanding with him?

Ans. I should.

53 *Quest.* In case you had had some previous understanding with a physician, would you not then increase the strength of that article according to such understanding?

Ans. I should.

54 *Quest.* In putting up this prescription, at the instance of Mr. Browning, did you not disregard the word *fort*, because you were told by him that it was simply for exhibition in court, and did you not refuse to put it up in that way until you were so assured by him?

Ans. I did.

Question by Mr. Chetwood.

55 *Quest.* Do you know of more than one kind of ergot?

Ans. I do not.

56 *Quest.* Did you never hear of the ergot of wheat?

Ans. I did not.

S. T. RINJEL.

Sworn and subscribed before me, this sixth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Prudence McClure, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Are you married or single?

Ans. Married.

2 *Quest.* Where do you reside?

Ans. At No. 254 South Fifteenth street, Philadelphia.

3 *Quest.* What is the business of your husband?

Ans. He is a provision dealer.

4 *Quest.* Do you know the Rev. James H. Baird, and Mrs. Baird, his wife?

Ans. Yes; I have met with them.

5 *Quest.* Did you know them at the time he was pastor of the Fifteenth Presbyterian church in Philadelphia?

Ans. Yes, sir.

6 *Quest.* Was your husband at that time the precentor of that church?

Ans. For a while he was.

7 *Quest.* Were you at the residence of Mr. and Mrs. Baird while they resided at Delancy place in Philadelphia?

Ans. I was once.

8 *Quest.* How came you to be there?

Ans. Mr. Baird came for me—his wife was sick.

9 *Quest.* How long did you remain there?

Ans. It was about half-past ten or eleven that I went there, in the morning, and about nine in the evening that Mr. McClure came after me to go home.

10 *Quest.* Was Mrs. Baird confined to her bed?

Ans. Yes, sir.

11 *Quest.* What physician attended her?

Ans. I saw no physician there.

12 *Quest.* Did you understand who it was?

Ans. Mr. Baird told me Doct. Ludlow—I saw no physician.

13 *Quest.* Were you much in the room while there?

Ans. Yes; I went for the purpose of attending to her and the children as much as I could.

14 *Quest.* Did you understand from Mrs. Baird, while you were there, whether she was pregnant or not?

Ans. Yes, sir; that she was.

15 *Quest.* Did she tell you what the doctor was treating her for?

Ans. Yes, sir.

16 *Quest.* What did she say?

Ans. I can't remember all; it is three years or very near—I had most forgotten the case; she told me that the physician said she was not fit to be a mother, she was so poorly; that she felt so bad, and that she was doing all she could to destroy it, to do away with being in the family way, she said.

17 *Quest.* Can you state anything further she said?

Ans. No, sir; we talked—I felt very sorry for her, and would have done all I could; her husband was in the church at the time; I never betrayed her confidence—I would never have come here if you (Mr. Browning and Mr. Baird) had not told me I must come—I came very reluctantly—you told me I was obliged to come, and my husband said they would make me come.

18 *Quest.* Did not Mr. Browning tell you that if you did not come here your testimony would be taken in the city of Philadelphia, and was it not upon that you came?

Ans. Yes, sir.

19 *Quest.* Before consenting to come, did you not have your husband called in, and did he not give his consent that you should come?

Ans. Yes.

20 *Quest.* When you returned to your own home, in the

evening after being with Mrs. Baird, did you tell your husband what was going on?

Ans. Yes, sir.

21 *Quest.* What did he say in reply?

Ans. (The question objected to.)—He said I should not go back any more.

22 *Quest.* Did he say anything about his not singing any more in the church?

Ans. Yes, for he supposed, as I did, that Mr. Baird knew about it; she said he did not, but that I thought was done by her to screen her husband, as a wife will do.

23 *Quest.* Did your husband say he would or would not sing any more?

Ans. He first thought he would not, and then he thought the church would be inquiring his reasons, and he did not want to give any.

24 *Quest.* He did then continue to sing at the church?

Ans. Yes.

Being cross-examined by Mr. Chetwood—

25 *Quest.* Were you in the room alone with Mrs. Baird, and how long?

Ans. We were very nearly all the time alone, except the children; Mr. Baird came in occasionally.

26 *Quest.* Was there nobody in the room but Mrs. Baird and yourself when you had the conversation you have spoken of?

Ans. No, sir.

27 *Quest.* Was Mrs. Baird very low at that time?

Ans. She was very sick.

28 *Quest.* Was she able to talk at that time loud?

Ans. Her voice is low at any time; she could talk, I will not say how loud—I should not like to say about that.

29 *Quest.* Did you observe whether Mrs. Baird was wandering in her mind while you were there?

Ans. No, sir.

30 *Quest.* Do you recollect, to be positive and certain, whether Mrs. Baird said she was in the family way?

Ans. Yes, sir.

31 *Quest.* How long did she say she had been so?

Ans. To the best of my knowledge she said she had been in the family way between three and four months; she said something about coming to Philadelphia on a visit to see Mr. Baird, and that she had been in the family way from that time.

32 *Quest.* Did she say how long before that time she had come to Philadelphia on that visit?

Ans. I really can't say.

33 *Quest.* Did she say where she had come from when she came to Philadelphia on that visit?

Ans. I really don't know.

34 *Quest.* Did not Mrs. Baird, upon that occasion, say that she was doing all she could to prevent getting in the family way?

Ans. No, sir.

35 *Quest.* Was you at Mrs. Baird's house after the day you have spoken of?

Ans. No; but I was before at another house.

36 *Quest.* Before that day, were you at all intimate with Mrs. Baird?

Ans. No, sir; Mr. Baird came for me one day before, when his little boy was sick, to come and rest Mrs. Baird a little.

37 *Quest.* How long before?

Ans. I can't really say.

38 *Quest.* How many times before the time you speak of had you conversed with or seen Mrs. Baird?

Ans. Never but one day—the day I speak of; Mr. Baird then left me, and I went there and introduced myself.

39 *Quest.* On the first occasion when you met with Mrs. Baird, how much did you converse with her?

Ans. I staid about the same length of time as upon the other day spoken of; she went to take her rest while I attended to her boy.

40 *Quest.* How long, upon this first occasion, did you stay and talk with Mrs. Baird?

Ans. I could not say—we had no talk in general.

41 *Quest.* How long were you in conversation with Mrs. Baird?

Ans. I could not say; she was very busy, and had very little time to hold any conversation; she was well at this time.

42 *Quest.* What were you engaged upon while you were there on this first day?

Ans. I sewed a little, and I gave the boy his medicine while Mrs. Baird took her rest.

43 *Quest.* Did you see very little of Mrs. Baird that day?

Ans. I saw her except when she took her rest—I do not know how long that was.

44 *Quest.* How near were you to Mrs. Baird when she told you she had been in the family way three or four months?

Ans. I was standing by her at her bed.

45 *Quest.* Did you understand her distinctly, and without any kind of doubt?

Ans. I would not have spoken here if I had any doubt; I

came here a very unwilling witness—I have prayed to be guided.

46 *Quest.* How soon after you saw Mrs. Baird on this second occasion (that is after you first saw her in the morning), did she tell you this?

Ans. She told me so very soon after I went in.

47 *Quest.* Did she tell you this without your asking her anything about it?

Ans. Yes, sir.

48 *Quest.* Did she tell you not to tell anybody what she had told you?

Ans. No, sir; I don't remember her warning me at all.

49 *Quest.* Was there anybody on that second day in the family of Mr. Baird who was not a member of his family, assisting to take care of Mrs. Baird?

Ans. No, sir.

50 *Quest.* Was you ever at Mr. Baird's house, or have you ever seen Mrs. Baird since that day?

Ans. I was never at Mr. Baird's house afterwards, and I have never seen Mrs. Baird since until to-day.

51 *Quest.* Do you know how Mr. Baird knew that Mrs. Baird had told you this?

Ans. It was through me very thoughtlessly—I will tell you: I was taken very sick after I was there, and Mr. Baird came several times to see me; I thought it was on the subject of religion, and I first refused to see him several times; but one day I was down stairs, and he came in; I thought he was coming to talk with me about joining his church—I was somewhat indignant, and was prepared to give him a not very civil answer; the first thing he asked me was, did Mrs. Baird tell me what she was doing the day I was at his house; I told him she did, and that it was useless for him to talk to me upon the subject of religion, for I believed he knew all about it, although Mrs. Baird said he did not; he walked backwards and forward across the floor, and told me he did not know anything about it; I was not aware anything had come between Mr. and Mrs. Baird, I having been sick; he did not know it at the time, he said, but he knew it now; then he told me about Mrs. Baird being away with the children; I was sorry, for I wanted to see her.

52 *Quest.* When was it that Mr. Baird came to see you at this time spoken of?

Ans. It was pretty warm weather.

MRS. P. MCCLURE.

Sworn and subscribed before me, this sixth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Samuel McClure, a witness produced on the part of the prosecution, being sworn, saith—

1 *Quest.* Are you the husband of Prudence McClure, who has just been examined here as a witness?

Ans. Yes, sir.

2 *Quest.* Do you remember the occasion of her being at Mrs. Baird's on the occasion of Mr. Baird's being sick at Delancey place?

Ans. Yes, sir.

3 *Quest.* What did she tell you was being done with Mrs. Baird, and what did you say to her in reply?

Ans. (This question objected to.)—She just told me what she has stated here, and I told her she should not go back under the circumstances.

SAMUEL McCLURE.

Sworn and subscribed before me, this sixth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

The examination adjourned to Saturday, January 7th, 1865, at nine o'clock A. M.

Saturday, January 7th, nine A. M.—Continued pursuant to adjournment, Messrs. Chetwood and Browning present.

Thomas F. Cullen, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Are you a practising physician of the city of Camden, and if so, how long have you been?

Ans. I am, and have been for twenty years.

2 *Quest.* Have you seen and considered that prescription (being handed *Exhibit D*) before, or a copy of it?

Ans. I have.

3 *Quest.* What is its general character with reference to its action on the uterus, and what would be its probable effect upon a woman about two months advanced in pregnancy, given to her once in three hours, day and night, for four consecutive days?

Ans. The character of the prescription is that of a parturient and stimulating emmenagogue; its effect would be to highly excite the womb, and tend to produce expulsion of the contents.

4 *Quest.* What purpose would such a use of it indicate, if prescribed by a skilful physician?

Ans. The purpose indicated would be to produce excitement in the womb, muscular contraction of the organ, and expulsion of the contents of the womb.

5 *Quest.* Would such a prescription, thus administered to such a patient, be prudent or safe?

Ans. In my judgment it would be neither prudent nor safe.

6 *Quest.* Would it (the prescription), administered for the time, and with the frequency stated, be either prudent or safe for a woman whose uterus, on examination by the touch, to determine whether pregnant or no, was found so excessively engorged as apparently to produce congestion of it, with violent neuralgic symptoms, and so sensitive as not to bear such examination?

Ans. It would not, unless there were other extraordinary conditions which made it imperiously necessary to evacuate the contents of the womb, whatever those contents might be.

7 *Quest.* If to the conditions of the patient, specified in the last question, you add general debility or bad health, with chronic rheumatism in the hands and ankles, would such a prescription, thus administered, be more or less proper?

Ans. Decidedly less proper.

8 *Quest.* What are the ingredients in that prescription which act on the uterus, and what, by the medical profession, is their supposed action?

Ans. There are four ingredients in this prescription which act upon the womb: the first is wine of ergot, or *secale cornutum;* this is the parturient of the profession—it acts by exciting the muscular contractility of the uterus; the oil of savin is the second ingredient—this is a stimulating emmenagogue; it has a direct tendency to excite the uterus, and even to produce irritation of the tissues of the womb; the third ingredient is the oil of pennyroyal, which has similar properties with the oil of savin, but is much less powerful; the fourth article, which is the aloes extending into the tincture of rhubarb and aloes, is also an emmenagogue, it being supposed that the uterus is affected sympathetically from the rectum, upon which part of the intestinal canal aloes act powerfully; these are all the articles in the prescription which have any tendency to affect the uterus, that I am aware of.

9 *Quest.* What is the most powerful uterine contractile, or parturient, known to *materia medica?*

Ans. The *secale cornutum*, or ergot of rye, which is the first article in that prescription.

10 *Quest.* Is not the ergot of rye the acknowledged medical remedy for inducing an expulsion from the uterus of any matter desired to be expelled?

Ans. It is.

11 *Quest.* Do the four ingredients in that prescription,

which you have stated act on the uterus, do so in a lesser or greater degree when combined than when administered separately?

Ans. It is acknowledged by medical authors, and in my experience I have found it so, that the combination of several medicines, each having the same tendency, produces a more powerful action when given in the same dose than when any one article of the combination is given alone in a similar dose.

12 *Quest.* What is the ordinary dose of the first ingredient in the prescription of the standard strength (that is of ergot of rye)?

Ans. A teaspoonful is given to excite and promote expulsion of the fœtus during progress of labor, and is to be repeated in fifteen minutes, thirty minutes, or an hour, as is necessary; in terrible cases of flooding a table spoonful even might be given.

13 *Quest.* What is the ordinary dose of oil of savin, oil of pennyroyal, and tincture of aloes, when given separately?

Ans. The dose of oil of savin would vary from four to ten drops—pennyroyal from five to twelve; the tincture of aloes and rhubarb, which is a combined tincture, about a teaspoonful each, would be given about three times a day usually.

14 *Quest.* When a particular medicine has but one standard of strength, what does the word *fort*, used in a prescription in connection with it, direct?

Ans. It directs a preparation stronger than the standard preparation of the United States Pharmacopœia.

Being cross-examined by Mr. Chetwood—

15 *Quest.* Would you administer such a prescription as that spoken of to a female patient in the condition indicated by all the *supposititious* cases stated to you, by the questions which you have already answered, even if there were no other attending facts of disease apparent?

Ans. I would not use such a prescription, unless it were absolutely necessary to save the woman's life to expel the contents of the womb.

16 *Quest.* Do you believe that such a prescription administered with the frequency, and for the length of time already stated to you, would inevitably produce an evacuation of the fœtus or other contents of the uterus?

Ans. I do not; all medicines fail sometimes.

17 *Quest.* Suppose the patient in the *supposititious* condition stated to you, should take that prescription with the frequency and for the length of time spoken of, should

entirely retain the contents of the uterus, be immediately restored to rapid recovery and to as healthy a convalescent state as any other prescription would be calculated to produce, what would you think of the use of the first mentioned prescription in that particular case?

Ans. Without wishing to be personal, I do not desire to change my opinion; I think the prescription was not at all indicated by the case, but just the contrary.

18 *Quest.* When there is a desire and intention to evacuate the uterus in the early stage of pregnancy in order to save the life of the patient, are the usual remedies applied through the stomach by prescriptions swallowed by the patient?

Ans. It depends altogether upon the urgency of the case.

19 *Quest.* Are the remedies for the expulsion of the contents of the uterus in the early stage of pregnancy applied otherwise than through the stomach?

Ans. I know of but one other remedy, that is the stiletto, which is applied through the *os uteri.*

20 *Quest.* Which is the most direct and immediate remedy?

Ans. The stiletto; it is generally assisted, however, by parturients and emmenagogues.

21 *Quest.* By the medical gentlemen generally, is either remedy already named more frequently applied than the other?

Ans. I do not know that I should judge for others—in my own practice the stiletto would be the dernier resort.

22 *Quest.* Are there any other remedies used by the medical profession for the expulsion of the contents of the uterus, pregnant at the time, than the stiletto, and drugs taken in the stomach?

Ans. There are a number of other remedies, excessive exercise of the most violent character, the *tampon*, whether it be made of sponge, cloth, or tow, pushed far up the vagina, so as to distend the *os uteri* and excite the uterus to action; also the applicatian of an India rubber inflatable pessary, called a colpeurynteur; some physicians have applied the tincture of belladona to the *os uteri* for the purpose—I place no dependence in this last remedy; belladona is not an acrid medicine, externally applied, or applied to the surface; it is a violent poison given internally; there are certain cases where the knife might be used, that is where there is extreme deformity of the pelvis, or by the cæsarean operation.

22 *Quest.* Would the use of any of the remedies that have been mentioned for the purpose of evacuating the contents of the uterus in pregnancy for the purpose of saving the life

of the patient, be governed in a greater or less degree by the whole condition of the patient?

Ans. It would.

23 *Quest.* Is a *supposititious* statement of the condition of any patient well calculated to give an accurate description of the whole actual condition of the patient?

Ans. It would depend altogether upon the minuteness of the description.

24 *Quest.* When a patient is affected with engorgement of the uterus, with rheumatic or neuralgic irritation attended with severe agony, could it be proper to administer the prescription shown to you, marked *Exhibit D*, accompanied with any other medicines the effects of which were closely and carefully watched?

Ans. I could not conceive a case of the character stated where that prescription would be to my mind proper, unless I deemed it absolutely necessary for the safety of the woman to evacuate the contents of the uterus.

25 *Quest.* Is it very difficult to evacuate the uterus in the early stages of pregnancy?

Ans. It is not—but it sometimes is excessively difficult; it depends upon the course pursued.

26 *Quest.* Is the excessive difficulty the exception?

Ans. It depends upon the means used; there is no difficulty in the stiletto; by the use of medicine, the cases are about equal.

27 *Quest.* Would a single dose of the prescription, marked *Exhibit D*, or how much of that prescription would, in your opinion, be necessary to produce abortion?

Ans. It would depend entirely upon the susceptibility of the woman to the action of the medicine; it is possible that one dose might do it in certain cases, but barely possible.

28 *Quest.* Will you state in what cases a single dose might possibly produce abortion?

Ans. That is a very difficult matter; it would be in a case, I should suppose, where persons were of relaxed habits and of peculiar susceptibility to that class of medicines.

29 *Quest.* Do you feel safe in expressing an opinion upon any difficult case without knowing the circumstances of the case in all its details?

Ans. I feel safe in expressing an opinion upon a case so far as detailed.

30 *Quest.* In a case under your own charge, should, in your opinion necessity require, in an emergency, in order to save the life of a patient, to remove a fœtus six weeks advanced, would you use the remedy prescribed in *Exhibit D*, or one more powerful?

Ans. It would depend altogether upon the emergency; if

so powerful a remedy as this failed, the best resource left would be the stiletto.

31 *Quest.* Are you acquainted with the medical authority, or book, known as Lisfranc, translated by Lodge?

Ans. I have never read Lisfranc's work, although I have read extracts from it in the journals.

32 *Quest.* Do you know whether Lisfranc contains a treatment of the disease stated to you in the *suppositious* case put to you in your examination in chief, of engorgement of the uterus, six weeks or two months advanced in pregnancy, attended with severe rheumatic affection of the person, with intense agony in the uterus?

Ans. I do not.

33 *Quest.* Is Lisfranc accepted by the medical profession as good authority?

Ans. He is accepted as good authority; he stands fair both in this country and Europe with hundreds of other authors.

34 *Quest.* In the case of a diseased uterus extensively engorged and irritated, what would be the probable effect produced upon the patient by sexual intercourse?

Ans. It would be deleterious.

35 *Quest.* Is there any other ergot than the ergot of rye?

Ans. I believe there is, but none other in use that I know of—certainly there is none other officinal; there is ergot of wheat and ergot of barley.

Re-examined by Mr. Browning.

36 *Quest.* If the condition of the patient in question be given by a skilful physician in charge in reference to his own treatment of the patient, ought not that condition to be relied on?

Ans. It decidedly should.

37 *Quest.* Are not the means of inducing an abortion referred to by you on your cross-examination, all of them more or less hazardous to the life of the patient, if resorted to in the earlier stages of pregnancy?

Ans. They are.

The witness is asked by Mr. Chetwood—

38 *Quest.* In your last answer, do you include the drugs contained in the prescription, *Exhibit D*?

Ans. I do.

Question by Mr. Browning.

39 *Quest.* In reading over your examination by the master, I observe, in your cross-examination, you say that beside drugs administered through the stomach, the stiletto is the only other means you knew of to produce abortion, but you

afterwards described several other means—how do you explain that seeming contradiction?

Ans. It was a misconception of the question to which the first was an answer; I thought I was asked if there were other means, and did not mean to be understood to say that that was the only other means I knew of.

THOMAS F. CULLEN.

Sworn and subscribed before me, this seventh day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

The examination is adjourned to Tuesday next, January 10th, at ten o'clock A. M.

January 10th, Tuesday.—Examination continued pursuant to adjournment, Messrs. Browning and Chetwood present.

Thomas D. Baird, a witness produced on the part of the prosecutor, being duly sworn, saith—

1 *Quest.* Are you the brother of the Rev. James H. Baird?

Ans. I am.

2 *Quest.* Are you acquainted with his wife, Adeline W. Baird?

Ans. Yes, sir.

3 *Quest.* Where do you now reside, and what is your business?

Ans. I am principal of the central high school at Baltimore; I am a lawyer by profession.

4 *Quest.* Were you at the wedding of your brother James, and if so, state where it was solemnized, and at about what hour of the day?

Ans. I was there; it was solemnized at Princeton, New Jersey, at the house of Professor Torrey; I think it was in September, and the hour of the day about five o'clock in the afternoon—I think the hour was at five o'clock; dinner, I remember, was at four o'clock, or as near that as I can fix it; I have a distinct recollection of dinner waiting a long time for the parties, who did not appear until the company became very impatient; dinner on that account was rendered very late; the marriage was subsequent to the dinner, and I should suppose took place at five o'clock, as near as I can fix it.

5 *Quest.* After the marriage of your brother, did you subsequently spend some time at his house—if so, state at what places you visited, and about the length of time you remained with him?

Ans. I visited him at Toledo, in the summer of 1856, I

think, while he was stationed at that place; I also was in his family in Lockhaven; I can't be exact as to the length of time in either case, but I should think in the neighborhood of a week at both times; I made my home at his house during these visits.

6 *Quest.* Were Mrs. Baird and the children at home on those occasions?

Ans. Yes, sir, and also my brother.

7 *Quest.* In what way was your time mostly spent during your stoppings with him—in riding, walking about, or in what manner?

Ans. In Toledo I have no recollection of going about the place at all; I cannot answer from any distinct recollection, but from my knowledge of my own habits and his; my visit was exclusively to my brother and his family, and I have no recollection of anything about Toledo engaging my attention; at Lockhaven I remember I took a ride up the river, which occupied a couple of days—my brother was not along; a little party was made up for the excursion, which I joined, so that that much time was taken out of my visit.

8 *Quest.* On either of these occasions, did you observe anything in the furniture of his house, or in the provision or appointments of his table, which indicated a state of destitution?

Ans. Quite the reverse—there was every appearance of comfort in both places; I had some anxiety before seeing him in Toledo that he was not living as comfortably as might be desired, but after visiting him I was perfectly satisfied on that score.

9 *Quest.* On either of those occasions, did you observe anything between your brother and Mrs. Baird, or between your brother and his children, which indicated a want of harmony and affection?

Ans. I did not; my impression of the harmony and affection as subsisting between him and his wife was not disturbed by anything which I ever saw between them, but only by circumstances connected with the attempt to settle at Westport; there was in his family every ordinary appearance of harmony; in regard to the children, I always thought his conduct toward them more considerate than ordinary, more playful, more attentive; I thought he noticed his children more than most fathers do, and sought to please them when they were in his presence; at table he was particularly attentive to them, and I saw no evidence of constraint on their part.

10 *Quest.* Do you remember the occasion of your brother, after first going to Westport, returning again to that place without Mrs. Baird, and if so, did you subsequently, in the

month of October, 1860, and while your brother was still at Westport, and Mrs. Baird in Philadelphia, call on her in Philadelphia with a view to making arrangement for her to go to Westport to her husband—and if so, please state what occurred between you and her in reference to it?

Ans. As near as I can remember, it was in the last days of August, 1860, I saw my brother in Philadelphia, and he returned West without taking his family; about the 20th of October, I made an appointment with my brother Samuel to meet him on the following Tuesday morning at the Girard house, Philadelphia, thence to visit Mrs. Baird at her boarding-house to make definite arrangements for the removal of herself and children to Westport; we saw Mrs. Baird at the time appointed, conversed with her upon the whole subject; she spoke as though she purposed going, seemed to deal candidly with the difficulties which were to be encountered; as near as I can now remember, the conversation turned definitely upon two points—the pecuniary means necessary for the undertaking, and the practicability of the journey; as to the first, I asked her what amount of money would be necessary to make the preparations for the journey; after stating that she could not tell exactly, and I desiring her to state, as near as she could at the time, without too great exactness, she thought a little while, and then said she thought $35 would do; I promptly answered that I thought the sum very reasonable, and our further conversation at that interview was in regard to the practicability of the undertaking; the question of her carrying with her a servant was discussed, my brother Samuel and she both seemed to think it necessary, and I deferred upon that subject to their judgment; my brother personally engaged to seek out a suitable person to go with the family; subsequently, the same day, having called a second time, Mrs. Baird stated the sum named, on further reflection, she thought would not be sufficient for her preparation, and then stated a sum, about forty-five or fifty dollars, to which again we readily acceded —and when we parted it was with the full understanding on all the points discussed, that everything was satisfactorily arranged, and that allowing the time she had considered necessary for making her preparations, about a week, she would then be ready to start; my brother Samuel was to do what was necessary to see her off; I, the same evening, visited Mr. Charles Franciscus, superintendent of transportation on the Pennsylvania Central railroad; and made special inquiry as to the whole route through, including changes of cars, places of rest, etc., and arranged the journey through by his advice, and secured from him the promise of a letter of travel for the route to secure to Mrs. Baird from the con-

ductors their special attention and assistance on the journey; considering everything satisfactorily arranged for the journey, I returned to Baltimore, where I received, almost immediately afterward, a note from Mrs. Baird, which very much surprised and disturbed me—it opened the whole question again; this is the note which I have here. [The said letter and enclosure produced by the witness, and marked by me *Exhibit D D* on the part of the prosecutor.] As the subject was re-opened by this letter, and I could not return again to Philadelphia, and as it was unmanageable by me in Baltimore, I enclosed said letter to my brother Samuel for him to take control of the matter, and see Mrs. Baird again upon the subject.

11 *Quest.* I observe by this letter that Mrs. Baird says she will require fifty dollars to pay a board bill at Mrs. Devine's before leaving—was any mention made by her of that during your interviews in Philadelphia, and what was your understanding in reference to the payment of her board?

Ans. There was no mention made of Mrs. Devine's bill while we were in Philadelphia, on the contrary I understood from her that her father regularly paid her board, conditionally on her staying in Philadelphia, or had done so previously up to that time; Mrs. Baird had been for some time in Philadelphia, and as I understood it was the wish of her family she should remain there, I do not know for what length of time.

12 *Quest.* Did you not understand that that arrangement was made in the preceding month of August, with the understanding that she was to remain in Philadelphia till the cooler weather, and that her board was to be paid during that stay?

Ans. (This question objected to as wholly leading.)—Of that arrangement I had no personal knowledge; I adhere to the statement of the previous answer in respect to what I learned from Mrs. Baird; I cannot give the origin of the arrangement.

13 *Quest.* At your second interview with Mrs. Baird, when she increased the sum which she said would be necessary to complete her arrangements, from thirty-five to forty-five or fifty dollars, did she say anything to you in reference to an outstanding dentist's bill, in addition to what had been named, and if so, state what occurred about it?

Ans. She mentioned to me then that she had incurred such a bill; I asked her the amount; she said about eleven dollars, and that she had recently had a dentist's bill paid by her father, and she did not like to say anything about it to him; I said she need not give herself any trouble about that, that I would assume the bill.

14 *Quest.* Did you pay the bill?

Ans. I did, through my brother Samuel; the amount was about twenty-one dollars.

15 *Quest.* Had your brother James, previously to your interview with Mrs. Baird in Philadelphia, provided you with any means to fit her out and send her to Westport, and if so, with what amount?

Ans. James sent me a draft on a banking institution in Philadelphia, payable to my order, the amount on the face one hundred and forty dollars, desiring me to use it for that special purpose.

16 *Quest.* Did you, in those interviews or either of them, inform Mrs. Baird that you had received such a draft for that purpose?

Ans. I certainly did.

17 *Quest.* Do you remember at what boarding-house you visited Mrs. Baird in the city of Philadelphia?

Ans. According to my recollection, it was on the east side of South Sixth street, and I understood the house was a boarding-house kept by Mrs. Devine.

18 *Quest.* Had it the appearance of a respectable genteel boarding-house?

Ans. Certainly.

Being cross-examined by Mr. Chetwood—

19 *Quest.* You have said that your brother James sent you a draft on a banking institution of Philadelphia, payable to your order, for $140, on what banking institution was the draft?

Ans. I cannot remember the name.

20 *Quest.* By a draft do you mean a check, or in what form was the draft?

Ans. I suppose it was a check; it was made payable to my order.

21 *Quest.* When he sent you that draft did he tell you that he had the funds in bank?

Ans. It is impossible for me to say definitely.

22 *Quest.* Do you know whether that draft was ever paid at the bank?

Ans. It never was—I never put my order on it.

23 *Quest.* Why was it never paid, and why did you never put your order on it?

Ans. I understood this money to be expressly for the purpose of transferring my brother's family to Westport; my first effort was to arrange with Mrs. Baird the preparation and the time of departure; my brother Samuel and myself intended advancing what was immediately necessary, and I purposed drawing those funds before her setting out, so as to

pay her travelling expenses, and refund the cost of preparation; when I left Philadelphia, I considered everything satisfactorily arranged and in progress; the new features presented by the note I received from Mrs. Baird caused me to refer the matter to my brother Samuel to endeavor to accomplish the desired object; the failure to secure her departure caused me to determine not to write my order on the draft.

24 *Quest.* How long was it after you left Philadelphia that you decided not to put your order on the draft?

Ans. That I cannot answer definitely; I hoped for some time, as we all extremely desired it, that this object would be accomplished; precisely at what time I gave up the expectation I am not able to say.

25 *Quest.* Can you not give some more definite idea of how long it was, after you left Philadelphia, that you decided not to put your order on the draft?

Ans. I should think it was within three weeks, only answering from general recollection.

26 *Quest.* When you left Philadelphia did you take the draft with you?

Ans. I can only answer that I think I did.

27 *Quest.* Did you send that draft, after your return from Philadelphia, to Baltimore, to your brother Samuel?

Ans. No, sir.

28 *Quest.* When you left Philadelphia, did you understand certainly that Mrs. Baird was going soon to Westport?

Ans. I understood that, as soon as her preparations were made she was going.

29 *Quest.* Did you understand how soon thereafter she expected to go?

Ans. She had told us that it would take a week to make her necessary arrangements.

30 *Quest.* Did you expect her to go in about a week?

Ans. I did expect then that she would go as soon as her necessary arrangements were completed, which she said would take about a week.

31 *Quest.* When you left Philadelphia did you expect to see either Mrs. Baird or your brother Samuel again before Mrs. Baird should go to Westport?

Ans. That would have been governed entirely by the emergency of the occasion; my brother Samuel had the matter immediately in charge, and I would have co-operated in any way that was necessary.

32 *Quest.* When you left Philadelphia, did you have any idea or expectation of seeing either Mrs. Baird or your brother Samuel again before Mrs. Baird's departure from Philadelphia for Westport?

Ans. I think I did not think it would be necessary for me to come to Philadelphia again.

33 *Quest.* When you left Philadelphia, or before, why did you not endorse and leave that draft, or draw the money upon it?

Ans. Our minds were occupied during the time we were in Philadelphia with the difficulties practical of this journey; the arrangements necessary to effect it (not in a pecuniary point of view) were what engaged my brother's attention and mine; the question of the money presented no difficulty to our minds at the time of this interview within certain limits, that is within the limits of the draft; there was a private purpose to use my own funds, if necessary, to some extent, to accomplish this object; hence at that time I have no recollection of doing anything with reference to the draft.

34 *Quest.* When you received that draft from your brother James, or at any time while you had it in your possession, did you expect to get the money for it at the bank?

Ans. I certainly did.

35 *Quest.* Did you ever present the draft at the bank?

Ans. I never did.

36 *Quest.* Did you ever inquire at the bank whether there was money of your brother there?

Ans. I never did.

37 *Quest.* From the time that you received that draft to the time that you returned to Baltimore from Philadelphia, did you receive any letter from your brother James, or did you see him?

Ans. I did not see him, and I cannot certainly say that I received a letter, though my impression is I may have done so.

38 *Quest.* From the time that you first received that draft to the time that you left Philadelphia for Baltimore, did you expect to receive the moneyupon said draft for the purpose of preparing Mrs. Baird for her journey to Westport, and providing her with the means for the purpose?

Ans. I did.

39 *Quest.* How soon after you arrived at Baltimore, after leaving Philadelphia at the time spoken of, did you discover that your mind had been so occupied while in Philadelphia in discussing the "difficulties practical" attending the journey of Mrs. Baird, that you had omitted to leave the draft, or the means represented by the draft, to provide the expenses necessary for her preparation and journey to Westport?

Ans. (This question objected to because the witness has neither said nor intimated anything assumed by the question.)—I did not make such discovery; the sum that Mrs.

Baird stated as necessarily incident to her preparation was advanced out of hand by the Rev. Samuel J. Baird; she received from him about forty dollars.

Re-examined by Mr. Browning.

40 *Quest.* Had you any thought, or the remotest intimation of any kind, that that draft was not good?

Ans. I never had.

41 *Quest.* What did you do with it ultimately?

Ans. My impression is that I enclosed it to my brother James in a letter.

42 *Quest.* Did you do this until you had lost all expectation and hope of procuring Mrs. Baird to go to Westport?

Ans. I did not until I had lost all expectation of my brother Samuel and myself succeeding in effecting her departure.

43 *Quest.* Were not both you and your brother Samuel to advance any further sum that might be necessary for the proper preparation, and to furnish means for Mrs. Baird's journey?

Ans. We were both very earnest in wishing to see an end of the mode of living of Mrs. Baird separate from her husband, and would have advanced any sum within our means to have effected that object.

44 *Quest.* You have said that, in the interviews at Philadelphia, the difficulties apprehended were not pecuniary, what were they?

Ans. In the first place, we had to discuss the necessary preparations, and the time it would probably take, and whether it would be necessary to take a girl all the way to assist Mrs. Baird with the children; the route of travel and probable stopping places, &c., were talked of.

45 *Quest.* In addition to those difficulties, did you not apprehend that you might have difficulty in getting Mrs. Baird actually to consent to go?

Ans. (Objected to as leading.)—I had apprehensions before seeing her that we should have much difficulty; the interview gratified me in the main, and left me under the impression that she would go.

[Being shown a letter, dated Baltimore, October 20th, 1860, marked by me *Exhibit E E* on the part of prosecution, witness is asked]—

46 *Quest.* Is not this a letter from you to your brother Samuel, at the time it bears date, forwarded to him by mail, relating to that subject?

Ans. (The question and the exhibit objected to.)—I have no doubt it is—it is my handwriting.

THOMAS D. BAIRD.

Sworn and subscribed before me, this tenth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Matthew B. Grier, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside, and what is your profession or calling?

Ans. I reside in the city of Philadelphia; I am a clergyman in the Presbyterian church (old school), and am one of the editors of the Presbyterian newspaper.

2 *Quest.* Do you know Doct. Ludlow, of the city of Philadelphia?

Ans. Yes, sir.

3 *Quest.* Do you remember having a conversation with him touching the treatment of Mrs James H. Baird, about the time of her sickness in the spring of 1862, and if so, please state when and where that conversation occurred, and what it was, as nearly as you can remember?

Ans. It was in the spring of 1862—I cannot be more precise as to time; it was at the Continental hotel, in Philadelphia; I met Doct. Ludlow one evening—I was going down from my room at the hotel to the office of the hotel; he asked me if I knew where Doct. Schenck was; he said that he had been to his room, but that he was not there; I replied that he might be in the tea-room, as it was about the tea hour in the evening; we walked down to the tea-room and looked in, but he was not there—we then went down to the office; as we were going down, he said he had had a difficulty with the Rev. Mr. Baird; that he had been in attendance upon his wife, who was sick, and that Mr. Baird had forbidden him to visit her again; that he had been her physician previously, and that he had found her in great pain, trouble, and distress—I do not know that I can testify to any words beyond that; he said that he had administered to her as a physician, and treated her as her symptoms required; my impression is that he said, although I cannot recall the words, that he supposed Mrs. Baird to be in the family way, which he considered to be very prejudicial to her general health at that time; that Mr. Baird was dissatisfied with the manner in which he treated her, but that his treatment was such as he supposed any other physician would use in view of her condition; he then ceased to speak of the particular case of Mrs. Baird, and went on to speak of the treatment of females generally by physicians, and said that it was necessary at times, and was so held by all physicians, to produce abortion; he left the impression upon my mind that he had been obliged so to act in the case

of Mrs. Baird, although he did not use the words, that he had produced abortion; there are parts of the conversation that have faded from my mind altogether, though the tenor remains.

The witness being shown *Exhibit No.* 3 on the part of the defendants, being the minutes of the presbytery of Philadelphia, is asked—

4 *Quest.* Are you the same Rev. Mr. Grier stated in these minutes as the head of the committee appointed by the presbytery of Philadelphia to inquire into certain difficulties alleged to be existing in the Fifteenth Presbyterian church of Philadelphia?

Ans. Yes; I was chairman of that committee.

5 *Quest.* Do you remember whether that committee, through you as their chairman, presented a written report upon the subject matter presented to them?

Ans. Yes; they did.

6 *Quest.* Did that writing contain the whole report which the committee, as such, made to presbytery on the subject referred to them?

Ans. Yes, sir.

7 *Quest.* How long have you been in the ministry?

Ans. Seventeen years.

8 *Quest.* Does your present position and past experience enable you to form any idea as to what is about the average salary of Presbyterian clergymen in the states of New Jersey and Pennsylvania, referring to the time anterior to the breaking out of the present war?

Ans. I was in the South anterior to that time, and spent my ministry there—therefore I can't say.

Being cross-examined by Mr. Chetwood—

9 *Quest.* At the interview spoken of by you with Doct. Ludlow, did Doct. Ludlow say anything more to you as to the particular condition or state of Mrs. Baird's illness?

Ans. I think not, except that he represented it as severe and distressing.

10 *Quest.* From whatever Doct. Ludlow said to you on that occasion, did you or did you not apprehend that Mrs. Baird's condition was alarming to him and dangerous?

Ans. It did not convey the impression that it was dangerous, but one requiring attention and prompt remedies.

11 *Quest.* Did Doct. Ludlow, at that time, state to you any reason or cause assigned by Mr. Baird why he had forbidden the doctor to visit Mrs. Baird again?

Ans. Not that I remember.

12 *Quest.* Did he state, at that time, that Mr. Baird had

charged him with any particular thing in his treatment of Mrs. Baird?

Ans. I cannot recall such statement.

13 *Quest.* When Doct. Ludlow said that Mr. Baird was dissatisfied with the manner he had treated Mrs. Baird, did he state to you what that manner was?

Ans. I do not think there was any more specific mention of the manner; Doct. Ludlow expressed great dissatisfaction of Mr. Baird's treatment of him.

14 *Quest.* Did Doct. Ludlow say what that treatment of Mr. Baird to him was?

Ans. He said he had attended the family some time without charge, and that he thought it was treating him very badly to dismiss him, as Mr. Baird had done, from attendance upon his wife.

15 *Quest.* You have said that Doct. Ludlow "then ceased to speak of the particular case of Mrs. Baird, and went on to speak of the treatment of females generally by physicians, and said it was necessary at times, and so held by all physicians, to produce abortion"—was it that conversation that left the impression on your mind that Doct. Dudlow had felt it necessary in Mrs. Baird's case to produce abortion?

Ans. I suppose it was the general tenor of the conversation—I cannot specify any particular part of it which produced that conviction; it was the general flow of the conversation.

16 *Quest.* Did Doct. Ludlow say he had attempted to produce an abortion upon Mrs. Baird, or words of that import?

Ans. He did not use those words; it was my inference, from the entire conversation, that he had felt it necessary to do so.

17 *Quest.* Have you stated all you recollect Doct. Ludlow to have stated on that subject?

Ans. That is all at that time.

18 *Quest.* Are you acquainted with the Rev. Doct. Engles, of Philadelphia?

Ans. I am; he is my colleague in the "Presbyterian."

19 *Quest.* Do you recollect, after your interview alluded to with Doct. Ludlow, stating to Doct. Engles that the same impressions were made upon your mind by the conversations you had with Doct. Ludlow as you have here stated were made upon your mind in your conversations with Doct. Ludlow, already stated?

Ans. (Objected to.)—I had a conversation with Doct. Engles on the subject after my interview with Doct. Ludlow, and stated to him that that impression had been made upon my mind.

20 *Quest.* After you stated to Doct. Engles those impres-

sions made upon your mind, did you have a subsequent interview and conversation with Doct. Ludlow upon this same subject?

Ans. Yes, sir; I did have another interview with Doct. Ludlow on the subject—I can't tell when that was; the doctor called several times at my office to see me, and I was out; the period of time between the conversations must have been two months, perhaps more—I know it was warm weather; the doctor had called several times at my office to see me, and failed—at least so I was informed.

21 *Quest.* Since the first conversation you had with Doct. Ludlow, spoken of by you, have you ever told any person, and if so, who, that you were satisfied that you had got wrong impressions, or had drawn wrong inferences from the first conversation alluded to with Doct. Ludlow, on the subject of his having produced abortion on Mrs. Baird, or having treated her with such intention?

Ans. (Objected to, because improper in every particular.) —Yes, I expressed myself so to Doct. Ludlow.

22 *Quest.* Do you recollect expressing yourself so also to Mr. William Torrey?

Ans. I may have done so—I cannot recall the conversation; I have had a conversation with Mr. Torrey upon the subject.

23 *Quest.* Do you know what member of the committee of presbytery, referred to by you, drew the report alluded to by you (being *Exhibit No.* 3)?

Ans. I drew it, although it may have been amended by the committee before it was presented; the draft was made by me.

24 *Quest.* Did that committee investigate or receive any evidence, pro or con, touching the subject matter upon which that report was made?

Ans. No evidence, technically so called, was received; the committee had a consultation, and they agreed that no charges could be received, and no witnesses heard in regard to matters that would probably be the subject of judicial investigation by the presbytery, therefore we dismissed certain witnesses who appeared, after hearing from the elders of the church who brought them for what purpose said witnesses were brought.

Re-examined by Mr. Browning.

25 *Quest.* Was it at or after your second conversation with Doct. Ludlow that you expressed yourself to him that you had drawn a wrong inference from what he said?

Ans. It was at the close of that second conversation.

26 *Quest.* Have you any means by which you can state

with accuracy upon the evening of what day it was that your committee of prysbytery had the hearing referred to in your cross-examination?

Ans. I can't fix any date; the committee had three distinct meetings; indeed I think I may say the committee had four meetings—they met once with the congregation; the meeting at which the witnesses were present, and were dismissed, I am now able to say was held the seventeenth of November, 1862.

27 *Quest.* Did your committee, in the investigations which they made, proceed according to the best of your judgment, in conformity with the rules and regulations of your church?

Ans. I thought so at the time; in reviewing the matter, I have thought, perhaps, we allowed too much latitude to both sides to make statements.

28 *Quest.* Is the report you have submitted truthful in its statements, so far as you know and believe?

Ans. It is.

MATTHEW B. GRIER.

Sworn and subscribed before me, this tenth day of January, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Adjourned to Tuesday, January 17th, next, ten A. M.

January 17th, A. D. 1865, ten A. M.—Solicitors of parties appeared, and the further taking of testimony was adjourned to such time as should be designated and agreed upon by said solicitors hereafter.

The examination in this cause resumed April 10th, A. D. 1865, at two o'clock P. M., in the presence of A. Browning, esq., and F. B. Chetwood, esq., solicitors of the parties.

Othniel H. Taylor, a witness produced on the part of the prosecution, being duly sworn, deposeth as follows:

1 *Quest.* Are you a practising physician of Camden?

Ans. I am, and have been for twenty years and over.

2 *Quest.* (Being shown *Exhibit D*)—Have you seen and considered that prescription, or a copy?

Ans. I have.

3 *Quest.* What is its general character with reference to its action upon the uterus, and what would be its probable effect upon a woman about two months advanced in pregnancy, given to her once in three hours, day and night, for four consecutive days?

Ans. Its specific action would be to bring on or induce

uterine contractions of the womb, and to cause an expulsion of the embryo, or rudiments of a living child—I have reference to the period of two months.

4 *Quest.* What purpose would such a use of it indicate, if prescribed by a skilful physician ?

Ans. Under such circumstances, if clearly ascertained that the uterus was impregnated, the indication would be to expel from the uterus its contents.

5 *Quest.* Would such a prescription, thus administered to such a patient, be either prudent or safe ?

Ans. Not as a general rule—there might be exceptions.

6 *Quest.* Would it (the prescription) administered for the time, and with the frequency stated, be either prudent or safe for a woman whose uterus, on examination by the touch to determine whether pregnant or no, was found so excessively engorged as apparently to produce congestion of it, with violent neuralgic symptoms, and so sensitive as not to bear such examination ?

Ans. Under such circumstances it would not only be contra-indicated, but would be attended with a great deal of hazard.

7 *Quest.* If to the condition of the patient, specified in the last question, you add general debility or bad health, with chronic rheumatism in the hands and ankles, would such a prescription, thus administered, be more or less proper ?

Ans. It would not be proper under such circumstances.

8 *Quest.* What are the ingredients in that prescription which act upon the uterus, and what, by the medical profession, is their supposed action ?

Ans. The *secale cornutum* principally, which, as I said before, has a specific action upon the uterus, with a view to accelerate parturient pains; the *secale cornutum* is decidedly the most complete abortive we have in the *materia medica;* the other articles here are principally emmenagogues, or those medicines which increase the menstrual flow, but by combination of these ingredients the specific action of the *secale cornutum* is materially enhanced.

9 *Quest.* Is not the *secale cornutum*, or ergot of rye, the acknowledged medical remedy for abortion ?

Ans. It is considered such by the medical profession.

10 *Quest.* What is the proper dose of each of those ingredients, when separately administered, I mean the four ingredients in *Exhibit D?*

Ans. An ordinary dose of *secale cornutum*, when compelled to use it for the purpose of expediting labor, would be one drachm; this dose I would repeat not more than two or three times in all; the answer to this question has reference

to the absolute necessity for the use of the medicine; we consider an ordinary teaspoonful a fluid drachm.

11 *Quest.* Is there any more than one standard of strength of the wine of *secale cornutum?*

Ans. There is one standard, and ought not to be more.

12 *Quest.* When, as in this case, the word *fort* is added to *secale cornutum*, what does it mean?

Ans. It means the strongest, the concentrated form, which is assumed after the article has been standing a length of time; the article becomes stronger sometimes after standing a length of time.

Being cross-examined by Mr. Chetwood—

13 *Quest.* If you deemed it necessary, to save the life of a patient, to produce abortion, would you have ordered this prescription (*D*) which has been shown to you?

Ans. No; I would not.

14 *Quest.* If you desired to produce abortion, without any regard to the necessity of saving a patient's life, would you deem that prescription effectual?

Ans. Those prescriptions fail very frequently—the *secale* fails very frequently; I should take a mechanical process.

15 *Quest.* Is the production of abortion by mechanical process more certain than this prescription to produce abortion?

Ans. Yes; it is certain; the prescription sometimes fails.

16 *Quest.* Is abortion produced by mechanical process any more dangerous to the life or future health of the patient?

Ans. I think not, properly performed.

17 *Quest.* If you desired to produce abortion by the use of drugs or specifics, would you precribe that combination of ingredients in *Exhibit D?*

Ans. I could not prescribe a better; I have seen this formula before for the purpose.

18 *Quest.* If you were uncertain of the primary stage of pregnancy of the patient, is there any disease of the womb for which you would prescribe those ingredients, or the principal part of them?

Ans. I would not prescribe that form—I think I would not for any disease.

19 *Quest.* Would the apprehended danger that you have stated be relieved in any degree by other medicines prescribed and used at the same time?

Ans. There are remedies which would counteract the danger to be apprehended from the use of this prescription.

20 *Quest.* Will you be good enough to state the proportion of the ingredients you find in this prescription?

Ans. There is 1 oz. of the *secale cornutum*, 80 drops of the

oil of savin, and 80 drops of oil of pennyroyal, tincture of aloes and rhubarb, which is a compound preparation half an oz., of glycerine 2 drachms and water sufficient to make two ounces; this would make 16 drachms or sixteen doses.

21 *Quest.* Do you think a single dose of this prescription calculated to produce abortion?

Ans. I should be fearful of it—it might not do it.

22 *Quest.* Do you feel pretty confident that a certain number of the doses, if repeated, would produce abortion, and if so, how many?

Ans. In the generality of cases the half of this quantity would produce abortion, the whole of it would certainly—that is generally; it might fail altogether.

23 *Quest.* Have you ever read Lisfranc, as translated by Lodge?

Ans. No; I have seen extracts from Lisfranc.

24 *Quest.* Is Lisfranc considered good authority?

Ans. Yes, sir.

25 *Quest.* Are you acquainted with Doct. Ludlow, of Philadelphia?

Ans. I am by reputation and personally.

26 *Quest.* What is his standing and reputation in the city of Philadelphia?

Ans. He has a very fair reputation in the city of Philadelphia; he stands well as a sound practitioner, and is something of an author.

27 *Quest.* Do you know whether Doct. Ludlow has for many years made the treatment of diseases of the womb more a specialty in his profession than physicians generally?

Ans. It is not a specialty with him I believe, though he has quite a reputation for the diseases of women and children; he has quite an obstetrical practice, though he does not confine himself to that exclusively.

28 *Quest.* In very severe and acute diseases of the womb, does the necessity for particular prescriptions vary according to the circumstances of the case?

Ans. Yes, materially.

29 *Quest.* Is it easy to prescribe in acute cases of the disease of the womb without a careful examination of the patient?

Ans. It is necessary to make a careful examination of the patient.

30 *Quest.* Should necessity require you, in an emergency, in order to save the life or a patient, and it became necessary to remove a fœtus six weeks advanced, would you use the remedy prescribed in *Exhibit D*, or one more powerful?

Ans. I would not; I do not think I should use such a prescription at the period of six weeks.

31 *Quest.* To produce abortion under the circumstances stated in the last question, what remedy would you resort to?

Ans. I do not think I would attempt it; I cannot imagine such a case as would require it at the end of six weeks.

32 *Quest.* Could a female be so ill in six weeks' pregnancy that abortion might save her life?

Ans. I think not.

33 *Quest.* Do you think, then, there could be no condition of the disease of the womb with a fœtus six weeks advanced which would justify removing the fœtus?

Ans. I think not by remedies of this kind.

34 *Quest.* What remedies then would you use?

Ans. That would depend upon circumstances—I would resort to mechanical means.

Asked by Mr. Browning in chief.

35 *Quest.* Do you kuow of any drugs, or combination of drugs, more efficient to produce abortion than those contained in that prescription?

Ans. I do not.

Cross-examined again.

36 *Quest.* If a female is in an exsanguineous and debilitated state, would it be easy or difficult for her to state positively whether she was pregnant or not?

Ans. It would be difficult; she might be deceived.

37 *Quest.* At what stage of advancement of the fœtus has a case come under your observation when a female has been ignorant of her condition of pregnancy?

Ans. I have known cases over five months, and as long, also, as six months.

O. H. Taylor.

Sworn and subscribed before me, this tenth day of April, A. D. 1865.

Chas. P. Stratton, *M. C.*

John V. Schenck, a witness produced on the part of the prosecution, being duly sworn, deposeth and saith—

1 *Quest.* Are you a practising physician of the city of Camden, and if so, for how long have you been?

Ans. I am, and have been for sixteen years.

2 *Quest.* (Being shown *Exhibit D*)—Have you seen and considered that prescription, or a copy of it, before?

Ans. I have.

3 *Quest.* What is its general character with reference to its action upon the uterus, and what would be its probable effect

upon a woman about two months advanced in pregnancy, given to her once in three hours, day and night, for four consecutive days?

Ans. The action of the medicine would tend to excite uterine secretions, and bring about expulsive action upon the part of the contractile muscular fibre.

4 *Quest.* What purpose would such a use of it indicate, if prescribed by a skilful physician?

Ans. To increase the secretions of the uterus, with a view to the expulsion of the contents.

5 *Quest.* Would such a prescription, thus administered to such a patient, be either prudent or safe?

Ans. I think not.

6 *Quest.* Would it (the prescription), administered for the time, and with the frequency stated, be either prudent or safe for a woman whose uterus, on examination by the touch to determine whether pregnant or no, was found so excessively engorged as apparently to produce congestion of it, with violent neuralgic symptoms, and so sensitive as not to bear such examination?

Ans. I would not regard it prudent.

7 *Quest.* If to the conditions of the patient specified in the last question, you add general debility or bad health, with chronic rheumatism in the hands and ankles, would such a prescription, thus administered, be more or less proper?

Ans. Less proper.

8 *Quest.* What are the ingredients in that prescription which act upon the uterus, and what, by the medical profession, are their supposed action?

Ans. The *secale cornutum* has a specific action upon the uterus, acting upon the muscular tissue, producing contraction, diminishing the size of the uterus, and by that action expelling the contents, if there be any; the oil of savin and hedeomar have an analogous action, but not a specific action upon the uterus; the tincture of aloes and rhubarb act upon the rectum, and transmit a sympathetic action to the uterus.

9 *Quest.* What is the most powerful contractile of the uterus, or abortive, known to *materia medica?*

Ans. The *secale cornutum.*

10 *Quest.* Do those four principal ingredients of that prescription, when combined, act upon the uterus in a greater or less degree than when administered separately?

Ans. A greater degree.

11 *Quest.* What is the ordinary dose of the first ingredient of the prescription?

Ans. The minimum dose to excite parturient pain is one drachm—some give it larger.

12 *Quest.* What is the ordinary dose of the other ingredients, when administered separately?

Ans. The oil of savin five drops, the oil of pennyroyal from five to ten drops, the tincture of aloes and rhubarb half an ounce.

13 *Quest.* Is there a standard strength of the wine of *secale cornutum* established by pharmacy in the United States?

Ans. There is.

14 *Quest.* What does the word *fort*, when added as in the present prescription, indicate in reference to strength?

Ans. The word is improperly used in this prescription; there is but one standard of strength in the *secale;* the physician may have had some understanding with the druggist; the word has no meaning with me.

15 *Quest.* Do you know of any drug, or combination of drugs, more efficient to produce abortion than those contained in that prescription?

Ans. This would appear to be the best to meet any indications of that sort.

Being cross-examined by Mr. Chetwood.

16 *Quest.* If you wished to produce abortion, would you use the remedy in this prescription, *Exhibit D?*

Ans. I should consider this a good prescription for that purpose—it would do better in some cases than others; it would very likely produce abortion.

17 *Quest.* Would you use that prescription as the most effective remedy to produce abortion where a fœtus was six weeks advanced?

Ans. I would expect that to be effectual in very many cases at six weeks advancement.

18 *Quest.* Would you expect it to be effectual in all cases where the fœtus was six weeks advanced?

Ans. No, sir.

19 *Quest.* If you wished to produce abortion with certainty where a fœtus was six weeks advanced, what means would you resort to?

Ans. To mechanical means.

20 *Quest.* Is the mechanical process of producing abortion quick as well as certain?

Ans. It is certain, not always quick.

21 *Quest.* What length of time does it require, by a mechanical process, where the fœtus is six weeks advanced?

Ans. I have no experience in that matter.

22 *Quest.* How many doses of that prescription (D) would be sufficient, in your opinion, to produce abortion?

Ans. The use of it for thirty-six hours.

23 *Quest.* Do you think the use of it for half that period of time would produce abortion?

Ans. If the patient was disposed to abort, it might.

24 *Quest.* Suppose she was not so disposed, how many doses do you think it would require?

Ans. Then, in many cases, it would fail entirely.

25 *Quest.* Is *secale cornutum* ever used for diseases of the womb?

Ans. It is used in uterine hemorrhage.

26 *Quest.* Are you acquainted with the work of Lisfranc, the author, translated by Lodge?

Ans. Only by meeting with extracts from his book.

27 *Quest.* Do you know whether Lisfranc recommends the treatment of severe diseases of the womb with this prescription, or one very similar?

Ans. I do not know.

28 *Quest.* When a patient is affected with engorgement of the uterus, with rheumatic or neuralgic irritation, attended with severe agony, could it be proper to administer this prescription accompanied with any other medicines, the effects of which were carefully and closely watched?

Ans. I think not.

29 *Quest.* If you deemed it necessary in an emergency to produce abortion with certainty, what means would you resort to?

Ans. I would use instrumental aid, but would then very likely expedite matters with the *secale cornutum.*

30 *Quest.* Have you ever found it necessary to produce abortion?

Ans. I have not.

31 *Quest.* Do you know Doct. John S. Ludlow, of Philadelphia?

Ans. I know him slightly.

32 *Quest.* Do you know whether he has in Philadelphia a general reputation as a physician, and if so what is it?

Ans. I hear him highly spoken of.

33 *Quest.* Do you know whether he has the reputation of being more skilful or eminent in any one part of his practice than another?

Ans. I do not.

34 *Quest.* Is *secale cornutum* used for any other purpose than with design to produce abortion?

Ans. It is used to excite parturient pains at full term—it is recommended sometimes as an astringent in cases of diarrhœa, but generally fails; sometimes used in hemorrhages of the lungs.

J. V. Schenck.

Sworn and subscribed before me, this tenth day of April, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Adjourned to April 11th, at ten o'clock A. M.

April 11th, 1865, ten o'clock A. M.—Examination resumed pursuant to adjournment, Messrs. Browning and Chetwood, solicitors, present.

Jane J. Baird, a witness produced on the part of the prosecution, being duly sworn, deposeth and saith—

1 *Quest.* What relation, if any, are you to the Rev. James H. Baird?

Ans. I am his brother Samuel's wife.

2 *Quest.* Is your husband a clergyman—and if so, of what persuasion and where does he reside and have charge?

Ans. He is a clergyman of the Presbyterian denomination; he has charge of the Presbyterian church at Woodbury.

3 *Quest.* After your marriage, was your husband at any time stationed in the state of Tennessee, and if so, state about the time?

Ans. He was there about two years, and about 1848, '49, or '50.

4 *Quest.* Were you there at the time that the Rev. James Baird had charge of the church at Vicksburg?

Ans. Yes.

5 *Quest.* Do you know his wife, Mrs. Adeline T. Baird?

Ans. I met her there, in Tennessee, for the first time.

6 *Quest.* How came she to be at your residence on that occasion?

Ans. She came there to meet her husband for the purpose of going on with him to Vicksburg.

7 *Quest.* Had he come up to your place to meet his wife on her way?

Ans. He had.

8 *Quest.* Was he there at the time she arrived?

Ans. Yes.

9 *Quest.* Now state, if you please, about how long they remained there together, which left first—and if she remained behind about how long she stayed with you after he had gone?

Ans. They were there together between one and two weeks, when he left for Vicksburg; she remained some time after he left; her whole stay with us was about six weeks.

10 *Quest.* How came she to remain after he left?

Ans. The dengue, or yellow fever, had broken out in Vicks-

burg, and it was thought best she should remain away four or five weeks longer.

11 *Quest.* What was the conduct of Mr. and Mrs. Baird together while they remained with you, and what were her declarations and conduct touching him during his absence?

Ans. There was every expression of affection between them; they seemed very happy with each other, and Mrs. Baird was very loud in the praises of her husband after he had gone—she would not allow a word to be spoken against him.

12 *Quest.* Were you much with her during her stay?

Ans. During her stay, I was absent for two weeks with my husband at synod at Memphis; she took charge of my house during my absence; I was with her all the rest of the time.

13 *Quest.* During that time, did you observe any want of attention on his part to her, or any sentiment on her part of unkind treatment from him?

Ans. Not the slightest.

14 *Quest.* Do you know of her writing a letter home to her ma during her stay there, and if so, state what occurred between you and her touching it?

Ans. She wrote a letter home to her mother whilst she was there, and sealed it with the motto "we are so happy."

15 *Quest.* How came you to observe that motto?

Ans. She told me what she had done; I do not remember whether she showed it to me or not.

16 *Quest.* When and where was the next occasion of your meeting with your sister-in-law?

Ans. I met her next in Wooster, Ohio, at the time Rev. James Baird was pastor there.

17 *Quest.* What was the occasion of that meeting, and how long did you remain with them there?

Ans. It was a family meeting of the Bairds; I was there, I think, between three and four weeks.

18 *Quest.* In that time was she confined, and if so, of which of her children—and if anything occurred at that time, state what?

Ans. She was confined with her third child; I was present with her; her husband was exceedingly attentive—so careful was he of her, that he desired me to turn my boys bare-footed that their noise might not disturb her; the pavements were cold and damp, and we had just returned from Arkansas with chills.

19 *Quest.* Did you remain in the house during the time you have stated, and how many of your children did you have with you?

Ans. I was in the house with four children; Mr. James H. Baird moved his family during our stay from one house

to another; while the moving was in progress, during two or three days, I stayed at the house of a friend, except that time I remained during the whole visit in the family of Mr. James Baird.

20 *Quest.* What was the character of the furniture and provision of the house—abundant or scanty?

Ans. It, the furniture, was good, and the provision seemed abundant.

21 *Quest.* Did you observe any want of the proper necessaries of life?

Ans. No, sir; Mr. Baird was a very good provider.

22 *Quest.* Did you, on that occasion, observe any want of harmony or affection between them in any way whatever?

Ans. None at all.

23 *Quest.* Where and when was the next occasion of your meeting with Mrs. Baird?

Ans. In Woodbury, New Jersey, at my own house; she came on a visit with five children, and met her husband there.

24 *Quest.* Did she come without her husband, or was she attended by him, and if she was alone, what occurred preparatory to the coming of her husband?

Ans. She came without him, and when the time of his arrival drew near she dressed herself very handsomely to meet him, and on his arrival she seemed very glad to see him.

25 *Quest.* How long did she remain with you on this occasion?

Ans. A few days, probably as much as a week.

26 *Quest.* What seemed to be the feeling between Mr. and Mrs. Baird at this time?

Ans. They seemed to be very cordial to each other; she seemed very happy in his society; she was engaged at the time, I remember, in embroidering a pair of slippers for him.

27 *Quest.* Were you with her at a subsequent period, or about that time, in the city of Philadelphia?

Ans. Yes, sir; I visited her, or called upon her with my husband; they were keeping house at that time in the city of Philadelphia, or seemed to be, in their own house.

28 *Quest.* Was this before or after their going to Lockhaven?

Ans. I cannot speak as to that, but I suppose before.

29 *Quest.* Can you state how long you were together on this last occasion?

Ans. It was but a short time; it was a mere call, perhaps half an hour or an hour long.

30 *Quest.* Did Mrs. Baird have any complaints to make of

her husband on that occasion, and if so, what were their general import?

Ans. She made a great many complaints at that time of mere trifles, as I considered them, such as I would not think of dwelling on for a moment; the general tenor of them was the want of attention on the part of her husband to little particulars; she remarked that my husband was so kind to me; I replied that if I chose I could bring much graver complaints against him than she made against her husband; I tried to reason with her, and convince her of the impropriety of her complaints; she would not listen to me, but said James' brothers had got to make him behave himself.

31 *Quest.* Do you remember any of the particulars of inattention which she specified?

Ans. I can't mention anything specifically; the above expression of hers is all I can state definitely; the general import of her conversation was complaint of mere trifles.

32 *Quest.* Did she, on that or any other occasion, ever intimate to you that her husband had treated her brutally, viciously, cruelly, or unkindly?

Ans. She did not intimate anything of the kind; it was only a complaint of little inattentions.

33 *Quest.* Did you ever observe anything harsh, unkind, or repulsive on the part of Mr. Baird toward his children, or what was his conduct toward his own children?

Ans. I never observed anything on his part harsh or unkind toward his children, though I have seen him very little with his children—except during the visit spoken of made to us at Woodbury; while there, he showed the greatest kindness to his children; he is very kind to my children, and seems to have a great tact in pleasing them.

34 *Quest.* From your knowledge and observation of him, is he, in your opinion, a proper person to have the care and culture of his own children?

Ans. I think he is eminently qualified to train them, both intellectually and morally.

35 *Quest.* Do you remember the time when Mrs. Baird was making preparation to go to her husband at Westport?

Ans. Yes, I do.

36 *Quest.* Did you aid her by shopping with her in the city of Philadelphia, when preparing to go, and do you know what money she had, how did you come to be with her, and what occurred generally at this time?

Ans. I did aid her, going with her shopping; our friends thought I had better go with her and assist her, as she did not seem very well, and complained a good deal of rheumatism; Mr. Samuel Baird, my husband, was with me when I

called on her, and he gave her money to make her purchases—I do not remember the amount; my impression is that he gave her $25 on that day, but of this I am not certain; whatever the amount may have been she used it all, and applied to me for more to pay a bill she had contracted; I let her have what I had with me, a small amount, about four or five dollars.

37 *Quest.* Do you know whether the completed all the purchases that she said she required, and what was the character of the purchases that she made?

Ans. She did not state definitely what she wanted; I asked her, several times before we started out, what she would need; she gave me no definite answer, but purchased muslin, and calico, and various little articles, and some face trimming for a bonnet.

38 *Quest.* Did you understand from her, in any way, whether she wanted anything more, or whether she had gotten all that she wanted?

Ans. She expressed no desire to have anything more, except a blanket shawl, which she looked at, and said she should like to have, if she went West, but she did not purchase it.

39 *Quest.* Were you at the house of Mr. James Baird, in the city of Philadelphia, in the spring of 1862, on the next day after Mrs. Baird had left him?

Ans. I was; I had come to the city to see Mrs. Baird, and found her gone.

40 *Quest.* Now state what you did at the house, who was with you while there, and in what condition you found things?

Ans. Brother James and my husband were there; I examined the house all over, except one room, which had been occupied by Miss Addie Schenck—I was not in that; the house was well furnished with good carpeting and nice furniture, except the parlor, upon which I believe there was no carpet; there were piles of bed-clothing thrown into the cellar in heaps, beside a large closet well stocked with bed-clothing of different descriptions, beside some boxed up; I found a great deal of children's clothing and of Mrs. Baird's own clothing in the bureau drawers, which would have been very useful in a family of children; I found out of doors, in a pile of rubbish, four pairs of children's drawers, almost entirely new, which I brought in, had washed, and put away; there were several pairs of pillow-cases, cut out, lying on the sewing-machine, not yet made; there was a piece of shirting among other things, quite a considerable piece; there was plenty of provisions in the house, tea, coffee, sugar, and vegetables also; the house was far better fur-

nished than mine has ever been at any time—I have never been half so well supplied with conveniences.

41 *Quest.* Did you observe anything like want or destitution about the house?

Ans. I did not—everything seemed to be abundant.

[Note.—The examination in chief of this witness on the part of the prosecution here closes. Mr. Chetwood declines to cross-examine the witness in the absence of Mrs. Baird or Mr. Torrey, the defendants, on the ground that he has no knowledge of the family matters spoken of in the above testimony. The witness agrees to present herself here at a future day, to be named by Mr. Chetwood, for cross-examination. Mr. Chetwood states that both Mr. Torrey and Mrs. Baird, the defendants, are absent because of sickness, and are not able to be present at the examination to-day.]

JANE J. BAIRD.

Sworn and subscribed before me, this eleventh day of April, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Margaret F. Devine, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside, and what is your business?

Ans. I keep a boarding-house at No. 1125 Girard row, Chestnut street, Philadelphia.

2 *Quest.* How long have you been so engaged there?

Ans. Three years the 1st of March last.

3 *Quest.* Had you kept a boarding-house previously to that time, and if so, at what place?

Ans. I had, at No. 209 South Sixth street, opposite Washington square, in the city of Philadelphia.

4 *Quest.* Was that considered a healthy and airy location?

Ans. It was considered a very airy location, having the square in front, and an open yard in the rear.

5 *Quest.* What rent did you pay for that property?

Ans. Eighteen hundred dollars.

6 *Quest.* For what period of time did you keep that house?

Ans. I think for three years and a half.

7 *Quest.* Did Mr. and Mrs. Baird board with you at any time while you kept that house?

Ans. They did, in the winter of 1859 and 1860.

8 *Quest.* For what period of time did they board there?

Ans. I can't say certainly; I think they came in the fall, and left in the spring.

9 *Quest.* What board did they pay you?

Ans. Seventeen dollars a week; this included children.

10 *Quest.* What was your lowest price for board?

Ans. We had young men, on the fifth floor, who paid four dollars a week; we had rooms also for a man and wife as high as sixteen dollars.

11 *Quest.* Which of the rooms did Mr. and Mrs. Baird occupy?

Ans. They occupied a second story room back, in the main building.

12 *Quest.* What was the character of that room?

Ans. It was a large square room, with high ceiling, two windows, and was always considered a good room—it was on the same floor as the parlor, and had free access to the parlor.

13 *Quest.* Except the parlor, was there any more desirable room in the house?

Ans. The room was really one of the parlors, and except not being front, was the most desirable room in the house.

14 *Quest.* Up to what time did they continue to board with you?

Ans. That winter until spring, and until Mrs. Baird went to keep house for her brother-in-law, Doct. Schenck.

15 *Quest.* Where was Mr. Baird?

Ans. He was absent at the time she went away; I don't know where he had gone, perhaps to general assembly—I can't say about that.

16 *Quest.* Did Mrs. Baird afterwards, with her children, return to board with you, and when?

Ans. She did, I think in September of the same year, 1860.

17 *Quest.* Where was Mr. Baird at this time?

Ans. I don't know the name of the place.

18 *Quest.* Was it Westport?

Ans. Yes, that is the name of the place; she told me she intended to remain with me but a short time, and then go to her husband.

19 *Quest.* What room did she occupy at this second time?

Ans. A third story back room, immediately over the first one she occupied; this room overlooked the back buildings, and was more airy than the one she formerly occupied; it was the same size as the first room, with the exception of having a small entry-way cut through; nobody had access to this entry-way when the door was shut but themselves.

20 *Quest.* What board did she pay?

Ans. Fifteen dollars per week.

21 *Quest.* Did you consider your house at that time one of the best appointed and best conducted boarding houses in the city of Philadelphia?

Ans. I did.

22 *Quest.* Had Mrs. Baird at all times access to all the comforts and conveniences which your house furnished?

Ans. She had; she was deprived of nothing that she wished.

23 *Quest.* During Mrs. Baird's boarding with you, both while her husband was there and when he was absent, did Mrs. Baird appear to you to be in a destitute and suffering condition?

Ans. She did not, so far as I could see; she seemed to have everything she wanted, and to be happy.

24 *Quest.* Whilst Mr. Baird was there with Mrs. Baird, what appeared to be his conduct toward her and toward the children, and what appeared to be the conduct of Mrs. Baird and the children toward him?

Ans. Mr. Baird's conduct was becoming, and that of a christian toward both his wife and his children; her conduct toward him, as far as I ever saw, was dutiful and pleasant, and as for the children, their conduct toward their father was like that of all the other children in the house.

25 *Quest.* Did you ever observe any harshness of manner or address on the part of Mr. Baird towards his wife, or any manifestation of fear on her part towards him?

Ans. I never did.

26 *Quest.* Did Doct. Ludlow attend Mrs. Baird whilst there?

Ans. I do not recollect his ever coming to attend her—he did attend the children.

27 *Quest.* Had you as good or better opportunity of judging of the state of feeling existing between Mr. and Mrs. Baird as Doct. Ludlow had?

Ans. I should think I had.

28 *Quest.* Have you any recollection of the hour of evening at which Mr. Baird was accustomed to retire?

Ans. So far as I can recollect, he retired early; we shut our house at eleven o'clock, and I think Mr. Baird was generally in at that time; I think he never had a night-key.

29 *Quest.* Did you ever know or hear of his going out in the streets at night disguised in shabby clothing?

Ans. I never heard of such a thing.

30 *Quest.* Did you ever know or hear of any improprieties of conduct on his part whilst he was with you?

Ans. I never did.

31 *Quest.* Would you consider him a proper or improper man to have the care and culture of his own children?

Ans. I think him a proper person.

32 *Quest.* Did you ever know of anything to create a doubt in your mind upon that point?

Ans. I never did.

33 *Quest.* As between him and his wife, which do you consider the better calculated to have the management of children?

Ans. I think he could manage children much better.

34 *Quest.* Who paid to you the board bill during the second time of Mrs. Baird's living with you?

Ans. Mrs. Baird's father, Mr. Torrey.

35 *Quest.* Did he do it in person?

Ans. Yes, in person.

36 *Quest.* Did Mrs. Baird, on any occasion while there, request you to make out a bill for board to her husband, and send it to him at Westport?

Ans. She did.

37 *Quest.* Was this during the early or late part of her stay?

Ans. The early part.

38 *Quest.* How did it happen?

Ans. Probably I handed her the bill for board, and she requested me to send it to Mr. Baird, at Westport, which I did.

39 *Quest.* Did she assign any reason for sending it out?

Ans. I think she said that Mr. Baird expected her father to pay it, but that I was to send it out to him; I recollect her saying such things.

40 *Quest.* Do you know whether, after she had been at your house some time, she changed her mind in reference to going to Westport, and declined to go there?

Ans. Sometimes she would talk as though she was going, and then again she would say—how am I to go with all these children; it is too cold—suppose I get sick on the way; and then she would say, I am not prepared to go—I have got nothing to go with—how am I to go this way—I had better not go till I see how Mr. Baird likes it; my father has made him an offer—he had better come back—it is not worth while for me to drag all the way out there, and come back again.

41 *Quest.* About what time did she leave your house?

Ans. I am not certain of the time—I think in February.

42 *Quest.* Where did she go from there?

Ans. Her father came and took her away—I suppose he took her home; that was the impression she left with us.

Being cross-examined.

43 *Quest.* When did you first see Mr. Baird after you understood Mrs. Baird had left him?

Ans. I never understood she had left him till Mr. Baird called to see me about this case; Mr. Baird called to see me once, looking for board for his mother—that was better than

a year ago; he did not say anything about Mrs. Baird having left him then.

44 *Quest.* How long was Mr. Baird with you at that interview?

Ans. A short time.

45 *Quest.* Did you, in that interview, inquire of Mr. Baird how Mrs. Baird was, and where they were living?

Ans. Not to my recollection.

46 *Quest.* What did you inform him at this first interview?

Ans. I informed him I had no room to accommodate his mother.

47 *Quest.* Who paid the board bill the first time Mr. and Mrs. Baird boarded with you?

Ans. Mr. Baird.

48 *Quest.* Did Mr. Torrey pay all the board bill at the second time they lived with you?

Ans. He paid all the bill due when Mrs. Baird was leaving—as they were about to leave, I have an impression that Mrs. Baird had paid me something previously, but I am not sure.

49 *Quest.* Did the bill paid by Mr. Torrey include any of the board for Mr. Baird?

Ans. No, not any.

50 *Quest.* After Mr. Baird went to Westport, did you receive any money on account of the expenses of his family from Mr. Baird?

Ans. No.

51 *Quest.* How much of the board bill had accrued before you presented the bill to Mrs. Baird in Mr. Baird's absence?

Ans. I don't recollect.

52 *Quest.* When Mr. Baird went away, did you know he was going with the expectation of settling at Westport?

Ans. I did not know when he went—I do not think they were at my house when he went; she said he was gone when she came there, and that she expected to go on to him; from this I supposed he was going to settle there.

53 *Quest.* When did you first learn Mrs. Baird had left her husband?

Ans. During this past winter, when Mr. Baird called to ask me to come over here and be examined.

54 *Quest.* Was Mr. Baird alone when he called?

Ans. Yes.

55 *Quest.* The first time Mrs. Baird boarded with you, how many children had she with her?

Ans. I don't recollect whether she had two or three children with her; Mr. Baird afterwards brought two more, who had been staying in the country.

56 *Quest.* How long did the four children remain with you?

Ans. As long as Mr. and Mrs. Baird boarded with us—I don't recollect the length of time.

57 *Quest.* Did they have a servant the first time?

Ans. Yes; they had a young girl with them.

58 *Quest.* Did you spend much time in Mrs. Baird's room?

Ans. Not much; I stopped in her room occasionally; I think I called to see her more frequently than any other of the boarders—I did so because her children were sick a good deal, and she complained of rheumatism herself—I felt a sympathy for her.

59 *Quest.* Did you see Mr. Baird much in the room?

Ans. I saw him there at times; he was away a good deal during the day, but I saw him more frequently in the parlor where his book case was.

60 *Quest.* While Mrs. Baird boarded with you, what was the general state of her health?

Ans. She was pretty well, except that she complained of rheumatism; we did not consider her strong; sometimes she walked a little lame, and she suffered a good deal in her hands.

61 *Quest.* What were your terms made with Mr. Baird, when he first went to your house, in respect to the time of paying the board?

Ans. We did not make any arrangement in respect to time; he paid me very regularly.

62 *Quest.* Did you ever send the bill for board to Mr. Baird, as Mrs. Baird requested?

Ans. I did.

63 *Quest.* Did he send you the money?

Ans. No.

64 *Quest.* Did you hear from him?

Ans. I think there was a letter received—I can't remember what was in it, though I have the impression that the letter was short and not very satisfactory.

65 *Quest.* Do you recollect whether he wished you to send the bill to any other person?

Ans. He did not.

66 *Quest.* Did he assign any reason for not sending you the money?

Ans. I don't remember that he did; his letter was somewhat evasive—he did not seem to want to say what his arrangements were; I had no doubt I would get the money, and did not pay much attention to what he said.

67 *Quest.* While Mr. Baird was absent from Mrs. Baird, the first time she came to your house, was Mrs. Baird suffering that winter, more or less, with rheumatism?

Ans. Not to any great extent; she did complain, and walked lame in going up and down stairs, and seemed to suffer in her hands.

68 *Quest.* During the conversations which you have stated you had with Mrs. Baird, did she say anything to you upon the subject of her husband constantly roving about, and staying a very little while in any place?

Ans. She has spoken of that.

MARGARET F. DEVINE.

Sworn and subscribed before me, this eleventh day of April, A. D. 1865. CHAS. P. STRATTON, *M. C.*

Adjourned to April 12th, at half-past nine o'clock A. M.

April 12th, half-past nine o'clock A. M., resumed examination in the presence of Messrs. Browning and Chetwood.

Henry Hannen, a witness produced on the part of the prosecution, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside now, and what is your profession?

Ans. I reside in Philadelphia, at No. 245 North Twentieth street; I am a physician by profession, but am not now in active practice.

2 *Quest.* Prior to you residing in Philadelphia, had you resided in Toledo, Ohio, and were you then engaged in the practice of medicine?

Ans. I resided in Toledo in 1854, and part of '55, so far as my recollection serves me, and I was there engaged in the practice of medicine.

3 *Quest.* Are you acquainted with the Rev. James H. Baird at this time, and did you also know him at Toledo, Ohio?

Ans. Yes, sir.

4 *Quest.* What was Mr. Baird engaged in at Toledo?

Ans. He was engaged in preaching for a congregation that had been organized through his instrumentality and that of others.

5 *Quest.* Was it a missionary station?

Ans. It was partly sustained by the board of domestic missions.

6 *Quest.* Were you a member of his congregation?

Ans. I was.

7 *Quest.* What official position, if any, had you?

Ans. I had no official position in that congregation, but was active in getting it started.

8 *Quest.* Was that congregation organized into a church while Mr. Baird was there?

Ans. Yes, sir.

9 *Quest.* Do you know whether or not, after its organization, Mr. Baird was called to act as its pastor—and if so, with what degree of unanimity?

Ans. Mr. Baird was called regularly into the pastorate of the church, and so far as my recollection goes now, there was not a dissenting voice.

10 *Quest.* Did he decline or accept the call?

Ans. He accepted the call, according to my understanding of matters, I had occasion to know all the steps in the progress of the matter and the call, and all the proceedings were had according the standards of the Presbyterian church; officers were elected and ordained by Mr. Baird, after which the church went on, completely organized, until after I left Toledo; they had a building, and held regular services.

11 *Quest.* Do you know whether Mr. Baird's health, at or about that time, became seriously impaired by ague, and what was the reason he did not remain there, and carry out the acceptance?

Ans. Mr. Baird's health became impaired; he had to undergo the process of acclimation, as everybody did who went there, and his health was impaired by it; I went away from Toledo in May, 1855, and some difficulties had occurred in the church.

12 *Quest.* Were you on terms of social intercourse with Mr. Baird and his wife while there, and if so how intimate were you?

Ans. My acquaintance with Mr. Baird was from a very early period; I had known him before at Pittsburg intimately; when he came to Toledo, through my influence he was constrained to remain there and organize a church—through my influence, as much perhaps as any others I should say.

13 *Quest.* Were you in the habit of interchanging social visits with each other?

Ans. Yes.

14 *Quest.* Did you attend his family as a physician?

Ans. Yes, sir.

15 *Quest.* Do you remember being called upon by Mr. Baird to attend a servant girl named Louisa Allen, in his family, suddenly taken sick?

Ans. I have recollection of being called to attend a girl in his family; I do not remember her name, nor the circumstances; I remember the call was on a winter night, that it was very cold, and that there was deep snow upon the ground; what the attack was I do not remember, but the circumstances indicate that it was a violent attack of some sort; Mr. Baird came for me himself; the distance from his house to mine was from three-quarters of a mile to a mile.

16 *Quest.* Do you recollect that you cupped the girl?

Ans. I have an indistinct recollection of the kind, but not sufficient to be able to speak positively.

17 *Quest.* Do you remember who assisted in the cupping, either by holding the candle, or in any way?

Ans. I have no distinct recollection of the matter; so many occurrences of that kind happen that it is impossible to recollect details.

18 *Quest.* Do you recollect anything that occurred on that occasion, or any other occasion, that indicated a want of delicate or gentlemanly feeling on the part of Mr. Baird?

Ans. I do not.

19 *Quest.* What was the professional and personal character and conduct of Mr. Baird while at Toledo?

Ans. Altogether becoming, so far as my knowledge went.

20 *Quest.* Did you ever know or hear anything to the contrary during his stay at Toledo, of his making abundant and proper provision for his family?

Ans. As long as I remained there, I never noticed any want of provision by Mr. Baird for his family.

21 *Quest.* From your knowledge of Mr. Baird throughout the whole time you have known him, would you consider him a proper or improper person to have the care and culture of his own children?

Ans. I never considered him an improper person to have the care of his own children.

Being cross-examined by Mr. Chetwood, saith—

22 *Quest.* Are you able to recollect about how frequently you were in the habit of seeing Mr. Baird while at Toledo?

Ans. Circumstances made it necessary for us to meet very frequently; while forming the church, we met often at his house and my house.

23 *Quest.* Did you observe whether Mr. Baird was the principal part of the time afflicted with the ague prevalent in that part of the country?

Ans. I have no recollection of the length of time he was afflicted with ague, but according to my recollection, it was not the principal part of the time.

24 *Quest.* Do you recollect whether Mr. Baird was confined to his house, or incapacitated from daily occupation, by reason of the ague, while at Toledo?

Ans. I do not recollect.

25 *Quest.* Do you know whether, while Mr. Baird was there, there were any difficulties or differences between him and any of the officers or members of his congregation?

Ans. I never knew of any differences between Mr. Baird and any member of his congregation, except what arose from desire on the part of two members to get a more

popular or commanding man for preacher, such as Henry Ward Beecher; this was after the church had been in operation for some time.

26 *Quest.* Did you take an active part in the settlement of Mr. Baird at Toledo?

Ans. I did.

HENRY HANNEN.

Sworn and subscribed before me, this twelfth day April, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Adjourned to ten o'clock A. M., April 13th.

April 13th, ten A. M.—Examination resumed in the presence of solicitors.

William M. Engles, a witness produced on the part of the prosecutor, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reside, what is your profession, and what is your connection with the church to which you belong?

Ans. In Philadelphia, at 1906 Locust street; my present position is that of senior editor of the Presbyterian newspaper; I am a clergyman of the Presbyterian church.

2 *Quest.* Were you acquainted with the Rev. Doct. Alexander, of Princeton, New Jersey, in his lifetime, and are you acquainted with the Rev. Doct. Robert J. Breckenridge, of Kentucky, also with the Rev. Willard M. Rice, of Philadelphia?

Ans. Yes, sir, with all those gentlemen.

[The witness being shown a manuscript book of letters, marked by me *Exhibit F F* on the part of prosecutors, and being shown letters marked Nos. 1, 2, and 110 in said volume, is asked]—

3 *Quest.* Are you acquainted with the handwriting of those letters?

Ans. Yes; No. 1 is dated January 27th, 1848, Lexington, Kentucky, and is from Doct. Robert J. Breckenridge; it is a letter of introduction to his friend, Mr. Baird, not addressed to any person, and is in his (Doct. B's) handwriting; No. 2 is from Doct. A. Alexander, dated Princeton, September 2d, 1848, addressed to the Rev. Samuel S. Graham, D. D., and is in the handwriting of Doct. Alexander; No. 110 is the call presented to Rev. Mr. Baird from the Fifteenth Presbyterian church, Philadelphia, signed by the elders and trustees, and attested by Willard M. Rice, the moderator of the meeting—this is the handwriting of Mr. Rice.

4 *Quest.* Are you acquainted with the Rev. James H. Baird, and how long have you known him, and how intimately?

Ans. I know him perfectly well, and have had slight intercourse with him from time to time; he has called upon me, perhaps, a dozen times, speaking about his affairs; I have known him ten or a dozen years, perhaps more.

5 *Quest.* During the period of time you have known him, what has been his standing in the ministry and his character as a christian gentleman?

Ans. I have known of nothing positively to impugn his character as a christian gentleman or a christian minister.

6 *Quest.* What is his standing in reference to learning and talent in the ministry?

Ans. I have always considered him respectable in those particulars.

7 *Quest.* From your knowledge of Mr. Baird, would you consider him a proper or improper person to have the care and culture of his own children?

Ans. I have no reason to think that he would be otherwise than a kind and attentive father; I have never been in Mr. Baird's family, and know nothing directly, but from his general manner, I think he would conscientiously discharge his duties to his children.

Being cross-examined by Mr. Chetwood—

8 *Quest.* Did you reside in Philadelphia while Mr. Baird was connected with the Fifteenth Presbyterian church?

Ans. Yes; I have always lived in Philadelphia.

9 *Quest.* Do you know whether he had any difficulties with his congregation while at the Fifteenth church?

Ans. I was aware that difficulties had sprung up between him and the congregation.

10 *Quest.* Are you aware of any difficulties he has had with the congregations or officers of churches at other places where he has been acting as pastor?

Ans. I have known nothing, except from rumor.

11 *Quest.* Are you aware that he has been frequently before the ecclesiastical tribunals of your church in difficulties or controversies connected with the churches where he has been stationed at different times?

Ans. I have no knowledge of the kind; I never heard of any judicial arraignment of him.

12 *Quest.* Are you aware, from knowledge or information satisfactorlly derived, that Mr. Baird has frequently been before the general assembly or synods of the Presbyterian church upon questions or subjects between himself and the congregations or officers of the churches under his charge?

Ans. I have no certain information of the kind; I think, if he has been before any of the judicatories of the church, it must have been the inferior ones, possibly a synod, not in the general assembly; I have often heard that Mr. Baird was too persistent in the maintenance of his rights, and that that was often the cause of trouble in his churches.

13 *Quest.* Have you ever been upon terms of any social intimacy with Mr. Baird in his family?

Ans. No.

14 *Quest.* Have you ever been in his family?

Ans. I never was.

15 *Quest.* Have you ever seen Mr. Baird at any time with his wife and children?

Ans. Not to know them—I may possibly have met them in the street, but not to my knowledge.

16 *Quest.* Do you know the different places at which Mr. Baird has had pastoral charge since he has been in the ministry?

Ans. I do not; I have heard them, but I have no recollection of the names of the places.

17 *Quest.* How long have you been employed as senior editor of the Presbyterian, and have you during any of that period had pastoral charge of a congregation?

Ans. I was one of the originators of the Presbyterian, near thirty-three years ago, and have been connected with it ever since, and for thirty years the principal editor, and during the early part, and a very considerable part of the time, sole editor; I was for about thirteen years pastor of the Seventh Presbyterian church, Philadelphia, during this time; I think my pastoral relations with that church ceased about the year 1836.

WM. M. ENGLES.

Sworn and subscribed before me, this thirteenth day of April, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Robert Campbell, a witness produced on the part of the prosecutor, being duly sworn, deposeth and saith—

1 *Quest.* Are you now, and were you in 1862, one of the police of Philadelphia?

Ans. Yes, sir.

2 *Quest.* In what part of the city?

Ans. In South street, from Eleventh to Seventh.

3 *Quest.* Do you know, and did you know in 1862, Armour McFarland?

Ans. No, sir, but I know who you mean.

4 *Quest.* Did you on any occasion, and if so when, arrest him—state when, where, and on what occasion?

Ans. It was in Locust street, a few doors above Tenth, on the south side; it must have been about two o'clock in the morning—the day was the 18th of November, 1862, that is it was the morning of the 18th; the whistle blew about two o'clock, and we (I and another man) went round to the sergeant, and he told us to gather up all the men we could; he told us to hurry around to Locust street, that there was a house there where they were fighting and drunk; we went round to the house, and stood outside the door; when the door was opened, we arrested eight or ten—I think it was ten we took out; this McFarland I recognized as being one of the party; he was a tall man with sandy complexion; we arrested him and locked him up; in the morning he was taken, with the others, before an alderman, and he was fined for being drunk and disorderly; the tavern keeper (his name was Porter) was bound over to appear at court for keeping a disorderly house; the alderman's name I can't say, but I think it was McMullin—either he or Moore, I can't say which.

5 *Quest.* Was McFarland drunk when you arrested him?

Ans. Yes; they were all drunk; it was a regular drunken disorderly party.

Being cross-examined—

6 *Quest.* Had you ever seen Mr. McFarland before that night?

Ans. I never had,

7 *Quest.* Have you ever seen him since?

Ans. I think I have once or twice—I should know him.

8 *Quest.* What is his height?

Ans. I should think six feet; he was taller than me.

9 *Quest.* You say he was taller than you—how tall are you?

Ans. Five feet eleven and a half inches with shoes on.

10 *Quest.* What were the names of the other persons arrested?

Ans. I don't remember—it is long since; I took very little notice of the names.

11 *Quest.* Can't you give the name of one of the others?

Ans. No; I can soon get them—we have them all down at the station-house.

12 *Quest.* Do you know where McFarland lived at that time?

Ans. No; the whole party was strangers to me.

13 *Quest.* Where do you think you have seen McFarland since that night?

Ans. I think I have seen him once or twice in Locust street.

14 *Quest.* When did you see him in Locust street?

Ans. It must be eighteen months or two years since I saw him there.

15 *Quest.* Who was with him?

Ans. No one, that I recollect of.

16 *Quest.* Did you speak to him?

Ans. No, sir.

17 *Quest.* What did you say was the color of his hair?

Ans. A sort of reddish fair; his whiskers were about the color of my own, what we call a sort of reddish fair.

18 *Quest.* Were his whiskers large?

Ans. Yes, they were pretty long.

19 *Quest.* How came you to recollect his name, and none of the others?

Ans. He seemed to take it more harder than the others, and had more to say; his place of business was in my beat then, where I stayed in the daytime.

20 *Quest.* What was his business, and where?

Ans. I understood that he kept a livery stable at that time in a little street between Locust and Spruce, and between Eighth and Ninth; I only know this was his place of business from being told so.

21 *Quest.* Who told you that was his place of business?

Ans. One of the officers present at the arrest knew him.

22 *Quest.* Has Mr. Baird ever told you so?

Ans. No, sir.

23 *Quest.* Have you recollected his name ever since the night you arrested him, or have you been anywhere since to ascertain his name?

Ans. I recollected his name, and have frequently heard it mentioned since.

R. CAMPBELL.

Sworn and subscribed before me, this thirteenth day of of April, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Jonathan Edwards, a witness produced on the part of the prosecution, being duly sworn, deposeth and saith—

1 *Quest.* Where do you reiide, and what is your profession or calling?

Ans. I reside at No. 1737 Filbert street, Philadelphia, and am a minister of the gospel in connection with the Presbyterian church.

2 *Quest.* For what period of time have you been a clergy-

man, where is your present charge, and how long have you had that charge?

Ans. I have been an ordained minister twenty-one years; I am pastor of the West Arch street church, Philadelphia, and have held that position nearly eight years.

3 *Quest.* Do you know the Rev. James H. Baird, and if so, state for how long and how intimately?

Ans. I do know the Rev. James H. Baird, I have known him since the fall of 1858 more particularly; my acquaintance with him has not been particularly intimate, not more so than with other ministers of the same synod, until during the last three or four years, when he has been an occasional visitor at my house, and I have been more intimate with him than before.

4 *Quest.* Have his visits at your house been those of social intimacy or business?

Ans. I may say of both.

5 *Quest.* What is his character and standing in the church as a clergyman, and in the community as a man?

Ans. I know of nothing to impeach his character as a clergyman or a man; I am free to say this that Mr. Baird is an active minister; he is public spirited as to business, and takes an active part in the business of our church courts, and his motions and suggestions are always treated with respect.

6 *Quest.* Have you any knowledge of anything in the character and conduct of Mr. Baird which would render him an unsuitable person to have the care and culture of his own children?

Ans. I have not.

7 *Quest.* Is he then, in your opinion, a proper person to have the care and culture of his own children?

Ans. Quite so, as far as I have ever seen or heard.

8 *Quest.* Has you attention in any way ever been directed to the salaries of the Presbyterian clergymen of the country, so as to enable you to form an estimate of the average of said salaries—if so, please state it?

Ans. My attention has been turned to that subject repeatedly; I am of opinion that previously to the civil war the average salary of Presbyterian clergymen would range from four to seven hundred dollars; I doubt if since the war there has been any great change.

Being cross-examined—

9 *Quest.* Have you been in the family of Mr. Baird, and noticed his conduct toward his children?

Ans. I never have been in his family.

10 *Quest.* Have you ever seen him with his children?

Ans. I never have seen any member of his family.

11 *Quest.* Do you know from personal knowledge, or from information satisfactorily obtained, whether Mr. Baird has been before the general assembly or synods of your church by reason of any difficulty with any of his people or the officers of churches of which he had charge?

Ans. He has been a party to proceedings there—I know of his having been so in two cases.

12 *Quest.* Before what tribunals, and where was Mr. Baird settled at the time?

Ans. The first case was before the general assembly, in 1854, when he was pastor of the church at Wooster, Ohio; the second was before the synod of Philadelphia, in 1859, I think, when he was pastor of the church at Lockhaven, Pennsylvania.

13 *Quest.* Was the case you have spoken of as before the synod also carried to the general assembly?

Ans. Not that I know of—I never heard.

Question by Mr. Browning (in chief).

14 *Quest.* In what character was Mr. Baird a party to the proceedings in the two cases to which you refer?

Ans. In the assembly of 1854 he was in fact, if not in form, the prosecutor; at the time of the synod I was sick, and have no knowledge of the way in which the case came before the body—I merely knew there was a case in existence; I have no knowledge that this last case was ever tried—I know such a case existed in documentary form.

15 *Quest.* What was the result of the case before the assembly?

Ans. My impression is somewhat vague, but it is that Mr. Baird carried his case; my recollection is that it settled quite an important ecclesiastical question, and that Mr. Baird was quite successful.

J. Edwards.

Sworn and subscribed before me, this thirteenth day of April, A. D. 1865.

Chas. P. Stratton, *M. C.*

Alfred Nevin, a witness produced on the part of the prosecution, being duly sworn, deposeth—

1 *Quest.* Where do you reside, and what is your profession or calling?

Ans. In the city of Philadelphia, at No. 2200 Green street; I am the editor of the Presbyterian Standard; I am a clergyman.

2 *Quest.* Have you any ecclesiastical charge, and if so, what and where?

Ans. I am chaplain of the Sutterlee hospital, U. S., at West Philadelphia.

3 *Quest.* Do you know the Rev. James H. Baird, and if so, for how long, under what circumstances, and how intimately?

Ans. I do—have known him seven years; I have been connected with the same synod, preached for him and he for me, have had him engaged in my office for several months, and he has several times visited my family.

4 *Quest.* What is his character and standing as a clergyman and as a man?

Ans. I know of nothing to impeach his standing as a clergyman or his character as a man.

5 *Quest.* Have you any knowledge of Mr. Baird to induce you to believe that he is not a proper person to have the care and culture of his own children?

Ans. I have not.

6 *Quest.* What then would you say generally touching that matter?

Ans. I know of nothing that renders it improper for him to have the care and culture of his children.

7 *Quest.* What is his standing as to learning and talent in the ministry?

Ans. It is fair.

8 *Quest.* Has your attention ever been so directed to the matter that you can give about the average amount of the salaries of Presbyterian clergymen in this country?

Ans. It has not particularly, but my impression is that the average would be about seven or eight hundred dollars.

9 *Quest.* Is there anything in the fact that a clergyman derives his salary in part from the board of missions derogatory to his standing as a clergyman of your church?

Ans. I should say no.

Being cross-examined—

10 *Quest.* You stated that Mr. Baird had been in your employment for some months—when was this, and in what way was he employed?

Ans. In 1864 and '65, as clerk and assistant editor.

11 *Quest.* Have you ever been in Mr. Baird's family, and seen him with his children?

Ans I have never been in his family, but have seen him several times with his children at the Rev. Doct. Schenck's.

12 *Quest.* Have you any knowledge or information, satisfactorily obtained, that Mr. Baird has been before the general assembly or synods of your church as a party in a controversy with the people or officers of the church of which he had charge?

Ans. I merely know that he was party to a case before the

synod of Philadelphia, but do not know the character of the case nor the result; he was then pastor at Lockhaven; this is the only case of which I have any knowledge.

ALFRED NEVIN.

Sworn and subscribed before me, this thirteenth day of April, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Adjourned to Monday, May 1st, two P. M.

May 1st, 1865, (Monday)—Examination resumed.—Present Mr. Browning and Mr. Chetwood, solicitors.

Thomas D. Baird, a witness heretofore examined on the part of the prosecutor, being recalled for examination by virtue of an order of the Chancellor—

1 *Quest.* Did you, shortly after being examined as a witness in this cause, make the discovery that you had made an error in your testimony—if so, when did you make that discovery?

Ans. I did make such a discovery upon the same evening of my examination.

2 *Quest.* Did you on the next day call upon me (Mr. Browning) and desire to make an affidavit, that you might be re-examined and correct it?

Ans. I did so at the earliest moment.

3 *Quest.* What was the error you made?

Ans. The minor details upon which I was formerly examined here were of such nature as left no special impression upon my mind at the time of their occurrence, and I am not conscious that my attention had been recalled to them in any way; it was a distinct and earnest purpose, on my part, not to render the note previously referred to, for $140, available as money until such time as it could be immediately applied to the specific purpose for which it was sent by my brother James; conscious of that determination, and of having acted in strict compliance therewith, I stated, on my cross-examination, in accordance with my impressions at that moment, that I did not put my name on the note, nor let it pass from my hands; in these points I have reason to believe I was mistaken; I am convinced I did transfer the note, making it payable to the order of my brother, Samuel J. Baird; as thus endorsed, the note was left by me at the office of the Presbyterian board of publication, subject to his call, the understanding between us being that he was to draw it, whenever it was necessary to carry out the purpose heretofore explained; my memory upon

this point was in all probability confused by occasion of the fact that about the same time James sent me the check for $140 he also sent me, by way of duplicate, three others, respectively, two for $50, and one for $40; these were retained by me until eventually destroyed or returned to brother James; my best recollection is that I tore off the signatures of these, or some of them, and returned them to brother James by mail. [The above answer, written and read by witness from paper, and on this account is objected to by Mr. Chetwood.]

4 *Quest.* How came you to write out your answer?

Ans. I read my answer from a manuscript which I prepared to-day in Mr. Browning's office since about ten o'clock.

5 *Quest.* Was this at your own instance, or the instance of Mr. Browning, or at whose instance did you write it?

Ans. It was wholly at my own instance that I sought the privilege of making the explanation, and at my own instance that I put it in this form, and with a view to make the explanation as concise as possible.

6 *Quest.* Was Mr. Browning in his office until after you had written that down, or had you any communication with him upon the subject?

Ans. Mr. Browning entered his office when I was just finishing its transcription; I had had no communication with Mr. Browning upon the subject.

[Note.—Mr. Chetwood objects to the testimony of this witness because it was carefully transcribed beforehand, and read from manuscript, and not given in the ordinary way from memory.]

Being cross-examined—

7 *Quest.* At the close of your former examination in this cause, did you leave the office of the master, where this examination had taken place, in company with your brothers, or either of them, and who of them?

Ans. I left the office of the master in company with Mr. Browning, my brother James being near us; I walked under Mr. Browning's umbrella, James walked before us, I crossed the river to Philadelphia with James.

8 *Quest.* How soon after you left the office that day was it discovered you had made the error?

Ans. We were detained in getting over the river by the floating ice until the railroad line boat crossed, but do not know the hour; after reaching my brother's room, in Philadelphia, we were conversing about the case, when on looking over some memoranda, I made the discovery that I had probably fallen into error, and told James so; we then con-

versed distinctly upon the subject, and sought for further memoranda, in order to clear it up; it was probably three hours after leaving the master's office before I discovered the error.

9 *Quest.* Before you discovered your probable error, did your brother James suggest, or intimate to you, that you had made an error?

Ans. No, sir.

10 *Quest.* When you suggested to your brother that you had probably made an error, what did he say?

Ans. He immediately suggested that there might be means of ascertaining the fact amongst memoranda and papers which he had about him, and then united with me in examining for that purpose.

11 *Quest.* What led you to suppose that you had probably made an error, at the time you suggested it to your brother?

Ans. It was in looking over some letters I saw something which suggested that something that was inconsistent with my evidence.

12 *Quest.* Did you have those letters with you here on your former examination?

Ans. I had not.

13 *Quest.* Where did you find them?

Ans. In my brother's room.

14 *Quest.* What occasion had you to read those letters when you got over to your brother's room in Philadelphia, which showed to you your error?

Ans. Our conversation was about his case; there were many papers within reach which I was casually glancing at while conversing about the case, when my attention was arrested incidentally by a letter from brother Samuel to brother James upon this subject.

15 *Quest.* Had you ever read those letters before?

Ans. I had not read that letter before—to the best of my recollection I had not seen it.

16 *Quest.* Before reading that letter, did your brother James suggest any doubt or inquiry as to the correctness of your testimony given that day upon the subject?

Ans. He did not; to the best of my recollection, there was no allusion in our conversation to that subject until I casually came across that letter; whilst crossing the river, our conversation had been in a serious vein, touching the embarrassments and difficulties of conscientious witnesses in fully acquitting their consciences; this conversation was continued at length, and at last we became engaged in general conversation in regard to his case.

17 *Quest.* When you suggested to your brother James that

that letter had disclosed to you an error in your testimony, what did he say upon the subject?

Ans. As near as I remember his words, he rose up and said, "Now let us see," and took down some correspondence of about the date of this transaction; we then commenced together looking for further intimations in regard to it; it soon became clear to both of us that I had been quite in error in regard to that point.

18 *Quest.* After you had discovered that you had made an error in your testimony upon that point, did you reflect upon the other subject matters of your testimony to think whether you had made an error in any other parts of said testimony?

Ans. I did give very serious reflection, and repeatedly, and am satisfied that, excepting so far as my testimony must be modified by this correction, it is substantially correct.

19 *Quest.* Are you now perfectly confident that before your last examination you once knew the facts which you have now stated as a correction of your former testimony?

Ans. I am certainly convinced that I did know them; if, however, the purpose of the question is to ask whether I now have a distinct recollection of those facts unaided by other evidence, I must say that I now rely only measureably upon my recollection, it being sustained and confirmed by memoranda which are entirely convincing.

20 *Quest.* If you had not read that letter since giving your testimony upon the former occasion, and without any person calling your attention to the mistake, would you have remained until now under the same belief as to the facts testified by you as such upon your former examination?

Ans. That is what it is impossible for any man to say in his own case; I had forgotten the duplicates as duplicates, and having a recollection of disposing of them in the way mentioned in the testimony, I could not have reconciled that recollected fact with the idea of having put the note out of my hands, unless either by an act of spontaneous recollection or suggestion that a forgotten fact had been recovered.

21 *Quest.* How many letters or memoranda did you look over when at your brother's room in Philadelphia?

Ans. That is impossible for me to state, except generally; I handled a great number of papers casually.

22 *Quest.* What was your object in looking over those papers and memoranda?

Ans. I was quite alarmed at the first thought that I had made an error in regard to a fact under oath, and not knowing whether there was any way to put myself *rectus in curia*, and with some trepidation pursued the matter of investigation merely with a view to acquit my own conscience; on the next morning, at the earliest hour possible, I sought Mr.

Browning to ascertain whether there was any way by which I could correct an error of testimony, and learning there was, I immediately made application, and was here at the time to which the master adjourned the proceedings.

23 *Quest.* Did you come across the letter of which you have spoken as correcting your error at the first stage of the time occupied by you in reading those letters and memoranda, or at what period of it?

Ans. I have stated before that we were talking generally in regard to the case; my brother was reclining upon a sofa, and I sitting opposite him beside a table, on which table were a number of papers, apparently not arranged, and which, as we conversed, I occasionally glanced over, when, as I stated before, my attention was suddenly arrested by a letter which surprised me on account of its inconsistency with my testimony upon the point in question; to the best of my recollection, it was about nine o'clock when I discovered the letter; the finding of the letter led us to a definite pursuit of that subject, which had not occupied us before.

24 *Quest.* How many letters or memoranda had you read upon that occasion before you came across the letter you have spoken of as correcting your error?

Ans. That is impossible for me to answer; we were conversing, as would be natural, generally on my brother's case; I cannot say how many papers I looked at, or give any definite answer to the question.

25 *Quest.* Before reaching your brother's room in Philadelphia, had there been any conversation between you and your brother James in relation to any mistake made by you in your testimony?

Ans. There was not.

26 *Quest.* Had you ever seen the letter spoken of before the night referred to at your brother's room?

Ans. I answer now, as before, that I have no recollection of ever having seen the letter before, and do not believe I ever did; it was a letter written by brother Samuel, at Woodbury, to brother James, in Missouri, I living in Baltimore.

27 *Quest.* Did you see your brother Samuel after your former testimony was closed on that same day or following night?

Ans. I did not; my purpose was to have returned that night to Baltimore, but having discovered this error, and desiring to correct it immediately, I stayed over expressly for the purpose of seeing my brother Samuel and Mr. Browning with a view to the correction; my brother James, however, thought it was not of sufficient importance, except for my

own satisfaction, to take the trouble; I thought it necessary to acquit my own conscience.

Re examined in chief by Mr. Browning.

Witness being shown a letter numbered 87 in the volume of manuscript marked *Exhibit F F*, which letter is dated Woodbury, N. J., November 7th, 1860, by Samuel J. Baird to his brother James, is asked—

28 *Quest.* Is that the letter to which you refer as having arrested your attention to the error which you have now corrected?

Ans. This I believe to be the same letter.

[And being shown letters in the same book, numbered 88½, 89, 90, and 91, the witness is asked]—

29 *Quest.* Do you remember reading those letters after having read one numbered 87 in your further investigations that evening?

Ans. Yes; I remember those letters.

30 *Quest.* In whose handwriting are those letters?

Ans. No. 87 is in the handwriting of Samuel J. Baird; 88½ is Samuel J. Baird's; 89 is James H. Baird's; 90 is his also; No. 91 is Samuel J. Baird's.

31 *Quest.* Why were you not called as a witness at the time of adjournment at which you were present, as you stated at the office of the master?

Ans. I attended at the office, but found that the examination had been adjourned by the master to some future day.

[Note.—Mr. Chetwood objects to the letters above referred to being offered in testimony as being incompetent evidence.]

Questions by Mr. Chetwood.

32 *Quest.* Does this book produced here (*F F*) contain all the letters and memoranda referred to by you, found at your brother's room?

Ans. The papers which I read at my brother's room were loose papers at that time; these papers were not at that time stitched together in book form and numbered; these letters, designated by the numbers above stated, are the principal memoranda by which my memory has been aided and corrected.

33 *Quest.* Did you see at your brother's room that evening, a bundle of letters or papers stitched together in this present form of a book?

Ans. I have no recollection of seeing such.

THOMAS D. BAIRD.

Sworn and subscribed before me, this first day of May, A. D. 1865.

CHAS. P. STRATTON. *M. C.*

Adjourned to May 2d, at eleven o'clock A. M.

Examination resumed Tuesday, May 2d, at eleven o'clock, pursuant to adjournment—Present, Messrs. Browning and Chetwood.

Samuel D. Powell, a witness produced on the part of the prosecutor, being duly sworn, saith—

1 *Quest.* Are you now, and if so, for how long have you been treasurer of the board of domestic missions of the Presbyterian church?

Ans. I am, and have been since January 1st, 1851.

2 *Quest.* Do you know the Rev. James H. Baird, and did you know him at the time he was pastor of the Fifteenth Presbyterian church, Philadelphia?

Ans. I do, and did at that time.

3 *Quest.* Can you state, from your recollection or from any memoranda which you may have, whether, whilst Mr. Baird was pastor of that church, he received any aid from your board?

Ans. He did receive aid.

4 *Quest.* Have you any memoranda of the amount of such aid, when it commenced, and when it ceased?

Ans. I have; (the witness produces a paper)—this paper is his account during the time he was at the Fifteenth church. [The said paper is here offered in evidence, and marked by me *Exhibit G G* on the part of the prosecutor.] The pay to Mr. Baird while he was at said church commenced October 15th, 1861, and ended January 15th, 1863; he was not paid for any services later than that date; he was paid at the rate of $250 per annum.

Being cross-examined, saith—

5 *Quest.* Was Mr. Baird employed by the board of domestic missions prior to his employment in the Fifteenth church?

Ans. He was.

6 *Quest.* When and for how long time?

Ans. I can't tell without reference to our books.

7 *Quest.* In settling his former account for his services prior to his being at the Fifteenth church, do you know whether there was any dispute between Mr. Baird and the board of missions as to the length of time to which he was entitled to pay for service?

Ans. Yes; I remember there was some difficulty; Mr. Baird claimed pay for time during which it was believed he was not in the field.

8 *Quest.* Do you know what length of time it was that was in dispute?

Ans. I do not.

9 *Quest.* Do you remember how that dispute or difference was settled?

Ans. Yes; it was settled by compromise; the time agreed upon between them in said compromise was one month and twenty days, if I remember right.

10 *Quest.* Has Mr. Baird made application to your board for employment since his connection with the Fifteenth church?

Ans. I think not.

[Note.—Mr. Browning objects to all evidence in relation to any other church employment of Mr. Baird, except that at the Fifteenth church.]

11 *Quest.* For how long have you been connected with the board of domestic missions of the Presbyterian church?

Ans. Over fifteen years.

S. D. Powell.

Affirmed and subscribed before me, this second day of May, A. D. 1865.

Chas. P. Stratton, *M. C.*

Esther T. Baird, a witness produced on the part of the prosecutor, being duly sworn, deposeth as follows:

1 *Quest.* Are you the widow of the late Rev. Thomas D. Baird, and the mother of James H. Baird?

Ans. I am.

2 *Quest.* How old are you?

Ans. I was born in June, 1792; I am 72.

3 *Quest.* After the marriage of your son, did you make a visit to him, at Wooster, Ohio?

Ans. I did.

4 *Quest.* Can you state the year, and the part of the year?

Ans. It was in the autum, and at the time of the birth of James Henry Baird—perhaps in 1853.

5 *Quest.* Did you stop at his house?

Ans. I did for a few days, not a week; I remained in the town until April.

6 *Quest.* How frequently were you at his house during this time?

Ans. Not very frequently; it was too far to walk, and only when my son came for me with the carriage—perhaps four or five times.

7 *Quest.* Did Mrs. Baird continue at Wooster during your whole stay in the town?

Ans. No; she made a visit home during that time.

8 *Quest.* Were you at James' during her absence?

Ans. Yes; I took charge of the house while she was away.

9 *Quest.* Did your stay there during Mrs. Baird's confinement, and your visits there, and your taking charge of the house, enable you to form any idea of the sufficiency or insufficiency of the supplies furnished to the house?

Ans. The house appeared to be well supplied; I did not go much through the house while Mrs. Baird was there, but she appeared to have everything, servants and what she wanted, although she was not very well suited with servants.

10 *Quest.* Did you know of Mr. Baird sending money to Mrs. Baird while she was absent at this time?

Ans. In an indirect way I knew of his sending her money twice; he sent her $15 which did not reach her at once; it was in this way I heard of his sending money to her, and I afterwards heard of him sending more.

11 *Quest.* Afterwards, when your son had charge of the church at Lockhaven, did you visit him there, and how frequently, and how long were you at his house during this time?

Ans. I was there, but only a few days at his house, perhaps a week; but we boarded in the town perhaps three months—I can't be positive as to the time.

12 *Quest.* Were you able to judge then of the economy and amount of provision of his household?

Ans. There was plenty in his house; there were two servants, and, occasionally when required, a seamstress.

13 *Quest.* After your son took charge of the Fifteenth church, Philadelphia, where were you residing?

Ans. In Philadelphia, in Arch street, above Fifteenth.

14 *Quest.* Did you visit Mr. James Baird during that time at his house, and how frequently?

Ans. I did, but not very frequently—three or four times.

15 *Quest.* What was the condition of his household at that time, as to provisions, &c.?

Ans. I only dined there once; we had a good dinner; that is all I can say about—I did not then look through the house.

16 *Quest.* Were you at his house after Mrs. Baird had gone?

Ans. Yes, within a few days, less than a week.

17 *Quest.* How came you to go there?

Ans. My son told me his situation; he said there was nobody to attend to the house.

18 *Quest.* In what condition did you find the house in reference to provisions and supplies?

Ans. There was a very bountiful supply; there was a barrel of flour partly used, a crock of lard containing four gallons, and some outside; there was butter for cooking and fresh butter, there were vegetables, there was tea, coffee,

and sugar, also a box, out of which the mice were running, containing a quantity of buckwheat flour, some corn meal, and other things, which were partly spoiled.

19 *Quest.* In any of your visitings to your son's house did you ever notice anything like destitution or want?

Ans. I never did anything of the kind.

20 *Quest.* In all your intercourse with your son's family, what appeared to be the feeling existing between him and his wife, and also between him and his children?

Ans. I saw nothing to indicate anything disagreeable; he was very fond of the children; he always spoke to his wife in a sympathizing and kind manner; he pitied her in her rheumatism, and took her part in everything.

21 *Quest.* How was she in the habit of speaking of him?

Ans. I don't know that she was in the habit of saying anything about him; I had not the least idea there was anything wrong between them.

22 *Quest.* Were you with Mrs. Baird at the time she was sick, shortly before she left her husband?

Ans. I was with her once during that sickness.

23 *Quest.* Did she state to you anything about being in the family way?

Ans. She said she was about six weeks in the family way.

24 *Quest.* What physician was attending her?

Ans. Doct. Ludlow.

25 *Quest.* Did you observe anything like destitution on that occasion?

Ans. No; Mr. Baird brought in birds for her; there were oranges on the table and brandy; all the complaint Mrs. Baird made was that she did not have the purse; she seemed to be satisfied.

26 *Quest.* Did Mrs. Torrey arrive at the house while you were there?

Ans. She did.

27 *Quest.* What occurred on her arrival?

Ans. She came into the room, and put her head down to her daughter, and said something; when she rose up she said she was not very bad, and would be about in a week or so; Mrs. Torrey said that soon her father expected to have her ride in her own carriage.

28 *Quest.* How long did you remain on this occasion?

Ans. I went about twelve o'clock—Mrs. Torrey came about two o'clock; we then had dinner, and I did not stay long after.

Being cross-examined—

29 *Quest.* Have you ever lived in your son's family as a member of his family since his marriage?

Ans. No.

30 *Quest.* Since his marriage has he contributed toward your support and maintenance?

Ans. No, my support has been from another source.

31 *Quest.* Has he not contributed something every year towards your support?

Ans. Not at all—nothing; it was not expected of him.

32 *Quest.* Did you leave Wooster, Ohio, before or after your son left there?

Ans. Before he left I was a winter at Wooster; James was there when I came away.

33 *Quest.* While you lived in Wooster did any of your other children live there?

Ans. My daughter was with me most of the time; she went to visit friends while there, and I remained.

34 *Quest.* Did that daughter live with you before you went to Wooster?

Ans. She is unmarried; she has always lived with me since she left school.

35 *Quest.* How far was the house at which you boarded in Wooster from your son's house?

Ans. It was half or three-quarters of a mile, I can't say certainly; it was further than I like to walk.

36 *Quest.* How do you know, as you have stated, that Mr. Baird sent Mrs. Baird money twice while she was away from Wooster?

Ans. He learned, by a letter from his wife, that she had not received a letter from him containing fifteen or sixteen dollars, (sixteen dollars I think); he then sent her more; the next letter he got announced the arrival of the first letter.

37 *Quest.* Did you read these letters?

Ans. No, my son told me; I did not know anything about it except what he told me.

38 *Quest.* Have you any other knowledge of your son having sent his wife money, except from his telling you so?

Ans. No other.

39 *Quest.* Did you go to Lockhaven to live before or after your son went there?

Ans. After he went there.

40 *Quest.* How far was your boarding-house in Lockport from your son's house?

Ans. Two or three squares.

41 *Quest.* Has Mrs. Baird, since her marriage, for any considerable part of the time, been as able to do as many of the ordinary duties of a clergyman's wife as most females?

Ans. I think not; she has had that rheumatism ever since

I knew her, and her hands have been very much disabled by it.

42 *Quest.* In consequence of her rheumatism and ailments was it more necessary for Mrs. Baird to have a nurse and cook than if she had been a strong healthy woman?

Ans. I suppose so, of course.

43 *Quest.* Notwithstanding her hands were drawn up with rheumatism, when you have been in your son's house, has Mrs. Baird been engaged in domestic duties requiring the use of her hands?

Ans. Such as sewing, attending to her children, and the like of that she has, but I never saw her doing anything requiring much strength; I never saw her make beds—do not think she could have done it without hurting herself; but I was not much in the house.

44 *Quest.* From what you have seen during all the times you have been in the house did Mrs. Baird appear to be busily engaged trying to do all she could in her domestic affairs?

Ans. With her needle she sewed, and I thought she was doing very well; she dressed her babies too sometimes, though that she seemed to do with difficulty from her sore hand.

45 *Quest.* Do you know how soon after Mrs. Baird left her husband he informed you of it?

Ans. The same day.

46 *Quest.* How soon after the information did you go to his house to take charge of it?

Ans. I cannot say exactly—it was a few days.

47 *Quest.* How long did you remain in charge of his house?

Ans. I can't recollect—I suppose four or five months; we staid till we left on account of the heat of the weather.

48 *Quest.* When your son informed you his wife had left him, what did he say?

Ans. He said she was gone, and taken the children; he seemed to be almost distracted about it; I could not believe she was gone for good, but thought she would certainly come back.

49 *Quest.* Did Mr. Baird say whether he thought she would come back?

Ans. I think he said she might come back; we did not disturb the things in the house for some time on that account; he said she never would have done it if she had been left to her own influence.

50 *Quest.* Do you recollect when the last time was you were at your son's house, before Mrs. Baird left, how long it was before she left?

Ans. I do not know exactly—I called once after I saw her in bed so ill; she was out this time making her arrangements, I suppose, to leave.

51 *Quest.* How long after Mrs. Baird left did Mr. Baird continue to occupy that house?

Ans. I can't say; he continued perhaps six months.

52 *Quest.* You have stated that Mr. Baird always took his wife's part in everything, please to say what you may mean by that?

Ans. If he thought there was anything like reflection upon her in any way he always excused her.

53 *Quest.* At the time you saw Mrs. Baird, when she was lying sick shortly before she left her husband, did you consider her very sick?

Ans. Yes, I considered her very sick; she fainted two or three times while I was there.

54 *Quest.* Did you feel that her condition was critical?

Ans. Yes, I thought so when she told me what her situation was—I did not know of that until then.

55 *Quest.* Did Mrs. Baird tell you she *was* six weeks in the family way, or that she *thought* so?

Ans. She said she was; she told me so twice; I did not ask her.

56 *Quest.* Did you find Mrs. Torrey there when you got there?

Ans. No, she came about two o'clock; I was there an hour or two before she came.

57 *Quest.* Did you call to see Mrs. Baird more than once during that sickness?

Ans. Only once; I was sick myself; I heard she was very ill, and wanted to go; when I got there they said she was some better.

58 *Quest.* Did you find any person in Mrs. Baird's room when you went there?

Ans. The children were about her, but I don't think any grown person; she called the servants as she needed them.

59 *Quest.* You said that Mrs. Baird seemed satisfied with everything she had about her at that time, except that she complained Mr. Baird would not let her have the purse—state what she said about that?

Ans. She said she thought she could lay out to better advantage than he could, or something of that sort.

60 *Quest.* Did she say that her husband was unwilling that she should lay out the money which her father sent her?

Ans. She said nothing about her father's money—I heard not a word about that from her.

61 *Quest.* Did you ever hear her husband say that he ob-

jected to her spending money that she received from her father?

Ans. I think I never heard him say anything about it at all in that way; I heard something about some money that Mr. Torrey promised to make up, while they were at some church, so as to make the salary sufficient for them to live upon.

62 *Quest.* Did you ever hear how much Mr. Torrey was allowing Mrs. Baird toward her family expenses?

Ans. I may have heard, but I cannot recollect.

63 *Quest.* Was there any other person in the room, except Mrs. Baird, Mrs. Torrey, and yourself, when Mrs. Torrey said her daughter was not very bad, and would be about in a week?

Ans. Nobody, unless it was the servants and children—nobody that I recollect.

64 *Quest.* Did she (Mrs. Torrey) speak loud enough for Mrs. Baird to hear her?

Ans. Yes, she spoke aloud; I sat at the foot of the bed, and she at the head, by her daughter.

65 *Quest.* Did Mrs. Baird appear to you as if she would be about in a week?

Ans. No, I thought not; her fainting spells I thought looked badly, and then her stomach had been poulticed.

66 *Quest.* When Mrs. Torrey said that she expected that Mrs. Baird's father would soon have her to ride in her own carriage, did she speak loud enough to be heard by every person in the room?

Ans. Yes, sir.

67 *Quest.* Did she say anything more about that?

Ans. That is all.

68 *Quest.* What did you think Mrs. Torrey meant by that?

Ans. I didn't know; I supposed she meant what she said.

69 *Quest.* Was Doct. Ludlow there while you were in?

Ans. Yes; he came in and looked at Mrs. Baird; he did not leave any prescription—I was introduced to him then—I had never seen him before.

ESTHER T. BAIRD.

Sworn and subscribed before me, this second day of May, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Adjourned to Wednesday, May 3d, three P. M.

Wednesday, May 3d, 1865, three P. M.—Examination resumed pursuant to the adjournment of yesterday.

Samuel J. Baird, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside, and what is your profession or calling?

Ans. I reside at Woodbury, New Jersey, and am pastor of the Presbyterian church in that place.

2 *Quest.* What are your family connections and relationship to the prosecutor, Mr. James H. Baird?

Ans. I am one of five brothers and one sister, the children of the Rev. Thomas D. Baird, of whom the prosecutor, Mr. James H. Baird, is one.

3 *Quest.* Name those children, and their present positions?

Ans. I am the eldest; the second is Thomas Dickson, principal of the central high school in Baltimore; the third is the Rev. E. Thompson Baird, of Carrolton, Carroll county, Mississippi; the fourth is the prosecutor, the Rev. James H. Baird, of Philadelphia; the fifth is Professor William L. Baird, who is now in bad health in Baltimore, out of employment, formerly of Oakland College, Mississippi; my sister is Eliza Ellen Baird, now residing with me.

4 *Quest.* Under whose care and guidance was your brother James educated, and what, in your opinion, were his qualifications and fitness for the ministry at the time of his marriage? [This question objected to.]

Ans. His education was under the care and guidance of my father, by whom he was placed in Jefferson College, of which he became a graduate; his qualifications for the ministry at the time of his marriage were such as gave promise, in my judgment, of a career of eminent usefulness and honor.

5 *Quest.* What opportunities had you, up to the time of his marriage, of learning his temper, his natural disposition, and his capabilities?

Ans. I had such opportunities as were proper to a brother residing under the same roof, enjoying the same parental care, and attending upon the same institutions of learning.

6 *Quest.* Had you any acquaintance with his wife, Mrs. Baird, prior to her marriage?

Ans. I had not.

7 *Quest.* After their marriage, and up to the time of his wife's voluntary separation from him, what opportunities, if any, had you of observing and judging of their happiness or unhappiness in that relation, and of the condition and economy of their household?

Ans. I had special opportunities for such observation upon occasion of a visit made by them at my house in Tennessee about a year subsequent to their marriage, upon occasion of a visit made by me with my family to their house at Woos-

ter, Ohio, and during short visits to them while residing at Toledo and Lockhaven, as well as frequent mutual intercourse while they were resident in Philadelphia, and I in Woodbury.

8 *Quest.* Can you state such matters as occurred upon those several occasions as enables you to express any opinion upon the subject suggested to you in my previous question?

Ans. Upon the occasion of their visit in Tennessee their intercourse was characterized by all that mutual tenderness which is proper to the marriage relation, and of which the expression had all the glow which is commonly expected in its earlier history; Mrs. Baird being left by her husband at my house, upon his return to Vicksburg, Mississippi, until the more dangerous season had passed, I had opportunity for several weeks of the most intimate intercourse with her, of learning the state of her feeling and affection toward him; she expressed herself frequently and in strong terms in testimony of his piety and talents as a minister, his nobility as a man, and his affection and faithfulness as a husband; one expression made use of by her made a special impression upon my memory—mentioning the fact that her friends in New Jersey had endeavored, through their influence over her, to prevent her husband from fulfilling his design of removal to the West, she remarked, that having married James, she was no longer a Torrey, but a Baird, identified in affection and interest with her husband's family—and that even should her husband be taken from her she would prefer to look to our family for the attentions and care which her widowhood might demand, rather than to her own; on the occasion of my visit at Wooster, and the same statement may apply to Toledo, I recollect nothing special as occurring, but observed in general that the affection subsisting between them was to all appearance mutual and strong; that the provision and furniture of his house was abundant and costly, even more so than seemed to me necessary or altogether wise; that the affection of my brother for his children was exceedingly strong and manifest in his whole deportment, and their attachment to him equally apparent; upon subsequent occasions the same general statement holds good, modified by the fact that Mrs. Baird began to manifest a spirit of fault finding and dissatisfaction with her husband, which was to me very painful.

9 *Quest.* Can you state about how long Mrs. Baird was with you in Tennessee, and how long you were at her house in Wooster and Toledo, and the circumstances which led to those respective visits?

Ans. My impression is that her visit to my house in Tennessee was of some six weeks' duration, during one or two

of which her husband was with her; at Wooster my family preceded me a short time, perhaps two or three weeks, during which they were entertained in my brother's house; upon my arrival we took lodgings in a neighboring house, where we remained some two or three months, or more, in terms of constant intercourse with my brother's family; at Toledo my visit was brief, on a business trip from my home in Iowa to Philadelphia; the visit to my house in Tennessee was occasioned by the fact, that my brother, having preceded his wife in going to Vicksburg, it was mutually arranged that he should meet her at my house for the purpose of accompanying her to that place; when the time arrived the dengue, which is a modified form of the yellow fever, was prevailing in Vicksburg—Mrs. Baird consequently remained at my house after her husband left, until the sickly season should be past; my visit with my family to Wooster was consequent upon the necessity of leaving my charge in Arkansas, my health being broken down with congestive chills; I selected Wooster as a place of rest and recovery, where I remained until able to engage anew in the ministerial work.

10 *Quest.* Can you state the year, and the period of the year you were at Wooster?

Ans. It must have been about the year 1854, and I think in the latter part of the summer.

11 *Quest.* For what periods of time and upon what occasions did you visit your brother at Lockhaven, and what was your stay there, and upon what occasion was Mrs. Baird in Woodbury visiting you?

Ans. So far as my recollection serves, my visit to Lockhaven was without special occasion, other than a visit of affection to my brother and his family, and my mother and sister, who were then residing there; the time I cannot precisely state—it was a week or thereabouts, perhaps not so much; the occasion of Mrs. Baird's visit to Woodbury was the recovery of my brother from a painful surgical operation, for which he had visited Philadelphia; as soon as he was able, he came to my house, and was there visited by his wife and family—this is my recollection of the occasion, although I am not entirely confident; they staid perhaps a week, though I am not sure of the time; my brother was stationed at this time at Lockhaven.

12 *Quest.* Did you visit your brother's house in the city of Philadelphia after he had taken charge of the Fifteenth church, and before the illness of Mrs. Baird?

Ans. I did repeatedly, remaining from fifteen minutes to two or three hours, as circumstances permitted.

13 *Quest.* Did you, on any of these occasions, or during

any of your intercourse with your brother's family, discover anything like destitution or want of the necessaries of life?

Ans. Except that, upon occasion of the temporary residence in Philadelphia, which preceded the removal to Lockhaven, the furniture and arrangements were in many respects temporary, I have always seen evidence of abundant provision and the accumulation of every variety of household conveniences.

14 *Quest.* Have you ever given any attention to the salaries of Presbyterian clergymen in this country, so as to be able to give an opinion as to the average salary of such clergymen?

Ans. Both formerly and of late I have given thought and inquiry to the subject, and although the statistics of our church are so defective as to form no basis for an accurate calculation, I have repeatedly made approximate estimates, as well as seen calculations made by others, and my judgment is in accordance with that commonly announced by others, that prior to the last two or three years $500 would be a liberal estimate for the average salaries of our ministry; my distinct impression is that my own income during the first three years of my ministry did not average as much as $350.

15 *Quest.* How long have you been in the ministry, and how large a portion of that time have you resided in and had pastoral charge in the West?

Ans. To the best of my recollection, having no access at this moment to any memoranda, I was licensed by the presbytery of Transylvania, in Kentucky, in the fall of 1843; about twelve years of my ministry have been spent in the West.

16 *Quest.* If your opportunities of judging will enable you to form any opinion as to the permanence of the pastoral relation in the West, please state it?

Ans. Owing to causes prevailing throughout the West, the pastoral relation, which of late years has been unstable everywhere, is especially temporary; the congregations are made up of discordant materials, composed usually of the more active and enterprising class, and all striving after influence, it must require years for each to find his proper level, and the agitated mass sink into quietude; the result is constant division and distraction in the churches, inevitably involving their pastors in the embarrassments consequent, and inducing frequent removals.

17 *Quest.* Do you remember the occasion of your brother's going to Westport, Missouri, and leaving Mrs. Baird in the city of Philadelphia, to follow him in the ensuing fall?

Ans. I remember the occasion—it was in 1860.

18 *Quest.* Had you any connection with the attempt made in the ensuing fall to procure Mrs. Baird to go West to join her husband—and if so, state what, and the circumstances?

Ans. My brother visited Philadelphia in the month of August, 1860, for the purpose of removing his family to Westport immediately, in which place he had made arrangements to settle in pastoral charge; he however returned without them, having made arrangements with myself and my brother Thomas to give the requisite attention for their removal to Westport in the ensuing October; on the 20th of September, while I was awaiting some indication of Mrs. Baird's wishes on the subject, she came to my house in Woodbury with her daughter Addie, and spent the day; she informed me of having received a letter for her husband from my brother Thompson, in Mississippi, extending an invitation from a congregation there; she stated the fact that the Rev. Doct. Schenck, with whom she was then residing, was about to break up housekeeping, and it being necessary for her therefore to make some provision for the emergency, she had taken boarding at Mrs. Devine's; she gave many reasons why she would prefer to remain East for the winter, and seemed anxious to obtain from me some expression of sanction to such a course, proposing, for example, that she should send to Lockhaven, where her goods were packed up ready for transportation to Westport, open the boxes, and obtain thence their winter clothing; this I advised her not to do, approved her arrangements for moving to Mrs. Devine's, and advised her to make no movement for moving West until she could hear from her husband whether he was disposed to entertain the Mississippi invitation, when she should act according to his decision; a few days afterwards I received a letter from my brother Thomas, from Baltimore, dated October 6th, 1860, (and which is numbered 71 in this book, *Exhibit F F*) earnestly expostulating with me, in view of a letter which he stated he had received from Mrs. Baird, announcing that she had concluded not to go so far as Missouri to stay but six months, and saying, in language which he quoted from her letter, "Before making up my mind I saw brother Samuel, and he too advised me not to think of such a plan for a moment, but to come here to Mrs. Devine's, and remain until our plans were more matured;" I thereupon visited Baltimore, and arranged with my brother Thomas to meet with him in Philadelphia, and together call upon Mrs. Baird, and endeavor to make arrangements with her to go West; we accordingly called upon her on Tuesday, the 23d of October, and informed her of our object; she declared that she thought it wrong, but if we said so, that she would acquiesce, proposing, however, the difficulty

in regard to pecuniary means, and her assistance and protection on the way; we pledged ourselves that whatever was possible should be done in the latter respect, and inquired how much money would be requisite to furnish the necessary outfit for the journey; she specified a sum, the precise amount of which I do not remember (perhaps $30 or $35), which we declared to be very reasonable, and assured her she should have it; upon subsequent reflection, she increased her claim perhaps some $10, in which we cordially acquiesced, and arranged that my wife should come in and assist her in the necessary shopping; my brother James had forwarded through Thomas a draft for $140 upon a savings bank in Philadelphia; he had also written him a letter instructing him that the check for $140 should not pass his hands except for Addie's expenses going West; the letter is dated October 12th, 1860, and is to be found in this book, *Exhibit F F*, numbered 75; in view of these instructions, and of a doubt in our own minds as to whether the plan for removal would be ultimately complied with by Mrs. Baird, it was agreed, between my brother Thomas and myself, that I should advance the money requisite for the outfit, not greatly to exceed $40, reserving the remaining $100 of the check for the expenses of the road; my brother Thomas accordingly endorsed the check payable to my order, and left it in charge, according to my recollection, of an officer of the board of publication (my impression is, with Mr. Winthrop Sargent,) to be by me lifted and employed only in case of Mrs. Baird's actual removal; in our interview Mrs. Baird had mentioned a dentist's bill, which my brother Thomas agreed to assume, and which, on his behalf, I subsequently paid, amounting, as I recollect, to something over $20; pursuant to the arrangement, I brought my wife to the city, and gave the money requisite to Mrs. Baird (Adeline T.) for the purpose of procuring the outfit; her purchases however exceeded the sum indicated; she desired additional means, and from the nature of the purchases made and the claims urged, and other circumstances, I became satisfied that it would be impossible for me to meet her demands with respect to money, and that she did not really design to go West; the clothing of the family being already in St. Louis, and the purpose of the present outlay being merely for the journey, I had already placed in her hands $50.70, received from her a bill for some $20 additional, which by my brother James' order I subsequently paid, and found her still demanding more means, and urging a boarding bill of $50, which we had previously understood from her was already paid by her father; the result was my communicating to my brother

James a narrative of my transactions and my surrendering all hope of her removal.

19 *Quest.* Did you succeed in getting her to go?

Ans. We did not.

20 *Quest.* Was there anything said by her to you on these occasions respecting any articles she had left at the ladies' depository to be made up—and if so, what did she say about that?

Ans. My recollection is not clear as to any particulars upon the subject; it is altogether possible that, in view of her rheumatic hands, I may have advised her to obtain such assistance in sewing as she found requisite; I was not aware, until the fact was elicited in the course of this examination, of the existence of the class of depositories alluded to, and could not therefore have referred her particularly to such a place—that is I think I never did.

21 *Quest.* Do you know anything of a book-case which belonged to your brother, and which was subsequently sold at auction—if so, state the circumstances touching that.

Ans. My brother had left a neat mahogany book-case in Mrs. Devine's parlor—in consequence of my brother James' supposition that I had sanctioned his wife's former declination to go West, he had conducted his business through my brother Thomas, who directed me, in accordance, as he said, with my brother James' wish, to have the book-case sold at auction; I accordingly called on Mrs. Baird, stated to her my errand, and with her sanction removed the book-case to the auction room of Thomas & Son, where it was sold for $11.70, which was part of the moneys by me, from time to time, paid to Mrs. Baird—of all which I made report to my brother James, in a letter of the date November 13th, 1860, (which is numbered 88½ of this book, *Exhibit F F*).

22 *Quest.* Have you any recollection whether you also reported to Mrs. Baird, or informed her, that the $11.70 was included in the moneys which you had given to her?

Ans. I have no distinct recollection of giving her such information, but have no doubt of the fact, inasmuch as I distinctly remember applying to her, at the time of removing the book-case, and informing her of the object.

23 *Quest.* Had you advised Mrs. Baird not to go West, as stated in letter No. 71, (in *Exhibit F F.*), already referred to by you, written from your brother Thomas to you, or given her advice to that effect?

Ans. I had advised her so far to modify action with reference to removal West as might be requisite to avoid embarrassing my brother with respect to the Mississippi invitation, to await his decision upon that invitation, and act accordingly; in no other sense did I advise her to decline going

West, or to disregard my brother's wishes upon the subject.

24 *Quest.* Did that misrepresentation become the subject of correspondence between you and your brother James?

Ans. My brother, upon being informed of the facts of the case, as he was first by my brother Thomas, and subsequently by myself, communicated to me an open note, addressed to his wife, expostulating with her upon the subject, which he requested me to deliver; this I declined to do, for reasons given in a letter addressed to him by me, under date of November 13th, 1860, (which is number 88½ of this letter book *F F.*); of the ultimate disposition of that note I have no recollection, but a general impression that I ultimately destroyed it.

25 *Quest.* You have stated, in answer to a preceding question, that there were other circumstances, besides those enumerated in that answer, which induced you to believe that Mrs. Baird did not intend going West—please state to what other circumstances you refer?

Ans. Those circumstances, so far as recollected, consisted in the protracting from time to time of the time required for getting ready; the presentation of new difficulties upon every successive interview, and among other such facts as the preceding; the statement made by Mrs. Baird, in a letter to my brother Thomas, dated October, 1860, (and which has been presented here as *Exhibit D D*), and which bears internal evidence of having been written a day after our joint visit to her, that she "forgot to mention yesterday that one week ago, my little Robert was vaccinated," which, had it occurred at the time indicated, would have been in immediate anticipation of our visit, but we subsequently ascertained that it did not take place until the very day upon which the letter was written from which the preceding sentence is extracted, as will appear from a letter, written by Mrs. Baird to her husband, on the 26th of October, and numbered 88 of *Exhibit F F.*

26 *Quest.* Did you present a check for $140, drawn by your brother James to the order of your brother Thomas, and by him endorsed, on the State Savings Fund of Philadelphia, to that institution for payment, and if so, on or about what day?

Ans. It was on or about Saturday, the 3d day of November, 1860, that I presented such a check to the State Savings Bank, next door to the post-office, in the city of Philadelphia.

27 *Quest.* In what way are you enabled to state the time?

Ans. From the statement contained in a letter from me to my brother James, written on the 7th of that same month, (being No. 87 in *Exhibit F F*); the letter says on the Satur-

day preceding the date, the check was presented; I find by reference to the calendar for 1860, that that Saturday was the 3d day of November, as above stated.

28 *Quest.* Was that check paid, and if not, what reasons were assigned, on its presentation, for its not being paid?

Ans. It was not paid, the cashier stating that the amount was not then in the bank, but they expected to have it in a few days, at least by the end of the month.

29 *Quest.* Do you know what subsequently became of that check?

Ans. The occasion of my applying for it was the abandonment by my brother Thomas and myself of the expectation of inducing Mrs. Baird to go West; my brother James thereupon desired me to draw the money from the bank, and send him the balance, less the amounts advanced by me to his wife; my impression is that I immediately sent the check to my brother, informing him that he could make the amount to his credit in the bank available by selling a draft in Westport, the cashier having informed me that they had just forwarded to James [objected to] a statement of his account in the bank.

30 *Quest.* Did you advise your brother James of the nonpayment of the check in the letter, No. 87 of the book, *Exhibit F F?*

Ans. I did.

31 *Quest.* Is the letter No. 96, bearing date Westport, November 13th, 1860, the reply of your brother James to your letter?

Ans. It is.

[The witness' attention being directed also to letter No. 88½, already referred to by him, is asked]—

32 *Quest.* Is the $140 check, mentioned in that letter, the same $140 check before spoken of?

Ans. It is.

[The witness' attention being called to letters No. 91, 92, 93, 94, 102, 70, 83, 84, he is asked to state]—

33 *Quest.* By whom were those letters severally written?

Ans. No. 91, dated November 19th, 1860, is a letter written by me to my brother James; No. 92 is a letter in the handwriting and of the signature of my brother James to his wife, under date Westport, November 23d, 1860; No. 93 is a letter received by me from my brother James under date Westport, November 26th, 1860; No. 94 is a letter also received by me from James, dated Westport, November 28th, 1860; No. 102 is a letter from me to James, of the date of January 7th, 1861; No. 70 is a letter received by me from Mrs. Adeline T. Baird, dated October 3d, 1860; No. 83 is a letter received by me from brother Thomas, dated Baltimore,

October 27th, 1860; No. 84 is a letter from me to Mrs. Adeline T. Baird, dated October 29th, 1860. [These letters objected to by Mr. Chetwood upon their production.]

34 *Quest.* Did you give to Mrs. Baird the $20 mentioned in letter No. 102 as having been received from your brother James for her?

Ans. I did so pay it, as appears on the face of the letter.

35 *Quest.* Are the statements in the several letters written by you, and contained in that exhibit, to your brother James and his wife, respectively, or to any other person, in reference to moneys received and disbursed by you, as well as to other matters, truthful as therein stated? [Objected to.]

Ans. They are.

36 *Quest.* You mentioned, in answer to a preceding question, that Mrs. Baird informed you that she had taken board at Mrs. Devine's, and that you approved her having done so; be good enough to state the character of the rooms and the accommodations which were afforded her at that place of boarding?

Ans. They were such as were selected by herself and her parents, who were with her at the time in one of the best boarding-houses in Philadelphia, and were, so far as I ever saw, adequate and suitable.

37 *Quest.* Can you state what were the pecuniary means which were afforded to Mrs. Baird while she was boarding there?

Ans. I have no means of making any detailed or complete statement on the subject; Mrs. Baird herself informed me that her father had engaged to pay her boarding; she also recognized to me the habit of receiving moneys from her husband, some of which were communicated to her through me; until difficulties began to be created with respect to the removal West I do not recollect to have heard any complaint on that subject, on the contrary she, on one occasion mentioning to me her receipts from her father and her husband, congratulated herself on their sufficiency, and remarked that neither of them knew what the other was doing, and she did not mean they should, as she thought she might just as well get all she could from both.

38 *Quest.* Do you remember the sickness of Mrs. Baird in Philadelphia, which immediately preceded her separation from her husband, and in which she was attended by Doct. Ludlow?

Ans. I do.

39 *Quest.* Were you consulted with by your brother James touching the treatment of his wife by Doct. Ludlow on that occasion, and did you, in consequence of that, take part in

the difficulties which ensued—if so, state the whole circumstances, so far as you can recall them?

Ans. My brother did so consult me, and I took part in the difficulties so far as to give him the best advice and assistance which I could under the circumstances, and no further; about the time that the obnoxious prescription was superseded by Doct. Ludlow, my brother placed a paper in my hand, purporting to be a prescription, with the signature "Ludlow;" he stated that he was apprehensive that an attempt had been made upon his wife to induce abortion; that he had got hold of the vial which contained the prescription, and by means of the druggist's numbers, thereon inscribed, had obtained from Hubbell a copy of the prescription; its general character he readily saw, but desiring more precise information, and not wishing to attract attention or excite suspicion with reference to his own family, he asked me to ascertain from competent persons its exact character; I was at the time about to see Mr. Fahnestock, the druggist, upon other business, and in the course of the interview placed the paper in his hands, and asked him what was its nature [all this testimony objected to], and what its probable design and effect, if administered for four days to a lady six weeks gone in pregnancy; he at once stated that its nature was apparent and unequivocal; that its direct tendency and probable effect would be to induce abortion; I informed my brother immediately of this statement, but advised him, that inasmuch as the use of the prescription had already been suspended, he should do nothing hastily, except to exercise a careful watchfulness over the treatment; upon my return home, I immediately submitted the same prescription to Doctors Fithian and Howell, of Woodbury, and shortly after to Doct. Weatherby, of Clarksboro', who all concurred emphatically in the opinion given by Mr. Fahnestock; of this I took an early opportunity to inform my brother, and upon his seeking my advice, recommended that his wife being now convalescent, he should take an early opportunity to discharge the physician, and terminate all further professional relations with him, which he did.

[The witness being shown *Exhibit D*, is asked]—

40 *Quest.* Is that the prescription to which you refer?

Ans. *Exhibit D* is not the paper which was placed in my hands, but I recognize the items herein stated as the same; I am not sure that I should recognize the particular copy that was placed in my hands, though my impression is that this paper (*Exhibit Y*) is the same; according to my recollection, it was written upon a piece of soft paper such as this.

41 *Quest.* Did you, about that time, and before Mrs. Baird went away, have some conversation with a servant girl,

named Margaret Fagan, in reference to stains of blood upon the bed of Mrs. Baird; if so, state who were present, what induced that inquiry, and its import?

Ans. I had no such conversation prior to Mrs. Baird's leaving, but shortly after that occurrence my brother, being entirely uncertain whether the attempted abortion had been successful, and concurring with him in his great anxiety upon the subject, the suggestion was made by one of us that there might be indications known to the servant girl, who had remained when Mrs. Baird left; she was accordingly called in to the presence of my brother and myself, no other party being present; my brother proposed certain questions, designed to ascertain whether there had been any evidence of menstruation subsequent to the illness; his questions, however, were proposed with such vagueness and delicacy that the girl did not understand to what he alluded; I therefore interposed, and stated our object in language so specific that she at once recognized the meaning, and responded that she had seen no such indications.

42 *Quest.* Was not that inquiry, as well upon the part of your brother as yourself, made with as much delicacy and propriety as you could possibly make it so as to be comprehended by the servant?

Ans. By me it was so framed, and by my brother the allusion was so distant as to entirely fail of suggesting the object.

43 *Quest.* Were you able, either on that occasion or by any other inquiries or investigations, if you made any, to ascertain whether the supposed attempt at abortion had been successful or no?

Ans. We were entirely unable until some time afterward, my brother stated to me [objected to] that he had been informed by some one of Mrs. Baird's family "that Addie was still expecting."

44 *Quest.* Were you present at the session room of the Fifteenth Presbyterian church, in the city of Philadelphia, when an investigation was being made by a committee of the presbytery touching some charges which had been preferred against your brother James—if so, please state who were the committee and others present, and what occurred upon that occasion?

Ans. I was present at such an investigation, which was held, not at the Fifteenth church, but in the session-room of what I believe is called the West Spruce street church, that of the Rev. Mr. Baird; members of the committee who occur to my memory were the Rev. Mr. Grier, chairman; the Rev. Doct. Blackwood, and Rev. Messrs. Crowell, Breed, and Harbaugh, and ruling elder Fulton; so far as I

recollect there were no other parties present except my brother and myself; the committee informed us that they had heard the officers of the of the Fifteenth church [objected to] on a preceding evening (such is my present recollection), and desired of my brother a statement of whatever he might wish to bring before them on the subject; such a statement, at his request, I made on my brother's behalf; it consisted almost entirely in the reading of documents, the most or all of which are I believe in evidence in the present cause.

45 *Quest.* Were you afterwards present when that committee made report to the presbytery—if so, state when and where it was, and on what occasion?

Ans. I was present at such a meeting of the presbytery, held in the room of the board of publication, when the committee made its report; the time of the meeting I cannot specify precisely.

46 *Quest.* Who actually presented the report, and what occurred upon its presentation and adoption?

Ans. The report was presented by the chairman of the committee, the Rev. Mr. Grier, accompanied by a very brief statement of the several steps taken by the committee; the elders of the Fifteenth church were present, and expressed in strong terms their dissatisfaction with the report, intimated that my brother was a bad man, and complained that the committee had declined to hear the two spies who had dogged his steps by night; the presbytery however proceeded, with but little or no discussion, to adopt the report; in view of the representations of the elders of the Fifteenth church, my brother then demanded of the presbytery a judicial investigation; Doct. Engles and others declared such an investigation unnecessary, stating that the committee had entered into an examination so far as was necessary, and that the presbytery, in adopting its report, had fully vindicated his character; that he consequently stood *rectus in ecclesia*, and had therefore no occasion to seek any further vindication of his character; it was in this connection that remarks were made by Mr. Crowell, and by him alone, which had a bearing apparently to modify the proper significance of the report; a circumstance, which had previously occurred, gave peculiar emphasis to his remarks, and impressed them forcibly on my memory; he stated that Mr. Baird had no occasion to call for a judicial investigation, since the committee, upon inquiry, had brought in, and the presbytery had adopted a report fully vindicating his character; he then added, in an embarrassed manner, that at least so far as the committee felt themselves authorized to investigate the case, such was their conclusion; I felt im-

pelled at the moment to challenge the meaning of this latter expression, but being only a corresponding member, and having a voice merely by courtesy, and no other member of the presbytery adopting the same strain, I was silent.

47 *Quest.* Do you know what induced, and on whose application the committee of the presbytery was appointed?

Ans. To the best of my recollection I was present at the meeting of presbytery when the application was made; the request for the committee was made by my brother, and was immediately followed by a like request from the elders of the church who were there present.

48 *Quest.* Do you know whether, prior to your brother asking for the appointment of that committee, any request had been made by him of the senior elder of his own church to call a meeting of the session for the purpose of investigating those charges?

Ans. The case was one which did not come within the jurisdiction of the church session, so that they could not engage in any judicial investigation of it; some little time, however, before the meeting of the presbytery, my brother informed me of the facts [objected to] of the case, showed me a letter, which is on file in this cause, from the wife of the Rev. Doct. Gibson, designed to neutralize the statements of his accusers; at his request, I accompanied him to the house of Mr. Williams, the senior elder of the church, for the purpose of conferring with him on the subject, and of calling a meeting of the session, that he might satisfy them of the falsehood of the charges made against him; a son of Mr. Williams informed us that his father had stepped out, whereupon my brother, in my presence, wrote a note to the old gentleman, stating the purpose of our call, and requesting him to call the elders together, with the object indicated.

49 *Quest.* Do you know whether that request was complied with?

Ans. I do not of my own knowledge.

50 *Quest.* Have you ever made the ecclesiastical polity and discipline of the Presbyterian church a specialty in your studies or investigations, and if so, to what extent?

Ans. I have so from my youth, having made presbyterianism, in all its aspects, a subject of diligent and laborious study and research; having been designated by the officers of the board of publication of our church, under the direction of the general assembly, to the performance of the work, I prepared what is popularly designated in our church as the Assembly's Digest, which is a historical exhibition of the doctrines and order, the polity and discipline, the missions and evangelical labors, the controversies and divisions

and reunions of the Presbyterian church; the work has received the sanction of the general assembly, and been recommended by it to all the inferior courts of the church, its officers and members, for their guidance in the transaction of ecclesiastical business.

51 *Quest.* Were the proceedings in the appointment of the committee for the investigation of the charges preferred against your brother, and subsequently to the adoption of that report of the committee by the presbytery, conducted in accordance with the discipline and usages of the church?

Ans. I think they were altogether so; there are three classes of judicial cases contemplated in our constitution—in the first of these a prosecutor appears before the bar of the judicatory, presenting charges for the pursuing and proof of which he is personally responsible; the second class consists of those cases wherein a *fama clamosa* arises against a party, such as demands the attention of a church court; in the third class, persons who are impeached appear at the bar of a tribunal, demanding investigation for their own vindication; in these two latter cases the responsibility of the proceeding rests upon the court, and inasmuch as our constitution requires that great caution be exercised in giving the sanction of judicial proceedings to charges affecting moral character, it is customary, before entering upon such proceedings, to appoint committees of inquiry or investigation, whose functions correspond very much with those of a grand jury, with this exception, that whereas the grand jury sits as an inquest on behalf of the state, and its proceedings are therefore *ex parte*, the committee of inquiry, sitting in the interests of truth and righteousness, is expected to examine the case in all its aspects, so far as may be requisite to ascertain whether judicial proceedings are necessary and proper; such was the committee appointed by the presbytery in my brother's case.

52 *Quest.* Do you know of anything in the character, conduct, conversation, or disposition of your brother which renders him, in any sense, an improper person to have the care and education of his own children?

Ans. I do not; on the contrary, judging by the intensity of his affection for them, by his acute sense of the moral responsibilities of a father, by what I have seen of his intercourse with his own children and with mine, I regard him as in all respects well qualified, and in many eminently so.

53 *Quest.* Suppose circumstances to necessitate a separation between your brother and his wife, which of the two, in your opinion, is the better qualified to have the care and education of the children?

Ans. I do not pretend to as thorough an intimacy with

Mrs. Baird as with her husband, but from the degree of knowledge which I have, and the opportunities of observation which I have enjoyed, I should unhesitatingly prefer my brother before his wife for that office.

54 *Quest.* Do the general assembly of the Presbyterian church have minutes made of their proceedings, at their annual and other meetings, and published under their direction?

Ans. The general assembly meets annually, and but once a year; its proceedings are published officially, by the stated clerk of the general assembly, together with the statistics of the church and other documents, and are, as so published, recognized as an official authority in all the courts of the church.

[The witness being shown a printed volume, designated Minutes of the General Assembly, 1854, marked by me *Exhibit I I* on the part of prosecutor, is asked]—

55 *Quest.* Does this book contain the minutes of the general assembly, in an authentic shape, for the year 1854?

Ans. Yes, up to page 256; the residue of the volume contains the annual reports, made to the assembly of that year, by the boards and theological seminaries of our church.

56 *Quest.* Does that book, on pages 17, 18, 19, 20, 28, 32, and 33, contain the proceedings of the general assembly in the case of Doct. Day, which came up on appeal before that body touching certain proceedings of the Wooster church, Ohio?

Ans. It does.

57 *Quest.* Does this paper [paper offered and marked by me *Exhibit J J* on the part of the prosecutor] contain a copy of those minutes upon the case referred to?

Ans. I have compared the exhibit with the minutes, and find it a true copy of the same.

58 *Quest.* (The witness being shown a reference to that case, on page 43 of a volume shown to him, is asked)—Is that a reference to that case, and is this book the book heretofore referred to by you as being a Digest made by you?

Ans. Section 44, on page 43 of this volume, is a history of that case, and a citation of the assembly's decision upon it; the volume is the Digest alluded to. [The volume produced, and marked by me *Exhibit K K* on the part of the prosecutor.]

59 *Quest.* (The witness' attention being directed to letter 38, in book F F, is asked)—In whose handwriting is that letter, including the signature?

Ans. The letter is in the handwriting (with which I am familiar) of the Rev. Doct. Hill, former secretary of the Western executive committee of the board of missions; the

New Jersey State Library

first signature is his own, the other, which is John M. Crabbe, I am not acquainted with.

60 *Quest.* You have stated, in answer to a previous question in relation to a meeting of the presbytery in Philadelphia, when the report touching the charges which had been preferred against your brother was made, that a circumstance had previously occurred which gave peculiar significance to the remarks of Mr. Crowell upon that occasion—state what that circumstance was?

Ans. The circumstance was this—after the close of the meeting of the presbyterial committee at the West Spruce street church, at which my brother's statement had been submitted, I left the church in company with the Rev. Mr. Crowell, my brother, and the Rev. Mr. Grier following us; I stated to Mr. Crowell [objected to] that inasmuch as the committee had declined to hear Messrs. Johnson and McFarland, the witnesses brought against my brother, that I should advise him to demand of the presbytery a judicial investigation, so that everything which could be brought against him might be developed and sifted; Mr. Crowell protested that I should not do so, stated that the committee would bring a report, the purport of which he indicated in precise accordance with the written report finally made to the presbytery and adopted; he urged that the character of those witnesses was well known; that their clamor would be of no weight under the circumstances; that the action of the committee, if sustained by the presbytery, would therefore fully vindicate my brother's reputation, and render any other steps superfluous; it was in view of this conversation that I was particularly surprised and impressed by what seemed at the time to me the ambiguous language of Mr. Crowell in the presbytery, and watchful to see whether it would be seconded by any other member of the body.

61 *Quest.* You have stated that you and your brother Thomas, on a day appointed, waited upon Mrs. Baird touching her preparations for going West to her husband; did you meet with her on any other than that one day?

Ans. My brother's duties in Baltimore rendered it extremely difficult to appropriate any time to this business; I therefore visited him in Baltimore, and in accordance with arrangements there made he came on, and devoted the one day to this business, returning, according to my recollection, by that same night's train; to the best of my belief and recollection, he saw her, pending that business, on no other but that one day.

62 *Quest.* In answer to a previous question touching the feelings exhibited by your brother toward his wife and children, that he seemed to you to have a remarkable affection

for his own children—if that feeling exhibited itself in any way after the withdrawal by his wife of those children, state it?

Ans. Among the most painful scenes which I have ever witnessed have been the developments of agonizing distress by my brother under those circumstances; while always expressing himself during the first year of his separation from his family in apologetic terms as to the conduct of his wife, and declaring that she never would have so acted had she been left to the unbiassed guidance of her own judgment and conscience, his tears and expressions of tenderness and distress under his bereavement have been heart-rending; such was the effect as to preclude the possibility of rest at night or tranquillity by day; his health for some eighteen months was in a constantly declining condition, and while I was often alarmed lest reason should forsake its throne, I and the other members of his family expected to witness his body consigned to the grave, and frequently spoke of it to each other as the probable early result; while during this time I have often heard him speak in terms of strong indignation of the conduct of the other parties, his language respecting his wife was always that of pity, tenderness, and love; I have limited this statement to the first eighteen months, because developments subsequently made essentially modified the expression of his feelings respecting his wife, although they never have assumed the guise of hostility.

63 *Quest.* Do you know anything of an estrangement between Mrs. William Torrey and your brother James, which occurred about the year 1857, and the consequent suspension of friendly intercourse between them—if so, state what is your knowledge in regard to the matter?

Ans. I am aware of an estrangement, the date of which I can no otherwise indicate than that it was about the time, or possibly shortly after my brother's settlement at Lockhaven; my information was derived from Mrs. Torrey, Mrs. Baird, and my brother; the immediate occasion of difference was a letter addressed by my brother to Mrs. Torrey, a copy of which is contained in *Exhibit F F, No.* 40, which I believe to be a true copy, as far as my recollection serves me, of the original letter which was exhibited to me by Mrs. Torrey; the result was an entire suspension of intercourse between them for several months, my impression is for two or three years; at my advice, my brother ultimately consented to a resumption of friendly intercourse, at the same time, however, declaring to me his conviction [objected to] that the result would be unfortunate, as the influence of Mrs. Torrey in his family had been habitually undesirable.

Being cross-examined by Mr. Chetwood, the witness saith—

64 *Quest.* Before the commencement of your examination in chief, had you given much thought to the subject matters and points upon which you expected to testify?

Ans. I had.

65 *Quest.* Had you reduced the evidence you intended to give, or any part of it, to writing?

Ans. Not a word.

66 *Quest.* Did you make any memoranda at all in writing for the purpose of referring to at any time before your examination in chief was finished?

Ans. Upon one single point I did make such a memorandum; upon reference to my family record, I found that my child, Susan Jane was born in 1853, her birth having occurred in Wooster, during my short residence there; I thus ascertained the statement made in the earlier part of my examination in chief, that my residence in Wooster was in the early part of 1854 was incorrect; that residence was in 1853; I made a memorandum of this point for the purpose of correction at the proper time—it was the only one, so far as I remember, that I made for my own use in giving testimony.

67 *Quest.* Did you make any written memoranda for the use of any other person touching your examination as a witness?

Ans. After conference with the counsel for the prosecution, I did furnish him with a memorandum of such points as I supposed might be called for.

68 *Quest.* To what extent was that memorandum made?

Ans. To the extent of one or two pages of note paper, not more—part of it only he used.

69 *Quest.* Do you know why the balance was rejected?

Ans. I do not—I suppose because he did not think them pertinent to the line of argument that he contemplated.

70 *Quest.* Did you reduce to writing any questions, or dictate or suggest any questions you wished put to you upon your examination?

Ans. Probably some items of the memoranda may have been in interrogatory form; in no other sense did I dictate any questions, nor do I believe that any question was propounded to me in the language I had thus employed.

71 *Quest.* Have you produced, or referred to in your testimony, all the letters you have received from Mrs. James H. Baird since her marriage?

Ans. I do not remember to have received any letters from Mrs. Baird since her marriage, except at the time of the negotiations concerning the removal to Westport; whether

I have retained possession of all those letters I cannot now state, nor whether they all have been given in testimony; by the phrase "retained possession," I mean preserved from destruction, as when my brother was preparing for the present trial, I handed over to him such as I could find; those letters are still in his possession, so far as I recollect.

72 *Quest.* Before handing those letters to your brother, or since, did you read them over?

Ans. My impression is that I glanced over all of them.

73 *Quest.* Did any of those letters from Mrs. Baird contain anything on the subject of the book-case you have testified about, or of remitting to her the proceeds of the sale of it? [Objected to.]

Ans. I do not remember whether the book-case was specifically referred to in any of those letters, nor whether, in any of those that remain, application is further made to me for money, though my recollection is that Mrs. Baird did write to me applying for means additional to what I have already testified myself to have furnished her, whether upon the basis of the sale of the book-case, I do not distinctly remember.

74 *Quest.* Are you in the habit of preserving all family or friendly correspondence without regard to their containing matter of business or not?

Ans. I am in the habit of collecting, from time to time, my accumulated correspondence, and bestowing it in appropriate cases, thus preserving all that is not casually lost during the intervals.

75 *Quest.* How old was your brother James at the death of your father, and how old were you at that time?

Ans. I was myself over twenty-one years of age—without reference to memoranda, which are not at present accessible to me, I could not now state the age of my brother.

76 *Quest.* About what difference is there in the age of yourself and brother James?

Ans. Some six or seven years, I should judge.

77 *Quest.* In what year did your father die?

Ans. In January, 1839.

78 *Quest.* Were you and your brother James living at home with your father at the time of his death?

Ans. We were; he had removed to Cannonsburg, Pennsylvania, for the purpose of placing his sons in college, where we both were at the time pursuing our studies.

79 *Quest.* Did your brother finish a full course, and graduate at college?

Ans. He did, as I have always been informed and believe—I was not personally present.

80 *Quest.* Have you ever seen his diploma of graduation?

Ans. My belief is that I have among those of others of the family, but I cannot testify positively.

81 *Quest.* Do you know how long your brother James had been in college at the time of your father's death?

Ans. I do not now remember certainly, perhaps a few months.

82 *Quest.* At what theological seminary did he commence his theological studies?

Ans. Neither he nor either of his brothers who are in the ministry studied theology in any seminary; I studied some other branches myself at New Albany; my brother never entered any theological seminary for the purpose of study—I speak from the best of my knowledge.

83 *Quest.* Was your brother a student in Jefferson College at all, as distinguished from the preparatory school?

Ans. He was, and I have no question was a graduate of the college.

84 *Quest.* Can you state whether your brother entered Jefferson College before or after your father's death?

Ans. Whether in the college proper or in the preparatory department I cannot now state, but he was pursuing his studies in the institution at that time.

85 *Quest.* By what ecclesiastical authority was your brother James licensed to preach?

Ans. I believe by the presbytery of Newcastle, in the synod of Philadelphia.

86 *Quest.* You stated, in your examination in chief, that the "qualifications of your brother for the ministry at the time of his marriage were such as gave promise, in your judgment, of a career of eminent usefulness and honor," have you realized that promise?

Ans. Up to the time of his desertion by his wife that promise was unquestionably realized, although not to the extent which more favorable circumstances would probably have secured; few young men of his age in the ministry in our church were more respected or had realized happier results to their labors.

87 *Quest.* Have you always been acquainted with the amount of salary and other pecuniary resources, if any, which your brother has received since he has been in the ministry?

Ans. I have known, perhaps always, the amounts of his salaries from time to time, and had partial information of other means which he has derived from his own family and that of his wife.

88 *Quest.* Ever since his marriage, do you think that his

salary and his own resources, independent of those of his own and his wife's family, have been sufficient to furnish his house and provide for his household in the manner in which you say they were provided for?

Ans. I can only say that, by a judicious course of expenditure, he could have lived as well upon his own proper income as the average of ministers; with a larger family, my own salary has invariably been less than his.

89 *Quest.* Can you say about what has been the average amount of his annual salary since he entered the ministry?

Ans. I cannot say certainly at present; my impression is that it would amount to at least an average of six hundred and fifty, or seven hundred dollars.

90 *Quest.* Within your own knowledge or information, satisfactorily derived, how early after his marriage did members of his own family, or of the family of Mrs. Baird, begin to contribute aid to the support of your brother and his family, either in money or household furniture?

Ans. Except respecting a small amount furnished, as I have reason to believe in money or furniture, at or shortly after the time of the marriage, I have no specific recollection upon the subject; my information, derived from Mrs. Baird a twelvemonth after her marriage, and subsequently until within a few years, was to the effect that her father and his family were so straitened in their circumstances that they could do but little for them, except in the occasional sending to her of five or ten dollars of pocket money; their circumstances, until within five or six years past, did not seem to call into requisition the assistance of my brothers, and I have no definite recollection of anything material furnished by them up to that time.

91 *Quest.* Since your brother's marriage, have you contributed to him any pecuniary aid?

Ans. I have not, having but limited means, and a family of my own, my resources being more limited than his.

92 *Quest.* In your chief examination, you have stated that Mrs. Baird began to manifest a spirit of fault finding and dissatisfaction with her husband—will you state how long ago that spirit was first manifested?

Ans. I cannot, as the nature of the complaints was such as in itself to leave no impression upon the mind, and arose from small beginnings, gradually assuming a serious character; it would be impossible to assign a precise time at which they originated.

93 *Quest.* When Mrs. Baird first began to manifest that spirit, were her fault findings of so trivial a character, in your estimation, as not to disturb you seriously?

Ans. They were such at the time as to make no impression.

94 *Quest.* Previous to your going with your wife and children to visit your brother and his family at Wooster, and at the time you left home to make that visit, on your removal from Arkansas, had your brother James informed you, or were you acquainted with the expectations of Mrs. Baird (his wife) to be shortly confined?

Ans. My removal from Arkansas having been constrained by the state of my health, and the visit to my brother being merely incident to that removal, I have no recollection whatever of the fact even of having been invited, nor of any information on the subject indicated.

95 *Quest.* While your wife and children were at your brother's house at Wooster, did you become apprized of the fact that Mrs. Baird expected very shortly to be confined?

Ans. In coming on from Arkansas, I sent my family forward from Louisville to Wooster, whilst I diverged to Danville, to attend a meeting of the directors of the seminary in that place; I was there prostrated by a recurrence of my disease, which confined me to my bed some two weeks or more; when I reached Wooster my wife had taken boarding with her children elsewhere, and was no longer in my brother's house, so that it is impossible I should have received such information whilst they were there.

96 *Quest.* Do you know whether your wife and children had left the house of your brother before the day on which Mrs. Baird was confined?

Ans. I have always understood that my wife was there, and perhaps assisted Mrs. Baird at the time of her confinement; my impression is that she had not yet removed to the boarding-house.

97 *Quest.* What is about the lowest amount of salary that clergymen in the Presbyterian church have been in the habit of receiving for some years past?

Ans. If the question have respect to actual receipts, the minimum would descend as low probably as $300 to $350; prior to the rebellion, $400 would probably be the lowest nominal salary.

98 *Quest.* Do you recollect what you took as the maximum of salaries to clergymen in estimating the average amount of salary stated by you in your examination in chief?

Ans. My calculations have never been made upon the predicate of the two extremes, but from the statistics published by the general assembly, which, under the head "congregational expenses," include all the internal expenses of the churches, including the erection of houses of worship and parsonages, the salaries of sextons, choristers, sabbath

school expenses, and such like, in addition to the pastors' salaries; these, together with the results of my own observation among the ministry and comparison of views with those who have examined and written upon the subject, the proportion of our churches which require assistance, and other such data, have constituted the basis of my approximate estimate.

99 *Quest.* In the answer which you gave in your chief examination, as to your estimate of the average amount of salary, did you include all these different items of expense which you have just enumerated in the said estimate?

Ans. The estimation was derived from a distribution of the aggregate of all these expenses upon a ratio determined by the best lights which I could obtain as to the proportion ordinarily sustained between the pastor's salary and the other expenses; I have never attempted to make a critically accurate calculation, the data for it do not exist.

100 *Quest.* Does the salary of a larger number of clergymen exceed or fall below five hundred dollars?

Ans. Speaking of the time contemplated, I am confident that $500 and under would include by far the largest proportion of salaries.

101 *Quest.* During the summer in which Mrs. Baird's going to Westport was contemplated, did the armed hostilities prevail in Missouri—and if so, how near to Westport, so far as you have any knowledge or information?

Ans. That was the summer of 1860; my impression is that hostilities did not occur in that region until the next year; I am very confident that nothing of the kind was alluded to by any of the parties in correspondence with me with reference to the removal.

102 *Quest.* Had what was called the Border War, in Kansas or Missouri, broken out as early as the summer of 1860?

Ans. I do not pretend to retain in my memory the chronology of that war; I think, however, it had been brought to a close some time prior to 1860, and am of the impression that Westport was not comprehended within its range.

103 *Quest.* Do you know whether the state of Missouri was the seat or scene of war in the summer of 1860?

Ans. Whether there were any troubles in other parts of Missouri I am not sure, but feel confident there were none in that neighborhood.

104 *Quest.* Did it occur to you at all whether, in the condition in which the country was in 1860, it was expedient or not, on that account, for Mrs. Baird to go to Missouri with her family of young children?

Ans. I do not remember anything in the condition of the

country at that time calculated to raise such a suggestion, nor do I believe that the idea occurred to my mind.

105 *Quest.* Do you know of any reason why your brother could not have sent to Mrs. Baird the check for $140 you have spoken of to provide her with means for her removal to Westport?

Ans. He undoubtedly could have sent her the check had he thought proper to do so; of his motives in the course he pursued he alone is competent to testify.

106 *Quest.* Did you ever know from him any reason why he did not send the check directly to Mrs. Baird?

Ans. The subject was one of great delicacy, respecting which a mutual silence had been maintained between us as far as possible; his motives I could only infer from my general knowledge of the circumstances, and from, perhaps, occasional slight suggestions in his correspondence.

107 *Quest.* Did your brother, in relation to that transaction (of the check), make you and your brother Thomas the agents or mediums of his pecuniary arrangements with Mrs. Baird from any manifested or intimated unwillingness on his part to trust to Mrs. Baird the custody of that amount of money, or its appropriation in making her family arrangements?

Ans. As I understood the arrangement at the time, my brother conceived that inasmuch as we had engaged to assume the burthen of the preliminary arrangements, and of sending Mrs. Baird forward on her journey, it was proper that we should have the means in our hands of accomplishing the trust with which we were thus charged; there never was such an intimation as is expressed in the question at that time.

108 *Quest.* Had you, prior to that occasion, received from your brother James any intimation of an unwillingness, on his part, that Mrs. Baird should receive or disburse money in providing for the family?

Ans. I have no recollection of any such intimation.

109 *Quest.* Did your brother ever say anything in relation to moneys Mrs. Baird was receiving from her father or other members of her family which were used toward their support?

Ans Without being able to recall any particular conversation on the subject, I recollect that my brother had expressed to me his conviction that the moneys which were from time to time conveyed to his wife by her parents were of no real pecuniary advantage to him, and of decidedly injurious tendency to the peace and comfort of his family, as they tended to induce in his wife a disposition to disregard economy in his expenses, and to regard her interests and

welfare as not necessarily identified with those of her husband.

110 *Quest.* How long ago did you first receive from your brother any intimation of that kind?

Ans. As I have said, I cannot recall any particular conversation; I will state however, as a general impression, that the first intimation of that kind may have been received by me about the time of his removal to Lockhaven, possibly a short time prior to it.

111 *Quest.* Did your brother James, or anybody else, and it so who, intimate to you that your brother James had required or insisted that he should receive that money himself, and expend it as he thought proper, instead of Mrs. Baird's receiving it, and expending it for family purposes?

Ans. I never received any such intimation with reference to sums casually received from time to time from his wife's friends; on one or two occasions, which I cannot further specify, my brother did mention to me arrangements made by him with Mr. Torrey involving stated contributions of specified sums by the latter toward the support of my brother and his family, and expressed a dissatisfaction at the disposition, which he conceived himself to have discovered, to divert these contributions from him, and transfer them to his wife.

112 *Quest.* Did you understand your brother to say that Mr. Torrey had stipulated to make these contributions to him, rather than to his daughter?

Ans. I understood him that these contributions were in fulfilment of specific contracts made between him and Mr. Torrey for adequate considerations specified, and that they contemplated not his wife individually, but himself also, as personally responsible for the expenses of his household; in confirmation of such statements, he has shown me letters from Mr. Torrey, which I believe are in evidence in this cause; I might state furthermore, that propositions have been made, if I am not mistaken, at different times, on one occasion through a letter to me that James' brothers should unite with Mr. Torrey in providing stated sums for the support of James' family.

113 *Quest.* Did your brother state to you what the "adequate considerations specified" were?

Ans. He stated the considerations to be in general terms my brother's consent to abandon his own plans respecting his ministry, and conform in that respect to the wishes of his wife's family; such at least was the consideration mentioned in one case.

114 *Quest.* In your chief examination in relation to your interview with Mrs. Baird in Philadelphia respecting her

going to Westport, you stated that, with your brother Thomas, you called on her on Tuesday, October 23d, and informed her of your object; that she declared she thought it wrong, but if you and your brother said so she would acquiesce—did she tell you why she thought it wrong?

Ans. I do not now remember any specification made by her, except that it may have been a reference to the rheumatic condition of her hands and kness, and the difficulties involved, under such circumstances, in bearing the charge of her children upon the journey; other objections may have been mentioned, but I am not now able to discriminate them as occurring at that time.

115 *Quest.* Do you recollect whether, on that occasion, that Mrs. Baird said (at the time she said it was wrong to go) that it was in the middle of the summer, in or near the sickly season, and that during hot weather it would be very burthensome to her, in her rheumatic condition, to make that long journey with her little children?

Ans. That interview occurred on Tuesday, the 24th (I believe) of October; the reasons therefor specified in the question were not pertinent to the time, and were not mentioned by Mrs. Baird; they were the reasons which induced my brother to consent to waive his wish for her removal in August, and the time in October had been designated by herself as the most agreeable for travelling.

116 *Quest.* When you declared to Mrs. Baird the object of yourself and brother to aid her in going to Westport, and when she declared that she thought it wrong, did you inquire of Mrs. Baird on what account she thought it wrong?

Ans. I was already fully informed of her reasons, and did not therefore inquire upon the subject.

117 *Quest.* When Mrs. Baird stated to you, at that interview in Philadelphia, that a sum, perhaps $30 or $35, would be requisite to furnish the necessary outfit for the journey, did she state to you for what particular purposes that sum of money would be requisite?

Ans. My impression is that she did indicate a number of items, such as would be requisite for the emergencies of travel, but I do not now remember any in particular.

118 *Quest.* You have said, in your chief examination, that upon subsequent reflection, she increased her claim, perhaps some $10, in which you cordially acquiesced; did she state the particular purpose for which she would require that $10?

Ans. I do not now remember that she stated any particular purpose.

119 *Quest.* Did Mrs. Baird state to you, in that interview, that she and her children were in need of proper clothing to make such a journey?

Ans. She mentioned several items of clothing—I do not now remember what, unless it may have been shoes, and perhaps coats and pants for the boys.

120 *Quest.* Was Mrs. Baird at that time able to go about as well as usual?

Ans. She was, and within a day or two spent a considerable part of the day with my wife shopping and making the requisite purchases.

121 *Quest.* Did you consider Mrs. Baird competent to make the little purchases, shoes and pants, necessary for the children?

Ans. I considered her competent to spend the money, although, as the result, I doubted whether it had been judiciously done, inasmuch as, according to my recollection, part of it was expended upon items designed for household use in Westport, upon the presumption that they could be more cheaply obtained in Philadelphia, although it was distinctly understood that the money was designed to prepare her for the journey.

122 *Quest.* Do you know whether Mrs. Baird, since her marriage, has been in the habit of shopping and purchasing necessary articles for the family?

Ans. I do not.

123 *Quest.* Did Mrs. Baird request you to have your wife come up from Woodbury to assist her in shopping upon that occasion?

Ans. I do not remember how it was brought about.

124 *Quest.* You have stated, in your examination in chief, that you arranged that your wife should come in, and assist Mrs. Baird in the necessary shopping; what was your object in making that arrangement without the request of Mrs. Baird?

Ans. As I have no recollection definitely, I can only suppose that I may have made the suggestion as a courtesy to a lady whose views I was otherwise endeavoring to overrule.

125 *Quest.* Did you say or intimate anything to your wife, before she arrived at Philadelphia, as to what she was to do in any respect in relation to the expenditure of that money in the shopping?

Ans. I remember nothing upon that subject.

126 *Quest.* After your wife had been to Philadelphia to assist in the shopping, did you inquire of her how the money had been expended, or what articles had been purchased?

Ans. I may have done so, although I do not recall the fact.

127 *Quest.* Did your wife mention to you anything intimating that there had been any difference of opinion between Mrs. Baird and herself as to the articles selected in

shopping, or the expenditure of any of the money, or that Mrs. Baird had not expended it properly or judiciously?

Ans. My wife was present merely as a companion to Mrs. Baird, ready of course to give such advice and assistance as might be sought, but not entitled in any way to interpose, so that I presume there could have been no difference of opinion properly; my impression is that my wife did regard the expenditure as partly unnecessary, and so stated to me.

128 *Quest.* Did she state to you what part of the expenditure she regarded as unnecessary?

Ans. My memory does not serve me to answer the question.

129 *Quest.* Do you recollect whether your wife told you that she thought that Mrs. Baird needed a thick blanket shawl for the journey?

Ans. I do not.

130 *Quest.* You have said that your brother James had also written to your brother Thomas a letter, instructing him that the check for $140 should not pass his hands except for Mrs. Baird's expenses going West—do you know why that instruction was given?

Ans. The reasons for that instruction are contained in that letter, dated October 12th, 1860, marked *No. 75 A* in book, *Exhibit F F.*

131 *Quest.* Was your brother James indebted to your brother Thomas at the time of writing that letter?

Ans. I never had such an idea—I do not know of my own knowledge.

132 *Quest.* You have stated that after Mrs. Baird had mentioned the sums of $30, $35, and $10, she desired additional means, and from the nature of the purchases made, and the claims urged and other circumstances, you became satisfied that it would be impossible for you to meet her demands with respect to money—what were the purchases made which influenced or occasioned that opinion?

Ans. They were those to which I have just alluded, of articles unnecessary to the purposes of a journey.

133 *Quest.* Did you inquire of Mrs. Baird, at that interview in Philadelphia, whether she needed any means for the support of herself and children prior to going to Westport?

Ans. I had already been informed by her that her father had engaged to pay her boarding, and also, I believe, of moneys received from her husband, and was unaware of any other occasion for expense, except such as were incident to the journey, and therefore made no such inquiry.

134 *Quest.* You have also said, at that interview, that Mrs. Baird was urging a boarding bill of $50, which you had previously understood from her was already paid by her father

—did you tell her that you had previously so understood from her, or did you inquire of Mrs. Devine whether there was $50 due at that time for a boarding bill?

Ans. The claim for that boarding bill was not made at that interview; her statement that it had already been paid by her father was made, according to my recollection, in a letter to my brother Thomas; her subsequent claim for the payment of that bill was also made to him in a letter by him transferred to me—such is my recollection; the whole circumstances were such that I did not think it wise to enter into discussion with Mrs. Baird on the subject.

135 *Quest.* Did Mrs. Baird say anything to you, while you was at Philadelphia, to assist her to go to Westport, on the subject of a board bill being due, and did she mention that as one of the necessary items to be paid out of the moneys provided for by the check for $140?

Ans. As I was aware of such a claim being made by her through her letter communicated to me by my brother Thomas, I cannot now determine whether she herself spoke to me on the subject.

136 *Quest.* Do you mean, then, to be understood as saying that you do not recollect of Mrs. Baird's saying anything to you, while you were at Philadelphia with her as above stated, on the subject of there being an unpaid boarding bill of fifty dollars?

Ans. The whole tenor of the interview in Philadelphia was to the effect that there were no pecuniary claims to be met except those then specified, including the dentist's bill and the outfit; in particular it was assumed, and my impression is distinctly stated, that there was no bill for boarding, a fact of which I was already aware from the fact that Mrs. Baird had informed me, as is my distinct impression, both at the time of her taking board at Mrs. Devine's and afterwards, that her father had engaged to pay her boarding.

137 *Quest.* By whom was it stated, as said in your last answer, that there was no bill for boarding?

Ans. My impression is that such a statement was made by Mrs. Baird.

138 *Quest.* Did you hear anything from Mrs. Baird, in your interview with her at Philadelphia as above stated, on the subject of there being an unpaid board bill?

Ans. I have answered this question fully in the two preceding answers.

139 *Quest.* Do you decline then to make any further answer to the preceding question than that you have already made?

Ans. I do.

140 *Quest.* You have stated, in your examination in chief,

in your evidence upon the subject of a depository in Philadelphia, a place where clothing was made up, that you could not have referred Mrs. Baird particularly to such a place; did you understand from Mrs. Baird, at that interview, that she would be obliged to put out the clothes, or a part of them, to some place or persons where they could be made up?

Ans. In my examination in chief, I stated that it was altogether probable that I may have advised, or acquiesced in her suggestion of such a measure, but I have no distinct recollection upon the subject, neither as to whether she made the suggestion, nor my reply to it if made.

141 *Quest.* To the question propounded to you in your chief examination, "Did that misrepresentation become the subject of correspondence between you and your brother James," in testifying upon that subject, did you wish to convey the belief that Mrs. Baird had made a wilful misrepresentation of anything connected with the subject?

Ans. My design was to indicate that I understood Mrs. Baird to have made statements essentially different from the facts as they occurred; whether those misstatements were wilful, or how far so, I did not design to intimate, nor do I feel called upon now to determine; the data for such a judgment were not at the time before me.

142 *Quest.* In your answer to the question propounded, as quoted in the last question, you said, "My brother, upon being informed of the facts of the case, as he was first by my brother Thomas, and subsequently by myself," &c.; how do you know that your brother was first informed of the facts of the case by your brother Thomas?

Ans. My brother Thomas had communicated to me my first information upon the subject of Mrs. Baird's statements in a letter, dated Baltimore, October 6th, 1860, which is *No.* 71 of *Exhibit F F;* I thereupon, as I have already stated in my examination in chief, visited him in Baltimore, and informed him of the facts of the case; he subsequently informed me of the fact that he had communicated with my brother James upon the subject, and my distinct impression is that the same fact was recognized in communications, both oral and written, made to me by my brother James.

143 *Quest.* In your answer to the question above quoted, you also said that your brother James communicated to you an open note, addressed to his wife, expostulating with her upon the subject, which he requested you to deliver, and which you declined to do; did you read that open note, and if so, was you at all surprised at his request?

Ans. I cannot say that I was surprised—I thought the step injudicious, and so informed him—I read the note.

144 *Quest.* Previous to the receipt of that open note, or at any time subsequent thereto, has your brother James ever requested you to deliver a message or messages, either verbal or written, from him to his wife, which you thought injudicious?

Ans. I do not remember any communication which I regarded as being injudicious, except the one here specified.

145 *Quest.* Has your brother been in the habit at all of communicating to Mrs. Baird, through you, any directions or messages touching any of their family affairs, which he could as easily have communicated himself, by letter or otherwise?

Ans. He has not.

146 *Quest.* Has he forwarded money to you for Mrs. Baird which he could as easily have sent directly to her?

Ans. He has forwarded money to Mrs. Baird through me on different occasions; of the relative convenience of conveying it directly to her, or through me, I have no present means of judging; such communications through me were usually in connection with other transactions which rendered them suitable or convenient.

147 *Quest.* When your brother has sent money to Mrs. Baird through your agency, did it ever occur to you that he might have easily and as well have sent the money directly to his wife himself?

Ans. I do not think it did.

148 *Quest.* In your answer to the question above quoted you also said that "of the ultimate disposition of that note I have no recollection, but a general impression that I ultimately destroyed it;" can you say how long you retained possession of that note before you destroyed it, if you did so?

Ans. I have no recollection concerning it subsequent to its receipt?

149. *Quest.* Why did you not immediately return to your brother the note when you had decided not to deliver it?

Ans. I may have done so, or I may have retained it with the intention of delivering it, had my brother not acquiesced in my view of the matter—I cannot recollect.

150 *Quest.* After reading that note, within what time did you decide not to deliver it?

Ans. As the reasons were to me obvious, I have no doubt my decision was immediate.

151 *Quest.* After reading that note, did you show it to any other person—and if so, whom?

Ans. I may have shown it to my wife, I presume I did, but do not remember of showing it to her, or do not know that I showed it to any person.

152 *Quest.* Do you recollect at all of conversing with your wife upon the subject of the contents of that note?

Ans. I do not.

153 *Quest.* Since the receipt of that note by you, and the reply you made by letter to your brother, have you had any conversation at all with your brother James in reference to his having written that note?

Ans. Upon the subject of the misunderstanding therein involved I have conversed with my brother repeatedly, though I am not able to remember any specific conversation, nor do I remember distinctively anything said in respect to that note.

154 *Quest.* In answer to the question propounded to you in your chief examination, you stated, among other things, "but we subsequently ascertained that it (meaning the vaccination of Mrs. Baird's child) did not take place until the very day upon which the letter was written;" how did you ascertain that, and in what respect did you consider its ascertainment material?

Ans. As to the original discovery of the fact I have no distinct recollection (I mean as to time and circumstances); there was no special search made for it as I recollect, and its ultimate ascertainment was mentioned by me in my examination simply as indicating the kind of embarrassments which were employed to defeat our efforts for Mrs. Baird's removal.

155 *Quest.* At the time you ascertained the fact alluded to, or at any time afterwards, and how soon did you make any memorandum in relation to the time of the vaccination?

Ans. I do not recollect having made any such memorandum at any time.

156 *Quest.* In your answer to a question propounded to you in your examination in chief in relation to the character of the rooms occupied by Mrs. Baird at Mrs. Devine's boarding-house, you said, "they were such as were selected by herself and her parents, who were with her at the time, in one of the best boarding-houses in Philadelphia, and were so far as I ever saw adequate and suitable;" how do you know that those rooms were selected by herself and her parents, who were with her at the time?

Ans. In regard to her own agency I relied upon her statement made to me while on a visit to my house at that time, and with respect to her parents upon her own statement, contained in a letter addressed to her husband, dated September 21st, 1860, that her father and mother had visited them upon occasion of the breaking up of Doct. Schenck's housekeeping; the letter indicated that the visit of her parents had terminated on the day of its date, and that they

had taken her daughter back with them, who had been with her the preceding day at my house; with these facts, together with her father's engagement to pay the boarding, I deduced the co-operation of her parents with Mrs. Baird in her removal; the letter alluded to is No. 54 of *Exhibit F F.*

157 *Quest.* Do you find in that letter to which you have alluded the statement that her parents were with her at the time she selected the rooms at Mrs. Devine's?

Ans. I do not.

158 *Quest.* In your examination in chief, you have said that your brother consulted you touching the treatment of his wife by Doct. Ludlow—do you know how long Mrs. Baird had been ill, in that sickness referred to by you, when your brother consulted you?

Ans. My impression is that she had been sick some four or five days; I think it was upon the day the obnoxious prescription was superseded.

159 *Quest.* How long was it after your brother first consulted you that Mrs. Baird left her husband?

Ans. I have no means at this moment of answering more definitely than to say that it was a few weeks, perhaps a month.

160 *Quest.* How came you to be at your brother's house upon that occasion?

Ans. I remember no special occasion of my visit.

161 *Quest.* Was Mrs. Baird ill when you first arrived there upon that occasion?

Ans. My visit was a mere call of perhaps an hour, more or less—she was ill when I arrived.

162 *Quest.* Was the idea of an attempt at abortion communicated to you by your brother, or did it originate with you?

Ans. I had no suspicion of it until the suggestion was made, and the prescription exhibited to me by my brother.

163 *Quest.* When was that suggestion made and prescription exhibited to you?

Ans. It was during the call just alluded to by me, four or five days after the commencement of her illness.

164 *Quest.* How long had you been in your brother's company before he suggested to you the idea of an attempt at abortion upon Mrs. Baird, and what did he say about it?

Ans. How soon he introduced the subject I cannot now remember; he showed me the bottle, which was concealed behind some books in his library, in which room the interview took place; he placed in my hands a copy of the prescription, with numbers corresponding to those on the bottle, and informed me that circumstances had created a

suspicion in his mind that his wife's illness was owing to an attempt to induce abortion by the physician; that he had obtained from the druggist a copy of the prescription, the examination of which confirmed his apprehensions, but not being able himself to determine precisely the items and character of the prescription, and anxious to avoid attracting suspicion to his own family, he wished me to submit it to some competent person, and ascertain what it was; I remember no further details of the conversation.

165 *Quest.* What do you mean by the bottle being concealed behind some books?

Ans. I mean that it was so placed behind books on a shelf in the library that one who was not otherwise informed would scarcely have found it.

166 *Quest.* Did you understand or suppose that it had been put there by any other person than your brother for his own safe keeping, out of sight?

Ans. I understood my brother to have placed it there for safe keeping.

167 *Quest* In your answer relating to this subject upon your examination in chief, you said that "your brother told you that he had got hold of the vial which contained the prescription;" did he tell you how he had got hold of it?

Ans. The expression was inadvertent as employed by me; the purport of his remark was merely that he had taken and concealed the bottle.

168 *Quest.* Did you understand from him where he found the bottle, when he took it away and concealed it?

Ans. I do not remember what he may have said on that subject.

169 *Quest.* Did your brother tell you that he had said anything to Doct. Ludlow, or Hubbell, the druggist, upon the subject of the character of the prescription?

Ans. According to my recollection he did not.

170 *Quest.* Did you make any suggestion to him to make any inquiry either of Doct. Ludlow, or Hubbell, the druggist, in relation to that subject?

Ans. An application to Hubbell would at once have directed attention to his own family, the facts of which he informed me precluded the propriety of such a suggestion with reference to Doct. Ludlow, I therefore made no such suggestion with respect to either.

171 *Quest.* Did your brother, at that interview, say he believed that some person or persons had designed to produce abortion, and if so, who did he name?

Ans. He stated himself to be apprehensive that Doct. Ludlow had been making such an attempt.

172 *Quest.* Did he name any other person than Doct. Ludlow?

Ans. He mentioned his wife as having previously expressed a wish to secure such a result, and that he was apprehensive that her present illness was the result of treatment by Doct. Ludlow at her request for that purpose.

173 *Quest.* Heve you named all the persons?

Ans. All mentioned at that interview—I believe these were all whom he mentioned as actively engaged in the attempt, unless he may have alluded to one or two of his servants; he spoke of one or two other parties whom he suspected of being cognizant to the fact, and to have countenanced it.

174 *Quest.* Did he state that he suspected one or two of the servants, and if so, who were they?

Ans. My impression is that he spoke of one of the servants, whose name I cannot now recall; it was the same who was shortly afterwards delivered of a child in a hospital, and who has been on the witness stand, whom he suspected to be in complicity with the doctor and Mrs. Baird—I cannot say positively, however, that her name was thus mentioned at that time.

175 *Quest.* Who were the persons named by him at that interview as suspected by him of being cognizant of the attempt to produce abortion?

Ans. Upon further recollection, I am not sure he named any other parties.

176 *Quest.* When you stated that he named other parties, who did you then think he named?

Ans. Either then, or very soon afterwards, he indicated his suspicion that Mrs. Torrey was cognizant of the facts, and giving them her countenance, I mean Mrs. Baird's mother.

177 *Quest.* At the time your brother communicated to you his suspicions that an attempt had been made to produce an abortion, did he assign any other reason, fact, or circumstance than what you have already stated, which created that suspicion?

Ans. The reasons of suspicion mentioned by him was the fact, that his wife had expressed a strong disposition to procure an abortion, had suggested that application be made to Doct. Ludlow for that purpose, and upon my brother declaring his disapproval of such a measure, had announced her determination not to avoid such exercise as might induce that result; her anxiety about the time that her illness began to ascertain positively the fact of her pregnancy, the talk between her and certain ladies of the neighborhood to the effect that she ought to bear no more children, and the

fact that Doct. Ludlow had on that same day intimated to him that probably the fœtus was dead, and if so, it would be necessary to use means to remove it; I do not now remember any other specific statement made at that time.

178 *Quest.* Did you at that interview advise or suggest to your brother any steps to be taken by him to ascertain the character of that prescription?

Ans. No otherwise than that I acquiesced in the propriety of his own suggestion, that I ascertain it from competent professional men.

179 *Quest.* Did you suggest to your brother, at that interview, or did it occur to you, whether it was proper to suggest to him, the duty or propriety on his part under such suspicions to inquire of Doct Ludlow the character of the prescription or to suggest to Doct. Ludlow his fears of the effect of the prescription upon Mrs. Baird?

Ans. My brother informed me of an interview which he had that morning, I believe with Doct. Ludlow, in which he had intimated to the doctor his apprehension that something was wrong—the attempt to produce abortion being of a criminal character, it was to be presumed of course that a physician who would engage in it would be ready to deny it; the means were in our hands of ascertaining unequivocally the nature of the treatment from the prescription itself, I therefore made no such suggestion.

180 *Quest.* Did your brother inform you that he had been to make inquiry of Mr. Hubbell, the druggist, in relation to that prescription?

Ans. Nothing more than that, by means of the numbers on the vial, he had obtained a copy of the prescription.

181 *Quest.* Do you know whether your brother has made *materia medica* or specific drugs at all his study?

Ans. I have reason to believe that, in consequence of these occurrences, he has given considerable attention to such writings as bear upon the questions involved, both *materia medica* and medical jurisprudence.

182 *Quest.* Did your brother hand to you a copy of that prescription at the early part of your interview with him, in which he mentioned his suspicions?

Ans. I cannot remember at what point in the interview with me he handed me a paper.

183 *Quest.* At that interview did he enter into any description or explanation of the effects which the items in that prescription, or any of them, were expected to produce when administered to the patient?

Ans. I do not think he did.

184 *Quest.* Do you recollect whether at that interview you discussed with him, or mentioned to him what you under-

stood or believed to be the effect which the ingredients of that prescription, or any of them, were calculated to produce when administered?

Ans. We were agreed in recognizing the general character of the prescription as implying a design to evacuate the womb, though neither of us pretended to understand the precise design or effect of the proportions or doses therein indicated.

185 *Quest.* Did you suggest to your brother, at that interview, to inquire of Hubbell, the druggist, who presented the prescription to him to have it made up, or to whom he delivered it when made up?

Ans. I did not.

186 *Quest.* Did you inquire of your brother, at that time, or did he inform you where he found the bottle which had contained the prescription when he took it to put it away?

Ans. He may have informed me, but I remember nothing definitely on that point.

187 *Quest.* Did you ever go to Mr. Hubbell, the druggist, to inquire of him anything in relation to that prescription?

Ans. I did not.

188 *Quest.* From what your brother James had said to you in relation to that prescription, or from the information which you had derived through your subsequent inquiries about it, did you suspect that an abortion had been attempted?

Ans. I did, and firmly believed it.

189 *Quest.* Did your brother, during Mrs. Baird's illness, or at any other time, tell you whether any other medicine or prescription was used in connection with what you have called the "obnoxious prescription?"

Ans. I do not think he mentioned any that was used at the same time; he showed me copies of a prescription, or prescriptions, which were prescribed after that one was discontinued.

190 *Quest.* How long after that interview was it that the suggestion was made, as you have testified in your chief examination, that there might be indications known to the servant girl of abortion?

Ans. It may have been as much as a month or more—it was a few days after Mrs. Baird had removed from my brother's house that the suggestion was made, not that the servant girl might be aware of indications of abortion, but of indications from which we might have been able to determine whether abortion had taken place.

191 *Quest.* Who made that suggestion?

Ans. I do not know whether it was I or my brother.

192 *Quest.* When the servant girl was called into the pre-

sence of your brother and yourself, how do you know that the questions which he proposed to her were so vague and delicate that she did not understand to what he alluded?

Ans. As to their style I know from having heard them, and as to her understanding, from her statement at the time, which she has since confirmed under oath.

193 *Quest.* Did she appear confused when he propounded the questions, or any of them, to her?

Ans. She appeared bewildered by their vagueness, but not confused.

194 *Quest.* Before the servant girl was called in before you, was it understood between your brother and yourself who was to make the inquiry of her?

Ans. I do not remember any understanding.

195 *Quest.* How many questions had your brother proposed to the servant girl before you interposed, and "stated your object in language so specific that she at once recognized the meaning?"

Ans. I think some two or three.

196 *Quest.* Did you receive the answer, or information which you have stated in your chief examination she gave to your inquiry, to the first question you propounded to her?

Ans. I did.

197 *Quest.* When you propounded that question to her did she seem confused or abashed?

Ans. Not in the least.

198 *Quest.* Did you pursue that inquiry of her any further?

Ans. We did not.

199 *Quest.* Did she ask either of you why that inquiry was made of her?

Ans. She did not.

200 *Quest.* Did you, or either of you, preface your questions to her by saying anything in relation to your suspicions?

Ans. According to my recollection, my understanding at the time, derived both from my mother and brother, was that the girl professed to be aware to some extent, I know not how far, of the nature of Mrs. Baird's illness; our questions were predicated upon that assumption, without, as I believe, any distinct statement respecting the abortion attempt.

201 *Quest.* Was any inquiry made of the servant girl, at that interview, as to whether she was aware of the nature of Mrs. Baird's illness?

Ans. I think not.

202 *Quest.* In your examination in chief you have said, "we were entirely unable, until some time afterward my brother stated to me that he had been informed by some one of Mrs. Baird's family that Addie was still expecting;"

did your brother state who of Mrs. Baird's family gave him that information?

Ans. I think he did—it was William A. Torrey.

203 *Quest.* As near as you can come to the time, when did your brother make that statement to you?

Ans. I can only make a vague guess that it was some two or three months after Mrs. Baird left—by referring to memorandum I can tell more nearly; my impression is that it was in connection with the intercourse between my brother and Mr. William A. Torrey, but upon looking at the letter which I thought related to the matter, I find I am mistaken.

204 *Quest.* In your chief examination you said "the elders of the Fifteenth church were present, and expressed in strong terms their dissatisfaction with the report, intimated that my brother was a bad man, and complained that the committee had declined to hear the two spies who had dogged his steps by night;" did you mean to use the words "the two spies who had dogged his steps by night" as the words used by the elders upon the occasion alluded to?

Ans. No, sir, the language is my own; I should explain, with reference to that part of my testimony which is quoted in the question, that I ought to have said two of the elders, and that one of them expressed himself in the manner indicated whilst the other sat silent, but subsequently, in private, denied that he had anything against Mr. Baird—the speaker was the senior elder, Williams.

205 *Quest.* Have you talked to some extent with your brother James in relation to the investigation or examination of the charges made against him while in the Fifteenth church, from which you have supposed that you received from him a full relation of what was done touching the investigation of those charges?

Ans. I have.

206 *Quest.* Did he inform you that a meeting of the session at the house of Mr. Williams, senior elder, had taken place to inquire into or investigate those charges at which your brother was present?

Ans. My brother informed me of a meeting of the session having taken place at the house of Mr. Williams, at which he was informed, by the elders, of the charges of immorality which were made against him; he was present there.

207 *Quest.* Did your brother ever inform you that at that meeting he objected to persons being permitted to testify in relation to those charges, and that they were prevented from so doing by reason of his objections?

Ans. The jurisdiction over ministers in our church belongs to the presbyteries, and not to the church sessions; my brother did inform me that the session seemed disposed to

proceed on the instant to what seemed of the nature of a judicial investigation, based upon the testimony of Messrs. Johnson and McFarland, whilst my brother had received no previous notice, nor had opportunity for rebutting the testimony of the witnesses; he stated that he, therefore, as moderator of the session, had refused to allow those witnesses a hearing.

208 *Quest.* Did your brother tell you, at the time that he stated that, at the meeting at Mr. William's house alluded to, as his ground of objection to those witnesses you have named being allowed to testify?

Ans. Those were the reasons that, within a few days of the time he gave me for his action in the session; to what extent he may have stated them to the elders at the time I am not aware.

209 *Quest.* Do you know whether what you call that "obnoxious prescription" had been discontinued after a certain number of days' use of it, or how many days it had been used?

Ans. My understanding at the time, and ever since, has been that it was used continuously four days, and then set aside by Doct. Ludlow's order.

210 *Quest.* Do you know how long it had been set aside before you arrived at your brother's house?

Ans. My visit to my brother, when he showed me the prescription, occurred either on that or the next day; depending entirely on my recollection, I cannot define the time more positively than within a day or two.

211 *Quest.* Was Mrs. Baird's mother at your brother's house the day you were there?

Ans. I do not remember to have seen her on that day, nor certainly to have been informed of her presence—my impression is that I was; I saw her in the house within a few days of that time; upon further recollection, I am led to doubt whether she had arrived at that time.

212 *Quest.* From the best of your recollection, what do you now think?

Ans. As I have just said, I am altogether in doubt—I cannot say whether she was in the house or not.

213 *Quest.* In your chief examination you have said that "among the most painful scenes you have ever witnessed have been the developments of agonizing distress;" "his tears and expressions of tenderness and distress under his bereavement have been heartrending; such was the effect as to preclude the possibility of rest at night or tranquillity by day;" what opportunity had you of discovering that your brother had no rest at night?

Ans. My opportunities consisted in the constant intercourse

subsisting between us, both at his house and especially at my own, during frequent visits, in which his haggard appearance in the mornings, and the evident condition of his nervous system and constant mental agitation confirmed his own repeated statements to me.

214 *Quest.* Did you see your brother between the hours of retirement to his bed-room at night, and those of his leaving his bed-room in the morning?

Ans. I have frequently exhausted myself sitting with him till a late hour in the night when he was indisposed to retire at all, but have not visited his chamber, that I now recollect, after his retirement to bed until morning.

215 *Quest.* Do you know whether the "agonizing distress" and tears which you have spoken of were occasioned by your brother's affection for his children, or from a consciousness, on his part, of the causes which induced Mrs. Baird to leave him?

Ans. Such emotions I have repeatedly witnessed with reference both to his bereavement of his wife and children, and his affections lacerated thereby, and to his appreciation of the criminal causes of her withdrawal.

The witness desires at this point to make the following explanation:

In answer to certain questions proposed to me by Mr. Chetwood respecting the precise time of my interview with my brother, and the presence of Mrs. Torrey in the house, I stated the time to be, as nearly as I could recollect, to have been within a day or two of the suspension of the offensive prescription, and stated my great uncertainty whether I saw Mrs. Torrey upon that occasion, or whether she was in the house, but that I did see her within a few days; by reference to memoranda, I find that my perplexity occurred from my memory assigning to two several visits facts which occurred at one; that my interview with my brother did take place on February 17th, some four days after the suspension of the prescription, and that it was upon the same day that I met with Mrs. Torrey in Mrs. Baird's chamber; I may state that my examination of the memoranda was induced by my own perplexity, as indicated in my answers here corrected, without suggestion from any party, or the knowledge by any one of the nature or results of my inquiry for the memoranda.

216 *Quest.* Have you knowledge of the day on which what you have called the "offensive prescription" was suspended?

Ans. I have no knowledge of myself.

217 *Quest.* Was the 17th day of February, named in your explanation above, the day on which you had the interview

of an hour, more or less, with your brother, during the illness of Mrs. Baird, the first time at which you were at his house during that illness?

Ans. My impression is that I had been there previously on an occasion to which I had incorrectly assigned in my memory the particular interview with my brother which took place on that day.

218 *Quest.* In your examination in chief you have said that you were aware of an estrangement between Mrs. Wm. Torrey and your brother James; did you ever have any conversation with Mrs. Torrey upon that subject?

Ans. I did have such a conversation, which I think I have mentioned in the examination in chief.

219 *Quest.* How long after you became aware of that estrangement did that conversation take place—who was present, and where was it?

Ans. As to the time I am unable to answer, having no data by which to fix it, except that it was in Philadelphia, and my impression is that Mrs. Torrey was then resident in that city; at least one other person was present, but as the conversation was sustained almost wholly by Mrs. Torrey, I am unable to state certainly whether it was Mrs. Baird or, as I rather think, a younger daughter of Mrs. Torrey, the present Mrs. Dwight.

220 *Quest.* On that occasion did you express your regrets to Mrs. Torrey that your brother had written to her the letter which, in your chief examination upon that subject, you indicated to be the immediate occasion of the difference, or your surprise that he should have written that letter?

Ans. Before showing me the letter, Mrs. Torrey described it to me as of such a character that I did express my surprise and regret that my brother should have written such a letter; when, however, she placed the letter in my hands, I found it did not at all sustain the description—that, so far from being grossly offensive and insulting, it was couched in terms of great kindness, and as much moderation and forbearance as an assumption of the truth of its statements required; I so intimated to Mrs. Torrey with as much delicacy as I could, feeling that the circumstances did not require that I should enter into any full discussion of the matter with her, nor in fact permit it.

221 *Quest.* Do you recollect when your brother James resided in Green street, in the city of Philadelphia?

Ans. I do.

222 *Quest.* Was it shortly prior, or about the time of his settlement at Lockhaven?

Ans. It immediately preceded that settlement.

223 *Quest.* Do you recollect having any conversation with

Mrs. William Torrey, in which you expressed yourself as grieved, or sorry, or regretting that your brother James did not appreciate his wife's kindness and attentions to him, or of saying anything to her of that import? [Objected to.]

Ans. I do not remember any such conversation, and I do not think any such ever occurred.

224 *Quest.* While your brother James lived at Lockhaven were you aware that he had any difficulty or controversy with any of the members or officers of his church? [Objected to.]

Ans. I was aware of a difficulty with a Mr. Grafius, an attendant on his ministry, but whether as a member or officer of his church I do not now remember.

225 *Quest.* Did you go to Lockhaven to see your brother in relation to that difficulty? [Objected to.]

Ans. I visited my brother while he lived at Lockhaven, but do not now remember that there was any connection whatever between my visit and that difficulty, and whether in fact it was then pending, but I think it was not.

226 *Quest.* Are you aware that your brother has quite frequently had serious difficulties and controversies with his church officers or people in different places? [Objected to.]

Ans. I do not now remember any difficulty occurring between my brother and the officers of his churches of a personal nature; I was aware of the case of Doct. Day and of two or three instances in which questions of church discipline arose in connection with my brother's ministry.

227 *Quest.* Do you know of any such difficulties or controversies of an ecclesiastical nature?

Ans. I do; they are those to which I have just alluded as questions of discipline.

228 *Quest.* Do you know in how many of the places of his settlement such difficulties or controversies have existed?

Ans. I can at present recall but two, the one at Wooster, the other at Lockhaven.

229 *Quest.* Have you conversed with your brother from time to time in relation to his difficulties and controversies of the character spoken of? [Objected to.]

Ans. I have.

230 *Quest.* In any of those conversations have you advised your brother as much as possible to avoid occasion for those difficulties and controversies?

Ans. My impression is that I may have given him such advice, though I do not now remember any special occasion upon which I did so; and in the several cases which arose to which he was a party I fully approved of the position which he assumed as sanctioned by the constitution of our church.

231 *Quest.* When your brother resided in Toledo did you receive a letter from Mrs. Baird complaining of the cruel treatment of her husband, and of his neglect of her? [Objected to.]

Ans. My impression is that the first letters I ever received from Mrs. Baird were at the time of the intercourse respecting the removal to Westport; I received no such letter as the one asked about.

Re-examined on the part of the prosecution.

232 *Quest.* What was the misunderstanding involved in the "open note" touching which you say you have had repeated conversations with your brother?

Ans. The misunderstanding alluded to consisted in my brother's supposition, based, as I understood him, upon representations made by his wife that I had advised her to disregard her husband's wishes as to her removal to Missouri, and to spend the winter at Mrs. Devine's.

233 *Quest.* Had you given her any such advice?

Ans. I had not.

234 *Quest.* You have mentioned the reasons, or some of them, assigned to you for the suspicions by your brother that Doct. Ludlow was attempting to produce an abortion upon his wife—in that connection did he at any time mention to you, in confirmation of those suspicions, a conversation which he overheard between his wife and the servant girl—if so, state what that was?

Ans. Whether during that interview, or shortly afterwards, I cannot determine; he spoke of such a conversation overheard by him in which Mrs. Baird informed the servant of the fact that my brother had inquired of her as to whether means were being used to produce abortion, and of her denial of the fact, and jesting with the servant with reference to the manner in which she had eluded her husband's suspicions, I would further state, that among the reasons given by my brother at the time for his suspicions, and which was present to my mind whilst answering to that point on my cross-examination, but escaped me in the process of dictating, was the character of the sickness itself and the mystery which seemed to invest it.

235 *Quest.* [The witness' attention being called to letter No. 40 in *Exhibit F F.*]—Is that a copy of the letter from your brother to Mrs. Torrey, which Mrs. Torrey assigned as the occasion of the estrangement between them?

Ans. The letter referred to corresponds with my recollection of that exhibited to me by Mrs. Torrey, and is I believe a copy of it.

Re-crossed-examined.

236 *Quest.* Have you any other reason to believe that No. 40 is a copy of that letter than from your recollection of the contents from reading it?

Ans. I have further reason for so believing, arising from my knowledge at the time of the occasion and manner of obtaining it, which was my brother's disposition, at my suggestion, to reopen friendly intercourse with Mrs. Torrey, and his consequent wish to ascertain the precise nature of his offending; he therefore applied to a member of the Torrey family, as I understood a daughter-in-law, and obtained the copy from her—as I understood at the time and always since from him; I should state that the asterisk note at the foot of the second page is no part of the copy.

237 *Quest.* Did your brother tell you the name of the servant girl, or in any manner identify her, whose conversation with his wife he told you he had overheard?

Ans. My impression is that he did—I cannot give her name, but the person, according to my remembrance, is the same to whom I have already alluded as suspected by my brother of complicity, who was then a single woman but pregnant, and since married, and was produced by the defence as a witness in this cause—she was Mrs. Baird's nurse.

238 *Quest.* Do you know how long she lived in Mrs. Baird's family?

Ans. I do not, perhaps two or three weeks.

239 *Quest.* Did your brother tell you whether he had made any inquiries of that servant as to whether she knew anything about an attempt being made at abortion?

Ans. He did not.

240 *Quest.* Did you ever ask him why he did not inquire about it?

Ans. I did not.

241 *Quest.* Were you and your brother both present during the examination of that witness for the defence?

Ans. I was, but whether my brother was or not I do not remember.

242 *Quest.* Had your brother told you what you have stated of his having overheard that conversation between the servant and Mrs. Baird before the servant was examined as a witness in this cause?

Ans. As I have just stated, my brother informed me of the facts within a few days of their occurrence, some three years prior to the examination of the witness.

SAMUEL J. BAIRD.

Sworn and subscribed before me, this eighteenth day of May, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Charles G. Imlay, a witness produced on the part of the prosecution, being duly sworn, saith—

1 *Quest.* Where do you reside?

Ans. In Philadelphia.

2 *Quest.* Were you the cashier or treasurer of the state savings fund of the city of Philadelphia, in the year 1860?

Ans. I was, except for five days in December of that year.

3 *Quest.* Are you now, and were you then acquainted with the Rev. James H. Baird?

Ans. Yes.

[The witness being shown a pass-book, No. 3646, in account with state savings fund, marked by me *Exhibit H H* on the part of prosecutor, is asked]—

4 *Quest.* Is that the account of James H. Baird with the state savings fund institution during the year 1860 and some time previously?

Ans. I believe it is.

5 *Quest.* In whose handwriting are the entries?

Ans. J. C. Oelschlager, one of the clerks, I think; he resides in Philadelphia at this time; also of J. Henry Hays, teller, and C. G. Imlay, treasurer.

6 *Quest.* Will you now please tell me what amount of money Mr. Baird had in that institution to his credit on the 6th day of November, 1860?

Ans. It was not less than $130.

7 *Quest.* Was there also a draft maturing that month, entered in your books for collection, and not then extended?

Ans. There was, of the amount of $38.15.

8 *Quest.* Had you been in the habit, and was there an understanding to that effect, that Mr. Baird might overdraw in your bank for a small amount?

Ans. I had said to Mr. Baird that we would not decline to pay his checks for small amounts beyond his credits, not as a rule, however, and always subject to the convenience of the corporation.

9 *Quest.* Was there a rule of your institution requiring depositors making drafts to give notice in advance?

Ans. Yes, sir, for any amount exceeding $50.

10 *Quest.* Is there a printed memorandum in that pass-book (*Exhibit H H*) dispensing with that rule in the case of Mr. Baird?

Ans. Yes, sir, but the corporation never waived its right to enforce the rule.

11 *Quest.* Do you remember the presentation of a draft for $140, about the 6th of November, 1860, on your institution?

Ans. I think there was a draft, or more properly a check, of Mr. Baird presented about that time.

12 *Quest.* Was not the institution at that time in an embarrassed condition?

Ans. The institution made an assignment on the 26th day of December following; I am not competent to state its condition then.

13 *Quest.* Was the check paid on presentation, and if not, why was it not?

Ans. The check was not paid on presentation, for the reason that the amount of funds called for by it was not standing to the credit of Mr. Baird at that time.

14 *Quest.* Do you remember any additional reason?

Ans. I do not.

15 *Quest.* What amount of money had Mr. Baird in that institution at the time of its assignment in December, 1860?

Ans. As appears by the book (*H H*) $393.03.

16 *Quest.* Do you know whether all or any portion of that money was ever paid to Mr. Baird?

Ans. There have been $41.92 paid to him.

Cross-examined.

17 *Quest.* Had Mr. Baird been in the habit of overdrawing his account, taking advantage of the privilege extended to him?

Ans. I think in one or two instances he did do so.

18 *Quest.* Was there placed in the pass-book of any other depositor a printed permission to overdraw similar to that in Mr. Baird's book?

Ans. There is no such printed permission in Mr. Baird's book.

19 *Quest.* Was the printed permission to draw at sight, such as is in Mr. Baird's book, placed in the books of any other of your depositors?

Ans. Yes, sir.

20 *Quest.* Did the institution fail by reason of the overdrawing of depositors?

Ans. No, sir.

21 *Quest.* Did Mr. Baird ask for this privilege of drawing at sight, or was it granted without by the officers of the corporation?

Ans. I think it was granted on the application of Mr. Baird.

22 *Quest.* Who presented the check for $140, which has been spoken of, about the 6th of November?

Ans. I am not able to say.

23 *Quest.* Do you remember distinctly and with certainty that it was presented by somebody?

Ans. Yes, sir.

24 *Quest.* Did you make any memorandum of the presentation, or do you rely entirely upon memory?

Ans. I rely upon my own recollection and upon the recollection and statements of others.

25 *Quest.* As you recollect its presentation, was it presented by a male or female?

Ans. By a male.

26 *Quest.* Who were the persons you refer to as "others" who have stated to you that it was presented?

Ans. The employees of the office.

27 *Quest.* When was the statement made to you?

Ans. I am not able to say—I may say that I refer to a conversation which took place in the office respecting the presentation of the check among the employees, and which I listened to.

28 *Quest.* When did that conversation take place?

Ans. I can't say as to the date—it must have been some time between the presentation of the check and the assignment of the corporation.

C. G. IMLAY.

Sworn and subscribed before me, this fourth day of May, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Eliza E. Baird, a witness produced on the part of prosecutor, and sworn, deposeth and saith—

1 *Quest.* Are you a sister of Rev. James H. Baird?

Ans. I am.

2 *Quest.* Were you at the wedding of your brother James?

Ans. I was.

[Witness being shown letter *No.* 4, in *Exhibit F F* speaking of the wedding, dated Philadelphia, September 26th, 1849, addressed to Mrs. Baird, is asked]—

3 *Quest.* Is that your letter addressed to your mother at that date?

Ans. It is. [The above letter objected to as evidence.]

4 *Quest.* Does that letter state truthfully the time of the marriage, and the hour of the departure of the guests?

Ans. It does.

5 *Quest.* Had you had any acquaintance with your brother's wife previous to that time?

Ans. I had never seen her before—I had corresponded with her.

6 *Quest.* Did you in company with your mother, in the

autumn of 1863, make a visit to your brother James at Wooster, Ohio, where he was then stationed?

Ans. I did.

7 *Quest.* How long did you continue at Wooster, and about how much of your time, as near as you can state, was spent at your brother's house, and in company with him and his wife?

Ans. We went to Wooster in the latter part of August, and spent, I think, less than a week in my brother's house, then took boarding at the hotel, and remained there until Mrs. Baird left for a visit home; we then went to his house, and remained until her return, which I think was some time in February; my mother remained a few days longer than me—I left before she did.

8 *Quest.* Was Mrs. Baird confined while you were there?

Ans. Yes, soon after our coming there; it was while we were in the town, not at her house.

9 *Quest.* Was it after her confinement she made the visit home?

Ans. Yes; it was after the child was three months old, or perhaps older.

10 *Quest.* Do you know how she came to make a visit home at that season of the year, and who accompanied her?

Ans. Her brother, William A. Torrey, came to visit her, and urged her to make a visit home in company with him, her brother to defray all expenses; her husband was rather unwilling that she should go at that time; a strong inducement to him to give his consent was in order that she might visit a physician at Pittsburg, in whom he had great confidence, about the child who was suffering from a scald head; my brother was extremely anxious on account of the child.

11 *Quest.* What appeared to you, during that visitation, to be the feeling existing between your brother and his wife, and between the children and him?

Ans. He manifested anxiety to make his family comfortable; when his wife was sick, he requested me to take the children out of the way of annoying her (her child and my brother Samuel's children who were there at the time) in order that she might have the opportunity of entire quiet, as he apprehended she might suffer from want of sleep, the nurse not being as faithful as he wished her to be; his little daughter seemed fond of visiting his study, and he very fond of her; Mrs. Baird seemed to be comfortable, and there was as much appearance of affection between them as I am accustomed to witness among married people.

12 *Quest.* What appeared to be the economy of the household touching the supply of provisions and servants while you were there?

Ans. Previous to Mrs. Baird's sickness, they had one big girl, and one half-grown girl—servants were very hard to get, most of the ladies in the town doing their own work, so far as I was acquainted; when Mrs. Baird took sick, her husband went to the country, and procurred an additional girl to assist in waiting upon her and also to put up fruit; at the same that he procured this girl he got a quantity of peaches and tomatoes, which he requested me to see that the girls put up in a proper manner; he provided very bountifully, we sometimes thought extravagantly, for his table; the house was furnished with every reasonable convenience for housekeeping, and I thought they seemed very comfortable.

13 *Quest.* Did you and your mother again visit your brother James at Lockhaven in the year 1857, and if so, state for how long you remained with him on that occasion?

Ans. We did; we arrived at Lockhaven about the 20th or 21st of July, 1857, and spent about a week in my brother's house, at the urgent invitation of both himself and wife; we then went to a boarding-house, where we remained until about the last of October, in the same year.

14 *Quest.* What seemed to you at that time to be the state of feeling existing between your brother and his wife, and between him and the children, and what was the character of the provision he made for his family?

Ans. My brother seemed very kind and attentive both to his wife and children; the children were very fond of him, visiting his study, clambering about him, riding upon his foot, and trying how many of them could get into his arms at once; he attended to their wants at table, supplying their plates with what they desired to eat; I observed that Mrs. Baird had some complaints or criticisms of a trivial kind to make in regard to her husband, but they seemed to be happy together; the house was comfortably furnished, the table well supplied; they had two servants, when they could be procured, and a part of the time a seamstress; my brother seemed always ready to procure what was needed at Mrs. Baird's request, and she did not seem to hesitate to call upon him at any time, even when in his study, for what she desired?

15 *Quest.* Where did you and your ma reside and board during the time your brother had charge of the Fifteenth church in the city of Philadelphia?

Ans. We were boarding in Philadelphia.

16 *Quest.* During that time were you in the habit of seeing much or little of your brother and his family, and as near as you can state what the intercourse was that took place between you at that time?

Ans. My brother called to see us very frequently, almost every day or two he came; his wife called a few times, and the two older boys spent a few days with us; he brought the three older children to our boarding-house to see the grand procession on the 22d of February, 1862; I was then an invalid, and not able to visit at the house of my brother.

17 *Quest.* Down to the time of the sickness of Mrs. Baird, which immediately preceded her separation from her husband, what seemed to you to be the state of feeling between Mr. and Mrs. Baird?

Ans. I did not see Mrs. Baird during her illness, but my brother's visits to us at that time were often brief, as he stated that he did not like to be long away from home, feeling great anxiety about his wife, and expressing serious apprehension that her life was in danger; his countenance was indicative of great concern and anxiety.

18 *Quest.* In all this intercourse between you and your brother and his family after his marriage, did you ever discover anything like want or destitution of the comforts or necessaries of life?

Ans. I never did, but on the contrary every indication that his family were abundantly supplied with everything necessary to their comfort and happiness in their position in life.

19 *Quest.* Did you ever discover anything like unkindness or cruelty on his part toward his wife or childsen, or any trepidation on their part toward him?

Ans. I never did, but on the contrary every manifestation of affectionate kindness on his part toward them, andof confidence on the part of his children and wife in him.

20 *Quest.* Do you know of anything in the character, conduct, conversation, or disposition of your brother which would in any sense render him an improper person to have the care and education of his own children?

Ans. I do not—I consider him better adapted to have the care and education of his children than is ordinarily the case with fathers.

21 *Quest.* Did you ever observe any difference in the character of the clothing which your brother wore in the city of Philadelphia at night and in the daytime?

Ans. I did not; soon after entering the Fifteenth church he purchased a new hat and overcoat, which he stated to my mother and myself [objected to] he designed wearing for best dress, and saving them all he could by wearing his old ones upon ordinary occasions; he visited our room at all hours, sometimes wearing one and sometimes the other.

22 *Quest.* Had you an opportunity of seeing much of your brother after his wife separated from him?

Ans. I had; we saw a great deal of him; he came to our

room the same evening of the separation, and was with us part of the next day, at which time I think it was that we made arrangements to remove to his house, where we went in two or three days after Mrs. Baird's departure; we remained at the house, I think, till the 15th of June, my mother taking charge, when we left for the summer, and returned again in the fall, a few days previous to my brother's removal from the house, where we remained until the house was given up.

23 *Quest.* What was the conduct and conversation of your brother, during that period of time, in reference to his wife leaving him and taking the children? [Objected to.]

Ans. His countenance and manner indicated the most intense distress; his expressions with regard to them were full of tenderness and compassion; he often sat with his head leaning on his hands for a length of time, and then would exclaim "oh my poor, poor wife and children—she never would have gone if she had been left to herself—it was through the influence of her friends—she has never been herself since she took that medicine; we always got along very well excepting when her mother was about, and she always made trouble; these and similar remarks he made at different times.

24 *Quest.* In what condition did you find the house when your ma took charge, in reference to provisions and family stores?

Ans. We found a quantity of provisions in the house, such as flour, meal, vegetables, sugar, two or three papers of corn starch, but one of which had been opened, and provision sufficient to last us for some time with very slight addition, excepting meat; we also found a great quantity of clothing, which Mrs. Baird had left behind, both of her own and the children's; I saw, I think, half a bushel or more of shoes taken out of a closet, some of them, belonging both to Mrs. Baird and the children, had not been even soiled, others were half worn; there were good dresses of hers, and a great variety of good clothing of hers and the children's left in the house.

25 *Quest.* Are you acquainted with the handwriting of Mrs. James H. Baird and Mrs. Torrey, and of your brother James?

Ans. I think I am.

[Witness being shown letter numbered 5 in the book, *Exhibit F F*, bearing date at Geneseo, October 14th, 1849, purporting to be from Mrs. Baird to her mother-in-law; also No. 9, in the same book, bearing date Mt. Bethany Manse, October 29th, 1850, purporting to be from the same to the same; also No. 16, purporting to be from the same to the

same, bearing date Vicksburg, April 9th, 1851; also No. 23, purporting to be from the same to the same, bearing date Manchester, N. J., June 30th, 1851; also No. 24, purporting to be from James H. Baird to Mrs. Baird, his mother, dated August 9th, 1851; also No. 30, purporting to be a joint letter of James H. Baird and his wife, Mrs. Baird, partly directed to Mr. Baird's sister and partly to his mother, bearing date Wooster, January 3d, 1852; also No. 33, purporting to be from James H. Baird to his mother, Mrs. Baird, bearing date Toledo, December 4th, 1854; also No. 35, purporting to be from Mrs. Adeline W. Torrey to Mrs. Baird, the mother of the prosecutor, bearing date Toledo, May 28th, 1855; and also No. 46, purporting to be from James H. Baird to his mother, bearing date January 15th, 1859, is asked]—

26 *Quest.* In whose handwriting are these letters respectively?

Ans. No. 5 is in the handwriting of Mrs. James H. Baird; No's 9, 16, and 23 are also in the same handwriting; No. 16 contains a postscript in the handwriting of brother James; No. 24 is in the handwriting of brother James; No. 30 is in the handwriting of my brother James, and also of his wife; No. 33 is in the handwriting of brother James; No. 35 is in the handwriting of Mrs. Torrey, and No. 46 is in the handwriting of James H. Baird.

[The production of these letters objected to by Mr. Chetwood as offered.]

27 *Quest.* Do you know whether those letters were received by your mother at the time they would have reached her by the ordinary course of mail?

Ans. Yes, sir; they were; I was living with my mother at the time—I had the perusal of them, and endorsed them in my own hand, and filed them, as I have for years had the charge of my mother's letters and papers; I desire here to explain that the letter No. 5, alluded to above, was received by my mother before my return from the wedding, but was placed in my hands after my return, and was then endorsed and filed by me.

The witness, being cross-examined, saith—

28 *Quest.* How often had you corresponded with Mrs. Baird prior to her marriage?

Ans. There were a number of letters had passed between us—I cannot tell how many.

29 *Quest.* Have you been in the habit of preserving all the letters you have received in correspondence?

Ans. I have, so far as I could.

30 *Quest.* Have you looked at the letters you received from Mrs. Baird recently?

Ans. I have looked at some of them within a few months.

31 *Quest.* Have you within a few months looked for all the letters and correspondence with her?

Ans. I have.

32 *Quest.* How many did you find?

Ans. I did not count them—I do not know the number.

33 *Quest.* Can you give an idea as to their number?

Ans. I don't know that I can—perhaps half a dozen.

34 *Quest.* By whose invitation, in the autumn of 1853, did you and your mother visit your brother James at Wooster?

Ans. By my brother's, in which he was joined by his wife.

35 *Quest.* Was the invitation verbal or by letter?

Ans. I believe by letter, but am not positive.

36 *Quest.* Where were you and your mother living at this time?

Ans. Baltimore was our home; I am not sure we were there when we received the invitation.

37 *Quest.* Have you within a few months read the letter containing that invitation?

Ans. I do not know that I have—I have read letters alluding to the invitation; the first invitation may have been given personally, as my brother visited us in the early part of the summer.

38 *Quest.* Do you recollect whether the first invitation was given in the summer?

Ans. I do not say that it was—it may have been.

39 *Quest.* After you and your mother had arrived at your brother's house in Wooster, did you hear your mother ask your brother or his wife why he sent for you to make him a visit at that time, in the situation in which Mrs. Baird then was, or did you ask any such question?

Ans. I do not particularly recollect either my mother or myself asking him any such question; I have some recollection of asking Mrs. Baird some such question; I think she replied that my brother was so anxious to have us come, that being the only time we could conveniently visit them, that she consented to the invitation, or something to that effect.

40 *Quest.* During the time that you and your mother were in your brother's house, were there any other visitors there, and who?

Ans. My sister-in-law, Mrs. Samuel Baird, was there with four children; we found them there, having arrived the day before perhaps; my brothers Thompson and William were also there—they were there for a few days only.

41 *Quest.* How long after you first arrived at your brother's house was Mrs. Baird's child born?

Ans. I cannot say, but it was in a short time; we went some time in August (the latter half of the month), and the child was born on the 6th of September.

42 *Quest.* Were any of the visitors you have named staying at your brother's house when the child was born?

Ans. Mrs. Samuel Baird and her children were staying there.

43 *Quest.* You have stated that when Mrs. Baird was taken sick her husband went to the country and procured an additional girl to assist in waiting on her, and also to put up fruit—do you know how long that girl remained there as an assistant in the family?

Ans. I have no recollection of how long she remained; they had a great deal of trouble about servants, girls being scarce—they were very independent.

44 *Quest.* Do you know whether that girl left directly or shortly after the visitors had left the house?

Ans. I do not recollect about that.

45 *Quest.* Do you know whether the house at that time was furnished wholly with the furniture of Mr. or Mrs. Baird?

Ans. I think part of it—I do not know how much was rented with the house.

46 *Quest.* Do you know how many rooms in the house contained all the furniture of Mr. and Mrs. Baird?

Ans. I do not.

47 *Quest.* Can you state how much furniture was hired with the house?

Ans. I cannot.

48 *Quest.* Do you recollect the name of the person from whom the house and furniture were hired?

Ans. I think Mrs. Culbertson.

49 *Quest.* Can you say how many rooms the house contained?

Ans. I recollect of seven rooms beside the kitchen, and a little lobby that would shut up as a room—whether that was all I cannot say.

50 *Quest.* How many children had Mrs. Baird on your arrival there?

Ans. One.

51 *Quest.* Since your brother has had a family of children, has he wished that you and your mother would live with him?

Ans. I think he has sometimes expressed the wish that he was so situated that we could live with him.

52 *Quest.* Did you go to Wooster, or Lockhaven, or any

other place at which he has been stationed, with the expectation of remaining to live with him in his family?

Ans. Never, sir; we did not go to Lockhaven with the expectation of staying in his house at all, but of remaining at the hotel, unless urged to do so by his wife, which we were upon our arrival.

53 *Quest.* While your brother was in the Fifteenth church, though an invalid, were you able to, and did you go about the city when the weather was pleasant?

Ans. We boarded on Arch street, for the purpose of having the convenience of the street cars, running both ways, up and down; we did this by advice of my physician, in order that I might be able to ride out without walking or standing on the corners to wait for cars; I was able for a small part of the time to walk as much as a square and back; I was in the habit, during pleasant weather, of getting into the car at the door, and sitting in it until it returned to the door again.

54 *Quest.* How near to your brother's residence, at that time, could you have gone in the street cars?

Ans. I believe I could have gone within two squares.

55 *Quest.* While Mrs. Baird was living with her husband were you aware that she was receiving money from her father or family towards her family expenses?

Ans. When Mrs. Baird came on to the city for the purpose of selecting a house she called to see us, and in telling us about their plans, she stated to me that her father had promised them (herself and husband) $50 per month; she said that was all he could do at present, but hoped in a year or so to be able to do more, and remarked we have got that much out of the old fellow, or the old man, at any rate.

56 *Quest.* Do you know, or have you been informed that any money which Mrs. Baird received from her father, or from any member of her family, was used by her husband to repay money borrowed from any person?

Ans. I do not know in what way they used their money; I think I did hear that one sum she received from her father was spent on a carpet; I do not know of any money being used to repay money that had been borrowed; I know of my brother borrowing money from my mother, but do not know with what money it was paid.

57 *Quest.* While at Wooster, do you recollect the circumstance of your brother breaking up the play of the children in the garden, and on seeing him do so, do you recollect a remark made by you to Mrs. Baird on acconnt of it?

Ans. I have no recollection of any circumstance of the kind.

58 *Quest.* Will you state in what respect you consider your

brother James better adapted to have the care and education of his own children than is ordinarily the case with fathers?

Ans. In the first place he is remarkably fond of children in general, always taking notice of and speaking kindly to them, when he meets them in his congregation and elsewhere, observing their intelligence; he is particularly fond of his own children, and his remarks about their moral, religious, and intellectual training induce me to think that he would be very faithful to them in that respect; his attention to their little wants, when they were with him at the table and elsewhere, lead me to think that he would be better suited to take care of their physical and temporal necessities than is usually the case with fathers.

59 *Quest.* When your brother James came to your house on the evening of the day when Mrs. Baird left him, at what hour of the evening did he come?

Ans. I think it was soon after tea, perhaps seven o'clock, perhaps later, I can't say certainly.

60 *Quest.* Had you and your mother been home all that day since noon?

Ans. I cannot say certainly, but I think we had been at home.

61 *Quest.* About how far did you live from your brother's house at that time?

Ans. I think ten or eleven squares; we lived at No. 1528 Arch street.

62 *Quest.* Did your brother that evening say whether he thought Mrs. Baird would return to him again or not?

Ans. I do not recollect whether he said so that evening; I think that, in the course of that evening and the next day, he expressed the hope that she might return—I know he did at some period soon after her leaving.

63 *Quest.* Do you know when the provisions which you found at your brother's house, when you and your mother went there to stay with him after Mrs. Baird had left were put there?

Ans. I do not—they had the appearance of having been there for some time.

64 *Quest.* What appearance indicated that they had been there for some time?

Ans. Being partly used, some things, other things having been invaded by the mice, and having also the appearance of age, seemed to indicate that they were not fresh.

65 *Quest.* How many shoes, belonging both to Mrs. Baird and the children, did you find there which had not been even soiled?

Ans. I did not count them or handle them; I saw them removed from a large closet which was being cleared out,

and observed that one or two pairs belonging to Mrs. Baird, and perhaps two or three pairs belonging to the children, and perhaps more, had the appearance of being new.

ELIZA E. BAIRD.

Sworn and subscribed before me, this fourth day of May, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

Examination adjourned to Tuesday, May 29th, A. D. 1865, at the hour of ten o'clock in the forenoon.

Tuesday, May 29th, 1865, ten o'clock A. M.—The examination further adjourned to June 6th, (Tuesday) at ten A. M.

June 6th, 1865, adjourned to Wednesday, 7th, at same hour and place.

James H. Baird, (prosecutor) being sworn in his own behalf, deposeth as follows:

1 *Quest.* What is your age and profession?

Ans. I am in my forty-second, and am a minister of the gospel, in connection with the Old School Presbyterian church.

2 *Quest.* At or about what times were you licensed or ordained?

Ans. I was licensed on the 6th of October, 1847, and was ordained on the 3d of March, 1852.

3 *Quest.* What were your academical and theological preparations for the ministry?

Ans. I graduated at Jefferson College, Pennsylvania, in September, 1843, and studied theology privately under the advice and counsel of ministerial friends—I might specially name the Rev. Doctors Alexander and Miller.

4 *Quest.* Have you any letter or recommendations to which you can refer as showing your standing and position at that time, if so, refer to them? [Objected to.]

Ans. The letter No. 1, in *Exhibit F F*, dated January 27th, 1848, is from the Rev. Doct. R. J. Breckenridge, who had recently been my pastor, and letter No. 2 of the same exhibit, dated September 2d, 1848, is from the Rev. Doct. Archibald Alexander—both of these relate to my character and standing at that time; I have also a letter from Prof. Richard S. McCulloch, formerly of Jefferson College, under whose tuition I was for some two years, stating the character I bore in that institution and afterwards; also a letter from the Rev. Doct. S. B. Wylie, formerly of the University of Pennsylvania; both of these letters written in the fall of 1847, and expressed the opinions entertained by these gentlemen of my literary character and other qualifications for a pro-

fessorship in college; I can produce these letters last referred to, though they are not by me now.

5 *Quest.* At what time and place were you married to Miss Torrey, and what, nearly as you can state, was the marriage outfit which she received from her father?

Ans. I was married on the evening of September 20th, 1849, at the house of Prof. John Torrey, Princeton, New Jersey. On leaving home my wife received from her father $50 in cash, a bedstead, bureau, centre-table, and work-stand, with the bedding that had been used by her previous to her marriage, as had also the other articles named. By reference to a letter of Mrs. Baird, written about that time to my mother, I am satisfied that my remembrance of these facts accords very nearly with the facts as they actually occurred.

[Being shown letter No. 29, in *Exhibit F F*, the witness is asked]—

6 *Quest.* Whose letter is that, and to whom is it addressed, and are the statements in that letter in reference to the outfit substantially correct?

Ans. The letter is in the handwriting of Mrs. William Torrey, and is addressed to "My beloved children" (meaning Mrs. Baird and myself). It is dated Princeton, January 1st, 1852, and is signed "mother," and the statements having reference to the outfit of her daughters, Mrs. Schenck and Mrs. Baird, were according to my understanding of the facts of the case.

7 *Quest.* What, at the time of your marriage, was your own fortune and expectations, and what the fortune and expectations of your wife?

Ans. It was distinctly understood between my wife and myself, at the time of our marriage, that we were both without any expectation or fortune, and that we would be entirely dependent for our living upon the income that I should derive from my ministerial office.

8 *Quest.* On what day did Mrs. Baird withdraw herself and your children from your home in Philadelphia, and what, so far as you know, was the immediate occasion of that withdrawal?

Ans. That event occurred on the 11th day of March, A. D. 1862, the immediate occasion thereof being, as I understood, a letter I had addressed to the Rev. W. E. Schenck, on the morning of the 10th, which letter is dated March 10th, 1862, and is *Exhibit No.* 2 on the part of defendants.

9 *Quest.* What is the subject matter referred to in that letter which induced you to request Doct. Schenck that his daughter should discontinue her visits at your house?

Ans. It was the embarrassments existing in my family

arising out of my discharge of Doct. Ludlow from further professional services in my family.

10 *Quest.* Did not those embarrassments arise out of what you then believed to be the unwarrantable and improper professional conduct of Doct. Ludlow to your wife, [objected to] and did not that professional conduct of Dr. Ludlow give rise to the immediate difficulties between yourself and wife which occasioned her withdrawal at that time?

Ans. They did; I had been satisfied of an attempt on the part of Doct. Ludlow to produce an abortion upon my wife, and had therefore discharged him from attendance upon my family; my wife expressed great dissatisfaction with my course, and declared that it was her intention to continue the doctor as her physcian, and even if she had to board elsewhere; I afterwards ascertained that Doct. Ludlow still continued visiting the house, and wrote him a second and more peremptory letter; I afterwards ascertained that Addie Schenck was a medium of communication between my family and Doct. Ludlow, and hence wrote the letter to Mr. Schenck already referred to, hoping that if she were removed that Mrs. Baird, left to reflection, would regret and change her course in reference to Doct. Ludlow and the course of practice pursued by him.

11 *Quest.* Do you know of any other cause than the difficulties which grew out of that transaction of Mrs. Baird's withdrawal?

Ans. I do not; but from her own declarations in reference to Doct. Ludlow and his course, and from all the circumstances connected with her withdrawal, I believe this to be the cause; although the immediate occasion was my letter to Doct. Schenck, in which I referred to those causes of difficulty; perhaps I should add that Mrs. Baird herself, on the day of her withdrawal, informed me that she had made her arrangements for leaving, and was leaving, [the children all being then withdrawn and concealed from me] because of my controversies, especially referring to my course with Doct. Ludlow, and now with Doct. Schenck, ordering him, as she expressed it, to take his daughter Addie from my house.

12 *Quest.* What was your employment from the time of your marriage generally, and what your income from that time up to the time of the separation exclusive of any contributions from your wife's family?

Ans. Except for the brief period of time I spent at Geneseo, I was engaged in clerical duties from the time of my marriage to the time my wife left me; I have recently carefully considered the statements in regard to my income, made in the return of Mrs. Baird, and have carefully ex-

amined such memoranda as I could command, as would enable me to form a correct approximation to my income for that period of time, and I am satisfied that it would not fall short of some twelve thousand and eight or nine hundred dollars, but would more likely exceed it.

13 *Quest.* Have you made any memoranda or statement of the moneys you received during that period of time—if so, produce it?

Ans. I have made such a memorandum, and think it materially correct. [Witness produces paper, which is marked by me *Exhibit I I* on the part of prosecutor.]—This is the memorandum; in regard to most of these items I rely upon my memory, which in a majority of cases is very distinct.

14 *Quest.* About what amount, as nearly as you can state, did you receive during that period of time from both Mr. and Mrs. Torrey (considering them as one), and what, also, from the other members of Mrs. Baird's immediate family?

Ans. Having carefully examined my papers, correspondence, and memoranda, with reference to the statements made in the return of Mrs. Baird, I have from time to time made note of such sums, and find that the aggregate amount was $1145 from Mr. and Mrs. Torrey, of which sum $694 were of a compensatory nature; from Mr. Torrey's sons, at different times, I note the reception of $280; besides these sums in cash, I have noted gifts at different times of articles of clothing and furniture, which in the aggregate I should suppose would be valued at some four or five hundred dollars; I do not doubt that the aggregate amount of other gifts that I cannot now recall would be some two or three hundred dollars more; in this statement I do not include anything from Mrs. Torrey or any of the family after Mrs. Baird left Philadelphia (as I understood on on the 12th day of December, 1860,) for her father's house in Brooklyn, whilst I was at Westport, Missouri; this paper is the statement I refer to. [The paper produced, marked by me *Exhibit 2 J J* on the part of the prosecutor.]

15 *Quest.* Does this paper, *Exhibit 2 J J*, make a detailed statement of those contributions as correct as you are able to make it?

Ans. It does, so far as my memory enables me to make a statement.

16 *Quest.* Does it also contain the money and furniture, with other articles received as an outfit at or about the time of marriage?

Ans. It does contain such a statement.

17 *Quest.* What disposition generally was made of all these moneys and other matters?

Ans. Excepting such part as was necessary to clothe my-

self and to pay necessary clerical expenses, the whole was expended in the provision and maintenance of my family, in such a way as to make them comfortable and promote their happiness.

18 *Quest.* Did they enable you to make suitable provision for your family, or were you subject to destitution?

Ans. At no time in our history were we subject to destitution; we had seasons of temporary embarrassment, but never were without the necessaries, and a large measure of the comforts of life; in this respect I am satisfied that we ordinarily fared better than our ministerial neighbors and friends, my salary generally being as large as that of any in my presbytery, and part of the time by far the largest.

19 *Quest.* Did you ever know, or until the examination of Mrs. Baird here as a witness, hear that she and her children frequently suffered for food, and were obliged to retire hungry to bed?

Ans. I never knew anything in our history to justify such a statement; we always had at least a plenty of the common provisions of life.

20 *Quest.* Did any difficulties ever arise between yourself and wife touching the disposition or expenditure of moneys which she personally received from her relatives and friends —if so, state such difficulty as far as you can remember?

Ans. There may have been slight differences of opinion in regard to the expenditure of sums received from her family from time to time of which I have no present recollection, but the only case of difficulty, properly speaking, occurred in March, 1862, some eight days previous to my wife's leaving; at the time I held in my hands a call to the Fifteenth church in Philadelphia, having pecuniary inducements of a stronger kind to settle in the West and South, Mr. Torrey urged me to accept the call, and settle in Philadelphia, in preference to going South or West, promising me that he would pay to me at least $50 per month to supplement the salary, that thus we might have an income sufficient to enable us to live comfortably in Philadelphia and near the family; this promise he made to me in Brooklyn, in November, 1861, to the best of my recollection; whilst in Philadelphia some days after, and attempting to secure a house for settlement there, I again met Mr. Torrey, and hesitating at the time as to the extent to which I might rely upon his promise, I asked him if it would not be more than he would be able to do, when he assured me that I might rely upon at least that much with promptitude, and that I might proceed to rent a house, and make my pecuniary arrangements, regarding that as part of my income; I do not recollect the exact language that he used which conveyed

the idea to my mind the words above expressed, but that was the whole point of the conversation; Mrs. Baird came on, and we began housekeeping, having made our pecuniary arrangements with such an understanding as I have indicated; on or about the 1st day of January, Mrs. Baird received a check or draft for $50; from the terms of the letter, she was led to conclude that it was not the first installment referred to, but was a new year's gift; its expenditure was mutually satisfactory; on the morning of the 3d of February she received another $50, which we had expected about the 15th of January; she handed this to me at once, requesting me to make that disposition of it which had been agreed upon, and expressed a gratification in doing so; about the first of March I understood from her that she had received the March installment, and would retain it; all my pecuniary arrangements had been made not only dependent upon the payment of this monthly sum, but upon its payment with punctuality; her retention of this money of course temporarily embarrassed me, and I expressed to her, in strong terms, my disapprobation of her conduct, and its impropriety; she persisted, however, in retaining it.

21 *Quest.* In what light were these contributions regarded, as purely donative or compensatory? if compensatory, how? if donative, as charitable gifts or as promotive of social and family intercourse?

Ans. At no time were they received as gifts of charity; for the most part they were regarded as expressions of friendship and affection on the part of the donors—not unfrequently, however, they were, properly speaking, of a compensatory character, given for the avowed object of producing some change in our family arrangements which would involve additional expense.

22 *Quest.* Were the order and economy of your household at any time disturbed by those gifts which were donative, either by the mode of the gift or the method of its application?

Ans. I am well satisfied, and years ago was fully convinced that we would have had our happiness and comfort more promoted by the withholding of such gifts than by their bestowal, partly because of the manner of their bestowal, the manner of their expenditure being designated, and that not being the most suitable, and oftentimes leading to other additional expenses, and partly because of its inducing a growing disposition on the part of Mrs. Baird to rely upon her family, and not upon her husband, for many of those little things in themselves not of much consequence, but which on the whole in a family have a great tendency to cement affection; my preference oftentimes was for plain clothing for

my children, in preference to richer material that had previously been used by members of the family; Mrs. Baird however took a different view of this matter, and I acquiesced therein, though against my judgment.

23 *Quest.* What ministerial charge had you, and at what salary, at the time of the withdrawal of your wife from you?

Ans. I had charge of the Fifteenth Presbyterian church in Philadelphia, at a salary of $950, $700 of which was to be paid by the church directly; through the board of missions I received $250; my call to that church is found in *Exhibit F F*, paper No. 110; at christmas or new years I received a donation of $100, and was led to expect a corresponding liberality on the part of the congregation in future.

24 *Quest.* How long after did you continue in that charge, and what were the circumstances that induced you to surrender that charge?

Ans. The pastoral relationship was dissolved in January, 1863, at my request, in view of difficulties that had grown up between me and the session, explained by documents already in evidence, and also in view of physical debility and prostration; I refer to these documents especially, *viz.* the proceedings of the presbytery and the correspondence of the session; I might add that those difficulties had, according to the statement of the session, arisen from the departure of my family, and the subsequent conduct of Doct. Ludlow, who called upon the session for the purpose of traducing my character, with the approbation, as I was informed he said, of Doct. Schenck, Mr. Torrey, Mr. Theodore Cuyler, and others.

25 *Quest.* What were the arrangements in reference to money matters which induced you, on leaving Geneseo, to go for a season to Manchester?

Ans. Mr. Torrey engaged in behalf of the Manchester church to board myself and wife, and pay me at the rate of $200 per year in cash; to this proposition I eventually assented.

26 *Quest.* Did that arrangement change any preconcerted plan of yours, and if so, what?

Ans. It was the determination of Mrs. Baird and myself, previous to Mr. Torrey's arrival at Geneseo, to go to Sandusky city, Ohio, to the house of Mr. Samuel W. Torrey, and that Mrs. Baird should remain there on a visit to her brother and sister-in-law, while I sought a pastoral charge in that region, Mr. and Mrs. Samuel Torrey having given us a very cordial invitation to do so; upon the arrival of Mr. William Torrey, he reiterated a request, previously made in a letter, that we should go to Manchester, and overcome by

his persuasions, Mrs. Baird refused to go to Ohio, and I acquiesced rather than have a breach in the family.

The letters referred to are numbered 9, 10, and 11, in this package. [Said package of letters and papers produced, and marked by me *Exhibit K K* on the part of the prosecutor.] [Exhibit objected to.]

27 *Quest.* What testimonials have you, if any, touching your character and fitness for teaching at or about the time you left Geneseo?

Ans. Papers 6, 7, and 8 (of *Exhibit K K*) are from the teachers in that institution—the Misses Jackson; the first letter, dated November 22d, 1849, signed by E. M. Jackson; the second letter, dated February 13th, 1850, signed by E. M. Jackson, both letters being, as I believe, in the handwriting of Miss E. M. Jackson, who was then principal of the female department in that institution; these two letters relate directly to that point; the third, No. 8, dated Bethany, January 18th, 1850, and signed George W. Lane, G. C., is from a committee of Buffalo city presbytery, proposing a relation with an institution as a teacher under their charge; one of the committee, Doct. Lord, was a trustee of Geneseo academy.

28 *Quest.* What was the condition of your finances, so far as you can remember, at the time of leaving Geneseo?

Ans. To the best of my recollection, I then had the command of more means than I had for some time previous, or than I possessed for some time afterwards, and though I have no memoranda by me of the fact, I have a very distinct impression that Mr. Torrey, embarrassed at that time, borrowed of me one hundred dollars for a short period of time, and found some difficulty to obtain means to return it when I needed it.

29 *Quest.* What disposition was made of the furniture with which you had furnished your rooms at Geneseo at the time you left?

Ans. The trustees paid me for the larger part of the furniture, according to my recollection, the sum of $200; all the articles at that time being retained that Mrs. Baird had received from home excepting a bureau, which was sold at Mr. Torrey's suggestion.

30 *Quest.* Have you any recollection by whom the fare of yourself, wife, and furniture (such as you took with you) from Geneseo to Manchester, was paid?

Ans. I have no recollection in regard to the matter, but feel very certain that I would have recalled the fact had I not myself paid the expenses of the trip.

31 *Quest.* Which place, Manchester or Sandusky, at that time was the more difficult of access?

Ans. Sandusky was certainly as accessible as Manchester, and by a mode of travel less fatiguing.

32 *Quest.* Have you any means of stating, and if so state the amount of moneys sent by you to Mrs. Baird, directly and indirectly, while at Westport?

Ans. I can only make an approximation to the amount, having kept no account; paper No. 103 (of *Exhibit F F*), dated January 9th, 1861, and written by myself to Mrs. Baird, makes mention of $185 as acknowledged; a memorandum book of Mrs. Baird, which I here produce, [said book produced, and offered in evidence by prosecutor, marked by me *Exhibit L L* on the part of said prosecutor,] contains, on page 16, under date of May 11th, an acknowledgment of $15; besides this there was a shoe bill of some $4, a druggist's bill of some $4, and a dentist's bill of some $21, settled by me in person, or through my brothers, in all amounting to some $230; in a letter of Mrs. Baird, dated September 21st, 1860, there is an acknowledgment of some $25; I have no doubt that the aggregate amount would exceed the sum named above ($230), but am possessed of no other data to enable me to ascertain more accurately the amount; Mrs. Baird's letter, referred to in No. 64, in *Exhibit F F*, I might also add that letter No. 101 (*Exhibit F F*) dated Woodbury, N. J., January 7th, 1861, contains a statement of $20 received from me for Mrs. Baird, forwarded to her and acknowledged by her, said letter being written by my brother S. J. Baird.

33 *Quest.* After first visiting Westport, with a view to settlement there, did you, in August, 1860, return to Philadelphia for Mrs. Baird, and then return back again to Westport without her, making with her an arrangement that she should follow you in the ensuing October?

Ans. After consultation with Mr. Torrey and Mrs. Baird, at the request of the Westport church, I visited that congregation, received an invitation to settle amongst them as their pastor, and came East for my family; Mrs. Baird wished to stay, and take charge of Doct. Schenck's family for him during the winter, and therefore requested that I should consent to her remaining, pleading, also, the heat of summer as a reason for not travelling at that time; having the opportunity of my own company and a young lady as a travelling companion, who proposed assisting in the charge or the children on the way, she nevertheless insisted on remaining, declaring that she would rather travel alone than go out at that time, promising also that she would come on to Westport in October, even if she had no escort, which my circumstances would evidently not justify me in providing unnecessarily.

34 *Quest.* Were any arrangements made before your return to Westport without her for her more comfortable reception there in the ensuing autumn—and if so, what?

Ans. I rented a house, very commodious and roomy, ordered on my goods from Lockhaven, Pennsylvania, had some repairs made in the house, hired servants, and made such arrangements in general as I supposed would tend to the comfort of my family on their arrival; this was all done in pursuance of the arrangement made in Philadelphia with Mrs. Baird.

35 *Quest.* Where did you leave Mrs. Baird in Philadelphia at the time of your return to Westport, and what arrangements were made for the board of herself and children till October?

Ans. I left her at the house of Doct. Schenck; an additional argument used for her stay in Philadelphia was the promise of her father to pay her board to Doct. Schenck, and thus I would be freed from that expense; letter No. 55 (*Exhibit F F*), and dated New York, July, 1860, signed W. Torrey, addressed to Mrs. Baird, as "My dear daughter," tells her that he will authorize Doct. Schenck to draw on him for her board.

36 *Quest.* Was her continuance at Doct. Schenck's subsequently broken up, and if so, how and at what time, as nearly as you can state—did she go elsewhere, and to what place to board?

Ans. From my letters I understood that Doct. Schenck ceased keeping house in the latter part of September, and that she took board for the winter at Mrs. Devine's, having made a very comfortable arrangement for the family.

37 *Quest.* Did she follow you to Westport in October, as had been arranged?

Ans. She did not.

38 *Quest.* Did you, to enable her to do so, make any provision and arrangement for her travel to you from Philadelphia—and if so, what?

Ans. Through my brothers I made arrangements for her comfortable travel to the West, and besides the sums left with her, and received by her from Westport, I forwarded to my brothers checks to meet all the expenses that I supposed would arise, understanding, also, that I might rely upon them to meet any unexpected and necessary expense in regard to the forwarding of my family; I eventually lost, by the failure of the state savings fund of Philadelphia, a very large part of that money which I had there deposited solely to meet the expense of removing my family; in *Exhibit H H* it will be found that when this institution failed there was deposited to my credit $393.03; besides there seems to have

been a draft remaining uncollected for $38.15, for which I have never received any return; the aggregate amount thus lost being $431.18.

39 *Quest.* Did you draw on that institution a check in favor of your brother Thomas for $140, as part of the means provided by you for the removal of your family West—and if so, what was the state of your account in that institution at that time, and what became of the draft?

Ans. I did draw an order on the states saving fund for that amount, and forwarded it to my brother for the purpose indicated; my impression then was that there was a larger amount to my credit than called for, indeed I was confident of this, but on examining my bank book (*Exhibit H H*) it would seem that there lacked a few dollars of the full amount named in the check; I had however previously overdrawn a small amount, and never understood that that was the reason of the check not being paid; the check, I think, was returned to me, but of this I am not positive, there being nothing with reference to the check itself at that time to impress this upon my memory.

40 *Quest.* The amount called for in that check, with all subsequent deposits made by you in that institution were subsequently lost, were they not?

Ans. Yes, except a dividend of 10⅔ per cent. ($41.92), paid March 14th, 1864.

41 *Quest.* In what other way, besides your losses in that institution and the moneys sent by you to Mrs. Baird, were your receipts at Westport absorbed?

Ans. I presume that eventually some $300 were expended by me in Westport; besides this, I suppose it must have cost me some $200 for travelling expenses back and forwards; I paid some $200 of freight and other expenses incident to the goods; a portion of the goods were lost, for which I could make no claim upon the railroad company, as some of the boxes had been opened and goods removed therefrom by Mrs. Baird's order, and against my expressed wish; the value of the goods lost I could not estimate, but it was considerable, and eventually I paid the freight of the remaining goods to Philadelphia, the cost being about the same as that of their removal to the West.

42 *Quest.* Was the winter clothing of Mrs. Baird and the children among those goods sent to Westport, and subsequently sent back to Philadelphia?

Ans. It was, and I understood that the boxes were broken to obtain some or all of that clothing.

43 *Quest.* Had you a call regularly made by that congregation to become their pastor, did you accept it, and what subsequently led to your return from Westport?

Ans. Before coming East in August, I had what in common parlance is denominated a call, but is not so in strictly ecclesiastical language—usually it is required or expected that a minister preside at the making out of a call; the congregation gave expression to their opinion without the presence of a minister, and informed me that as soon as I was prepared to accept it the strict formality would be attended to; on my visit to Philadelphia in August, I so informed my wife, and on my return to Westport the call was made out according to the ecclesiastical rule in such cases; the papers in the case are found No's 62, 63, (in *Exhibit F F*); Mrs. Baird writing me that she had taken board at Mrs. Devine's for the winter, and eventually refusing to come to Westport, I refused to accept the call and be installed, without any satisfactory explanation to the people of my course, and was at last compelled to leave Westport, or remain separated from my family.

44 *Quest.* What was your salary, as fixed at Westport?

Ans. With the aid that the church received from the board of missions (which was $250 per annum), the salary amounted to $1050.

45 *Quest.* Does *Exhibit I I* contain, as accurately as you can state it, the sums you received from the several ministerial charges you had up to the time of Mrs. Baird's separation?

Ans. It is, I believe, a true statement of such sums, as also of other moneys received incidentally or as tokens of friendship.

46 *Quest.* Have you, since filing your answer to Mrs. Baird's return to the writ of *habeas corpus*, carefully reviewed and compared the statements in your answer touching receipts of money—and if so, have you discovered any material errors in those statements, and what?

Ans. I have so considered with much care those statements, and am satisfied, whether general or specific, they are very nearly conformable to the state of things as they actually occurred.

[Note.—This question and answer specially objected to, because it is a reswearing of the witness to his answer.]

I might add, however, to the above that at the time I made my answer to the return, it was impossible to recall every fact that might have connection with the subject, but necessarily from time to time thinking of this subject, and taking notice of every fact recalled, my conviction has deepened from day to day that the amounts received from Mr. Torrey and family, in cash or goods, had been estimated at the highest possible sum by me, and I feel assured that the only way the aggregate amount received by my family du-

ring all that period could be made to reach $4000 would be by a very extravagant charge for boarding and for household goods and wearing apparel that had previously been used in the family.

47 *Quest.* What were in general the causes and occasions of the changes you made in your ministerial charges from the time you entered into the ministry to the time of Mrs. Baird's separation from you?

Ans. A very material cause leading to those changes was the condition of my own health and that of my family; several of the changes were superinduced by this consideration; in several instances the change was very decidedly urged and pressed by Mr. Torrey and his family; this was especially the case in reference to Vicksburg, Toledo, and Upper Sandusky; at Vicksburg I had an attack of the yellow fever, which for a time threatened to destroy my constitution; Mr. Torrey and family wrote to me not to think of remaining there, and that their family physician advised that it would not do for me to remain in the South; we nearly all had the ague at Toledo and Upper Sandusky; at Upper Sandusky I was informed, by the session, that they could not make up the salary for another year because of the unpopularity of Mrs. Baird; at Lockhaven there was sickness in my family, almost all the time, for nearly a year previous to my leaving that place, and I myself was compelled to come to Philadelphia and undergo a surgical operation for a disease that had affected my health for years, and rendered it impossible for me to continue the discharge of my ministerial duties in the condition I was; after this I rallied very slowly; one child, after a serious illness of six weeks, died there—another child, soon after, was taken with the same disease, and a removal from that place was declared to be necessary to save its life; how far and to what extent these facts had an influence upon me in resigning my charge there I could not tell, but had it not been for the health of myself and family I think it certain that my resignation would not have been offered; at the same time the relation existing between Mrs. Baird and parties with whom we boarded, and a lady who visited us, and who on account of a difficulty with Mrs. Baird left the house, and remained for months in the place, had its influence upon the hold we had on the affections of the people, resulting indeed in a formal call upon me, by two members of the session, informing me that the agitation consequent upon the discussion of our household difficulties in the community, or rather difficulties with those with whom we boarded, would tend to an early dissolution of the pastoral relation; at the same time I have no doubt that in one or two instances there was a weakness on my part in

leaving my pastoral charge under the circumstances that I did—that it was an error of judgment.

48 *Quest.* Were these changes made arbitrarily by you, or by you upon consultation and advisement with Mrs. Baird and family?

Ans. In no instance did I leave my charge without consulting with Mrs. Baird and with her hearty acquiescence; in all, perhaps with but one or two exceptions, she was solicitous for the change, and those changes were made with the approbation of the family, and in several instances at their earnest entreaty.

49 *Quest.* Had you any controversy or quarrel with any member of your congregation at Vicksburg which led to your resigning your charge at that place?

Ans. No; it will be seen by paper No. 10 of *Exhibit F F*, which is addressed to the Rev. James H. Baird, dated Vicksburg, December, 1850, and signed by a large number of the members of that church, that on an intimation of my thoughts of resigning before completeing my engagement as supply, they expressed great anxiety for my remaining, declaring that it would be peculiarly disastrous for me to leave at that time; I remained and closed my engagement, when on Sabbath morning, in the pulpit, I received a notice which is No. 11, (*Exhibit F F*) to be read to the congregation, calling a meeting to extend to me a formal call; I read the notice, but intimated at the same time that my judgment was clear to decline such a call if made, and therefore that the meeting need not take place; this notice stated that it was at the request of a portion of the church and congregation that the meeting was called.

50 *Quest.* Will you examine the letters from No. 11 to No. 28, inclusive, in *Exhibit F F*, and state whether those papers are genuine, written by the persons by whom they purport to have been written?

Ans. I have examined them, and believe them to be the letters of those persons whose names are signed to them, Mr. and Mrs. William Torrey, Mrs. Catharine Torrey, S. W. Torrey, and Mrs. Baird, (Adeline T.)

51 *Quest.* Had you any quarrel with the session of your church at Wooster which led to your leaving that church?

Ans. I had not; the session cordially joined with me in carrying a case of appeal from presbytery to synod, and from synod to the general assembly, on a purely constitutional question, in no proper sense of a personal kind.

52 *Quest.* What was the condition of the church and congregation at Toledo when you took charge of it?

Ans. It was purely a missionary field, no one having preceded me in its occupancy; I proceeded to gather a congre-

gation, which had no existence when I went there; I subsequently organized a church, and was afterwards, according to the forms of our church, called to be its pastor; the Rev. John M. Crabbe, of that presbytery, coming to the city for that purpose, presided at the making out of the call, staying with my family in the meantime.

53 *Quest.* Will you look at letters Nos. 37, 38 (in *F F*), and state what they are?

Ans. No. 37 is from Mr. William Torrey, addressed to myself, dated August 1st, 1855; No. 38 is in the handwriting of Doct. W. W. Hill, of Louisville, at that time one of the secretaries of the board of domestic missions, and is signed by him officially, as also by the Rev. John M. Crabbe, on behalf of the committee of missions of the Maumee presbytery; the paper is dated August 3d, 1855.

54 *Quest.* State, as succinctly as you can, the exact difficulty which took place between you and members of your congregation at Lockhaven, referred to on page 10 of your answer?

Ans. The difficulty referred to was between Mr. Grafius, of that church, and myself; Mr. Grafius had opposed my settlement with two others; he had, as I understood, been in an antagonistic position to the trustees in regard to certain pecuniary transactions; after I had been in charge of that church a year and a half, from statements obtained from me, an article was put in the "Presbyterian" newspaper, detailing the condition of the church, pecuniary and otherwise, at Lockhaven; meeting Doct. Leghern, editor of the "Presbyterian," he informed me of the reception of a private letter pronouncing those statements untrue, said letter being from a member of the congregation at Lockhaven; on my return to Lockhaven, having advised with one or two members of the session, I, on the next Sabbath, stated the facts to the congregation, reflecting upon the unknown person who had written the letter referred to; eventually Mr. Grafius admitted himself to be the author (after unsuccessful efforts on the part of the session to ascertain and prosecute such person), and brought what was called a charge against me before the presbytery for thus attacking him from the pulpit; there was no proper *decision* by the presbytery in the case, and I and Mr. Grafius both entered appeals from presbytery to synod; I had made no attack upon Mr. Grafius, and really had not him in my mind when I made the remarks I did; and upon making such statements to a committee of synod, and after conference, the particulars of which I cannot recall, the matter was amicably dropped; there was no judicial action in the case; this difficulty most unquestionably had an influence upon my mind in deciding

me to offer the resignation of my charge, but it was more perhaps in appearance than reality, feeling satisfied that a continued residence there would be deleterious to my family and myself.

55 *Quest.* How do you arrive at the fact, stated on page 10 of your answer, that more than five-sixths of the congregation approved of your course in that matter?

Ans. I was led to this conclusion from the extreme indignation expressed by the congregation and community at the time, which was manifest, and almost universal against the presbytery for even giving the so called charge a hearing, and from the expression, on the part of the people, of their appeal to the synod from the presbyterial act dissolving the pastoral relation, without giving them an opportunity to express their opinions, as required by the constitution; the paper heretofore marked *Exhibit V* contains what I received as, and believe to be a true copy of such appeal or complaint, with a letter, addressed on the part of complainants to Rev. Mr. Kerr, of that presbytery, by David Carskadden, esq., requesting him to attend to this for this congregation, and "not cease to complain till they shall have been properly reprimanded or rebuked for their unwarranted invasion of our congregational rights."

56 *Quest.* How long did Mrs. Baird continue to board with Mrs. Devine on going there after Doct. Schenck's breaking up housekeeping?

Ans. I understood, by a letter from Mr. Torrey, that he removed her from Philadelphia on or about the 12th of December, 1860; she went to Brooklyn.

57 *Quest.* Do you know the cause of her moving from Philadelphia to Brooklyn, and how long she continued there?

Ans. When I had at length acquiesced, in August, in her remaining East, it was with the understanding that Mr. Torrey would pay her board; I understood from Mr. Torrey that it was partly for the sake of economy that she was removed, and partly for the advantage of their health—on the whole, for his own convenience; the removal was made without my knowledge; she continued, as I have understood, some four or five weeks in Brooklyn, and then removed to Redbank, N. J., continuing there till December, 1861, when she removed to Philadelphia.

58 *Quest.* When did you finally return from Westport, and where did you then find Mrs. Baird?

Ans. It was in the latter part of May, 1861, that I returned from Westport and went to Redbank, where I found Mrs. Baird boarding at the hotel where her father had placed her, as I understood.

59 *Quest.* What was the first occurrence which materially disturbed the harmony of your marriage relation?

Ans. The course of our married life was not disturbed by anything of a serious character until after my visit to Westport, Missouri, when on returning for my family, after receiving an invitation to that church, I proposed to take my family back with me, but eventually acquiesced in their remaining, Mrs. Baird promising me most positively that she would go on in October; having returned to Missouri, and made arrangements as already alluded to for their comfort, and anticipating a much greater degree of comfort and happiness in that field than we had hitherto enjoyed, Mrs. Baird's declinature to come, procrastination of decision in the matter, and positive refusal, did so affect all my arrangements and prospects, so disappointed me in all my plans for usefulness, as to induce expostulatory letters on that subject, and a very inharmonious correspondence; the most important of those letters, and those which cover the various points included in it, are to be found in the letter book (*Exhibit F F*); a coldness in correspondence (referred to) led, I presume, to a reception on my return from the West which was by no means cordial; it was some months, however, and as I believe in the middle of October, 1861, when, after frequent cold receptions, my wife met me on a visit to her soon after I received a call to the church in Philadelphia, and declared to me that the tie that had bound us was cut; I might add that Mr. Torrey was then in Europe, and earnestly desiring to live on kind terms with my family, I wrote him immediately on his return; in a few weeks, through his intervention with Mrs. Baird, a reconciliation took place, and that the reconciliation was cordial would appear from a letter addressed by her to me (No. 118, *Exhibit F F*), from Redbank, dated December 14th, 1861.

60 *Quest.* Where were you when she told you that the "tie which had bound you was cut?"

Ans. That occurred at Redbank, N. J.

61 *Quest.* Did that cause a suspension of intercourse until after Mr. Torrey's return?

Ans. It did; letter No. 116 (*Exhibit F F*), dated Philadelphia, November 13th, 1861, addressed to William Torrey by myself, is I believe one of the original letters referred to; it is in reply to letter No. 114, dated Philadelphia, October 31st, 1861, addressed to me by William Torrey; a copy of this, in Mr. Torrey's handwriting, being as I believe the original draft of the letter, is numbered 113; No. 112 is a copy made by me of a note to Mr. Torrey, dated October 21st, 1861, upon the subject; No. 117 is an invitation from

Mr. Torrey to myself to meet Addie at his house, dated New York, November 13th, 1861.

62 *Quest.* Did you accept the invitation of Mr. Torrey?

Ans. I did, and met Mrs. Baird at the time designated by Mr. Torrey, and the result was the reconciliation spoken of.

63 *Quest.* Had you at that time been invited to take charge of the Fifteenth church, Philadelphia?

Ans. I had at that time under consideration the call of that church.

64 *Quest.* Did you communicate that fact to Mr. Torrey and Mrs. Baird, and did your acceptance of it receive their advice and consent?

Ans. I had immediately on the reception of the call addressed a note to my wife; her reply to that letter is No. 111, dated Redbank, October 11th, 1861; in my personal interview with Mr. Torrey and Mrs. Baird, referred to in the latter part of November, after discussing all my arrangements, it was mutually and satisfactorily determined that I should accept the call to the Fifteenth church, and make arrangements for the removal of my family; Mr. Torrey, as I have before stated, pledging himself to supplement the sum I should receive from the church the sum of $50 per month; letter No. 119 (*Exhibit F F*), dated January 30th, 1862, from Mrs. Torrey to Mrs. Baird, and signed "Mother," contains incidentally evidence that the $50 per month was not designed for Mrs. Baird's pocket-money or for her special use.

65 *Quest.* Did Mrs. Baird then come to Philadelphia and aid in preparations for housekeeping, and when did you get to housekeeping there?

Ans. She came to Philadelphia at my urgent request, and contrary to the advice of Mr. Torrey, to aid me in selecting a house, as I feared I might not select a house that would meet her views as well as she could herself, and I was anxious that she should be suited; all our arrangements were made after consultation, and our views were very harmonious; she came on with the family, and we went to housekeeping, the principal part of the labor in doing so, in obtaining servants and laying in supplies, being undertaken by me at her earnest desire; at this time there was not any want of cordiality existing in the family.

66 *Quest.* Had you then formally accepted the call to the Fifteenth church, and been installed?

Ans. I had.

67 *Quest.* What first occurred after that to again disturb the harmony of your marital relations?

Ans. Notwithstanding the great amount of labor devolving upon me in entering upon a new and laborious pastoral charge, and in going to housekeeping at the same time,

Mrs. Baird's and my own time being more than usually engrossed about our respective duties, we nevertheless not only lived harmoniously but there was a measure of social happiness enjoyed during those few weeks, which I then fondly hoped would be of long continuance; that harmony remained unbroken till the visit of Mrs. Torrey consequent upon the severe illness of Mrs. Baird, induced by Doct. Ludlow's course with her; the first breach of that harmony arose from my discovery of the proof of Doct. Ludlow's treatment, and my offer to Mrs. Torrey to show her that proof in an hour or two; Mrs. Torrey had voluntarily come to my study on Thursday, February 20th, and wished to know what suspicions I had, or rather upbraided me for having suspicions that anything was wrong; I had previously intimated no suspicion to her of any kind, as I had not confidence in her judgment; in the course of conversation I eventually, against my previous intention, told her that I had no suspicion in regard to Doct. Ludlow, but that I *knew* what he had been attempting to do, and that I had written on the previous Monday to Mr. Torrey, requesting his attendance and the attendance of his son Samuel for the purpose of consultation; Mrs. Torrey told me that she knew all that the doctor knew, and reluctantly compelled me to go with her to Mrs. Baird; she stated to Mrs. Baird, in her own language and way, my suspicions (as she called them); she spoke of making the doctor a valuable present, and left the house in a very short time without a parting salutation to me; there began the breach that still continues between Mrs. Torrey and myself.

68 *Quest.* What were the facts which induced the belief, on your part, that Doct. Ludlow was attempting to produce an abortion?

Ans. About the 10th of January, Mrs. Baird became satisfied that she was pregnant; she in the course of a few days began rather to brood over it, expressing regret that she might anticipate a period when she would be confined for a length of time to the house, and not have the enjoyment she anticipated in coming to the city; this morbid feeling became more and more intense, until she finally declared that she would not abstain from exercise and effort tending to produce abortion, and seriously desired that Doct. Ludlow should be consulted for the purpose of procuring abortion; I reasoned and talked with her from day to day upon the subject, and at last told her that if such an attempt was made (being alike immoral and criminal) that I would feel it my duty to hold to a strict legal responsibility any one who should make such an attempt; although thus expostulating I regarded this rather as a disease of the mind in her,

and there was really nothing in this connection to disturb our harmony in other respects, and I believed that she gave up the idea; on the 9th of February, whilst I was at church, Doct. Ludlow called—and when I returned I understood that Ann Leonard had gone to Hubbell's drug store with a prescription; she was gone some two or three hours, and on her return brought this vial which I have here, [vial offered in evidence, and marked by me *Exhibit M M* on the part of the prosecutor] the contents of which Mrs. Baird took for the four following days, the bottle in the meantime being replenished; she sank very rapidly, and several times I supposed she would die under the effects (as it appeared) of the drugs she was taking; the mystery attendant upon her sickness, the peculiar applications made to her person, the seemingly intentional ignoring of the name or character of the disease, gradually led me to suspect that there was an attempt being made to produce abortion; having my apprehensions thus aroused, circumstances trifling in themselves were recalled that continued to quicken my apprehension until I overheard casually a conversation between Mrs. Baird and a servant girl, named Ann Fox (now Leonard), which removed any doubt from my mind in regard to the matter; I had that day, my suspicions being so powerfully aroused, gone to Mrs. Baird's bedside, and asked her if she were not using some means to effect that object; her reply was "you are very suspicious;" and in general a denial, which for the moment was satisfactory to me; she however declared, when I referred to her conversation some three weeks before as giving me just ground for suspicion, that she was only joking then; I left her for the moment ashamed of my suspicions, but about midnight overheard the conversation alluded to, in which, while I could not recall one sentence uttered, I understood Mrs. Baird, in a very playful manner, to inform the servant of the adroit manner in which she had eluded my inquiries; I spent a sleepless night, having no counsellor but my God; the result of reflection was, that in the morning I immediately, by daylight, sought for the bottle that contained the prescription obtained from Hubbell on the Sabbath day—I think it was that morning that I went to Hubbell's drug store, and asked for a copy of the prescription No. 2213; Mr. Hubbell gave it to me, the copy being made, I believe, by one of the clerks; I believe this paper which I now hold in my hand is the copy I then obtained—[the paper alluded to here produced, and offered in evidence, marked by me *Exhibit N N* on the part of the prosecutor,] *Exhibit Y* being a copy obtained a few days afterwards; as Mr. Hubbell handed me the copy he remarked, [objected to] "that is a very strong emmenagogue; did it have the de-

sired effect?" I answered, supposing from his question that he referred to a legitimate use of it in regard to some member of my family, "I do not know yet," thus avoiding further conversation; previous to this I had been disposed to regard other means as those which were probably used to accomplish the purpose; Mr. Hubbell's remark still further increased the apprehension aroused the night before in regard to this particular prescription; I thereupon, on the first opportunity (which occurred in a day or two, on the Saturday or Monday following, probably,) sought the counsel of my brother Samuel, desiring him to consult some eminent druggists and physicians in regard to the probable object of the prescription; this I did in order to avoid attracting any attention or suspicion to my family; my brother informed me [objected to] that he did consult Doct. Fahnestock, a distinguished druggist of Philadelphia, Docts. Fithian, Howell, and Weatherby, physicians of the neighborhood of Woodbury, and that they all agreed in opinion as to the character of the prescription; I myself called upon Doct. Hodge (Hugh), knowing his eminent character as a physician, and stated to him the course pursued by Doct. Ludlow, showing him at the same time the copy of the prescription (probably *N N*, or it may have been *Y*, one of the two); I did not however mention or intimate the name of Doct. Ludlow to him at this time; said he [objected to], in reference to the prescription, "it ought not to have been given"; I consulted him as to the proper method of discharging my physician [all this objected to], and my note to Doct. Ludlow, being No. 15 in this book of papers and letters which I hold in my hand [said book being now offered in evidence, and marked by me *Exhibit O O* on the part of the prosecutor,] was consequent thereupon; it is dated February 21st, 1862; No. 16 of the same book is the copy of a second letter to him, dated February 25th, 1862; on Wednesday morning, the 12th of February, I had written to Mr. Torrey expressing anxiety in regard to Mrs. Baird, and especially desiring him to come to Philadelphia, she being then in a critical condition; I, in this note, gave an invitation to Mrs. Torrey also, stating however, I distinctly remember, that I did not suppose she would come, for reasons mentioned; Mr. Torrey did not come, or reply to the note, excepting that on Friday, the 14th, (I believe) I received a telegraphic despatch that Mrs. Torrey would come the next day; it was only some five hours from Brooklyn to our house; I supposed that expense was no object when a daughter was dangerously ill, and that even if it was, that Mr. Torrey had a free pass over the road —hence I was greatly surprised that he did not come or write me; Mrs. Torrey, before leaving, had first tried to ac-

count for Mrs. Baird's sickness by suggesting anxiety of mind in regard to the use of the purse, then suggesting that her severe illness was occasioned by a "change of life," and in the conversation previously alluded to, after telling me that she had had a very free and full conversation with Doct. Ludlow, stated that it would be some days before it could be known what was the effect of the medicine given; indignant at my statement, she further said, that the doctor had given her nothing but snuff, pennyroyal, and summer savory, a light remedy to produce a change; I felt assured there could be no misapprehending the use of such language, although I did not feel certain that Mrs. Torrey herself fully apprehended its meaning, since, as to Mrs. Baird's pregnancy, not the slightest doubt had I heard expressed, but on the contrary she had informed me that she had freely spoken of it to female friends, and to myself expressed no doubt, unless that might be regarded as a doubt when she, within a day or two days of the taking of prescription 2213, had asked me, under circumstances which I considered expressing no doubt, but a desire to be further confirmed in the truth, whether I felt assured thereof, referring to medical views on the subject, when I assured her of my confidence in that opinion.

69 *Quest.* What was the age of Mrs. Baird at that time when Mrs. Torrey suggested that her disease was a "change of life?"

Ans. She was thirty-three years of age on the 25th of January preceding that time.

70 *Quest.* Was there anything unusual in Mrs. Baird's conduct in the taking of that prescription from her conduct in the taking of medicines in her previous sickness?

Ans. Her abhorrence of taking medicine was very great, and although she suffered severely from rheumatism, I never could induce her to take with regularity medicines prescribed for her; in this instance she took this medicine regularly as I noticed, requiring herself even to be awakened at night to take it at the appointed interval, and persisted in taking it when it was evidently most obnoxious and disagreeable to her taste, seemingly producing spasms at times, in which I feared that she might even die; this aroused in me an indefinable sense of dread that something was wrong, I hardly knew what or where, and this was the reason why I wrote Mr. Torrey the letter referred to, of which I have no copy, and led to a more careful observation of occurrences from day to day.

71 *Quest.* Did Doct. Ludlow, either before or while this medicine was being administered to Mrs. Baird, in any wise inform you what he considered the name or character of

her disease, or the medicine prescribed, or its probable effect?

Ans. He did not, but on Thursday, February 13th, when he was leaving the house, I having followed him to the door, told him that I was apprehensive that something was wrong in regard to the case of Mrs. Baird; referring to her acknowledged condition of pregnancy, I said to him that I knew Mrs. Baird had friends who had peculiar views in regard to such matters, and fearing something wrong was being done, I thought I should speak to her on the subject; he advised me not to mention the subject to her, and stated that if she was pregnant he presumed the embryo was dead, and would have to be removed; his flushed manner that day made such an impression on my mind, after he was gone, that I at once went to Mrs. Baird and spoke to her on the subject, and after this my mind turned towards Doct. Ludlow as immediately concerned in what was doing in regard to my wife; that day he had changed the prescription, and had given her that which I now produce here. [Paper purporting to be physician's prescription produced, and offered in evidence, marked by me *Exhibit P P* on the part of prosecutor.] I took this last named prescription to the druggist myself, and was informed by the druggist's wife (who I suppose was familiar with drugs) that the person must be exceedingly weak for whom that was prescribed. [Objected to.] Doct. Ludlow had said nothing to me in regard to his object; on the 19th of February this prescription which I now hold was administered. [Another paper, purporting to be a prescription, offered in evidence, and marked by me *Exhibit Q Q* on the part of prosecutor.]

72 *Quest.* Did you get these two prescriptions (marked *P P* and *Q Q*) back from the druggist who prepared them, and who was that druggist?

Ans. I obtained them from Mr. Newton, druggist, corner of Twentieth and Spruce streets, Philadelphia; they are the same which Doct. Ludlow prescribed for Mrs. Baird after discontinuing prescription *D*.

73 *Quest.* Supposing from what Doct. Ludlow had said to you as to the probable death of the fœtus, did you and your brother Samuel, upon consultation together, arrive at the conclusion that the treatment of Doct. Ludlow had probably destroyed it, and did you, acting upon that probable effect after Mrs. Baird had left you, inquire of the servant girl, Margaret Fagan, of the condition of Mrs. Baird's bed to ascertain whether the fœtus had been actually removed or taken away—and if so, state, as nearly as you can, what occurred between your brother and yourself and the servant girl upon the making of that inquiry?

Ans. From what Doct. Ludlow had said, as well as the remarks of Mrs. Torrey upon the same subject, we were led to the supposition that the fœtus had probably been removed; considering the importance of knowing, after consultation, we determined to use every means within our power to ascertain the fact, and thinking it probable that Margaret Fagan might be acquainted with facts such as would enable us to determine the question, spoke to her upon the subject, I making my inquiries in a way that she did not understand; my language I do not remember, but on inquiry as to my meaning, my brother put the question so plainly that she understood it, seeming surprised, for we did not tell her the object of our inquiry.

74 *Quest.* Did you make any complaint of Doct. Ludlow's treatment to Mrs. Baird to the censors of the college of physicians of Philadelphia—and if so, produce the complaint, or a copy of it, if you have it?

Ans. On the 1st of May, 1862, I presented a paper to that body, followed by a second letter on the 2d of May, a third on the 14th, a fourth to the chairman on the 4th of June, and a fifth on the 17th of July; this paper, which I produce here, I believe to be a correct and true copy of those letters and papers; it was made by myself. [Paper produced and offered in evidence, marked by me *Exhibit R R* on the part of prosecutor.] The statements in it, also, I believe to be correct.

75 *Quest.* Did you receive any reply from the censors of the college, or in their behalf, to that complaint, or the several letters concerning it, and if so, produce such reply?

Ans. I did—they are marked already as *Exhibits G* and *H* in this cause.

76 *Quest.* What was Doct. Ludlow's conduct toward you in reference to that complaint, and his discharge as physician by you, in the way you have already stated?

Ans. On Sabbath morning, I believe the 11th of May, 1862, (as Mr. McNeil, a member of the session of the Fifteenth church, informed me in the subsequent week) [objected to] Doct. Ludlow called upon him at his house, before public service in the morning; he called again in the course of a few days, as I again learned from Mr. McNeil; the object of these calls, as I was informed, was to make statements that would drive me out of the church; Mr. McNeil told me that Doct. Ludlow exhibited papers and letters from Mr. Torrey and others (he thought also from Doct. Schenck) in which the grossest insinuations and statements were made respecting my character, the first, as I understood, that Mr. McNeil had ever heard; he said, although it was the Sabbath morning, the doctor spoke very profanely, threatening what he would do unless I withdrew a paper which I had placed

before the medical society; he referred in these conversations to Mr. Cuyler and Doct. Engles also; without being more specific, I would state that letter No. 18 (*Exhibit O O*) is, I believe, a copy of one written to Doct. Schenck in reference to that visit; No. 19 (*Exhibit O O*), to Doct. Engles, is a copy of letter written by me; No. 124 A (*Exhibit F F*) copy of a letter to Theodore Cuyler, 124 B and 124 C (in *Exhibit F F*) being the envelope and reply of Mr. Cuyler to the same; No. 17 (*Exhibit O O*) is a copy of a letter written to Doct. Engles on the 14th of May; No. 20 (*Exhibit O O*) is his reply to mine, having reference to the use of his name by Doct. Ludlow in his conversation with Mr. McNeil; No. 21 is my reply to No. 20 (a copy); I would add further, the letter to Doct. Schenck I referred to I forwarded to him at Columbus, Ohio, in envelope, to the care of Winthrop Sargent; that he received it I afterwards learned from him himself in a conversation, the last I had with him, in the midst of presbytery in the Fifteenth church, about the 1st of July, 1862.

77 *Quest.* Did the charges touching your character, made to Mr. McNeil, subsequently assume a form of trial or hearing before any of the ecclesiastical bodies of your church, and if so, state, as succinctly as you can, the character of that inquiry and the result?

Ans. It was some three or four months before the effect of Doct. Ludlow's visit manifested itself in any definite shape; eventually, when I was moderator of the presbytery in the fall of that year, I called a meeting of the presbytery to induce them to take some action to relieve me from the embarrassments under which I labored, arising out of my family's departure from me without any public explanation on my part of the circumstances, and also arising out of rumors of impropriety of conduct, bad treatment of my wife, etc., which had been started by Doct. Ludlow, and which more recently had been made to assume a more serious form by rumors and statements intended to corroborate them; these latter were all traceable directly, as I was informed, to Messrs. McFarland and Johnson, who have been examined here as witnesses; it was on the 10th of November, 1862, that I requested presbytery to appoint a committee for the purpose of advising with me, and with power, should it be deemed advisable, to visit the church and inquire into its condition; the elders also joined in that request; the action of that committee is in evidence in this cause already; I might state, however, in this connection, that the session assured me again and again that the simple fact of my family being away from me was calculated to destroy my usefulness, and unfit me for the pastoral work in that church, declaring

that they did not believe these rumors would have received any attention had it not been for that.

78 *Quest.* Did you ever, while residing in Philadelphia, or at any other time or place during the period of your married life, disguise your appearance in shabby or other clothing, frequent or visit houses of ill fame, knowingly meet or converse with impure females upon the streets, or in any other way indulge in or commit any licentiousness of life or incontinent acts?

Ans. No; my clothing was sometimes changed, wearing what might be called my dress suit upon special occasions, otherwise there was no distinction in my dress; I have a very pretty cane which I brought from Missouri—frequently I have not had it in my hands for days and weeks, frequently I have had it in my own pulpit with me and in the pulpits of my brethren; I have a growing lump on my forehead, threatening sometimes to become cancerous, as I have supposed, and making the wearing of any hat unpleasant, consequently what might be called a dress hat I have been compelled to dispense with; I find a felt hat the most comfortable, but cannot allow it to rest long upon my forehead without uneasy feeling; I believe I wore my felt hat at the time referred to almost as much in the daytime as at night; the statement made by Messrs. Johnson and McFarland that I conversed with a woman on Chestnut street of bad character is entirely untrue with reference to the time referred to; on that evening, which was Friday, September 26th, 1862, Rev. Mr. Gamble preached for me; the "tokens" were then distributed, and I suppose it must have been half-past nine o'clock when I left the church; from the church I went to the house of Rev. Doct. Blackwood, corner of Sansom and Eighteenth streets; he was not home; I went therefore to his church, at Sixteenth and Sansom streets, and returned again to his house without finding him; one of his sons then went out and looked for him, but did not succeed in finding him; after waiting a few minutes, I left the house and went to Eighteenth and Chestnut, and took the street car; I left word with the family that I would publish in the "Ledger" a notice that he would preach for me on the Sabbath following, and that he might depend upon me to fill his pulpit; I went thence to the Ledger office, (by the street cars) on the corner of Third and Chestnut streets, and inserted such a notice—it will be found in the Ledger of Saturday morning, September 27th, 1862; I had some purchases to make, but feel confident that I purchased no candy—I obtained some article at Doct. Jayne's drug store, which is in Chestnut street below Third; as I came out of the store, it being then nearly as light as midday, two little girls, per-

haps sisters, and about thirteen or fourteen years of age, asked for alms; making some inquiry as to their circumstances, I put my hand in my pocket and gave them all I had, which happened to be only one penny; I then returned to Mrs. Gibson's, on Twelfth street below Fitzwater, I presume and believe by the Spruce street cars; I was not that night in any house in Fitzwater street, to my knowledge I never was in a house in that block or neighborhood at night nor in the daytime, unless to make some inquiry about renting a house—I have a vague impression that I was once in one of those houses for that purpose; I did mention to Mrs. Baird a conversation I once had in the city of Philadelphia with a woman who acknowledged she did not lead a virtuous life, but in evident distress desired to have some way pointed out by which she could obtain a virtuous living, and I did express not a desire to have her in my family, but a sorrowful feeling at the hardness of the lot of a poor fallen woman, for whom even a minister dare scarcely make an effort, suggesting that it would seem as though christians and christian families should take them by the hand in some way when disposed to reform; I never made any engagement with a woman at Cincinnati to enter my family, much less proposed to bring one from that place of a bad character.

79 *Quest.* Were you ever to your knowledge in any house of ill fame in Orange street, Philadelphia, or have you any knowledge of any such house in that street or its locality?

Ans. I did not even know the name of that street, and do not believe that either in the daytime or at night I was in any house in that street for any purpose whatever until the time I called upon Mrs. Hawke (a perfect stranger), who appeared here as a witness, and from whom I obtained all the knowledge I have in regard to that street.

80 *Quest.* Did you ever peep or otherwise look into the rooms of your servant girls to watch them while undressing, or for any other improper purpose?

Ans. I did not; it was necessary oftentimes for me to go to the children's room during the illness of Mrs. Baird; several of the children were ill at the same time, and the door between the girl's room and the children's room being closed on various occasions, contrary to my orders, I think it probable I have gone on more than one occasion to open the door and reprove the servant, a child of thirteen; she informed me that Mrs. Baird had told her to lock the door at night, when it was her express business and that for which she was hired, to have an oversight over the children and see to them at night; it was indeed dangerous to leave them unwatched, and I have a distinct recollection of being fearful that some of them might die unattended; any parent fa-

miliar with the croup will understand the cause of such apprehension when two or three were affected with that disease; the impossibility of the course on my part that seems to be indicated in some of the testimony will be evidenced by a drawing of the third floor of my house in Delancy place, which I here exhibit. [A draft of dwelling produced by the witness, and marked by me *Exhibit S S* on the part of prosecutor]; the little girl spoken of, Bridget Mason, Mrs. Baird required me to discharge, insisting that I should do it because she had been out two different nights against her wish—I did so at her request.

81 *Quest.* Did you ever say to Mrs. William Torrey, in connection with the charge of your peering into the servants' rooms, or any other lascivious act, that you had a "passion for statuary and heavenly-formed women," or make use of any expression conveying such impurity of sentiment on your part?

Ans. No such remark was ever made by me to Mrs. Torrey, and no such conversation ever took place; the circumstances attending the interview at the time indicated, as I understood, would necessarily of themselves have forbidden the use of any such expression, had she even reproved me as indicated.

82 *Quest.* Do you remember a sudden sickness of a Louisa Allen, a servant girl in your family at Toledo, when she was cupped by Doct. Hannan, then of that place—if so, please state the circumstances attending it?

Ans. I do; it was a winter night, December 3d, 1854, that I was awakened by the severe illness of our servant girl, Louisa Allen; I had to go a mile and a half in a snow storm, over bogs, for the doctor; he came, and applied, I think, dry cups, as they are called; my impression is that Mrs. Baird was then quite unwell; Mrs. Torrey, who was then on a visit of a few days at our house, was also quite unwell; courtesy, to say nothing of the principles of humanity and common decency, required the servant's case to be attended to properly; I did no more, I feel confident, than such demands required, but have no very definite recollection in regard to the minutiæ of the case; that Mrs. Torrey's feelings expressed in regard to this matter were of more recent origin, will be evidenced by letters No's 3 and 4 (of *Exhibit O O*), as also by letter No. 34 (of *Exhibit F F*).

83 *Quest.* Did Mrs. Torrey, on that occasion or at any other time, so far as you know, until examined here as a witness, by word or manner state or indicate that your conduct on that occasion was in any sense indelicate?

Ans. She did not.

84 *Quest.* What was the first imputation of the kind which you ever heard?

Ans. It was made here on the witness stand.

85 *Quest.* Did you ever, on any occasion or for any purpose, resort to acts of violence or cruelty toward Mrs. Baird?

Ans. I did not—I can recall no circumstance to account for the statements made of violent acts by me, at Wooster, Ohio, first heard of by me in the testimony in this cause.

86 *Quest.* Did anything of an unpleasant nature occur between you and Mrs. Baird on the day of your wedding, or which in any sense marred the pleasures of that season?

Ans. Nothing whatever.

87 *Quest.* The question at the top of page 253 of these depositions, viz: "Has your husband ever been guilty of acts of personal violence to you, and if so, state them," being read to witness, and Mrs. Baird's answer to that question being read, the witness is asked—Did any such acts of violence ever take place as are mentioned in that answer?

Ans. They did not; in Wooster, Ohio, I have a recollection that I had invited a minister to take dinner with us, and that my wife did so far express her disapprobation that I sought him out, and made the most plausible excuse I could for not having him to dine with us; the rest of the statement is entirely new to me; no facts that I can recall make an approach to any such acts, and our general intercourse about that time was such as forbids the correctness of any such statement; I do recollect, also, that in Philadelphia, about the month of March, 1862, the circumstance to which she refers, and all the facts in the case, I had hired Bridget Mason, as I have stated, expressly to take care of the children, informing her and her mother of the importance of having a nurse wakeful and watchful at night, in view of Mrs. Baird's condition and that of the children; I found the door locked; anxious about the children, I have gone to their beds frequently in the course of the night, and have administered to them medicine, and attended to their necessities; losing my rest unfitted me of course for my laborious dutie —I therefore spoke to Bridget, in the room adjoining Mrs. Baird's room, in regard to her neglect of the children, and locking of the door, telling her that her presence in the house would be useless unless she attended to the duties required of her; she then told me, as an excuse, that she was told to lock the door (as I understood her) by Mrs. Baird, and was proceeding to say more, when the door of Mrs. Baird's room was opened (it having been previously closed), and she entered, and excitedly began a sentence, saying, "I will teach

you about threatening the girls for telling tales;" she was proceeding, when discovering, from her manner, and what she had already said, that she was doing that which I then presumed she herself would immediately regret, and which if done could not be remedied afterwards (as this little girl's family lived in the neighborhood, and consequently what occurred would at once be the subject of neighborhood talk); I then put my arms round her, placing my right arm over her shoulder, and rather carried her than pushed her into the front room, and closed the door, saying at the same time, "you shall not, if I can help it, ruin both yourself and me." I would add that I had made no such remark to the little girl as that indicated as having been heard by Mrs. Baird; I am confident that no further violence was used than that thus indicated, and perhaps the locking the door, which I do not remember; in regard to the other instance referred to as having occurred at Doct. Schenck's house, I think it probable I know to what she alludes, and would merely say, that violent conduct in any offensive sense was not then exhibited.

88 *Quest.* Did any diversity of sentiment exist between you and Mrs. Baird in respect to the diet and management of your children—if so, state its import?

Ans. There was a difference of opinion in regard to their diet and management, their physical, literary, and religious training; she preferred to have them eat more frequently, and of a richer food than I thought good for their health, for instance, I preferred that they should have meat but once a day, they being quite small; she did not like me to punish them of my own motion, but would nevertheless threaten them with their father, and sometimes send them to me to be punished, a course which I thought would have a tendency to wean them from their father—yet such was not the result, for they were greatly attached to me; I did sometimes, not often, punish the children, and I think my course with them was wise and discreet, and their clustering around me and manifestation of attachment showed that they loved to be with their father.

89 *Quest.* In what way, so far as you know, did Mrs. Baird withdraw herself and her children from your residence in Philadelphia?

Ans. Many of the circumstances connected with her withdrawal are already in evidence, in a letter written to Doct. Schenck, dated April 24th, 1862, heretofore marked as an exhibit. On the morning of March 11th, when I arose to dress myself, I became suspicious that some proceeding of that kind was on hand, all the children being at prayers and the breakfast table as early as half-past six o'clock. I ob-

tained two policemen, and came to the house with the sergeant of police, and inquired of the servants whether Mrs. Baird was leaving the house with the intention of remaining, three of the children being already gone with her. While making these inquiries, Addie Schenck took the other two away without detection, after which Mrs. Baird came in, and was much surprised at the unexpected change of affairs. About eleven o'clock (I should judge) she started for Mr. Cuyler's office, whither I went with her, and in Mr. Cuyler's presence urged her to stay. A reference and statement in regard to that will be found in a letter to Mrs. Baird, (being No. 121 B, *Exhibit F F*). She left Mr. Cuyler's office, I think, about half-past one o'clock, and I saw her no more.

90 *Quest.* After you had ascertained that she and her children were at Manchester, did you make a visit to that place for the purpose of seeing her and them—and if so, what occurred?

Ans. The letter just referred to was written to her April 8th, 1862, with the hope that she might retrace her steps, and harmony even then be restored. I received no reply, although I had enclosed the letter in a note to Doct. Vandyke, of Brooklyn, a copy of which is 121 C (*Exhibit F F*). I addressed Doct. Vandyke a note of inquiry (being 121 D, *F F*). His reply, April 28th, is 122 (*Exhibit F F*). On the 14th of May, I again wrote my wife (121 E). Receiving no reply, I determined, after consultation with friends, to visit Manchester, and see if it would be possible to bring about a reconciliation. On the 30th of May I arrived at Manchester, and proceeded to Mrs. Baird's house at once, preceded by one of Mr. Torrey's sons. The family were seated at the table as I entered the hall, two seats apparently just vacated, and neither Mrs. Torrey nor Mrs. Baird being present. After waiting in the parlor for some time for Mrs. Baird, having inquired for her, Mr. Torrey entered, and commenced a very violent and excited speech. His first words were, "I want to know what has brought you down here; if you have come to take the children, I am prepared for you." In brief, he expressed in strong terms his feelings against me, particularly for my outrageous conduct towards Doct. Ludlow, who had, as he said, been so kind to my family; he said he would spend twenty or fifty thousand dollars to keep the children from me, and indicated that the manner in which I could obtain a reconciliation was by making terms with Ludlow; he declared it to be his intention, on his first visit to Philadelphia, to take Doct. Schenck, and call upon Mr. McNeil, the elder, upon whom Doct. Ludlow had previously called, as I understood, to make statements to my discredit; he said he could hardly keep his hands off me; during his remarks

I was reticent, scarcely saying a word; I eventually saw the children, but having again inquired for Mrs. Baird, received word that she would not see me; I concluded to leave without the opportunity of getting any meal in the place, Manchester being in the midst of the wilderness.

91 *Quest.* What is your present employment and income?

Ans. Since my resignation of the pastoral charge of the Fifteenth Presbyterian church, Philadelphia, in January, 1863, I have not held or sought a pastoral charge; in view of the circumstances which induced that resignation, I felt it due to myself and my brethren of the ministry to refrain from regular ministerial employment; aside from the frequent assistance which I have rendered my brethren in the pulpit, I have devoted my time mainly to literary pursuits of a miscellaneous character, and whilst I have kept no account of my receipts and expenditures, my income has been sufficicient to defray my own personal expenses, and also to defray the running expenses attendant upon the suit now pending; recently I have accepted an agency for a portion of this state of the Etna Life Insurance Co., which promises to afford me an income that would enable me to support myself and children in comfort; I am satisfied that, when enabled to devote myself to that business more entirely than at present, that from that source alone I would have an income of not less than $1500 or $2000, aside from any income I might have from miscellaneous literary labors.

92 *Quest.* Look at papers in *Exhibit F F*, and tell me by whom No's 3, 7, 31, 32, 45, 47, 49, 52, 57 B, 59, 60, 64, 78, 79, 82, 85, 88, 96, 98, 100, 105, 107, 108, and 109 were respectively written, and to whom?

Ans. Those papers are all letters written by Mrs. Baird, my wife, to myself, at or about the times that they respectively bear date, a note sometimes being made by me at or about the time of their reception, as was my habit, indicating about the date when written, when such letters bore no date, as is the case in No. 79.

93 *Quest.* Look at papers 48, 51, 54, 65, 66, 69, 72, 73, 81, 86, 89, 95, 103, and 104 (in the same *Exhibit F F*), and tell me what they are?

Ans. They are all letters written by myself to my wife, Mrs. Baird; the pencilled notes at the top of No's 66 and 103 were made afterwards by my wife; I believe those letters were all written at the times of their respective dates.

94 *Quest.* Look at papers in the same exhibit, numbered 6, 8, and 21, and state what they are?

Ans. Those papers are letters written by Mrs. William Torrey to myself, and received at or about the time they bear date.

95 *Quest.* Look at papers in the same exhibit, No's 11½, 36, 39 A, and 39 B, and state what they are?

Ans. They are all letters from Mrs. William Torrey to my wife, Mrs. Baird, written, as I believe, at or about the times indicated by their dates.

96 *Quest.* What are papers, in the same exhibit, No's 67, 68, 74, 75 A, and 75 B?

Ans. Those papers are all letters written by myself to my brother Thomas, at or about the times they respectively bear date.

97 *Quest.* What are papers in the same exhibit, No's 24, 39 D, and 46?

Ans. They are all letters written by myself to my mother, Mrs. E. T. Baird, at or about the times indicated by their respective dates.

98 *Quest.* What are papers in the same exhibit, No's 12, 39 C, 50, 53, and 57 A?

Ans. They are all letters written by Mr. William Torrey to his daughter, Mrs. Baird, at or about the times indicated in their respective dates.

99 *Quest.* What are papers in the same exhibit, No's 13, 17, 56, 61, 77, 80, 99, 106, and 121 A?

Ans. Those papers are letters, and were all written by Mr. William Torrey to myself, at or about the times of their respectives dates.

100 *Quest.* What is paper No. 41, in same exhibit?

Ans. It is a copy of a letter made by myself, addressed to Mrs. A. W. Torrey, wife of Mr. William Torrey.

101 *Quest.* What are papers, in the same exhibit, No's 19, 20, and 22?

Ans. They are all letters, written by Samuel W. Torrey, brother of Mrs. Baird, addressed to myself at or about the times of their respective dates.

102 *Quest.* State what are papers, in the same exhibit, No's 14, 15, 16, 18, 23, 25, 26, 27, 28, 29, 40, 42, 44, 70 B, 70 C, 76, 97, 115, 120, 122, 123, 43, 116, 113, 114, and 58?

Ans. No. 14 is a letter written by Mrs. Samuel W. Torrey to Mrs. Baird; 15, written by S. W. Torrey to Mrs. Baird; 16, by my wife to Mrs. Baird, my mother; 18, is by Mr. Torrey to myself; 23, is by my wife, Mrs. Baird, to my mother, Mrs. Baird; 25, 26, and 27 are from ruling elders in Vicksburg church, and from the stated supply (Rev. Mr. Williams) of the presbytery of Mississippi; 28, is from the session of Manchester church, in the handwriting of Mr. William Torrey, signed by Mr. Stiles and the other elder; 29, is from Mrs. William Torrey to my wife and myself jointly; 40, is a copy of a letter addressed and written by myself to Mrs. William Torrey, which copy I received in

the summer of 1861 from Mrs. Samuel W. Torrey—I believe it to be a correct copy, the note at the bottom of the second page being by Mrs. Samuel W. Torrey, 42 and 43 are, I believe, original drafts of letters written by me, the one, 42, to Doct. Schenck, the other, 43, to Mr. William Torrey; 44, is a letter written by the Rev. Doct. Schenck to myself; 70 B is a telegram of myself to my brother Thomas; 70 C, is a note written by my brother Thomas to my wife; 76 is the same; 97 is a telegram I received when in Westport, at or about the time of its date, from my wife; 115, is a copy of a letter written by me to my wife, said copy made by me; 120, is a letter signed by J. C. Johnson, dated Redbank, February, addressed "My dear Mrs. Baird;" this letter bears internal evidence of having been written during my wife's illness in February, 1862, and after Mrs. Torrey's visit to my family; I believe that the writer is the Mrs. Johnson who appeared and was examined here as a witness by the defendants, with whom Mrs. Baird had resided at Redbank; 122, is a letter written by the Rev. D. H. J. Vandyke to myself; 123, is a copy made by myself of a note given to W. A. Torrey, esq., the brother of my wife, by me, on occasion of delivering to him articles of clothing, etc., for my wife and children—for my children in reference to their destitute condition as represented by him, not only in his own behalf, but as he distinctly informed me, speaking in behalf of their mother; 116, is a letter written by me to William Torrey, esq., as indicated in a note at the top of said letter in my handwriting; this letter was found by me in Mrs. Baird's bureau, under a newspaper, after she had left me; 113, is in the handwriting of Mr. William Torrey, and bears internal evidence of being the original draft of a letter written by him to me, No. 114; I found the draft of said letter, to the best of my recollection, in the same place that I found No. 116; 58, is a letter written by me to my brother Samuel, at or about the 10th of September, 1860, as I indicate by a pencil mark; all of these letters just referred to were written at or about the times they respectively bear date.

103 *Quest.* Look at papers No's 1, 2, 3, 4, 5, and 12, in *Exhibit K K*, and state what they are?

Ans. No's 1 and 2 are printed circulars of Geneseo Academy; 3, is a copy made by myself, at the time that it bears date, of my resignation of the principalship of that institution; 4, is an unsolicited testimonial which I received from the executive committee, in behalf of the trustees of said institution; 5, is a letter written by the Rev. Doct. Ward, at the time that it bears date president of the board of trustees of Geneseo Academy, and pastor of the Presbyterian

church in that place; this letter is a reply to one I had written him, stating that there were reported to me reflections upon my character which had their origin at Geneseo—I preserved no copy; 12, is a copy of a document presented by me to the president of the United States, through the secretary of war, making application for a hospital chaplaincy in the spring of 1863; the original papers, as I suppose, are on file in the war department at Washington city.

104 *Quest.* What are the papers (which are numbered from 1 to 21 inclusive) in *Exhibit O O?*

Ans. No's 1 and 2 are testimonials I received for a professorship in Delaware college; No. 1, from Prof. R. S. McCulloch, at that time smelter and refiner in the U. S. mint, at Philadelphia, who had formerly been my professor for two years at Jefferson College; No. 2 is from late Rev. Doct. S. B. Wylie, of the University of Pennsylvania; No's 3, 4, 5, 6, 7, and 8, are letters written by Mrs. William Torrey to her daughter, Mrs. Baird, at or about the time of their respective dates; No. 9 is a letter written by my brother Samuel to myself; No's 10 and 11 are letters written by Mr. William Torrey to myself at or about the times they respectively bear date; No. 12 is a receipt from Mr. Hubbell for prescription 2213; No. 13 is a copy made by me of a letter to Mr. William Torrey; No. 14 is a copy made by me of a letter to the same person; No's 15 and 16 are copies made by me of notes which I wrote to Doct. Ludlow; No. 17 is a copy of a letter I wrote to Rev. Doct. Engles; No. 18 is a copy of a letter addressed and written by me to Doct. Schenck, May 16th, 1862; No. 19 is a copy of a letter to Doct. Engles; these copies (17, 18, 19,) were not made by me, but by my niece (Esther Baird, daughter of Samuel,) under my supervision and examined by me; No. 20 is a letter of Doct. Engles to me; No. 21 is a copy which I made of a letter to Rev. Doct. Engles—all of these were written at or about the times of their respective dates.

[The witness being shown a memorandum book, which is here offered in evidence by the prosecutor, and marked by me *Exhibit T T* on the part of said prosecutor, is asked]—

105 *Quest.* What book is this?

Ans. It is a memorandum book, in which there are a number of notes and accounts, a portion of it seeming to be a note book, and a portion of it used for keeping accounts; some of the pages are covered with writing of my own—the larger part of it, however, is in the handwriting of my wife, who used it for the purposes indicated.

106 *Quest.* Whose writing is on the page marked by the signature of the master in the margin?

Ans. The writing is that of my wife; this book I found

in my house after Mrs. Baird's departure, and is now in the same condition as when I found it.

Cross-examination of the witness by Mr. Chetwood.

107 *Quest.* With whom did you study divinity?

Ans. As stated in my examination in chief, I studied in private, simply under the direction of my presbytery, yet with no person as my acknowledged instructor.

108 *Quest.* Was Doct. Spottswood in any way connected with your studies in divinity?

Ans. Doct. Spottswood was my pastor during the time I studied; I had frequent interviews with him, rather of a social character, in which we discussed questions of theology, but I never was an acknowledged student of his; the pastor of the Methodist church, Doct. Spottswood, and myself, met frequently for the study of the Hebrew language.

109 *Quest.* Did you have any difficulty with Doct. Spottswood, and if so, what was it?

Ans. I did not.

110 *Quest.* Do you know where Doct. Spottswood now resides?

Ans. I believe he still resides at Newcastle, Delaware.

111 *Quest.* In your examination in chief, in relation to testimonials to your character, you stated, among other things, that you had a letter on that subject from Prof. Richard S. McCulloch, formerly of Jefferson College, under whose tuition you was some two years—was this the same Richard S. McCulloch who was at one time professor in Princeton College?

Ans. He was the same.

112 *Quest.* Do you know where he is now, or where was he when you last heard of him?

Ans. From newspaper statements, I have been led to believe that he connected himself with the Southern confederacy, and is now a prisoner of war—I however do not know this to be so.

113 *Quest.* On your examination in chief, you said you were married on the evening of the 20th of September, what was the hour of the evening?

Ans. It was somewhere, I should judge, between five and half-past six o'clock; from all the circumstances I can recall, I should judge it to have taken place between those hours—I cannot be more precise; I remember we immediately made preparations, and started for the cars, and the impression on my mind is that we took the cars some time after sundown, in the dusk of the evening.

114 *Quest.* Were you married before or after dinner?

Ans. The impression on my mind is that it was after dinner.

115 *Quest.* Either on or before the day of your marriage, and before you were married, had you decided upon where you would go after marriage?

Ans. We had decided to follow a plan, arranged as I understood by Mrs. Baird's mother and brothers; we went to Newark, in accordance with that arrangement, thence to Orange, remaining at Newark all night at a public house; went to Orange on the following morning to visit Mrs. Ward, an aunt of Mrs. Baird, where we took dinner; that same evening, according to the best of my recollection, we went to New York city, to Mr. Timothy Whittemore's, where we remained several days previous to our departure for Geneseo.

116 *Quest.* At what hour in the evening did you arrive at Newark?

Ans. I cannot be certain about the time, but I remember, when we arrived at the hotel, that it was quiet, the inmates seemed to have retired to their rooms, and I should hence judge that it was not earlier than half-past nine or ten o'clock, perhaps later.

117 *Quest.* Previous to your arrival at the hotel, had you made any arrangements for your accommodation on your arrival there?

Ans. I had not, but followed the programme that had been indicated as the most proper by the family.

118 *Quest.* Before leaving Princeton, did you know to what hotel you were going on reaching Newark?

Ans. I did not, and remember I was rather surprised on discovering there was no understanding in regard to a hotel, the arrangements being left altogether in other hands; we made inquiry for the best hotel in the place; I think, in the first place, of the conductor of the train, and went to that hotel, which we understood was regarded as the best.

119 *Quest.* Were Mrs. Torrey and Mrs. Baird's brothers, whom you have alluded to, present at your marriage?

Ans. They were.

120 *Quest.* As you understood the programme to have been arranged by Mrs. Torrey and Mrs. Baird's brothers, and they were all present at your marriage, did you make no inquiry of any of them where you were to go in Newark?

Ans. I no doubt did do so, and in regard to this point, as I have indicated, I am not able to recall the conversations; certain points only have made an impression on my memory, and those I am able to state positively.

121 *Quest.* Did you take supper at the hotel at Newark that night?

Ans. No, sir; we had supped and dined at Princeton, and it was late at the hotel, the servants retired, and these are all the facts I recollect; neither of us desired supper, I presume.

122 *Quest.* At what hour did you sup at Princeton that evening?

Ans. My impression, as I have already stated, is that it was from five to half-past six o'clock, but I might also add, that there is an indistinct impression on my mind that the train stopped somewhere between Princeton and Newark for some time (a half hour at least); whether we ate supper there or not I do not know, but it seems to me, in attempting to recall all the circumstances, that we had a lunch-basket with us; nothing however occurred to impress any of these matters forcibly upon my mind.

123 *Quest.* At what hour did you dine at Princeton on the day of your marriage?

Ans. I have already answered that—we supped and dined both, as you might call it, somewhere between five and half-past six o'clock; it seems to me, however, when I again think over the circumstances, that we took a lunch at Mrs. Schenck's before going to Doct. Torrey's.

124 *Quest.* Do you know what silver was given to Mrs. Baird at the time of her marriage?

Ans. I cannot recall all the articles, but remember some of them; there were two napkin-rings, from a cousin, I believe; silver salt-spoons, from some one; table-spoons and tea-spoons from her grandmother and cousins, and a cake-basket from her grandmother, I think; these are all the articles I recollect; I do now recollect a mustard-spoon, a butter-knife, and sugar-tongs; there were half a dozen of the table-spoons and a dozen of the tea-spoons.

125 *Quest.* When Mrs. Baird left you, in March, 1862, and took her children to her father's house at Manchester, did she leave at your house any of the silver you have above enumerated?

Ans. She did; I cannot remember what articles.

126 *Quest.* What has become of the silver she left?

Ans. As stated, I could not know what she had left from the way in which things were left; part of those articles (I don't remember what) that I discovered I sent to the cars, directed to Mrs. Baird; I never received word whether she received them or not; some of the articles I disposed of.

127 *Quest.* Which of the articles did you dispose of, and when were they disposed of?

Ans. I cannot remember, but think there were several of the tea-spoons and a table-spoon; they were incomplete sets, and were disposed of by me, being of no use to me while I was an invalid between two and three years ago.

128 *Quest.* What disposition did you make of those articles?

Ans. I sold them.

129 *Quest.* Can you not state the exact articles of Mrs. Baird's silver you have sold since she left you?

Ans. I cannot remember any more definitely than I have stated above; I feel confident the articles there named are all.

130 *Quest.* To whom did you sell the silver, and what price did you receive for it?

Ans. To a jeweller on Chestnut street—I do not remember his name, nor do I remember the price.

131 *Quest.* Will you state what articles you refer to as sent by you to the cars for Mrs. Baird?

Ans. On two or three different occasions I recollect sending her household goods, and I have a distinct recollection of sending some of her silver (for my impression is that she took most of her silver), packed in a box; whether I sent it with other things, or separate, or gave it to some member of the family, I cannot recall.

132 *Quest.* What articles of silver did you send to Mrs. Baird, as your recollection is distinct of sending her some?

Ans. My remembrance of the articles is indistinct; I think there were two napkin-rings, some spoons, and possibly the cake-basket sent—(perhaps the latter was not in the same package as the former).

133 *Quest.* By whom did you send the articles of silver to Mrs. Baird?

Ans. I sent them according to a direction I received from William A. Torrey, to whom I had delivered a portion of the goods; I told Mr. Cuyler, a mutual friend, afterwards that I was surprised I received no acknowledgment of anything I sent.

134 *Quest.* What household goods did you send to Mrs. Baird?

Ans. It would be impossible for me to recall; I sent several wagon loads, to the best of my recollection.

135 *Quest.* In what way and when did you send them?

Ans. According to a direction given by William A. Torrey—it was nearly three years ago.

136 *Quest.* Did you forward the goods yourself, and by what route did you send them?

Ans. I sent them to the Vine street depot, by a hired man in whom I had confidence, who, as he told me, took them across the river, and brought me evidence (perhaps a receipt from the railroad company) that the goods had been received.

137 *Quest.* By whom did you send the silver?

Ans. The impression on my mind is (and I cannot be

more positive) that it, with some other small articles of household goods, were packed together, and sent by the same directions and in the same way as above stated; and yet it occurred to me, not having taken any special note of any of these matters, that I might possibly have given that in charge of Mr. William A. Torrey; I have a distinct impression of the fact of the packing—further I have stated according to my impressions.

138 *Quest.* Did you send all of Mrs. Baird's household goods to her, and if not what relative portion of them?

Ans. I did send all that I felt she had any distinct claim upon; I had previously given to Mr. William A. Torrey a considerable portion of the goods, and after he had left considered the matter over, and the result was my action in a short time as indicated above.

139 *Quest.* When did you first suspect Doct. Ludlow was attempting abortion?

Ans. My first well-defined suspicion was aroused, so far as I can remember, at the time of my conversation with him, as stated in my examination in chief.

140 *Quest.* How long before your suspicion was well defined did you suspect him at all of that attempt?

Ans. During the four preceding days I had suspicions which were really not well defined—my mind was in a condition that I could not well describe; in the main my suspicions were not well defined—they were in the main directed elsewhere, but I doubt not that Doct. Ludlow had my attention drawn to him with more or less distinctness even then.

141 *Quest.* Where were your suspicions elsewhere well directed than to Doct. Ludlow?

Ans. Circumstances had occurred which had attracted my attention, and had awakened a suspicion that such proceeding was being had by a person or persons to me unknown.

142 *Quest.* When and where did that person or persons to you unknown communicate the circumstances which aroused your suspicion?

Ans. It was by no communication from any person, but by a variety of circumstances, to which my observation was drawn.

143 *Quest.* How long had Doct. Ludlow been attending Mrs. Baird in that illness before you first suspected he was attempting abortion?

Ans. A suspicion was aroused by circumstances that occurred on the Saturday when she was taken ill, and the next day being Sabbath, but it was only temporary, and as near as I can remember the first definite suspicion that Doct.

Ludlow himself was thus treating Mrs. Baird was aroused by his conversation and manner on the next Thursday, at the time he changed the prescriptions, four days after she had began to take the medicines.

144 *Quest.* Had Doct. Ludlow been called in to visit Mrs. Baird on the Saturday you have named, and if before that day, how long?

Ans. He was called on the Saturday referred to, but did not come; he sent word that he was not going out that evening, but that he would call next day; the strangeness of this message, it being then only five o'clock, awakened my suspicions in some degree.

145 *Quest.* Where, elsewhere than to Doct. Ludlow, before he called to see Mrs. Baird, were your suspicions directed?

Ans. It is difficult to answer the question strictly; the first defined feeling that something was unquestionably going on that was wrong took possession of me on the Monday or Tuesday following, when I wrote for Mr. Torrey; it is difficult to distinguish between the thoughts I had during those two or three days and those which I had during the few days afterwards in reference to things that had then occurred; I had I think then, and am confident a few days afterwards, a suspicion that some other person to me unknown was engaged in that attempt.

146 *Quest.* Did you endeavor to find out who that unknown person was, and what that person was doing to produce abortion upon Mrs. Baird?

Ans. I did.

147 *Quest.* What did you did do, and what steps did you take?

Ans. I was more attentive to circumstances occurring, and I wrote a letter to Mr. Torrey, earnestly requesting him at once to come, my desire being to have him co-operate with me in attempts to find out the facts of the case.

148 *Quest.* What induced you to suspect that some unknown person was attempting to produce abortion?

Ans. It would be difficult to state all the reasons that influenced my mind, but I recall some of them—Mrs. Baird had been unusually well a few days preceding, and had walked twice to church, some eight squares, on the preceding Sabbath; during this week some two or three times she went out of the house, and was gone some considerable time, and on coming in had thrown herself down on the bed, as feeling unwell, and on this Saturday of the same week had appeared quite well in the morning, and had then been out some considerable time, I think two or three hours; on her return, she, about four o'clock in the afternoon, was taken suddenly and strangely, as it appeared to me, with violent

pains, and then requested that the doctor should be sent for, and stated to me that when he came she wished to see him alone; as she had some three weeks before manifested a determination for a time to have an abortion produced, these and other circumstances arrested my attention, and led me to fear that she had some evil counsellor.

149 *Quest.* How long after the Saturday you referred to was it before Doct. Ludlow came to see Mrs. Baird?

Ans. When I returned from church on Sabbath noon, the day following, I was informed that Doct. Ludlow had been there, and had left a prescription, which he had directed to be sent to Mr. Hubbell, the apothecary, and that the servant had gone for the prescription; I did not see the doctor, he having left before I returned.

150 *Quest.* Do you know when the doctor came a second time to see Mrs. Baird?

Ans. I was then engaged in pastoral visitations by previous appointment, and did not hence see the doctor, but was informed that he called every day; on Wednesday (I think it was), when I wrote to Mr. Torrey, I watched to see him leave, understanding he was in the house when I came in, but somehow or other his exit escaped my notice, and I did not see him till the next day.

151 *Quest.* Did you ask the doctor, when you saw him the next day, what was the matter with Mrs. Baird, and what he had prescribed for her?

Ans. That of course was the object of my seeking an interview; my language I cannot recall, except as I have stated previously in examination.

152 *Quest.* From the Saturday, upon which you have stated that Mrs. Baird was first taken ill, to the following Thursday, the day on which you first conversed with Doct. Ludlow about Mrs. Baird, was Mrs. Baird very ill, and did she appear to be under much suffering?

Ans. She was very ill, increasingly so, from day to day.

153 *Quest.* How far did Doct. Ludlow live from your house?

Ans. I should judge a little over a mile.

154 *Quest.* Between the Saturday and Thursday alluded to, did Doct. Ludlow call daily, or oftener than once a day?

Ans. I think he was there only once a day.

155 *Quest.* Did you learn whether he had stated periods of the day for calling to see Mrs. Baird?

Ans. My recollection is that he had not.

156 *Quest.* Why did you not remain home from Saturday till Thursday to see Doct. Ludlow upon the subject of your wife's illness?

Ans. It was not until Tuesday or Wednesday that my

feelings began to be of a very definitive kind; my action was more like that of a stupefied man, feeling that there was wrong somewhere, I knew not where, and I almost felt it wrong to even admit to myself that I had such suspicions; besides, Mrs. Baird did not seem to be at all frightened; there was something about her conduct that seemed opposed to my fears of her danger, and hence I tried to hope that a legitimate and proper course was being pursued.

157 *Quest.* When did you intimate to Doct. Ludlow that you suspected abortion had been attempted?

Ans. In our interview of Thursday, the 13th of February.

158 *Quest.* Did you then tell him who you suspected or thought was connected with it, or concerned in it?

Ans. I neither told him, or intimated to him that I suspected any person in particular.

159 *Quest.* Did you tell him that you suspected some person unknown to you was attempting to procure abortion?

Ans. I did not express myself to him in plain language, but intentionally expressed myself as delicately as I could, and his answer satisfied me he perfectly understood me; I told him, as near as I can recollect, that I was afraid there was something wrong, and that Mrs. Baird had friends who had queer views.

160 *Quest.* Did you know that Doct. Ludlow had written the prescription which you have stated was sent to Hubbell's, the druggist?

Ans. I did.

161 *Quest.* Did you inquire of Doct. Ludlow, when you first saw him at your house during that illness of Mrs. Baird, what he had prescribed for Mrs. Baird?

Ans. I don't think I did directly—my mind was then running in another direction.

162 *Quest.* How far was Hubbell's drug store from your house?

Ans. About a mile.

163 *Quest.* Did you go to Hubbell's at any time during that illness of Mrs. Baird to ascertain what Doct. Ludlow's prescriptions were?

Ans. I did not until the time referred to—I believe that was on the morning of Friday, February 14th, the day after the change of medicine.

164 *Quest.* Did you see Doct. Ludlow's prescriptions at Hubbell's when you went there?

Ans. I did; Mr. Hubbell offered to give it to me, but I then declined.

165 *Quest.* Do you know who took the prescriptions from your house to Hubbell's drug store which were written by Doct. Ludlow?

Ans. But one of these was taken to Hubbell's, and that by direction of Doct. Ludlow, as I understood; it was taken by Ann Leonard, a servant girl in the house.

166 *Quest.* When you dismissed Doct. Ludlow, or notified him to discontinue his visits to Mrs. Baird, was Mrs. Baird still quite ill?

Ans. She was yet not entirely confined to her bed.

167 *Quest.* Did she need the attendance of a physician upon her at that time, in your opinion?

Ans. She did very much.

168 *Quest.* When you notified Doct. Ludlow to discontinue visiting Mrs. Baird, did you call in another physician to take his place?

Ans. I proposed to call in any physician that Mrs. Baird should select, excepting Doct. Ludlow, and I especially expressed a desire to call in Doct. Hodge, with whom I had consulted; Mrs. Baird, in the most peremptory manner, declared that she would not see anybody but Doct. Ludlow, even if she were obliged to leave the house and board elsewhere in order to have his services.

169 *Quest.* Previous to the time of Mrs. Baird's illness referred to, had Doct. Ludlow been your family physician—and if so, for how long a time?

Ans. He had on two previous occasions attended in my family, covering a period of several months.

170 *Quest.* On your examination in chief, you said that Mrs. Baird herself, on the day of her withdrawal, informed you that she had made her arrangements to leave, and was leaving—what time of that day did she so inform you?

Ans. I should think it was about eleven o'clock.

171 *Quest.* Did you call police officers to your house on that day—and if so, how many and for what purpose?

Ans. I did bring some three police officers there, a sergeant of police and two others, to protect my children and household from invasion.

172 *Quest.* What invasion of your household did you expect would be made?

Ans. When I called the police I expected the attempt to be made that was made, to rob me of my children; parties did not appear that day that I expected, to show their assistance in the proceedings.

173 *Quest.* What parties did you expect to assist, etc.?

Ans. That is a question that I prefer not answering, but being put to me, would state that movements of Doct. Ludlow, Doct. Schenck, Miss Addie Schenck, and possibly others, had led me that morning to conclude that Mr. Torrey and his sons would that day come to my house and remove my family.

174 *Quest.* What were the movements of those persons that led you to that conclusion?

Ans. There are some things that cannot be described, and one reason why I hesitate to speak on this point is the difficulty, and indeed impossibility, of expressing in words the facts or data from which I came to such a conclusion; I will, however, to be as explicit as I can, mention Mrs. Baird's meeting Doct. Schenck once or twice at a neighbor's; the meeting of Doct. Schenck and Doct. Ludlow that I heard spoken of incidentally about that time; Addie Schenck's whole conduct indescribable, and the inadvertent information I obtained of her, going to Doct. Ludlow's after my second letter, for medical advice for the family; my letter to Doct. Schenck was penned some ten days before it was sent, in view of the position of things in my family at that time, but I delayed sending it.

175 *Quest.* Previous to the day on which Mrs. Baird announced to you that it was her intention to leave you, did you know or think that it was her intention so to do?

Ans. Here again I cannot answer as to a distinctness of opinion; Mrs. Torrey's conduct in leaving was unmistakeable; Addie Schenck's conduct was such as to prompt the letter I wrote her father indicating a disposition to keep up the unhappy feeling my wife manifested towards me at that time; my wife's action alluded to in regard to servants, her refusing even to have Doct. Hodge as her medical adviser, and her declaration that she would not occupy the same room with me until, as she said, I apologized for calling her a murderer (I understood her to refer to my letter written to her father); these and other circumstances, together with her known familiarity with family separations, had led me to fear that in an unguarded moment, and under evil advice, she might leave me; I then thought that if Addie Schenck were withdrawn an influence would be removed that might prove to be advantageous to the family, and harmony soon prevail.

176 *Quest.* What did Mrs. Baird allude to in reference to your charging her with being a murderer?

Ans. She alluded, I presumed, to my remarks in regard to the character of this crime in my letter to William Torrey, February 21st, 1862, which is in evidence, which letter Mr. Torrey informed me led him at once to write to Doct. Ludlow.

177 *Quest.* Had you not previous to that charged upon Mrs. Baird, or inquired of her whether she had not produced, or been concerned in producing an abortion?

Ans. I had on the 13th of February, as before stated, expressed my anxiety to her that she was doing something of

the kind, or that it was being done, but I used no such language, and there was no irritation.

178 *Quest.* Will you name who of Mr. Torrey's sons, from movements you had discovered, you expected at your house that day to assist Mrs. Baird in going away with the children?

Ans. I am not certain that I had fixed in my mind which one or ones, but I understood and believed that Mr. Samuel Torrey did remove the baggage of Mrs. Baird.

179 *Quest.* How do you know, or what induced you to believe that Mr. Samuel Torrey was engaged in removing the baggage?

Ans. I cannot now remember from who I learned that fact; I did see him, however, in the city myself that day, or the next morning, in company with Addie Schenck.

180 *Quest.* Did you direct the police officers to take any steps to prevent Mrs. Baird or the children from leaving your house?

Ans. Mrs. Baird was already gone when the police officers came, with three of the children—she had gone while I was absent for the officers.

181 *Quest.* Did those persons whom you have named, and whom you expected at your house that day to assist Mrs. Baird and her children in leaving your house, appear at your house that day?

Ans. Yes, sir; Addie Schenck had spent the night, and gone out that morning with a bundle in her arms, as I supposed to make arrangements for her own removal from my house; I did not see her, but was informed by the servants, and have no doubt of the truth of the information, that while I was up stairs with the sergeant of police, and two of the officers were watching about the door, she, by the aid of the servants, eluded their vigilance, and removed the other two children—I do not know who else assisted; carriages were ordered, as I was informed, and arrangements made that I did not suppose were made alone by Mrs. Baird; when Mrs. Baird was gone one of the servants told me that she was to go to Doct. Schenck for her pay, if I did not pay her; my house was entered within a day or two afterward against my express orders; as the servant informed me, Miss Schenck went up stairs, and removed articles, what I know not; she also retained a dead-latch key, which for the above reason I requested Doct. Schenck to have returned to me.

182 *Quest.* Were you at home when Mrs. Baird left your house to go to her father's, and what time of day was it?

Ans. I was not at home when she left the house with the three eldest children, which occurred, I suppose, between seven and eight o'clock in the morning; she did return

Ans. I was; I was there as stated supply for some five or six months, to the best of my recollection.

186 *Quest.* While at Carlisle had you any serious trouble or difficulty, and if so, what was it?

Ans. I had not, but received an earnest, pressing, and unanimous call to the pastorate of the church, upon my leaving.

187 *Quest.* While at Carlisle, did you advertise or give notice of giving public lectures upon the subject of astronomy?

Ans. I did deliver a course of lectures there upon that subject, which, as I remember, was not complete when I left.

188 *Quest.* Why did you not complete those lectures?

Ans. My health was very poor—the atmosphere of that neighborhood, the Wabash valley, seeming to disagree with me, and hence I the more readily regarded the earnest and pressing invitations to go East made by Mr. and Mrs. Torrey and my intended wife; my mother's health required her instantly to leave Terre Haute, and this induced my leaving, perhaps, two or three weeks sooner than I had expected to.

189 *Quest.* Had you any difficulty at Carlisle with the people on the subject of your engagement to deliver the astronomical lectures, and your not performing that engagement?

Ans. To answer specifically I would say I had not; the difficulty with me in answering more fully arises from the fact that I never had any difficulty or unpleasant feeling with any person whilst I was in Carlisle as pastor, and was informed that the call that was made out for me after I left was entirely unanimous—but there was, months afterwards, correspondence in which more or less reference was made to the non-completion of that course of lectures.

190 *Quest.* Did you sell tickets of admission to that course of lectures?

Ans. I really cannot remember whether I did or not—there was, however, I remember, a charge for admission.

191 *Quest.* Before you left Carlisle without having completed that course of lectures, did you notify the persons who had paid for admission that you were not to complete the course of lectures?

Ans. I really cannot remember, except that the amount I received from a committee (I think) who attended to the fiscal part of the business did not in the aggregate pay for more lectures than had been delivered, and I am confident I gave every statement that was gentlemanly and proper before I left, and did not know but that I might return in two or three months.

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192 *Quest.* Before you left Carlisle, did you notify that committee that you were going?

Ans. I think I did.

193 *Quest.* Did you advertise that those lectures would be attended with the exhibition of astronomical apparatus?

Ans. I believe so—I used such apparatus.

194 *Quest.* In your examination in chief you said that you had made note of such sums as you would receive from Mr. and Mrs. Torrey from time to time, amounting to $1145, of which sum $694 were of a compensatory nature, what was the last named sum a compensation for?

Ans. As stated before, it was for changes made in my family arrangements, involving increased expense to gratify the views of the family.

195 *Quest.* At the time you made a loan of one hundred dollars to Mr. William Torrey, as stated by you in your examination in chief, was any other person present beside Mr. Torrey, or did you mention to any person, and if so to whom, that you had made that loan to Mr. Torrey?

Ans. I have not a distinct recollection of the attending circumstances; my impression is clear as to the amount and the time, whilst I was at Manchester, after leaving Geneseo; I presume there would have been no secret of it to Mrs. Baird; I do not remember speaking of it to her, but I have an impression of conversation with Mrs. William Torrey, she oftentimes expressing great anxiety in reference to the embarrassments of her husband at that time.

196 *Quest.* When you loaned the money to Mr. Torrey, was there any specified time within which the money was to be returned?

Ans. My impression is that there was, and that I was somewhat embarrassed in making my arrangements to go South by his not having it at the exact time.

197 *Quest.* How long was it before he returned the money, and when did he hand it to you?

Ans. It was before I left for Vicksburg, about the 1st of April; the circumstances of the return I cannot recall, except so far as I have stated.

198 *Quest.* Did Mr. Torrey, at the time, give you any memorandum in writing as evidence of the loan, or did you make any memorandum at the time?

Ans. I do not think there was any note taken of it.

199 *Quest.* Was you in debt at the time of your marriage?

Ans. I was.

200 *Quest.* To what amount?

Ans. I do not remember.

201 *Quest.* Had you the means at that time of paying your indebtedness?

Ans. I think in part only; my brother William eventually paid it all.

202 *Quest.* Did you inform your wife, or any of her family, prior, or at the time of your marriage, that you were thus in debt?

Ans. I did.

203 *Quest.* Who did you inform, and when?

Ans. I am confident that both Mrs. Baird and Mrs. Torrey, her mother, were well aware of the fact a considerable time before our marriage; I feel confident they knew it before our engagement, but cannot recall any particular time or conversation in which we conversed upon the subject.

204 *Quest.* Did you use any of the money sent by Mr. William Torrey to Mrs. Baird for any other purpose than that connected with providing for your family?

Ans. I did not.

205 *Quest.* Did you use any of that money to repay money you had borrowed from any person, and if so, what amount and to whom?

Ans. When I went to housekeeping in Philadephia we desired to make our purchases at once, and after consultation I requested my mother to let me have a small amount (perhaps one or two hundred dollars) that we might make those purchases without delay, and perhaps at less expense, it being definitely understood between Mrs. Baird and myself, and so stated to my mother by me, that this loan was a mere temporary convenience to us for expenses that Mr. Torrey's monthly instalments were by us thus appropriated to, and on the 3d of February Mrs. Baird receiving a check for $50, endorsed it, and handed it voluntarily to me, requesting me to take it to my mother; I did so, and in the evening she made inquiry of me about the matter, seeming gratified that her father had promptly met our expectations.

206 *Quest.* Was that fifty dollars all that you paid your mother on account of that loan which was received from Mr. William Torrey?

Ans. It was all I ever saw from Mr. Torrey in fulfilment of his promises made to me in December, 1861.

207 *Quest.* How long did you make that loan of your mother before you paid that $50 on account of it?

Ans. About five or six weeks.

208 *Quest.* Had you borrowed that money from your mother before the agreement made by Mr. Torrey with you, as just stated?

Ans. I had not.

209 *Quest.* Did you communicate to Mr. William Torrey,

before he made that agreement with you, that you would be obliged to borrow money for the purpose of furnishing the house?

Ans. I have no recollection of any conversation upon that subject with him.

210 *Quest.* How soon after Mr. Torrey made that agreement with you did you borrow that money of your mother?

Ans. I think it must have been three or four weeks—I cannot recall the date of that engagement without examining notes, but think it was about the middle of November the agreement was made; I borrowed this money of my mother after Mrs. Baird's visit to Philadelphia, about the 10th of December, after we had rented a house, and mutually determined on our household arrangements.

211 *Quest.* Do you remember the date of the fifty dollar check you received from Mrs. Baird, and how soon after its date you received it?

Ans. I do not remember the date of the check—it was received on the 3d of February, I think Monday morning; it was a stormy morning, and we started together from the house and separated, she going, as she informed me, to a shoe store somewhere about Sixth and Pine streets, I expecting to see my mother, as I did in the course of the day.

212 *Quest.* With the money you borrowed from your mother did you purchase unnecessarily or extravagantly expensive furniture or fancy articles, extravagant for your condition and circumstances?

Ans. No, I did not.

213 *Quest.* Did you purchase a Bohemian glass fruit stand?

Ans. I did make such a purchase, but that it was with any part of that money I cannot say; I had a considerable amount, I cannot say how much, reserved for our expenses in going to housekeeping; Mrs. Baird being unable to attend to the purchases and arrangements of the household, in the main devolved it upon me; in making those purchases I intended to consult her views as far as I had been able to ascertain them.

214 *Quest.* With that money did you purchase marble topped black walnut furniture?

Ans. I think not, I think I made no such purchase.

215 *Quest.* Did Mr. Torrey agree to furnish that money in his agreement with you, that you have referred to, for the purchase of anything else except provisions or clothing, or towards defraying the daily current expenses of the family?

Ans. There was no limitation at all in his agreement, and the first suggestion to that effect was made by Mrs. Torrey, upon her visit in February; his engagement was distinct and explicit to pay so much a month for our support.

216 *Quest.* After the agreement you have stated with Mr. Torrey, when you knew that Mrs. Baird had received letters from home, did you always inquire whether she had received money in her letters?

Ans. I have no remembrance of doing so, but think it not improbable, as we both were disappointed in the non-fulfilment of Mr. Torrey's promises.

217 *Quest.* When you understood from Mrs. Baird, about the 1st of March, that she had received the March installment from her father, and would retain it, did Mrs. Baird tell you why she thought she had better retain it, and what she wished to do with the money?

Ans. I cannot recall the whole conversation, but I think she congratulated herself that she had the means of paying her board in order to have Doct. Ludlow visit her; I also think she said something about making certain household purchases with part of it—I don't remember what articles.

218 *Quest.* When you expressed to Mrs. Baird, in strong terms, your disapprobation of her conduct, and its impropriety, why did you object to her retaining money?

Ans. Because, according to our previous distinct explicit understanding, these remittances were to be used for explicit purposes, for the replacement of the money obtained temporarily from my mother, etc., therefore her retention violated our plighted faith.

219 *Quest.* Did Mrs. Baird propose or indicate the purpose of using any of that money for any other purpose than to expend it toward defraying the proper or necessary expenses of the family?

Ans. She indicated a determination to use it without any regard for my wishes, and as I have stated above.

220 *Quest.* Did you pay to your mother any more of the money sent by Mr. Torrey than the fifty dollars already mentioned?

Ans. As stated before, the February installment was the only one I ever received, and therefore the only one I could have paid to my mother.

221 *Quest.* Did you purchase, in New York, a carpet for your study with the money sent by Mr. Torrey, or any part of it?

Ans. I did purchase in New York a carpet for our bedroom and my study, and I remember that this was paid for, at Mrs. Baird's request, out of the present she received upon the first of January, alluded to in my examination in chief.

222 *Quest.* You stated in your examination in chief, that you were "fully convinced that your happiness and comfort, and that of Mrs. Baird, would have been more promoted by the withholding of such gifts as her family were making to

her, than by their bestowal, partly because of the manner of their bestowal and the manner of their expenditure being designated, and that not always being most suitable, and partly because of its inducing a growing disposition on the part of Mrs. Baird to rely upon her family, and not upon her husband, for many of those things in themselves not of much consequence, but which on the whole in a family have a great tendency to cement affection"—will you state your ground of objection or dissatisfaction with the manner of their bestowal, in what manner their expenditure was designated, and any other objection you had to the family of Mrs. Baird bestowing upon her occasional gifts and presents?

Ans. It would be difficult, indeed impossible, to explain, yet I would state that the main difficulty arose from the fact that as these presents came there were proposed expenditures which involved me in expense, and yet seemed to be made more and more from time to time, as to a poor distressed family; at Lockhaven I can remember distinctly that Mr. Torrey had suggested certain expenses that he would meet in regard to the servants, and what else I do not remember, and that when we left Lockhaven he fell short a hundred dollars of the expectations raised in Mrs. Baird's and my own mind; I would also mention that on our settling at Lockhaven there was forwarded to us a large quantity of old household furniture and goods which had been used at Manchester, and I know that we both were mortified at the time of the reception of these goods, almost valueless to us, and in a condition to require very considerable expense to repair them for use; I felt at the time that we would have been better off in every way without the gift, however kindly meant; the expenses eventually have been sufficient to have purchased suitable new furniture.

223 *Quest.* Did you bring those articles of household goods, or any of them, from Lockhaven to Philadelphia, and use them as furniture or household goods in your house in that city?

Ans. By way of St. Louis, I did.

224 *Quest.* Did you use them at St. Louis?

Ans. They were there stored in storehouse waiting Mrs. Baird's decision, and my own determinations depending thereon.

225 *Quest.* Did you use them in Philadelphia, and where are they now?

Ans. They were used in Philadelphia, and I have already given an account of them in the previous part of my testimony.

226 *Quest.* Have you sold or given them away?

Ans. At different times I did; I had nearly made up my mind, at the suggestion of Mr. Theodore Torrey, to dispose of the whole of them at St. Louis.

227 *Quest.* Do you know, of your own knowledge, that Doct. Ludlow called on the session of the Fifteenth Presbyterian church, in Philadelphia, and endeavored to traduce your character to them?

Ans. My statements in my examination in chief were based upon information, as there stated, derived from the session; I believe Doct. Ludlow here, on his examination, admitted the visit and the general object of it—I have no other knowledge.

228 *Quest.* You had letters of recommendation from the Misses Jackson (you stated in your examination in chief), the principals of the female department of the Geneseo Academy—was Miss Jackson principal in the female department of said academy when you arrived there, and did she continue so all the time you remained there?

Ans. Yes.

229 *Quest.* You said, in your chief examination, that Mrs. Baird wished to remain East during the winter with Doct. Schenck's family, and requested your consent; did you at any time consent to her remaining East, instead of going to you at Westport?

Ans. I think I did for a time, or until difficulties could be removed that had been thrown in the way of my arrangements.

230 *Quest.* How long was the money in the savings institution in Philadelphia, to draw a hundred and forty dollars of which you sent your check or draft for that amount to meet Mrs. Baird's expenses preparatory to her going to Westport?

Ans. I had an account with that institution for months previous, and remained under the impression that the full amount requisite to meet the check had been there for some considerable time before I expected the order to be presented.

231 *Quest.* Were those moneys deposited in that institution, as appears by your bank book, which has been exhibited, all your own money and funds, or had you borrowed any part of them when they were deposited?

Ans. They were all my own money—a part of it was an advance of my salary, and borrowed in no other sense.

232 *Quest.* Do you know who went for Doct. Ludlow when he was called to see Mrs. Baird during her last illness at your house?

Ans. Ann Leonard, I believe, was the servant who went.

233 *Quest.* You have said (in your examination in chief) that before Mrs. Baird's severe illness, you considered her in

a morbid state of mind on account of her condition, and that she had desired that Doct. Ludlow should be consulted for the purpose of procuring abortion—how long was this before the Saturday on which you have stated that Mrs. Baird was taken seriously sick?

Ans. About three weeks.

234 *Quest.* Did you call upon Doct. Ludlow and communicate to him what you considered the morbid state of mind of Mrs. Baird, or to acquaint him, as your family physician, that your wife had talked with you about consulting him for the purpose of producing abortion?

Ans. I did not.

235 *Quest.* You have stated (in your examination in chief), relating to this subject, that you considered your wife's mind diseased on the subject of having an abortion, or words of that import—did you never communicate that to your family physician?

Ans. I did not; I thought it was rather a moral than physical ailment, and was on the point of writing to her father, from the 20th to the 25th of January, but thinking she had given up the idea in the course of a few days, I did not carry out my plan.

236 *Quest.* When, during that illness of Mrs. Baird, you found her sinking very rapidly, and several times supposed she would die, as stated by you, did you inquire of Doct. Ludlow what medicine she was taking?

Ans. In the interview I have previously alluded to I may have done so, but i knew at the beginning of that interview my mind rested under an opinion that diverted it in some measure from him and his treatment, hence I may not have asked him particularly about that prescription.

237 *Quest.* Where were Mrs. Baird and Ann Fox (or Leonard), the servant girl, when you casually overheard a conversation between them, as stated by you in your examination in chief?

Ans. They were in the second story front room, Mrs. Baird being in bed at the time.

238 *Quest.* How near was Ann to Mrs. Baird at the time you overheard that conversation?

Ans. I did not see them at the time.

239 *Quest.* Do you know whether there was any other person in the room with them at that time?

Ans. I do not think there was.

240 *Quest.* Where was you when you overheard the conversation?

Ans. I believe I was on the flight of stairs between the second and third story, and ascending the stairs.

241 *Quest.* How far were those stairs which you were as-

cending from the room in which Mrs. Baird and the servant girl were?

Ans. About fifteen feet.

242 *Quest.* Are you quite sure that on the evening you have spoken of when you obtained some articles at Doct. Jayne's drug store on Chestnut street, that you either went to Mrs. Gibson's house or to your own house, the whole or any par of the way, in the street cars?

Ans. I am quite sure that I went directly to Mrs. Gibson's, and that I arrived there at about twenty minutes to eleven o'clock, but I am not sure that I went in the cars that evening, though that is my impression; I was boarding at that time at Mrs. Gibson's house.

243 *Quest.* How long have you been engaged in the insurance agency of which you have spoken in your chief examination?

Ans. I think it is some three months or more since I accepted the agency.

244 *Quest.* What have your commissions amounted to during that period?

Ans. I have no memoranda by me to give a correct answer.

245 *Quest.* As near as you can state?

Ans. I should think about two hundred dollars; owing to my engagements here I have not been able to devote myself to the business half the time.

246 *Quest.* In what place do you conduct your agency, and have you an office at any place?

Ans. I have an office at No. 400 Chestnut street, Philadelphia, room No. 6.

247 *Quest.* Were any of the letters which you have exhibited as written by Mr. William Torrey written to you while you were at Westport?

Ans. I think so.

248 *Quest.* Have you any other letters written by Mr. William Torrey to you at Westport?

Ans. I do not know that I have.

249 *Quest.* Were you in the habit, without Mrs. Baird's knowledge, of reading her letters received from different members of her family?

Ans. I was not until a few days before she left—she always held it as one of her principles that there should not be any private correspondence of a wife, even with her relatives, and hence such a case could not have occurred, and did not occur.

250 *Quest.* How long did you continue at housekeeping in Philadelphia after Mrs. Baird left you?

Ans. Some months—I cannot tell how long; I did not give up the house till some time in October.

251 *Quest.* How long had you discontinued housekeeping before you gave up the house?

Ans. As I have said, I cannot determine the time—it was some time before the 1st of July, I think.

252 *Quest.* Was the house unoccupied between July and October when you gave it up?

Ans. Except as an occasional convenience for myself, mother, and brothers, it was.

253 *Quest.* After Mrs. Baird left you, who composed your family as long as you kept house?

Ans. My mother and sister and one or two servants.

254 *Quest.* What has become of Mrs. Baird's bed linen, beds and bedding, towels, napkins, and table cloths, which she left at the house when she left you?

Ans. How much of it was sent to her and how much not sent I do not at present recollect; in regard to Mrs. Baird's articles named in the question as distinguished from my own, I recollect nothing at all; I have a distinct recollection of a large quantity of bed clothing being found in the cellar and about the house, some I think in the yard, and some of these I sold, I am very certain the larger part of them, to a dealer in rags.

255 *Quest.* Were the articles you sold to the rag dealer only fit for rags, or might they have been useful in the family for bedding?

Ans. They were all (and there was nearly a cart load) in a condition unfit for use without being manufactured over again.

256 *Quest.* Did you send any of these articles to Mrs. Baird?

Ans. I sent a large quantity of things, according to my recollection.

257 *Quest.* Did you send them at the same time and in the same way as you have stated you sent the furniture to Mrs. Baird?

Ans. That is my impression; I was then very unwell, and my remembrance is that I sent everything away from my house that would prevent me from being further annoyed on that score in my state of health; what I sent I cannot recall, but I remember I paid several dollars for their conveyance to the depot.

258 *Quest.* While Mrs. Baird lived with you, did she have a gold watch, and do you know what became of it?

Ans. She did have one, which on a visit to New York she kindly urged me to take with me; whilst there it was robbed

from me whilst walking on the street to the hotel or at the hotel.

259 *Quest.* How do you know you were robbed of it?

Ans. I do not know I was robbed of it, I might have dropped it in passing; I was under the impression at the time that it was stolen from me, and I advertised for it.

260 *Quest.* Before missing the watch in New York, was you in company with any person or persons there who were strangers to you?

Ans. I think not; my recollection, upon taxing my memory, is that I had come from Mr. Torrey's house that evening, and was on my way to the hotel; I looked for the time at a particular street, and before I got to the hotel I felt for the watch, either to see the time or inadvertently, and it was gone; my impression then was that it had been taken from me—it was a showery stormy evening.

261 *Quest.* Had you a guard appended to the watch?

Ans. I do not remember—I frequently carried my own watch without a guard of any kind.

262 *Quest.* What street was it you alluded to?

Ans. Broadway.

263 *Quest.* What hour of the night did you arrive at the hotel?

Ans. I do not remember.

264 *Quest.* Have you been much in the habit before Mrs. Baird left you of charging her with telling deliberate and wilful falsehoods?

Ans. I was not.

265 *Quest.* At the time Mrs. Baird left you, and for several years before that, what was the general state of health and physical condition of your son Robert Breckenridge Baird?

Ans. Robert had been rather more delicate than the other children; he had had two or three severe attacks of inflammation of the lungs, under one of which he was suffering at the time Mrs. Baird left me.

266 *Quest.* Has Mrs. William Torrey been in the habit of handing you pocket money for your convenience?

Ans. No.

267 *Quest.* Did she hand you twenty-five dollars with that object while in Philadelphia, just before you went to Lockhaven?

Ans. Not to the best of my recollection.

268 *Quest.* While at Wooster, Ohio, did you borrow any money from Mr. Samuel W. Torrey, and if so, how much?

Ans. I did, two hundred dollars.

269 *Quest.* Did you return it to him?

Ans. How much I returned to him I do not know; he very kindly made me a donation of the balance of the note,

after it had run a year and a half; the impression on my mind is that after I had paid some portions of the note he donated me what amounted to the full face of the note at the start—yet I am not positive.

270 *Quest.* What became of the articles of household furniture (as distinguished from bedding, etc.) belonging to Mrs. Baird which you did not send to her?

Ans. I sold them.

[The witness being shown a letter in two sheets, dated Geneseo, December 6th, 1849, (marked by me *Exhibit No.* 14 on the part of the defendants) addressed to "My dear mother Torrey," and signed James, is asked]—

271 *Quest.* Are those two sheets in your handwriting, and were they written by you, and sent to Mrs. William Torrey?

Ans. Yes.

[Also, being shown a letter, dated Vicksburg, October 15th, 1850, addressed to "My dear mother," signed James, marked by me *Exhibit No.* 15 on the part of defendants, is asked]—

272 *Quest.* Is this a letter written by you to Mrs. Torrey?

Ans. It is.

[Also, being shown a letter, dated Vicksburg, March 21st, 1851, addressed "Dear mother," signed James H. Baird, marked by me *Exhibit No.* 16 on the part of defendants, is asked]—

273 *Quest.* Was this letter written by you, and addressed to Mrs. William Torrey?

Ans. Yes.

[Also, being shown a letter, dated Wooster, April 28th, 1852, addressed "My dear father," signed James H. Baird, marked by me *Exhibit No.* 17 on the part of defendants, is asked]—

274 *Quest.* Whose letter is this?

Ans. The first three pages of this letter, and the top of the fourth, were written by Mrs. Baird, and from there, commencing April 24th, were written by me.

[Also, being shown a letter, dated Westport, October 13th, 1860, addressed "My dear wife," and signed James, marked by me *Exhibit No.* 18, is asked]—

275 *Quest.* Was this letter written by you, and sent to your wife?

Ans. It was.

[Also, being shown a letter, dated Westport, February 22d, 1861, addressed "Wm. Torrey, esq.," and signed J. H. Baird, marked by me *Exhibit No.* 19 on the part of defendants, is asked]—

276 *Quest.* Was this letter written by you, and sent to Mr. William Torrey?

Ans. Yes.

[Also, a letter, dated Westport, Missouri, February 20th, 1861, addressed "My dear Addie," and signed James, marked by me *Exhibit No.* 20, is asked]—

277 *Quest.* Was that letter written by you, and sent to Mrs. Baird?

Ans. It was.

[Also, being shown a letter, dated Westport, November 2d, 1860, addressed "My dear Addie," and signed J. H. B., marked by me *Exhibit No.* 21, is asked]—

278 *Quest.* Was this letter written by you, and sent to Mrs. Baird?

Ans. The letter is mine; there are two marginal notes on the third page (one at the top of the page) which seem to be in the handwriting of Mrs. Baird.

Re-examined in chief by Mr. Browning.

279 *Quest.* Are the two hundred dollars, which you stated in your cross-examination that Samuel W. Torrey kindly gave you, the same $200 set down in *J J* (2), as having been received from him?

Ans. They are—and I might add, that in the summer following that donation, after leaving Wooster, Ohio, on expostulating against expenses attendant upon a visit to Manchester on the part of my family, Mr. William Torrey suggested that those expenses could be met out of that $200.

[The witness being shown a writing, marked by me *Exhibit U U* on the part of prosecutor, is asked]—

280 *Quest.* What is this paper?

Ans. This is an official copy of the action had by the presbytery of Newcastle at Carlisle, Pennsylvania, October 23d, 1851, upon my report to them of myself, during the year or two previous, and upon certain matters brought to their notice as charges by the session of the church at Carlisle, Indiana.

281 *Quest.* Did you receive the invitation of Samuel W. Torrey to stop at his house upon leaving Geneseo before or after the letter marked *Exhibit No.* 14 on the part of the defendants?

Ans. I received the letter of invitation after writing this letter (*Exhibit No.* 14), at which time my impression is that we had some thoughts of going to Carlisle, Indiana.

282 *Quest.* In your letter to Mrs. Torrey, marked *Exhibit No.* 15 of defendants, you state that the yellow fever with which you had been attacked was of but two or three days' continuance, and that you were then "as well *as usual;*" and in your answer to the return, on pages 8 and 9, you state that the climate at Vicksburg threatening to break down

your constitution had terminated in an attack of yellow fever, and that, still in feeble health from it, you had resigned your charge at Vicksburg, and travelled leisurely across the country to Sandusky, Ohio—how do you explain that?

Ans. That letter was evidently written, as far as possible, to calm any excited feelings in the minds of the family lest Mrs. Baird and myself should suffer from the climate and that disease, and hence I expressed myself in the most hopeful manner possible; I never, however, in my life was more deceived about the character of any disease than I was about that, and I distinctly remember my friends' remarks to me when I assured them that I felt as well as usual, and would be about again as usual in a few days; the emphasis on the words "as usual," however, was evidently meant to indicate, as the body of the letter states, that I was by no means well, and the effects of that disease upon me became more and more serious in the following months, until I doubted whether I would ever again be able to accept a pastoral charge.

[The witness being shown a letter, dated Toledo, November 24th, 1855, addressed, My dear James, and signed Mother, marked by me *Exhibit V V* on the part of prosecutor, is asked]—

283 *Quest.* From whom is this letter, and to whom addressed?

Ans. It is written by Mrs. William Torrey, and addressed to myself, while I was at the general assembly in Tennessee, Mrs. Torrey being with my family at Toledo, Ohio.

284 *Quest.* Was it overlooked in making up the manuscript book, marked *Exhibit O O*, and marked 4½, with a view to being inserted in that book? [Mr. Chetwood consents to the insertion of said letter in *book O O.*]

Ans. It was.

285 *Quest.* Why did you not sell the old furniture which had been sent to you at St. Louis, as proposed by Mr. Theodore Torrey?

Ans. The reason I did not was that Mrs. Baird at times would seem to have a special attachment to it, although in general this was not the case, and embarrassed as I was at that time by her course, and the expenses in which her course involved me, the freight of the furniture being really more than its value, if it had been suitable for us; Mr. Theodore Torrey urged me to sell it, and not cart it about—(I think that was his expression); I however, with great difficulty, succeeded in borrowing the money necessary to pay its immediate expenses, and concluded not to do so; eventually, in Philadelphia, upon a call from Mr. William A. Torrey, when he expressed to me great anxiety about the furni-

ture and the clothing of the children, telling me of their distressed condition being such that he had advised that the children be clothed in bags, I gave to him, as already indicated, some of those goods and clothing, and to Mr. Theodore Cuyler, a mutual friend, who had spoken to me on the subject, I stated that I would at once freely give to the family every article of every kind that by the most enlarged construction they could in any way in any sense regard as theirs or Mrs. Baird's, if they would simply pay those expenses in which I had been involved by the possession of those goods; he said it was an eminently honorable proposition; Mr. William A. Torrey having left me the direction, I eventually, as stated before, sent the goods.

286 *Quest.* Who nursed Mrs. Baird during her sickness next before the separation ?

Ans. Ann Leonard I believe nursed her, being with her day and night until about Friday, the 14th of February; Mrs. Baird very reluctantly parted with her only at the pressing suggestion of a friend and myself, fearful that she might be confined at our house while Mrs. Baird and the children were sick.

287 *Quest.* What was the occasion of your going up stairs between eleven and twelve o'clock at night, when you overheard Mrs. Baird speaking to this servant ?

Ans. I was returning from the kitchen, whither I had been called by the police, who informed me that some one was trying to break in the house; I had been in bed and asleep when called.

288 *Quest.* After having discharged Doct. Ludlow, and Mrs. Baird declining to have any other physician, did you call in Doct. Hollingsworth as a physician to one of your children, and if so, what was the result ?

Ans. After my second letter to Doct. Ludlow, an ineffectual attempt, previously spoken of, to induce Mrs. Baird to consent to the calling in of Doct. Hodge, I requested Doct. Hollingsworth to call and prescribe for Robert, then in a dangerous condition; he did call that evening, the 27th of February, but Mrs. Baird informing him that she had confidence in Doct. Ludlow, and that he was then prescribing for that child, Doct. H. left the house; on Saturday, the 1st of March, I again called on him, requesting him to attend to the child, who was very seriously ill; whilst conversing with him, my servant entered with a note from Doct. Ludlow, as he informed me whilst holding the note in his hand; he stated to me that Doct. Ludlow relinquished the case, and that he would call, and did so.

289 *Quest.* On the day that Mrs. Baird withdrew herself

and children from you, did she tell you that she was acting by advice—and if so, by whose?

Ans. On that day, when in my house at or about eleven or twelve o'clock, I had urged her to reconsider her course, and she seemed temporarily to be awakened to its impropriety, and began some expression indicating a disposition to change her plans; stopping short, however in her remarks, she said she was acting by advice, and hence she could not change on her own motion; she would not however inform me as to who was her adviser.

290 *Quest.* Did you ever get back the dead latchkey taken by Miss Addie Schenck?

Ans. It was never returned.

Re-cross-examined.

291 *Quest.* Were there charges preferred against you by the session of the church at Carlisle, Indiana, and if so, what was their character?

Ans. The charges were of failing to pay some bills left by me to be settled between them and my brother, the session owing me more than all I owed there; *Exhibit U U* would indicate that the presbytery had the whole of the facts before them, but they are not fresh in my memory now.

292 *Quest.* Is there any place at all where you have been engaged in ministerial duty, either as settled pastor or stated supply, in which charges of some kind were not preferred against you, either by the session, trustees, or members of the congregation, prejudicial to the character of a clergyman?

Ans. I have been annoyed in that way in some three instances, but in no case has any one ever made a charge against me in an open way or in a way known to me, which, admitting it to be true, would necessarily involve impropriety of conduct; I speak now without having time carefully to examine papers and at leisure to consider the matter, but believe what I have stated to be true. The embarrassments that I have had in this way have been such, and the circumstances surrounding such as to lead me to fear that there was a closer connection between these different attacks than was apparent on the surface.

293 *Quest.* How long was Ann Leonard living as a servant in your house?

Ans. She came January 31st, 1862, Mrs. Baird obtaining her at the intelligence office, and I believe she left on the 14th of February—she was there about two weeks.

Re-examined in chief by Mr. Browning.

294 *Quest.* What charges do you include in the answer to

the second question put to you in your re-cross-examination, and which is now read to you? [Question read.]

Ans. I had in my mind especially the Carlisle affair, that at Lockhaven, and that with reference to Geneseo; in that connection I did not think of the matters referred to in the Fifteenth church, where, I might further state, no one ever brought any charges against me of any kind whatever in a legal sense, although, in open presbytery, I demanded that such should be brought, if there were any, so that I might be able to answer them before my brethren in judicial form. In my answers on this point I speak from memory, and have reference only to matters to which my attention has been drawn formerly or by any judicatory of the church.

JAMES H. BAIRD.

Sworn and subscribed before me, this twenty-second day of June, A. D. 1865.

CHAS. P. STRATTON, *M. C.*

[Note.—The foregoing examination of the prosecutor, James H. Baird, was commenced on Wednesday, June 7th, and continued, by various adjournments, to Thursday, June 22d, at which time it was concluded, and then sworn to by the witness and subscribed.]

July 2d, A. D. 1866.—The solicitors in these proceedings, on both sides, having declared their testimony concluded, said testimony is this day closed.

CHAS. P. STRATTON, *M. C.*

Exhibits on Part of Defendant.

Exhibit No. 2.

2121 W. Delancey street,
Philadelphia, March 10th, 1862.

Rev. W. E. Schenck, D. D.

My dear brother,—As your daughter Addie is being urged to continue her visit at this time, and as this is an element of a system of arrangements, made without consulting me at all, and contrary to my wishes and sense of propriety and duty, christian candor compels me to say that, under present circumstances, a continuance of her visit is not desirable. Not only is her presence at this time incompatible with higher and controlling considerations, but it may involve her name in a way which my regard for you leads me to wish to avoid in occurrences which will possibly assume a very unpleasant publicity.

At an suitable time be assured that none would be more welcome in my house than your children, from whose mother, as well as from yourself, I received unbounded kindness.

Further explanations are not necessary. But I assure you

I am, as ever, yours fraternally,

J. H. Baird.

Exhibit No. 3.

Extracts from the minutes of the presbytery of Philadelphia.

November 10th, 1862.

"At the request of the pastor and elders of the Fifteenth church, the following committee was appointed to visit that church, and inquire into certain difficulties alleged to be existing in it, viz.: Rev. Messrs. Grier, Blackwood, Crowell, Harbaugh, and Breed, and Messrs. Samuel H. Fulton, Daniel L. Collier, and Jno. S. McMullin."

December 8th, 1862.

"The committee on the Fifteenth church presented the following report, which was adopted.

"The committee appointed by the presbytery, at the re-

quest of the pastor and elders of the Fifteenth church, to examine into certain difficulties alleged to exist in said church, beg leave to respectfully report—

"That they have given to this subject an extended and careful examination, having first heard Mr. Baird fully in such statements as he wished to make—having then heard the elders of the church in statements of their views in regard to the condition of the church, and also in regard to the measures which they deemed needful to relieve it from its difficulties—and finally having heard statements from several members of the congregation, who appeared voluntarily before the committee, and were examined as to the state of feeling existing in the congregation—and having carefully weighed the various statements thus made to them, the committee submit the following, as their judgment in the case, to wit:

"'1. That nothing has appeared in the facts and statements presented to the committee which should impair the confidence of the presbytery in the character, ministerial or christian, of the Rev. James H. Baird.

"'2. That there does exist at the same time, in the congregation, an apparent desire that Mr. Baird should cease to be pastor of the church, and that many of the congregation believe this to be necessary both for the interests of the church and for the comfort and usefulness of Mr. Baird. The committee, while calling the attention of Mr. Baird to this state of things, do not feel called upon at present to recommend any further action on the part of the presbytery.

"'All of which is respectfully submitted.'"

"A paper was also laid before the presbytery, signed by forty-nine members of the congregation, asking that Mr. Baird should continue in the pastoral care of the congregation.

"In view of all these facts, the committee was continued, and directed to meet with the congregation, and ascertain the state of feeling towards the pastor."

January 5th, 1863.

"The committee on the Fifteenth church presented the following report, which was adopted.

"'The committee on the affairs of the Fifteenth church, which was continued at the last meeting of the presbytery, and directed to ascertain the sentiments and feelings of the congregation in respect to the continuance of the Rev. James H. Baird as pastor of the church, beg leave respectfully to report, to wit:

"'That they convened the congregation, after due notice

given in the church, and proceeded to take a vote of the congregation in regard to the question thus submitted, when *forty-nine* members of the congregation expressed, by their votes, their wish that Mr. Baird should cease to be the pastor of the church; and *sixteen* members of the congregation expressed, by their votes, their wish that Mr. Baird should continue to be pastor of the church; and six persons, members of the congregation, declined to vote.'

"'All of which is respectfully submitted.'"

"The Rev. James H. Baird offered his resignation as pastor of the Fifteenth church. After mature deliberation, the presbytery adopted the following minute, viz:

"In view of the existing state of affairs in the Fifteenth church, as brought before presbytery by the committee appointed to take them into consideration, and in view of the request of the Rev. Mr. Baird for a dissolution of the pastoral relation between him and said church—

"Therefore resolved—

"1st. That the pastoral relation be, and hereby is dissolved.

"2d. That the session of said church be directed to see that the salary of Mr. Baird be paid up to the present time.

"3d. That the Rev. Silian Bonhomme preach in the Fifteenth church on the next Sabbath morning, and declare the pulpit vacant.

"4th. That the Rev. Matthew B. Grier be appointed provisional moderator of the session, and that the session, with their provisional moderator, be a committee to supply the pulpit until the next stated meeting of the presbytery.'"

A true extract from the minutes of the presbytery of Philadelphia.

Attest. W. M. Rice,
Stated clerk of the Presb'y of Philadelphia.

Exhibit No. 4.

Philadelphia, October 14th, 1862.

Rev. and dear sir,—In regard to the matters with respect to which we had a conference with you on the 1st instant, we desire to communicate to you our decided and deliberate opinion, based on our own personal observation, that such is the state of things in the congregation that your usefulness as its pastor is at an end. We are satisfied that your

further continuance in this position would be alike unpleasant and injurious to yourself and disastrous to the church.

In making this statement of our unanimous opinion, we beg to say that we are actuated by none but kind feelings towards you personally, nor would we be understood as deciding that you are certainly guilty of all the things which rumor lays to your charge.

We only state what we solemnly believe to be the fact, that these reports, growing in great part out of your unhappy family difficulties, has produced a necessity for all the parties concerned that the pastoral relation should be dissolved.

We beg your immediate attention to this important matter, and we earnestly pray that you may be led to such a consideration as shall be for the best interest alike of yourself and the congregation.

Yours very truly.

Signed by the session of the Fifteenth church.

JAMES MCNEIL,
JOHN WILLIAMS, jun.,
JOHN WILLIAMS, sen.

N. B. Please answer immediately.

EXHIBIT No. 5.

Philadelphia, October 14th, 1862.

Rev. and dear sir,—In regard to the matters with respect to which we had a conference with you on the 1st instant, we desire to communicate to you our decided and deliberate opinion, based on our own personal observation, that such is the state of things in the congregation that your usefulness as its pastor is at an end. We are satisfied that your further continuance in this position would be alike unpleasant and injurious to yourself and disastrous to the church.

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We only state what we solemnly believe to be the fact, that these reports, growing in great part out of your unhappy family difficulties, have produced a necessity for all the parties concerned that the pastoral relation should be dissolved. We beg your immediate attention to this important matter, and we earnestly pray that you may be led to such a con-

clusion as shall be for the best interest alike of yourself and the congregation.

Yours very truly.

Signed by the session of the Fifteenth church.

JAMES McNEIL.
JOHN WILLLAMS, jun.,
JOHN WILLIAMS, sen.

N. B. Please answer immediately.

EXHIBIT No. 6.

Philadelphia, October 18th, 1862.

Dear brethren,—Yours of the 14th was duly received. You speak of "matters with respect to which we had a conference with you on the 1st instant." I will only remind you that, at my suggestion, the conference which you then anticipated was postponed, and that when I had secured proof of the false and libellous nature of the statements to which you then drew my attention, I sent you a written request that the conference should take place—a request to which I have received no answer whatever.

Waiving, however, any other remarks on your note, I will merely state that the house which I have occupied has just been rented, involving my necessary occupation in removing my furniture, as I must vacate it by Monday or Tuesday next. Immediately after occurs the meeting of synod, which will continue its sessions over Sabbath.

Upon my return from that meeting, which will be the earliest time when I can give proper attention to a subject so grave, I will be ready, God willing, cheerfully to concur in the proper steps to bring the matter to an issue before the presbytery.

It would be altogether contrary to my views of propriety and duty to minister to a dissatisfied congregation, however causeless, the dissatisfaction, and unjust and cruel the mode of its expression.

Neither will my other duties nor the state of my health permit me to attend to the matter at an earlier date than that above indicated.

Yours truly, in the bonds of Christ,

JAMES H. BAIRD.

Messrs. Williams, McNeil, and Williams.

EXHIBIT No. 7.

Upper Sandusky, Ohio, May 29th, 1856.

W. Torrey, esq.

Dear father,—Your letter of the 22d arrived in due time, and my reply to your telegraphic despatch is, I presume, a sufficient reply to it. The day you sent the despatch Addie and all the children and girls, with Wealthy and her children, were out at the old Wyandot mission church.

Our health since we came to this place has certainly been as good as we had any right to expect, and especially in view of our house arrangements.

It certainly is very kind in you to think of us with so much interest, though Addie's letter, either from inadvertent expressions, or from a misunderstanding on your part, caused you unnecessary uneasiness, as all serious disease had left her when she wrote.

Yesterday evening she took a ride on horseback, which she liked very much.

Of course it would be improper for us to think of leaving here unless there were serious causes for apprehension in regard to the health of this place.

I often regret that I did not go to Winchester, Ky., which I wished to do, but it is now too late thinking of that.

If we take our bitters regularly for three or four weeks I think we will all be well.

I thank you for your proposals therefore, but feel that duty at present calls us here.

Yours very affectionately,

JAMES H. BAIRD.

EXHIBIT No. 8.

Upper Sandusky, Ohio, September 6th, 1856.

Wm. Torrey, esq.

My dear father,—Yours of the 1st instant is just received, having been detained on the way, and as you desire an immediate reply, I hasten to answer, although I should have preferred waiting several days.

I have thought of visiting the East and spending a month in the care of some surgeon—particularly, Doct. Bodenhamer, of New York—since the piles, with which I am troubled, have been gaining ground of late. The want of means alone prevents me from doing it. Now, I will plainly

tell you a *sufficient reason*. I have over $600 of debts pressing me, and in such position that I cannot *leave them*. It takes all my little ability in managing to work them along from week to week. Could I borrow $500 or $600 on interest for one, two, or three years, then I might begin to look around me, and not till then. A man had nearly made up his mind to let me have $300 or $400 at ten per cent., but to-day told me he thought he could do better.

Providence has hedged me in for the present, and although not well myself, I have to rejoice in the good health of the rest during the worst part of the year. We still receive many mercies. On the whole my pecuniary affairs have been improved by my coming here, or rather since my coming here. Your kindness and that of Addie's brothers and of my own brothers has been great, and I am now with great anxiety watching the leading of Providence in regard to my future course.

In regard to the proposition you made, I *could not*, if I would, accept of it, for reasons above stated, and therefore I need not refer to any other reasons. If I attempt to recruit in any other business than the ministry, it must be *lucrative*, *fast* bring in money. I have to write in haste by next mail this afternoon, and so cannot write as fully and clearly as I should wish, still sufficiently so to be understood.

Much love for mother and all.

Your affectionate son,

JAMES H. BAIRD.

EXHIBIT No. 9.

Cape May, August 27th, 1857.

To W. Torrey, esq.

Sir,—Your note to Addie, of the 24th inst., has just been put into my hands, while Addie is sleeping; and fearing—from the manner of its delivery—something very urgent, I read it, and merely write to say that our arrangements are such that Addie could not respond to your note as you wish. It will therefore be useless to put the note in her hands. Of course you will see the propriety of this.

It would be better for Addie's health if she was not almost constantly excited by some project for a visit, urged upon her without regard to her own and my own feelings and judgment; urged upon her in the face of my own contrary views and plans, with which she has generally coincided.

I beg leave to "insist" that some regard be shown for my

judgment and views in matters of this kind; much more indeed than this note of yours would indicate.

Yours truly, J. H. Baird.

Exhibit No. 10.

St. Louis, October 2d, 1860.

W. Torrey, esq.

My dear father,—I write in haste to say I have written Addie to stay in Philadelphia. At length I perceive all my plans for comfort and usefulness at Westport are blasted—at least so I fear. Had Addie come on with me all would have been right. As it is, I doubt if any church wants a minister that has a wife over whom he has no influence, and for whom he cannot undertake to speak, and whom they feel concerned to have, but cannot.

1. They know we are dependent on our salary. 2. They know Addie would not come on when she could, and save $50 to $100. They don't know of any place we can get money from but from themselves, and hence I have received to-day a letter that possibly I might find it best to accept some other call, as they *could* do no more. Addie, you know, spent a day in Woodbury, and Mr. Wells there has two sons and a daughter in Westport.

I go to Westport, and will write again.

In haste, your son,

J. H. Baird.

Exhibit No. 11.

Westport, October 13th, 1860.

My dear father,—The course of Addie about coming West involved me in serious perplexities and pecuniary difficulties, discovered by me in St. Louis, where I therefore wrote her not to come on immediately. Since then I have nearly been distracted by the state of my affairs, involving shame, embarrassment, and expense, because of the uncertainty regarding my family; Addie herself beginning to regard it as unkind in me to want my feeble wife and little ones with me in the cold winter, when *only a month ago* the objection was to coming that it was the hot summer. The amount of it is Addie's feelings have been wrought upon, and I, knowing that, have felt outraged at the idea that the proper place for my family is East. I left her under the most

perfect understanding that she preferred waiting *even five* weeks (that was all, till October 1st,) to coming with me.

But I have arranged affairs again pretty well, not as satisfactorily as I could have done had Addie just gone on as I had expected. The house I rented is being newly painted and papered. It is a large, comfortable, and convenient house. Our goods are on the way, and I expect them every day; and altogether Addie and the children *can be* much more comfortable than we have before been at housekeeping. What reason then can be given for her staying East? None, absolutely none that would not be better in the spring to stay away till next fall, and so on. I do confess to you I have nearly been distracted at Addie's course. When I *know* she has been *again and again* talked to of separating from me, just as if it was a small matter, and when I *know* the circumstances that have transpired within three months, I have not been altogether able to repress my indignation, when policy and expediency might require it. Addie (uninfluenced) would never have done as she has.

I now expect to get ready for housekeeping at once as fast as I can. If Addie insists on staying East I must have my children at any rate. Their health depends that they be not cramped up.

I hope you will encourage Addie to come out at once, say in two or three weeks, *in time to get ready or pack.* If she makes up her mind to come cheerfully, as she is in duty bound, we can be very happy, and I think the blessing of God will be on us. The prospect of good here is *very favorable.*

EXHIBIT No. 11½.

In the Court of Common Pleas in and for the city and county of Philadelphia.

Among other things, it is thus contained of record in divorce.

No. 22.

DOCKET ENTRIES, September term, 1864.

James H. Baird
v.
Adeline W. Baird.

Subp. in div. a vin. mat. ex., June 18th, 1864.
Pret. 3d, Monday, September, 1864.
("Served.")

June 18th, 1864, libel filed.

And now, June 18th, 1864, libel filed in the following words, to wit:

To the Honorable the Judges of the Court of Common Pleas for the city and county of Philadelphia.

The libel of James H. Baird, of the city of Philadelphia, respectfully represents—

That a marriage was contracted and celebrated between the libellant and Adeline W. Torrey, his present wife, on the twentieth day of September, A. D. 1849, and although by the laws of God, as well as by their mutual vows in this behalf, the said Adeline and the libellant were bound to that constancy which belongs to the married state, yet so it is, that the said Adeline, in violation of said laws and her vows aforesaid, has wilfully and maliciously deserted the libellant, and absented herself from his habitation without reasonable cause, and such desertion has persisted in and continued for the term of two years and upwards, and yet continues to absent herself from the said libellant; wherefore the libellant, further showing that he is a citizen of the commonwealth of Pennsylvania, and has resided therein for more than one whole year previous to the filing of this his libel, prays your honors that a subpœna may issue, in due form of law, directed to the said Adeline, commanding her to appear in this honorable court at September term next, to answer the complaint aforesaid.

And also, that a decree of this honorable court may be made for the divorcing of him, the said James H. Baird, from the bond of matrimony, as if he had never been married

And he will ever pray, &c.

JAMES H. BAIRD.

James H. Baird, above named, being duly sworn, says—that the facts sets forth in the foregoing libel are true to the best of his knowledge and belief, and that the said complaint is not made out of levity or by collusion between him the said James H. Baird and the said Adeline his wife, and for the mere purpose of being freed and seperated from each other, but in sincerity and truth for the causes mentioned in said libel.

JAMES H. BAIRD.

Sworn and subscribed before me, this fourteenth day of June, A. D. 1864.

W. W. DOUGHERTY, *Alderman.*

This libel bears the following endorsement: Let process issue sec. leg., and it is ordered that the sheriff of Philadel-

phia county have authority to depute the sheriff of Ocean county, New Jersey, to serve the subpœna in this case.

And now, June 18th, 1864, an original writ of the commonwealth of Pennsylvania, commonly called a subpœna in divorce, was issued, which, together with the return of the sheriff thereto, is in the following words, to wit:

City and county of Philadelphia, *ss.*—The commonwealth [L. S] of Pennsylvania, to Adeline W. Baird, greeting.

Whereas, James H. Baird did, on the 18th day of June, 1864, prefer his petition to our judges of our Court of Common Pleas, for the city and county of Philadelphia, praying for the causes therein set forth that he might be divorced from the bonds of matrimony entered into with you, the said Adeline W. Baird—we do therefore command you, the said Adeline W. Baird, that setting aside all other business and excuses whatsoever, you be and appear in your proper person, before our judges at Philadelphia, at our Court of Common Pleas, there to be held for the city and county of Philadelphia, on the 3d Monday of September next, to answer the petition or libel of the said James H. Baird, and show cause, if any you have, why the said James H. Baird, your husband, should not be divorced from the bonds of matrimony, agreeably to the act of General Assembly, in such case made and provided.—And hereof fail not.

Witness the Honorable Oswald Thompson, president of our said court at Philadelphia, the eighteenth day of June, Anno Domini one thousand eight hundred and sixty-four.

T. O. Webb, jr., *Prothonotary.*

State of New Jersey, Ocean county, *ss.*—John B. Courtney, sheriff of the county of Ocean, state of New Jersey, on the 5th day of July, inst., appeared before me, Francis J. Speer, master in chancery, state of N. J., and being duly sworn, on his oath saith, that on the 5th day of July, inst., he served the within writ on the said Adeline W. Baird, in the said county of Ocean, N., J., and delivered to her a copy of the same.

John B. Courtney.

Sworn and subscribed before me, July 5th, 1864.

F. J. Speer, *M. C.*

So answers,

John Thompson, *Sheriff.*

The commonwealth of Pennsylvania, city and county of Philadelphia, *ss.*—I, Frederick G. Wolbert, esquire, prothonotary of the Court of Common Pleas for the city and county of Philadelphia, do certify that the [L. S.] foregoing is a true copy of the whole record in the case of James H. Baird *v.* Adeline W. Baird, of September term, 1864, No. 22, so far as the same has proceeded.

In testimony whereof, I have hereunto set my hand and affixed my seal of said court the 16th day of December, eighteen hundred and sixty-four.

FRED. G. WOLBERT, *Prothonotary.*

City and county of Philadelphia, *ss.*—I, Oswald Thompson, esquire, president of the Court of Common Pleas for the city and county of Philadelphia, do certify that the foregoing record and attestation, made by Frederick G. Wolbert, esquire, prothonotary of said Court of Common Pleas, whose name is thereto subscribed and seal of office affixed, are in due form, and made by the proper officer.

In testimony whereof, I have hereunto set my hand, the 16th day of December, eighteen hundred and sixty four.

OSWALD THOMPSON.

City and county of Philadelphia, *ss.*—I, Frederick G. Wolbert, esquire, prothonotary of the Court of Common Pleas for the city and county of Philadelphia, do certify that the Honorable Oswald Thompson, esquire, by whom the foregoing attestation was made, and whose name is thereto subscribed, was at the [L. S.] time of making thereof, and still is president judge of the Court of Common Pleas for the city and county of Philadelphia, duly commissioned and sworn, to all whose acts, as such, full faith and credit is and ought to be given, as well in courts of justice as elsewhere.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, the 16th day of December, eighteen hundred and sixty-four.

FRED. G. WOLBERT, *Prothonotary.*

EXHIBIT No. 12.

To the Honorable the Judges of the Court of Common Pleas for the City and county of Philadelphia.

The libel of James H. Baird, of the city of Philadelphia, respectfully represents, that a marriage was contracted and celebrated between the libellant and Adeline W. Torrey, his present wife, on the twentieth day of September, A. D. 1849, and although by the laws of God, as well as by their mutual vows in this behalf, the said Adeline and the libellant were bound to that constancy which belongs to the marriage state, yet so it is, that the said Adeline, in violation of said laws and her vows aforesaid, has wilfully and maliciously deserted the libellant, and absented herself from his habitation without reasonable cause, and such desertion has persisted in and continued for the term of two years and upwards, and yet continues to absent herself from said libellant.—Wherefore, the libellant further showing that he is a citizen of the commonwealth of Pennsylvania, and has resided therein for more than one whole year previous to the filing of this his libel, prays your honors that a subpœna may issue in due form of law, directed to the said Adeline, commanding her to appear in this honorable court, at September term next, to answer the complainant aforesaid; and also, that a decree of this honorable court may be made for the divorcing of him, the said James H. Baird, from the bond of matrimony, as if he had never been married.—And he will ever pray, &c.

JAMES H. BAIRD.

James H. Baird, above named, being duly sworn, says, that the facts set forth in the foregoing libel are true to the best of his knowledge and belief, and that the said complaint is not made out of levity or by collusion between him, the said James H. Baird and the said Adeline his wife, and for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned in said libel.

JAMES H. BAIRD.

Sworn and subscribed before me, this fourteenth day of June, A. D. 1864.

W. W. DOUGHERTY, *Alderman.*

EXHIBIT No. 12½.

My dear father,—Before me lies your kind letter of the 17th inst., was received in due time, and I thank you kindly for its contents. To-day I was thrown amongst the cars, and made a narrow escape of my life, and now I cannot write much; *much* I would wish to just now, for I am sick in body and in mind too. Let me say briefly—

1st. I *love* to preach, to tell sinners of Christ, and God has wonderfully blessed my labors *everywhere*.

Yet 2d. Everywhere there has bodily ailments, etc. I feel God has frowned on me.

3d. I am satisfied, after serious reflection, I have sinned in giving too much prominence (in considering my future location) to the question of comfort, and too little to the Master's indication in the matter. *Too much* to the feelings and desires of myself (which I have feared too much to express, lest my wife's should be for them increased) and to those of my wife, *very* inordinate indeed; too little to the still small voice "this is the way."

4th. I have rented the house I spoke to you of, and with what you have promised I can make my family more comfortable than ever. Day before yesterday I telegraphed declining a call for $2500, *by telegraph*, to Carrollton, Mississippi. But for Addie and yourself I would have gone, and yet here I felt the Master left me (*as he does not always*) a choice, and I have made that choice. Had I gone to Mississippi, *not one change* would have been been necessary in Addie's plans for *purchasing or anything;* so I told her decidedly, to get ready to come to Westport, and she promised me to be ready and come.

5th. I went East, arranged to have a young lady come with us, proffering very kindly to take care of the children, assisting Addie. This would *first* be pleasant, and *second*, it would save some $50 in girls' fare and expenses, and then there would be still less likelihood of charge for the children, for most likely the two oldest will now be charged half fare each. Addie would not go, reminding me of my promise not to take her until October, when she would go *alone*, and hoped that young lady would be home again before she got out there. I consented to let her stay, and there I did myself and her a wrong. Mr. Schenck persuaded her it was best to stay East *for his family's sake*. And so little did she think of her own position and duty, that *the great reason* she at first presented to me to let her stay East this winter, *was Mr. Schenck's kindness* (and yet he did not offer her a house when it would have greatly suited my convenience, and when he did the price was very high,) and *Mr. Schenck's need;* so utterly carried off was she by the one feeling. *Duty*, responsibility does not receive, I am sorry to say, one thought.

6th. I came West, have perfected my plans, rented the house I told you of, etc., etc., under the impression Addie knew and would do *at least* what she promised so definitely, to say nothing of her duty as a wife, a minister's wife; and yesterday I got a letter that she has gone to Mrs. Devine's for the winter. She has written letters lamenting at my

want of feeling in wanting her to come *alone;* which was the very particular thing I did not want, but gave over to it as her preference. This is utter trifling, and that too in a matter of no small importance, and I do think, if in your letters you would hereafter dwell more on her duties to her *children*, her husband, and the church, and say less about getting her nearer home. She gets along well generally till that is talked of, and then she becomes (it is but for her good to say it) *non compos mentis*, and it almost *if not* altogether puts me in the same condition.

Now as to Westport. It will not do to raise Addie's expectations on any one point—the appearance of the town, the church, *anything* at all, not even of the society. I dare not say much, yet *I told* her *all* I could. Her expectations are easily raised, and then she is *more than* disappointed.

If however she comes there and conducts *prudently*, we can have as comfortable a home there as we ever had—nay, much more so. The house is comfortabe and large, etc., and considering what you have promised, I have made every reasonable arrangement for comfort.

Addie sins, greatly sins, in not regarding my wishes in anything more than she would any persons, and the result is dissatisfaction amongst the people. I speak this in confidence, believing you can do much to remedy it.

Twice I have been *formally* called upon by sessions to tell me so; informally I have been oftener told that the church was disappointed on that account. The last time was at Lockhaven. I had begged her and entreated her not to do as she had done—keeping the town in turmoil about our family household arrangements.

As to settling her, I will merely say that nothing has so unsettled me and my plans as this discussion about whether the proper place of a "feeble wife and little children" was with their husband and father—who ever heard of the like? Besides, I assure you by far the cheapest plan is for them to be here. Any way I could fix it, we would be more involved in spring than now, if they were to stay East. I *cannot bear such* expense if willing.

Again, I feel ashamed when asked about my family. I can hardly hold up my head. I thought they would be here before this. And why is she not? There is no good reason, and I have no plausible reason. When I came on, I told them Mrs. Baird thought it *too hot* to come on. That was six weeks ago. Now shall I tell them, as she writes, that she thinks she ought to stay till the "cold winter" is gone? They would think us both lunatics.

I lost $133.33 by just waiting till I went East to consult my wife about the call, for that makes a *post*-date of salary

of two months. Full $300 would have been saved to me had I just gone on and taken my own course, presuming my wife would be satisfied. You will think me mistaken. My pocket knows it at any rate.

With affectionate regard, your son,

J. H. Baird.

She would go to one of the elders, and did go when I was out of town, to request him to have a man put out of our house, who, at her special request, was taken in to board us, and with whose wife she quarrelled, and would *not go to the table.* The women did wrong, but Addie's whole course was imprudent and in this particular wrong and contrary to my entreaties and wishes. This, in connection with similar cases, caused a formal call of session, and routed us out of Lockhaven. Not forgetting Miss Deurney's case. Addie's quarrel with her was manifestly unreasonable, unjust, *wrong;* on oath I would have been compelled to say so, but would have nothing to do with it.

My "*settlement*" at Westport depends on Addie's course. I have a fair prospect for usefulness and comfort. If she tries to aid me, assist me, she will be happy, useful. We will be very comfortably and usefully situated. Hence I cannot say I am settled till I see how she will do towards the people, etc.

On this point, of necessity let me say, for years Addie has even refused to hear the children pray in the morning, positively refused, and I do say with sorrow, there are few in my charge that do not pay more attention to the religious instruction of their children than Addie, and that too in matters which I utter express wishes. For instance, she will not hear the children pray alone, and when all is quiet. It is shocking, absolutely so, to see children and servants passing around, and in the midst of it a child saying prayers—yet that has been constant daily in my home, although I ever preach against it.

As for Addie's weakness, half of it arises from her constantly getting nervous about home, or something. As for help, generally she has better than her neighbors, and *more of it.* And if she put her heart on helping me, visit when and where I wish her, with me or without me, as I thought best; had she all along done this *according to her ability*, I think no position in the church would now be beyond my reach. Let us both go to Westport with our hearts in the work, she as a help-meet for me, and I doubt not your heart will be cheered by hearing news of the church and family.

I have again written Addie to come out week after next,

or the latter part of next week. I have sent my brother in Baltimore the money, and requested him to see her off with the children next week or Monday following. Will you send little Addie to Philadelphia at once?

I am sick, scarcely able to write, and have done it in a business style rather. Still I will say more in confidence to you as a father, as the father of my beloved wife, regarding her failings.

I have to request that—1st. She and the family do not know of your promise of pecuniary assistance for the present further than you can help. I say this for Addie's sake. She ought to learn to rely on me, and she (unconsciously) uses money more freely than is best sometimes. For instance, I engaged Mrs. Eastman, at $0.75 (seventy-five cents and board her boy). Addie gave her $1.75 and boarded her boy, and gave her several dresses. With *strict* economy we will be able to be very comfortable at Westport, but we must count. That single item in Mrs. Eastman's case was $52 a year.

2d. I request you for the present to say nothing more of a charge from Westport. But if in future an inviting opening, in your opinion, presents, write me without letting Addie know it, and keep the family from speaking of it to her, and I will do as seems right, and thus she will not have her mind agitated.

3d. In regard to visiting home do not write her till you have corresponded with me. She regards your wish her law, and any objections on my part she always deems unkind. The last time in Lockhaven I told her it was not best, she said she would go and complain to the session, put on her bonnet, and started off. What she did or said I never asked them or her. She was evidently in an unsound mind at the time.

4th. I desire you to write her oftener, regarding the spiritual instruction of her children, visiting (with religious ends) in the congregation according to my wishes and plans, &c., &c. You will find it will benefit her health, her spirits, and her soul.

She has got to feel that—owing to her delicacy—nothing should be expected of her in the church or by me. She is not pastor, but she is or is not the pastor's help meet, who is his wife anywhere.

And now I must close. I go to St. Louis to complete household arrangements, and hope to have things ready for winter, at least as well as can be; and I look for Addie to come on in good spirits for a good field of usefulness.

In confidence, hoping it will be appreciated,

I remain your son,

JAMES H. BAIRD.

EXHIBIT No. 13.

Philadelphia, October 25th, 1861.

W. Torrey, esq.,

Dear sir,—On Thursday of last week I visited Redbank for the purpose of consulting with Addie as to my acceptance of a call just received from the Fifteenth church in this city. She met me with the utmost reserve and coldness, and informed me that "the tie which has united us has been cut." This she assured me was her mature and deliberate determination after consultation and advice from a competent person.

Your care in providing for her for the past months, whilst springing as I believe from the kindest and best of motives, has apparently operated to cherish a tendency, which has been habitual to her to regard our interests and welfare as distinct and separable, until she would now seem to expect your countenance and pecuniary support in violently sundering the tie which God has sealed between us. The idea of a separation, I am sorry to say, is not new to Addie, but has been repeatedly before held up by way of threat to me, although it has never before assumed any near approach to execution.

As to the cause of Addie's present attitude, it seems to be necessary, under circumstances so serious, that I should speak plainly, although in so doing I must state things from any allusion to which delicacy would lead me to shrink but for extreme necessity. For years past Addie's unwillingness to have children has induced her to render the marital debt seldom and with great reluctance—but thrice since the beginning of July, 1860. Some four weeks since I was with her, and meeting with the customary rejection, I declared that I would not occupy her bed on those terms, and dressing myself, lay all night on the outside of the bed. In the morning she sent for Theodore, who met me at the cars, denouncing me for being down there "hounding Addie," and threatened me with "cold lead," intimating at the same time the probability of a separation. My next visit was that above referred to, in which Addie announced her design to separate from me.

The subject is one on which I shall not bandy words. Nor do I design to put any force upon her, so far as she is personally concerned, as I do not conceive that any good could result from a mere formal reunion, nor from any other terms than such as will imply a cordial recognition of the inseparable nature of our interests, the duty of a wife to subordinate her own views to her husband's wishes, and the

"power" which God has given him "over her body." But should Addie, or those under whose advice she has acted, suppose that in refusing to fulfil the duties of a wife, she may expect to rob me of my children, as she intimates, they are laboring under a fatal mistake.

I have made but little account of Theodore's threats, because I am well aware that those who are the readiest to assume that style are the least likely to be dangerous, and because my understanding of the Word of God perfectly harmonizes with those instinctive principles of self-defence which would direct me should necessity arise.

Mrs. Torrey has recently expressed the wish that Addie should remain where she is for some considerable time, perhaps for the winter, even though I settle here. However willing I might be under other circumstances to acquiesce in such a plan as promised to conduce to her comfort, I now feel constrained to decline consenting to any course which postpones a definite understanding as to the relation in which we are hereafter to stand toward each other.

I was gratified to-day to learn, for the first, of your safe arrival, by your note, and I regret to greet your return with such a communication; but the case admits of no evasion, as my whole course of life is at stake. I therefore trust you will favor me with your views at your earliest leisure. I shall be glad to see you next week on your arrival at the Continental, but hope in the meantime to hear from you.

Yours truly,

JAMES H. BAIRD.

Copies of Exhibits and of Extracts from Exhibits on the part of the Prosecutor.

Exhibit A.

Left by Mr. Baird, and received by me at the bookstore, Friday afternoon, April 25th, 1862.

Philadelphia, April 24th, 1862.

Rev. W. E. Schenck, D. D.

Dear sir,—It is the injunction of our Saviour, "If thy brother trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother." It is in obedience to this precept that I now address you.

When in the summer and fall of 1860, my arrangements were in progress for removing to the West, I felt it strange that my wife derived so many reasons from your suggestions in opposition to it; and when I came on to remove my family, it seemed passing strange that I had scarcely entered your house, till whilst yet standing in the hall, before gaining admittance to the dining-room, to which at that moment the tea bell summoned us, my wife importuned me, in consideration of the necessities of "poor Mr. Schenck," to allow her to remain with you, instead of removing with me. Nor was it less surprising to me that when you appeared, the blessing was scarcely asked until you introduced the same proposition. The suggestion thus presented was not abandoned by my wife until she was made distinctly aware of the strong displeasure with which I could but regard such an extraordinary preference for your wishes and supposed convenience over my wishes and welfare, and her own duty to me. You are aware of her success in persuading me to leave her to follow me West, and that she never came. Her letters still gave insinuation of the effect of information which she stated herself to have received from you as to the insalubrity of the climate, my not being settled, &c., as justifying her course at that time.

These things I have never been able to reconcile with my sense of the mutual obligations of fellow men, much less those of fellow christians and ministers. Yet they would never have been the subject of formal complaint but for more recent and serious occurrences.

I need not state to you the course of treatment, both clandestine and criminal, pursued by my wife's physician, which

made it my imperative duty (in my view of which I was confirmed by the advice of Samuel Torrey), to forbid him my house; and which induced my appeal to her father to sustain me in opposition to his influence and measures. I need not inform you of the course which Mr. Torrey saw fit to adopt, nor of his communication to the physician of the fact and nature of my "slanderous" charges. In due time, I received from the doctor a note informing me that he had taken counsel, both legal and ecclesiastical, and should do so and so. He made no secret on the street, that you were his "ecclesiastical" adviser.

Mrs. Torrey left my house, and your daughter Addie assumed her place. I was at that time unable to determine, certainly, how far it was intentional, but the effect of her presence was not a matter of doubt. It interposed an effectual barrier between my wife and me, at a time when the freest and most unrestricted intercourse was so essential, in order to a restoration of the mutual confidence which had been so violently sundered. Not only so, but such was the nature of the whole business, and so violent the course indicated by parties to it, that prudence and respect for the feelings and delicacy of your daughter herself would seem to have pointed out the impropriety of her being exposed to the possible contingency of having her name connected in any way with it. Under the influence of these considerations I dropped you my note of the 10th of March. In it, I purposely avoided more than an allusion to "a system of arrangements" calculated to destroy the peace and happiness of my family, because you had, not long before, informed me that you had not allowed my wife's friends to make statements to you respecting my family difficulties, and did not therefore wish to hear me on the subject. Had you sought explanation of the allusions in my note—which however I presume you fully understood—I was prepared to have satisfied you; and am now prepared to convince any candid and impartial man that the course which I adopted was the kindest to you and your daughter, and every way the most unexceptionable that was open to me.

I will not say with what delicacy I supposed you would act in such a case, nor how carefully it became you to avoid anything tending to irritate either your daughter or my wife. But I ask—how did you act in a matter so directly and deeply involving the happiness and well being of myself and family? How did you respond to the tenderness and delicacy which I had exercised towards your daughter, who was becoming daily more and more seriously involved in this most unhappy business, being at the very time the agent of secret communication between my wife and the doctor? To my note I

have received no reply. But I have not been left to conjecture as to your reception of it, and action respecting it. The two ladies, your daughter and my wife, went out that same afternoon, and did not return until after five o'clock, when they immediately commenced secretly packing. The servants, as I afterwards learned, were informed that a quarrel of mine with you was the occasion of the step which my wife was about to take. And, before she left, my wife herself intimated her displeasure at me for having, as she said, "ordered Addie Schenck out of the house."

At noon that day Mrs. Baird had no thought of such a step. By half-past five she was busily packing up her trunks with the aid of your daughter, actuated, both of them, by representations emanating from you.

On the next morning Mrs. B. took the opportunity of my absence to remove the three eldest children from the house. Upon my return, whilst I, with one police officer, was in the house, and two stupidly watching outside, your daughter managed to take the two youngest, running with them until around the corner, out of sight of the house. She told the servant that she was going, that she was going to take them to her own home. But from that moment I have neither seen nor heard from them, except that you informed me that my whole family were gone to New York, and I have recently learned indirectly that Addie's friends propose to settle her at Manchester.

You will not be surprised that, in such circumstances, I should have left orders with my servant not to admit any one into the house in my absence. Your daughter came, and was so informed by the servant; but, with threats of the constable, she forced herself in and removed articles, which may have been mostly her own, but some belonging, as the servant informed me, to Mrs. Baird.

There are other matters in connection with this whole business, and your relations to it, which I might mention; but I forbear. I shall not attempt to estimate the precise extent to which you have been actively implicated in these occurrences. That your relation to them is not trivial, nor your responsibility slight, would seem to be evident. That you have not been intentionally a participator in the grievous wrongs which I have suffered, I would be glad to believe. For my wife, in view of the state of bodily health resulting from the treatment she has received at Doct. Ludlow's hands, and the mental condition which she is in, I feel that large allowance is due. But I cannot reconcile with any views of christian propriety or duty to her or to me, the conduct of any who have knowingly cherished her mistaken views, or assisted her in the execution of her plans; nor who failed

to embrace any opportunity to influence her to abandon those views and return to the path of duty. I have been the more surprised and grieved at the part you have taken in this matter, as I am so well aware of the annoyances which you yourself realized during your former wife's lifetime, from the interpositions of her friends, and of the consequent interruptions of friendly intercourse between you and them.

I have laid these things thus plainly before you, with the hope that if the facts are in any respect misapprehended by me, or are liable to make an impression unjust to you, you will indicate the error, or make the necessary explanation, in order to a correct understanding of them. But if no such error appears, I claim of you, as a christian brother and fellow minister, the acknowledgments which the law of Christ demands, and your vigorous assistance and co-operation in the endeavor to restore my wife to a sense of duty, and recover her and my children to my bosom.

Yours truly in Christ,

JAMES H. BAIRD.

P. S.—The dead-latch key which was given your daughter whilst here is still, I presume, in her possession, as I have seen nothing of it since she left. I should be glad it were returned. J. H. B.

EXHIBIT B.

2121 West Delancey street,
Philadelphia, July 10th, 1862.

Rev. W. E. Schenck, D. D.

Sir,—On the 24th of April I addressed you a letter concerning matters of the profoundest importance to me; and on the 16th of May, a second in connection with the same subject. Although they were couched, as I suppose, in unexceptionable language, and I was certified of your prompt reception of them; and although their appeal was to a law of Christ, the authority of which must be recognized by a christian minister in any case, and the matters involved therein were of pressing emergency, I was favored with no communication whatever in reply until the brief interview which occurred upon the 1st instant. Upon that occasion, in the midst of the presbytery whilst engaged in the transaction of its business, you by signal called me to you. My first natural impulse was to decline such a call under the circumstances; but determined to go to the utmost length

in pursuing a conciliatory course, I yielded to your invitation.

You then informed me, as I understood you, that you had received my letters, but your time was very much occupied, and at any rate you were determined not to write on the subject presented in those letters, as you did not wish to become involved in the matter; that you had just returned after an absence of some ten days, and took the first opportunity of speaking to me.

You then proceeded to assure me, in numerical order— "First," that my impression of your unfriendliness in your course towards me was not correct, that you had always avoided meddling in my affairs.

"Second," that you had not said anything against my moral character to Doct. Ludlow, and you said that I might inform the person to whom Doct. Ludlow had made the statement mentioned in my letter that if that statement had been made by Doct. Ludlow, it was untrue. You admitted however that you had expressed to the doctor your opinion that I was not fitted for my church. You asserted that you had been moved by my wife's tears and entreaties to you as a brother to assist her on the day of her withdrawing from me, by receiving her and the children to your rooms, escorting them to Camden, and seeing them off in the cars.

As to Doct. Ludlow's knowledge of my letter to you respecting the removal of your daughter Addie from my house, you stated that you had not shown it or spoken of it to him; but that you had shown it to Mr. Torrey as your reason for removing Addie, and you presumed Mr. Torrey had communicated it to Doct. L.

I told you that it was alike due to yourself and to me that any statement on this subject should be made in writing; but you positively declined to make such a communication.

My present purpose is to assure you that oral statements cannot be accepted as a satisfactory response to my respectful written communication, and that even were those above noted in writing, they would entirely fail, touching as they do but two or three subordinate points, to meet adequately the questions involved.

I need scarcely assure you that no person would be happier than I, could your relation to the recent painful occurrences be entirely obliterated, and could your wish to avoid being involved therein have been rendered effectual at an earlier period. But at this stage of the business the wish comes too late. It only remains to rectify, as far as possible, such wrong steps as may have been taken, and to endeavor to heal the injuries that have been inflicted.

It is at your discretion and responsibility to respond or

not, in the only appropriate mode, to my written communications. To mine it will belong to take such further steps as your course and the developments of Providence may render necessary.

Respectfully,

JAMES H. BAIRD.

EXHIBIT C.

Rev. W. E. Schenck,

821 Chestnut street,

Present.

EXHIBIT D.

℞ Vin. Secal. Cornut. fort ℥i.
Ol Sabinæ gtts Lxxx.
Ol Hedecoma gtts Lxxx.
Tinct Aloe et Rhei ℥ss.
Glycerine ℥ii.
Aqua qs. ft. ℥ii.

m

A teaspoonful every three hours.

Ludlow.

2—9—62

EXHIBIT D A

Philadelphia, February 21st, 1862,
West Delancey street.

J. L. Ludlow, M. D.

Sir,—In view of your course of treatment of my wife, I wish you to desist your professional services in my family. You will please present me your account.

Yours,

JAMES H. BAIRD.

EXHIBIT E.

2121 W. Delancey street, February 25, 1862.

Dr. J. L. Ludlow, M. D.

Sir,—I understand that—notwithstanding my note of last Friday requesting you to desist your visits to my house—you were here yesterday during my absence. I now take the

earliest opportunity of informing you most distinctly that your visits must cease; and, if necessary, I will not hesitate to use the most decided means to prevent the invasion of my family, and to preserve its sanctity.

In haste,

JAMES H. BAIRD.

EXHIBIT F.

Philadelphia, February 27th, 1862.

Sir,—I yesterday heard for the first time of the *vile* slander which you are endeavoring to circulate in regard to me. I have taken *legal* and *ecclesiastical* advice in the premises, and I *warn* you that, unless you cease your *calumny*, I will call upon both the *civil* and *ecclesiastical courts* for redress. You and yours have received nothing but kindness at my hands, both in season and out of season, and thus I am requited by one who pretends to be a minister of Christ.

J. L. LUDLOW.

EXHIBIT G.

1534 Locust street.

Dear sir,—Your note of the 17th, making inquiry as to the disposition of the communications addressed by you to the Censors of the College of Physicians was duly received and laid before them.

I am instructed to state, in reply, that the Censors will not interfere in the matter until the case be investigated by legal authority.

Yours, &c.,

GEO. W. NORRIS.

Rev. James H. Baird.
July 21st, 1862.

EXHIBIT H.

1534 Locust street.

Rev. Jas. H. Baird.

Dear sir,—In answer to your note of this morning, I have only to say that the communications addressed by you to the Censors of the College of Physicians have been laid before them, and the fellow of the college against whom the charges are preferred has been made acquainted with them.

Very respectfully,

GEO. W. NORRIS.

Wednesday, June 4th.

EXHIBIT I.

Extracts from the minutes of the Presbytery of Philadelphia.

"April 6th, 1863.

The Rev. James W. Dale, John M. Harper, and James Andrews were appointed a committee to adjust the pecuniary difficulties between the Fifteenth church and their late pastor, the Rev. James H. Baird."

April 6th, 1863.

The committee to adjust the pecuniary difficulties between the Fifteenth church and their late pastor, the Rev. James H. Baird, made a report recommending that the Presbytery direct the Fifteenth church to pay Mr. Baird one hundred and sixty-six $\frac{20}{100}$ dollars, which sum they found due him as balance of salary. The report was received, and the recommendation adopted."

April 6th, 1863.

"A communication was received from the corresponding secretary of the board of domestic missions, referring to the presbytery the claim of the Rev. James H. Baird, as missionary to the Fifteenth church, under commission from the board, for salary to January 15th.—On motion the stated clerk was directed to reply, that in the judgment of the presbytery the claim of Mr. Baird should be paid.

True extracts from the minutes of the Presbytery of Philadelphia.

W. M. RICE, *Stated Clerk Presb'y of Phila.*

EXHIBIT J.

Philadelphia, August 14th, 1862.

Rev. dear sir,—I received yours of the 11th inst. this afternoon, and am glad to hear of your recovery from your illness.

Agreeable to your request, I started for Mr. McNeil's, and held consultation respecting your sickness and the state of the church.

Resolved that the church be closed for two weeks.

But if health permits, and you be prepared to officiate sooner, due notice will be given in the Ledger. I am sorry you did not arrange matters better before you left us, as I considered the church would be closed last Sabbath. But

some of our active members thought they could manage church matters better than the session.

Had your neighbor clergyman, Mr. Church, to preach last Sabbath evening.

Also I received a note from Mr. Lee, entering deeply in the scriptures, letting me know that he ought to be remunerated for the little bit of labor he performed to you Sabbath week. I believe I will have to pay him—although I only asked in your name, and he said he was willing to oblige you.

I hope you are now in a fair way of recovery. Please write me early in the week, and let me know how you are, and what is best to be done, and I hope that all things will work together for our good towards the prosperity of the church and welfare of the people.

I close with my best wishes towards your health. May the Almighty bless the means now applied for your health, that you may be once more restored, and more useful in your labors in that church and vineyard which you now occupy, is the sincere wish of your sincere friend.

JOHN WILLIAMS.

To Rev. J. H. Baird.

N. B. I have heard that one of your members, a Mrs. Mitchell, was buried this afternoon, having accidentally met with her death by being run over by the railroad cars.

We are all well. Mrs. Williams is in the country. Her health is improving.

Yours as before,

J. W.

EXHIBIT K.

Philadelphia, August 30th, 1862.

Rev. sir,—I received your letter to-day, dated the 28th, post-marked 29th, which disappointed me and all the congregation, as we expected, when you gave us no notice, you would preach to morrow, agreeable to arrangement. We would be very sorry to urge you to preach when you were sick, but you would have obliged the congregation very much, and also relieved yourself of reflection, had you gave us word that you would not preach this Sabbath. I am just returned after being with Mr. McNeil, and we have come to the conclusion that it is another proper step to destroy the church. Moreover there are all kinds of talk, which I do not

think proper to mention. I am quite sorry, both for yourself and the church.

We considered you had only gone to your brother's in Jersey, or that you might have been as well at home as to go to a strange city. I speak my mind freely, as it is also the mind of others. We have also concluded that, if you have not a letter here by Wednesday next, that on Thursday we will look out for some one to preach next Sabbath. Do not take it hard that I write you after this manner. I am very sorry, indeed, that your health is not better improved, and we would have given every indulgence, but your letter came one day too late to notify the congregation.

N. B. I write as requested.

Hoping this will find your health better improved, is the sincere prayer of your sincere brother in Christ,

JOHN WILLIAMS.

EXHIBIT L.

Philadelphia, September 4th, 1862.

Rev. and dear sir,—I received yours of the 3d inst., and am glad you are prepared to resume your labors once more; indeed it has caused great anxiety in the congregation not having notice last Sabbath, which we all considered and expected to be, if no preaching. However we must look to the future, as we cannot amend the past.

I will have you advertised in the Ledger to preach next Sabbath at the usual hours.

Agreeable to your request, I now send you enclosed ten dollars in this letter. I have nothing more particular—we are all well.

I remain yours truly,

JOHN WILLIAMS.

To Rev. J. H. Baird.

EXHIBIT M.

Philadelphia, September, 30th, 1862.

Rev. sir,—We, the session of the Fifteenth Presbyterian church, after due deliberation, have considered it expedient, on account of the rumors gone abroad of our church, to meet to-morrow evening, at 7½ o'clock, being the first day of Oc-

tober, at the house of John Williams, Callowhill street, and we request you to be present.

J. Williams, sen.,
J. Williams, jun.,
J. McNeil.

Exhibit N.

Philadelphia, December 11th, 1862.

Rev. sir,—I received your note in due time, and I am requested to inform you that neither you nor any substitute you will send will be permitted to preach in the Fifteenth church next Sabbath. We have the privilege for the present, and we will use it.

Signed on behalf of the session,

John Williams.

To the Rev. J. H. Baird.

Exhibit O.

Wednesday, December 10th, 1862.

Session of the Fifteenth Presbyterian church.

Brethren,—Having requested you to fill the pulpit for a time, I think it best to resume my labors, although still in poor health, and therefore expect D. V. to fill the pulpit next Sabbath day.

Yours truly,

J. H. Baird.

Exhibit P.

My dear friend,—I regretted that it was impossible to meet with the session on Saturday evening, as I had not found a place to put the most of my goods, and found it was late, and hence was compelled to spend the evening in trying to arrange that. I am not through yet, but hope to get through to-morrow, and be able to see you then.

On Wednesday evening I will appoint a meeting of the session at Mr. McNeil's at 7 o'clock to appoint a delegate to synod, and then I hope my mind will be clear as to the whole matter we have been considering. And tell them I remain

Your sincere friend,

J. H. Baird.

P. S. Could I have called I would have done so for some money, which you would oblige me by bringing (if convenient) on Wednesday evening, if I do not see you before, as I must close my rent account, &c. I would be very glad if you could go to synod.

EXHIBIT Q.

Mr. Baird,—Sir, you will oblige me by sending or letting me know what the advertising September 19th cost, for I want to settle for the three months' advertising.

Take notice, I am the only person that has any power to advertise, and those that do otherwise do it at their expense.

WM. K. JOHNSON.

EXHIBIT R.

Tuesday eve., 7 o'clock.
Brooklyn, October 23d, '60.

My dear sister Addie,—Your mother has just received your letter, enclosing Mr. Tom Baird's epistle. As it came over from the office, we presume your father saw it, and replied to it before leaving town, which he did this afternoon, to be absent till Thursday morn. I drop you this line, however, at her suggestion, lest you might be disappointed if you did not hear from him. We shall be interested to hear the result of your interview with Mr. Tom, and also what replies you receive to the letters written to your husband.

If Mr. Torrey has not already written you, he will surely do so as soon as he returns. Till then do not make any more.

Ever so much love and sympathy from
Your affect. brother
GEORGE.

EXHIBIT S.

High Bridge, October 12th, 1861.

My dear son,—Your favor reached me last evening, under date of the 10th of October, and after giving your views my deliberate and prayerful consideration, I hasten to reply, and I must be brief, as my eyes are quite dim and at times requiring much effort to write at all.

I still have the same views in regard to your removal to a distant place as I expressed to you in your recent visit to me.

I feel that in the present convulsive state of our country

it would be better for you all to remain East, at any rate for the present; and it might be well for you to accept the offer now under your consideration; the salary will enable you to live comfortably yourself, and perhaps aid in some measure in the support of your family.

But it is my husband's wish, and is decidedly mine, that Addie with her little ones remain for the present where they are, and until arrangements can be made to bring back her furniture, and establish her again comfortably at housekeeping.

I heard from Mr. Torrey by the Asia of yesterday—he writes that he has succeeded in his business, and hopes to complete his arrangements to return by the Arabia, which left October 5th—if so he will be at home, by the blessing of God, next week, and I know will fully approve of the plan I have marked out.

With some improvements in her housekeeping, which I can make when able to visit her, and under the kind care of our good friends, the Johnsons, I think she can make herself happy. The children, *i. e.* the three oldest, are at school —she has two girls, and of the best sort, and I please myself that if she can have the ease of mind she requires she will soon recover her health; but her nervous system is greatly shattered, and sometimes quite likely beyond her control, but rest and quiet will I know enable her in time to be a great little woman. My mother is becoming daily more feeble, and confines me here, rendering it impossible for me to confer with Addie on this subject, therefore do not know her wishes as well as you do.

As soon as you read of my husband's arrival it might be well for you to confer with him, and I know of no one who will be more able and willing to advise with you than himself.

Be willing to be guided a little by him, and it will be "*well with you and with your family.*" Please be quiet about my husband's affairs. I tell you a little now, and leave you to guess the rest.

I have really strung out a lengthy epistle, and hope I have not wearied you. Good-bye—accept the very best wishes of one of your best friends, with the kind regards of your

MOTHER.

EXHIBIT T.

Brooklyn, March 3d, 1862.

My two dear Addies,—I have received your letters, and am happy to find you so happy in each other, and hope Schenck's

visit will be productive of much good to cheering your spirits, which thing they are first rate at.

I have given your case much consideration since leaving you, and although I am entirely ignorant of the means used for your recovery (excepting in the one of brandy stimulants, etc.) I am prepared to hope that you are passing through a change of life; you know you were so changeable all last summer that I fully believed it then, and your last sickness rather confirms it; if it is so you will likely get rid of your rheumatism, and become a fleshy old lady while young, which should you go as quietly through it as your father's aunt did at your age, you will have much to be thankful for. I was grieved to hear of little Robert's illness, but hope my next will give information of his recovery.

Your father is quite out of sorts with influenza, but he has been real good, and minds every word the doctor says.

I am improving, my cold being much better.

Mrs. Johnson, with little Addie, passed Friday, Saturday, and Sunday with us, and left this morning for Redbank. She will go to her own home in about four weeks, and will have a room for me there. Manchester is improving rapidly, and I hope, as soon as your father has the command of means, I shall have a home there also. My health never was better than when there, and I am satisfied Brooklyn air does not suit any of us.

I hope to hear often from you—one can write if the other is too busy.

Adieu, with much love and strong affection.

Believe me under all circumstances your true hearted mother and grandmother.

P. S.—You asked me, dear Addie, "to forget you"—what a request! no, let my tongue cleave to the roof of my mouth, and my right hand forget its cunning before I forget thee.

MA.

EXHIBIT U.

[This is a letter, bearing date August 8th, 1859, of twelve of the congregation at Lockhaven, Pa., to Mr. Baird, requesting him to resign his pastoral charge of the Great island church.]

Lockhaven, August 8th, 1859.

Rev. James H. Baird.

Dear sir,—A few sabbaths before the meeting of the presbytery lately convened at this place, you took occasion, from the pulpit, to reflect with some severity on the conduct of a portion of the congregation, in some alleged movement in

reference to yourself, calling upon any of them having complaints against you to bring the same before the approaching presbytery, or for ever after hold their peace.

Not having any specific charges to make, and not wishing to embarrass you in your defence before presbytery against the charge preferred by Mr. Grafius, it was deemed proper not to say to you then, what we desire to say now. We have been informed that you are under the impression that your services as pastor of the Presbyterian church of Lockhaven are very acceptable to the congregation, and that but little opposition exists among them to your continuance as such, we therefore, entertaining for yourself and family sentiments of kindness, deem it due to you, as well as to the congregation, to inform you that the dissatisfaction toward yourself, as pastor of the church, is much greater than you suppose, and that, in our opinion, the prospects of the church might be greatly promoted by a separation of your present relations with it.

Very respectfully yours,

John Jones,
Alexander Reed,
Samuel Hepburn,
Robert McCormick,
N. W. Fredericks,
A. K. Browne,
C. A. Mayer,
S. A. Mackey,
C. G. Feust,
John Fleming,
R. Armstrong,
James Hemphill.

EXHIBIT V.

[This is a complaint, bearing date November 1st, 1859, to the Philadelphia synod, signed by ninety-five members of the Great island congregation, against the action of presbytery in dissolving the pastoral relation between that church and Mr. Baird without regard to the sentiments of the congregation, with letters annexed.]

Lockhaven, November 7th, 1859.

Rev. James H. Baird.

Dear sir,—I herewith enclose you a true copy of a letter that Mr. D. Carskadden and myself sent to Rev. Mr. Kerr, of Lewisburg, with the names of the persons who have subscribed their names to the same, which you are at liberty to use as you think best.

Yours very truly,
JNO. B. WAGNER.

Lockhaven, November 1st, 1859.

Rev. Mr. Kerr.

Dear sir,—Accompanying this, you will find a letter to

you from some ninety members of the Great island church, complaining of the manner in which our late pastor, Rev. James H. Baird, was taken from his labors amongst us by presbytery, assisted by a few disorganizing spirits here, who for some time have endeavored to keep up a contention in our church.

If Mr. Baird's resignation had been referred to his church for acceptance or rejection, I hesitate not to say that, on a full vote of the congregation, nine-tenths of the members would have voted *against its acceptance;* and yet I have been informed that Mr. Stevens rose in his place in presbytery, and stated that the people of this congregation were hostile to Mr. Baird, and averse to his remaining longer as their pastor. We should like to know where he obtained his information, and what authority presbytery had in declaring our pulpit vacant.

The whole procedure of presbytery, from the commencement of the trial of Mr. Baird on the charges preferred by Mr. Grafius, down to the declaring of our pulpit vacant, is looked upon as anything but creditable by the people of this community, and by many it is considered *outrageous!* and we hope you will never cease to complain of their conduct till they shall have been properly reprimanded or rebuked for their unwarranted invasion of our congregational rights. That Mr. Baird has labored with a great deal of zeal and unprecedented success here no one can deny. That his character and reputation as a minister have been above suspicion, we do affirm without the fear of successful contradiction. Then why is he taken from the field of his labor against the wishes of so large a majority of his congregation?

The accompanying letter was gotten up hastily, and but a day or two occupied in circulating it, and had a little pains been used in calling attention to it, some twenty or thirty more names could have been added to it; but enough, we trust, has been done to call your attention to the position in which we have been placed, and our feelings in regard thereto.

Yours truly,

D. CARSKADDEN.

Lockhaven, November 1st, 1859.

To Rev. Mr. Kerr, Lewisburg.

Dear sir,—The undersigned members of the Great island congregation at Lockhaven have understood that you have given information to presbytery that you will complain to synod against the action of presbytery in dissolving the pastoral relation existing between the Rev. James H. Baird and Great island church, without the congregation having

an opportunity afforded to them for expressing their sentiments regarding his resignation.

Our object, then, is to express our concurrence with your action, as we consider that the principles of our church have been violated and our rights as members of this congregation have been invaded, and we hope, on our behalf as well as on your own, that you will insist upon your complaint to synod, in order that such unconstitutional actions may be hereafter prevented.

Nathaniel Hanna,
Nancy Hanna,
A. I. Quigley,
H. I. Quigley,
Elias Weiler,
Sarah S. Weiler,
Margaret A. McElhinney,
Robert Hanna,
T. R. Hanna,
D. Carskadden,
Frances Lyman,
Eliza D. Carskadden,
Jno. B. Wagner,
John S. Hanna,
Amanda M. Wagner,
Robert Crawford,
Levi Packer,
Ann Packer,
Allen Schreyer,
Rebecca Schreyer,
Sarah Jones,
A. G. Harvey,
Martha Harvey,
D. E. Hanna,
Theodore Wairam,
M. S. Law,
B. K. Jackman,
Bella Jackman,
R. R. Brigens,
Elizabeth Brigens,
B. Myers,
Rebecca Myers,
John Brown,
D. K. Jackman,
Pheana Brown,
Nancy Law,
Sarah R. McCormick,
Elizabeth Jones,
Julia A. Fertig,
Joanna R. Knabb,
Mrs. Henderson McGee,
Amelia M. Soder,
Margaret A. Forster,
A. S. Fleming,
Julian Fleming,
S. A. Gibson,
Mrs. R. Gibson,
Nancy Barker,
W. W. Barker,
Josephine M. McCormick,
T. Hood McCormick,
Mrs. C. McCormick,
Helen McCormick,
R. F. McCormick,
George W. Hipple,
Helen Hipple,
W. C. Black,
Mrs. L. Black,
Tabitha Quigley,
James C. Brown,
Joseph Hanna,
A. E. Hanna,
M. B. Hanna,
I. M. Hanna,
Henderson McGill,
Martha I. McGill,
William Dunn,
Eliza B. Dunn,
Jesse Merrill,
Robert McCormick,
Mary McCormick,
Robert Moorhead,
H. W. Beadle,
C. A. Lyman,
Samuel Herrick,
E. P. Herrick,
Allison White,
Levi Livingston,

Eva A. M. Knabb,
R. Ritchey,
M. G. Barker,
R. S. Barker,
Sallie E. Myers,
Mrs. C. M. Lyman,
Frances Stewart,
A. G. Crowell,
Jane H. Brown,
Sarah Livingston,
Henry Schultze,
Timothy Greir,
James Hemphill,
Arietta M. Hemphill,
John L. M. Duffield,
Hannah A. Ritchey,
Harriet Quigley.

EXHIBIT W.

This is a petition of thirty-two members of the Great Island church congregation to the presbytery, asking a dissolution of the pastoral relation between that church and Mr. Baird, bearing date September 23d, 1859.

To the Presbytery of Northumberland.

The undersigned, members of the congregation of the Great Island Presbyterian church at Lockhaven, under the pastoral charge of Rev. J. B. Baird, beg leave to represent —that the state of the church under its present pastor is anything but desirable or promotive of its harmony or prosperity. An influential and numerous portion of the congregation has been alienated from its connection by personal difficulties with the pastor, or dissatisfaction with his administrations; that a very general dissatisfaction pervades the congregation, so as entirely to justify well grounded fears that the payment of the salary without recourse to law cannot be had. A loan from the bank has been necessarily resorted to to help it out, the payment of which will in all probability devolve on the persons obtaining it.

That without any hostile feeling towards Mr. Baird personally, a member of the session was requested to call upon him, with a paper signed by a respectable number of the congregation, advising him of the dissatisfaction prevailing, and desiring the dissolution of the pastoral connection with him.

This paper was handed to Mr. Baird for perusal, accompanied by a request that should the wish it expressed be disregarded, he would, at the Wednesday prayer meeting ensuing, announce a meeting of the congregation for the Monday week following, which he peremptorily and positively refused to do, or to return the paper.

The friendly and amicable efforts of the congregation to effect a severance of the pastoral relation being thus thwarted, and a wide breach being made in their connection, so as to render hopeless any future cordial or profitable union, the

undersigned see no other recourse than to apply to presbytery for a dissolution of the pastoral relation between the Rev. J. H. Baird and the congregation. The interest of the Presbyterian church in this place, in our opinion, depends upon it, and we respectfully but *earnestly* call on presbytery to effect it. And we hereby appoint M. S. Barnum our commissioner to present the above memorial to presbytery.

Lockhaven, September 23d, 1859.

Elizabeth C. Fredericks,
Mary H. Mackey,
Ann Hepburn,
Jane Lichtenthaler,
Margaret A. Sloan,
Mary Kintzing,
Mary F. Armstrong,
Mary E. Feason,
Mary G. Statton,
Elizabeth Huling,
Sallie Huling,
Arietta Hemphill,
S. H. Fredericks,
John Jones,
Alexander Reed,
Rob't McCormick,
N. W. Fredericks,
A. K. Browne,
L. A .Mackey,
C. A. Mayer,
Samuel Hepburn,
James Hemphill,
John Fleming,
John Calvert,
John F. Sloan,
R. Armstrong,
Lem'l Christ,
Charles Blanchard,
Rufus Reed,
Elias Weiler,
Hugh Devling,
Peter Dickinson.

EXHIBIT X.

734 South Twelfth street, October 16th, 1862.

Rev. J. H. Baird.

Dear sir,—On Friday evening, the 26th of September, you preceded me to church, and after service and the distribution of the tokens, my daughter and myself returned home. You returned whilst I was engaged writing to my husband, and I opened the door for you. I noticed that the time was between half-past ten and ten and three-quarters, but did not notice the minute. You sat down a moment, but in a few moments retired to your room.

My daughter Catharine also remembers hearing you come in and retiring to your room, her attention being directed to it by a remark afterwards.

Yours respectfully,

CASSANDRA GIBSON.

EXHIBIT Y.

℞ Vin. Secal. Cornut. fort ℥i.
Ol Sabinæ gtts Lxxx.
Ol Hedecoma gtts Lxxx.
Tinct Aloe et Rhei ℥ss.
Glycerine ℥ii.
Aqua qs. ft. ℥ii.

m

A teaspoonful every three hours.

EXHIBIT Z, A A., B B.

Three vials containing the analyzed prescription D.

EXHIBIT C C.

Is the vial from Hubbell, which contained the original prescription, D.

EXHIBIT D D.

Philadelphia, October, 1860, Wednesday morn.

Dear brother Thomas,—It is now just day-break, and weak as I feel have left my bed for a few minutes to write you a few lines, that it may go as early as possible to you.

Last evening I calculated what I should need for myself and the children, and find that to make what will be absolutely necessary in four days is impossible. Monday week will not more than give me time to make ready for the journey. We are very destitute of clothing, and my own hands cannot do much. The boys' clothes can be made out, but the underclothes must be made under my eye, and I shall have to seek out a sewing girl to come to the house.

I forgot, too, to mention yesterday that one week ago my little Robert was *vaccinated*, and it only commenced getting sore yesterday. He has got to be sick with that, which will make it necessary for us to wait until he is well enough to travel. Dr. Ludlow saw it on Monday last, and said it had commenced but slowly.

I shall, if I feel well enough, see about the box at Mr. Schenck's to-day.

I shall have to have shoes made for myself and the children, which cannot be made, all of them, this week. James wrote me several weeks ago to have the children each two or three pairs of shoes made and bring them, as shoes cost much out there. Shall I do so?

In leaving Mrs. Devine I shall be obliged to settle my bill before leaving, which will be $50. I forgot to mention this.

I enclose a list of necessary articles, that you may see what money I shall need to make ready. Other things I shall think of as I am making, that I cannot remember now. Some I thought of in the night, when I wakened to attend to baby. In haste.

Your affec't.

ADDIE.

Excuse writing, my hands are very lame.

Annexed is a list of articles to be purchased, amounting to $52 09.

EXHIBIT E E.

Baltimore, October 20th, 1860.

Dear brother Samuel,—I will meet you at the Girard House early on Tuesday morning, if my health permits. I intend (Dr.) to go on on Monday evening. I want to see you as early as possible on Tuesday. I am beginning to understand this business better. Brother James wanted Addie to go with him and she would not, and I suppose to gain time and get him off, promised she would go out at this time without him. It was her own proposition, and he forced into it, and now she pleads the advanced season and her travelling alone as the reason for not being willing to go.

There is more in this business, as I can now enable you to see, than appears on the surface.

Mother and sister about as usual. I am suffering from a very bad cold.

Very affectionately your brother,

THOMAS D. BAIRD.

Samuel J. Baird.

EXHIBIT F F.

Is a volume of manuscript letters and documents, numbered from 1 to 124, C, inclusive.

No. 1—Is a letter, recommendatory of Mr. Baird, by Rev.

Dr. R. J. Breckinridge, bearing date, Lexington, January 27th, 1848.

No. 2—Is *ditto*, by the Rev. Dr. Archibald Alexander, bearing date, Princeton, September 2d, 1848.

No. 3—Is a letter of Mrs. Baird, before marriage, to Mr. Baird, bearing date, Manchester, November 14th, 1848.

No. 4—Is a letter of Miss Eliza E. Baird to her mother, Mrs. E. T. Baird, bearing date, Philadelphia, Penn., September 26th, 1849, six days after Mr. Baird's marriage to Miss Torrey.

No. 5—Is a letter of Mrs. Baird to Mrs. E. T. Baird, bearing date, Geneseo, October 9th, 1849, from which the following is an extract.

"James has often told me your feelings with regard to boarding, therefore you will not, I trust, think I am strange or fanciful. I do not mean by what I have said that I am dissatisfied, because *my home* is where James is, and I can be happy with him anywhere. *I think he is a very good boy, do you not think so too?*"

No. 6—Is a letter of Mrs. Torrey to Mr. Baird, bearing date, May 7th, 1850, at Manchester, from which the following is an extract.

"We have indeed had much anxiety on your behalf, and sometimes have regretted that you did not think well of remaining with us until the autumn; but perhaps this arises from my selfishness, and a desire to promote Addie's happiness. With regard to her, I can only say that her submission under this painful separation seems most too much for her years; she is truly a woman of a thousand—she grieves and cries, but never repines; she is lonesome, but makes every effort in her power to be cheerful, but sometimes nature will predominate, and nothing but a flood of tears will relieve her almost bursting heart. She spends much of her time with me, talking of the past and planning for the future, but in all her plans your happiness and usefulness seems to be with her the all absorbing thought; all her talk is about going West. Leaving home does not seem to trouble her as much as formerly, and why? the reason is obvious; this is all as it should be."

No. 7.

Manchester, June 11th, 1850.

My dear James,—I write to you now with my heart grieved, and my spirit ground down to the very quick. Oh!

dear, dear husband, OUR *dear little baby* has gone to its Maker, to the arms of Jesus, to be one of the angels around God's throne. My grief is truly great—he was a dear little boy, and completely wound itself around my heart. I loved him too for your sake; how much I longed to have you see the *dear dear child* before he left me; yes—I could not help exclaiming often, "Oh! if his father could see him once, only kiss him once, how much happier I would be"—but this privilege was denied me, and no doubt it was all for the best, because *he* was so pretty and so sweet that *you* would have loved him so much that it would have tried you as it did me.

My dear James I am so tired, what shall I do? If you were only here to comfort me, to sit by my bed-side and talk to me about Heaven and our angel baby, how happy I would be—but I know you cannot come, and I must remember you as praying for me often and much. And now dear husband, how happy you should be to think that we were home, and that our dear boy was in mother's hands; yes, she devoted herself to him, day and night. She thought she could not do too much for him; everything that could be done to restore him *was done*, but he was not made for this wicked world, and he has gone to his home, leaving behind him nothing but an innocent, harmless life. From the time he wos born he lay with his mother; yes, I felt that I could not do too much for my dear boy. At night he slept either on my arm or close by my side; and I used to awake whenever he made the least noise. At first he seemed too weak to nurse me, and my nipples were rather small, and the milk came rather hard, but in about five days he took hold as he should. But he was born before his time—*i. e.* before nine months, and we could not expect him to nurse much, but as the doctor said, he would have a tendency to sleep for a month or more, and after that, if he lived, he would be like other babies. When he was first born he coughed, and once in a while he coughed since through his life. I think his heart was diseased, and that when he had the jaundice it brought out the disease. I think that he could have lived if I had not had so much trouble at Geneseo, and as pa and ma said, also the travelling tired me very much, and that of course tired him. And now, my dear James, I will tell you something, and that is that I would not grieve if I was in the family-way again. Yes—although I suffered such intense anguish, yet I would, Christ helping me, go through with it all again to have such another dear baby. Do you think that I mean this as a hint for you. I think that if I heard you say that I should *pound you well*, you saucy fellow. I should like to have you come home, but you need not laugh, "old man."

Mother will give you all the particulars, and as I am quite weak, and my back not very strong, I will not write much more, but will try and write you fully next time. Jeannie said a few moments ago, "be careful that you do not write too much and injure your eyes;" you know that a woman's eyes are quite weak during her confinement. By the way, our baby's eyes were quite weak. The eye itself was a dark blue, but if he had lived they would no doubt have been the color of *yours*. He looked like you—but more it was thought like me—my mouth and your nose—my eyes and your forehead. I did love the dear little lamb, I fear too much; he was only lent to us. While he was breathing I went to him and kissed him once for you and once for me, and I will give it to you when I see you. Twice a day I sit up with a pillow under me and a quilt over the chair, but cannot sit up long at a time. I am now drying my milk with camphor. No letter from you to-day—got two papers—pleased with notice. Wish we could live in the East, near home, the folks are so kind and talk so sweetly about you. Pa said the other day that no matter how much people slandered you behind your back, they could not say anything against your christian character or your daily walk and conversation; he loves you very much, and they all do. Ma says I must stop, so good bye. May God sustain you under this severe trial, is the prayer and desire of your affectionate wife,

ADDIE.

No. 8—Is a letter from Mrs. Torrey to Mr. Baird.

Manchester, June 11th, 1850.

My dear Mr. B.—I have seated myself this morning again to write you. Addie wished much to do so herself, but prudence would not so soon permit her to. She will however write a few lines to be enclosed in mine, to show you that she is doing well. She will no doubt inform you of the death of your dear little son, and leave me to give you the particulars. It seemed the first week of its brief existence to promise well, but it was attacked with jaundice, which soon developed the disease of the heart called asphyxia, not uncommon in premature births. Everything was done that could have been done to have saved it, but God in his all wise providence has ordered it otherwise, and this afternoon we shall consign its mortal remains to the place appointed for all living. The interesting young mother's heart was lacerated and torn as you must suppose to an extent which nothing but grace and the consolation of religion enabled her to bear; it lived long enough for her to love it perhaps too much; it was the object of her daily solicitude and nightly watchings, and upon no other arm could she permit it to sleep, and the trial of separation was great. Then did

she again cry for her dear absent husband, and in his absence she took refuge in the arms of her father."

No. 9—Is a letter of Mr. Baird to Mrs. E. T. Baird, dated Mount Bethany Manse, Tenn., October 29th, 1850.

No. 10—Is a letter, signed by some forty members of the Vicksburg church, urging Mr. Baird not to resign his charge of that church, bearing date, Vicksburg, December, 1850.

No. 11—Is a notice of a meeting of the congregation of Vicksburg church, touching the permanent settlement of Mr. Baird.

No. 11½—Is a letter of Mrs. Torrey to Mrs. Baird, at Vicksburg, from which the following is an extract.

"Oh! shall I be there, and all the dear children God has given me? You speak with so much affection of James, and of his unbounded kindness to you—this, although it cannot give me resignation, has the happy effect to reconcile me more and love him better—but did you ever doubt our love for him?"

No. 12—Is a letter from Mr. Torrey to Mrs. Baird at Vicksburg, bearing date, Manchester, March 11th, 1851, from which the following is an extract.

"*I am convinced that he cannot live south.* I feel assured that if he would live long and be useful that he must come further north, and nowhere so properly could he find a settlement as in Pennsylvania, his native clime."

No. 13—Is a letter of Mr. Torrey to Mr. Baird, at Vicksburg, dated Princeton, March 20th, 1851, from which the following is an extract.

"In my last to Addie I suggested that you could adopt the plan of placing Addie at Sandusky for a period while you spent the time in visiting Pittsburg, or the neighboring parts of Ohio, or that you should extend your journey to our quiet home in the Pines, where you both would be welcomed, and where you could in like manner leave Addie until after her confinement, at which period you could be with her."

No. 14—Is a letter written from Sandusky to Mr. Baird, at Vicksburg, bearing date March 29th, 1851.

No. 15.

Dear Addie,—With this is a letter from Kitty, and as the

mail is about closing, I have time but to drop a few lines acknowledging receipt of yours of 17th inst., which gave me much pleasure, and to join with Kitty in earnestly urging you to make the proposed visit at Sandusky. We shall be most happy to see you and have you spend the winter, and hope that Mr. Baird will find it convenient to be with you. I shall remain here during most of the time that the family (mine) will be East, and you can keep house for me. Let us know immediately what you conclude about it.

Affectionately your brother,

S. W. T.

I have just received a letter from father—all as well as usual.

March 29th, 1851.

No. 16—Is a letter from Mrs. Baird to Mrs. E. T. Baird, Mr. Baird's mother, dated Vicksburg, April 9th, 1851, from which the following is an extract.

"At this time *in particular*, I feel as though I needed sympathizing friends, and these I have not. James and I are one and our feelings are one, and if I had not *him* to cling to, I should sometimes, I fear, go frantic."

No. 17—Is a letter from Mr. Torrey to Mr. Baird, at Vicksburg, dated April 9th, 1851.

No. 18—Is *ditto*, dated April 16th, 1851.

No. 19—Is a letter from S. W. Torrey to J. M. Baird, dated Sandusky, May 25th, 1851, in which he says: "We are most pleased to see Addie in safety on Saturday evening, and hoped that you would have come on also."

No. 20.

Banking and Exchange office of S. W. Torrey & Co.
Sandusky City, O., May 30th, 1857.

Dear sir,—The enclosed letter from Adeline will explain why she this morning left for New York in company with Kitty and her brother-in-law, Mr. Smythe. We have made the most strenuous efforts during the whole week to communicate with you both by telegraph and letter, but without effect, and she had, in the opinion of all, no other course than that taken.

I am now boarding at the hotel, and shall be happy to see you and share my quarters with you if agreeable and convenient to yourself.

In haste. Your affec't bro.

S. W. TORREY.

Rev. James H. Baird, Dayton.

No. 21—Is from Mrs. Torrey to Mr. Baird.

Manchester, June 5th, 1851.

Now, my dear James, all we want to make our happiness complete is to have you here—the voice of all is, write and hurry him along.

Our dear little Addie is again with us, and although she is considerably fatigued and is looking pale, still I think the invigorating air of the Pines will, I doubt not, soon build her up, provided she only has you with us.

Mr. Schenck and family are here and he is exceedingly kind and agreeable—humble and subdued, and joins heartily in our rejoicing and thanksgiving that you are to join our family circle. Now good bye, dear Jemmy, come soon to make glad the heart of your

MOTHER.

No. 22—Is from S. W. Torrey to Mr. Baird, dated Sandusky, June 13th, 1851.

No. 23—Is from Mrs. Baird to Mrs. E. T. Baird, dated Manchester, June 30th, 1851. In this she says—"James arrived here last Saturday, and I can assure you I was delighted to see him. He looked better than I expected to see him looking."

No. 24—Is from Mr. Baird to his mother, dated Manchester, N. J., July 19th, 1851. In this he says—"Owing to Addie's premature confinement last summer, and the delicate state of her health this season, I determined, at a great sacrifice, to be with her, and Providence permitting, see her safe through her expected confinement, taking care that no assistance she may need shall be wanting. We had hoped, ere this, that she would be well again, and allow me to leave her; but we still remain anxious, and indeed, I am more anxious about the event than I wish her to know.

We are here at no expense, and indeed, I presume I will even receive a trifle of $20 or $30 for preaching here."

No. 25—Is a letter commendatory of Mr. Baird's services at Vicksburg by A. C. Dayton, a ruling elder, dated Vicksburg, Miss., September 16th, 1851.

No. 26—Is ditto from Vicksburg session, dated September 16th, 1851.

No. 27—Is ditto from Rev. B. H. Williams, stated clerk of the synod of Mississippi, dated September 1st, 1851.

No. 28—Is ditto from the session of the church at Manchester, N. J., dated October 20th, 1851.

No. 29—Is a letter from Mrs. Torrey to Mr. and Mrs. Baird, dated January 1st, 1852.

Princeton, January 1st, 1852.

My beloved children,—I cannot describe how much my heart was filled with gratitude to the Great Giver of all good when last evening I received your letters. I feel indeed that God has directed your steps to a home where we can be both useful and happy; and oh, that I could only assist you now when you so much need it, but I have done all I can, although it has been but little, and lest I may say too much, I feel that I had better say no more.

I was conversing with Jeannie about your new location, and took that opportunity to say that I much regretted that we could not do for you as I thought we had for them, which led to this explanation.

The only furniture Jane had except that of her bed-room Sam gave her, amounting to about $100, when she went into the parsonage at M——. When she came home to live with us it all went into common stock, and was returned to her when she went to Fourteenth street. Then Sam, in your father's name, bought her furniture, with the exception of carpets, which your father gave her out of his store; but I am grieved to say that the very furniture she now has has not been paid for, and probably will not until Mr. Schenck pays for it, which he intends to do the moment he can, so you see by this Jeannie has not fared so well as we all thought for. I hope most sincerely that your father will feel able to help you, and shall do all I can to aid it.

This leads me to express my great gratification to you, James, for your manner of dealing with Addie. You evidently do not wish to deprive her of her independence of feeling, but rather wish, by respecting her opinions and wishes, to make her feel that she is part of yourself. Do this, dear James, ever, and encourage her by your confidence and desire to praise her when she doeth well; this is all the remuneration a wife wants—to feel the assurance that the one to whom she has given her heart and hand values her.

No. 30—Is from Mr. and Mrs. Baird to Mrs. T. Baird, dated January 3d, 1852. In it Mrs. B. says:—

"Dear mother,—Although my wrist is quite lame from rheumatism, yet I will try and write you a few lines. We are now sitting in my room; James has our little Addie on his lap, trying to make her laugh. He seems very happy

with her, and I think she will make him happy many days when he would otherwise be gloomy."

No. 31—From Mrs. Baird to Mr. Baird, dated Manchester, June 28th, 1853. In it she says :—

"My dear James,—I, a few minutes ago, received a letter from you, dated Baltimore. Well done for you. I shall really think that I am of some consequence, eh! can't live without wife. There is no doubt but that Addie and I are the attraction *East*."

No. 32—Is from Mrs. Baird to Mr. Baird, dated Manchester, July 12th, 1854. In it she says :— 10

"My dear James,—No letter from you to-day. How very much disappointed I am. I watched the mail yesterday, and this morn I am forced to commence my letter without any word from you. Now, James, why have you not written to me oftener? I never have been so long without letters. It is not at all like you. I fret most all the time about you. It seems to me that I cannot wait another day before I see you. I miss having you about me. I miss being tormented about sitting on your lap, &c., &c." 20

No. 33—Is a letter from Mr. B. to his mother, dated Toledo, December 4th, 1854. In it he says :—

"We have a good girl, but she is delicate, and apt, in a pinch, to give way. Yesterday morning, at 4½ o'clock, I had to go a mile and a half for a doctor, it snowing and blowing all the time."

No. 34—Is from Mrs. Torrey to Mrs. B., dated Sandusky, December 16th, 1854. In this she says :—

"Every time that I think of James and his kindness to me, my sympathies are at once called to his poor lame foot and 30 cut boots; I hope by this time he has procured a pair more comfortable; and does he know the way to church yet? How we have laughed over his temporary aberration of mind; but never mind he has a great work to do, and it is not wonderful if at times his mind should be overcharged."

No. 35—Is from Mrs. Torrey to Mrs. E. T. Baird, dated Toledo, May 28th, 1855. In this she says :—

"Poor James is at the Assembly, and is sick with the fever and ague; all this has added to Addie's anxieties, and indeed, I think her hard crying when informed of his sickness hastened her sickness." 40

No. 36—Is from Mrs. Torrey to Mrs. Baird, dated Philadelphia, July 31st, 1855.

No. 37—Is from Mr. Torrey to Mr. Baird, dated New York, August 1st, 1855. In this he says:—"I am convinced that the climate of Toledo will be fatal to your health."

No. 38—Is a letter from Rev. W. W. Hill, D. D., and Rev. J. M. Crabb, members, one of the Executive Committee of the Board of Missions, and the other of the Missionary Committee of the Presbytery of Maumee, regarding the condition of the Toledo missionary field, dated August 3d, 1855.

No. 39 A—Is from Mrs. Torrey to Mrs. Baird, dated Philadelphia, January 31st, 1856. In it she says:—

"Now, dear Addie, about the folks talking about your extravagance. Do not care a biscuit about it; all minister's wives have to take it; but rise above it and let them talk, only say nothing, that is the way all good wives must do with the weak brethren. What will they say when your Dady begins to do all he means to?"

No. 39 B—Is from Mrs. Torrey to Mrs. Baird, dated Philadelphia, April 4th, 1856. In this she says:—

"You know well Mr. Schenck's peculiarities, if he would only feel and act as nobly as both Mr. Baird and yourself did while I were with you, my burden would be comparatively light; but this is not the case; he says try to manage them with love and sternness, but he evidently is not willing to have severity used, and do you think I can train so many, and with such determined spirits as they have without sometimes having to resort to their mother's remedies; she did not spare the rod, but used it daily. In the early part of the summer he will leave them for two or three months, and then I will endeavor to train them more faithfully, and I hope never to have it said, 'that their grandmother spoiled them with indulgence.' I often think of Mr. Baird's remark to me, 'demand implicit obedience, and if they do not yield by kindness, punish them,' this increased my love and interest in them ten-fold, although it was hard to do it. But I can do much for dear Jeannie's children. She folded her arms around my neck and her husband's, at the same time, and said, 'let no dissensions come among you when I am gone; comfort poor William and take care of my precious children.' That was drawn out no doubt because of the painful past when at Princeton, but I trust her last and dying admonition will never be forgotten—thus far I have had nothing but the most profound respect from him.

"Please ask James to write and comfort my poor, broken

heart. Love to him and the children and yourself, from your sorrowing

MOTHER."

No. 39 C—Is from Mr. Torrey to Mrs. Baird, dated New York, October 11th, 1856. In it he says:

"My very dear daughter,—I enclose a check from William for your October instalment, and trust that it will be useful in sundry comforts. Acknowledge its receipt.

Last week I wrote to Mr. Baird suggesting that his brothers should let him have $150, and that I would hand him the same amount to facilitate his escape from your present unhealthy position, and to enable him to lie quiet for some three months while his health could be recruited, and you all be near to us, which would afford us unbounded pleasure.

This amount, $300, would defray the following expenses, *viz.*

Mr. B's wardrobe,	$75	
Travelling expenses East,	75	
Board fifteen weeks, $10,	150	
	——	$300

If you are all able to travel, therefore, you had better come on at once."

No. 39 D—Is from Mr. Baird to his mother, dated Lockhaven, March 21st, 1857. In it he says:

"As to my pecuniary affairs, I may say they are, by the blessing of God, not in a very bad condition. Brother Thompson sent me $100. I received this winter about $75 *more than travelling expenses* for preaching, and $21 for the article in the Repertory. Addie's brothers, too, were very kind. I suppose our medicines alone have cost $2 a week, so you may judge altogether how we are. I ought not to settle down if I had the means to live without. Addie and I ought both to take a sea voyage, but of course it is impossible."

No. 40—Is a copy of a letter from Mr. Baird to Mrs. Torrey, furnished Mr. Baird by Mrs. S. W. Torrey, the note at foot of page being by Mrs. D. W. Torrey.

(*Private.*)

Lockhaven, March 24th, 1857.

My dear mother,—Since I arrived here I have been in something of a bustle in the house and out of it, and have had little opportunity for writing. And then things for a few days looked as though I would have seen you a week ago, and hence did not need to write.

It now seems to be settled that I am to reside here, and hence we must get settled as soon as possible, and I much wish we were settled. The labor, the expense, the anxiety, will be great. For the freight of our goods and the travelling expenses in getting the family here will alone cost from $125 to $150 on the most economical scale. I have already written to Pittsburg to ascertain how I can best get our things from Sandusky. I am pleased with the appearance of things here. The scenery around is quite beautiful, fine. And there are some very fine residences on the bank of the river. My hope is that when we get fixed here we will really be more comfortable than we have ever been.

I marked "private" at the top of this letter because I wish to say something to you, my dear mother, that I wish not William or Mary to see. You have been a very kind mother indeed to me and Addie this last winter, and I cannot soon forget your kindness. And I think, on my part, I can honestly say (and I don't believe you would say otherwise), that I have showed you that respect and affectionate regard which was becoming. Your whole conduct has shown the kind sacrificing mother. But there is one thing you have done that has greatly grieved me and vexed me. I think you well know my affection for Addie. That it is sincere, deep, and abiding, I need not assure you. She is a true woman, a good wife, the only woman I *ever* really thought of for a wife. I greatly love her, and I desire to promote her real happiness in every way consistent with duty. This I believe is her confidence in me also, and I think you would not doubt this declaration of mine. Now then, my dear mother, why is it that you have more than once told Addie of remarks I made to you just previous to our engagement,* remarks made to you in confidence—*in proper confidence*, under then existing circumstances? Why ask *her* for explanation of these, with suspicions or surmises based upon them? I made no remark then that did not indicate an *honorable attachment* to Addie, and a course of conduct perfectly honorable on my part. I said nothing that I could not explain to her, but for evident reasons, circumstances occurring as they afterwards did, it was proper that all mention and remembrance of some things that passed should be buried—forgotten. At Toledo, and lately in Philadelphia, you not only told Addie some things that amazed me, regarding remarks I made you just previous to our engagement, but told as they were, they produced impressions entirely different from the truth. What advantage, too, in letting Addie know every queer thing said

* Mrs. Torrey never knew what these remarks were, and does not understand to what you allude.

by me, and wanting her to explain queer things said by aunt Anne, or letting her know that the whole family do not admire me. I regard it as a very great unkindness and injury both to her and me. Any person who tries to make my wife think queer of me is not her friend or my friend. These are points *sacred*. I cannot think you would wish to do us wrong, but you have done it in this respect more than once, and I have in this way drawn your attention to it, that you may hereafter be more careful. Never once has a relation of mine insinuated anything against Addie. They would not be permitted to do it.

Suppose, now, she did not tell me, and what would be the result? She becomes suspicious of my love or confidence, and I in the dark as to the cause. What a state of things would that be? Addie and I have confidence in each other, I believe. I am not a perfect pattern of a husband, but I try and she tries, and may God grant that I shall not see the day when we shall not have confidence in each other.

I thought, some days ago, my dear mother, I would say nothing of this, but when in Toledo I lost many nights' sleep thinking of it, and have done so of late, and I think on reflection you will agree with me in viewing this subject. If I have said a word that seems unkind, forgive it. I do not so mean it. Less I cannot say, and more I don't wish to say.

With love from all, from your ever affectionate son

JAMES.

No. 41.

Lockhaven, May 13th, 1857.

Mrs. A. W. Torrey—Madam,—Your note was in due time received, and I now seize the first leisure moment to say that, after you have pronounced "false" what I said as kindly as I could in my letter to you, and after your subsequent action in regard to that letter, and after your whole course with reference to myself, it evidently will be for our mutual benefit to have as little to do with each other as possible, which I presume must of course be your wish, as it has now become mine, though it is with great pain I feel impelled by a sense of duty to say this.

Yours, &c.,

JAMES H. BAIRD.

No. 42.

Lockhaven, Penn., September 11th, 1857.

Rev. W. E. Schenck—My dear brother,—My object in this letter is to express the regard I have for you, and my gratification as to the kind manner you broach (in your letter of the 5th ult.) a subject of more importance to me than any

earthly one. On this subject I have thought much, I have made it a constant subject of prayer, and I had nearly made up my mind that in a certain way intercourse between Mrs. T. and myself might be opened up, aggrieved though I felt myself to be to an extent I would not mention; but when a letter of Mr. Torrey came into my hands at Cape May, addressed to Addie, "insisting" that Addie should meet them in Philadelphia, I became established in my former views. The whole letter showed, in connection with attending circumstances, *intentional* disregard for me as head of my family, which has indeed characterized almost *all the intercourse* I have had with Mr. and Mrs. Torrey, particularly the latter. Without giving my reasons for saying so, I may add that there can be no doubt on my mind—1st, that they have been attempting to "seduce the affections of my wife from her husband," pronounced justly by Dr. Hodge to be "the greatest social crime next to murder." (Hodge on Epb. pp. 334, 335); and 2d, this has not been enough, but I feel assured I am not mistaken in saying that Addie has been encouraged and urged to think and talk about separation. The whole intercourse (favored sometimes by Addie's morbid love for home, especially when feeble and nervous,) has shown either a *terrible* indiscretion or a fearful determination to make us, who have been comparatively very happy, differ and be miserable. They have made it their business to inquire into, and that most minutely and persistently, all our private affairs, and have constantly, particularly for three years past, (excepting only two months last winter) found fault with my judgment and opinions. "Man's business" and "woman's business" has been the constant theme of conversation, and wherever my wishes or judgment has differed from theirs or Addie's, Addie has been advised not to give way, &c., &c., that I am "not worth minding," and that she should show her spunk, &c., &c.

For years Addie has been encouraged to look for a plenty of money from the family. Her expectations have constantly been kept in an excited state. When the road is finished what will be done for her! Poor, poor Addie has been sounded through the family till some of them are I know sick of it, and so am I. I have always been able to give her a comfortable living, as comfortable as she expected when she engaged herself to me; but scarce a letter comes to her that you (any thinking person) would not say had something imprudent in it; as for instance, either sympathy for her (calculated to rouse her morbidly tender feelings) earnest hope that railroad matters will soon admit of doing such and such things, or else something about not seeing her, hoping soon to see her or have her visit them, which

expectations are seldom feasible or are realized. Now, as for my household affairs, which they constantly make the subject of discussion, limited as are my means, I pay more for help in the house, for servants I mean, than any man of my means I know, than almost any minister I know or you know of twice my means, and around my house we have so many little conveniences that friends are often astonished. And yet, if I hesitate as to do anything, going to any expense, Addie is "advised to send and have it done, and have it charged to me." Now I do not speak of the effect of these things on Addie. It matters not. A letter from home, I may however say, has often shown itself on Addie's health and spirits for days and weeks. Evidently things have come to a pass that it is my duty to use all the influence and authority I have from God in preventing further attempts to destroy our happiness. We most certainly were happy before we were interfered with, and I can assure you that nothing has marred our happiness since we were married excepting this direct or indirect interference with our affairs, to which we for a long time submitted, *but to which, D. V., I will never again submit, let the consequences be what they may.* It would be sin against God and our own souls. Several things have been affecting Addie's health. 1st. This depletion, arising from loss of blood from her nose, began, last winter, and of which she never speaks. 2d. The rheumatism. This, and her general weakness, I believe could have been cured, possibly could be even now if she would use any remedy, cod-liver oil, sea bathing, anything. It cost me (cramped as I am) nearly $100 to take her to Cape May, (this don't include my own expenses, paid by my people,) hoping to cure her. She came, but only "for a frolic," to use her own expression, and with no intention to bathe; nor did she bathe more than four or five times, and then she was almost taken in by main force; and this though all physicians I have consulted, and many others too, have agreed in opinion on this subject. After a *few days* she must then leave to see her mother in Philadelphia, just as four years ago, when prepared to go to Cape May, her parents persuaded her out of it, that she might go to Manchester. An invalid is not to be expected to exercise sound judgment in such matters. What I have to complain of is not only the opposing my wishes for her welfare, which wishes ought to be regarded, if the wishes of any one should by her; but in addition to this they have taken advantage of this weak state of Addie to endeavor to lessen her husband in her estimation. This has been done and done again and again, from the blacking of my boots and the holding of the baby, up to the determining of a field of labor. The next cause of

Addie's physical derangement (mental also) and weakness is her family's correspondence, already alluded to. Seldom has three months rolled around without some project for a visit home being proposed, and the painfulness of their separation is dwelt upon, producing in her feeble state not only homesickness but real sickness, and no pleasant feelings of course if I do not at once accede to the notion, mostly a wild one. Now my dear brother, I love Addie tenderly, and whilst I know this is reciprocated, I must acknowledge the course of Addie's family has hung over me like an incubus for years. No plan of any kind, private, social, public, but has been interfered with and mostly frustrated, and, in Addie's weak state, they have made a breach in her feelings on more than one occasion. I cannot have the same comforts (nor do I want them) on my salary that Sam, in New York, or yourself have; and those are not friends who produce or try to produce dissatisfaction with what I regard my duty in my family in regard to these matters. By God's ordinance I am head of my family, and yet again and again has Addie been taught to disregard my wishes by all the influence and assumed authority of one or both parents, (sometimes under circumstances most aggravating, such as, if ever such is the case, demanded of me a use of physical weapons); this has been true not only in most import affairs, but on almost every point, *e. g.* the children's diet, clothing, and general training. "I don't hold the baby enough," I don't pet or play with the children enough," I am not as attentive to Addie as I should be, as in getting her a chair, stool, &c., the very noticing of which things, be they true or false, proves a desire to injure me in her estimation. Such conduct is enough to drive us both mad. Her mother has a magnetic influence over her, especially of late, and that influence I am satisfied has been and is used for this worst of purposes, and I certainly fear that as Mrs. Torrey used often to talk of getting a divorce from Mr. T. when things did not go to suit her, so Addie being thus goaded on, may, in haste, some time talk in the same strain. If she does so, the probability is I will have to resign my charge, leave the active duties of the ministry, and escape with my family to Kansas, Texas, or Oregon. I cannot have my boots blacked, cannot have a fire made up by my servant unless Mrs. T. gives her judgment that it is right. Nothing can be done on any subject until directly, or indirectly, that opinion is obtained. So I allowed on Tuesday last, in Philadelphia, and what was the result? It cost me $7, a trip of eight miles in a buggy at ten o'clock P. M., my brother a trip of sixteen miles at the same time, and Addie a trip to Harrisburg alone, and besides this all the anxiety, &c., attendent on it.

When Addie and I were married I expected a home for my mother and sister. They have spent (unwelcome guests) twelve or thirteen days in my family, and I have been almost, yea altogether, forced to be cut off from communion with them—my mother, a frail, weak widow, now in her 65th year, and with no home. It will not be charged that she ever attempted to injure Addie in my estimation, but Addie has been taught (notwithstanding our understanding on this point before we were married) that she ought not to be expected to have my mother with her.

One of my children is called after my deceased father, another after me. So I informed my mother and all my brothers. They visit me, but find no James or Thomas. Dickey is the name of one, and Snooks or Harry of another, father's and my name being dropped, notwithstanding my wish decidedly expressed. Never would Addie have so acted on her own motion. *Never.*

December 7.

I have said more than I intended above, and have let it lie for three months. Hence I did not at once write Mrs. Torrey. I wish no intercourse except on christian principles, and when I am satisfied that there is an end to this insane course on her part, I shall feel prepared to open up intercourse which I sincerely regret has been necessarily closed.* But unless there is such a change I shall be driven to go much further than I have yet gone. My duty, painful though it be, I will try to perform, for myself, my wife, and my children.

My labors drive me constantly. It seems impossible to get household matters so as to have Addie satisfied. I greatly fear this will bring us into bad odor. Addie is nervous, but her friends are blameworthy for it. I have not had time to write with as much care on this subject as I ought. I had hoped to have seen you at synod. Write often, and let us hear from you all.

Give my love to the children, and be assured I remain

Yours most fraternally,

JAMES H. BAIRD.

P. S. After all I cannot speak freely. It is too painful a subject. I do hope I act conscientiously and rightly.

* One of the last letters I wrote Mrs. T. was to entreat her to act differently on certain points. I did so kindly, and she in reply pronounced my statements "false," and yet I know them as well to be true, as I know my own existence. She thus closed our intercourse, all hope on my part of change on hers.

No. 43.

Lockhaven, December 25th, 1857.

W. Torrey, esq.

Dear sir,—I have had it in contemplation to write you for some time, feeling that possibly I have not done my whole duty to you until I shall have made some slight explanations of the reasons for my course with reference to family affairs. And now I will do so. And

1st.—Addie was engaged to me knowing I was a minister, knowing I was poor, knowing I felt it a duty to go West, and that *you had expressed your conviction of that being my duty*, and with this she was perfectly satisfied. Addie was then aware of my differing from you and Mrs. Torrey in regard to the management of *your* family and the *principles* for the same. These were often discussed, and at length she expressed herself decidedly of my opinion, else we had never been engaged. Clandestine correspondence (*i. e.* correspondence of a wife unknown to her husband or concealed from him), clandestine interviews or conversation with others, talking against him to others even when he is to blame, and revealing private family matters—these were some of the points.

2d.—When we were married it was understood my mother, my widowed, feeble mother and my sister should have the offer of a home with us, knowing that my brothers would not allow it to be a pecuniary burden. It was distinctly understood, by Addie and by me, that Addie intended literally to become a member of my mother's family.

And now, sir, how has it been?

1.—At Geneseo we had a hard time, calculated to increase Addie's *natural homesick feeling or disease*, and we had not been there but four or five weeks when you began to write about her visiting home, and lamenting her absence. Was that discreet? Again, as soon as I resigned you came to Geneseo, and notwithstanding my convictions of duty, in which Addie *entirely coincided*, on the day you and we were to leave in different directions, you took her on your lap and finally overcame her feelings, and in that way her judgment, and I most foolishly yielded to such an influence *contrary* to my judgment then and now. You must, every one must see the impropriety of your course (admitting my judgment was wrong); I, by God's appointment, was made the responsible one, the head of my family. And when once, at Manchester, all the solemn promises Addie had made me about reading and study, were, I may say by *force*, broken up. Admitting we were foolish, ours was the responsibility. Your conduct was unjustifiable.

2.—When it was determined we should go South, after

consultation with and the approbation of you both; when we had made preparations, and expected to start in a day or two; when Addie was and had been all the time satisfied with my plans, you and Mrs. T. interposed, and said she should not go. And to find a shadow of an excuse for such conduct, it was insultingly urged that Addie was within five or six weeks of her confinement, when we were only six *months married.* Had this all been true, and had we been imprudent, what does common sense, what does Scripture teach is the duty of a wife under such circumstances? Your course was, like that of Laban with Jacob, was altogether unjustifiable.

Afterwards, when we proposed going West (from Manchester again), just before settling in Wooster, nearly as strong efforts were made to compel me to leave Addie and the baby, but this time (although her mother nearly succeeded in overcoming her) Addie remained firm. But afterwards, when we were in Wooster, there seemed to be a constant stream of invitations to go home, and lamentation over her absence, calculated to excite her nervous and morbid homesickness.

As soon as I resigned at Wooster, there came a succession of invitations by all means to go to Manchester, until Addie got sick, left her boarding-house when I was absent, and again I gave way against my wishes and judgment, and much against my pecuniary interests.

Well, sir, when Addie was at home this time, *I did as I ought*, write her showing her the expense of the course, being what I anticipated. You *took* my letters from her and read them, and blamed me to her for so writing, and you wrote me a note contradicting my statement of facts; and (having her under your influence) you succeeded in making her disbelieve my statement; in your letter you gave me the lie, for which you have never made christian amends.

And here begins that petty system for undermining my influence over my dear wife. My letters were not long enough, not affectionate enough. I did not tell everything, I did not write often enough, Mr. Schenck wrote such interesting letters, etc., etc. These and similar arguments were used to some effect upon Addie, exciting her envy by thus comparing me unfavorably to Mr. Schenck. Every effort was made to keep her from coming to Rushville and to impair her regard for my judgment. Before this, too, Addie was satisfied to be a poor minister's wife; but she came to Rushville (her feelings excited by your railroad projects and her brother's promises) and was at once dissatisfied with good plain board and accommodation in the most substantial house in the place, such as would have satisfied her

but for so much talk of "poor Addie," thus making her feel she was a poor distressed woman in having to submit to her circumstances, and that I was not considerate of her.

Ever since that there has been a constant effort to make her feel that she must live well, freely, easily, and withal that the railroad and her brothers will see to the means. She has been taught *not to rely on me*—I "am not worth minding."

At Toledo, at her confinement, her mother found fault, both in and out of the house, with my absence at the general assembly, and when I did come home and objected to some expenditures (beyond our means in my opinion, not *up to* my desires,) the mother insists upon inquiring into it, and did all she could to make Addie feel it arose from an indisposition on my part to make her comfortable. Nor was this enough. She repeated some remark I had said (according to her) to her, before my engagement with Addie about bringing Addie before the session, also some unpleasant remarks of her aunt Anne regarding me. Evidently the intention then was to seduce Addie's affection from me. It *could be nothing else*, I unhesitatingly affirm. I regarded this then, and do so now regard it, as a most flagrant outrage upon Addie and myself, supposing even the truth, the whole truth to have been told; and supposing, too, that I had been justly and to the greatest extent blameworthy in the matters referred to; it however was maliciously untrue in its intended, and I may say *actual impression on Addie*. Mrs. T. frequently talked of bringing you before the session for many things; she also consulted me seriously, particularly on one occasion, in regard to getting a divorce from you. What kind of a monster would you regard me if when Mrs. T. was in such an excited, morbid state of feeling, as was not unfrequently the case, I had suggested, or even encouraged when I was seriously consulted, a divorce or a separation? And how could I regard the *mother* who, taking advantage of her influence over her daughter in her confinement, should try to prejudice that daughter against her own husband?

Again, when leaving Toledo, every effort was made against my judgment to get us to go East, by letter and telegram, until Addie got a fit of homesickness with the ague. In that condition, *excited by your letters*, she complained of me to ladies as wanting feeling and sympathy for her, as Mrs. T. has often felt in regard to you, and she *positively refused to go to Kentucky* when she had before wished to go, and when my judgment was entirely clear we ought to go. This forced me to Upper Sandusky, against my own judgment. When a year had rolled around, the session told me they could not raise the salary for the next year, telling me the

main reason was Addie's great upopularity. And here I will say she has not felt it her duty to regard my views in regard to visiting, talking, and confidantes, etc., and we most certainly suffer for it. Within a month I had another call from session kindly warning me that Addie's talking about our household affairs was "injuring the church," the fearful import of which warning she does not understand. Her confidantes (and against some of them at least I have been long since warned to warn her, and at the friend she got provoked,) are generally gossipers, and our household affairs are now common talk. Such a course might injure the happiness, but not the business of a merchant, but it will soon send a minister adrift. Addie, however, has been *positively* taught as to her course, and she, frail as she is, I do not blame—I blame the teacher.

Again, to please Mrs. T. and Addie, I altered my plan, sold out my house, renting for $100, for $600, Mrs. T. promising to make up the loss, as she did in Philadelphia.

I pass on until Mrs. T. was greatly dissatisfied with Mr. Schenck's party for his daughter Addie, within a year of her mother's death; although I had before understood Mrs. T. to wish Mr. S. would do something of that kind, I could not fall in with her feelings. Not long after going to Mrs. Ceshey's, she made to me very great complaints against Mr. S. for not calling and *consulting* her as she expected, etc. Although urged to do so I would not say anything against Mr. S.; this seemed to worry and provoke her. I told Addie of it and of my feelings, and her mother meeting her the subject was spoken of. And at night after retiring, she told me, and said she had told her mother, "James is a good friend of Mr. Schenck, and don't like to hear anything against him." I think those are the very words, and they then frightened me. I told Addie at once that I greatly feared the effect on her mother, that she was imprudent to say so to her, that she ought to have thought of the effect it would have on her mother's mind regarding me, etc., etc., etc.

(About this time Addie became excited and *almost* sick in regard to the Mrs. Cunningham's murder case.) It was but a few days before I found Addie's mother pointing out to Addie what she regarded as my neglect of proper attentions to Addie, as getting her a chair, etc., etc.; I did not fondle or hold the children enough, and I ought to be at home more. Painful, very painful was this to me. *I saw, I see* the source of it all. At last, after calm deliberation and prayer, I wrote a letter of expostulation, as kindly worded as possible, to Mrs. T. I wrote it as private. It was not enough to show you that letter, which I expected or thought possible. She takes it to Addie, and used it as an instru-

ment to try and alienate her affections from me. To "seduce the affections of the wife from her husband" is justly pronounced by Dr. Hodge to be "the greatest social crime next to murder." (H. on Eph., pp. 334–5.) Addie, in this weak, nervous, excited state, and under her mother's influence, complained to my brother. Mrs. T. herself did the same thing, and taught Addie to suspect every move or word of mine. *After this* she wrote me that what I said in my letter was "false," when indeed *I knew* it could not but be true—*I knew it to be true.* Thus I made in a christian way a last effort at reconciliation, and had the door closed in my face, and if possible a more injurious course entered upon. And so common is it in the family to talk of separating from husbands, that I am grieviously led to understand that all that prevented an effort to separate Addie from me was the want of means to support her. I try to benefit her by a trip to Cape May, her expenses being nearly $100. She goes for "a frolic," would not bathe but three or four times, and then must go to Philadelphia to see her mother; the $100 all thrown away, when I believed and was so advised she would have been greatly benefited if not cured, had she faithfully used the bath. Thus she shows more and more the weakness of her own judgment in such matters and the impropriety of the interference of friends. She visited you in Philadelphia, and met with more efforts to sour her mind if possible against me, and since, if anything is not done exactly at the time, in the way or manner she wishes—if I don't at once accede, she is "advised to send and have it done, and have it charged." She has been instructed to "show her spunk," to remember I am "not worth minding," etc., etc., to "tell the session," or "write her father or brothers." The sum of the whole is, I must give up my own judgment in regard to everything to my wife, and she must obey her mother, you, or the family.

Now, sir, I married Addie, not her mother, not you. If we err, it is our own business; you may lament it, but not interfere. *All our unhappiness* has arisen from this officious meddling. It cannot, *it shall not continue*, let the consequence be what it may. In this matter I cannot be longer trifled with, and this I say with deliberation and prayer. If I am satisfied of a sincere intention to pursue a right course towards us, I shall be glad to open up intercourse with you and Mrs. Torrey, but not *in any event* with any of the family who may take the ground, that if Mrs. T. is offended, they and I don't want such friendship. And until then I must insist that there be less inquiry into and advice in regard to our family matters.

Addie is taught I "am not worth minding," and so I

have a nurse; but notwithstanding my positive orders, she is required to *not* prevent the formation of the baby's habit of sucking his fingers, and then not to stop it. For six months I am grieved every time I see the child, with his idiotic appearance, sucking his fingers. "When he gets to know good from evil he'll stop it." His fingers too are ruined. This all is "wife's business." I speak of it, and Addie's motto received is, "answer a fool according to his folly." Imagine its application by a woman whose mother has *deranged her*. Again, I want my boots blacked or those of some friend, "this is men's business." And for six years I have had that point contended because "father or some of the family did so." Again, Addie Torrey and William Torrey Baird know their names; but James is "Harry," and Thomas is "Snooks" or "Dickey," as my mother was told, who before thought he was called after father Thomas Dickson. This too is done notwithstanding my repeated prohibitions. It suits folks at "home," or it is "woman's business." Something is needed to be done. The girl can do it in a few minutes, but she shall not, for I ought to do something for the family. Some change is desired requiring labor and expense, and I am neglectful of family matters, if I don't *at once* accede to and execute the plan.

Contrary to my wish, I allowed a strange family to come into our house, although Addie was provoked because I would not give them our spare room. Addie was delighted. Now the board is nearly if not fully as good as I expected, and Addie has for weeks been wanting me to put them out. He was the republican candidate for sheriff this fall and was defeated, and Addie does not realize his influence in certain quarters, and the difficulty of getting them out after they have moved in. Hence she has talked very imprudently, and has done us an injury, and as the session expressed it, they feared it would injure the church, and therefore called on me. Now writing about such matters back and forward does no good—it does an injury, and it is not calculated to make Addie to feel well to be writing her what fine board you have and what fine dishes, as has frequently been done in times past.

As things are, I cannot invite Mrs. T. to our house. My own mother and brothers I have actually to treat in the same way, as, *without any avowed or real reason*, they have been very uncivilly treated, as I presume by advice. But Mrs. T. has injured *us* to an extent words will not express; and she has taken advantage of Addie's weakness and confinements to gain an influence to accomplish her purposes. Hence, as things stand, I greatly regret to say my door is not open to her, as she and you have spoken of her coming. If we can-

not arrange our family matters alone, others shall not do it for us. We ought to be old enough, and if not, we never will be.

If this letter receives the consideration and prayer it should, I shall rejoice. Addie and I would have been as happy as two on earth could be almost, had we been let alone. In her conduct where she errs I don't blame her. She is weak and delicate; but I therefore *the more* blame her advisers. Oh! how many happy days have been marred, how many sermons annihilated, by this terrible incubus!

That God may lead you is my prayer.

Yours truly,

J. H. Baird.

No. 44—Is from Rev. W. E. Schenck to Mr. Baird, dated Philadelphia August 12th, 1858. In it he says:—

"My dear brother,—I have hoped to see you this forenoon, but have been disappointed. I have not urged you more earnestly to stay more of your time at my house, simply because I supposed that while Mr. and Mrs. Torrey were there it would not be very *agreeable* for you. Mr. Torrey returns this morning to New York, and Mrs. T. will return there on Saturday morning. When your return from Bedford next week, come to my house and make yourself *at home as long as you can.*"

No. 45—Is from Mrs. Baird to Mr. B., dated Lockhaven, August 28th, 1858. In it she says:—

"Unless you write or see ma, I shall *surely* say that you and my parents have no communication with each other, and then, *mind*, they will find out the *right* themselves, and you will find yourself in a *tight corner.*"

No. 46.

Lockhaven, June 15th, 1859.

"My dear mother,—Yesterday we deposited the mortal remains of our dear little Thomas Dickson in the grave. It was a trying day to us, but not so much so as the day of his death. I enclose some of his hair. Thomas was a winning child—all loved him who saw him. He was the only one of my children that would come and stay for hours in the study, perfectly contented, oftentimes he has gone asleep here and slept for hours on the lounge. He would sit beside me on the floor, or sit on my lap and easily be amused. Seven weeks ago on last Friday, he put his hands to his side or stomach, saying, "hurts me." Whenever raised up in bed or let down it hurt him, and he could not but cry out.

The effort to laugh too, always seemed attended with a catching pain. He wore mitts to keep his finger out of his mouth, and if one got off, he would hold out his hand saying, "mitt," "mitt," with a pleasant smile. About six weeks ago these were changed to a little mitt on one finger of each hand, and at last he entirely showed no disposition to suck his fingers, but rather to pinch his lips. His forehead was broad, nearly as broad and high as mine. His eyelashes longer than mine, and his countenance very pleasant. He was very fond of nails and hammers, and the day before he died, when suffering much, he called for nails, and went asleep with them in his hand. We supposed, Sabbath morning, at 7 o'clock, he would only live an hour or two, but he was revived by giving him cream, with a few drops of brandy in it. A wild, nervous, fearful appearance had for two days been in his eye, and he did not like any one to look at him but his "*ma*," for whom he would call. He seemed distressed if others looked at him. This all passed off, and for an hour he seemed to be himself, and we began to hope he might get better, (although the doctor had left, saying he was dying). He seemed, however, to require an effort to see. He called for the "dog*gee*," and a lady went and brought Mrs. Jackson's little dog, which he noticed. I showed him the baby, of whom he was very fond. He looked at him and smiled very pleasantly, saying, "ba*bee*." I put the baby's face against his, and he seemed gratified, and rather hugged his face towards the baby's. He seemed just to notice a canary bird that was brought, and no more. We thought again, about 12½ o'clock, that he was just dying, but about one he went into spasms and knew no more till his soul took its departure, just before the sun went down.

I enclose a lock of his hair for sisters, and also one of my own, which I am sorry I did not send before. Love for you all, and remember me, if you please, in your prayers.

Your affectionate son

JAMES.

No. 47—Is from Mrs. Baird to Mr. B. dated Philadelphia, April 26th, 1860. In it she says:

"I received your last letter about an hour ago, enclosing $5. I was glad to see some money, as I have already borrowed $3.50 and need money sadly; paid 54 cents for two bottles of medicine to-day. What shall we do for spring and summer clothes? If we cannot get our things from L. H. I shall need full $50."

No. 48—Is from Mr. Baird to Mrs. B., dated Cincinnati, April 27th, 1860. In it he says:—

"I enclose an order on the State Savings Fund, leaving blank the amount, and if you go there, (it is on Third street, corner of Dock, between Chestnut and Walnut, No. 241 Dock street), and ask for Mr. Imlay, and hand him the enclosed note, and then request him to fill up the blank and sign your name to it. I think he will let you have it. Next Tuesday you will owe Mrs. Devine some $45.00 for three weeks' board. Washing, milk, girl, &c., would make some $10.00 more. So you might get $60.00 or $70.00, if Mr. Imlay asks you how to fill the blank, and use the rest for getting spring clothes. Mr. Imlay already has loaned me some $20.00 or $25.00. However, should you get any, go and deposit it to my credit."

No. 49—Is from Mrs. Baird to Mr. Baird, dated Philadelphia, May 3d, 1860. In it she says:

"On last Saturday Robert Crawford called, and said he would have been here before, but he expected to have more money to give me, but he could not give me but $25.00 at this time, and said he had looked for a letter from you asking for some, and you should have had it, but none had come; but hereafter when it is needed I must write to him, and not wait for you, and I shall have it. Ain't he funny. $5 I used it once for medicine, shoes for Henry, etc., etc. Out of the remaining $20 I had to pay $10, which I borrowed for Mrs. Devine, as she asked me for it before she made out her bill; the remaining $10 I shall not bank of course, as I must pay for moving and buy something to live on at Mr. Schenck's. I have a pair of shoes coming home to-day, and must pay $2.25, the cheapest I can get to look decent; this is the pair I have wanted so long. I will now go to Dock street, and draw the money for Mrs. Devine, as her bill has come in; it is $51.44; she says she will fix it about your board, so I suppose the last week's board will be much less; but perhaps not, as Mrs. Wright is here—but I will see.

Good-bye for this time.

Your affectionate wife,
ADDIE.

No. 50.

Office of the Raritan and Delaware Bay R. R. Co.,
No. 31 Pine street.
New York, July 2d, 1860.

Dear Addie,—Acknowledge receipt of within check for fifty dollars.

All well but me—down yesterday with ague.

Affectionately,
W. TORREY.

No. 51—Is a letter from Mr. Baird to Mrs. B., dated Harpers Ferry, July 9th, 1860.

No. 52—Is a letter from Mrs. Baird to Mr. B., dated Philadelphia, July 11th, 1860, in which she says:

"I have received a draft of $15 from Louisville Journal, and $20.82 from Cincinnati."

No. 53—Is a letter from Mr. Torrey to Mr. Baird, dated New York, July 19th, 1860.

No. 54—Is from Mr. Baird to Mrs. B., dated Westport, July 19th, 1860.

No. 55—Is from Mr. Torrey to Mrs. B., dated New York, July 21st, 1860. In this he says:

"I received this morning your letter of yesterday, and would state that I told Anne to propose to her father the sum of $15 per week for board of yourself and family. This no doubt therefore is the sum, and I will authorize him to draw on me for it as often as the amount is sufficient. At intervals if you do not receive money from other sources I will supply you."

No. 56—Is from Mr. Torrey to Mr. B., dated New York, July 28th, 1860. In this he says:

"Will it not be best that you remain and labor with the people at Westport, at any rate until we can find what may be a more useful position East or North. Probably you can establish and enlarge the Presbyterian interests there, and do much for the good of man there. Should you conclude to do so, and find the support not sufficient, I will gladly furnish the balance, or do the same if necessary anywhere, further North or East, but think you had better look around before going far South, as your health and that of your family would probably greatly suffer."

No. 57 A—Is from Mr. Torrey to Mrs. Baird, dated July 28th, 1860. In it he says:

"Enclosed are ten dollars for your general expenses. Mr. Schenck can draw on me for your board every four weeks."

No. 57 B.

Philadelphia, August 8th, 1860.

Indeed, James, I am astonished and provoked. I have just received your letter of the 2d of August, and in it you tell me that you expect to take us to Westport. How could

you think of such a place when I wrote you that your brother Samuel said that *that* was an ague town, and that I am not willing to go there. Even if you did not get my letter you ought to have known better yourself; you had better ask your wife's opinion before you conclude upon matters so immediately connected with my comfort and happiness. But I have not gone yet. I answered *your last most delightful letter*, and sent it to Kansas; you had better have waited there until you received it.

Mind that you don't send any of my clothes or the children's away from Lockhaven. I want them all out of the boxes. I cannot go to any place without my clothes and theirs.

You speak of $5 from pa; I know nothing about it.

I have no time to write more.

Your troubled and distressed wife,

ADDIE.

No. 58—Is from Mr. B. to S. J. Baird, dated Westport, Missouri, September 10th, 1860.

No. 59—Is from Mrs. Baird to Mr. B., dated Philadelphia, September 11th, 1860. In it she says:

"About going West of course I will not know until you write whether you will settle in W., but you must be sure if you do that it is a healthy place, and then be sure to have our house *settled*, and a cook on hand to make us comfortable.

"Do not forget when you send for us that I must have a dress to travel in. The baby must have a dress. I have nothing but handsome silks here."

No. 60—Is from Mrs. Baird to Mr. B., dated Philadelphia, September 13th, 1860. In this she says:

"I have just received yours enclosing order and lists, but will wait until I hear from you. I will have to use out of that to pay the gas, ice, &c., and perhaps a few dollars more."

No. 61—Is from Mr. Torrey to Mr. B., dated September 17th, 1860. In this he says:

"The expense of getting your family out is a serious one, and you ought fully to weigh it. I cannot now spare the money, affairs being rather cramped, but whether you go or stay I will engage to supply $400 a year, and if possible will make it $500."

No's 62 and 63—Are the minutes of a meeting of Westport congregation, and their call of Mr. Baird as pastor, dated September 18th, 1860.

No. 64—Is a letter from Mrs. Baird to Mr. B., dated Philadelphia, September 21st, 1860. In it she says:—

"Dear James,—This morning I am full of business, packing to start on Monday next for Mrs. Devine's, where I shall remain all winter, if I am comfortable. Yesterday I spent the day at your brother Samuel's, at Woodbury. He received me as an own sister, and did everything for my comfort while I was there. I took Addie with me for her health; we were both sick, and I felt better for our visit.

While at Woodbury I told your brother that you had written to Mr. Schenck, saying that you did not consider W. a 'permanent settlement,' and to pa that you might not be there more than six months, and that you had ordered myself and the children to go out there for that short time, and had sent for the furniture to go there. I told him too, of your brother's letter to you about Miss ——, and that I had written to you that I should not think of going until you was permanently settled, and he said that it was nonsense to think of such a plan for a moment; and I asked him to tell me what to do, and he told me not to go, but go to Mrs. Devine's for the winter, and remain there. I asked him if I should use the $20 to pay off my gas, ice, ale, soap, &c., and to move us, and to buy our winter clothes, pay for washing and girl; and he said I should keep it for my use, and the $5 too, that was sent for telegraphing, and use it to cover our extra expenses. The last he told me to keep with me without my asking him, for he knew that I should need money to get clothes, shoes, &c., for the children and short clothes for baby. Oh! that I had my warm clothes and winter bonnet, and also Addie's.

Pa and Ma have visited us before the break-up. They have taken Addie back with them, to fix her up for the winter and to try and cure her of worms, and, if possible, put fat on her bones. She was delighted to go."

No's 65 and 66—Are from Mr. Baird to Mrs. B., the first dated Lexington, Mo., September 27th, 1860, the next Otterville, Mo., September 29th, 1860.

No's 67 and 68—Are from Mr. Baird to Prof. T. D. Baird, dated St. Louis, October 1st, 1860.

No. 69—Is from Mr. Baird to Mrs. B., dated October 2d, 1860.

St. Louis, October 2d, 1860.

My dear wife,—At length I give up, and you can remain away from your husband a while longer, I am distressed and begin to feel my usefulness is entirely over. You have de-

feated me at every turn; and when—after labor, anxiety, planning and expense, I was just ready to have my family snugly fixed, with more comforts around me and them than ever before, and with a fine prospect of usefulness before me, the chalice is dashed from my hands, and from *her hands too*, by my wife herself. Not only will we not be able to settle in Westport, but no place will want a minister whose wife does not treat her own husband's opinion with the deference she pays to any and everybody.

The house is rented for $240; the goods are on their way for about $200 more. I have been involved in full $200 more expense regarding Westport. The money is to be paid *worse* than thrown away. The news I got to day, your letters and others', all blast all the hopes of peace, happiness and usefulness I had. May our Saviour not desert us. My dear, dear wife, when shall these things end? Kiss the baby.

Your husband,

JAMES.

No. 70 A—Is from Mrs. Baird to Rev. S. J. Baird, dated October 3d, 1860.

No. 70 B—Is a telegram from J. H. Baird, dated St. Louis, October 2d, 1860, to Prof. T. D. Baird, Baltimore, saying, "Let Addie stay in Philadelphia. Will write to-night by mail."

No's 70 C and 71—Are from T. D. Baird to Mrs. B., and to S. J. Baird, the former dated Baltimore, October 3d, 1860, and the latter October 6th.

No. 71.—(*Private.*)

Baltimore, October 6th, 1860.

Dear brother Samuel,—We received yesterday from sister Addie a letter, which pains me very much. She says, "I thank you (sister) very much for your invitation to spend a few days with you while at housekeeping—(we intended keeping house, but have given it up)—but *I have concluded* not to go so far as Missouri to stay but six months, for it would not only be a very tiresome journey for that short time, but would cost a deal to take us there—(the dear economical woman!) But before making up my mind I saw brother Samuel (meaning you), and he too *advised me not to* think of such a plan for a moment, but to come here to Mrs. Devine's and remain until our plans were more matured," &c., &c.

I have hopes to hear from yourself that you gave no such

advice as the above; if you have you have taken a responsibility that will do you no credit, and will no doubt bear fruit, the bitterness of which brother James will have to taste for a long time. I can scarcely restrain myself and speak with patience.

You have had at least as good opportunities of knowing the state of brother James' domestic affairs as I have, I presume, and I know that the childish follies of that woman have kept him in such mental agitation that it has been wearing the life out of him, and disqualifying him for his official duties; and this has been for years promoted by the maternal and other advice of her family. She has been trained to treat her husband's opinions and plans with disrespect, and seek advice and direction from everybody but the *one* in all the world from whom she should receive it. How would you, if you can for a moment make such a case your own, like that just at the critical point, with such difficulties to contend with, and when you had nearly placed a barrier of twelve or fifteen hundred miles between you and such domestic fire-brands, your brother were to step into your family and countermand all your directions to your wife, that you had been cautiously preparing her to obey for anxious months.

I am alarmed at the condition of things now. I received a letter from him a few days ago, requesting me to go to Philadelphia and assist his wife in getting off, but I could not leave here, and besides, the matter is now in so delicate a position that I feared to intervene, so I telegraphed him to come on, and I would pay his expenses; so the first consequence of this disloyalty and revolt of hers is that it will cost him an untimely journey (perhaps hard to explain) from his people, and me at least $75. I would be glad to think it would end in a draining of my pocket. But I believe it will not. Brother James left Philadelphia after consultation with his brothers, and their decided approval of his going to Westport, with the settled purpose to rent at once a particular house there, if the terms of rent proved such as he could feel authorized to undertake. I presume he took the house. He expected his things to be forwarded, and I suppose most of them are there, and now *her* whole purpose is changed by the advice, it would seem, of others, and she is to sport it in Philadelphia at a boarding-house, for economy, forsooth. And what sort of explanation is he to make to his people of having a house rented for his family, and his family staying in Philadelphia?

And now, if she goes, she will go unwillingly, having, according to her account, brother Samuel's opinion that it is the extreme of folly for a man to want to have his wife and

children with him. I don't comprehend this. You advise a brother's wife to disobedience—yes, open revolt and disloyalty, in circumstances the most critical. I pray God you have not. She will however now, I suppose, go there in such a temper as to render it morally certain she will not be there more than six months. The plain English of the matter is, his stay there or anywhere else is determined by her. If she goes there to whine and complain of everything she won't be there long.

Brother James, I trust, will be here soon—I do not know how soon, but I think very soon. And I do hope, whatever you have said, either incautiously or otherwise, that has been construed by her as it reads above, go to her and prepare her to expect a removal very soon to Westport, as I know that is brother James' intention, and one I very much approve; if it was one thousand miles further from New York I would still more approve it.

You had best not go formally to expostulate, but visit her, and let the subject come up, and talk it over under the aspects favorable to going, and try and beget a desire on her part to go. I believe everything promises favorably, and, in a word, that *everything* depends on her good humor and good sense. She and he can be happy, and be very useful under those conditions. You might add that I am under the impression he will come on to remove her, but that I may be mistaken, &c., so as to prepare her for what I think is certain.

But whatever you do, consider you are handling coals of fire. This is no trifling subject on which I am writing. It is one that makes more than one heart heavy.

You must therefore excuse my earnestness. I do not suppose you have gone the length she says, but I very much fear you have acted very imprudently, when you should have known what sort of a case you had to deal with. Your advice, and everybody's advice to her should be to stick to and obey and honor her husband.

Very truly, your brother,

T. D. Baird.

No. 72—Is from Mr. Baird to Mrs. B., dated Westport, October 9th, 1860. In it he says—"My wife,—Here I am with a rented house, expecting my goods every hour. I am involved in embarrassments and great expense by your disregarding my wishes, and thus frustrating my designs. Consequently I will be unable to do as otherwise I would have been able in regard to fixing up, &c. Still I presume we can be comfortable. My intention is to do the best under the circumstances I can. Now I want to know, *at once*, if you will come on and bring the children, *all* of them.

Will you come to your husband's home, to your place of duty or not? Every day and every hour's delay is *injurious every way*. Had you followed out my plans and advice, you could have been more comfortable than ever before. As it is we *can* be happy if *you* will.

If you will not come, let me know at once. And if you will write Thomas in Baltimore, and he will send you the money to pay your expenses, and give you a plan for travelling. I sent him the money for this. You have enough to go to Baltimore, perhaps, and he will hand you there your ticket and money for the way. He will introduce you to the conductor, &c.

From my children I will not be separated after the fashion proposed, if I can only give them bread and water. I intend they shall spend the winter here at all events.

Let me hear from them, and be assured of my love continued, notwithstanding all you have done.

Your affectionate

HUSBAND."

No. 73—Is from Mr. Baird to Mrs. B., dated Westport, October 10th, 1860. In it he says—"There is no time to write. I am not well, oppressed, worn out, heart-sick. I can stand this present condition of affairs no longer. You had better at once come. Get ready and start on Saturday. Thomas will give you the plan of trip, and get money for you as I have told you. I do hope you will not dally longer with me."

No. 74—Is from Mr. Baird to his brother, T. D. B., dated about October 12th, 1860. In it he says—"I don't imagine Addie will for a moment hesitate when you go there. I have written her father that I want you to go, &c. He has so far as I know neither aided or abetted her in this course. The great difficulty will be a girl. Now I feel satisfied you can manage that. I would rather she would come without if she felt so herself. It would save money; but if you can engage a good cook, or a good nurse and sewing girl, one that will help instruct the children, you may promise $84 a year, or to a *first rate one* beyond doubt, $96. Still I would rather get one in St. Louis; and put this before Addie if there is difficulty in getting a girl, for that will afford an excuse for not coming."

No. 75 A—Is from Mr. B. to his brother, T. D. B.., dated October 12th, 1860. In it he says—"If Addie don't come on, destroy the order and so inform me."

No. 75 B.

Westport, October 12th, 1860.

Brother Thomas,—Yours of the 6th is at hand, and also one from Addie. In it she says sister had written her "to know who was going as company for her." She refused to come with Miss Wells and me, preferring to come alone; and whilst I am perfectly willing she bring a girl if she get a good one, *I am not willing* to spend money to get company for her, or to alter my plans at great expense, when that was her choice *against* my will. In my efforts to gratify Addie, which I wish to do as far as reasonable, I have lost and paid together about $200 *recently*, and if she stays East this winter the following will be the consequence:

1st. Apart from what Mr. Torrey expects to do, it will cost me as much (I think more) this winter than if she was out here. *Of this I have no question.*

2d. The children, cramped up, will be sickly all winter, when here I have plenty of room in the house for them.

3d. I will probably have to keep house at any rate.

4th. There is no one reason given by Addie or any one else that will not be of more weight against her coming out next spring than now.

5th. I will not consent to be installed until she be here some time. Her not coming has settled me to refuse installation in November.

6th. I have spent all my time and energies for near four months in arranging things to make my family comfortable through the winter. If they remain East my mind will not be at ease one hour, and I will again in the spring, under more disadvantageous circumstances, have the same arrangements to make. The truth of the matter is, the course Addie has pursued and been advised to pursue is so ruinous to me in a pecuniary point of view, so destructive of all my plans for usefulness and enjoyment that I feel justly aggravated at being called upon to consent to a course that has no reason for it, when it was understood between Addie and me, that of her own choice she would come West in October, and *come alone* with the children.

It would take a whole volume to go over the whole ground, but *I know* the ground and no one else does, and I intend no further explanations unless it becomes absolutely necessary. I thank you for your kind sympathy, and can take no more notice of your letter.

Your brother,

JAMES.

No. 76—Is from T. D. Baird to Mrs. Baird, dated October 15th, 1860.

No. 77—Is from Mr. Torrey to Mr. Baird, dated New York, October 17th, 1860.

No. 78.

Philadelphia, October 20th, 1860.

James,—I am too indignant to write. Such a letter as I received to-day is really too insulting to be borne. You unkind, unfeeling man, to wish me, as sick as I am, to travel without a nurse and agent too, to attend to all my wants. I cannot understand such love as that; you are either crazy or void of natural feeling. When you had a weak hand you could not write or lift, but let me do *your* duty with my lame hands, and now you ask me to go to St. Louis alone; carry two babies, take with us a large lunch basket, a valise, and little children following after me, and me lame from head to foot, and so weak that I can scarcely sew or write. No, James, this cannot, or will not be. When you left I was improving fast, but I have been getting worse and worse every day; my nights are painful and disturbed; I have not attended church for weeks and weeks, and can only walk a few squares, and that slowly. Who would find milk for the babe five or six times a day? Who hold the babe while I eat? How would I attend to the children and eat myself in twenty minutes; but I will not say more, you cannot love us as you ought if you would ask us to go West at this season of the year alone and friendless. You say you may be there for years, and speak of the congregation as being cordial and unanimous. James you fancy I am ignorant of Westport affairs, you are mistaken—these queer sayings look badly. You do not want the people in Westport to know that your wife feels it to be too late for her to go West in her present state of health, and with a teething babe, &c., &c. James if I go there I will doubtless be asked why I came with little ones and sick myself at this advanced season, and then I shall be very plain in telling them how that you was the cause of it all.

And too, James, if I ever see Westport, and then find that I have been deceived, in any respect, I shall at once let my friends know that I would not have been thus led, but that I had your word for it. No, the Westport people would respect you more if they saw that you loved and respected your family and sought their comfort and health more than your pleasure. They would say you acted like a man.

The same reason that prompted you to telegraph still has its force; but you are trying to act against conscience and right.

My second letter to Thomas has not been answered yet. He and Samuel are acting a very strange part. They may be sorry for it yet. Perhaps you have written letters to them similar to the one of several pages you wrote to pa, in which you say I was the cause of our leaving L. H. I will see if I was. James tell me that to my face, if you can—wait a while.

I do not wish to write more. Your letters I shall keep.

ADDIE.

I have received a letter from your brother T. this morning, and in it I see that he too has had Westport matters badly represented; but I shall see him to-morrow.

No. 79.

October 20th, 1860.

I write in great haste, James, at 10½ o'clock Saturday night. Mrs. Devine has presented her bill. She told me this morning that she should hand it to me through the day some time, as she should need the money without fail as soon as the four weeks came due, I told her to do so, and I would write to you again, although I had written once before to-day. It came up about ten minutes ago, and I write, although I ought to be in bed, that your return letter may reach her in time to pay, I believe, her house rent.

I forgot to-day to enclose the name of the house that has our goods stored in St. Louis, so I enclose it now.

James you must send me some money at once; our little Henry has not a clean pair of pants to wear to-morrow, and the ones he has on he has worn till they are filthy. How dreadfully I shall feel to-morrow not to have them attend church, and to see them appear at the table with such pants and coats.

This is Saturday night, and I assure you I shall lie down with a troubled heart and an anxious mind, a poor preparation for the Sabbath day, but I trust our Saviour will be my comforter and sure support.

Your feeble wife,

ADDIE.

No. 80—Is from Mr. Torrey to Mr. Baird, dated New York, October 24th, 1860. In it he says:

"I feel that Addie is not able to undergo the fatigues of the journey. She has been down greatly under the excitement and anxieties of the past three months, and I am sure, entirely sure, that she needs quiet and rest.

After all that has passed, I too do feel unwilling to promise any aid if the family go out. Such has been the course of action that my convictions are strong that duty or love scarce

calls you here. Of course, when you have but to accept of the proposals made, and place yourself in a position of health, usefulness, and with an ample support, you cannot expect me, if you act contrary to these convictions, to aid you in carrying out the determination.

Settle the matter then, dear sir, at once. Relieve Addie's mind by accepting the offer made by me, enable me to go to work and prepare you all a home where you will be happy as clams at high tide, and after the short stay West of perhaps two or three months, as the case may be, wend your way here. You are mistaken in supposing that the Lord cannot find work for you to do East. *I pledge myself to find you a ministerial settlement with equal income at least to that at Westport if you desire it.*

Yours truly,

W. TORREY.

No. 81—Is from Mr. Baird to Mrs. Baird, dated October 25th, 1860.

No. 82—Is from Mrs. Baird to Mr. Baird, dated Philadelphia, October 26th, 1860. In it she says "The doctor vaccinated Robert yesterday."

No. 83—Is from T. D. Baird to his brother, S. J. Baird, dated Baltimore, October 27th, 1860.

No. 84.

Woodbury, N. J., Oct. 29th, 1860.

Dear sister Addie,—I shall not be in town for some days, and therefore drop you a line to caution you against increasing, more than you can possibly avoid, the outlay for your preparation to go West. I have but forty dollars for that purpose, and all above that I must myself advance. The only proper matters for present outlay are for things necessary on the way; for this purpose forty dollars are more than you calculated would be necessary. I am willing to assume the responsibility of adding twenty dollars to that amount, but not more than that, that is, ten dollars in addition to what you already have. I shall be in within a few days, and will then see you.

Yours affectionately,

SAMUEL J. BAIRD.

No. 85.

Philadelphia, October 30th, 1860.

Dear James,—I received your letter to-day in which you

say that if I have not packed I need not come. I will answer your questions at once.

I have the room which Mrs. Fargason occupied last spring, which was Mr. Ferner's bed-room when we were back of Mrs. Fargason, on the parlor floor. I have the use of the little hall, and have a little closet with shelves. I like the room better than any other single room in the house. Mrs. Devine says that if I stay she will fix it up nicely.

I still have Mary at seventy-five cents a week; she is a very nice child, and takes the care of my room very well. The children like her very much, and she likes them—they never quarrel. Mary is liked very much in the house. The two boys attend the free school and run in the park freely; we have a side-table and enjoy our meals, except when sick. Addie is doing finely at ma's, and they love her dearly; they want her to remain and go to the Parker institute. Pa says she gains in flesh every day, and is a great comfort to them.

As to clothes, we were indeed destitute; I was ashamed of us all, but your brothers handed me some money, and we are now warmer and look more like white folks.

Now I believe I have answered all. Mrs. D. tries to make us comfortable, and can do more, if we are permanent for the winter.

I tried at once to stop the boxes, etc., but they had left on the 23d, and by this time are at St. Louis. I am tempted to telegraph to St. Louis to stop them there, but know not what to do—the money is in the way.

The baby has two teeth, his bowels are very troublesome, and will be for some time yet. Robert's cough is better to-day—he coughed badly yesterday. Care and hive syrup seem to be the cure.

While at Mr. Schenck's I sent the children to school for three weeks, which cost $1.96, which is still to be paid for. They like the school they now attend very much—they never ask to stay home, and always get there in time for fear of marks. My hands are dreadful.

Your affectionate

ADDIE.

No. 86.—(*Confidential entirely.*)

Westport, Mo., Saturday, November 4th, 1860.

My dear Addie,—How anxiously I long to see my family again, and whether I shall do so soon is painfully uncertain. If you have received my yesterday's letter you will have learned my final conclusion; and now I want to add some additional thoughts for your own reflection. I cannot understand why you have objected to coming out—it is enigmati-

cal to me; had you come on at once cheerfully, the coming year would have been *unquestionably* the most prosperous we would have ever passed in all human probability, and I think the prospect of happiness and comfort was *greater* than I expect *ever* again to have. Of this there *can* be but *one opinion*. Besides, you know you always said you wanted to come in *the fall*. Now I have at last acquiesced in your wish, that you stay East, *if you still think best to* do so, until early spring. But I do want you to view the matter as to the consequences *seriously*, and remember *this letter is for no eye but your own*.

1st. If you stay East, it will be at an expense of about $100 a month to your father, not less, for your board, girl, *clothing*, &c.

2d. I will have $20 a month to pay for rent, *all* thrown away.

3d. It will cost me $35 more for board, washing, fuel, and lights, *at least*, which of itself would supply *all* the provisions for *one whole family*, and, added to what your father will pay in Philadelphia, would keep us clothed and keep a horse.

4th. I cannot get board to suit my habits *at all*. At the hotel $2 *a day* is the charge. So you see how it will be.

5th. My shirts are worn out, the bands torn, and I am beginning to be in rags for want of that kind of attention; and considering the money *already* lost or spent to no purpose, I *am not able* to go to the expense of getting shirts here, night shirts, drawers, &c. I have not slept in a night shirt since I left you. To send them by express is too expensive. (I will not ask ladies to bother about such things —I cannot.)

6th. If I try to throw up the house and save part of the rent, I lose the *only house in the place* you would like to live in. If I can, however, as I have such a draw on my pocket, I will do it, providing you conclude to stay till spring; and then, remember, in summer don't be annoyed because you will not have a *convenient* house. This *is* a very convenient house, with *three acres* around it of yard and garden and lot, with wood-house, stable, &c., &c., convenient as your diagram. We *never* will get one more so out of a city, and you ought beforehand to consider whether you are prepared to submit to inconveniences without murmuring, and whether your servants will do so, when, had you now come on, it would have been all different.

7th. As to any probability of my going East, *there is none*.

8th. You are giving me the credit of having my family supported by my father-in-law, when I am going to all the expense, and not saving one cent by it. That reputation injures a minister not a little. For my part, I would now be sorry to go East for any purpose. Whenever it is known (as

it is in regard to me) that a minister is depending *in any sense* on his father-in-law for support of his family, he is destroyed. It spreads like lightning. There is Dickson in Philadelphia, of whom you have heard Schenck speak. There is Burrows at Trenton, and plenty others *well known* in that way. They *can't* get churches.

9th. Your father had promised me, *in writing*, $400 or $500 a year to help support us here, and *on the* faith of his word I declined more lucrative calls, and involved myself. As you did not wish to come out, he has withdrawn that. How he *can* withdraw I know not; but I have nothing to say, more than that you will see I cannot *any more* trust *any* of his promises. Now I *must* rely hereafter on myself. I rejected a call to Mississippi at $2500 to gratify you and him, on his promise to make up the amount of $400. Again, as your desiring to stay East was the cause of his withdrawing it, you will see at once that hereafter *you* should not and cannot blame me for *being wholly uninfluenced* by him. Your father's views of duty is not *my rule*. Suppose I would involve myself more still, depending on his word, and my views of duty lead me to a conclusion which he thinks wrong. He then *withdraws* his promise; and what can I do—go to law? No, no, no. However kind your father means to be, that is not, *never will* be right. I don't want to say an unpleasant word on this, but now desire you not to think of anything of the kind *one moment*. *Every time* I have shown a willingness to hear his *advice*, he has laid down *law* for me —*his* views of duty for my rule.

10th. Since your father has *withdrawn* his promise, I cannot promise you many things here for your comfort I had intended in many respects. And since your delay, we will not get from the people *much* they *intended*, but did not mean me to know. It will most of it be lost; for apples, potatoes, preserves, &c., &c., by spring will be gone. Fifty dollars worth of things to us *is of some moment*. I would have gone to Mississippi but for your father's promise, and rented this house, depending on his word.

11th. Again, if you stay East, your father will have spent so much on you that he will not be able to redeem his promise when you come out, if he desires it. By paying some $50 I may possibly get this off my hands. Then I may have to rent a three-roomed house, or four or five rooms at most, which in summer are like ovens literally.

12th. By the time you get this, the election will all be over, and unless then there is some sign of political troubles of a *serious kind*, that ought to have no weight. Still I leave it to you to stay at your father's expense till March 1st, or to come out now. If you come out now, if you conclude to

come, telegraph me to that effect, directing to me, and requesting the telegraph operator at Kansas City to forward it to Westport at once. If you conclude to stay, write at once, and may the Lord bless you, and keep you all in his own hands. If you come, as to company, &c., I wrote my brothers, and they will do all they can. It will not be half as bad as you fear, I know. Perhaps you may have company through.

Kiss the children, and, with a husband's love, I stop.

JAMES.

No. 87—Is from S. J. Baird to Mr. Baird, dated Woodbury, November 7th, 1860.

No. 88.

Philadelphia, November 10th, 1860.

I received your disagreeable and lengthy letter this morning, and I answer it at once James, as I feel very angry, and had I the money, I would show you what legal matters mean, and I would resort to such in self-defence.

To think you dare to say anything against my father's word. Look out, young man, what you say. You fancy that you can say such things and conceal the matter by writing "confidential entirely," and at the same time threaten that if I remain East my father *must* support me. If he has to support your family he must know it in time, and I shall write to him at once preparing him for said event; he is perfectly willing to do that thing. How dare you say the first unkind word against the being who has fed your wife and children nearly twelve months. We would have been dead without him. You ought constantly to encourage and uphold the old gentleman for his kindness to your family.

I will answer your letter item by item as you have written, but first, before I proceed, I will say a few words.

Since you left, and since cold weather set in you have not concerned yourself about clothing for myself and your children. I have suffered misery from the want of warm clothes—the little ones were taking cold for the same reason. They had nothing to keep them warm, and their appearance was a disgrace to our name; but God sent your brothers to us and they lent us money to prepare for our journey; but I found that $75 would not buy what warm travelling clothes we should need and what we were destitute of. I took what they handed me first and bought warm clothes for us all, and coats, hats, &c., for the children and myself, but what they gave me only bought the material and did not pay for

the making, as they said I should have them made out, as my hands were awful, and it would cost more to pay a girl $2.50 and her board to sew in the house. Well those things are still at the makers, and I have been sent for to get them; and some are hanging in the store windows that I may see them in passing by. I too have taken cold by wearing thin slippers in these cold halls, my thick shoes being at the menders for three weeks, and I have no money to get them. I sold my hair for twenty-five cents, and with borrowing twenty-five cents of Mrs. Fargason I bought the medicine Doct. L. prescribed, as I sent for him three days ago, I being very sick. Then I needed post money and money for stamps, and I sold my rags for eight cents, and that is all I have, and part of that has gone. The doctor also prescribed goose grease and laudanum for my joints, and as I had no money I had to use my machine lamp oil, and borrow laudanum of Mrs. F. Now had you left us here for the time you were to supply that church in Westport—for a man of family never should supply a church for a short time—and not engaged that house and sent for the goods, you would have laid up money for your family that have been moved so many times from place to place and now need rest. Had you the kind feelings of most men, you would have consulted the comfort of your feeble wife and little children rather than your own. But now I am sure you are without feeling to wish us to start West in the middle of November, when I cannot move around my room without pain. The last time you altered your mind I saw Samuel B. in the street, and asked him what I should do, and he said that there was no money for me to travel with. Our goods are stopped in St. Louis, and I enclose the name of the depot where they are stored.

One would suppose, to hear you talk, that we were trying to stay away from you. James this is not the case, and if you judge thus I require you to read Matthew 7: 1 2 verses. Our Heavenly Father knows the hearts of us both, and He will act as judge.

You talk about the great expense of being here. James, count the rent of house, carpets, furniture, two large girls, provisions, fuel, light, clothes, medicines, curtains, freight from St. Louis, and our expenses out, and if it is not cheaper to remain here and pa pay $11 every week, I would think strange. Besides, here we would stand a chance of some of our cousins clothes to help clothe the children. But I return to your letter.

1st. If I remain East because the season is advanced, *as you stopped us twice from going*, and because I am too feeble and lame to travel in the cold, and to travel anyhow, then

you will be compelled to pay our expenses and provide for your wife and children.

2d. If you have the house rent to pay that is not my fault, as I did not advise your renting that large house on our small means, and you can rent it again, even if you do lose $50, which would be little compared with the expense of our coming on and the expense after we reach there.

3d. Your expenses and ours, for board, our washing and little girl will amount to $82 a month for us all, you and us, then $100 for our clothes and medicines, stamps, and the little matters needed in a family. Pa will pay as he said out of 15 for our board.

4th. The board there will not suit "your habits." James if we go West I am sure, with our debts, our table will not suit my habits.

5th. As regards your clothing, any merchant, if they liked you, would take your clothes West with very little expense. Sure they would not mind the trouble as much as to assist in the charge of four children and a feeble woman.

6th. As to losing that good house, if we are not able to come out at this late season, and my health requires that I should remain in doors until spring, then in the event of my going to Westport, I shall expect comfortable accommodations when I reach there.

7th. As to your settling East, I shall not concern myself, for if it is the will of our Heavenly Father that we should settle in the East He will direct us right.

These are my thoughts upon the subjects you have written about.

I cannot write more, as I must post this by Mr. Fargason, as I have only money enough to pay for letters I receive. Should you know how badly I need money for necessaries, you would send me some. My bonnet is so shabby that I cannot go to church to-morrow; the two boys have not been for six weeks, as they have no clothes.

Your affectionate wife,

ADDIE.

The children are not very well, but not sick.

No. 88½.—Is from S. J. Baird to Mr. Baird, dated November 13th, 1860. In it he says:—

"She wanted some $22 to pay bills, in addition to what she had already, and said that would not be sufficient to get ready on, &c. I told her that I had no more money, having already advanced her $39 beside $11.70 for the book-case. $11.70 was all it brought. This, with the above makes $50.70 which Addie has had to get ready with. After spending it she has sent me a bill for $21 or $22 additional,

but needing still more, beside a dentist bill, school bill, and $50 boarding bill.

No. 89—Is a letter from Mr. Baird to Mrs. Baird, dated Westport, November 13th, 1860. In it he says:

"You know I only *consented* (I never agreed to it, or approved of it,) to your staying in Philadelphia on condition your father would meet *all your expenses.*

It is most amazing to me that you insist upon me doing what *I cannot* and your father promised. I *cannot support* you in Philadelphia; I have told you the reasons before."

No. 90—Is from Mr. Baird to his brother, S. J. B., dated Westport, November 13th, 1860. In it he says:

"Some mistake has occurred, and I fear an important one, from your letter regarding the $140. The $140 *was there,* and unless Thomas has drawn it out by mistake, it should yet be there.

I have the treasurer's letter that the money *was in bank,* subject to my order, and gave no draft since but the $140 and the *duplicates.*"

No. 91—Is a letter to Mr. Baird from his brother S. J. B., dated Woodbury, November 19th, 1860.

No. 92—Is a letter from Mr. Baird to Mrs. Baird, dated November 23d, 1860. In it he says:

"I only *acquiesced* in your determination to stay East with the *distinct explicit* understanding that your father would pay *all* your expenses.

I hope you will all be ready to come whenever a good opportunity offers, for I cannot be satisfied to have my children longer away than I can help. Kiss them for me."

No. 93.

Westport, November 26th, 1860.

My dear brother,—Yours of the 19th is before me, and I hasten to write you not to give yourself any uneasiness in regard to Addie. Whatever she may say or do, I hope you will act kindly to her. Her course *I* cannot understand, and I am sure I do not know the wisest course to pursue myself. *No* letter I have written but has been misunderstood, until I doubt whereunto this will grow. I doubt misunderstanding, and yet wish to think that is the case.

Pecuniarily, and every way, deep embarrassment seems before me from this source. Will you be kind enough to obtain the cash for this check, either from Mr. Wilson, at

Presbyterian board, or from your bank, and enclose it in this note to Addie. It is *impossible* for me to do as she wants. In this note all you have to do is to sign your name on the back of it, and get the money.

Affectionately your brother,

JAMES.

No. 94—Is from Mr. Baird to his brother, S. J. B., dated Westport, November 28th, 1860. In it he says:

"I have just received a note from Thomas, saying he had sent you my note or check for $50. I hope you will burn it up and *let me have it*, or else tear the name off it and send it to me.

As to Addie, should you meet her, I hope you will let her, if she speaks of money, know I *said I had none I* could send her.

I have not had one hour's comfort since she wrote me the letter about *you*, etc., and I don't know when I will again. Since then I have been defeated in *everything* I attempted, and expense upon expense has been the result, that from being in a better condition two and a half months ago than I had been for years, I am now tied hand and foot. Addie seems to be in a state of mind that nothing but money will satisfy her. I wrote her *expressly*, that if she stayed East it must be with the distinct understanding that her father would pay *all her* expenses. Had she been here, our expenses would have been about half what they now are. As to arguing it, I shall attempt it no more. If I had $1000 borrowed in bank, Mrs. Torrey & Co. would get it if possible, to tie me more completely."

No. 95—Is from Mr. Baird to Mrs. Baird, dated Westport, November 28th, 1860.

No. 96.

Philadelphia, November 29th, 1860.

I write to you in great haste this morning, James, to ask you why you do not send me the $20 I asked you for? Our clothes which I bought and placed at the store, according to your brother's orders, are still there, and we are almost naked. Our boys—indeed all four of the children are in a shameful state, and beside those things, they need pants, etc., to make them decent. Mrs. Fargason told me this morning that she "would lend me $5, for she could not bear to see the children in such need." It is certainly scandalous that you should neglect us as you do. One would suppose that it was a stranger's money instead of *my own*. I have a

New Jersey State Library

right to it, and I wish you to send it at once. Pa did not agree to provide money for our clothes and medicines, but our board, $15 a week, at Mrs. Devine's. We certainly needed those clothes as much here as in Westport. I had to go and tell the lady that has made the clothes that my brothers-in-law told me to have the clothes made, and that now they refuse to pay for them. The material is mine, and I want them. I would not send this did I not borrow the money of Mrs. Fargason. I had to borrow four cents of her yesterday to buy a spool of cotton. I have my corsets laced with two pieces of string, as I have not had a cent to buy one with for two weeks. This is thanksgiving day, and I could not have gone to church even had baby been well, for I have no money to get my bonnet fixed, and I cannot go out in the fresh air for the same reason.

Our little baby is quite sick with a cold on his breast. I am using poultices, mustard, medicine, etc. (I have a bill with Mr. Smith, Seventh and Chestnut). The doctor comes every day. His cold is caused by being without sacks or aprons. I have had no money to buy any material with, and the sack ordered and made is still at the store, and I can't get it. The doctor told me to keep aprons on him this morning. As I told you before I cannot write again until you send me some money for stamps. I should not write now but to ask for money, for I am ashamed to borrow so much.

Your wife,

ADDIE.

No. 97.

Philadelphia, December 4th, 1860.

Rev. J. H. Baird, Westport.

Send twenty-five (25) dollars immediately—children are suffering for clothes.

ADDIE.

No. 98.

Philadelphia, December 5th, 1860.

I have just received your letter, James, dated November 28th, and as you have condescended to send me some stamps, I can reply.

You say I misunderstand almost everything you say in your letters. James, what you have written is written in plain terms, and I have your letters to prove this in your own writing, so you need say no more on that subject. As to your brothers—don't mention their names. Thomas has insulted me—and Samuel has treated me with silent contempt, if he

had not something to be ashamed of he would call as before, but I guess he thinks (and he well may) that his company is not desired, after promising me money to get those children's clothes out of the shop, and then never coming near me, and never sending me money when I told him in the street that I was in great need. James I shall compel you to send me the $25 that I telegraphed for. I have borrowed $5 of Mrs. Fargason to get a few of them, and the rest must be paid for or I lose the material besides suffering of want; we are cold, and need clothes. Mrs. Devine proposed lending me money, as the children were in such need, but I declined. I have to keep the dear children in my own room, except when they go out of doors with dirty capes and thin light pants. If you have no money, then borrow $25 and send it at once. James your mother and sister do not know how those sons have treated a daughter-in-law in extreme want. Thomas said they did not, and if you do not send me money I must write to your mother and ask her to influence you to provide us clothes for winter. I never heard such coolness in my life; if I should tell Dr. Ludlow that I had no flannel drawers, after wearing them three winters, and that you refused me money for warm and needful clothing, he would put you down as a mean, heartless man, and I cannot take his medicine three times a day (I have taken most two bottles) and then he wonders that I do not improve.

You say your brothers gave "time and labor" to aid me. James it was to aid you and your children, as well as me and mine, and the result of their time and labor has been to leave my material at the stores, and my dear children suffering for them, and their father and his brothers will not give their money to get those clothes for their use. There is no love in such treatment. Their labor placed the children's clothes in the store windows, for me to see and be mortified with.

I think could you see the dirty bonnet you would be ashamed, and how think you I feel? I have not been to church but once for four Sabbaths, and then I borrowed Mrs. Fargason's vail to cover the dirt, and then I was ashamed to hold up my head before Mr. Schenck when he came for me to go.

Joe McCormick is now in the city with Emma, who is sick, to spend the winter, but I cannot go to see her as my bonnet is indecent; if you send money in time I will see her. I have been wanting to see Mrs. Cooper and Mrs. Huly, but I have no hat.

The baby is better to-day; she needs delaine sacks, and you must send money at once. Robert has taken cold with thin flannel, last week his flannel shirt was so thin that it tore off of him, so you may know how thin it was.

I have been sick indeed for four weeks, worn out with trouble and want.

I am too lame to write more.

William and Henry have both been sick, but are better now. Addie is doing finely.

Your affectionate wife,

ADDIE.

No. 99—Is from Mr. Torrey to Mr. Baird, dated New York, December 17th, 1860. In it he says:—

"I am glad to be able to reduce my outlay for Addie's and the children's board, by having all but one lad here. Our railroad affairs, however, look encouraging.

With best wishes,

Yours truly,

W. TORREY."

No. 100.

Brooklyn, December 20th, 1860.

You will see from my writing, James, that I am unable to write, but feeling the importance of the subject upon which I write, I feel that I must exert myself a little.

I want you to send me at once $10. I have a school bill in Philadelphia for the children, amounting to $1.95, then I need other things for my comfort, and cannot ask pa for money for the use of myself and children while my husband is alive, and able to give me at least the amount I have asked for. One would suppose that you would send a little once in a while, to let the world think that you had some manly feelings left. I borrowed in Philadelphia to buy even tape, thread, mend shoes, postage stamps, and the money also of Mrs. Fargason to get the children's warm clothes out of the store. Now act the man, and give me what will prevent me from asking pa for money, and thus expose *you*, who is the only one I have a *right* to look to for support. Pa gave me $6.68 to pay Mrs. F., and $3 to get the other things out of the store that your brother told me to place there; this nearly $10 you ought to send me beside the $10 I ask for, to pay pa back, as he knows that it was to pay the bill your brother told me to contract, and "not to worry myself about the money."

The children are doing much better than they have for several weeks; the "chicken pox" is passing from their skin.

How thankful I am to my dear parents for coming to my relief just in time; my own sickness and that of the children had almost taken my life, and the doctor told me *at once* to come to father's, for he "could not bear to see me in such

distress." I now feel a little more cheerful, and have some appetite. To-day I go to see aunt Clara Whittemore.

Only twelve lines from you in four weeks, and not one question regarding the health of myself and children. How strange. Your feeble wife,

ADDIE.

P. S. Pa does not know I *want or have written to you for money.* Don't fail to send it at once. I have owed the school bill for nearly four months.

No. 101—Is from Mr. Baird to Mrs. B., dated Westport, December 25th, 1860.

No. 102—Is from S. J. Baird to J. H. B., dated Woodbury, N. J., January 7th, 1861. In it he says:

"Yours, enclosing $20 Pennsylvania money, came to hand. It overpays me $7, which I will send you the first time I am in Philadelphia. I also received the $20 check for Addie, and sent her the money, which she has acknowledged."

No. 103—Is from Mr. Baird to Mrs. B., dated Westport, January 9th, 1861. In it he says:

"In your last you say *nothing* of James or William; you have not said one word of them in a month. As to my making particular inquiries of them in each letter, I cannot see what use it would be. Again and again I have said I wanted to hear of their health, of their manner of spending their time, &c.; in fine, all a father ought to know.

I have tried to get along on as little information as I have received, because I *could not do otherwise.*

As to your support, I do not intend any more explanations. You have cost me every cent (the last six months) it has been possible to raise, and more. I do greatly regret I cannot send you the money you want. I only last week succeeded in borrowing $202 to pay some claims, the railroad refusing to wait longer.

I sent you in letters, or through brothers, &c., about $185, as near as I can make it (all acknowledged I sent by brothers).

My salary dates from September 1st; salary $1050.

But I must close, my dear Addie. I wish I could send money, but cannot now. When you get here you will no longer be thus bothered.

Much love and many kisses for the dear children—*all* of them. Your affectionate husband,

JAMES."

No. 104—Is from Mr. Baird to Mrs. B., dated at Pleasant Hill, Mo., about January 28th, 1861.

No. 105—Is from Mrs. Baird to Mr. B., dated Redbank, January 29th, 1861.

No. 106—Is from Mr. Torrey to Mr. Baird, dated New York, January 29th, 1861. In this he says:

"She tells me that you feel that your position at Westport is a permanent one, and that as soon as the weather will permit in the spring you will find an escort for them. I hardly looked for this, in view of your northern birth, and, if not mistaken, republican proclivities. You are just among the 'border ruffians' (very kind persons, perhaps, for all of that), and I did not know but that some day they might, in their sovereignty, give you a swift discharge, under a threat of tar and feathers. Perhaps, however, you are 'pro-slavery,' and could endure sundry 'little niggers,' if forced upon you. Perhaps in that case you go for secession, and down with the 'black republicans.' These are days when men hardly endure such committalism, even as ministers."

No. 107—Is from Mrs. Baird to Mr. B., dated Redbank, February 6th, 1861. In it she says:

"I wish to know at once whether you are settled in Westport, or whether you are there as stated supply for a year. You should have told me all this, and more, without my asking. I do not like your not writing about this to me—it looks as though you only intended staying there for a year, and yet you ask me to move my feeble frame and family to such a distance, *as it were in the dark*. James, I have a right to know, and *demand an answer in your next letter to me*. I have asked this question before, and have had no reply. I speak of this now, again, as you speak of making arrangements for our coming West. James, before I go West I must have a *professed nurse*, and money to write about and bring her to this place to try her first. Then I require $30 to prepare us to go, as most of, yes, all but five or six things which was purchased to go before has been put in use, as we were almost naked and frozen. Then I *must* have a *gent*, who will make it his business to take the whole charge of moving the children and baggage from car to car, and to move me, as I need an arm at every change. I cannot stand but one day's travelling without being worn out. Then I must start from here with not less than $175, as I shall have to rest on the way, and perhaps for several days. Yesterday the baby had a fall, and the exertion and fright has made me sick all day to-day."

No. 108—Is from Mrs. Baird to Mr. B., dated Redbank, March 12th, 1861. In it she says:

"I trust you will never again be so thoughtless as to write an unkind letter to me, as sensitive as you know I am. I do love a pleasant smile, a fond embrace, and that peculiar expression of love which I cannot receive from any one but my husband. I long to have that attention which I see other women receive from their husbands. I trust you are coming to us with a desire to love and be loved by your immediate family. Seek your pleasure and comfort within your domestic circle, and you will there find true hearts, which can only be revealed by applying *your* magnet.

James, you have often charged me with loving the home of my childhood too well, but listen; if for days, weeks, months, and years I am deprived of your society, except at meals and at night, how do you suppose I can live? My children are too young to entertain me, and I sit *alone*. Oh! how many weary hours have I spent *alone*, and how I have longed for one congenial spirit. I do not expect you to spend all your evenings with me, but certainly I deserve a proper share of your society. I was not made to 'live alone.' A companion I must have, and that was my object in marrying. Every wife desires her husband's society, and they have a right to require a proper amount. If you love us, you would naturally desire our society.

When you return to us again, I shall need your society more than ever, as my hands have become too weak to sew much, and I devote most of my time not occupied with the children to reading, and expect to be thus employed the remainder of my life, and when I read I desire to make an *easy chair of your lap*. This evening I have needed you, as my spine has pained me greatly, and I felt that your lap would cure me. What think you?

I have calculated that you may be here about next Friday week. *Try and reach here by the 22d, not later, if possible, for reasons which I will tell you of when you arrive.*"

No. 109—Is from Mrs. Baird to Mr. B., dated Redbank, June 14th, 1861. In it she says:

"James, you know that I told you before you left that I should require an apology for your former treatment of me, and for that or those unkind, ungentlemanly, unchristian letters which you have seen fit to write me; also, before seeing my parents, you will be obliged to apologize to them. James, how much you stand in your own light. To persuade yourself to act as you do towards those who are doing all they can to provide and comfort your wife and children—how unnatural and improper. James, I cannot love and

respect one who does not show to me the attention and love required of a husband, and one who does not respect himself. You should go like a man to pa and ma, and apologize to them, and thank them for what they have done for us, and then you would find kind friends, and certainly feel more contented and happy, and your mind being at ease, you can better act in the sphere in which you have been called.

P. S. I must try and write a few words more. Should you treat my parents as they should be treated by you, you could then enjoy that which the other members of the family now enjoy. You would find that to go to Manchester and preach, as you had a chance, and assist pa as he wants you to, that you would turn out a healthy man, and enjoy the rest of your life in a home of your own. The road is going on finely.

Pa greatly desires that you should go to Manchester. That place will be the most important on the line. Men are there now fixing the houses, and in six weeks there will be lots of people there that must have a church."

No. 110—Is the call of Fifteenth Presbyterian church, Philadelphia, to J. H. Baird, dated 19th October, 1861.

No. 111.

Redbank, October 11th, 1861.

Dear James,—I have just received yours of the 10th, and can only reply in a few lines.

You wish my advice regarding a call to the Fifteenth church. To this I would reply that I don't think it worth while to give the subject my thought until you have placed in your hands a decided call, and that properly made out.

The children are all well except colds.

Your affec't wife,

ADDIE.

Received 18th, on return from N. Y.

No. 112.—(*Copy.*)

Philadelphia, Penn., October 21, 1861.

Wm. Torrey, esq.—My dear sir,—From a letter from Mrs. Torrey I learned you were expected by the Arabia; and as that vessel has arrived, I would be glad to hear from you of your arrival, as I wish to communicate with you as soon as convenient.

My affectionate regards for Mrs. Torrey, &c.

Yours truly,

JAMES H. BAIRD.

No's 113 and 114—Are the original draft and the original of a letter of Mr. Torrey to Mr. Baird, dated.—The original

is printed in full—in foot-notes several erasions and alterations are noted as in the original draft.

Philadelphia, October, 31st, 1861.

Rev. J. H. Baird.—Dear sir,—Last evening I received your letter, enclosing a copy of one sent to New York.

You may well imagine that I have not been an uninterested observer of the course of events connected with your domestic affairs. They have indeed occupied my mind by far too much, and I certainly would have interposed long ere this were it not for an earnest hope and prayer that the sore evils resulting from family disquietude would in time, with the Lord's blessing, work out better results, and that christian principles would have their legitimate effect.

The peace and happiness of my child have been sacrificed, and her prospects of earthly happiness clouded by the events that have successively transpired since her marriage, and by the continued changes of residences and breaking up of domestic arrangements which have occurred. These evils, I am sorry to state, have been greatly aggravated by your own peculiarities. You have not exercised, in the ordinary trials and crosses of life, that calm forbearance which displays the true qualities of the man and the christian, but have continually interrupted the happiness of home by petulant assumption of what you deem rightful authority, and this has been aggravated by a most wonderful self-esteem, which never sees a fault in yourself, but is continually transferring to others the evil results which have been obviously brought on by your own peculiar action. This has been the case, not only in your own home affairs, but in your public ministry and parochial duties.

Since your marriage in 1849 you have been settled for a longer or shorter period in Geneseo, Vicksburg, Rushville, Wooster, Toledo, Sandusky, Lockhaven, Westport, and now at Philadelphia. Also if I do not mistake at Carlisle and one other place. To all these homes Addie followed you with alacrity, save at Westport and the settlement upon which you have just entered. These changes of home and of climate, attended as many of them were by much destitution of comforts, have almost totally prostrated her constitution, and made her the physical wreck which she is, and has for years past been, thus rendering her unequal to the duties of wife and mother, and reacting unfavorably upon her mind also.*

* Original draft had it,—"Thus rendering her very unequal to the duties of wife and mother, and reacting unfavorably, as they have obviously done, upon her moral sensibilities, thus unhappily producing results and rendering her less patient and forbearing than under the circumstances that I would desire that she should be."

I do not wish to reproach you—far from it. My object is, if possible, to heal all asperities, and aid in the establishment of mutual good will. Still we ought to look facts in the face as they exist, and some of those which refer to yourself I will now advert to.

In almost every settlement that you have had, there has been some wicked or stubborn elder, church member, or other party who, as you affirm, has disturbed your peace, and marred your work. This was the case in Geneseo, Vicksburg, Wooster, Toledo, and Lockhaven. In two of these cases the controversy was carried to the presbytery, synod, or general assembly, and the whole church was more or less agitated with your private griefs, and your prosperity has been evidently retarded thereby, as I have had too much reason to know.

My dear sir, you are indeed too much given to controversy and too ready to assert what you deem your rights. This is further and more annoyingly evident when you use your pen. Your letters are in the last degree often hard and denunciatory, and of this I have unfortunately abundant evidence, in your oft repeated letters of this sort to Addie, and in various epistles to myself and wife. This peculiarity has been noticed by others, and by some who, on every account were called on to regard your acts most favorably. Now why do this? Why fan the flames of discord by indulgence in denunciatory phrases, which only perpetuate strife? Why not exercise the same forgiving spirit that you daily ask of your Heavenly Father, and why not, especially towards your wife, try to put favorable interpretations upon acts, and endeavor by kind expressions and loving acts to win her and others to like feelings and expressions?

You have seemingly labored for years under the hallucination that myself and wife were your enemies, and that we fostered in Addie an unwillingness to accord to you the respect and affection of a wife. This has indeed been a sad mistake, and now, once for all, I desire to state that my whole course, and I believe that of Mrs. T. has been to put on your conduct the most favorable interpretation, and to inculcate in Addie the most kindly feelings. It has been from the beginning my constant prayer, that all the clouds that disturbed your domestic comfort, whatever they were, might vanish, that you might be a truly happy family, and that you might have great success in the ministry. To this end we have contributed of our means to an extent far beyond our ability, and with a singleness of aim that often was singularly met by avowals on your part that such aid was destroying your individual authority at home. Gladly would it have been withheld, and would now be, were it not obvious to the most

casual observer that its withdrawal would entail misery upon those whom we ardently love.

Addie's manner of meeting you at your last visit does not meet my approbation, and I have so informed her, and shall do all in my power to reverse the action. My aim is your mutual happiness, and this is only to be attained by laying aside all asperities, and in the fear of God, endeavoring to study each other's peace and comfort. To this end my utmost efforts are and shall be directed, with her especially, but rely upon it, all will be in vain unless you change utterly and entirely your course, and abandoning all harshness, *especially of the pen*, do now endeavor to build up a superstructure of good will and mutual affection.

To this end let me advise you to preserve a calmer attitude, and more forbearance toward your children, and do not be too hasty to observe their faults, most especially when on visits to their present home. You were altogether too hasty toward little Henry on your late visit, and should have so managed as not to have made a resort to chastisement necessary, if indeed it were necessary. What a father can and perhaps ought to do when residing permanently with his children is very different from what it is his duty to do on merely a hasty visit. Then only expressions and acts of affection should be left upon their memory unless under most extraordinary circumstances.

I am sorry that you gave expression in your letter to a threat that you would remove the children from their mother. Such threats are lost upon me, and were you to attempt to carry them out, would be met with the most determined and long protracted resistance. Dismiss such expressions therefore. They do no good, and may do much evil.

For this winter the family must remain where they are.† Addie is under a regular course of medical treatment, which bids fair to have favorable results, and on no account should she be disturbed. Her mind ought also, as far as possible, to be at rest. The children are doing well, are in good health, and their education is well attended to. Your salary too, is totally inadequate to their support in Philadelphia, and you ought to endeavor for the winter to engage in the discharge of your new duties there, contributing all in your power to sustain the family, with the hope of better times in the future.‡

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† In original draft,—" For this winter your family had better remain where they are."

‡ Original draft it is added,—" Let not what transpired when you were last at Redbank interfere with your future visits to your family. I will interpose my advice and authority so far as that of father to married children extends, to make all things pleasant and kind.

" Do not regard this letter as calling for epistolatory correspondence."

Your next interview with Addie I want to have at my house and in my presence. It is No. 116 Henry street, Brooklyn, which we have taken furnished until May next.

I commend these remarks to your careful consideration, and trust that they may exert a beneficial result.

Truly yours,

W. TORREY.

No. 115.

Philadelphia, November 5th, 1861.

My dear wife,—I had hoped ere this to have heard from you, but am greatly disappointed. And now my arrangements for settlement here are so far matured that it becomes necessary for me to understand the precise attitude you occupy, and what I may expect in the future from you.

It is now two years since we left Lockhaven, and during all that time I have been striving to find a field of labor that would meet your wishes, in harmony with my own sense of duty. More than a year ago I felt assured I had found such a place in Westport, Missouri. After visiting Westport, I returned East to make arrangements for the removal of my family and their effects. My plans were all laid to try and suit your views, and I even consented to your remaining East for a month longer—until the hot weather should be past—upon your declaration of your decided preference to go West without an escort in October, rather than go then with me and Miss Wells, who kindly offered to assist you in taking care of the children on the way. The result was that I went to Westport, and you then refused to come, after I had obtained dismission from presbytery, my goods were on the way, and I had rented a house and made every arrangement in my power to meet your wishes and secure you a comfortable home. I was thus cut off for so many months from the society of my family, subjected to inconveniences and mortifications of which you can form no conception, and involved in a heavy pecuniary expense and losses sufficient to have supported us all in the greatest comfort to the present time.

I returned East in compliance with your desires, declining calls from the churches of Wyandotte and Westport, and overtimes from the presbytery of Kansas, wishing me to become their superintendent of missions. I have exerted myself to find a field of labor agreeable to you and promising usefulness to me. Through one of the secretaries of the board of education I received an invitation to California, and from the Fifteenth church in this city a unanimous call. The former I have declined from a regard to your wishes and those of your parents, who desired I should settle East.

With the intention of accepting the call in this city, I have written for a dismission from Lafayette presbytery, in Missouri, and have ordered our goods from St. Louis, which are now on their way to this city. Before taking any decided action with reference to this call, I wrote for your advice, and twice visited you for the purpose of consulting your views on the subject. On each of these occasions, but particularly on my last visit, you met me with a repulsion and indignity to which I was none the less sensitive that I did not give expression to any violence of displeasure. In a word, you disowned the marriage tie.

I do not refer to these things from any wish to indulge in recrimination, but to recall to your own memory the main facts of the case, as an argument to you to cease from a course so wrong in itself and so injurious to us all, to which I am aware you have been led rather by the unhappy influence of wrong advisers, than from your own unbiassed disposition. But our longer separation is not only utterly inconsistent with faithfulness to the solemn vows which we mutually registered before God, but must be yet more seriously detrimental to my usefulness and comfort, dishonoring and disgraceful to the public reputations of us both, and grievously injurious to our children, the youngest of whom has been already so long deprived thereby of his right and privilege of baptism.

You seem somehow to have formed the idea that you may, at your own will, not only dissolve the tie that binds us, but after having separated me for nearly a year and a half from my children, now assume totally to deprive me of their society, guardianship, and control. You may rest assured, that if this is your supposition, you are fatally deceived, and that, however I may act with respect to you personally, I know the rights of a father, alike by the laws of God and man, and shall not shrink from enforcing them at the proper time.

Let me now therefore urge you by the tie which binds us, and which nothing can sever but death, by your love to your children, by any tenderness of attachment you may have ever felt for me, and by the duty you owe to our final Judge, to return again to the post and duties of a true and faithful wife. The more painful to me the past, the more gladly shall it be forgotten.

For two years I have had no home, living unwillingly and unnaturally away from my family, and amongst strangers for the largest portion of that time. I have longed for my own home, mourning that my children have been prevented from realizing a father's care and interest, and I have constantly been depressed by a fear of opposition on your part to any move I should make towards settlement. I regard the church

here that has called me, as presenting a very important field of usefulness, and I feel greatly encouraged to hope that with God's blessing, we may be very comfortably and usefully settled here.

My anxiety to have my family with me is daily becoming stronger, and I shall look with anxiety for your answer; and I hope and pray that it may be such as shall result in our reunion never again to be separated.

Give to each one of the children a father's best love and many kisses.

Still your affectionate husband,

JAMES H. BAIRD.

P. S.—After writing the above, I received a letter from your father, which, although postmarked the 1st, never came to hand till to-day. It diminishes the hopes I had as to a satisfactory response from you, and induced me at first to think of withholding this letter. But I am unwilling to assume that you will fail to appreciate the call of honor and of duty, and therefore send it, and anew urge you to let no consideration interpose, and no interference sever us.

Your father's letter will receive due notice at an early day. If the ground therein assumed is to be maintained by your friends, the issue will be met soon and decisively.

No. 116—Has a note by Mr. Baird on first page, "The original found in Addie's bureau under a newspaper. It is—

Philadelphia, November 13th, 1861.

William Torrey, esq.

Dear sir,—Yours, dated the 31st ult., at Philadelphia, and post-marked the 1st inst. at New York, through some negligence in the post-office did not reach me till the 5th inst. To its contents I trust I have given a serious and prayerful consideration. You very becomingly advise me to write and act in this matter in a spirit of christian tenderness, forbearance and forgiveness. I cordially accept the advice, and will endeavor, most sincerely, to conform to it. And as you have thought it in perfect harmony with such a spirit to use great plainness in commenting on my past history, public and private, official and personal, I trust you will see the propriety of my using equal plainness in answer to your statements. An honorable, amicable, and christian understanding I as sincerely desire as you can. As to your remarks upon my unsettled ministry and my controversial spirit, I cannot perceive their bearing on the present issue. A discussion of our past history can only have the effect of distracting attention from the real points involved; and yet, *with this protest*, justice demands that I notice your state-

ments. You say, "Since your marriage in 1849, you have been settled for a longer or a shorter period in Geneseo, Vicksburg, Rushville, Wooster, Toledo, Sandusky, Lockhaven, Westport, and now at Philadelphia; also, if I do not mistake, at Carlisle and one other place. To all these homes Addie followed you with alacrity, save at Westport and the settlement upon which you have just entered. To CARLISLE Addie never went, and I left there solely to gratify you and the family, at *your earnest solicitation*, and in the face of a unanimous pressing call. And it was for thus *leaving Carlisle* and declining the call, that "*the elder*" prosecuted me before presbytery. So I have official records to satisfy any one at *any time*. To GENESEO Addie did go, and when ready to leave that point all our arrangements were made to go to Ohio, she expecting to stop at her brother Samuel's till I was located. *You* however arrived and overcame her better judgment and feelings, only the day before we were to start. She then refused to go with me, *moved by your entreaties*, and so I gave way too. To THE SOUTH Addie and I concluded, after consultation with you and Mrs. Torrey, to go. Our arrangements were carefully made, and only the Sabbath before we intended to start, you may remember your interfering and saying "she should not go." Thus you overpowered her again, and I went alone. She came in six months. We left there on account of our health, and will you really insist that leaving Vicksburg was unwise? WE WENT TO WOOSTER, and must I be regarded as litigious and quarrelsome because I refused simply to disregard my vows and permit an elder to rule in violation of a plain provision of our confession, a large session being unanimously with me. It was a case not pressed by me, *but pressed on the session* by the disqualified elder himself, and we had to act, and to act conscientiously. We could not have shirked it if we would, and so decided the general assembly. There was no "private grievance" in the case, as you say. It was purely an ecclesiastical question. No sooner had I resigned at Wooster and arranged our plans, than there came such urgent and pressing *demands* from you for Addie to go to Manchester, that I felt compelled again to acquiesce, although I knew that would involve me in pecuniary difficulty, as it eventually did for more than a year. AS TO RUSHVILLE, I never pretended to settle there. I intended to settle *West*, and wrote for the family to come to Rushville, to have her with me to consult as to future settlement, since that was impossible whilst she was in Manchester, owing to imperfect mail arrangements. WE LEFT TOLEDO solely on account of health—we were all sick—and was that an evidence of incapacity or vacillation? There it was that Addie and I

consulted with Dr. Hill, of Louisville, and with brother Thompson, and we were both pleased with the prospect of settlement at Winchester, Kentucky. Virtually (and with Addie's entire approbation) I had accepted their call, offering a fine field of usefulness and *comfort*. I had not however accepted *formally*. That I was just on the point of doing, when *a letter from you* upset all my plans. At once Addie said she would not go *so far*. Hence the only alternative was a family rupture, or to go to UPPER SANDUSKY, as I was penniless and *had to do something at once*. To Sandusky I went against my judgment and sense of duty, but in one year we left, because the salary could not be made up, although the church was a unit in their cordial feeling towards myself. And you may not be aware that within eighteen months this same church offered to almost double their former subscriptions, if I would return. And have you forgotten that the *determining* cause for LEAVING LOCKHAVEN was the sickness of our baby? After his return from Brooklyn his disease again returned, and the physician said we must take him away to save his life. IN REGARD TO WESTPORT, which, strange enough, with Philadelphia, you also mention. Besides what I have already said, let me add, that it would not be strange, if the same course persisted in should always result in defeating my best judgment; and yet bring me censure for my (?) unwise action! Censure even from those who are constantly forcing me into an unwilling position, by a course of conduct not only most painful to me as a man, a husband and father, but threatening anew destruction to hopes and plans of usefulness in the field which God has *now* placed before me! Let us revert to a few facts. September 11th, '60, Addie wrote me to Westport, "be sure to have our house settled, and a cook on hand." *You visited her that week*, and on the 17th, she writes under a new influence, that if "I had any love for her, I would not wish her to start *alone*," etc. Forgetting too that I had travelled 2000 miles to tell her everything, she absolutely wants to know "the situation" of the place, and if I had a "unanimous call," etc., adding—"now, James, I tell you I cannot go West under such circumstances as the present," and that as "my wife had relations that could assist the family, *I should be thankful to have them in safe hands!!*" On the 21st, I learn "pa and ma have visited me before the break up. *They have taken Addie back with them!!*" etc. In the view of these facts I leave you to determine what would be the conclusions of an impartial judge as to the origination of the change in Addie's mind regarding going West? I have said thus much in reply to that part of your letter which regards my frequent removals, and I might further add that

it does seem to me that one who has experienced the vicissitudes of God's providence *which you have*, might readily comprehend that their existence is by no means inconsistent with wisdom and purity of conduct.

As to harshness of style, "especially with my pen," I readily acknowledge that, when I have found all my plans thwarted, myself deeply involved in pecuniary difficulties, my personal character assailed in private, and threatened with an attempt to bring it into public dishonor, myself addressed in the most offensive style by those dearest to me, my most private affairs and correspondence (seized and held immorally and illegally) *made matters of gossip*, and a system of policy pursued which has withdrawn my family from me for more than a year, has contaminated their moral principles, has tended to deaden their affection for me, and has placed the whole management and disposal of them and of *me*, so far as I am related to them, in entire independence of my comfort and my wishes and judgment, and with a corresponding neglect of even the formality of consulting me respecting it, I may have been at times betrayed into a style of expression which dispassionate judgment would not approve, and which the spirit of Christ will not justify. Most cheerfully do I assure you, if anything of the kind has occurred, I regret it, and when the specifications are made, will be ready cordially to retract it, and make all the amends in my power. Passing by minor matters, however, I trust you will allow me to emphasize the recent facts *which alone have any real relation* to the questions now involved.

After visiting Westport, as soon as the people resolved to give me a call, I returned for my family. A young lady who wished to go Westport offered to aid us in taking charge of the children on the way; but Addie insisted so earnestly on being allowed to stay a month longer, so as to travel in the pleasant weather of October, and promised so readily to undertake the journey at that time, even though no escort should occur, that to gratify her I acquiesced, and went without her. I immediately ordered on our household goods, rented a commodious house, engaged servants, and made every possible arrangement for her comfort when she should arrive. I need not detail how, at first by positive refusal, and subsequently by difficulties and embarrassments interposed, I was wearied into acquiescence in her remaining East, which determined me of course to return. Nor need I insist on the mortification and detriment which I realized from the apparent strangeness of my course thus induced, and which I could not explain to the public. I now determined to make the effort again to seek a settlement in the East, to gratify if possible Addie and her friends. And when

I told her some two months ago that there was reason to expect a field of usefulness in this city, she assured me that as soon as I had a call I might prepare the house, getting on our goods, etc., and she would at once come and resume her place at my side. I need not rehearse my subsequent interview with Theodore and my reception by Addie. You were then absent in Europe, and were not of course consulted. I do not however believe for a moment that Addie's action proceeded from her own judgment or heart. In fact, she told me she was acting under advice, and the whole circumstances leave no room for hesitation as to who the counsellors are who aim this vital blow at me, forgetting that at the same time they stab Addie too. She further let me understand that she was advised that she might not only leave me herself, but take my children also, and that I could not recover them. In fact, three or four months ago she let me understand that *you* had taken legal advice on that point. It was under these circumstances that, in my last to you I say "Should Addie, or those under whose advice she has acted, suppose that in refusing to fulfil the duties of a wife, she may expect to rob me of my children, as she intimates, they are laboring under a fatal mistake." It is in reference to this *very moderate and proper language* that you say, in your reply, "I am sorry that you gave expression in your letter to a threat that you would remove the children from their mother. Such threats are lost upon me, and were you to attempt to carry them out, would be met with the most determined and long protracted resistance," etc.

It is necessary, my dear sir, to point out to you how strangely you have, in these sentences, *misapprehended and* INVERTED *the whole case;* or can you think it surprising that a man, who has again and again been deprived of the society of his family, *in the manner in which I have been*, particularly for months now past, and who at length finds the consummation of it all attained, in the disowning of the marriage tie, and threats to deprive him of wife and children, reputation and honor together, should declare his determination to resist such an attempt. You have answered my question and justified my position, when *you* reply so decidedly to the threat which you assume me to have made.

Again, in my letter I had made a statement with respect to Addie's residence for the coming winter, which was expressly designed to leave the way clear for a mutual understanding and harmonious arrangement on the subject. I quote it:—"Mrs. Torrey has recently expressed a wish that Addie should remain where she is for some considerable time, perhaps for the winter, even though I settled here. However willing I might be, under other circumstances, to acquiesce

in such a plan as promised to conduce to her comfort, I now feel constrained to decline consenting to any course which postpones a definite understanding as to the relation in which we are hereafter to stand towards each other."

To this your reply is categorical, "*For this winter the family* MUST *remain where they are.*" WHOSE FAMILY, may I ask, is it, the future of which is thus so easily disposed of? For your decision you proceed to give reasons—"Addie is under a regular course of medical treatment, which bids fair," &c., &c. Were these designed as arguments in favor of a course *proposed for consideration*, they would have been proper and worthy of attention, but when offered to sustain a determination so imperatively announced by you, and which is to decide authoritatively the situation of *my* family, and to control so decisively my own future, they cease to claim attention. If it is *your prerogative* to make such a decision, no reason is required therefor. All this assumes additional significance when the result is considered; that is the enforcing, for a season at least, of Addie's declared purpose of a permanent separation, and when it is also considered that she herself assured me, but fifteen days before, that her general health was good, and that she did not need a physician's care; indicating, in unmistakable language, that *my concern* about her health was useless and thrown away.

How entirely all this ignores and disregards such considerations as have respect to my views and wishes, my means and convenience, my honor and usefulness, you have probably not considered. Nor do I presume you can have reflected how entirely I must yield my self-respect and title to the respect of others, should I consent to be the cipher which I must become in the presence of an authority which is thus asserted as *paramount over me and my house.* The only place I can find accorded to me in the matter is the privilege of aiding to pay expenses over which I am denied all control.

You do not fail, in this business to appreciate to the utmost, nor to exercise the authority of a father, even though it is modified by a paramount relation. Nor can I forget that I am a father too, nor consent to a view of the relation in the one case which obliterates it in the other. I should cheerfully recognize the propriety of the most active interest in my welfare, or in that of my wife and children, did it present itself in any form seeming to me consistent with the integrity of the relation itself. Indeed it no longer seems strange that in this letter you censure me for "interrupting the happiness of home by petulant assumptions of what you (?) deem rightful authority." For I cannot discover from your past course with my family, or from this letter, that you suppose that I have *any rightful* authority whatever, not

even over my own children, since even in this letter you take me to task for such an assumption in the case of my son James!

But yet, I know it is easy to be misunderstood, and I am anxious to believe that I have misapprehended your design. I cannot forego without a severe struggle the very strong affection which I still feel for my wife, notwithstanding all that has occurred. And therefore, waiving all other considerations, I accept your proposal to meet Addie at your house in Brooklyn. This week I cannot go, but D. V., you may expect me next Monday evening.

I have thus, my dear sir, as far as seemed necessary in justice to myself, to Addie and to you, written plainly, as you do in yours; but I have also done so prayerfully, and with the spirit of true readiness to make any concessions not inconsistent with duty and respect to my family, myself, and above all to my God. That I have weaknesses I well know; better far than you do. But that I have to the fullest extent of my ability, and within the limits of my ordination vows, considered the comfort, and what I believe to be the *real happiness* of my family, I hesitate not to assert in all good conscience. I yearn after my wife and family, and only so much the more as I feel they are the victims of the malice of others. I suffer from their absence inconceivably. And my feelings are aggravated not a little by a belief, (justified from the history of the past) that a nervous desire—(recognized by all your friends)—to have your children near you, has led *you* almost entirely to overlook their other ties and relations; and to interfere and use paternal influence to the injury of your own children, nay necessarily to the destruction of their comfort, of the comfort of their families, and of their spiritual welfare; leading a daughter to feel that her husband is "harsh" and "petulant" if he consents not to her father's views and wishes. This has indeed been the root of bitterness in my household. Indeed, even now, a desire to have your child and grandchildren near you, leads you—without even a shudder—to declare that MY family "must" stay away from their husband and father!! May God grant that your course for the future shall be different.

Yours truly,

JAMES H. BAIRD.

No. 117.

Rev. J. H. Baird.

Dear sir,—Addie is to be at my house on Monday, to remain until Wednesday, and you had better be there during that period.

Yours truly,

W. TORREY.

New York, November 13th, 1861.

No. 118.

Redbank, December 14th, 1861.

My dear James,—You cannot think how I have missed you since I left you. I did have a real good visit with you and yours. I want you with me to pet and entertain me, for I cannot lounge on anybody else but you. When I went to bed I felt lonely, and pitied you, for I knew that you would miss a certain little body nursed by you the night before. Never mind; now comes the news.

I commenced driving work the same evening that I arrived, and now I have so far completed arrangements that I can start for Philadelphia *next Thursday*, the 19th, and you meet us at the *Amboy boat*, unless I telegraph you *cars*. I do want to be at the entertainment on Thursday evening, and must work hard to be ready; besides, I want to be by you, and do not feel satisfied, and will go on Thursday next, so be ready for me. Won't we have nice times going to the house and back, and having it all ready before we move in?

To-morrow I must rest, and I am glad the Sabbath is at hand, for I am very tired. I have kept two women sewing ever since I returned.

I received a delightful letter from ma to-day, and she requested me to give you her best love, and with it *blessed us both*. Now I must close; oh! my hand.

Your affectionate wife,

ADDIE.

No. 119.

Brooklyn, January 30th, 1862.

My dear Addie,—Since your last account of your inability to sew, my mind has been greatly troubled about you, and I come now to your relief. I want you to hire a sewing girl one week in every month, and I will promptly send you $3 to meet the expense—so the enclosed is to meet your next expense. And now, dear Addie, let this meet your wants in this respect, and thus relieve both your mind and mine; promise me that this appropriation will be applied in this way. Please write me on every receipt, that I may know that no mistake be made through the post.

All well, and send much love to all; never feel that you are forgotten by your

MOTHER.

P. S. I will not send your bundle for a few days. The reason I do not send your bundle is because I expect to add to it.

MOTHER.

No. 120.

Redbank, February 7th.

My dear Mrs. Baird,—I received a note from dear Mrs. Torrey this week, from which I learn you have been very sick. I am so sorry; poor, dear child, how have you borne up under such a trial—four children sick and yourself. How much I wish I could have been with you. I long to hear from you. I hope to go to Brooklyn to-morrow, and then I shall hear all about you. How do you like the congregation? Tell me when you write how you are just exactly.

We are much about the same, living in the same house. I feel quite attached to R. B., but I suppose the beginning of May will find us in Manchester. Will not you come and see us when we get there, and the railroad is through to Philadelphia? My dear Mrs. Baird, I miss your society very much; but you would run away, so I must be contented and not complain. I am pleased to say my precious little darling is quite well. Last Monday evening the Sunday school teachers came to our house; we had a real good time. I wish you could have been with us. My dear, you will excuse this miserable letter, but I am almost out of pens, ink, and paper, but I could not delay writing to you with such as I have. I am very anxious to hear from you. Give each of the dear children a kiss for me, and love.

With a great deal of love for your dear self, believe me ever to be your sincere and loving friend,

J. C. Johnson.

P. S. Be sure and write *directly you are able.* How is the rheumatism? *I hope quite cured.*

No. 121 A.

New York, February 24th, 1862.

Rev. J. H. Baird.

Dear sir,—I received yours of 21st inst., and was so much annoyed at its contents that I preferred to wait until to-day before replying thereto.

All my hopes that you had seen the folly of indulgence in controversy are sadly blasted, and my mind is reluctantly brought to the conclusion that there is but little hope of a change.

The difficulty with Doct. Ludlow I deem to be without cause, as there is no doubt that he is a gentleman of high honor, and an able practitioner, and doubtless your own excited imagination is drawn upon largely to supply the circumstances detailed by you. He also wrote to me, and in

reply I informed him of the charges in your letter, and await his reply.

I have also reason to fear that you have another difficulty with a member of your congregation. Will there never be an end to these troubles? Must you, wherever you go, have a "wicked elder," or other person, by whose means an upturning and partisan warfare is initiated in the church? Let me entreat you to pause, and if possible allay the tempests that you are thus laboring to call forth. They will be your ruin, and bring sad distress upon those whom you should cherish and comfort.

Faithfully yours,

W. TORREY.

No. 121 B.—(*Copy.*)

2121 West Delancey street,
Philadelphia, April 8th, 1862.

Mrs. A. T. Baird.—My dear wife,—Day after day has passed since you left home, and week has been added to week, until it is now four weeks since you left home, since I have seen or heard from you and the children, since I have known anything at all of you or them, or even of your residence. I have waited with all the patience I could exercise, hoping each day to see you all back, or at least to hear from you. I did not think it possible that you could take the children away from their father without allowing him even a parting kiss, and then leave him totally uninformed of your own or of their health or welfare. Especially did I feel it impossible in regard to our dear little sick Robert, who was scarcely able to be about again after his severe attack of inflammation of the lungs. But yet it is so. Four weeks is it to-day since I have seen my family; since I have heard from them!

At Mr. Cuyler's suggestion I concluded not to throw any opposition in your way to prevent your leaving Philadelphia, hoping that as time elapsed, as the effect of the drugs you had been taking should pass away, and as time for reflection would arrive, you would yourself be the first to see the wrong you are doing yourself, your children, your husband, and last, though not least, the church of God. I have waited thus long in this view of the case, and it has been my fervent prayer and earnest wish that, of your own motion, you would come to your home again. Ere this I hope you have in a great degree been restored to health, and I feel that you have had time for reflection, and now I write to plead with you, to urge you to listen to the voice of conscience, the voice of duty, and without hesitation and at once to fly to

your own home again. You well know that there is no living being who cares for you as does your husband; and there is no one that will compassionate you and tenderly care for you as he will, to the extent of his means and ability. I say you know this and I know from your own lips again and again that you have felt it and acknowledged it to others, and that even during your recent illness. And now why allow yourself to be overcome, and break your marriage covenant, disregard your solemn vows, and bring misery upon yourself, misery on your husband, and lasting disgrace upon our dear children.

The members of our church are constantly inquiring for you all, and in proportion to their increasing attachment for me, manifest an increasing interest in my family. One of the ladies called a few days since to make Edward a present of a dress. I was not then in; but a few days afterwards, how do you think I felt when one of the elders called and told me that that lady was informed by a neighboring grocer that you had said to him the morning you left that you wanted a basket in a hurry, that you were going to your father's, since I could not keep you! or to that effect. Oh, Addie, think of what you are doing. Listen to the voice of conscience and at once come home again. Come to your place of duty and bring the children to their father again. It is really impossible for me to remain much longer without seeing or hearing from my children, and it will be as impossible to keep the public much longer uninformed of the facts if we continue apart. Daily am I asked if I have heard from my family, and how they are; and how think you can I reply? What pain and anguish do those questions cause me. And then, every child I see arouses my thoughts of my own dear children, who are, I know not where. I have now waited long, a very long time. Four weeks of such waiting is dreadful. I am ready to receive you home and I assure you I will again do all in my power to make you and the children comfortable and happy. Notwithstanding all I still love you with a strong affection, and the more I love you, the more I mourn over your wrong course that, whilst it will certainly be injurious to me, will as certainly bring disgrace upon you if persisted in. As to the children, in any event I cannot be deprived of them. Neither God's laws nor the laws of man will allow a wife, without any reason whatever, to leave her husband and take the children with her. As to the principles of God's word on this point there is and can be no dispute, and that ought to settle the matter. But you are certainly greatly in error in the views you have (as you expressed them to me) of your legal right to take and keep the children away from their home and

father. You are mistaken. That cannot and will not be. I only allude to it now, since you let me know that that erroneous opinion had weight with you in determining your course; and I do so that you may see your error before you allow yourself to proceed to a point, which you are now nearing, where you will—too late—repent, in anguish and bitterness of spirit, an ineffectual and disgraceful attempt to deprive our children of their father's care, of the guardian God provided for them. The attempt itself to do this, *even if successful* (which could not be,) would make the name of the mother odious to any community governed by christian principles. It is an unheard of thing.

And now, my dear wife, let me add. Infirmities and weaknesses I have, and they are many; but yet you well know I have always studied the comfort of my family. I have constantly, again and again (as you insisted upon it) changed household arrangements to make you comfortable. I have lost weeks and months from my studies in trying to suit you in servants, and to fix things to suit you in the house. Nor have I been in the habit of complaining and murmuring at your constantly changing and shifting disposition, of which you cannot be insensible. You know this to be the case. And if you would be happy with your own husband you will be most so. And now let me urge you, pray over the matter, and *act in the light of God's Word*, and then I know you will not hesitate as to your course. My arms are still wide open to receive you to the post of a true and faithful wife. Come then at once.

Will you not kiss each one of the children from their loving father, and have them kiss you for me. Let me see you, or else at least hear from you at once.

Your ever affectionate husband,

JAMES H. BAIRD.

No. 121 C.—(*Copy.*)

2121 West Delancey street,
Philadelphia, April 8th, 1862.

Rev. H. J. Van Dyke, D.D., Brooklyn, N. Y.

Dear brother,—May I trouble you to try and have the enclosed letter placed in my wife's own hands. She is most probably at her father's (Mr. William Torrey), 116 Henry street, Brooklyn. I take the liberty of writing you, as he is or was a member of your church.

My wife left my house four weeks ago, taking my five children with her, and I have neither seen nor heard from her since. I have waited, hoping conscience and reason would bring her back, but thus far in vain. I had discharged

her physician for giving her powerful drugs to produce abortion; the physician and the family became greatly angered at me therefore, and the result is as above. I would not intrude my private griefs upon you, but mention this that you may appreciate my request and the necessity there is for caution.

You would do me a very great favor if you could have this placed in her own hands, if in Brooklyn. If however you should learn that she is at some neighboring place, such as Redbank, New Jersey, could you send it so that she will get it herself, without its passing through the hands of any of the family. I will cheerfully meet any attendent expense, and be greatly obliged to you for it. In the confidence of a brother in Christ I write this, and the necessity of the case is my excuse. Would you let me hear from you in regard to it at your early convenience.

Yours in Christ,

JAMES H. BAIRD.

No. 121 D.—(*Copy.*)

2121 Delancey place, Philadelphia,
April 21, 1862.

Rev. H. J. Van Dyke, D.D.

Dear brother,—On the 8th inst., I took the liberty of enclosing a letter for my wife in an envelope with a note to you, but have not heard from it since. And I now merely write to request you to inform me as to the result.

If you were kind enough to accede to my request, you will add to my obligations by informing me of the fact. If however you saw proper to decline, as of course you had a perfect right to do, please enclose the letter to me at once, as I am exceedingly anxious in the meantime; and believe me

Yours truly and fraternally,

JAMES H. BAIRD.

No. 121 E.—(*Copy.*)

2121 W. Delancey street,
Philadelphia, May 14th, 1862.

My dear wife,—On the 8th of last month I wrote a letter, which was delivered to you when in Brooklyn, and thus far have in vain awaited an answer. Two months last Sabbath you took my children and left me, under circumstances exceedingly painful, and the more so, just in proportion to the affection I bore you and them. You have studiously kept me uninformed not only of your own location and welfare,

but of that of my dear children; and to this moment I remain without any knowledge whatever of you, except that of your location, obtained by inquiring from your brother when in my house on a business visit; and that you are still pregnant, stated to me by Mr. Cuyler from your father. I will not here remark upon the course you pursued in regard to the unborn child. I will not review your course subsequent to that and the circumstances attending your clandestine removal of the children and your trunks, and your departure, &c. I will not detail the various strange and contradictory statements you made to different persons before you left. Nor will I comment upon your present attitude. If you allow yourself to reflect you cannot but feel that all is inconsistent with the teachings of the word of God, and has a tendency ruinous to yourself, most injurious to your children, and detrimental to the usefulness, honor, and happiness of the husband whom you have sworn to honor and love till death.

I am anxious to hear from you and the children and to have you again occupy the position of duty, the only place where you can expect to be happy. You must see the importance and necessity of my understanding the meaning of your course. My duty to my church, to my friends, to the community, and to my children, apart from my own comfort and happiness, and pecuniary arrangements demand an understanding as to whether I have a wife or no.

Will you not at least write and let me know your intentions and how the children are. Be assured still, that notwithstanding the past, I will receive you cordially to my bosom if you return in good faith to your duty. But I can assure you it is impossible for me to be kept in suspense much longer.

Will you kiss the children from me, or tell them to kiss each other from their father, who sends them a father's love and prayers for them,

Your affectionate husband,

JAMES H. BAIRD.

No. 122.

Brooklyn, April 28th, 1862.

My dear sir,—I owe you an apology for not responding to your two notes more promptly. The second was received during my attendance upon the meeting of our presbytery, and I have had no opportunity to answer until now.

Your letter to your wife was promptly sent to her, it having first been ascertained that she was staying at her father's house in this city. Supposing that you would hear from

her in answer to that letter, I did not think it necessary to write myself. While I would be glad to do anything proper to aid in your sore trials, my relations to your father-in-law's family is not now such that I can with propriety make any personal interference in the case. They attend the church of which Rev. Mr. Eels is pastor—at least so I believe. Hoping that God will give you a happy issue out of all your troubles,

I am yours truly in Christ,

HENRY I. VAN DYKE.

No. 123.—(*Copy.*)

2121 West Delancey street,
October 17th, 1862.

W. A. Torrey, esq.

Dear sir,—In giving into your care, for Mrs. Baird and children, their clothing, &c., &c., I must be permitted to protest against my conduct being construed into acquiescence of the wrong course pursued by my family in remaining away from their proper home. I am unwilling that my dear children should suffer for the want of their clothing (as I understood from you to have been the case), owing to the wrong doing of others, and therefore I have sent theirs with their mother's, hoping that they will not much longer be detained from their own home and their father's care.

Yours truly,

J. H. BAIRD.

No. 124 A.—(*Copy.*)

134 South Twelfth street,
November 4th, 1862.

Theodore Cuyler, esq.

Dear sir,—Some time since, Doct. Ludlow came to my church on a Sabbath morning, a short time before the hour of service, and inquired for the elders. Upon being referred to Mr. James McNeil, one of them, he called on him, and, as that gentleman subsequently informed me, detained him until some time after the hour of service (when Mr. McNeil decisively excused himself), in setting forth, as he expressed it, "very heavy charges" against me. He asserted me to be guilty of many gross immoralities, declared my general character to be bad, and that I was utterly unfit for the ministry, and ought to be driven out of my church.

He declared that, upon the ground of my criminal conduct, he designed to prosecute me before the civil courts, unless I would withdraw charges which I had preferred against him before a competent tribunal. He represented

you as his counsel, and stated you to be cognizant of my evil doings, and possessed of the documents requisite to convict me upon a criminal prosecution.

Motives of delicacy, which you will appreciate, have prevented me from earlier communicating with you on the subject. I am now, however, under an imperative necessity of asking your attention to it. I address you with implicit confidence, as a gentleman of integrity and honor, and as fully aware of all the circumstances attending the recent unhappy difficulties in my family.

Will you favor me with a line stating whether there is any foundation for the representations above given, or whether you know anything in connection with my family difficulties or otherwise, which would justify a withdrawal of confidence in me as a gentleman and minister of the gospel of Christ?

Your attention will greatly oblige

Yours truly,

JAMES H. BAIRD.

No. 124 B—Is envelope of 124 C, directed "Rev. James H. Baird, 734 South 12th street."

No. 124 C.

704 Walnut street, November 4th, 1862.

Rev. James H. Baird.

Dear sir,—I have received your note of this date, in which you refer to a conversation which you say took place between Doct. John L. Ludlow, and Mr. McNeil, one of the elders of the church in which you minister, in which gross charges were made touching your moral character, and in which Doct. Ludlow stated that I was "cognizant of your evil doings, and possessed of the documents requisite to convict you upon a criminal prosecution."

I desire to say in reply that the use of my name by Doct. Ludlow in any such connection was wholly unauthorized and unjustifiable. I have no personal knowledge of anything to your discredit, nor am I possessed of nor aware of the existence of any documents which would "convict you upon a criminal prosecution."

Through peculiar relations to the family of Mrs. Baird, of which you are well informed, it has come to pass that I am cognizant of the reasons which influenced the mind of her father in advising her separation from you and her removal with her children from your roof to his protection; but I have no knowledge whatever of the truth of matters stated in his communication to me, and which I frankly exhibited to you, nor of those explanations or replies which it may be

in your power to make to that which he states. It is manifestly unjust to you that *ex parte* statements, unsupported by evidence and unreplied to by yourself, should be quoted as facts to your disadvantage; and it seems to me cruel that this should be done at the time, in the place, and under the circumstances mentioned in your note.

I desire in conclusion to say, that I have wished to avoid, if it might be, complication with the painful controversy which is connected with your domestic sorrows; for whatever may be the truth about them, I feel a profound sympathy for you, and that while I am not unaware that serious charges gravely affecting character have been made, yet no man is justifiable in quoting me as the endorser of those charges, or as possessed of the requisite proof for their support.

I am, sir, very respectfully yours,

THEODORE CUYLER.

EXHIBIT G G.

Rev. James H. Baird, in account with Board Domestic Missions Presbyterian church.

1862.	Dr.	
Jan. 27, to cash,		$62.50
May 12, "		62.50
Oct. 27, "		62.50
Dec. 8, "		62.50
1863.		
April 13, "		62.50
		$312.50

1862.		Cr.	
Jan. 27, by services to		Jan. 15,	$62.50
May 12,	"	April 15,	62.50
Oct. 27,	"	July 15,	62.50
Dec. 8,	"	Oct. 15,	62.50
1863.			
April 13,	"	Jan. 15,	62.50
			$312.50

EXHIBIT H H.

Is Mr. Baird's pass-book with States Saving Fund, of Philadelphia, showing a balance in his favor, December 26th, 1860, of $393.03; and that on March 14th, 1864, he received a dividend on that balance of $41.92.

Exhibit I I.

Income of J. H. Baird, from September 20th, 1849, to March 11th, 1862.

Geneseo Academy, 1849,	$250 00
Manchester, from January 1st, to April 1st, 1850; salary, $50, board, $65,	115 00
Vicksburg, from May 1st, 1850, to May 1st, 1851, $1125; presents, $175; from brother Thompson, $100,	1400 00
Washington, Arkansas,	60 00
Board of Missions, October, 1851,	50 00
Manchester, supplying, (board for summer),	100 00
Wooster, from November, 1851, to May, 1854, $1775; presents, $150,	1925 00
Supplying to July, 1854,	45 00
Rushville, from July 1st, to October 1st, 1854,	200 00
Toledo, from October 1st, 1854, to October 1st, 1855, from Board of Missions, $600; friends in Philadelphia, $50; friends in Ohio, $100; box from board, $75; brother William, $10; during visit, etc., $50,	885 00
Upper Sandusky, from October 1st, 1855, to October 1st, 1856, $650; box from Board, $53; from brothers, $125; presents, $50; profit on house, $100; Mount Carmel, $100,	1078 00
Philadelphia, October 26th, 1856, to February 11th, 1857, supplying an article in Princeton Review, $125; brothers, $100,	225 00
Lockhaven, from February, 11th, 1857, to October 11th, 1859, $2675; two donations, $250; friends, $50; Reynolds, $50; donations on leaving, $700; brothers, $75,	3800 00
Philadelphia, from November 1st, 1859, till July 1st, 1860; supplying, $50; brothers, $270; correspondence, $150,	470 00
Westport, from July 1st, 1860, to May 1861; Board of Missions, $220; church, $732; complimentary, $160,	1,112 00
Wyandot, $55; brother Thomas's dentist account $22; supplying in Mo., $30; Mr. Chinman, $5,	112 00
Philadelphia, supplying from June 1861, to October, 1861,	120 00
Fifteenth church, from October 1861, to March 11th, 1862,	525 00
Wedding fees, from September 20th, 1849, to March 11th, 1862,	184 00

Percentage on sale of Presbyterian bound books, (about)	$200 00
	$12,856 00

EXHIBIT J J.

Is a copy of the printed minutes of the general assembly of the Presbyterian church for 1854, relative to J. H. Baird's appeal and complaint, called "judicial case No. 2." The following is an extract from those minutes:—

"Monday afternoon,—Judicial case No. 2, was then resumed and conducted according to the book till the case was concluded. The complaint of the Wooster church and James H. Baird, against the synod of Ohio, was sustained. The final vote being 126 to sustain, 6 to sustain in part, and 40 not to sustain."

EXHIBIT J J 2D.

Moneys received from Mr. and Mrs. Wm. Torrey, from September 20th, 1849, to March 11th, 1862.

1849, September 20th, Mr. Torrey, (to furnish in part room),	$50 00
1850, December 5th, Mrs. Torrey,	5 00
1855, June 25th, Mr. Torrey, (for baby named for him),	5 00
1855, July 26, Mr. Torrey,	10 00
1856, January 1st, Mrs. Torrey, ("a trifle,") say,	5 00
" February 9th, " "	3 00
" May 3d, Mr. Torrey,	20 00
" July 31st, " " (draft on S. W. T.),	20 00
1858, February, Mrs. Torrey,	3 00
1860, January 23d, Mr. Torrey,	50 00
" March 2d, " " (through S. W. T.),	60 00
" April 2d, " "	60 00
" May 7th, " "	100 00
" July 2d, " "	50 00
" July 28th, " "	10 00
	$451 00

Compensatory.

1853, April 18th, Mrs. Torrey, (Bridget's wages),	12 00
1856, October 26th, Mr. and Mrs. Torrey, (for keeping house in Philadelphia, from October 26th, to April 1st, 1857),	200 00
1858, September 7th, Mr. Torrey, (for girl),	12 00

1858, October 6th, Mr. Torrey, (for trip to Philadelphia),	$20 00	
" December 20th, Mr. Torrey, (for help),	10 00	
1859, July 19th, " " (for trip home),	10 00	
1860, September 21st, " " board at Mr. Schenck's,	150 00	
1860, December 12th, Mr. Torrey, board at Mrs. Devine's,	180 00	
1862, January 1st, Mr. Torrey,	50 00	
" February 3d, " "	50 00	10
	$694 00	

From Mr. Torrey's sons.

1853, S. W. Torrey, (about),	$200 00	
1856, January 25th, John Torrey, (" a token,") say,	5 00	
" March 4th, S. W. Torrey,	20 00	
" September 1st, John Torrey,	20 00	
" October 11th, W. A. T., (per Mr. Torrey),	20 00	
" " 21st, John Torrey, (" a trifle,")	5 00	
1854, July, W. A. Torrey,	10 00	
	$280 00	20

Gifts not in money.

1849, September 20th, bedstead, bureau, centre table, work-stand and bedding, (I believe none of these were new).
1851, Mr. Torrey, calico for study gown.
1852, October 19th, some pickles and preserves.
1853, tea and coffee set, and some kitchen utensils from T. W. Torrey.
1853, January 18th, Doct. Brundige's china set.
" November 8th, box cranberries and some baby clothes.
1854, December 12th, Mr. Torrey's hat, left at Toledo. 30
1855, March, a large quantity of second-hand clothes.
1856, December, Mr. Torrey's shawl.
1857, May, lot of Manchester furniture, very old and much broken.
1857, small $10 or $15 sewing machine.
1858, Wheeler & Wilson's sewing machine.
1860, six of Mrs. Elliott's dresses, and some more clothes from members of the family.

EXHIBIT K K.

No's 1 and 2—Are circulars of Geneseo Academy, dated, 40
respectively, September 10th, November 26th, 1849.

No. 3.

Geneseo, November 23d, 1849.

To the Board of Trustees of Geneseo Academy.

Gentlemen,—When I came to this institution as principal, it was, as I supposed, with the full understanding that I would have the power which the principals of academies usually possess; in other words, that the government would be vested in the principal alone, who would, however, as a matter of course, consult his associate teachers in the government of the institution. Since that time, having discovered that your intentions are different on that point, and being persuaded that with the present system of government I can be of no advantage to the institution, I hereby resign into your hands the position I hold as principal of Geneseo Academy. Yours very truly,

JAMES H. BAIRD.

No. 4.

Geneseo, November 24th, 1849.

The Rev. James H. Baird having resigned the principalship of Geneseo Academy, the undersigned, on behalf of the trustees, would express the undiminished confidence which they entertain for him as a scholar, a gentleman, and clergyman.

F. DEW. WARD,
President of the board.

W. E. LAUDERDALE,
GEO. M. LORD,
J. C. VAN LIEW,
Executive committee.

No. 5.

Rochester, N. Y., Monday, August 12th, 1850.

My dear brother,—Yours of the 18th ult. reached me *via* Geneseo on Saturday last (why the delay I know not). I read its contents with mingled emotions of sorrow and surprise. My relation to the academy and church at Geneseo enables me to speak advisedly upon the subject matter of your epistle, which I shall do with all candor, and entirely unembarrassed by a knowledge of the medium through which the impression you allude to has been received.

1st. I have attended all meetings of the board of trustees, and am confident not only that no such action as is referred to in your letter was ever taken, but that not a hint or suggestion of the kind, direct or indirect, was ever broached. A greater mistake could not well be made than that a com-

mittee was appointed to inform you that it would "ruin the institution if you preached any more."

2d. You obliged me by preaching several discourses to my people, respecting which I have heard very high commendation—especially the last, which was deemed superior in thought and style. The only features of your pulpit exercises to which exception was in the least respect taken was a comparative lack of that simplicity and directness which often characterize sermons of young preachers, and the mode of dressing your hair—the latter a mere matter of taste, which I name only from a determination to acquaint you with all that I ever heard by way of criticism upon your appearance and manner in the desk. (The same remark is made in regard to two of my neighboring brethren).

I have no idea of the source from whence these injurious impressions sprang, and have no wish to learn, except some practical benefit to yourself is to accrue therefrom, for the *animus* I fear is not right which prompted them.

Though a decided friend of order, and unwilling to allow any one in my desk who does not preach Bible, and therefore Protestant and Calvinistic truth, yet if in this vicinity you would receive an early and most earnest request to stand in my lot on the next Sabbath, and my people would be glad to see and hear you. I say this not only with the warmth of a personal friend, but with the honesty becoming a christian minister.

If a necessity arise, you have but to make the request, and the trustees will take immediate measures to set your character right in the estimation of those who have been misinformed, and a certificate would cheerfully be sent by the members of my church session. But I can hardly think that any member of the honored presbytery of Carlisle will reassert these objections to your connection with their body, and your charge of any church within their bounds.

Be assured of my sympathy with you in this trial, and in the domestic one with which your Heavenly Father has seen best to visit you and yours. May they be sanctified.

With fraternal regards,

F. DeW. WARD, *Pastor.*

Rev. James H. Baird.

No. 6.

Geneseo, November 22d, 1849.

Mr. Baird,—In answer to yours of 21st inst., we would reply, that in regard to the first proposition, we feel justified in saying that you commanded the entire respect and confidence of the pupils within the limits of our observation, nor

have we had any reason to suspect a want of popularity among them until the past week.

1. With respect to interpretation of the regulations, though agreeing in general, we have differed somewhat on the points designated in the thirteenth and nineteenth. 1. In regard to the existence of a faculty, which has been conceded by you. 2. Upon first coming, I had expected, as principal of the female department, that the young ladies would come to me for leave of absence, but taking the tenth and thirteenth regulations in connection with the nineteenth, the word principal seems to refer to you. You have never objected to our exercising that right, consequently we have not considered you as infringing upon our province.

2. In all matters of difference you have ever treated our opinions with deference and respect.

3. We have agreed with you in the government of the institution, all cases of discipline having been authorized by the faculty. Yours respectfully,

THE MISSES JACKSON.
By E. M. Jackson.

No. 7—Is a letter of Miss E. M. Jackson to Mr. Baird, dated Temple Hill, Geneseo, February 13th, 1850.

No. 8.

Bethany, January 13th, 1850.

Rev. Mr. Baird.

Dear sir,—The academy of this place has recently passed into the hands of the Buffalo city presbytery, to be a presbyterial academy under their control and direction.

The Rev. Doct. Lord, of Buffalo; Rev. Mr. Hall, of Rochester, myself, and A. W. Page, one of my elders, were appointed a committee by the presbytery at the January session in Buffalo, to negotiate with the corporation of Bethany academy and effect the transfer of it from their hands to ours. Yesterday that committee convened here, and Doct. Lord gave an address upon the subject of education, at the close of which the transfer was made. We intend to make this an institution of an high order. Messrs. Hall and Lord thought that I had better write you and invite you to visit this place, with regard to your informing yourself more particularly concerning our institution, and giving us an opportunity to confer with you as to your willingness to take some department of instruction in the same, upon such terms as may be agreed upon. It was suggested by Doct. Lord that you might supply the East Bethany church, only three miles from here, without interfering with your duties

here. Such an arrangement could doubtless be made with that congregation, and if so would help much to make you up a comfortable support in the commencement of our enterprise; and after the academy shall have filled up with students, your labors would be increased, and the means of the institution would so increase as to pay you a salary without that arrangement.

Please visit us immediately, or at any rate write us by the first mail. Yours truly,

GEO. W. LANE.

No. 9—Is from Mr. and Mrs. S. W. Torrey to Mrs. Baird, dated Sandusky City, Ohio, December 8th, 1849.

No. 10—Is from S. W. Torrey to Mr. Baird, dated Sandusky, December 11th, 1849. In it he says:—

"You must let us know as soon as you decide respecting your future course. Kitty wrote to Addie a few days since, and I added a postscript urging you to bring her this way and leave her with us, if it is necessary for you to be absent. She will be more contented with us than if among those who are comparatively strangers."

No. 11—Is from Mr. Torrey to Mr. Baird, dated Manchester, December 11th, 1849. In it he says:—"*I must beg of Mr. B. not to take you out West until his plans and prospects for the future are settled.*"

No. 12.—(*Copy.*)

To his Excellency, Abraham Lincoln, president of the United States.

Sir,—The undersigned beg leave respectfully to represent that the Rev. James H. Baird is a member in good and regular standing of the Presbytery of Philadelphia, and believing him to be admirably qualified to discharge the duties of chaplain in the hospitals of the army, we respectfully recommend him to you for such an appointment, and express our confidence that he will usefully and successfully fill this post, if it should be your pleasure to appoint him thereto.

M. B. GRIER,
Moderator of the Presbytery of Philadelphia.

Philadelphia, March 19th, 1863.

W. P. Breed, Pastor West Spruce street church, Philadelphia.

J. H. Jones, late pastor of the Sixth church.

F. Reck Harbaugh, pastor of the Sixth church, Philadelphia.

Wm. Blackwood, pastor of the Ninth Presbyterian church, Philadelphia.

W. M. Rice, pastor of the Moyamensing Presbyterian church, and stated clerk of the Presbytery of Philadelphia.

J. Edwards, pastor West Arch street Presbyterian church, and stated clerk central presbytery of Philadelphia.

W. E. Boardman, secretary of the U. S. Christian commission.

Wm. Chester, D.D., corresponding secretary board of education, Presb. ch.

J. W. E. Ker, stated supply south. pres. ch.

I concur in the above recommendations.

JOHN W. GRIER, *Late chaplain U. S. N.*

W. A. Porter, 623 Walnut street.

George Junkin, jun.

I know the Rev. James H. Baird, and heartily recommend him as every way eminently qualified to fulfil the duties of the appointment which he solicits.

DAVID PAUL BROWN.

April 2d, 1863.

We, the undersigned citizens of Philadelphia and neighborhood, cordially unite with the aforesaid ministers in their recommendation of the Rev. James H. Baird as a suitable person for a chaplain in our army hospitals.

Peter Walker, publisher of the Princeton Review.

William Main, treasurer of the board of education.

J. S. Helfenstein.

I know the Rev. James H. Baird for over twenty years, and his honored father for several years before that, and shall rejoice in his success, if he obtains the chaplaincy he seeks. The Rev. Thomas D. Baird, father of the present applicant, was formerly a residenter at Pittsburg, Pa., and editor of the religious periodical called "The Christian Herald."

NATHL. WEST, *Chap. U. S. A. W. Phil. Hosp.*

Philadelphia, March 28th, 1863.

Hon. E. M. Stanton, Secretary of War.

My dear sir,—It does me much pleasure to introduce to you Rev. J. H. Baird as a Presbyterian clergyman of high and undoubted ability, and of excellent standing and reputation. He seeks a chaplaincy, and I have no doubt of his usefulness and acceptability in such a position.

May I ask for him your kind consideration of his case, and if it be practicable that his request may be granted.

Very truly yours,

THEODORE CUYLER.

EXHIBIT L L.

Is a diary of Mrs. Baird in 1861. In it is entered—"Jan. 11th, came to Redbank." "May 11th—Received a letter from James this eve, enclosing $15, dated 4th."

EXHIBIT M M.

Is the same as Exhibit C C.

EXHIBIT N N.

Is a copy of Exhibit D, by Hubbell's clerk.

EXHIBIT O O.

No's 1 and 2—Are letters commendatory of J. H. Baird, by Prof. R. S. McCulloh, dated Philadelphia, September 1st, 1847, and by Rev. Doct. Samuel B. Wylie, dated September 2d, 1847.

No. 3—Is from Mrs. Torrey to Mrs. Baird, dated Philadelphia, January 1st, 1855. In it she says:—

"I was truly thankful to hear that you had received your goods, and I can imagine you ere this neatly fixed in your pleasant home. Wish I could peep in and see you, as happy as I am sure you must be. James too—I can see him with his poor lame foot knocking around about his master's business, and supplying the wants of his little family. I crack him up as No. 1. Please remember me kindly to him, and tell him his carpet is ready to his order.

"I have a word to say of caution, but keep still. In your intercourse with wealthy, be slow to speak, slow to hear, and cautious to decide. My reasons you can only know hereafter. Do not go there this winter, and should Mr. B. have occasion to go to S——, tell him to find out William at the car works and stay with him. He will be glad to have him. I was amused that Kitty sent you boy's clothes; they would have suited Archie better. Write me if the contents of the box paid freight. I think it must have done so—if not the good will was something.

"Request Mr. Baird to write all the particulars about his church, about which I am so much interested, and thank him

for his kindness to me while sick and otherwise. I believe I should have died if I had not been just where I was with such kind children. Remember me to Louisa and tell her to do her best and stop skating."

No. 4—Is from Mrs. Torrey to Mrs. Baird, dated Philadelphia, February 1st, 1855. In it she says:—

"Tell James I have thought much and talked too of his kindness to me in my sickness—how he used to sit on my bed and cheer me. My visit has greatly augmented my love and esteem for him, although it was so short—and how kindly too you nursed me. I like to think of it.

"Your father is now at Trenton with very good prospect of success. His bill passed the legislature last week with an almost unanimous vote, and is now before the senate. The Lord seems indeed to bless his efforts greatly, and I hope soon to receive some benefit, and be able to transmit too.

"I never knew such tight times as now, but it is to be hoped they will not long continue.

"Much love to James, heaps of kisses to the babies, and remember me in kindness to Louisa, and accept of much of the best from your much attached

MOTHER."

No. 4½.

Toledo, May 24th, 1855.

My dear James,—I wish I had it in my power to write you agreeable news about dear Addie, but I can only say that she is as miserable as she can be, suffering very much pain and uneasiness, but I hope she will have passed through with nature's trials and be more lively than ever. She wishes for your return very much, and as I have heard that Mr. Schenck is expected home one week, may we not hope to see you?

Your little ones are well and talk much of you, and we shall give you a most hearty welcome.

I received a few lines from your father to-day, and will send them to you for your encouragement. You will perceive that he sympathizes with you in the treacherous behavior of Mr. Brown, but thinks with me that he cannot eventually harm you; it is a device of Satan, who is ever busy when Christ's kingdom is being advanced. So do not my dear son be disheartened, but press on in your high calling with a strong confidence that God will avenge his own. You will likewise be pleased to find that railroad prospects are so encouraging, and I hope soon to see yourself and family freed from pecuniary difficulties.

Addie sends heaps of love—would have written you herself but was too full of pain. She has written you very often, but perhaps like some of my letters have stuck on the road.

Good-bye—write often, and try to fill one sheet at least, it will comfort Addie so much. Please accept this hasty scrawl from your sincerely attached

MOTHER.

P. S. Addie says do come as soon as the assembly breaks up,

No. 5—Is from Mrs. Torrey to Mrs. Baird. In it she says:

Freehold, August 1st.

"My dear Addie,—I wrote you a few lines yesterday, and must write you again to-day.

In looking over the papers yesterday, while riding to Freehold, I found to my great dismay that the cholera is making ravages again in your state. Now, Addie, it is time to act; Mr. Baird will fall a prey to it if he stays there, his system being so run down. So pack up and come home at once—M—— is ready and so am I—plenty of vegetables there and with the little it can offer you have a hearty welcome, and I shall go down most cheerfully. I wanted to start to-day, but your father will write you from New York, and I hope James will be a good son, and mind his pa."

No. 6—Is from Mrs. Torrey to Mr. Baird, dated Freehold, August 7th, 1855. In it she says:—

"If your fears are realized and James has one more chill, urge him to leave, or his frail constitution will sink under so fearful a malady, and tell him I say he must not stay in Toledo, every chill he has is undermining his constitution, and it is flying in the face of Providence to trifle with his health.

Tell James I think of his poor, shaking, feeble frame daily, and that I am influenced in thus writing by his dreadful state of health—as well as your own.

Much love and many kisses to all. Should you come bring Louisa with you. Keep us posted of all you do, and thus relieve the mind of your anxious

MOTHER."

No. 7—Is from Mrs. Torrey to Mrs. Baird, dated Philadelphia, September 27th, 1855. In it she says:—"I suppose you are at board with two girls, you have plenty of time to sew."

No. 8—Is from Mrs. Torrrey to Mrs. Baird, dated Septem-

ber 20th, 1856. In it she says:—"We talk of you daily, and truly sympathize with Mr. Baird in his afflictions, and only wish we could do something to relieve him."

No. 9—Is from S. J. Baird to J. H. Baird, dated Woodbury, N. J., July 28th, 1860. In it he says:—

"Dear brother,—I write in haste to acknowledge the receipt of yours. My own impression is that you ought to be very clear in your own mind as to the reasons which should justify a declination of a call so seemingly providential as is that to Westport."

No. 10.

New York, August 2d, 1861.

Rev. James H. Baird.

Dear sir,—Addie's health is so precarious, and she appears so evidently declining that I have thought it would result in good were she to go with the children to Manchester, where she in her early days enjoyed good health. Evidently the climate of Redbank or Strawberry farm are both deleterious, unless it be that her case is past remedy.

I will have the parsonage put in good order immediately, and have all that is left of my furniture there placed in it. Should you deem it expedient to send for those goods from St. Louis, doubtless they would make the house very comfortable. There is quite a population there now connected with the road, and they will be replaced by others who will be permanently located there, as the repair shops are to be placed there.

If you go there also, you can be usefully employed in preaching at several destitute stations. Preaching is maintained now once in four weeks at Goshen and Holmanville, and ought to be oftener. Toms River church is also vacant. Your time during the week could be advantageously occupied in various ways. As at any rate you will wish to visit them frequently, I enclose a pass over the road. Doubtless, however, it would be better for them and you to be permanently with them.

Addie needs the utmost tenderness and consideration to restore her to a comfortable degree of health.

Truly yours, W. Torrey.

No. 11.

New York, October 23d, 1861.

Rev. J. H. Baird.

Dear sir,—I arrived at home by the Arabia on Friday

evening, and expect to go to Philadelphia on business on Monday evening next, stopping at the Continental hotel, and remaining during Tuesday. Yours truly,

W. TORREY.

No. 12.

Hubbell, Pharmaceutical Chemist, Importer and Factor of Chemical and Pharmaceutical Products and Medicinal Appliances, 1410 Chestnut street, Philadelphia.

Rev. Mr. Baird.

1862. Feb. 10, To prescription No. 2213 and bottle, .44 10

Paid in full.

HUBBELL.

No. 13.—(*Copy.*)

2121 West Delancey street,
Philadelphia, February 17th, 1862.

William Torrey, esq.

My dear sir,—As Mrs. Torrey wrote you this morning, Addie seems better, but still is confined to bed. Her illness proceeds from causes, and it is of such a nature as to excite in me the most serious concern. I cannot now be more specific on the subject, but am anxious to see you respecting it, involving as it does some most momentous questions to her and all who are related to her. Can you not come at an early day, and request your son Samuel to come with you? I regret to thus urge you to leave pressing business engagements, but feel assured you will feel satisfied that I pursued the proper course when you arrive, as you alike with myself have a great interest in Addie's health and true welfare.

With affectionate regards, yours truly,

JAMES H. BAIRD.

P. S. Please let me hear from you by return mail.

No. 14.—(*Copy.*)

2121 West Delancey street,
Philadelphia, February 21st, 1862.

Wm. Torrey, esq.

My dear sir,—I have informed Doct. Ludlow that, in view of his course of treatment of my wife, I wish him to desist his professional services. I have done this because he has attempted (whether successfully I know not as yet) the life of an unborn child, and has risked the life of the mother in so doing. He gave ergot and *three similar articles* in a mixture for four days, every three hours day and night. And

this was not stopped (still hoping success) until Addie's own life was evidently in imminent and immediate danger. It is amazing she is now alive. This much is certain, and more too; and I have the authority of the first medical men of the city for what I say. Of much more I am persuaded, but will say nothing here. To leave my wife under the treatment of such a man would be simply monstrous. Mrs. T., before she left, charged Addie's sickness upon anxiety of mind produced by me, &c., &c., and compelled me reluctantly to inform her of my determination in regard to Doct. L., and the grounds for it. She then pronounced the allegation "*false*," telling me she knew all Doct. Ludlow knew, and that he gave her some "light remedy to produce a change," *viz.* "pennyroyal, snuff, and summer savory!" "A *light* remedy" to produce a change in a pregnant woman means abortion, and nothing else, and I greatly regret the course she took in a matter of such immense moment, allowing the doctor, by his smooth manners and phrases, to induce in her indignation against me for objecting to one of the most unnatural and horrible of all crimes, instead of indignation against the monster who can suggest and carry out such an intention against her own daughter's seed and own life; attempting one life and risking another, to whom he talked as tenderly as if she were his own daughter, I was told! Whether I shall pursue the matter further depends on events yet to be developed.

As to Addie, however, attention is necessary, and I am disposed to call in Doct. Hodge. It is important to ascertain whether the specific attempt was successful. 2d. If unsuccessful, did it kill the child; and 3d. What, in any event, is best to be done for Addie's health. Doct. Hodge is, I suppose, from his character, a christian man, as well as an eminent physician. Addie, however, decidedly objects (and in the strongest terms) to my course. Now, whilst I shall act kindly, I cannot shrink the responsibility, and I hope you will aid me in this. I am also well satisfied Addie's instigator (in this case) is a woman in the neighborhood, and I hope to see you and have your countenance in some means to prevent further intercourse with her. Means *must* be used to prevent, if possible, a recurrence of the attempt, and to bring Addie, when she is better, to a full sense of the guilt of such an attempt as has been made, of which she seems to have no realization, and induce her to make a full explicit statement of all she has done and the whole circumstances of the case. The subject is too painful to write about. Less I cannot say in justice to you. In justice to myself I should perhaps say more, but I forbear, hoping to see you at an early day. Anxious am I to see Addie restored to mental

and physical health again, and to be able to go on with my own labors in my charge. And now it is not a little painful to see the manner in which my course has been treated, as if unkind. You cannot so view it, I feel assured.

Let me hear at the earliest moment from you.

Very truly yours, &c.,

JAMES H. BAIRD.

No. 15—Is the same as Exhibit D A.

No. 16—Is the same as Exhibit E.

No. 17.

2121 West Delancey street,
Philadelphia, May 14th, 1862.

Rev. W. M. Engles, D.D.

Rev. and dear sir,—I have given that consideration which your kindness and my great respect for you required, to your statement concerning Doct. Ludlow. As I understand it, Doct. L. professes to have some very grave charges of some sort to make against me before presbytery. He, however, is willing to suppress them upon condition that I abandon my proceedings against him—proceedings which he declares to have been treated with contempt by the body having jurisdiction.

If the latter part of the statement be true, I am at loss to know what is wanted of me. If false, it seriously compromises the whole statement. It is almost needless to suggest that if the doctor were conscious of innocence in the matter of my charges he would court an investigation. Were he actuated by motives consistent with any conception which I am able to form of honor or christianity, he would be as far from proposing to compound my pretended crimes as I am from listening to the proposition. Were I to consent to such an arrangement, I would inevitably and justly forfeit your confidence, and that of every honest man who should know the facts. The suggestion would be too evident not to present itself, that I was conscious of something that would not bear investigation. In fact, I should be placing myself at the mercy of this man himself, whose threats would thus be proved so potent. Had I previously entertained any lingering doubt as to the propriety of the course I have pursued in this business the recent conduct of the doctor has entirely relieved my mind on the subject, evidencing as it does the absolute necessity of having the facts of this most painful business put upon permanent record in an authentic form. A controlling consideration un-

der which I have acted in this matter has been the assurance which I have felt, that if I permitted the truth to be suppressed, or allowed it to be forgotten, clandestine falsehoods would be sure to creep forth in the course of time which might be entirely intangible, yet ruinous to me. How much weight is due to charges so palpably malicious and confessedly interested as those of Doct. L. I will not attempt to estimate.

Whilst holding the views here presented, I cannot but add, what is fully within the power of Doct. Ludlow's associates in this move, as well as in the preceding steps, that were my wife and family restored to me, on terms promising any future harmony and comfort, I should be too happy to leave him and them to the decisions of their own consciences, without any further proceedings on my part than to hold them as strangers—the best light in which I can hereafter regard them.

With regret that my private troubles should be intruded on your time and thoughts, and assurance of my grateful sense of your kind attentions, I am

Most truly yours, &c.

JAMES H. BAIRD.

No. 18.

2121 West Delancey street,
Philadelphia, May 16th, 1862.

Rev. W. E. Schenck, D.D.

Dear sir,—It is some time since I addressed you a letter in regard to your relation to certain occurrences in my family, to which I have received no reply. A recent matter compels me again to address you.

On last Sabbath, a short time before the hour of service, Doct. Ludlow came to my church, inquired for the residences of the elders, and called on one of them, whom he detained half an hour, until the elder would listen no longer, with abuse of me. Among other things he asserted me to be of base and immoral character, unfit for the ministry, and who ought at once to be driven out of the pulpit. He further asserted me to be in the habit of treating my wife and children brutally. He stated these facts to have been known to you when I settled here, and that your family connection with me had kept you silent at the time. He mentioned that I had written you an insulting and abusive letter, ordering your daughter out of my house. For the truth of these statements, he represented you as being ready to certify, and requested the elder to call on you with that view. That his statement respecting my note about your daughter had

its basis in information received from you is self-evident. For the rest I am not yet prepared to believe the doctor's representation.

I state the facts as given by Mr. McNeil, whose character is sufficient guarantee for their truth. As such I submit them to you, and shall await your response.

Yours &c.

JAMES H. BAIRD.

No. 19.

2121 West Delancey street,
Philadelphia, May 16th, 1862.

Rev. W. M. Engles, D.D.

Rev. and dear sir,—I have to-day had an interview with Mr. McNeil, which inducces me to trouble you with the present note. On last Sabbath, a short time before the hour of public service, Doct. Ludlow came to my church, inquired for the elders, and upon being directed to Mr. James McNeil, called on him and detained him until some time after the hour of service, when Mr. McNeil excused himself. His errand, as stated by himself, was to inform Mr. McNeil of "very heavy charges" which he had against me. He declared my general character to be bad and to have been known as such to at least some of my ministerial brethren when I settled here; that I was utterly unfit for the ministry, and ought to be driven out of the pulpit at once.

I will not trouble you with details. He however urged Mr. McNeil to call upon you, and without making such a statement, seemed anxious to induce the impression that you would endorse his representations, and give the elders further particulars.

My purpose in this note is to ask of you the favor to drop me a line informing me whether the communication of Doct. Ludlow was made by your authority or has your sanction, and whether you know anything to the prejudice of my ministerial character.

The circumstances will, I trust, to your own mind sufficiently explain the reasons for my request, without the necessity of farther apology or explanation. Your attention will very greatly oblige,

Very truly yours,

JAMES H. BAIRD.

No. 20.

Philadelphia, May 19th, 1862.

Rev. James H. Baird.

Dear sir,—I know no reason why Doctor Ludlow should

have referred Mr. McNeil to me. I have listened to the statements both of yourself and Doct. Ludlow with the sincere desire of preventing publicity being given to your unhappy domestic affairs, but so far as I can now see, my influence can avail nothing; and now as there appears to be an attempt to enlist me as a witness, if not a partisan, it is my determination to hear nothing more from either side in a private capacity. My opinion, so often expressed, remains unchanged, that a public trial will deeply affect the reputation of both parties, and dishonor the cause of Christ.

Very truly yours,

WM. M. ENGLES.

No. 21.

2121 West Delancey street,
Philadelphia, May 24th, 1862.

Rev. W. M. Engles, D.D.

Rev. and dear sir,—I think if you will glance over my former note again, you will find that you have misapprehended its import. At least I have been very unfortunate in my phrascology, if it implies a wish to enlist you as a partisan in my case. Its purpose was simply to let you know that you were represented by Doct. Ludlow—as I had no doubt falsely—as a partisan ready to testify to my detriment; that he was using your name to sustain him in a formal attempt to create a disturbance in my church and destroy my character. The only way occurring to me as proper to obviate the impression thus attempted was that indicated in my note. The attempt, Mr. McNeil to-day informs me, has been earnestly repeated.

I do not write for the purpose of inducing you to alter your views as to further communications, but to rectify the misapprehension indicated as to my object in my former note. The propriety of your decision otherwise it does not become me to question.

Very truly yours &c.,

JAMES H. BAIRD.

EXHIBIT P P.

Is the same as Addenda B of Exhibit R R.

EXHIBIT Q Q.

Is the same as Addenda C of Exhibit R R.

Exhibit R R.

To the Censors of the College of Physicians of Philadelphia.

Gentlemen,—The respect which I have always been taught to feel and have cordially cherished for the medical profession, and a sense of duty to your body as well as to other interests which are dear to me, induce me to submit the following statement in the confidence that in view of it you will do whatever the honor of the profession and the cause of truth and righteousness shall demand.

About the 10th of January last, my wife became satisfied that she was pregnant, dating probably from about the 10th of December. This fact annoyed her much, on account of the labor and trouble of bearing and nursing, she having already borne seven children, of whom five are living.

On the 8th of February she was out all the morning, and, as I have been led to believe, then communicated with Doct. J. L. Ludlow, my family physician. Of this however I am not certain. That afternoon she was taken quite ill, with severe pains about the stomach and bowels. She desired Doct. Ludlow to be sent for, and intimated a desire to see him alone. [At a former period she had expressed a wish to have an abortion produced, and that Doct. Ludlow would give her medicines for that purpose; and either on this Saturday, February 8th, or a few days before, she told me that Doct. Ludlow was informed of her pregnancy.] A messenger was despatched, and returned with the answer of the doctor that he was not going out that evening, but would call the next day (Sabbath).

Sabbath, February 9th, while I was out in performance of my ministerial duties, Doct. Ludlow called and gave a prescription, which was immediately procured and administered according to directions. At a subsequent period, when my suspicions became aroused, I ascertained that it was as follows. (See Addenda A.)

This prescription was taken every three hours day and night for four days, taking in that time a second bottle of it. In the mean time she was becoming rapidly more and more ill, until I was apprehensive that her life was in danger. On Wednesday or Thursday I and the nurse alike feared that she would even expire under the immediate effect apparently proceeding from the prescription when given to her in her then greatly reduced condition. Her sufferings were intense, and she cried in great nervous anguish, requiring me to press her stomach and bowels. She took snow frequently, and hot poultices were constantly applied to her bowels. I

was now led definitely to entertain a suspicion that she was being treated so as to induce abortion.

On Thursday, the 13th, Doct. Ludlow called (as I understood he had done daily), and changed her medicine, giving her the following prescription. (See Addenda B.) I saw the doctor as he was leaving the house, and he, speaking of my wife's condition, said that she was very weak, and if she should prove to be pregnant, as she seemed to suppose, he would not hesitate, in view of her great weakness, to produce an abortion, but did not know what I might think on that subject. He added that if she was pregnant it was not unlikely that the embryo was dead (from the severe illness that Mrs. B. had experienced), and would have to be removed. I expressed my disapprobation of any step to induce abortion, except it might be under circumstances the most extraordinary, in regard to which I was not entirely clear in my mind. I however told the doctor that I was apprehensive that Mrs. B. had taken something for that purpose, induced thereto by friends who held grossly wrong views on the whole subject. I intimated a design to question her on the subject. To this the doctor replied by advising me not to name the subject to Mrs. B. He seemed in the main to acquiesce in my views, and told me of having been applied to with an offer of a $1000 fee to produce abortion, which he had declined.

Up to this time my suspicions were mainly directed to Mrs. B's absence on the 8th, when I apprehended and still think she had obtained some prescription which caused the sickness of that evening, but failing of the designed effect was followed up on Sabbath by that given above.

My suspicions being further strengthened and directed to the treatment of the past few days, I obtained from (Hubbell) the druggist a copy of the prescription, which had been exhibited during the four preceding days, and which is given above. I instantly saw its general character, although it was not until some days after that I learned its precise nature. Immediately thereupon I wrote for my wife's father to consult him with respect to my course in the whole affair.

On Tuesday, the 18th, Mrs. B., not having had any passage from her bowels since the preceding Thursday, and being urged to take something to act upon them, she remarked that she would not take anything until she saw the doctor, since he had told her that she had had evacuations enough to do for some time. The doctor having afterwards called, she took an injection, and her mother told me that the evacuation seemed as though "her inside was raked out;" that it was in appearance more like calf's foot jelly than anything she could think of; and she expressed her vexation at the

doctor for avoiding (as she thought) allowing her the opportunity of talking with him on the subject. This week my wife lived by the constant use of brandy.

On Wednesday Doct. L. gave the following prescription, which I believe was to be taken in connection with the previous one still continued. (See Addenda C.)

On Thursday (the 20th) my mother-in-law had a free conversation with the doctor, after which she told me that "she knew all the doctor knew," and proceeded to inform me that she suspected my wife was about undergoing the change of life usual at forty-five years of age, (my wife being thirty-three years old). She upbraided me for my suspicions of something wrong in the course of treatment, etc., and charged that my wife's sickness arose from mental anxiety regarding some family arrangements; in other words she directly charged upon me the responsibility for the attack and continuance of her illness. I then plainly told her that I had not intended saying so to her until her husband's arrival, but that it was nevertheless certain, and not a matter of surmise on my part, that Doct. Ludlow had been attempting abortion. She expressed great indignation at me, and soon after left my house without a parting salutation. My wife's appearance and conduct this week in particular, seemed to me that of a person whose mind is not in its normal state.

On Friday (the 21st) I addressed Doct. Ludlow the following note (see Addenda D) through the despatch. (That he received it I afterwards was certified through the remarks of my wife after the doctor had called.) At the same time I wrote my wife's father from whom I had not heard, (see Addenda E), informing him of the facts, and my action in reference to the doctor.

Monday (February 24th) I learned in the evening that Doct. L. had been in to see Mrs. B. in the course of the day. The next morning I sent him the following note. (See Addenda F.) I gave this to his servant at his door, who told me that the doctor was then in his office. I received this day the reply of my father-in-law to my letter to him. (See Addenda G.) He had heard from Doct. L. also, and says that "he deemed the difficulty with Doct. L. to be without cause," etc.

On Wednesday (the 26th) one of my children being unwell, I proposed to call in a physician. Mrs. B. objected to any but Doct. L. in the strongest terms. I said that in no case could he enter my house, and she informed me that he did not care for me and would not regard me, and there the matter dropped. That night I learned that the child was then taking a prescription received from Doct. L. that day through a person then in my family, who had been sent to him.

On Thursday (the 27th) I received Doct. L's note of that inst. (See Addenda H.) I called on Doct. Hollingsworth, and requested him to visit the child. When he came, Mrs. B. told him that Doct. Ludlow had charge of the case. Upon learning the nature of the prescription (before concealed from me), Doct. H. expressed his approval, and left without prescribing.

On Saturday (the 1st of March) I again went to request Doct. H. to call on my child. Whilst I was in his office a servant from my house came with a note from Doct. L. relinquishing the case into the hands of Doct. H.

Such, gentlemen, is a history of the course of conduct of Doct. L. in a case, the result of which has been serious, and I believe permanent damage to the health (mental and physical) of my wife; her withdrawal with my children from my house, serious and probably permanent, if not fatal injury to the unborn child, and unspeakable trouble and injury to me and my children; all traceable directly to the unprofessional and criminal course pursued by him.

His conduct seems to me justly liable to the severest censure in the following respects:

1st.—In the attempt itself to induce abortion. I am aware that cases may arise in which the alternative is the sacrifice of the life of the child or the loss of both it and the mother; but this is not such a case. In fact, my wife's health has been habitually better during pregnancy than at other times. She is small, slightly built, and troubled with rheumatism in her joints. Previous to this course of treatment, although greatly fatigued with nursing in the sick room, her general health was very fair; and her constitutional vigor is evinced by the facts that the Sabbath previous to the commencement of this sickness (February 2d), she walked twice to church (eight squares distant), and that she survived, resisted, as I believe, and so promptly recovered from the effect of a course of treatment such as is above described. Whether in *any* case so extreme a step should be taken without the maturest consideration and consultation, I submit to your judgment; as also the presumption in this case, of conscious guilt, arising from the concealment employed.

2d.—In the clandestine course pursued; engaging in such an attempt secretly to violate the most sacred rights of an unsuspecting husband and father.

3d.—In uncandid evasion of my expressed suspicions, on the 13th of February, and the pretence of denial in the letter of the 27th.

4th.—In intruding into my family after the prohibition contained in my first note to him, and continuing to prescribe after the second; thus not only violating my rights, but

cherishing in my family feelings which were destructive to its peace and welfare.

5th.—In deceiving my wife's relatives, and thus incensing them against me, greatly to the injury of myself and family. This construction is by far the most favorable for Doct. L. that can possibly be deduced from the circumstances, viz.—his interview with my wife's mother, her action on the same day (the 20th February), and the letter from my wife's father, written upon receipt of one from Doct. L. and one from me, charging the doctor with attempting abortion; as also a subsequent letter from my mother-in-law to my wife (see Addenda I), taking the ground that she was probably undergoing the change of life. All this, too, placed alongside the doctor's letter of the 27th February, seems to leave no room to doubt.

Very respectfully yours, &c.,

JAMES H. BAIRD.

Philadelphia, May 1st, 1862.

Addenda A.

℞.	Vin. Secale Cornut fort.	℥i
	Ol. Sabina	gtt. Lxxx
	Ol. Hedeoma	gtt. Lxxx
	Tr. Aloes et Rhei.	℥ss
	Glycerine	℥ii
	Aqua q. s. ft.	℥ii
M.	Lig. A teaspoonful every three hours.	

2—9—62 LUDLOW.

Addenda B.

℞.	Tinct. cinch. comp.	℥i
	Tr. Zinzib.	℥i
	Tinct. card. comp.	℥i
	Lt. Mist.	
	A teaspoonful every two hours.	

2.13.62. LUDLOW.

Addenda C.

℞.	Bismuth Lubnit	gr xxvi
	Morph acet	gr ¼
	Lodæ Bicarb	gr xxiv
	In chart no	xii
	One three times a day.	

2.19.62. LUDLOW.

Addenda D—Same as Exhibit D A.

Addenda E—Same as Exhibit O O, No. 14.

Addenda F—Same as Exhibit E.

Addenda G—Same as No. 121 A of Exhibit F F.

Addenda H—Same as Exhibit F.

Addenda I.

Brooklyn, March 3d, 1862.

My two dear Addies,—* * * I have given your case much consideration since leaving you, and although I am entirely ignorant of the means used for your recovery (excepting in the use of brandy stimulants, &c.), I am prepared to hope that you are passing through a change of life.

MA.

2121 West Delancey street,
Philadelphia, May 2d, 1862.

To the Censors of the College of Physicians, Philadelphia:

Gentlemen,—Two points have occurred to me as deserving mention in connection with the statement I yesterday sent you.

First. That when my wife first suggested applying to Doct. Ludlow to procure an abortion, I distinctly reprobated the proposition, and assured her that should the Doctor make such an attempt I would hold him to the strictest responsibility. This took place several weeks before her sickness, and the suggestion was not again made to me.

Second. The nature of my wife's symptoms induced at the time an apprehension to which I gave expression, that her whole system was realizing a poisonous influence. She was visited with constantly recurring paroxysms, in which, after a brief interval of comparative ease and vivacity, she would be seized with a heart-sickness and tendency to vomit, trembling, gasping, growing faint and breathless, and sinking away in an apparently dying state. Upon the application of snow, mustard, and other remedies, she would gradually recover. These paroxysms were of frequent occurrence through the day.

The original copies and originals of the prescriptions and letters referred to in my statement are at your service if required. Respectfully yours, &c.,

JAMES H. BAIRD.

2121 West Delancey street,
Philadelphia, May 14th, 1862.

To the Censors, &c.

Gentlemen,—I regret to trouble you with an additional communication respecting Doct. Ludlow.

On last Sabbath he came to my church as I understand, a short time before service, and having ascertained the residence of one of the elders—Mr. James McNeil, 1432 Shippen street—called on him and entered on a tirade of abuse of me, uttering many slanderous statements, and endeavoring to alarm Mr. McNeil, and through him the other elders and myself, to whom he wished the statements repeated—with the threat of prosecuting me to my destruction, unless I withdrew the paper which is in your hands. I make no comment upon this conduct, not only calculated but designed to create excitement, and cause trouble in my church, and induce me by fear to withdraw from before you my statement of his unprofessional and criminal course in my family, whilst that is under your consideration. How far this course is consistent with conscious rectitude on his part, and how far with a proper respect for your body to which he is amenable it is for you to decide.

The occasion however is appropriate to state that a controlling consideration, under which I ventured to lay before you the facts of this most painful case, was the firm conviction in my mind that if I should permit the facts to be suppressed or forgotten, their place would in time be supplied with clandestine falsehoods which might be intangible and yet ruinous to me. At the same time, I was happy to recognize in your body an association whose whole character, at once honorable and confidential, presented the best assurance of an adequate appreciation and correspondent treatment of a case so delicate and confidential in some of its aspects, and so serious in them all.

Should it become necessary, I am prepared to furnish, on most of the points stated in my former paper, testimony additional to that already indicated.

Yours truly,

JAMES H. BAIRD.

2121 West Delancey street, Philadelphia, June 4th, 1862.

George W. Norris, M. D., chairman, &c.

Dear sir,—Some time since I had the honor of addressing some communications to the censors of the College of Physicians, of which I understand you are chairman. Not having heard from them, I take the liberty of asking if you will do me the kindness to inform me what disposition has been

made of my statements. There are urgent personal considerations that make it desirable that I should know.

With great respect, yours truly,

JAMES H. BAIRD.

2121 West Delancey street,
Philadelphia, July 17th, 1862.

Geo. W. Norris, M. D., 1534 Locust.

Dear sir,—Through you I addressed a communication to the censors of the College of Physicians, under date of May 1st, to which were added two notes of the dates, respectively, of May 2d and May 14th.

On the 4th of June, in reply to a note of inquiry, you informed me that the papers had been laid before the censors.

Although more than eleven weeks have elapsed since my first communication to you, I have not been favored with any information as to the course taken by the censors with respect to it. Various statements have been freely made by interested parties, particularly by Doct. Ludlow, as to the contempt with which the communication has been regarded and treated by the censors.

I would therefore respectfully request you to do me the honor to inform me of the disposition made of the matter by that body, and in so doing you will much oblige

Yours truly,

JAMES H. BAIRD.

EXHIBIT S S.

Is diagram of third story of house in Delancey place.

EXHIBIT T T.

Is a small account book where Mrs. Baird entered—"Pa sent $50 October 15th, 1860," underneath which is written—"Mrs. Devine $45." On a succeeding page is written—"Left Mrs. Devine's * * Wednesday, December 12th, 1860."

EXHIBIT U U.

Presbytery of Newcastle, in session at Carlisle, Penn.

October 23d, 1851.

"Mr. James H. Baird, licentiate, appeared before Presby-

tery, and returned the certificate which had been given him on the 12th day of November last, not having presented it to the Presbytery of Mississippi, and having removed out of their bounds. He reported in full his doings since he last appeared before us, including in his report two written commendatory documents from members of the Vicksburg Session, all which was quite satisfactory to the Presbytery. He further exhibited a letter from the stated clerk of the Mississippi Presbytery, of recent date, stating that the Session of Carlisle, Indiana, had not forwarded their charges to that Presbytery. He also presented a letter signed by the stated clerk of the Presbytery of Vincennes, stating that he had settled the accounts of Mr. Baird, at his request, with the Carlisle Session, and that he had procured receipts from all persons to whom Mr. Baird was indebted in that place, including the various items in the charges of the session, and that the session had declared that they had now no charges against him. Various other documents were shown to the Presbytery, including letters from members of the session of Carlisle to Mr. Baird, from which the Presbytery were led to infer that the difficulties between the parties, and indeed the charges themselves, grew out of an unwillingness on the part of the Session to pay to Mr. Baird the salary which they had promised, and which was justly his due. In view of all these things, the Presbytery did resolve that the whole case arising out of the charges against Mr. Baird be dismissed, that he be declared *rectus in ecclesia*, that he be permitted, at his request, to labor without our bounds until our next stated meeting, and that the stated clerk furnish him a copy of this minute."

The above is a true extract from the minutes.

ROBERT P. DU BOIS, *Stated Clerk.*

EXHIBIT V V.

Is same as Exhibit O O., No. 4½.

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