

The Manhattan Well Murder

(DECEMBER 22, 1799)

by Edward S. Gould

OUR forefathers firmly believed certain adages, and among others, “Murder will out,” for general experience proved its truth. But in later days the rule seems to be reversed, and the city of New York has furnished its quota of practical contradictions of the old saying. The Nathan murder, the Rogers murder, the Burdell murder, are comparatively recent as well as conspicuous instances. The disappearance of Chief Justice Lansing was prominent in a preceding generation; and still further back the murder of Miss Gulielma Sands, better known, perhaps, as the Manhattan Well Murder, yet remains an unsolved mystery. The story is remarkable, and the trial of the suspected criminal was not less so.

Elias and Catherine Ring, Quakers, lived in Greenwich Street, near Franklin Street. Their family consisted of Hope Sands, Mrs. Ring’s sister; Gulielma Elmore Sands, her cousin; two young men, Russell and Lacy, boarders; Levi Weekes and his apprentice, also boarders; and some other boarders. Weekes was a brother of Ezra Weekes, a respectable and wealthy citizen, who was originally a carpenter. He was the builder and the principal owner of the City Hotel, formerly in Broadway, extending from Thames Street to Cedar Street.

It appeared by the testimony that Weekes was *very* intimate with Gulielma—called “Elma” by the witnesses—and Elma had confidentially informed Mrs. Ring and Hope Sands that she and Weekes were to be privately married. On the evening of Sunday, December 22, Elma left the house about eight o’clock for the purpose, as the two other ladies understood, of being thus married; but she never returned. On the 2d of January—that is, after an interval of eleven days—Elma was found dead in the Manhattan Well—a well in what was then known as Lispernard’s Meadow—in the open field some rods distant from the public road. The well now stands in the rear of a carpenter’s shop at the end of an alley, No. 89½ Greene Street, a hundred feet or more north of Spring Street. The distance from Ring’s house to the well was about half a mile.

The wildest excitement pervaded all classes of the community on the discovery of the body. In those days there were but few newspapers, and editors had not then learned to trouble themselves much about local news; so that, in the absence of any authentic and printed record of the facts, rumor took up the case, and presented it in all imaginable shapes.

On the 4th of January the two leading newspapers, the *Daily Advertiser* and the *Commercial Advertiser*, each contained the following paragraph:

“Thursday afternoon the body of a young woman by the name of Gulielma Elmore Sands was found dead in a well recently dug by the Manhattan Company, a little east of Mr. Tyler’s. The circumstances attending the death are somewhat singular. She went from her uncle’s house, in Greenwich Street, last Sunday evening, with her lover, with an intention of going to be married, from which time, until yesterday afternoon, she had not been heard of. Strange suspicions have been entertained that she has been willfully murdered.”

On the 6th of January a coroner's jury was assembled, and they rendered a verdict of "Murder by some person or persons unknown."

The public excitement continued daily to increase, and the manner in which the crime was committed was the subject of innumerable conjectures; but the general voice of public opinion named Levi Weekes as the murderer. On the 10th of January each of the above-named newspapers contained a communication deprecating the public verdict, representing the character of Weekes in very favorable terms, and asking for a suspension of public opinion. Weekes had, however, been already arrested on suspicion. In due time his case came before the Grand Jury; he was indicted, arraigned, pleaded "not guilty," and his trial was set down for the 31st day of March, 1800.

It is safe to say that up to that period no crime had ever produced in New York such an excitement as the murder of Miss Sands. For many years afterward it was a never-ending topic of conversation, and it is more or less talked of even to this day. Theodore Fay's novel, "Norman Leslie," published originally about the year 1833, and not long since republished, embodies several of the incidents of the story under fictitious names.

The trial of Weekes began on the day designated in the old City Hall, at the corner of Wall and Nassau streets, the site of the present Sub-Treasury. The court consisted of Chief Justice Lansing—the same man who, some thirty years later, left his hotel for the Albany steamboat at the foot of Cortlandt Street, and was never afterward heard of—Richard Varick, Mayor, and Richard Harison, Recorder. The jurors were Garrit Storm, Robert Lylburn, Simon Schemerhorn, George Scriba, Richard Ellis, James Hunt, John Rathbone, William Wilson, William G. Miller, Samuel Ward, William Walton, Jasper Ward. The case for the people was conducted by Cadwallader D. Colden, Assistant Attorney-General. Counsel for Weekes, Alexander Hamilton, Brockholst Livingston, and Aaron Burr.

The testimony from which the following synopsis of the case is made is almost entirely in the handwriting of Hamilton, taken down by him at the time. It consists of fifty-four closely written foolscap pages. It is in a state of perfect preservation, and is now owned by a gentleman of this city. As an autograph, it is very valuable.

A condensed statement of the testimony of the first witness, Mrs. Ring, will show the material points of Elma's disappearance:

"After tea I proposed to borrow a muff for her at one of our neighbors'. Elma went and got it herself. She came into the room where were two young men of the family, Russell and Lacy, with my husband and child. Levi (Weekes) came in, and soon after the young men went to bed. The clock just then struck eight. I observed Levi's eyes fixed on Elma, as if to hint to her to go, and she went into the entry. Soon after I took the candle and went upstairs. Elma had her hat and shawl on, and the muff in her hand. I went down again, leaving her just ready to follow. Levi took his hat and went out into the entry. Immediately after I heard someone come downstairs; then there was whispering in the entry for a minute, then the front door opened and was closed. It was opened and closed but once within those two or three minutes. It stuck a little, and opened and shut hard, with much noise. As soon as it closed I ran to it, opened it, and looked out to see which way they went; but there were many people passing, and I failed to identify them. I then ran upstairs to see if Elma was there. I don't know why I did so; but somehow I felt agitated. She was not there."

BY THE ASSISTANT ATTORNEY-GENERAL. "Did you not hear the steps of more than one person coming down the stairs?"

ANSWER. "I heard the steps of but one person."

QUESTION. "Was there no noise in the room where you were?"

ANSWER. "There was no noise at all, and I could distinctly hear what was passing in the hall and on the stairs."

Mrs. Ring proceeded:

"Levi returned about ten o'clock. His countenance was pale and much agitated. He said, 'Has Hope got home?' I said, 'No.' 'Is Elma gone to bed?' I said, 'No, she has gone out. At least, I saw her ready to go, and have good reason to think she went.' He said, 'I am surprised she should go out so late at night, and alone.' I replied, 'I have no reason to think she went alone.' To which he made no answer, but looked earnest and thoughtful, and leaned his head on his hand."

BY ASSISTANT ATTORNEY-GENERAL. "Had anything passed to lead him to believe that she went out alone?"

ANSWER. "No, there had not."

BY THE COURT. "Did you express any alarm to him?"

ANSWER. "No. Feeling very uneasy and agitated, I thought I would speak to Levi more particularly than I had done, and I told Elias to take the child and go to bed; and he got up to go, upon which Levi instantly rose and went upstairs."

"I then thought perhaps Elma had stopped at the neighbor's to leave the muff. I sat up waiting for her till after twelve o'clock. Then, thinking she might have come in, I looked through the house for her. In the afternoon of the next day Levi asked me whether Elma had returned; and when I said no, he asked whether I had sent anywhere to inquire for her. I said no to that, and that I kept expecting her. He then said, again, he was surprised at her going out so late, and alone. I replied, 'Indeed, Levi, to tell thee the truth, I believe she went with thee.' He looked surprised, and said, 'If she had gone with me, she would have come with me. I never saw her after she left the room.'"

BY THE COURT. "Was there anything uncommon in his manner?"

WITNESS. "There was, to be sure—more than I can express. In the afternoon of the next day Levi came into the room where my sister and I were sitting, and, after some conversation, I said to him, 'If it had been anybody but thee, I would not have waited an hour without getting an account of her; but my confidence in thee was so great, and I feared, too, to make trouble for her, as she was bound not to disclose the plan, that I waited. On that day, about twelve o'clock, she came downstairs and told me that you and she were to be privately married that evening at eight o'clock.' He turned pale, trembled to a great degree, was much agitated, and began to cry. Then, clapping his hands together, he exclaimed, 'I'm ruined! I'm ruined! I'm undone forever. Unless she appears to clear me, my existence will be only a burden.'"

BY MR. COLDEN. "State particularly what was Elma's condition of mind and temper on that Sunday afternoon."

WITNESS. "I never saw her pleasanter. She was more so than usual."

Several witnesses were subsequently called, whose testimony went to show the probability of Levi's having used his brother's sleigh on the evening of the 22d; others stated the hearing of cries of "murder," etc., in a female voice, near the well, about nine o'clock; but nothing very precise or satisfactory was established on those points.

Andrew Blanck testified that his son, on Tuesday, December 24, brought home a muff which he found in the Manhattan Well. It proved to be the muff which Elma borrowed. A search for the body in the well was not then instituted; but on the 2d of January Elias Ring and Mr. Watkins made the search, and found the body. Elma's hat was off; her dress was torn open above the waist; her shawl, handkerchief around her neck, and her shoes, were gone.

Richard C. Skinner, the first witness who examined the body, found several bruises and scratches on the forehead, chin, and left breast. There were several marks on the neck, not uniform, as if made by a rope or a handkerchief, but as if made by a person's hand. In reply to a cross-question whether those marks may not have been produced by some cause other than strangulation, he said he could not tell how they might have been produced; but in reply to a re-direct question whether strangulation by the hand would not make those marks, he thought it would.

Doctor James Snedecker found some dislocations about the collar-bone; and Doctor David Hosack found the marks on the neck "as if they had been produced by violent pressure"; and he did not think that a person could inflict such wounds or marks on herself.

William Williams testified that he had driven a horse from Ring's house to the Manhattan Well and back to the stable of Ezra Weekes in fifteen minutes. The object was to show how soon the distance could be driven.

This was the case, in a much abridged form, for the prosecution.

(One witness, Richard D. Croucher, who lodged at Mrs. Ring's, was called by the prosecution, and he made a brief statement as to the extreme intimacy of Weekes and Elma. He was cross-examined at some length by the defense, as to his having had a quarrel with Weekes, and as to where he, the witness, was on the evening of December 22. As to the last point, he said he was at a friend's house, about two miles distant, all the evening, and returned to Mrs. Ring's about eleven o'clock. That statement was fully corroborated by two other witnesses.)

We give in this connection a facsimile of Hamilton's report of a portion of Hope Sands's testimony in regard to the intimacy between Weekes and Elma:

HOPE SANDS

Being asked if she had observed any intimacy between the prisoner and the deceased? She said the first time I knew them to be together in private was about two weeks after I and Elma came to town. I then found Levi and Elma together in her bedroom. I was there with Elma when Levi came in on which Elma gave me a hint I immediately went out. he followed me to the door, and shut it after me and locked it. I went downstairs, left my shoes at the bottom of them, and went softly up to listen if I could hear their conversation but could not understand anything although I heard a whispering and stand at the door a long time more than an hour.

Mr. Burr opened the case, briefly, for the defense. He spoke in slighting terms of the character of the deceased; warmly in praise of the character of the prisoner; deprecated public opinion, which had already pronounced the prisoner guilty; warned the jury against attaching any importance to circumstantial testimony, which alone had been produced against the prisoner; and promised to show his innocence by proving an *alibi*.

The first witness, an apprentice to Ezra Weekes, testified that his master's horse and sleigh had not been out of the stable on that Sunday evening. (The prosecution had proved that a track of a one-horse sleigh was found in the snow very near the well, and quite off from the road.)

Several witnesses made statements derogatory to the character of the deceased.

Doctor Mackintosh thought that the death of the deceased was caused by drowning. And several doctors gave opinions as to what, other than strangulation by hand, *might* have caused the marks about the neck. They intimated that the marks on the body *might* have arisen from remaining several days in the water and then being brought into contact with the cold air of winter. One of the physicians made a postmortem examination and proved the deceased was *not* "likely to become a mother."

John Macomb testified that he was at the house of Ezra Weekes on the evening of Sunday, December 22. Levi Weekes was there, and he remained there until about eight o'clock. He, witness, remained about twenty or thirty minutes after Levi went away.

Elizabeth Weekes and Ezra, her husband, testified by deposition that Levi Weekes returned to their house almost immediately after John Macomb left there, and remained there till near ten o'clock.

Several witnesses testified to the good character and disposition of the prisoner, and that his manner and deportment after the disappearance of Elma were not changed.

This was, substantially, the case for the defense, much abridged, however, in details.

It was now half past two o'clock in the morning of the third day of the trial, and the Assistant Attorney-General asked for an adjournment, as he was completely exhausted and unable to go on with the case. The prisoner's counsel objected, as that would keep the jury shut up another night. The Court also objected. And finally the counsel on both sides took the very unusual course—unusual, that is, in a trial for murder—of submitting the case without argument to the jury, under the charge of the judge.

The charge of Chief Justice Lansing was the most extraordinary part of the trial. After saying that he was taken by surprise in being called on to charge the jury before he had the usual opportunity of preparing a digest of the testimony for the jury's consideration, and after some incidental comments, he proceeded to remark, quietly and as a matter of course, that it was *very doubtful* whether the deceased left the house of Elias Ring on that Sunday evening in company with the

prisoner; that the witnesses on the part of the prisoner had accounted for the manner in which he spent the evening, “excepting a few minutes”; that, from the testimony of the physicians, it was very doubtful whether the deceased had been exposed to any violence other than that occasioned by the drowning; that it was difficult to discover what motive could have actuated the prisoner to the commission of such a crime; and that *the Court was unanimously of opinion that the proof was insufficient to warrant a verdict against the prisoner!*

The jury retired, but they returned in five minutes with a verdict of *not guilty*.

Perhaps, in a state of weariness and exhaustion—though *that* had really nothing to do with the merits of the case—the jury, under such a charge, might plead that they had no discretion left, and were compelled to render such a verdict. Perhaps they wished “the thing over,” and caught at a pretext for simplifying their duty. If that were so, they seem to have lost sight of their *rights* in the premises. Or they may have felt themselves justified in evading what the Chief Justice was so ready to assume—the entire responsibility of deciding on the facts.

The Chief Justice, in his charge, voluntarily took upon himself the jury’s exclusive prerogative. The question of fact, whether Levi and Elma went out together, was a question for the jury alone to decide, and it was a vital point; for it they *did* go out together, it was incumbent on Levi to account for her; and if he could not account for her, his case was gone. The testimony undoubtedly fell short of positive proof. The testimony was circumstantial, and the proof only inferential; but that is precisely the state of things that calls for the free deliberation and action of a jury, *not* under instructions from the Court. To *caution* a jury on a doubtful point, and to tell them that they are bound to give the prisoner the benefit of a reasonable doubt, is proper and customary; but to *instruct* them on the doubt is another thing.

Again, the reference to the prisoner’s *motive* was gratuitous. That was a point for the prisoner’s counsel to make; and if he had made it, the opposite counsel would have replied, “We are not bound to prove a motive. We have proved a murder, and we have brought it to the prisoner’s door. Shift it away from that door, if you can. Convince the jury, if you can, that it does not lie there. You cannot contrive even a theory of the death of this woman, other than her murder by Weekes, unless you set up suicide. And what was the motive for *that*? If a motive for homicide is indispensable, a motive for suicide is indispensable. Besides, does a woman select drowning herself in a well as a method of suicide? And does she take off her hat and shawl, and handkerchief around her neck, and tear open the bosom of her dress, and take off her shoes, *and all the while keep hold of her muff*, and then jump into the well head-foremost? *We say that the woman was strangled by the hands of her murderer near the well, that the dress was torn in the struggle, and that the muff, shawl, and handkerchief were thrown into the well after the woman.*”

As to the *alibi*, the judge virtually instructed the jury that they were to accept the statement of time given by the Weekeses and their visitor without question or investigation; and he made the time shorter than the witnesses did—“a few minutes.”

The testimony of the physicians for the prosecution was affirmative and positive as to the infliction of violence on the body before it was thrown into the well. The physicians for the defense did not go beyond saying that the marks *might have been* produced by exposure to the

air after a long immersion in the water. The judge told the jury that it was “very doubtful” whether the physicians for the prosecution were right about it!

The concluding sentence of the charge is the most remarkable of all. A mass of testimony which had occupied the court for nearly three days, and which the judge admitted that he had not time to digest as he intended to do, was, nevertheless, disposed of in two lines—the Court was unanimously of opinion that the proof was insufficient to warrant a verdict against the prisoner!

The popular version of the result of the trial was that Weekes was acquitted by the jury; the true version is that he was acquitted by the Court.

As all the parties to this trial have “passed to their account,” it is safe to say that the mystery of the Manhattan Well Murder must remain forever *legally* unsolved.

The remarkable character of the trial, and the high position of the counsel, have caused much more to be written and published than will ever be found true. Mr. Parton, in his “Life of Aaron Burr,” on page 148, says:

“He used to say that he once saved a man from being hanged by a certain arrangement of candles in a courtroom...As the trial proceeded, suspicions arose against the principal witness, and Colonel Burr became convinced that the guilt lay between the witness and the prisoner...Hamilton had addressed the jury with his usual fluent eloquence, confining his remarks to the vindication of the prisoner, without alluding to the probably guilt of the witness...Colonel Burr, in turn, rose. He set forth the facts which bore against the man, and then seizing two candelabra from the table, he held them up toward the witness, and exclaimed,

“Behold the murderer, gentlemen!”

“Every eye was turned upon the wretch’s ghastly countenance, which seemed to wear the very expression of a convicted murderer. The man reeled, shrunk away, and rushed from the room. The effect of this incident was decisive. Colonel Burr concluded his speech, the judge charged, the jury gave a verdict of acquittal, and the prisoner was free.”

How utterly without any foundation in fact is that wrought-up narrative may be seen from what here follows.

The witness referred to was Richard D. Croucher, whose testimony is mentioned in a parenthesis at the close of the case for the prosecution. He is called in the quotation above “the principal witness.” “Hamilton,” says the book, “had addressed the jury with his usual fluent eloquence,” etc. The only address to the jury, on the part of the defense, was Colonel Burr’s opening, which did not occupy many minutes in the delivery. “Colonel Burr,” says the book, “set forth the facts which bore against the man,” Croucher, “and then seizing two candelabra,” etc.

Now see this incident, as taken down in Hamilton’s notes of the testimony:

William Dustan (witness for the defense) said, “Last Friday morning a man—I don’t know his name—came into my store” (*here one of the prisoner’s counsel held a candle close to Croucher’s face, who stood among the crowd, and asked the witness if it was he, and he said it was*); “he said, ‘Good morning, gentlemen. Levi Weekes has been taken up by the high sheriff, and there is fresh evidence against him from Hackensack.’ He then went away; and as he went out he said, ‘My name is Croucher;’ and that was all the business he had with me.”

That is quoted *verbatim et literatim* from Hamilton's manuscript, page 45; and that is every word therein relating to Croucher; and, of course, that is all that Croucher said. His testimony was not of the slightest importance; nor was the movement of the candle of the slightest importance. It had no effect whatever on the case. And as to Colonel Burr's alleged exclamation, "Behold the murderer!" and his "concluding his speech," the reader can see for himself how absurd is the story.

The late Mrs. Hamilton, widow of General Hamilton, had her own version of the *candle* story. She said that it was her husband, and not Colonel Burr, who took the candle and asked the question. But that point, as well as the entire story, is every way immaterial and unimportant. The result of the trial was entirely independent of "the candle"; and one might venture to say that it was hardly "worth the candle." The Assistant Attorney-General certainly gained no credit for submitting the case without argument; the judge deserved no credit for his charge; and the jury earned no golden opinion for their verdict. Even the distinguished counsel for the prisoner seem to have done very little for their client, since no one accused them of "speaking to the judge." The crime itself was a terrible tragedy. The trial was almost a farce.

The story runs that on the rendering of the verdict Mrs. Ring exclaimed to Hamilton, "If thee dies a natural death, I shall think there is no justice in heaven!" She should have said that to Chief Justice Lansing, if to anyone. But he also died an *unnatural* death. He was never seen, alive or dead, after he left his hotel for the Albany boat, in November, 1829.

Public opinion did not coincide with the verdict of the jury. Weekes found himself proscribed, and he disappeared from New York as suddenly and as completely as did Chief Justice Lansing—though, of course, for a different reason.

Harper's New Monthly Magazine, May 1872