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1887 - A DOUBLE MURDER - At Holliday's Cove

The following article from the "[The Saturday Review](#)" newspaper, East Liverpool & Wellsville, Ohio; May 14, 1887, Vol. 8 No. 31, Page 1; has been abstracted and contributed by Janet Waite, of the [Genealogy Pit Stop](#)



*McWha Funeral, Holliday's Cove;
image the courtesy of David T. Javersak's 1999 publication,
["History of Weirton, West Virginia"](#)*

A DOUBLE MURDER

At Holliday's Cove, on the Pan Handle Road

TWO DEFENSELESS WOMEN KILLED IN COLD BLOOD.

Their Brains Battered out with an Iron Bolt

After Which They are Clad in Their Night Robes

By the Inhuman Monster who Caused their Death.

Suspicious Circumstances which Surround the Case.

Van B. Baker at one time Super-intendent of East Liver-pool Schools,

And Husband of the Younger Woman, Suspected of the Murder.

(Wheeling Intelligencer, May 11.)

The most shocking double tragedy ever chronicled in this vicinity occurred at Holiday's Cove, a station on the Pan-Handle railroad in Brooke county, some-time between Monday afternoon and yesterday morning. The affair was surrounded with a good deal of mystery, and the circumstances pointed to a cold blooded and deliberate murder, inspired by avarice. The victims were Mrs. Drusilla McWha, an old lady 70 years of age, and her daughter, Mrs. Van B. Baker, aged 45. Mrs. Baker's husband, Van B. Baker, left home shortly before four o'clock on Monday, taking the train for Hanlin's station, near which his father resides. He returned yesterday morning about nine o'clock, and at once made known the tragedy to the neighbors.

Intense excitement was occasioned by the announcement. Squire Lee, the nearest Justice of the Peace, at once took charge of the premises, and the Sheriff and Coroner of Brooke county were summoned from Wellsburg.

THE HUSBAND'S STORY.

Baker says when he reached the house on his return from Hanlin's station, he found the front gate open, a circumstance so unusual that it attracted his attention. He went around to the rear of the house, and found the door open.

The bodies of both victims were found on the floor of the sitting room, Mrs. Baker's lying partly across her mother's. Both their heads were beaten almost to a jelly, and a heavy iron candle cover with hair and blood, with which the deed was done, was found near by. A bloody axe was also lying near, and Mrs. McWha's head showed that it had been used with deadly effect, two terrible gashes from its edge marking her skull. The news of the double murder spread rapidly and the whole village turned out and surrounded the house, eager to hear what they could of the terrible crime.

ROBBERY THE SUPPOSED MOTIVE

Mrs. Drusilla McWha, the eldest of the murdered women, was the widow of Robert McWha, who has been some years dead. The younger woman, her daughter, Eliza, has been married some time to Van B. Baker. The elder woman possessed considerable money, said to have been invested in Government bonds. Although not wealthy she is thought to have been worth \$7,000 or \$8,000, but even to her nearest kin and friends was very reticent as to her affairs. However, she was considered by the inhabitants of the Cove to be well off in this world's goods, and it was always thought kept large sums of money about the house. After the bodies had been found a search of the house revealed the fact that drawers, cupboards, trunks, chests and in fact every place where money or valuables could be concealed had been broken open and the house literally ransacked from top to bottom.

A trunk belonging to Mr. Baker, he claimed had been broken into and robbed of \$350. and other sums were taken, but the exact amount he could not state.

The residence of Mrs. McWha, where the murdered mother and daughter were found is located in the village, one door north of the brick school house which stands on a little hill at the corner of the road leading to New Cumberland. The house is of frame and two stories high.

THREE SUSPICIOUS MEN

Baker told of the visit of three strange men to the house the day before. One of them was tall and heavy, another short and chunky, and the third evidently a German. They said they desired to rent a small piece of Mr. McWha's farm to erect a shanty on, to be used as a boarding house for the accommodation of the laborers employed on the railroad to New Cumberland now being constructed. They completed the arrangement, the rental of the grounds to be \$10 a month, payable in advance. In payment of the first month's rent they tendered a \$50 bill, saying they did not suppose she could change it. To their surprise she declared her ability to change it, and did

so, and they left and have not since been seen.

Inquiry of contractors and others who ought to be aware if any arrangement had been made for the erection of a boarding house there developed the fact that none of them had heard of any such project. This naturally directed suspicion to these three men, and parties were at once organized and started in pursuit.

SUSPICION AROUSED

Chief of Police Porter Smith, of this city, received a telegram yesterday asking him to come to the scene of the tragedy. He did so, and began a number of inquiries which seemed to put a new face on the matter. In response to his questions, Baker gave a very thorough description of the three strange men. This Capt. Smith very carefully noted down in a memorandum book. Then putting the book in his pocket, he asked Baker to write out another copy of the description, making it as exact as possible.

This simple request had a surprising effect on Baker. He at once became exceedingly agitated, and declined to write the description, saying he had other matters to attend to and would do this a little later. His manner attracted attention, and he was further questioned, his answers being so evasive and his agitation so noticeable that the suspicion was inevitable that he knew a good deal more of the tragedy than he had told.

OTHER STRANGE FACTS

Baker's conduct when examined by the coroner was also of a character to confirm the suspicions that had been aroused, besides which there were a number of circumstances about the murder which required explanation. The blind of the window near where the bodies were found was evidently let down after the deed was committed. The old lady had a night cap wrong side out on her head, which was put there after the murder, as it covered the wounds on the head, but still had no holes on it. There was also evidence that the deed was committed in the kitchen and the bodies dragged into the room in which they were found.

The bodies were clothed in their night dresses but the clothing was not blood stained, while in a tub of water in the kitchen was found the ordinary day clothes of both women, literally drenched in gore. A coupling pin was lying near, but had not been used.

Drawers and boxes in the house were broken open and ransacked to make it appear as if robbery was the motive, and Mr. Baker claimed that \$350 of his money was taken, but whether any of his mother-in-law's was gone he was unable to say, as her effects had not been examined. He also stated that when he returned home he found all the doors locked, and had to burst one open to gain an entrance. At another time he said the door was standing wide open when he reached the house.

BAKER'S ARREST DETERMINED ON

As stated above Mrs. McWha was quite comfortably provided with this world's goods, and was understood to have made her will, leaving all her possessions to her daughter. Mrs. Baker, during the latter's life, and after she died to her husband. Mrs. Baker had no children, her only child having died when but a year old. Baker has two sons by a former marriage, who live in Steubenville. He was several years his wife's junior, and was a school teacher by profession, having taught in the neighborhood of his home for a time, and also the greater part of the past year somewhere in the West. The family were not socially inclined, but rather reserved in their intercourse with neighbors.

After hearing Baker's evidence, it was concluded by the Sheriff and Coroner to take Capt. Smith's advice and arrest Baker. A warrant was sworn out, and he was to have been arrested last evening. There being no telegraphic communication with the station it is not known here whether this plan was carried out. Capt. Smith came home on the evening train. When he left the arrest had not been made.

THEORY OF THE OFFICIALS

Baker said a short time before he left home on Monday somebody knocked at the door, but the family made no response. When asked why they did not answer, he said they were tired and did not want to. Yet after this he went to Hanlin's Station and walked to his father's home, in the country some distance. A neighbor did call at the house Monday afternoon, but her knock was not answered.

The theory accepted at the Cove is that Baker committed the awful deed and then robbed the two women in their night clothes to make it appear that they had been killed in the night. He was about to wash their clothes when the knock at the door alarmed him, and hastily placing things in a shape that would indicate robbery, he fled.

Of course, so far, this is all theory, and the evidence to point to Baker's guilt so far as known is circumstantial. No effort will be spared to find the three men on whom Baker cast suspicion.

Last night's Steubenville Herald says: Mrs. McWha, the eldest victim, is well known in this city. She is a sister-in-law of Mrs. Judge McDonald, of North Third street, and has numerous nephews and nieces, among whom is James McWha, the butcher. Her maiden name was Swearengen, and a large number of her relatives live in this city and vicinity. Her daughter, Eliza, the other victim, has been married to Van B. Baker about two years. She has no children of her own, but Baker's sons reside in this city.

BAKER'S RECORD

As many of the readers of the Review will remember, Baker was, for a year or two, Superintendent of the public schools of East Liverpool, and left here some ten or eleven years ago, under a cloud, he having been detected in embezzling school funds to the amount of \$125, and when confronted with the crime, confessed, and gave his note for the amount, which note, however, the School Board still hold and cherish as a souvenir of their association with Prof. Baker in the past. His record elsewhere, both subsequent and prior to his sojourn here – as since learned, was anything but savory.

UNDER ARREST

Baker was arrested last night, and is held for further developments in the case, with the strong probability that a charge of murder will be preferred against him. The feeling in the neighborhood of the Cove is very bitter, and talk of lynching is freely indulged in.

The arrest was made to-day about noon, as we learn by telephone message from Steubenville, owing to contradictory evidence given before the Coroner's jury. The inquest had not been concluded, but there seems to be evidence sufficient already adduced to justify the holding of Van B. Baker to answer the charge of the murder of his own wife and mother-in-law.

NEW CUMBERLAND, W. VA., May 12.

Van B. Baker, against whom suspicion of having murdered his wife and mother-in-law points so strongly, was brought to this place last night by the Sheriff and confined in the county jail pending the conclusion of the coroner's inquest.

The excitement in the vicinity of Holiday's Cove where the murder was committed is most intense, and threats of lynching were yesterday freely indulged in. Indeed preparations for a summary punishment of the crime had been made, and if the coroner's jury had returned a verdict implicating Baker, a rope dangling from a tree sufficiently indicated what was the infuriated people's intention.

The people are waxing very impatient at the prolonged duration of the inquest, which was caused by Coroner Lee not understanding that it was necessary to take down the evidence in writing. He made the discovery near the close of yesterday's proceedings, and it was then determined to have the witnesses all testify a second time, so that their evidence could be reduced to writing.

The railroaders are much incensed at the statement made by Baker in which he attempted to fasten suspicion on some of their number, and had he fallen into their hands last night, the

expenses of a trial would have been spared the county.

The feeling against Baker was much intensified by the levity displayed by him at the inquest, he seeming to consider that jokes were in perfect keeping with an investigation into the horrible crime that had been committed.

In the estimation of the majority of people there is but one missing link in the chain of circumstantial evidence surrounding Baker, and that is the failure to find his ordinary wearing clothes, which it is thought will bear marks of the crime he is believed to have perpetrated.

When told by the Sheriff last night that he had better come to New Cumberland with him as he would find it safer there, Baker manifested the greatest coolness, and held out his hands for the "bracelets" with a laughing remark.

The bodies of the victims have been prepared for burial and the funeral takes place this afternoon. The doctors who examined the bodies testified that the murder must have occurred early on Monday afternoon, and visitors to the house on that day say it was held shut from the inside.

The Coroner's jury have adjourned until Friday, when their verdict will be rendered.

(Abstracted from "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio; May 14, 1887, Vol. 8 No. 31, Page 1)

CORONER'S VERDICT - 1887 DOUBLE MURDER

The following article from the "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio; May 21, 1887, has been abstracted and contributed by Janet Waite of the [Genealogy Pit Stop](#).

THE CORONER'S VERDICT

Van B. Baker Officially Charged With The Murder Of His Wife And Mother-In-Law

Steubenville, May 14. – The coroner's jury in the McWha Baker murder case have finally rendered a straight-out verdict, and find that "the deceased came to their deaths by being struck on the head with an iron bolt and an ax to the hands of one Van B. Baker." When the verdict was pronounced Baker, through his counsel, waived a preliminary examination and was committed to jail to await the selection of the grand jury, which meets in June. No new evidence has been found against the prisoner today, the detectives being at Cross Creek village, where Baker spent the night of the day of the murder.

The jail in which he is confined at New Cumberland is ----- and it is thought he will be taken to Wellsburg or Wheeling for safe keeping. It now turns out that Mrs. Baker herself gave currency in the fact that some two months since Baker attempted to poison her, but she was so infatuated with him that she did not expose him at the time.

(Abstracted from the May 21, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

VAN BAKER, AN EDITOR

The following article from the "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio; May 28, 1887, Vol. 8, No.33 has been abstracted and contributed by Janet Waite of the [Genealogy Pit Stop](#).

VAN BAKER, AN EDITOR

In The Long Ago And Now "A Dog With A Bad Name"

[Steubenville Herald]

Nobody has yet discovered that Van Baker, the Holliday's Cove alleged murderer, is the identical man who struck Billy Patterson, but about every other historical misdeed has been laid at his door. The latest is a special dispatch from Ironton, O., printed in a Cincinnati paper, as follows:

"To-day's issue of the Irontonian intimates that Van B. Baker, who is held for the murder of his wife and mother-in-law, near Steubenville, is responsible for two incendiary fires in the office of that paper four years ago, when Baker was a sort of partner in the concern, and served as its editor. Baker bought the defunct Lender office, and moved its material to the office of the Irontonian, after insuring the truck for \$4,500, about four times what it was worth. He sat in the editorial chair for a short time, but pressing obligations which he failed to meet confronted him, and he drifted to other climes. The efforts to burn the office were unsuccessful."

(Abstracted from the May 28, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

TIME OF TRIAL – MRS. McWHA'S WILL

*The following article from the "The Saturday Review" newspaper,
East Liverpool & Wellsville, Ohio; June 4, 1887
has been abstracted and contributed by Janet Waite
of the [Genealogy Pit Stop](#).*

THE BAKER-McWHA MURDER

TIME OF TRIAL – MRS. McWHA'S WILL

Interest, says the New Cumberland Independent, is abating in the McWha murder. The public are patiently awaiting the result of the trial, which will likely be at the June term of circuit court which convenes Monday, June 27. John M. Cook, of Steubenville, has been added to Baker's counsel, and another lawyer, not yet decided upon, will also assist. Who will assist the Prosecuting Attorney has not yet been decided upon. Mr. Huff will probably decide that.

Baker says he will be ready for trial in June. That if his counsel cannot get ready by that time, he would not want them to take the case. He said last evening that he wanted to celebrate the 4th of July a free man. When reminded that the State might ask for a continuance, he thought it would be unfair, that the prosecution was always supposed to be ready. He says he now has another witness, a good responsible person, who will swear that he saw Mrs. Baker alive after he (Baker) left the house for the train. He declined to give the name of this witness. He will have another consultation with his attorneys to-morrow.

MRS. McWHA'S WILL

Following is a copy of the will of the late Mrs. McWha. After directing that her just debts and funeral expenses be paid, the will reads as follows:

I give, bequeath and devise to my daughter, Eliza J. Baker and her heirs, all my real estate lying and being in the county of Hancock, and State of West Virginia, together with all my household and kitchen furniture of every description. I give and bequeath to my grandson, Robert McWha Lee, the sum of one thousand dollars, the same to be paid in bonds that I may own at my decease, and their face value, but if any of said bonds shall be of value below par, the same are to be made at par value by paying to said Robt. McWha Lee, the difference in money. But in the event that I should die not seized of any bonds, said legacy of one thousand dollars, shall be paid in money

out of any notes and claims that may be due me or my estate.

I also give and bequeath to my daughter, Eliza J. Baker, the rest and residue of any bonds, money, notes and claims due me that may remain after satisfying the legacy to Robt. McWha Lee, mentioned above, together with all personal property not herein mentioned and of which I may be possessed at my decease.

I desire that no appraisement and sale of my personal property be made, and that the court direct the omission of the same.

(Abstracted from the June 4, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

BAKER IN COURT

The following article from the "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio; July 2, 1887, Vol. 8, No. 38 Front Page has been abstracted and contributed by Janet Waite of the [Genealogy Pit Stop](#).

Two Indictments Found Against Him For Murder In The First Degree

His Trial to Commence on Monday, July 13th.

And Will Probably Require two Weeks' Time for its Completion.

(Hancock County Independent, June 29)

Circuit Court met on Monday, Judge George E. Boyd presiding. A grand jury was empaneled and B. J. Smith made foreman. After examining a number of witnesses.

They finished their work in the evening, returning two indictments for murder in the first Degree against Van B. Baker, one for the murder of his wife, Eliza J. Baker, and the other for the murder of Drucilla McWha.

Tuesday morning, as soon as court convened, Baker's counsel filed a demurrer to the indictments. The prisoner was brought into court, to be present during the argument. Deputy Chapman went to his cell in the basement of the court house, and said: "Baker, are you ready?" He replied in the affirmative, and the cell door was unlocked. Baker stepped forth neatly dressed, with his shoes shining in a coat of blacking. He wore a standing collar and white cuffs. He accompanied the officer down the hall and up the stairs and entered the court room. He was given a seat between Messrs. Donehoo and Braddock, his counsel, while Mr. Coe, co-counsel, sat at another table. Messrs. Huff, Hutchison, Brown, and J. G. Marshall, attorneys for the State, sat at another table on the opposite side of the room.

The demurrer of the defense was upon the ground that the Prosecuting Attorney was present in the grand jury room, and examined some of the witnesses, and talked about evidence before the jury. They stated the case was similar to one in Marshall county, in which Judge Jacob sustained a demurrer on the same ground as set forth in this cause. The prosecution argues that it was customary in this State for the Prosecuting Attorney to be present in the grand jury room

and examine witnesses, and that the statute only provided that he should not be there during the deliberations of the jury. That there was nothing in the demurrer to show that the Prosecuting Attorney in this case done other than simply examine the witnesses, that he had not influenced the jury in any way in arriving at a verdict.

Judge Boyd said it was the custom to this State for the Prosecuting Attorney to examine witnesses before the grand jury. That in any event the question was only a technical one, that the prisoner would have a fair trial before a jury, and in the event of quashing the indictments it would only result in calling another grand jury, and cause delay. That he thought he was giving the prisoner the benefit of any doubt, and refused to sustain the demurrer, thus deciding the point in favor of the prosecution.

The defense then asked time to prepare other pleas, which was granted them by the Judge. During the afternoon they prepared and presented them. The first set forth that one of the grand jurors, (Wm. Roberts) of the Cove, was a member of the coroner's jury.

The second was that the Sheriff who swore out the warrant for Baker's arrest, impaneled the grand jury, and the third was that the prosecution should file a bill of particulars showing how, when and where the murder was committed. Counsel for both sides argued the questions involved in the pleas, and Judge Boyd over-ruled them all. Pending the argument of the questions, Mr. Cook, for the defense, agreed with counsel for the prosecution, that the matter should be made of record as though the prison was present. After the ruling of the Judge, Mr. Braddock, for the defense, wanted the record to show the prisoner was not present during the ruling of the court. The court immediately sat down upon this motion, and the prisoner was brought up and arraigned before the bar of the court. The Judge then said: "Van Baker, you are indicted for killing Mrs. Drusilla McWha, on the 9th day of May, 1887; are you guilty or not guilty?"

"Not guilty," was the reply from the prisoner.

Taking the 2d indictment in his had, the Judge said: "Van Baker, you are indicted for killing Eliza J. Baker: are you guilty or not guilty?" And again the prison plead "not guilty."

After some talk on both sides, it was agreed that a date for the trial of the case should be set for some time in the near future. Judge Boyd set Monday, July 18th, as the date for the commencement of the case. Counsel for both sides agreed to this and the prisoner was remanded back to the jail until that time.

NOTES

A great many from Holliday's Cove, were in attendance at the court.

Baker looks very pale. His long confinement seem to have bleached him considerably. He seemed more nervous than usual, as he sat in the court room. He was brought up from his cell without any handcuffs, and carried his hat in one hand. As soon as the demurrer to his indictments had been disposed of, he

was taken down stairs and locked in his cell again.

Everything indicates a large crowd in attendance when the case is tried. It being the first murder case ever tried in Hancock county, the public seems anxious to know all about it.

The bloody axe and bolt, which were used to commit the terrible deed, are in the court house building.

When Baker was informed the grand jury had returned two true bills against him for the murder he did not evince much surprise, and said it was nothing more than he expected.

The trial is expected to continue for about two weeks. It is probable one or two days will be consumed in securing a jury, and there are a great many witnesses to be examined. Two or three days will be taken up by counsel in the arguments before the jury, and taken altogether, it is not likely the case will be concluded short of two weeks.

The attendance at court Monday and Tuesday was larger than usual. Quite a number of witnesses had been summoned to appear before the grand jury in the Baker case, and a great number of people were in attendance at the court out of curiosity, under the impression that the murder case would come up for trial the first thing. All day Monday, the court house corridor was thronged with people, and a great many took advantage of the occasion to gaze on Baker..

(Abstracted from the July 2, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

TRIAL PREPARATION

The following article from the "[The Saturday Review](#)" newspaper, East Liverpool & Wellsville, Ohio; July 16, 1887, has been abstracted and contributed by Janet Waite of the [Genealogy Pit Stop](#).

THE BAKER MURDER CASE

The Trial Soon To Begin – Preparations Being Made By The Prosecution And Defense.

A venire of sixty jurors has been summoned for the Baker murder trial, commencing next Monday, the 18th. With twenty jurors held over from the last term of court, this will make a venire of eighty. Many express the opinion that the entire venire will be exhausted, and another of the same number, before a jury will be obtained. Many parties have expressed themselves as having their minds made up, and there is little doubt but that at least two or three days will be consumed in selecting and empanneling the jury. The lawyers say the case will last at least two weeks, and may continue for three. It is expected that a large crowd will be in attendance during the trial, as everybody in the county seems anxious to hear the first murder trial in Hancock county. It is not strange that a double murder, so heinous in its details, should attract attention from all quarters, nor that the trial should elicit the curiosity of this entire section. It has always been customary to publish the jury list, but the court officials deemed it best not to have it printed this time, and so declined to give it out for publication. One reason for this is that some parties have said that rather than serve on the jury, they would leave the county. In such cases the Sheriff would have considerable trouble serving his summons.

Baker was sick last week, and was taking medicine prescribed by Dr. McLane.

Eighty jurors will cost the county \$120 per day, and their mileage. Of course the panel of eighty will soon be cut down. The twelve jurors will receive \$2 per day from the time they are empaneled.

Baker is having anything but a pleasant time in his hot, narrow cell at the court house.

A watchman has been sleeping in the room in which his cell is located every night.

Sheriff Lindsay started out last Thursday to notify those who were drawn on the jury.

There will probably be about on hundred witnesses in the case.

Baker says that in case John McSweeney, of Wooster, O., assists the prosecution, Dan Voorhees, "the tall sycamore of the Wabash," will assist the defense. He said it was so arranged that Voorhees will come on telegraphic notice. – New Cumberland Independent, 13th.

BAD FOR BAKER

It will be remembered that Baker stated that he expected to be a free man on the 4th, and that he mentioned having an important engagement on that day. On Monday, the 11th, a lady from the west appeared at the Cove looking for Baker. She had written him several times lately she said, but got no reply, and so she came to see why it was thus, as they were engaged to be married, the wedding to take place on the 4th of July, at her home. This is considered another strong point against Baker, and the authorities have held the woman to appear at the trial as a witness. We are unable to learn her name. – Toronto Tribune.

(Abstracted from the July 16, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

BAKER'S TRIAL WEDNESDAY- 1887 DOUBLE MURDER

*The following article from the "[The Saturday Review](#)" newspaper,
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BAKER'S TRIAL

VAN B. BAKER ON TRIAL FOR HIS LIFE.

The Jury Completed, and the Work of Taking Testimony Begun.

Very Damaging Testimony for the Prisoner.

(Continued from Seventh Page.)

At the time of our report closed Tuesday, eighteen of the list of twenty jurors had been secured. No difficulty was experienced in securing the remaining two before the extra panel was exhausted, and by four o'clock the defense proceeded to exercise their privilege of peremptory challenge of eight jurors, and the twelve men who were to decide Baker's fate, according to the law and evidence, were requested to stand up and be sworn.

THE JURY. They were: John Melvin, Jr., George Lambert, W. A. Jester, Robert Wilson, Henry Barton, Frank P. Spivey, Ralph Cowl, W. E. Mercer, Burgess A. Geer, John W. Johnson, Samuel Bucher, M. H. Thayer.

The Judge told the jurors that, inasmuch as they would be confined for some days, they had better send any word they wished to their friends. The Clerk told the jury to arise to their feet,

and administered the following oath:

THE OATH. You shall well and duly try, and true deliverance make, between the State of West Virginia, and the prisoner at the bar, whom you shall have in charge, and a true verdict rendered in accordance with the evidence, so help you God.

Judge Boyd then stood up to charge the jury as to their duty. He warned them against holding any communication with other persons or to discuss the case among themselves. He then committed the jury to the care of Sheriff Lindsay, who will see that the proper precautions are observed. On motion of Mr. Hutchison, Court adjourned until this morning.

WEDNESDAY'S PROCEEDINGS. The court house was crowded this morning when Judge Boyd gave the signal for the commencement of proceedings at 9 o'clock. The heat was already oppressive, and gave promise of no little discomfort both to those actively engaged in the case, the "cloud of witnesses," and the crowds of spectators. The prisoner took his seat, with the air of weariness which had characterized him on the first day, intensified to such an extent that the impression involuntarily forces itself upon the mind that, should the case continue for two or three weeks, as many think it will, the strain will be likely to tell seriously upon his health.

Up to today but few ladies have been in attendance. But this morning a large number of chairs were placed, inside of the bar, to the left of the bench and opposite the seats arranged for the jury, which were very soon filled with ladies, while many of the benches in the body of the court room were also occupied by the female portion of the audience.

On the convening of Court at nine o'clock, the jury having taken its place in the box, the counsel for defense moved that the State furnish them with all papers which they expect to offer in evidence, and to allow them to examine any clothing that might be offered in evidence, which motion was over-ruled by the court.

Stephen Brown, Esq., presented the case to the jury on behalf of the State, in a speech of about three quarters of an hour, followed by John R. Donehue, for the defense, who occupied the better part of an hour. The plan of the prosecution, as indicated by Mr. Brown, will be to show by the strong combination of circumstances, pointing directly to the prisoner at the bar, that he was the one who had committed the horrible deed.

Mr. Brown presented the case for the State in a clear though not extremely forcible manner, and left the impression there was considerably more left unsaid than was said, and that the prosecution would pursue the policy of resting their case to a larger extent upon the testimony of the witnesses than upon the arguments of counsel.

In the presentation speech on behalf of the defense, by Mr. Donehue, there was a greater effort at dramatic effect, combined with an attempt, even thus early in the case, to work upon the sentiments and emotions of the jury – and yet all the while he took particular pains to disclaim anything of the sort. The defense will endeavor to prove an alibi on the part of the prisoner, so far at least as to show that the murder must have been committed some time after Baker had left the house on the afternoon of the 9th of May, and in various ways they will endeavor to meet and explain away the net-work of circumstantial evidence which seems to be weaving itself about Baker as the murderer of his wife and mother-in-law.

THE JURY NOT ENTIRELY SATISFACTORY.

There is no disguising the fact that the jury, as empaneled on this important case, is not as satisfactory in its makeup as could be desired by the State, or to the friend of strict justice among those who are watching with intense interest every step of progress in this peculiar case. There are certainly two and perhaps three men that the prosecution would not have allowed to remain in the box had the State had the privilege of peremptory challenge, and surprise has been freely expressed that Judge Boyd ever permitted them to take their places among the twenty accepted ones, whom the State had then no power or right to reject.

At twelve o'clock M. the court took a noon recess.

AFTERNOON SESSION.

Upon reassembling of court this afternoon a request was made by the jury that night sessions be held, which was refused by the court.

Twelve witnesses of the prosecution were sworn, the first witness to testify being:

W. M. Lee, Justice of the Peace at Holliday's Cove. He testified to having held the inquest over the bodies of Mrs. McWha and Mrs. Eliza J. Baker, on the afternoon of May 10th. He described the position of the bodies, the finding of the bloody axe and coupling pin, and the blood-saturated clothing. These articles were all brought into court by the Sheriff and exhibited to the Jury, and while they were being exhibited the prisoner was seen to wear an indifferent expression of countenance, and at one time even to smile. At the time our report closes, at half past three o'clock, Esquire Lee is still describing the circumstances of the finding of the bodies, and giving a detailed account of the appearance of the bodies and premises. The examination of the witness will probably occupy the time of the court the remainder of the afternoon.

The counsel for the State submitted to the court and jury a plan of the scene of the murder, at Holliday's Cove.

They also asked the court to allow the jury to visit the scene of the murder, which matter the court referred to the jury, telling them that, if they deemed it advisable, after examination of the plans, they could do so.

(Abstracted from the July 28, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

BAKER'S TRIAL THURSDAY - 1887 DOUBLE MURDER

*The following article from the "The Saturday Review" newspaper,
East Liverpool & Wellsville, Ohio; July 28, 1887, Vol. 8, No.41;
has been abstracted and contributed by Janet Waite
of the [Genealogy Pit Stop](#)*

From Thursday's Daily.

As noted in our report yesterday afternoon, a number of witnesses were sworn, the first to testify being Esquire Wm. M. Lee, of Holliday's Cove, a brief synopsis of whose evidence we published in last evening Review.

The examination of Esquire Lee was conducted by Hon. John A. Hutchinson, of Parkersburg. His evidence was considered of material importance, as the inquest over the dead bodies of Mrs. McWha and Mrs. Baker were conducted before him. In the course of his examination, a brief outline of which were given in the last evening's Review, he said the night caps as placed upon the heads of the murdered women extended down and around the wounds in the murdered women's heads; there were no rents or cuts in the caps; the body of Mrs. Baker extended across the breast of her mother, her right arm nearest her; the windows of the kitchen were covered with various things to exclude the light; there were two windows; one had a small calico curtain over it, supplemented by a shawl and a newspaper; over the other window a shawl was tacked across the top, and below were newspapers and some other articles, so as to exclude the light and view from without; on the kitchen floor, two or three feet from the hall door were two spots of blood, one of them well dried up; they bore the imprint of the head and shoulders of a person; the blood and water had run under the stove on the zinc; in the larger spot of blood were found the teeth of a comb; there was a bed in the sitting room where the bodies lay; the bolster and pillows on the bed had been disturbed; the bodies lay about eighteen inches from the bed; there was no mark of blood on the bolster or walls nearest it; the floor was saturated with blood; when witness entered both blinds were down in the sitting room; blood marks were on the right hand window; they extended to the lower pane of the upper sash; the bureau and two or three drawers open; some articles had been taken out and were on the floor; found a gold ring in a box on the floor; in the drawers found a gold watch a chain and two or three finger rings, and two sets of

gold earrings; found three pocket books empty, except some return railroad tickets; in the cupboard found two night caps, and a pile of night caps on the floor; the cook stove in the kitchen was covered up; I looked in the stove and found a roll of papers partially burned; the foot of the bed was tossed up; a truck (sic) was near the chimney, and some insurance papers were lying on the floor; there was some clothing on the trunk, and some underclothing on the bed; some ladies shoes on the bed bore marks of blood; this is all I found in the room; witness had summoned a jury and held an inquest; Baker had married Mrs. Baker two years before the murder; Mrs. McWha had real estate to the value of \$3,000 or \$4,000, and some bonds; Baker had been in the west, but had been at home about two months.

The next witness was O. S. Marshall, clerk of the county court. The will of Mrs. Drusilla McWha was produced and read after some controversy. She had bequeathed her whole estate to Mrs. Baker, except \$1,000, which was to go to Robbin M. Lee.

When court convened this morning, Esquire W. M. Lee was recalled, without anything new being developed, as was also O. S. Marshall, Clerk of Court.

Surveyor Patterson again showed the plans drawn of the premises.

Mrs. McCloud, who had lived with Mrs. McWha, testified in regard to the clothing that had been worn by the murdered women. She had heard Baker say the Mrs. McWha and Mrs. Baker had made wills and had left him nothing.

Mr. Brown, of Holliday's Cove, was the next witness. He had drawn up the will of Mrs. Baker, which will has not been found since the murder.

The question was here raised as to the admission of Mr. Brown's testimony regarding his recollections of the provisions of the will. Pending decision of which court took a noon recess.

Court having re-assembled Judge Boyd decided to receive the evidence of Mr. Brown, and he testified as to the contents of the will he had drawn for Mrs. Baker, in it Bequests were made as follows: to Van B. Baker \$1,000; to Presbyterian church, at Holliday's Cove, \$500. Two or three complimentary bequests were made, and the balance, in the case of the death of her infant child, was to go to her nephew Robbin Lee.

(Abstracted from the July 28, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

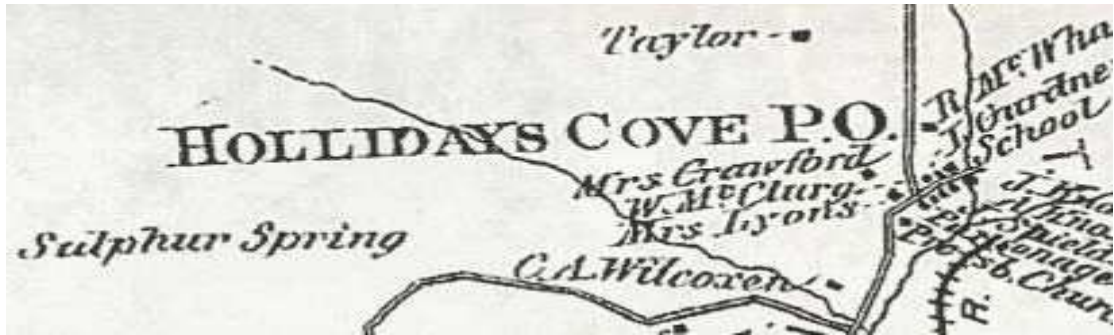
BAKER'S TRIAL FRIDAY - 1887 DOUBLE MURDER

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East Liverpool & Wellsville, Ohio; July 28, 1887, Vol. 8, No.41;
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From Friday's Daily.

As the trial of Van B. Baker continues, the interest increases, the attendance from a distance being larger each day.

The evidence, the taking of which was continued yesterday afternoon, was very damaging to the accused, particularly that of several of the near neighbors of the McWha's, and of Wm. Davidson, one of the men who rented the stable on the day of the murder, and upon whom Baker all along has been endeavoring to lay the deed. It will be remembered that he has all along been asserting that these men offered a bill to Mrs. McWha in payment of a month's rent for the stable, and that in making change the murdered woman had displayed considerable money, which was alleged as the grounds of his belief that these men had returned in the evening and killed the women for their money. Davidson's testimony, with other corroborative evidence, explodes that story.



A portion of the 1877 Map of Holliday's Cove featuring the McWha Residence location, courtesy of David T. Javersak's 1999 publication, "[History of Weirton, West Virginia](#)"

Mrs. Nancy Weaver resides three miles from the Cove; she had a conversation with the prisoner in April; he said “Eliza had made a will before the birth of her child.” (and witness here gave substantially the contents of the will); he said if the child had lived it would have been better for him.

The next witness called was Mrs. Ruth Campbell. She said she lived on the McWha place; she had lived there eighteen years, and was very well acquainted with all the peculiarities, customs and ways of the deceased; that she visited them two or three times weekly, and sometimes oftener. The deceased women were in the habit of placing a tin pan up at the window for the purpose of making an alarm should anyone attempt to get into the house. The pan would fall and make the desired alarm. The custom of the women was to always provide kindling wood for the morning fire and there was none on the morning the murder was discovered in the place where it was always kept.

She saw men at the stable about 11 o'clock. Baker was with them.

She testified to the condition of the windows when the alarm was given, and said that she never in all her acquaintance with the family seen those windows blinded day or night; they always had a short lambrequin covering the upper half of the window.

Mrs. Ruth Campbell was called back to the stand by the defense and said she washed Baker's clothes. He brought them to her early Monday morning.

Mrs. Mary Sturgeon – I live near Collier's, and I know the prisoner, and I remember when he returned from the west; I met him at Mrs. McWha's, where I remained two nights in last April; when I was going to the station, Mr. Baker, who accompanied me, said: “My wife in her will left \$500 to the church, and I had said to her, if you want to buy the Lord you had better take a young man and educate him for the ministry.” Mrs. McWha never spoke to Baker while I was there; they ate in the kitchen, and she did not come out until the meal was nearly finished.

A.G. Lee, of Burgettstown, Pa., said: I am related to the dead woman, having married Mrs. McWha's second daughter. I was at their house on Tuesday after the murder, and made a search of the premises with Mr. Patterson and a

witness. We found a pasteboard box in which was the will of Robert McWha, the will of Mrs. McWha and a note for a mortgage; the truck from which they had been taken had been broken open. We found a lot of silverware also. Some days afterwards when Mr. Patterson and myself were making another search we found the bonds under the small marble slab of the bureau in the sitting room. In years before they kept the bonds in a violin box with a false bottom, and we first looked in it but they were not there. We made a search for the will of Mrs. Baker; found in the stove a lot of charred paper, in which in close connection I could discover the words "to" and "the." And a capital "W." On the kitchen floor, probably three feet from the door that opened into the little hall, there was a lot of blood that ran under the kitchen stove and formed a pool of blood on the zinc. Witness here described other blood. On the leaf of the kitchen table was blood, which looked as though it had been sponged off, and on the left hand corner of the table were bloody finger marks. On the door frame, between the kitchen and Mrs. McWha's bed room, were splotches of blood, and the blood had been wiped off his door sill.

Miss Ella Wisner lived at the Cove, near where Mrs. McWha lived; had been making her home temporarily with Mrs. Denny; I know the prisoner; on Monday the 9th of May, Mr. Baker was to get my mail from the post office and I was to call at Baker's for it; since his return from the West, Baker had been getting the mails from the office, but before that time the arrangement with Mrs. Baker was that I should get the mail every other day and Mrs. Baker every other day; when Mr. Baker came home from the West he would bring the mail; I was looking for a letter on Monday, the 9th, and was to go up to McWha's after the mail arrived; about ten o'clock of that day Mr. Baker called on me and said I would get no letter that day; that "he" had forgotten to write; and that I need not come up on that day; I afterwards got my mail, later in the day, from the post office; brought to me by two boys.

Cross-examined. – I got my mail about an hour and a half after Mr. Baker told me I would get no mail; two boys brought it to me from the post office; it was not a letter, but a newspaper, from the East; sometimes we got western mail off the local train from the East in the forenoon.

Hess Ferrall, conductor on the Pan-handle R. R., testified that his train carried the local mail west from Pittsburgh; the "limited mail" from the West left local mails at Birmingham, opposite Pittsburgh, and they were distributed there and my train would get local mail west back as far as Steubenville; my train was due at the Cove between 8 and 9 o'clock local time.

James Wright, Jr. – I saw Baker Monday morning, the 9th, at Mr. Denny's between 11:30 and 12 A. M. Baker said to Miss Wisner, "Ella, there's no mail for you this morning; we will have to get a new postmaster." Then he spoke to me, he said; "You fellows have not been doing any good since I was here before; d—n it, I will go to town." I understood that he meant to go to Steubenville.

Wm. Davidson, of Steubenville, was at the Cove on the 9th day of May between twelve and one o'clock; was at Mrs. McWha's to rent a stable; Baker was there and Mrs. McWha and Mrs. Baker; Mrs. Baker was in the hall; the arrangement

was closed about renting the stable, within a quarter of an hour, two teamsters were with me; we left there before one o'clock; we were teaming(?) for the railroad company; Baker told us that when we came back in the evening not to go to the house, but to go about our business; he went out with us back of a little building near the gate; we signed a lease for the stable at the door of the house, and that closed the arrangement about the stable; we came back late in the evening, with our horses; we went around the stable and got in at the back door, unlatched the front stable door and took our horses into the stable; Baker had told us we would get in that way, without going to the house; we were there about three-quarters of an hour; we did not notice the house at all; we stopped at Knox's down over the hill; Wm. Wilson was with me; in the morning after we got up after daylight and went to the stable; Mr. Baker kept the article; we paid no money on the rent that day; we were to pay \$5 a month, but not in advance; Mrs. McWha had wanted us to pay in advance, and we said we were not very well fixed and could not do it, and then it was understood that we were to pay the rent at the end of each month – the first payment on the 9th of June.

Wm. S. Miller resides about two and a half miles from the McWha homestead; was on the coroner's jury Tuesday, May 10th; saw blood spots on the front window, before going into the house. The witness here described the positions in which the bodies were found, the blood on the floor, both of the sitting room and the kitchen; both ticks of the bed had been thrown up from the foot toward the head, but the upper portion of the bed did not appear as though it had been occupied; saw the tub in the room, containing some clothing, a coupling pin, a bolt, an axe, and a pair of stockings; also a pair of shoes with a pair of stockings stuck in them under the bed in the same room; also, a pair of shoes in Mrs. Baker's room, under the bed; the shoes had blood on them; on the clothing in the tub there was blood; the sleeves of the garment had been turned wrongside out, and the stocking were turned wrongside out; the tub was about half full of water; the bolt had on it blood and hair; there were bloody finger-marks on the window blinds.

FRIDAY

At nine o'clock court opened promptly. It was difficult to get a witness, all seemed to be absent.

Wm. A. Crawford testified. Live at Holliday's Cove; saw Mrs. McWha the night before the death of Mrs. Baker's baby; was one of the Coroner's Jury; I saw a trunk in parlor bedroom; saw a trunk in Mr. and Mrs. Baker's bedroom; also one in another room; examined lock of trunk Mr. Baker designated as his; the trunk was inside of room; when I saw the trunk it was not locked; got key from Baker and tried to lock and unlock the trunk which could be done easily; the hasp was broken loose from the trunk; no part of the lock proper was broken; I examined the contents of the trunk; the contents in the bottom of the trunk were undisturbed.

Cross examined – Found hasp near the trunk towards the school house; it was broken off the trunk; pocket book was lying near trunks; don't know that they were open; nothing else on the floor; the contents of the trunks were visible; got the key of trunk from Baker; Baker, when asked for the key, said nothing about

the contents of the pocket books.

James Patterson testified as follows: Have the deeds and papers taken from the parlor trunk. This is the trunk from which the papers were taken. (Trunk shown to jury.) These are the papers delivered to me by Mr. Lee, viz., deed's, note and mortgage. (Papers handed to counsel to examine.) These papers were given me by Mr. Lee on Friday or Saturday of the week of the murder. The trunk was in the same condition now when I first saw it.

Albert Lee testifies. (Trunk shown witness.) I know the trunk by the way it is broken; it was in the parlor bed room; these are the papers I found in the trunk and gave to Mr. Patterson; found them in a pasteboard box in the lower part of the trunk; the box was tied with a string; the will of Mrs. McWha was among the papers; the detectives were present when the papers were found; we examined them as soon as we could get together and gave the papers to Mr. Patterson; the trunk is in the same condition now as when found.

Mrs. Lucy Swearingen sworn – I live three miles from Steubenville; I formerly lived at Holliday's Cove; I remember day of murder; Mrs. Brown is my aunt; I visited her first week in May; my son Harry and baby were with me; we all visited at Brown's; on 9th of May made a visit to Baker's house, we agreed at dinner table to make the visit at two o'clock but were delayed until half past two; myself, baby and Mrs. Brown got in the buggy; Mrs. Brown drove; we drove to fence of house on the commons west of house; could see through the orchard from the fence; at this time foliage was not heavy on trees; my aunt removed something from around the buggy wheel; went to west end of the house, then up on the porch in front of the house; rang the front door bell twice; after waiting a few minutes, I gave Mrs. Brown the baby, and went around west end of the house, passed windows to back kitchen door; I noticed that the parlor window shutters were closed; saw four windows on north side of the house, all closed; I turned the knob of the kitchen door; it was instantly pushed back on me forcibly; it closed the door fastening I had turned; I then returned to the front of the house the same way I came; Mrs. Brown was waiting in front of house; when the door was slammed I said, Eliza, it is me, let me in; I said this when I opened the door, before the door was pushed back; no answer was made; we waited a few minutes longer in front of the house, I holding the child; Mrs. B. and I were there one-half hour talking; waited ten minutes after the door was pushed shut in my face; I went and gathered some flowers in the yard; we then got in the buggy and drove home; we met Mr. Denning and talked ten minutes; It was ten minutes past three when we got home; went to my own home on May 10th, at 9 o'clock A. M.; saw Baker pass the house that forenoon; he went down the pike towards Mrs. McWha's house; ten minutes before 2 I left for home; went down the pike past the McWha property; at the gate leading to Mrs. McWha's I saw Baker standing inside facing the road. I said to him "I called to see your wife yesterday, but did not find her at home." He said likely they were in the orchard; he asked me who he would tell his wife was there; I have often seen Baker, but had no acquaintance with him; he did not ask me to call; he asked me if I was Mr. Dan Swearingen's wife; he did not ask me the time I called; Mrs. Baker's father's farm joined my father's farm; Mrs. B. and I went to school together; we were always intimate and kept up on our acquaintance; there was no

interruption of our friendship; I visited them but once in two years.
(Photographs of the McWha residence shown the witness and the different views
of the house explained.)

Mrs. Margaret Brown testifies: Have lived at Hollidays Cove all my life; Mrs. Swearingen is my brother's daughter; on May 9th Mrs. Swearingen and I visited Mrs. McWha's, at half past two in the afternoon. We hitched our horse to the fence at the commons; went to the porch and I sat down while Mrs. Swearingen rang the bell; waited for an answer, I rang the bell more vigorously, but still there was no response; we sat several minutes waiting, then Mrs. Swearingen went around to the north end of the house and came back and made a report; I said we would wait awhile. We left by the same gate at which we had entered, and went home. When we got home it was ten minutes past three; I knew Mrs. McWha all my life; knew Mrs. Baker all her life; that is the whole of the history of that day; I noticed some yeast spread out on the porch to dry; the yeast was exposed; saw a brood of chickens with hen running at large; washing was hanging on the line in the garden; noticed shutters on front windows were closed; I noticed windows were down in sitting room with blinds down entirely; house is on quite a steep bluff; could not see sitting room windows from the road.

Alonzo Knox testified that he lived within a half square of the McWha residence; couldn't see the McWha house from where he lived. He continued, Davidson, White and Nelson slept at my house Monday night; I went to stable and found Nelson and Davidson at the McW. Stable; I did not see Mrs. Baker nor Mrs. McWha; these young men were putting their horses away in the evening; I was round about the place on Monday afternoon; saw the prisoner in the afternoon at three o'clock coming across school-house lot, down to the road.

(Abstracted from the July 28, 1887, "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio)

VAN B. BAKER GETS NO COMFORT

*The following article from the "[The Saturday Review](#)" newspaper,
East Liverpool & Wellsville, Ohio; July 30, 1887,
has been abstracted and contributed by Janet Waite
of the [Genealogy Pit Stop](#)*

VAN B. BAKER GETS NO COMFORT FROM THE STATE'S EVIDENCE

The Testimony for the Prosecution Drawing to a Close

Baker's son was an attendant at court yesterday, and sat beside his father during the day. The evidence continued to bear heavily upon the prisoner. The first witness called Friday afternoon was Mrs. Gardner, who testified.

I reside about 150 feet from Mrs. McWha's home; have been living there about fifteen years; was well acquainted with Mrs. McWha and Mrs. Baker; did not see them on Monday, May 9th; their wash day was Monday; I saw their washing put out; it was hanging on the line by noon; the clothes-line was between the kitchen and stable; Mrs. Baker had been doing the washing now of late; I saw the clothes still hanging on the line late in the evening; a storm came up between four and five o'clock; I was coming down from Brown's store when the storm came up; I came right

past the McWha house; did not see anyone about their premises; I got back about then minutes past four and the first thing I did was to go out and bring in the clothes and get up the chickens; Mrs. Baker had never been accustomed to leaving the clothes out over night; when I washed for her I always took them in myself; the clothes were still on the line Tuesday morning; they had small chickens about the yard; the little chickens were kept in a coop; I saw them running about the time of the storm; Mrs. Baker was very careful about everything; have seen her care for the chickens; did not see anyone feed them that evening; saw them the next morning running about on the common; she always housed them late in the evening between six and seven o'clock; saw the gate by the coal house open as late as dark; they were accustomed to keep their gates closed; the common was open to the public; saw the same gate open the same the next morning; did not notice any person about the Baker house after the rain; was not over there on Monday at all; we got water there frequently; the pump stood near the kitchen door; they usually kept their tubs in the cellar; the windows of the kitchen had an outside shutters; they had curtains over the upper part; they reached down about middle ways of the window; never saw any covering or blind over the lower part of the windows; I was not in the kitchen on Tuesday; did not see the kitchen windows; I went in there Tuesday; went into the little hall first, then into the sitting room; saw the bodies on the floor; I remained there about ten minutes or so. The witness described the position of the bodies on the floor and their appearance. I was in there afterwards before the funeral; saw the blood on the kitchen floor; the lower parts of the kitchen windows were covered with paper and pieces of oil cloth.

Cross examination—Most always saw one of them when I went over there after water; have five children; they frequently were over there; have seen Baker doing little chores about the house; the back yard is rather shady; the kitchen windows attracted my attention when I saw them; the water runs off the house through a spout into the cistern; I do not know of any way for the water to run into the cistern if the lid is not taken off; the well is about 8 feet from the cistern; Mr. Baker and the rest of the family seemed to get along very well; had seen Baker just a few days before the murder; he returned from the West some time in the last of April.

Dr. Morris was the next witness. I live at Holiday's Cove; have been practicing medicine thirty-five years; have known Mrs. McWha and Mrs. Baker for fifteen years; was to her house on the 16 of May last; got there about 2 o'clock in the afternoon. I examined the bodies of the murdered women; commenced the examination about 3 o'clock; found Mrs. McWha and Mrs. Baker lying on the floor; the room was dark; found no wounds on their bodies or limbs; touched their heads and found a little corrugated blood; removed the caps and saw the wounds on their heads; I found a wound on the muscle of the neck made by a blunt instrument. The clothing and implements of the murder were here produced. The witness identified the bolt; the bruise on the neck corresponded with the bolt; the wound was about midway the sterno mastoid muscle; there were three wounds just back of the external ear; the bolt at all three; the wounds on the neck and on the head were simple abrasions of the skin. I found another wound on the left temporal bone; it crushed through the muscle, cutting off the temporal artery; the wound was made with this bolt; found on back of the head two wounds made with a sharp instrument; I inserted my finger in them to the second joint; they were about an inch and a half in length; that wound had been made after the person was dead; there was only venous blood about the edges; the wound was horizontal across the base of the skull; it was blunt on one edge; the other incised and was on the right temporal bone; it was a clean cut incisive wound throughout and penetrated the skull; I think the wound was made after the death of the person. The edges of the wound gaped and no arterial blood was on the edges; the wound in the left temple of Mrs. McWha produced her death; it was made with the bolt; Mrs. McWha was about medium height, and rather slender; she weighed probably from one hundred and fifteen to one hundred and twenty pounds; the corpse was rigid when examined; the blood about the wounds and upon her hair was dry; my judgment is that she had been dead about twenty-four hours; I base my judgment on the condition of the bodies, blood and general surrounding. The witness identified the dress worn by Mrs. Baker; saw blood on both the dresses, on the waist and different places. The caps were shown and recognized by the witness. Found no rents in the cap corresponding to the wounds in the head; the wounds on Mrs. McWha were all beneath the cap, except the one on the back of the head; there was no evidence of blood having run through the cap; the caps were put on wrong-side before and wrong side out. I examined the body of Mrs. Baker and found one wound in the left temporal region, a clean cut incisive wound through the skull, and three on the right, one of which was a flesh wound only. The wound in the back of the head was a long penetrating wound, crushed the skull and broke off a whole part of the occipital bone. I found no blood in the room

where Mrs. Baker lay that I thought came from her. I found in the hair of Mrs. Baker a tooth of a comb; in the kitchen found teeth of like material in a pool of blood, the stain of which represented the head and shoulders of a person; the wound on Mrs. Baker's head had bled freely; the wounds could have been made with an axe; there were no wounds upon Mrs. Baker made with a blunt instrument; found no wounds on the bodies of either women that could have been made with the coupling pin; found the parts of the comb just where the impression of the head was in the pool of blood. Mrs. Baker had a medium good head of hair; the blood upon it coagulated when I saw it. I think the blood had been effused twenty-four hours or more. I made a careful examination of all the blood about the place, and it was very dry and bore marks of being effused early on the evening before; other things about the house indicated that the murder had been committed before night; blood undergoes coagulation when exposed to the air, and the parts of it separate. I did not see anything on the floor to indicate dragging a body from one room to another, it is not probable that a person would be capable of any movement after such a blow as Mrs. Baker received. The loss of blood and shock from the blow would have been sufficient to keep her from dragging herself into the other room. The body that fell in the kitchen remained where it fell. There did not seem to be any great amount of blood on the floor of the sitting room. Mrs. McWha's body was a little more flushed than Mrs. Baker's. I noticed a blood spot on the window, also some on sides of the wall and on the shade of the window. I saw the windows in the kitchen; they were obscured by blinds, pieced out with paper and a shawl. The cap was tied over the head of Mrs. Baker as tightly as it was possible, so tight that if she had been living, it would have thrown her mouth open.

Cross-examination—I served in the war as a private soldier for about a year; afterwards I was a clerk in the Quartermaster's department for four years; I went West then and engaged in speculation until the fall of 1867. I then bought an interest in a patent right of feather renovator; during that time I practiced medicine at Mechanicsburg, Pa.; I remained there four years; I came to Holliday's Cove in 1877, and commenced practicing medicine; I then went to Wheeling and practiced for four years; at the close of that period I returned to Holliday's Cove; Since 1884 I have been practicing my profession at that place; I have an interest in a farm there as a member of a stock company; the practice of medicine has been my main business; there was no law requiring registration of a physician in Pennsylvania and Illinois when I practiced there; I regularly registered in West Virginia; I was the physician of the McWha family for eight years; during my residence in Wheeling I was not their regular physician, but in that time I waited on both Mrs. Baker and Mrs. McWha; Dr. Owens and myself were called before the coroner's jury; I made no post mortem examination of the bodies, none was made so far as I know; I arrived there on Tuesday about two o'clock; saw some slats lying by the window; was at both sittings of the coroner's jury and gave substantially the same testimony in both cases; I saw no profile of the lower extremities in the dried pool of blood in the kitchen; I could not tell from the outline in the blood which of the bodies had lain there. The witness showed the position of Mrs. Wha's wounds, upon Col. Morris's neck and head. In addition to the wounds before described, I discovered a slight bruise below the left knee; I think that the bruise was the result of the first blow, the next was immediately above it; the third was the blow upon the ear; the fourth was the fatal blow. I believe it would have been possible for Mrs. McWha to scream between the blows. I think that the first blow killed Mrs. Baker; the blow was struck from the right side. The murder was certainly done before dark on Monday.

Court adjourned.

(Abstracted from the July 30, 1887, "The Saturday Review", Vol, 8, No. 42, Page 7 newspaper, East Liverpool & Wellsville, Ohio)

SATURDAY'S TESTIMONY

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of the [Genealogy Pit Stop](#)*

SATURDAY'S TESTIMONY

After court convened this morning, J. J. Gruber was called to the stand, and testified to having had a conversation with Baker, during which he (Baker) had told him that he was in the McWha house on the afternoon of the 9th of May, at the time that the kitchen door was opened from without, and that it was Mrs. McWha who pushed the door shut. He said that he (Baker) and Mrs. Baker were in the front part of the house at the time. Mrs. H. H. Wilcoxon testified that she lived on the pike, below the bluff on which the McWha house stood, on the 9th of May saw Mrs. Baker washing in the kitchen, before noon; saw her in the orchard afterwards, between 10 and 11; there is a hill between our house and the kitchen in the McWha house; When Mrs. Baker was in the orchard she had an old faded wrapper. She had a green cassimere dress which she was in the habit of wearing in the afternoon. Mrs. Baker attended to the outdoor work generally; there are no windows in the end of the kitchen toward our house; saw Mrs. Brown and Mrs. Swearingen between 3 and 4; saw Baker going up the road in the morning; again going toward the station, between three and four in the afternoon; I was at my front window when he passed. It was after I saw Mrs. Brown and Mrs. Swearingen go past in the buggy, he was on the road going toward the station; he was carrying a small black satchel; I could see the old railway up Harmon's creek from my window. That was the last I saw of Baker that day; I was at home all day Tuesday; I saw the prisoner coming down the road between 8 and 9 o'clock that morning; he was walking down the road, past my house; I had not heard of the murder before he passed my house; in about twenty eight minutes, I judge according to the work I did, after I saw Baker pass, the alarm of "murder" was raised; I think it would not take anybody more than five minutes at the rate Baker was walking, to reach the McWha house; I went up to the house after the alarm was raised, and returned immediately.

Re-direct—The alarm I heard was Mr. Baker calling "murder." I could identify the dress which Mrs. Baker wore as an afternoon dress; (dress shown and identified:) Mrs. B. wore this dress; she never wore it in the mornings when about her work.

Silas McConnell, a civil engineer, employed on the P. C. & St. L. R. R. testified as to the distance from the junction of the new road of the Cove station on the old road; also as to the topography of the land intervening.

H. H. Wilcoxon testified that he was hauling brush out of Lee's orchard, on the 8th of May, a short distance from the McWha residence; saw Baker in the forenoon in the orchard where we were working. Between three and four o'clock I saw the prisoner crossing the field between the pike and the creek. I was working near the pike in the orchard; he passed within a few rods of me. He asked me if he had time for the four o'clock train. I told him he had twenty minutes. It was then twenty minutes of four by my time, which was about an hour faster than the Panhandle R. R. time; he kept on going toward the railroad.

Daniel McCloud, a farmer from Clay district, about nine miles from the Cove, had been acquainted with defendant for about a year and a half; got acquainted with him at Mrs. Wha's, where my wife was sewing; I met him frequently since then; it was before we were married that I visited Miss Campbell (now my wife) at Mrs. McWha's; I was at Mrs. McWha's the day Baker was arrested, the 11th; Mrs. McWha was a full cousin of my mother; I talked with prisoner before he was arrested; we conversed about three-quarters of an hour, just after dinner on the 11th, before Baker was arrested, he told the Sheriff, who was present, that he had been seen a terrible report in the morning papers, charging him with the murder, and that there was talk of lynching; he said he was not afraid, but was ready to be arrested and the sooner the better; he could prove himself innocent, and then they could get on to the guilty parties; the Sheriff left us standing there; I said, "Baker, how did this come about?" He said, "Sit down and I'll tell you." We sat down up on the ground, at the east end of the porch. Baker spoke of three men who come to rent the stable; a fourth man came to rent the stable on Monday morning; he had told him the stable was already rented, that there was an article about a foot long, then he spoke of three older men coming to rent a lot to put up an eating house on. That they had gone out with Mrs. Baker to look at the lot, the rent was discussed, and his wife wanted \$10 a month for the lot; the men thought the rent too steep, but agreed to pay it; they then went back to the house, and one of the men pulled out a roll of money from his pocket and took out a fifty dollar bill, presenting the bill to Baker, and asked if he could change it. Baker said he believed he could, and felt in his pocket, When Mrs. Baker said "Hold on, I think mother can change that bill." He said he handed the bill to his wife; she asked Baker is it was good; He said he would be willing to take as many

such bills as he could get; she took the bill and went away and got change, and gave the men \$40; those men knew there were \$90 in the house; he said he believed those three men had murdered the women for that money; he said he had \$850 stolen out of his trunk; he spoke of the thieves and murderers going through the bureau or trunk and who didn't get his wife's gold watch; that was not taken. He then said that he and his wife were in the front room when somebody shoved the kitchen door. He said Mrs. McWha was in the kitchen and had shoved the door to. Mrs. McWha had then come into the room where they were, and told them that somebody had been at the door, and that she had pushed it shut. He said he and his wife scolded Mrs. McWha for closing the door, as it might have been some of the neighbors. Mrs. McWha said it was none of the neighbors — it was some of the "paddies" of the railroad, and she didn't want to be bothered with them. He then told me that he and his wife had arranged his satchel for him to go away. Then he had left the house, crossed the bottom to the new bridge and over to the old railroad, walked up to the station, was there for a few minutes till the train came, which he took, and went to Collier's station, got off and walked six miles to Cross Creek village to his father's where he remained all night. He returned home the next morning, and went to the McWha place. When he came near the front gate, he said a lady in a buggy halted and asked him how all the folks were. He said they were all well when he left the day before. She told him to tell Mrs. Baker that she had called the day before and had got no answer. This was Mrs. Dan Swearingen. Then he said he went to the house, opened the front door and went in. A few steps brought him to the door leading into Mrs. McWha's room. Just in front, lying on the floor, were the two bodies, his wife lying across Mrs. McWha. He said he was horrified, shrank out, and raised the alarm, and after that he said he didn't know what he did do for awhile. He asked me if my wife had not helped dress the bodies. I said she had. He asked if there were any marks on Eliza's body. I told him my wife said there was a mark on one leg below the knee. He said "She had a hard struggle." He asked if there were any scars or marks on Eliza's face. I said, "Why my god, Baker, have you not seen them?" "No more," he said, "I told you this morning." I asked him how the tub of water came to be in the kitchen; he said he had pumped the water and put it there before he had gone away. His wife had intended to mop up the floor but had concluded to put it off until the next day. We then brought our conversation to a close. At this point court adjourned until nine o'clock Monday morning. The jury in the meantime going to the cove to view the premises.

(Abstracted from the July 30, 1887, "The Saturday Review", Vol, 8, No. 42, Page 7 newspaper, East Liverpool & Wellsville, Ohio)

MONDAY'S TESTIMONY

The following article from the "[The Saturday Review](#)" newspaper, East Liverpool & Wellsville, Ohio; July 30, 1887, has been abstracted and contributed by Janet Waite of the [Genealogy Pit Stop](#)

MONDAY'S TESTIMONY

A VISIT TO HOLLIDAY'S COVE

On Saturday afternoon the jury in the Baker case, accompanied by the Judge and the court officers, the Sheriff accompanied by the prisoner, and also the counsel in the case, were furnished with carriages, and drove across the county to Holliday's Cove, for the purpose of viewing in a body the scene of the murder. The route along Kings Creek, and down the beautiful Cove valley, was quite enjoyable to the entire party, with perhaps one exception. And even the prisoner seemed to enjoy it after a fashion, perhaps as well as he is capable just now, under the terrible strain of the trial, of enjoying anything. It certainly must at least have been a great relief to him to get away from his gloomy cell and the grim walls of the court house, for a time, to breathe the cool, free, refreshing and life-giving air of heaven. Yet what associations must have crowded themselves upon the mind of the prisoner as he viewed the scenes of the terrible tragedy, for the perpetuation of which he is being tried. But we will not attempt to intrude upon the secret thoughts of his heart at such a time. Suffice it to say, that if the blood stains which still remain upon the floors of the cottage on the hill, (within a stone's throw of the beautiful village church where Baker himself had been an attendant upon Divine service the day before the murder,)

were mute witnesses of his guilt, no one present on the occasion of the visit could guess it from any word or emotion of countenance on the part of the accused.

HOLLIDAY'S COVE

Is one of the last places in the universe one would ever suspect as being the scene of such a tragedy as that enacted in its isolated borders on the 9th of May last. The neighborhood is quiet, peaceful, secluded. The building of a railroad through it, some years ago, and the projecting of another recently, produced a jar upon its retired natural surroundings, which has seemed almost like sacrilege. The people who live in the neighborhood of the murder scene, are generally the same who lived there twenty-five to forty years ago, in many cases occupying the same houses. The McWha family had occupied the premises where the murder was committed about twenty-five years. Robert McWha, the head of the family, had been a well-to-do farmer, who had sold his farm, invested his money in bonds and mortgages, bought the little house in the village, and settled down to end his days in peace and quietness, which he did about six years ago. Eliza McWha was a middle-aged maiden lady when she married Baker, which she did certainly without a knowledge of the character he bore among those who knew him during the life-time of his first wife.

THE SCENE OF THE MURDER

Was found with all the surroundings left as nearly as possible as they were after the commission of the foul deed. There were the dried marks of the blood, on the floors, the door jams, the spots on the windows; the marks of the woman's form still visible on the floor where the body of Mrs. McWha had lain, writhing in its gore; the windows covered over with garments, newspapers, etc., --to shut out the light of day, and to give seclusion from prying eyes,--and as the jury passed over and about the scene, which had been vividly pictured to them by the testimony of the witnesses already examined, they must have been enabled to shape many things in definite form which otherwise might have been more or less obscure.

BAKER'S FATHER

The aged father of Van B. Baker, who came from his home near Cross Creek village on Saturday afternoon, visited the prisoner that evening, and the meeting was quite affectionate. The old gentleman wept bitterly. He was present also and sat beside the prisoner during the taking of testimony this forenoon.

MONDAY—BUT LITTLE PROGRESS

This morning upon the assembling of court, at 9 o'clock, Mr. McCloud, who was on the stand Saturday when court adjourned, was further examined briefly by the counsel for the prosecution, and afterward questioned by the defense, without eliciting any new facts of any special importance to the case beyond those published in our issue of Saturday. Mr. Brown, the editor of the Independent, was called, to restate the points of a conversation had with the prisoner after his arrest, and he testified that he could not recall with a certainty the conversation held; if allowed to do so, he would produce a copy of the interview, which he had published at the time, and which he could verify if allowed to secure a copy of his paper in which the interview was published. He was excused until he could produce the paper referred to.

Wm. Davidson, who had been on the stand on Thursday last, was recalled, and stated that the paper or article of agreement for the rest of the stable was an old one that had been used on a former occasion, and few changes were made so as to answer their purposes; we were not at the house a great while; it was between twelve and one o'clock on Monday, the 9th of May; we were at the home I should think twenty or twenty-five minutes or half an hour; as we went down over the hill from the house the R. R. men were going to work after dinner; the time they worked by was twenty minutes faster than local time.

S. Ferrall, conductor on the Panhandle R. R. was recalled. On the afternoon on Monday, May 9th, he was running a passenger train from Steubenville to Pittsburgh. The prisoner had been a passenger on my train on that afternoon; he got on at Holliday's Cove, and left the train at Hanlon's Station; he had formerly been very social, and spoke to many of the passengers; he had

always been in the habit of speaking to me; at he Cove, as we were coming into the station, I noticed Baker, he took his seat; I did not notice him speaking to anybody; he did not speak to me; Thompson Gilmore got on at the Cove station that day' the next I saw of the prisoner was coming in on my train on the morning of May 10th; he got on at Hanlon's Station and got off at the Cove; his manner attracted my attention; he seemed very nervous; he did not speak to any one; after I had passed him, I turned and looked at him a second time, remarking to myself his strange appearance; he was looking out the car window; he reached his ticket to me without looking around.

Cross-examination—I had put Baker off my train on a former occasion, on account of some difficulty about the payment of fare.

Re-direct—I put him off my train when in the discharge of my duty as conductor; I noticed him closely on the day in question, because I had learned to watch such fellows

James Lysle, who resides one mile east of Cross Creek, was a student of theology, and in the habit of preaching during vacation. He testified: I never had a personal acquaintance with Baker until May 8th, at the Cove Church. I met him in W. M. Lee's Sunday-school class; I saw him Monday at Hanlon's Station, a few minutes after four o'clock; I had gotten off the east bound train, having taken the train to Holliday's Cove; Baker was on the platform when I got off; I was going to speak to him but he did not seem to notice me; Baker met James T. Marquis and asked him if he had a conveyance; he said yes, he had a wagon and he (Baker) could go along with him; Mr. Marquis gave me an introduction to Baker, when Baker said he had forgotten his umbrella; Mr. Marquis said he would try to keep him dry if it should rain; the prisoner started off and did not return; I went up with Mr. Marquis in the wagon toward Cross-creek village; it is about six miles; we started in about fifteen minutes; Marquis waited for Baker; but he did not come; I recognized Baker when I saw him; I preached at the Cove church morning and evening on the 9th of May.

Court took recess until one o'clock P. M.

HOW LONG WILL IT LAST?

There is a good deal of speculation as to the length of time likely yet to be consumed in the trial of this case, and the prevailing opinion now seems to be that a conclusion will not likely be reached before the middle or latter part of next week. The counsel for the defense began to show decided evidence of impatience, under the rigid examination of numerous witnesses for the State.

A POSSIBLE RESULT

Upon the presumption that the juryman Jester is in the box with the object of "Hanging the jury," to use a significant phrase in court parlance—which opinion has been somewhat freely expressed—in case a disagreement should follow, a retrial would be necessitated on indictment No. 1, or else another jury could be drawn for the purpose of trying the accused on indictment No. 2. It will be remembered that the indictment upon which Baker is now being tried is for the murder of Mrs. McWha, Indictment No. 2 is for the murder of Mrs. Baker.

MONDAY'S SLOW PROCESS

After dinner on Monday considerable testimony was taken to show that the article of agreement about the rent of the stable had had the date changed from May 2d to May 9th, and that the names had been written in since that time.

The white shawl that was used in blinding the kitchen window was brought into court and was recognized by a witness. Saw it on May 10 on the back window of the kitchen on the upper half of the window. Both ends were forced over nail on either side of the window so that it completely covered the upper sash.

Silas McConnell narrated a conversation with Baker the day after the murder about the changing of the \$50 bill.

Thompson Gilmore told much the same story. He saw the prisoner on the day the murder is

supposed to have occurred, when Baker told about the rent transaction, saying, "I had to stay and help make a bargain—that was what kept me so late. You know how queer they are." I sat in a seat behind him on the train. I did not notice anything unusual about the prisoner. The spring was 200 feet from the station. He had to cross two or three fences and a mill race to get to the spring.

The statement of Baker at the Coroner's Jury was then offered by the prosecution, and objected to by the defense. The court sustained the objection on the grounds that the Justice failed to certify to the same in a proper way.

Dr. E. J. Owings was then called. I reside near Holliday's Cove; had no acquaintance with Mrs. McWha; am a farmer. I called at the house as a juror, and served as much; I examined the bodies about 2 o'clock, May 10. I saw how the bodies were dressed. They had petticoats and undergarments, waists and nightcaps on; no stockings. I saw in the kitchen. Everything was in what seemed to be the usual order. I was there when Baker was examined on Wednesday morning. I don't take the Steubenville papers. The beds were all tumbled up. There was blood on the carpet. It was moist enough to stain my pants when I knelt down to lift the bodies up. I talked with Baker about the three men who had been talked about as being there to rent the lot. Witness did not reveal the import of that talk, when he left the stand, to be recalled.

SAW BAKER RUB HIS FINGER

William Bonus,—I reside at Dinsmore Station, on the P., C. & St. L. Railroad; work on the railroad; was working at Hanlon's Station on May 10; I saw prisoner at the station; when I first saw him he was standing on the platform; the train is due at 7:36; I saw Baker at 6 o'clock at the station; he came up to where I was working, I saw him talk to the foreman and saw him wet his finger and wipe it on his pants; he repeated this three times; he then went to the milk stand and took out his handkerchief and rubbed his pants.

Cross-examined.—I don't know what he was rubbing off; the roads were a little bit muddy

Re-direct examination.—Baker stepped aside ten or fifteen minutes when he rubbed his pants.

Bartley Campbell was called into the witness stand. Objection was made by the defense that this witness had the custody of the jury to his charge.

McSweeney made an argument, followed by Mr. Cook, and the objection was over-ruled by the Judge.

The witness said; I reside one mile from Holiday's Cove; Mrs. Baker and I were school mates. I saw the deceased four weeks before the tragedy; I heard of their death on Tuesday at 11 o'clock, and went to the house as soon as I could; I was in the house about two or three o'clock and saw prisoner; had no talk with him that day; talked with him on Wednesday. His manner and course of action on Tuesday at that place was peculiar. He was round about the yard talking to parties; his treatment of me was as usual, was friendly. I went to him and told him; "The Jury wants you." He sprung out of the buggy and walked fast to the place where the jury was sitting. He was nervous and seemed to be excited. He was talking to some one in the buggy. When in the parlor on Tuesday he was talking to ladies that were there. I had a conversation with him on Wednesday. His manner when arrested was excited. When Baker came off the witness stand I spoke to him. He said: "My God, what is that?" On the way coming to Cumberland he said it was cruel to take him away from the bodies of his wife and mother-in-law. He said: "That would be a beautiful place to fish." When coming to a bridge crossing the creek. He told me the story about the three men and also said that he saw Mrs. Brown when he was going across the field to the station. He described the three men to Sheriff Lindsay and me. He said that one of those men had a mark tattooed on his arm and had a black stubbly beard. He was one half mile from the scene of the tragedy on the old turnpike up toward the post office. He had been at the post office and got his mail; this was Wednesday morning. He gave no names of the parties who rented the lot. Only one lot was mentioned as being rented. I did not go out to look up these men. They were not going to keep a boarding house.

ARRESTED THREE MEN

I detained three men on the day of the funeral that answered the description he gave me. At the meeting of the Coroner's Jury on Friday they were discharged. They were detained twenty-four hours. The man that had the India Ink mark stayed for two or three weeks working for Samuel Ralston. The warrant was not in my possession more than thirty minutes before I arrested him. Baker was on the witness stand. He said he was in or about the house when the women, Mrs. Brown and Mrs. Swearingen, called. He did not say anything about the three men being in the orchard with him at that time, but said the three men might have loitered about until he went to the station, then returned and murdered his wife and mother-in-law. I don't know whether he tried to get away or not. The three men detained worked all day Friday and were discharged on Friday evening. Two of those men are now in East Liverpool.

Mr. J. J. Henderson said: I reside at Holliday's Cove. I was at home on the 10 of May and saw Baker pass down from the station towards the home of Mrs. McWha. I heard the alarm of murder given twenty-five minutes after he passed. I could walk the distance from my house on the McWha property in five to eight minutes. The distance is 450 yards.

Cross-examined.—I heard some noises; went down and saw everybody going to the house.

W. H. Mooney, of Steubenville, was next sworn, and said: I am a banker; was acquainted with Mrs. Baker; was connected with the deceased in business. I have the bonds in my possession; I collected the interest on the Allegheny bonds, collected last on the coupons for 1887. I got the bonds sometimes in the month of May. After the tragedy one of the banking firms of Sherrard, Mooney & Co., looked at the bonds and found the coupons of July, 1887 and January, 1888 were detached.

One of the bonds was shown to the jury and offered in evidence, and the usual objection was made and overruled as usual. The point was fully argued by McSweeney on the part of the prosecution and Mr. Braddock for the defense.

Coupons of July, 1887, and January, 1888, were not detached by us. Mr. Patterson and Mr. Lee gave the bonds into the hands of the bank. I found the coupons were detached from the bonds about the 28th of June. Each coupon was worth about \$25, and would pass currently as they were made payable to the bearer. Were payable at the Commercial National Bank at Philadelphia. It was supposed that one of these had been presented for payment, but it was a mistake.

(Abstracted from the July 30, 1887, "The Saturday Review", Vol, 8, No. 42, Page 7 newspaper, East Liverpool & Wellsville, Ohio)

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TUESDAY'S DALLIANCE

*The following article from the "The Saturday Review" newspaper,
East Liverpool & Wellsville, Ohio; July 30, 1887,
has been abstracted and contributed by Janet Waite
of the [Genealogy Pit Stop](#).*

TUESDAY'S DALLIANCE

The attendance to-day was larger than yesterday. The evidence presented no specially strong points, excepting perhaps that of W. McD. Miller with regard to the collar.

John S. Johnston testified: I am bartender at Hanlon's saloon, on Third street, Steubenville; was formerly at Commercial Hotel. Saw Baker there once, on a Sunday; he said he was going West to visit his son. I met him first in the barroom. He asked for a loan of \$20 on a coupon. I told him I did not want the coupon. He had what appeared to be a slip of paper or coupon in his hand, and said if I loaned him \$20 on the coupon, which was worth more than that amount, he would redeem it, that he wanted the money to play poke with. I saw Baker later, with four other men, playing poker.

Cross-examined.—Have kept bar for three years. Am certain it was a Sunday evening I saw Baker. Heard nothing more about the coupons. I first told this to a man named Ralston. The men playing poker were Baker, Chas. Herrold, Billy McAdams, Harry Ladey and a man named Timberlake.

Wm. Roberts was the next witness. He testified as follows: I am a blacksmith by occupation and live in Holliday's Cove. I carry the mail also. I know Baker. Saw him on the afternoon of May 9th, Between McWha's and the station, going in the direction of the station, and returning sat down on a box. He spoke of three men having been at McWha's to rent the stable and lot. This was at 3:30 P.M. Saw him next morning as he came back. He went to the . . .

(Abstracted from the July 30, 1887, "The Saturday Review", Vol, 8, No. 42, Page 7 newspaper, East Liverpool & Wellsville, Ohio)

The following part of the article continued from the "The Saturday Review" newspaper, East Liverpool & Wellsville, Ohio; July 30, 1887, Vol. 8, No. 42, Page 8.

BAKER'S TRIAL

The Prosecution Rest their Case

The Prisoner Testifies on His Own Behalf

Post office. I did not see him afterward.

John Knox recalled. Live in Holliday's Cove. I am a boot and shoe maker. On Tuesday, May 10th, heard an alarm of "murder". Saw Baker first in the room where the bodies lay, he was making much noise. His grief seemed to be unnatural in its manifestation—different from that of persons I had seen in grief. I led him out of the room and out of the yard to the commons. Baker said to me, "They took all of my money too; I found the pocket books out in the yard." He named \$300 as the sum that had been taken. He moaned. I asked him to come with me to my house; but he replied that he didn't want to go where there was anybody.

Benjamin Buchanan sworn.—I have known the prisoner about 20 years; about one year ago I had talked with the prisoner, at my home in Washington county, Pa.; he said his wife and Mrs. McWha were miserly and stingy; he thought they should be more free with their money; If ever he got their money he would spend it.

Cross-examined.—It was about one year ago that I had this conversation. I had asked him if he was going to the West. He said he could not go that far. He would have to stay in this neighborhood. He did not stay at home that winter.

Larry O'Toole testified as follows: I am a skilled laborer in construction of railroad work. Have been at Holliday's Cove sine the 7th of April. I am foreman on the work of building railroads. I keep the times for the men. Thos. McClosky and Ed. McPherson, two of my men, were arrested on suspicion of being the murderers. They worked from 7 to 4:20 on the 9th, Eastern time is 21 minutes faster than Steubenville or local time. The whole force quit work about 4:20 on the 9th, on account of rain; on Wednesday the men wanted to quit and left, but I sent for them and had them come back, because they had not given me the usual five days' notice. They worked six days after that for me. Their home was at Brady's Bend, Pa.

W. McD. Miller, of Steubenville, an attorney at law, and city solicitor of Steubenville. Mrs. Baker was a full cousin of my mother, and Mrs. McWha an aunt by marriage of my mother. I was at McWha's on the 10th, between 3 and 4 o'clock in the afternoon.. I entered from the commons, through the side gate. Somebody said "Mr. Baker." I saw him go in the hall door. I was talking with Samuel McDonald, my uncle. I went into the hall, Baker came out of the room where the bodies were. Somebody introduced Baker to my uncle and myself. Baker sat down between us. He said, "Isn't this awful." No reply. He said, "Oh, if I had only remained at home. I wanted to go to my father's to get some furniture for my son in Steubenville, and I wanted to take some calico to my daughter. Somebody asked him how they were killed. He made no immediate reply. Shortly after he said again, "Oh, if I had staid at home—and it was with our own axe!" He stated either that the axe had been placed or kept in the kitchen. He said

nothing about going to see a sick father. On Friday morning following that Tuesday, I was there again and was admitted to the house. Found there Detective Coulson and Shore, from Pittsburgh, Robert Patterson and Albert Lee. I assisted them in making a thorough search for bonds.

We took up carpets and examined beds, etc. Detective Coulson and I were in a bed room west of the kitchen. A window in the northeast corner of the room. Near the window we found two or three men's collars and some papers and letters beside a satchel. I picked up one of the collars, which was a celluloid collar, No. 16. The other collars were the same number. The top of the collar was broken over or mashed down about three quarters of an inch. Discovered several spots on the collar. It was taken out of my hand by Detective Coulson. We showed it to the others present. Coulson marked the collar with two crosses, applied by a led pencil. (Collar shown by the Sheriff and identified.) The spots have been partially removed. They were a dark brown, almost black. The collar was put into a small satchel, and I did not see it again until last Thursday, when I saw it in Prof. Logan's office in Pittsburgh. The collars had all been worn, and were all celluloid, No. 16. It was then left in Dr. T. M. T. McKennon's office. Pittsburgh, Tuesday afternoon, 10th, Baker wore dark woolen pants, with large corded seams at the side. They fit him tightly.

The cross-examination of this witness developed nothing of value to either side of the case, and at its conclusion court took a recess for dinner.

The expert testimony will be introduced by the State this afternoon.

TUESDAY AFTERNOON.

Court convened with Sheriff Lindsay on the stand. The witness brought in the pantaloons found on the prisoner when arrested. I took the pantaloons and put them in my room. They were sent to Pittsburgh by Deputy Chapman. I don't know how long I had the celluloid collar.

Cross-examined.—It has been some two or three weeks since they were taken to Pittsburgh. They were in my exclusive possession except from day to day that they were in Clerk Marshall's office. They were never handled by anyone except in my presence. Mr. Brown, Mr. Hutchison and Mr. Lee were in to see them. I delivered them to the Deputy Sheriff at the instance of the State. No one had access to the room except myself, Mr. Coulson and Mr. Shore examined the pantaloons before I got them. After they were examined they returned them to Mr. Baker. Don't think any one could have tampered with them, while they were in the Clerk's office. They are the same pants in which he was arrested.

EXPERT TESTIMONY.

Prof. M. T. M. McKennon was sworn and testified: I am a graduate of the University of Pennsylvania. Have been practicing medicine five years. Took a special course in microscopy. After graduation I spent three years practicing in the hospital. I am now connected with the Western Pennsylvania Medical College. Have had experience with the microscope. Have used it to examine blood stains. I think I am thoroughly acquainted with the application of the microscope to examine blood. The pants were shown and identified by the witness. They were delivered to witness for examination last Thursday. I took out several pieces for microscopic examination. I examined them for a day and a half in company with Dr. James McCann. Used two kinds of tests—a microscopic and a chemical.

Q.—Tell the jury what, by a microscopic examination, you found the spot to be.

Question objected to by the defense.

Mr. Cook, for the defense, said: "We ought to have had notice of this examination. How will we meet it? How can we have any facilities for meeting it: I claim that the defendant should have known of this test. The clothing was taken from his body in the jail; interested parties have had it; then it was taken to Pittsburgh and examined. It that is the theory of law and that theory can be carried out, no man's life can be in safety. There has been a difference of opinion upon this question whether we should have received it or not, but the rule of law laid down by Wharton is: The examination of blood stains to be entitled to weight must be done upon goods untampered with and upon due notification proved to the opposite party, and by public officers. For two reasons then we object to this testimony, no notice was given and the examination was not by a public officer. Every man has rights. A man upon trial for his life should have those rights in the fullest extent. For the State of West Virginia to take and handle

those clothes and have them privately examined without notice being given is unfair and unjust, subversive to the principals of law and reason.

Judge Boyd said it would be more fair that both sides have notice in a case like this, if it be not done it can only have effect as to the weight of the evidence. The same remark applies as to the handling of the clothes. The objection is therefore overruled.

The witness continued: On examination by the microscope, I found the spots to be evidences of blood. I examined five on one side and four on the other. Two of the smaller spots gave no evidences of blood. The spots were very dim and spread over some extent of surface. The blood was mammalian blood, but I can't state positively that it was human blood. The celluloid collar was shown the witness. I applied a test to the spots on his collar. Examined five of them. Found blood corpuscles on four of the spots. It is the same as the blood on the trousers. I examined some of the spots by the Schombunes chemical test. I found that the stains examined were blood stains. The microscopic examination is considered the best. I used a microscope magnifying 1,000 diameters. Applied the same chemical test to the stains on the collar with the same result. Most of the spots were on the front of the collar close to the collar button.

Cross-examination.—I took a course in microscopy under a skilled professor; made use of the microscope every day; I examined about half a dozen spots on the collar chemically; purchased the chemicals for the test of a reliable drug store; it is possible that the chemicals might produce an illusion; the microscope test corroborated te chemical test, of these spots I was speaking; they are the ones I rely upon in my testimony here; can't say whether the spots were sprinklings or smears; think it provable they were smears because of their dimness. Taylor's medical jurisprudence is considered good authority. Prof. Richardson is authority on microscopy. There remains enough spots on the collar to submit them to the same test I made.

W. B. MILLER

Recalled: I saw Dr. Logan deliver the trousers and collar to Prof. McKennon.

Cross-examined—Do not know how Dr. Logan got the trousers and collar. They had been left with Logan requesting that he deliver them to some expert. I went up to see them at the request of one of the county commissioners

RANDOLPH GILMORE

Said: Live about one hundred yards from the McWha property; know how the window sashes to the house were fashioned. I was at the place the day after the murder, remember of seeing Baker and Herman Campbell there. Baker went back into the house with me after we came out. He took hold of me and seemed very shaky, said, "look there." Pointing towards the broken shutter. I know where the cistern is, it is covered with a small wooden lid.

SQUIRE LEE

Recalled, said: Don't know who were in the house when I got there. Did not see anything disturbed about the house. I think the paper had fallen off the chair onto the floor. Saw it there Wednesday. I appointed guards with instructions to permit no one to enter the house or back yard.

Cross examination.—Do not remember what Mr. Baker said about losing any stock. There was some talk about it, but I have forgotten what. Have no recollection of asking whether his name was on the stock. He said there were three men came there sometime after dinner to rent a lot. He and his wife and the three men went out to look at the lot; Mrs. Baker asked \$15 a month; they finally agreed on \$10 a month; either he or his wife remarked they must pay the rent in advance, they offered \$50; he said he could change it; Mrs. Baker took it and got her mother to change it; then they went in the house and Mrs. McWha said someone had been there while they were in the orchard and she slammed the door on them. He told me about his taking the trip; when he was at his father's he became uneasy about the folks at home, there being so many men about there, and got his goods and told his mother he would start back in the morning; on returning home he went up to the kitchen door and found it locked. He then turned and went around to the front of the house.

Re-direct examination—He showed me a pocketbook from which he said he had had some money taken

out; it was in the bedroom. He never told me that he had found it out in the yard. He spoke of his wife as being very near crazy; he received very peculiar letters from her; he had prepared an article once before for renting the stable and he now changed it for this time. He said he was to write an article for renting the lot and they would be back on Friday. He became uneasy about his wife and mother-in-law on Monday evening.

Cross-examined—He said he was detained by the men who came to rent the lot and therefore did not go over to Steubenville. The State objected to Baker's testimony before the Coroner's jury being offered and the objection was sustained.

MISS FLORA GILMORE

Sworn—Live at Holliday's Cove; know Baker; saw him on Wednesday at the dinner table; he spoke about the tub of water; said the greatest mystery to him was how it got into the room.

The wills of Robert McWha and Mrs. McWha were introduced and read in evidence. The provisions of these wills have been already published.

The State offered the apron and paper found over the kitchen window in evidence; the defense objected and the objection was overruled; the paper was a copy of the Steubenville Herald, and by a singular coincidence the printed date showed that the subscription expired May 9th, 1887, the day of the murder.

DEPUTY CHAPMAN

Called said: When the prisoner was brought to jail he had on a dark pair of pants; think they were taken from him on Saturday; noticed a red spot on them when the detectives examined them on Friday; did not see the spot the next morning; the spot was about the size of a quarter dollar; about three weeks ago I took the pants to Pittsburgh and left them with a man there to examine them. The witness recognized Dr. Logan as the man to whom he gave the pants. The spot on them looked like iron rust; there is no piece cut out where the spot was.

The prosecution then asked the court to adjourn until this morning, stating that one of their witnesses was detained and it would be impossible for them to proceed. Counsel for the defense submitted a list of names of witnesses they desired to be present.

WEDNESDAY FORENOON

The winding up of the evidence on the part of the State this morning developed no new facts, but some facts previously brought out were brought more vividly to the minds of the jury and the spectators than on their earlier presentation. And there was evidently a bringing out some points as a result in a clearer light. The attendance to-day is not so large as on several days past. The prisoner wears a weary, nervous expression which plainly betokens loss of sleep and increasing uneasiness as to the result. Prof. James H. Logan, of Pittsburgh, was the first witness, and identified the pantaloons and collar which had passed through his hands into those of Dr. McKennon.

E. G. Richardson started that he had been at the McWha house on Tuesday, the 10th; saw prisoner there; first saw him on the porch; Baker came in and sat opposite me; saw a spot on his pantaloons, and I mentioned it to somebody at the time; saw spots like finger marks up the hip pocket; they looked like blood.

Oliver G. Lee—Saw prisoner in jail on Friday after the murder; saw him rubbing his pants. The pants he was rubbing he had across his knee; he was rubbing them about the left pocket. When he saw I was watching him he threw the pants back on him on the couch, and drew out a paper and began to reading.

A. W. Brown testified that he could not find the copy of the Independent which contained the report of the interview with Baker, but he produced a paper in it had been re-published. The prisoner said my account of the affair was as fair as it could be made. Baker said he had gone home to see his father who was sick, but when he reached there his father was better. He said he had found a pocketbook on the floor after the murder, and that \$350 of his money had been taken.

W. S. Miller was recalled and the shoes offered in evidence shown to him. He pointed out to the jury what he considered blood stains and where he had seen what looked like blood.

Robert Patterson identified skirt, over skirt, waist and dolman, which he had obtained from the trunk in the back bedroom in the McWha house; I recognized the dolman as having been the property of Mrs. Baker; there was other clothing in the trunk. (The articles of jewelry found in the trunk and the bureau drawer at the McWha house were shown witness and identified. A silver watch found in the bureau drawer in the sitting room; a cross and a breastpin found in the trunk in the back bed room; a shawl pin and another breast pin found in the bureau; gold watch, chain and pin, and a locket, found in the bureau in the sitting room; also four rings, three pairs of earrings, cuff buttons, another breast pin and a mother-of-pearl button.) Those were all the articles of jewelry that I obtained at the house; all were found in the bureau drawer in the sitting room, except the cross, necklace and one breast pin which were found in the trunk in the back bedroom.

A. G. Lee identified the clothing found in the trunk; found this dress and over skirt in the trunk, also the breast pin, cross and necklace, also saw a roll of calico which had been in the satchel; at the suggestion of Mr. Brown, we put some other articles in the trunk, but the dress was in the before any other articles were put in.

Mrs. Daniel McCloud stated that she had been at Mrs. McWha's as much as two weeks at a time, in the capacity of dress-maker. (Witness identified the silk suit and dolman in evidence as having been the property of Mrs. Baker)

Lysander Patterson, the surveyor who had made the measurements about the McWha premises, testified that the route which Baker took to the Cove station, across the fields to the new railroad, across that to the Panhandle track, and along that track to the Cove station, was 945 feet, or nearly one-fifth of a mile further than that by the pike direct to the station; the distance from the kitchen door around the southwest corner of the house to the steps of the front porch, was 61 feet; from the kitchen door to the same steps, around the northwest corner of the house, the distance would be 145 feet; from the porch, by the path, down the bluff to the front gate, is 86 feet; from the kitchen door to the gate opening on the commons, down a path to the pike, and along the pike to the front gate, is 330 feet.

(The point brought out by this testimony was that the route taken by Baker on the afternoon of the murder, to the station, was nearly or quite a quarter of a mile farther than would have been the distance by the more direct and natural route by the pike.)

At this point the case rested its case, and a noon recess was taken.

THE PRISONER'S TESTIMONY

The following article from the "[The Saturday Review](#)" newspaper, East Liverpool & Wellsville, Ohio; July 30, 1887, Vol. 8, No 42, Page 8. has been abstracted and contributed by Janet Waite of the [Genealogy Pit Stop](#).

THE PRISONER'S TESTIMONY

WEDNESDAY AFTERNOON.

When court opened in the afternoon Col Moore arose to a question of privilege in regard to what might be an imputation cast upon his character by the prosecution in asking that Sheriff Lindsay should accompany Mr. Moore to Wheeling with the articles of wearing apparel that been before the court, and that were asked for by the defense to obtain a microscopic and chemical analysis.

Mr. Hutchinson answered by saying that the State did not wish to cast any imputation whatever, but that they wanted the articles kept in the custody of the court.

BAKER ON STAND

Van B. Baker was the first witness called. He said: I am the husband of Eliza Baker. I lived very pleasantly with my wife. I saw my wife alive last on Monday afternoon, May 9, at twenty minutes after 3 o'clock. I took breakfast after 7 o'clock that morning. After breakfast I attended to some duties about the house; brought in water, coal, a few sticks of wood, and did some work in the garden; wheeled some wood from the orchard that I had previously cut. I assisted in bringing up tubs from the cellar and drew water from the cistern.

BAKER'S STORY.

I was about the house until after 8 o'clock, when I passed out on the commons; I saw three men, one of whom I recognized during the latter part of the week, before me in the yard; they wanted to see about renting the stable; I passed into the stable and opened the door; my wife came out and I told her these were the men who wanted to rent the stable. "She said, "All right." We talked about the stable being suitable; one man said he was not particular about his horses being stabled, and I referred him to the old orchard, and we passed down to the embankment; something was said about the price, and I said I would see what would be asked for the stable and additional ground; I went back and told the women about the price; the women thought the lower portion would not be best; I made a trip over to Mr. Lee's orchard and saw men cutting down trees; some time afterwards I went up to the upper part of the Cove; I went down after a considerable length of time to Mr. Knox's shop and took a nail out of my shoe.

THE THREE MEN

I saw miss Ella Wisner and said to her, "Your fellow has gone back on you; you will have to stir up the postmistress about it." I came back and found three men talking to my wife, who was making negotiations with them, She stipulated the price at \$7.50 per month. The men did not think they could stand that sum. Afterwards an agreement was made to have them take only the stable and old orchard at the sum of \$5 per month. The women wanted the money in advance, but the men said they could not then pay the money in advance. It was agreed that the money should be paid monthly at the end of the month. The article I had made for Paddy Mudd was then read to the men, and each agreed that it would do. Mrs. McWha signed the article and the men signed it also. My wife was getting dinner.

I said: "When you gentlemen come to get into the stable while you are here, if the women say anything, treat what they say with respect, but don't argue with them; if you do you will get into trouble."

Mrs. McWha was angry about dinner being late and the potatoes getting cold. I took one of the tubs to the cellar after the table was cleared up, and the rest of the washing was out, and things were put in shape; by my wife's request, I drew two buckets of water and put in a tub, and I went out and then came back again and said I would go over to Steubenville and see my son, who was going to house keeping, and would stop there until three o'clock; my wife was dressing; I heard the clock strike two; said I would go down to Eddington and go on to Steubenville; while I was thus engaged three other men came down through the orchard and wanted to rent the stable and some other grounds; they said: "We want the lot to board railroad men; have orders or have been sent here by Mr. Casparis to erect a boarding house."

ANOTHER PARTY

Some conversation was had between the men and my wife. We went out, I in the lead, my wife next, and Mrs. McWha last. Mrs. McWha said to my wife that she should go back, and for her to make all the necessary arrangements. We went out and surveyed the orchard, and the man who was doing the business talked about the privileges they should have and as to the amount; finally a price was agreed upon, at \$10 per month, but they thought it was too high, and said: "Wait till we see whether there will be any supplies or not before there is any arrangements." Arrangements were then made as to how they should get to and from the house; we talked about putting up fences, as the fences were old. If they should allow them to come across the field they should not go through the orchard; that they would not allow people around, especially on the Sabbath. We passed on down the back part of the orchard, and went to the house to see if mother would assent to the bargain. I saw my wife talking to Mrs. McWha about the matter: I said; "We

are doing a good business.”

THE LADIES' VISIT

Mrs. McWha answered, “Yes, some one was just here a bit ago and wanted in but I would not let them in.” My wife scolded her for not letting them in. she said it might have been some of the neighbors. She said: “No it was some of the paddies.” My wife went out and said: “The arrangement is all right; you can now pay me the ten dollars.” They gave us a fifty dollar bill to change, and I said I could do it, thinking they did not have the money. My wife said mother could change the money. She took the bill, asking if it was good. I said, “If the government was good it is good. The men went away after my wife gave them the change, a twenty and four five dollar bills. I then said I would not have time to make the train to Steubenville, and I will hardly have time to make the train to go home. I got her satchel. She showed me how to open it and we packed it.

KISSED HIM GOODBYE

My wife said: “Don't you think you might wait until morning?” She kissed me and we parted. I then started and thought that the train was coming; I thought that I would go to Steubenville, and went up the turnpike to a point where the men had been crossing the field; I went this way because I thought if I should meet the train I would yet go to Edgington and Steubenville; I then went by the railroad to the Cove; saw some section hands; one of them told me I had ten or fifteen minutes to make the train; I went across to the spring and got a drink of water and went to the depot and met Thompson Gilmore and young Roberts; told them about the renting of the stable, etc., and said to those parties; “You know it takes a good while to make a bargain with the women folks.” I got my tickets for Hanlan's and a return ticket; I wrote the name in the ticket; I went on to Hanlan's Station. When I got off it was raining. I tried to borrow an umbrella. I saw Mr. Marquess and thought he might be going out the road I was going, and that I could ride, but did not think I should gain such as he only went part of the way. I found out that I would gain very little by waiting on Mr. Marquess, so I concluded I would go on and walk. I caught up to some parties; some of the men said, “Mr. Dunbar,” I said to him, “Can I ride up with you?” He said he has an ox team and horses mixed and would go slow. I got under a car on the Panhandle while it rained; these men, Mr. Porter Butterfoss being one of them, left me at this point. I finally got on the main road and kept it until I got to Cross Creek village. I saw no one till I met my youngest son and another boy. They called to me. When we got to open lot near the Presbyterian church I cleaned my shoes. I went up street to my father's residence. Spoke to several persons as I went along. Got my supper and chatted awhile; spoke to father about being sick, and talked about family matters; went down street late in the evening, visited several stores and wrote a letter to my son in Steubenville. I got some dress goods at Mr. Anderson's ; bought eight yards of one kind of calico, eight yards of another and seven yards of gingham, some thread, etc.; it all cost \$2.23. I went back to father's and took the goods. I told mother I would go home in the morning; went to bed and got up in the morning and started for Hanlan's; I did not return the same way I went; I brushed the mud off my pants. One man said; “you don't know me.” I studied for some time, and I named him; we talked about when he went to school to me in 1864. I took the train for Holliday's Cove. Mr. Herron Campbell was going along. Mr. Roberts came along with the mail. I saw Mr. Lee at or near the postoffice; don't know whether I got any mail or not. Mr. Lee and I talked about the new United States Senator, just elected. I saw Mr. Brown at the store; don't remember of speaking to anyone in particular; I went towards home from there.

COMING HOME

As I turned to go up home I saw a buggy with a lady in it. She said, “Mr. Baker, tell Mrs. Baker that I called to see her and had a friend to see her.” I think I made the remark that it must have been when we were out in the orchard. I said “Who shall I tell her was there?” She said, “Mrs. Swearingen, Mrs. Dan Swearingen.” I went up as I always do to the kitchen door; I noticed the rear kitchen gate was partly open. I then went round to the front of the house, and found the door was not locked. I noticed just as I was entering, the window shutter. I entered and saw the bodies of my wife and mother-in-law.

At this point the witness showed the first signs of emotion. He continued: I lifted the body of my wife partially, and did not notice particularly the condition of affairs. I saw that everything was

in a confused condition. I saw that my pocketbook with others was lying in the room, and I opened my trunk.

He denied positively the statement of Mr. Knox, and said that his pocketbook was found in the bed room, and not out in the yard. The first half hour I could not tell much what I did or what I said, there were so many questions and remarks made by the people gathered; I fell in with the idea that the murder had been committed at night. I gave Mr. Lee the key of the kitchen and cellar, the only outside keys of the house that I knew of. I saw guards placed at the different entrances, Randolph Gilmore and Thos. Gordon.

HIS REASONS

I took the particular route to the train because if I failed to make one train I could have caught the train the other way and gone to Steubenville. I went to the spring for no other purpose but to get a drink. I frequently spoke to Mr. Ferrill, the conductor; sometimes he was moody. I never thought very much of him; we had some little altercation some time before. I talked to no one on the train unless it was Thompson Gilmore. A few days before I went up I received a postal saying that my father was sick. I had the two objects in view—of getting some furniture for my son and seeing my father. I made arrangements with my father to sell a piano belonging to my daughter. I did not see Wm. Bonis to know him; I never saw him before. I heard him testify that I was rubbing my pants; such is not the case. There was no blood to rub off; had time at my father's, several hours, to clean my pants if there was any need of it. I saw no one on the train but Herman Campbell; don't know whether we talked any on the train; we walked together 500 yards, but had no conversation after we left the postoffice. He passed me just at the gate when the buggy passed. I did not know Mrs. Swearingen when she spoke to me. Had no personal acquaintance with her. The boy, to the best of my knowledge, had no goggles on. I knew him on account of his having worn goggles.

HIS GRIEF

After I saw the bodies it was not more than one-fourth of a minute until I gave the alarm. The first persons I think that came were Herman Campbell and Mr. Hale. I was shocked, and felt excited. My grief was natural. I don't know what Mr. Knox thought. Knox said to me, "Stop and tell us about this matter." That is stop my grief and give an account of myself. I tried to answer the questions to the best of my ability.

The house was ordinarily fastened with an iron bolt inside the rear hall door; there is a cast iron bolt and an old fashioned fop catch on the latch; but one door leads out of the kitchen into the back yard and that door is fastened by a key and also an iron bolt; Mrs. McWha usually occupied the front sitting room; she kept her trunk in the hall; of late she kept it in the little bed room; I did not notice anything peculiar about the windows; my attention was directed to the gate.

Deputy Clerk Marshall was designated by the court to have the custody of the pants, collar and satchel.

Court adjourned at 3:30 P. M. to meet at 9 A. M. Thursday morning.

THURSDAY FORENOON

Court convened this morning at 9 o'clock, with the largest crowd in attendance with the exception of yesterday afternoon, when standing room was at a premium. The examination in chief of Baker was resumed, Mr. Moore propounding the questions.

SOMBODY BEARS FALSE WITNESS

The witness testified in substance as follows: I never saw the witness Gruber until I saw him in the cell; His representations that I said I was in the house when the door was pushed shut against the ladies were false; did not say that Mrs. Swearingen had been there; don't recollect saying to Mr. McCloud that I believed the three men came back for the orchard to the house, and murdered the women for the \$90 which they were supposed to have; I did not tell McCloud that my wife and I were in the house when the shove came against the door and that Mrs. McWha

had pushed the door to; I never said to anybody that I got off at Collier's station; don't recollect saying that my wife had had a hard struggle. O. G. Lee's statement about looking in a the window of my cell is false; nobody could see in the window, for it had papers tacked on it; he did not see in; he came to the cell last Monday very drunk, and when I ordered him away he said with an oath, "Baker, I'll fix you for that."

DIDN'T PLAY POKER IN A STEUBENVILLE SALOON

The testimony of the bar-tender about my wanting to borrow money on a coupon was false from first to last; I don't know the man at all. I started west on the 6th of October; went to Steubenville and took the train about midnight of the 8th. On the Sabbath before going west I went to Washington county to see Dorie Hindman about finishing my school at Eldersville, did not find him at home. I returned to Collier's and there met John Hindman, who told me where his brother was. I arranged with John who agreed to take Dorie's school, and allow his brother to take mine. I got back to the Cove on Monday; was not even in Steubenville on that Sunday.

The witness stated the testimony of Miss Ella Wisner about getting her mail was substantially correct; she would bring mine and I hers on different days; I had made no arrangement to take Miss Wisner's mail to her on Monday, any more than any other day; I went to the postoffice that forenoon, received no mail for Ella and told her that her fellow had gone back on her; I only asked for letters.

WHERE THE AXE WAS KEPT

I recollect of somebody in the hall asking if that was our axe; it was usually kept in the wash-house; I did not tell anybody it was usually kept in the kitchen; Mrs. McWha generally took a nap in the afternoon; when there was no work going on in the sitting room, she would lie across the foot of the bed and take a nap; the prisoner went into a detailed statement as to the habits of the women in housing their chickens in the evening, and letting them out in the morning; on Tuesday morning when I went home I noticed the little chicken out; and I myself let the big ones out of the stable; the key of the cellar door was in its place where it was kept when the cellar was locked, on Tuesday morning; I noticed a candle on the stand in the sitting room about one-half burnt on the Tuesday upon which the murder was committed; it was not a stand—It was a table; we—my wife and I—would use a lamp in our bedroom, and Mrs. McWha would use the candle to retire by. With reference to the testimony of "Squire Lee". He asked me as to my bonds—or certificates of a building and loan association; we went into the house, together, and we could not find the certificates; "Squire Lee in the testimony said he did not recollect of mentioning or looking for the certificates; Lee again testified that I had told him that when I was at Cross Creek I was very uneasy about my wife and mother-in-law; that I; was afraid the railroaders would murder them; that was a mistake; I never said anything of the kind; the railroaders were quiet and peaceable as anybody in that community; I was not afraid of their hurting anybody; I have heard of the certificates of stock; I did not tell John Knox that my pocketbook was found in the yard.

THAT COLLAR

Mr. Moore moved at this point that all the evidence with reference to the collar be stricken out, on the ground that there is no proof that it was the prisoner's property; the only approach to proof of the ownership of the collar is that it was found in the room usually occupied by Mr. and Mrs. Baker.

The court ruled that the evidence with reference to the collar would be allowed to go on to the jury. The motion was overruled.

IN answer to a question as to whether he knew anything about the celluloid collar which had been in evidence, Baker said that he did not know anything about it. The collar I have on now I have worn since the 4th of last April; the collar I took off I threw away.

I generally wear two collars a year.

Mr. Moore—What, do you mean that you have worn the collar you now have on since the 4th of

last April?

Witness—Yes, sir: I do. The collars I wear are celluloid, and when they get soiled I simply wipe them off with a wet cloth.

Mr. Moore—Then you could not have worn that collar offered in evidence on that day?

Witness—No, sir: I could not have had that collar on the day of the murder. I am positive of that.

THE TUB MYSTERY

About: the tub of water. I told Miss Gilmore that the greatest mystery to me was about the cloth being in the tub; I could account for the water, but could not for the clothing in the tub.

At this point court took a noon recess. The cross-examination of the prisoner will take place this afternoon and the probabilities are the Mr. McSweeny will propound the questions.

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