

MURDER AT DELAWARE COLLEGE: THE DEATH OF JOHN EDWARD ROACH, MARCH 30, 1858

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Memorial Library

A CENTURY has passed since March 30, 1858 when at Delaware College, amid the reckless confusion of an interclass free-for-all in a crowded and blazing room, young John Roach was stabbed in the neck and wandered out to die on the building's threshold.¹ The tragedy caused a stir of horror across the placid countryside and in Newark, almost a quarter century later, the day was recalled as "... one of profound gloom and solemnity."² One Wilmington newspaper indignantly characterized the act as "... the more revolting as it has occurred in a higher circle of society, and in the halls of learning, where the mind should be strictly trained to coolness and consideration."³ Evidence pointed to Roach's classmate Isaac Weaver as the slayer. He was brought to trial in May at New Castle, but was acquitted when the State's case proved not conclusive enough to convict him of murder in any degree. Strangely, Weaver was to go to his own early grave some years later bearing the stigma dealt him when flying debris from a factory explosion severed his carotid artery. The story of the Junior Exhibition of 1858, the sham programs and their attempted destruction, the death of Roach and the trial of Weaver, all occurring at a most crucial moment in the College's history, has not before been told in detail. As the connection between Roach's demise and the suspension of the College precisely one year later seems more intimate than has been suspected, and as March 30 of the present year has marked the unhappy event's centenary, it seems appropriate that the tale should now be reconstructed.

On Tuesday morning, March 30, 1858, Wilmington's *Delaware*

¹ The present Old College building, constructed 1833-34.

² E. G. Handy and J. L. Vallandigham, *Newark, Delaware, Past and Present* (Newark, 1882), 52.

³ *Delaware Gazette*, April 2, 1858.

Gazette carried several notices pertaining to affairs of business and pleasure at Delaware College, then in its twenty-fifth year. Of limited appeal was an announcement that the Board of Trustees would meet in Newark at eleven o'clock.⁴ A second advertisement, belated and only a shade more cordial than the preceding, advised the public that:

There will be an Exhibition of the Junior and Sophomore classes in the oratory of Delaware College, Tuesday evening, the 30th inst.⁵

The Trustees' chief business was to be, as it had been so often in those years, a review of dwindling resources and a casting about for some means with which to extricate the College from its continuing condition of near financial collapse; unlike some more solvent institutions of the mid-nineteenth century, Delaware College was supported by neither church nor state.⁶ The business of the Exhibition was to be much as it had been since early in the College's history; it was one of two occasions in the year when certain of the students were called upon to prepare and publicly deliver an original address. The spring exhibition had been assigned by the *Laws* of the College to the Junior class.⁷ As an annual demonstra-

⁴ This notice had appeared also on March 26 in the *Delaware Gazette* and *Delaware State Journal*. "The stated meetings of the Board of Trustees shall be Tuesday preceding Commencement day, and the Tuesday preceding the close of the second term, at 12 o'clock, at Newark." *Laws of Delaware College* (Washington, 1857), 25-26. Meetings were usually recessed by 2 p.m. when the Board repaired to the Deer Park Hotel for luncheon. The meeting was then resumed until 4 p.m. or thereafter. Occasionally a meeting was adjourned until the following day. *Delaware College Trustees' Minutes*, 1833-1873. The reason for scheduling the meeting of March 30 one hour earlier than the *Laws* prescribed defies conjecture. On this day the Board's only transaction prior to the interruption occasioned by Roach's death was an appropriation of money to cover the expense of a musical entertainment for the evening (see n. 55). At this late date it was probably desirable that the appropriation be quickly made, but it seems quite unlikely that this piece of business could have been the reason for the meeting's early start.

⁵ Notice was also given in the *Delaware State Journal* on the 30th. No earlier notices were inserted in the Wilmington newspapers. Why this announcement should have been left until the very day of the Exhibition is as puzzling as its failure to suggest the time of evening that the program was to take place. *Faculty Minutes*, April 19, 1858 note that Exhibition was to have begun at 8:00 p.m.

⁶ For a discussion of the College's financial difficulties in the 1850's see G. H. Ryden, "The Suspension of Delaware College in 1859 and Early But Unsuccessful Attempts of its Reorganization," *Delaware Notes*, 8th Series (Newark, 1934), 75-83.

⁷ "There shall be public Rhetorical exercises of the Sophomore Class at the end of the first term, and of the Junior Class at the end of the second term, under

tion of the scholarly and oratorical prowess of the Junior students, the program served to gratify parents and friends while providing a pleasant, harmless social affair for a student body newly freed from the rigors of a second term.⁸ In this year, due probably to the dwindled enrollment, a resolution by the faculty placed responsibility for the program in the hands of both Junior and Sophomore classes.⁹

In Exhibitions over the years, succeeding Junior classes had tended to vie with each other in matters of eloquence, decorum, musical offerings, and decoration of the oratory.¹⁰ Back in March of 1854 Joseph Cleaver had noted in his diary that:

Several of the old boys were about in the afternoon and at night there was Jr. Exhibition in the Oratory with evergreens and banners and lights and fine carpet and paper markers in colors. . . . The music was very fine and I should like to hear it more often. There was a piano which sounded wonderful in the Oratory and up through the halls.¹¹

In company with the Exhibition as Cleaver knew it, there had also evolved a tradition of interclass rivalry which found its chief outlet and delight in printing and distributing among the audience

the direction of the President." *Laws* (1857), 24. Public exhibitions were common in schools of the period and, at Delaware College, are traced back to 1836 when seniors delivered original compositions twice a year. The spring Exhibition became, at length, an affair for the Juniors, relieving the Seniors of half the burden. H. C. Reed, "Student Life at Delaware College, 1834-1859," *Delaware Notes*, 8th Series (Newark, 1934), 54.

⁸ There were three terms. The first began early in September and continued for sixteen weeks. A two week vacation period followed. A second term continued twelve weeks, ending in a two week vacation. The third term ran for twelve weeks and ended with commencement on the first Wednesday in July. *Laws* (1857), 12.

⁹ "Resolved that the Juniors and Sophomores unite to make the Spring exhibition." *Faculty Minutes*, February 1, 1858. This combining of the classes to make the Exhibition was without precedent and was symptomatic of the difficulties besieging the College. A peak enrollment of 71 was reported to the Board in March, 1855. *Trustees' Minutes*, March 27, 1855. By June of 1857 enrollment was down to 39. *G. G. Evans' Papers*, 7972. Of the 39, part were enrolled in the Scientific course and not eligible to participate with Classical students in the Exhibition.

¹⁰ The oratory, or assembly hall, was located in the central portion of the college building to the rear of the main, or second, floor. For a plan of the building as of the 1890's, see Lewis' reconstruction in Joseph Cleaver, *The Diary of a Student at Delaware College, August, 1853 to November, 1854*, ed. W. D. Lewis (Baltimore, 1951), 14-16.

¹¹ Cleaver, Mar. 28, 1854.

a false program burlesquing the evening's performance. Doubtless the practice threatened seriously to undermine the dignity of the occasion. The sham's ridicule seems to have varied in intensity, at times goodnatured and harmless, "... but of late years ... had degenerated into malicious abuse and contemptible billingsgate."¹² The faculty had made efforts to curb the project when it seemed particularly offensive, but it was finally deemed not troublesome enough to warrant disciplinary action.¹³ As each Exhibition approached, some ingenious youth was found willing to lead his schoolmates in the preparation of a false program. In 1858 it was a Senior, Samuel Harrington,¹⁴ who followed in the footpath of tradition, instigating the plot to produce a sham program, the infamous *Drovus Juniorum Donkey-Orum et Eorum Ape-pendage-orum Delavariensis Collegii*.¹⁵

Harrington may have smarted still over indignities suffered as a Junior the year before. It is more likely, however, that he simply had the impulse to mischief that often stirs undergraduates in the spring. Whatever his motive, Harrington, several weeks before the Exhibition, is alleged to have waylaid Joseph Beale¹⁶ who carried a letter from John Roach to a printer, enclosing the genuine program in manuscript. Of this incident the *Drovus*, in its introduction, cockily claims that, "Two weeks ago, the program to this show

¹² Handy and Vallandigham, 46. Five years earlier, one of Cleaver's contemporaries had noted merely, "The Junior Class had an exhibition. We circulated false programmes [sic]." David L. Mustard, *Diary* (1852-1853), Mar. 28, 1853. In the following year Mustard was himself ridiculed in the 14 page sham entitled *Grand Exhibition Sex Juniorum Assinorum of Delaware College*, of which three copies exist in the University Library. No sham survives from 1855, and the false program for 1856 was a feeble attempt, having shrunk to a broadside headlined, "Hear ye! Hear ye!! Hear ye!!! ... The rag-tag and bob-tail of Delaware College for one night only!" That the Juniors, and the entire College for that matter, had one other potent force to reckon with at Exhibition time is clear from Cleaver's note on the Exhibition of March 28, 1854: "There was a little disorder from the town boys who never come for any other purpose and a few of ours went out to beat them and they came in and fought each other but it did not spoil the exhibition as they say it did last year." Cleaver, March 28, 1854.

¹³ Handy and Vallandigham, 46. For a good discussion of the contents of the genuine and sham programs of 1853, see Reed, *op. cit.*, 53-54.

¹⁴ Samuel M. Harrington, Dover, entered 1854, graduated 1858.

¹⁵ One copy of the *Drovus* is extant in the University Library bearing a pencilled inscription, probably contemporary, which reads "First libelled, then killed."

¹⁶ Joseph Hervey Beale, Juniata Co., Pa.

leaked out through the medium of a love-letter, written by Roach, the youthful."¹⁷

With the actual program in hand and a parody invented, Harrington must have experienced little difficulty in raising a subscription to cover the cost of printing a sham. On the 29th of March he went to Philadelphia to pick up the programs.¹⁸ Returning on the evening train,¹⁹ he seems to have "... let the cat out of the bag,"²⁰ hinting broadly to the Juniors and Sophomores that an especially damaging sham had been gotten up.

The sham party must have spent an enjoyable evening on the 29th examining its handiwork fresh from the printer and taunting the Exhibition group. The *Drovus* is clever, droll, and not gentle. In style it has much of the colloquial nonsense, comic misspelling and preposterous hyperbole of the literary humorists in the '50's. To complete the format there is added a printer's miscellany of incongruous woodcuts and engravings. In its introduction the sham makes much of the confusion in the ranks of the Exhibition party when it was discovered that the genuine program had been pirated and confounded:

Roach has gone mad—he will crawl about to-night like other roaches, "seeking what he may devour." Roop had to borrow \$2.50, to show that he was in earnest in his offer. Higgins' "pug," went up to an angle of 85° on a "point of Honor." Miles' curses were "both loud and deep"—he swore he'd prosecute the "sham programme fellers, ef he had had money enough." Smith and Frazer "dried up," because their speeches (?) were read the night before. The former gave it as his honest (?) opinion that "the fellers ort to be sent 'Home.'"

¹⁷ *Drovus*, 2.

¹⁸ Testimony of Eugene S. Mitchell in State vs. Isaac Weaver, May 17, 1858 as recorded in the *Delaware State Journal*, May 21, 1858. According to the Catalogue of Delaware College, 1855/56, Newark was about 2 hrs. from Philadelphia, via the Philadelphia, Wilmington & Baltimore R. R.

Records of the trial of Isaac Weaver have not been preserved in the Prothonotary's Office at Wilmington, nor do they seem to be among those transferred some years ago to the State Archives in Dover. Account of the trial on May 17-19, 1858 has, therefore, been drawn from the *Delaware State Journal*, *Delaware Gazette*, and *Delaware Republican* which give a verbatim report of testimony offered.

¹⁹ This would be the train leaving Phila. at 2:38 and arriving at Newark, an unlisted stop, sometime between 4:30 and 5:00 p.m. "Schedule," Phila., Wilm., & Balt. R. R. as published in the *Delaware Gazette*, March 26, 1858.

²⁰ Eugene S. Mitchell, *Delaware State Journal*, May 21, 1858.

Mitchell the exaggerater, was at first disposed to be impudent in the matter. . . . Breck swore he'd "send to his Uncle for a keg of powder to blow the cussed fools up." Reynolds merely remarked that, "he carried on his head the incendiary torch."²¹

The *Drovus'* next sixteen pages heap ridicule upon the trite topics and platitudinous phraseology chosen by the youthful orators. Each of the performers is roundly abused in terms of his physical characteristics and personal peculiarities. Charles I. du Pont Breck is a "powder monkey," fashioned by Nature into an "... outrageous piece of humanity."²² Another, a "swamp fox," who, "... if he hadn't such a tarnal big foot, and wasn't so ugly, we might take him for a crane."²³ Anthony Higgins becomes "All-gass Higgins ... pity he drinks," and Miles "cracked-brained," and "... the biggest and ugliest donkey in the drove."²⁴ Eugene Mitchell is an animal "spiled in the makin,"²⁵ and Dave Frazer "the boy what does all the mischief in College."²⁶ The sham program named Smith "Gabbling Gashouse Schmitt." Others were "Jackanapes Roop" and "Jointless Esau." Of the latter, the *Drovus* has to say:

You're right, ladies, it is the identical Johnny Roach, the Maryland hedge-hog. . . . The fust ever heerd of him, he was suckin' rotten eggs in a Chesapeake hen-roost, which accounts for the kinder drawn up conformation of his mouth. . . . One thing is certain . . . he is descended from the Royal Family of Maryland, to whom \$100,000 is as a ha' copper to a millionaire. If he favors any of his ancestors, we judge they are Cannibals on the paternal and orang-ou-tangs on the maternal side. . . ."²⁷

The *Drovus'* point was barbed here in an especially unkind way, for Roach was a sensitive lad. Nineteen year old John Edward Roach was the youngest son of William and Eliza Roach of Annesmessex, Somerset County, Maryland. His father died early and the boy grew up firmly attached to his mother, with a strong pride in his family which was of modest means. His character incorporated,

²¹ *Drovus*, 2. John Edward Roach, Annesmessex, Md. entered July 1, 1856, killed at Delaware College, March 30, 1858. Joseph Roup, Jr., entered April, 1857. Anthony Higgins, St. Georges'. Adam C. Miles, Annesmessex, Md., entered July, 1856. George G. Smith, Darby, Pa., listed as an Academical student, i. e., of Newark Academy, in the *Catalogue* of 1855-56. David R. Frazer, entered Jan. 1858, graduated Princeton College, 1861. Eugene S. Mitchell, Macon, Ga. Charles I. du Pont Breck, Wilmington, entered Nov., 1855, graduated Union College, 1859.

²² *Drovus*, 3.

²⁴ *Ibid.*, 7.

²⁶ *Ibid.*, 12.

²³ *Ibid.*, 5.

²⁵ *Ibid.*, 9.

²⁷ *Ibid.*, 10.

said the Rev. A. C. Heaton in his funeral address, “. . . native simplicity, ardent enthusiasm and scrupulous uprightness; . . .”²⁸ traits which his biographers felt had more than a little to do with his tragic involvement in the affair of March 30.²⁹ Roach had entered Newark Academy in 1855,³⁰ and was later admitted to the College’s Freshman class on July 1, 1856.³¹ Upon that same day Roach, together with Isaac Weaver,³² another newly admitted Freshman, was voted into the Delta Phi Literary Society.³³ Roach was not a remarkable scholar, but his industry and sincerity earned him the respect of his classmates and the commendations of the faculty. He had a leading part to play in the Exhibition and was temperamentally the sort to be extremely earnest in its undertaking and intolerant of any levity or rowdiness threatening to destroy the occasion’s dignity. The sham party may have made him a special butt of their taunting, quoting the *Drovus*’ disparagement of his family’s ancestry and means. Whatever the case, the anti-sham party, on March 30, found in him a determined ally.

²⁸ A. C. Heaton, *Address Delivered at the Funeral of J. Edward Roach*, [1858], 8. T. p. note states erroneously, “Mr. Roach was killed at Delaware College, March 31st, 1858.” The incorrect date of Roach’s death lived to be carried over into the *Catalogue of the Members of the Delta Phi Literary Society* (Phila.) 1880.

²⁹ Handy and Vallandigham (*op. cit.*, 46), felt that he was “. . . peculiarly sensitive and easily touched by satire or sarcasm.” Powell called him a “. . . modest, sensitive young man. . . .” L. P. Powell, *The History of Education in Delaware* (Bureau of Education, *Circular of Information* No. 3, 1893—Washington, 1893), 118.

³⁰ At this time the preparatory department of Delaware College, having merged with the College in 1834. It was required for admission that “the Student must be at least ten years old, must be able to read and write, and must have made some progress in Arithmetic and Geography.” Newark Academy *Circular*, 36 (bound with Delaware College *Catalogue*, 1855-1856.) For a history of Newark Academy see L. P. Powell, *The History of Education in Delaware* (Bureau of Education, *Circular of Information* No. 3, 1893—Washington, 1893), 71-81.

³¹ “The following persons having been examined for admission were on recommendation admitted to the Freshman Class Geo. G. Smith, Ed. J. Roach, Adam C. Miles, J. H. Carson, J. [sic] H. Weaver . . .” *Faculty Minutes*, July 1, 1856.

³² Isaac Henry Weaver, Baltimore, entered July 1, 1856.

³³ One of two literary societies originating early in the College’s history. The Delta Phi and Athenaeum societies were social bodies formed, ostensibly, for the purposes of discussion and debate of all facets of contemporary life. “At the request of five active members the President called a meeting of the Society at 11 o’clock A. M. . . . the object of the meeting was to hear the request for membership of Messrs [sic] Carson, Miles, Roach, Smith, Raybold and Weaver. On motion the ballot was taken collectively and the gentlemen were unanimously elected. They were then regularly initiated.” *Delta Phi Literary Society Minutes*, July 1, 1856.

If Harrington and his associates thought to provoke some drastic action among the Exhibition group, they were not disappointed. Mitchell, Frazer, Smith, Roup and Miles, a cousin of Roach's, immediately formed a self-appointed committee planning to destroy the offensive programs.

At the outset the group, forewarned of the nature of Harrington's errand in Philadelphia, planned to take the programs from him at the train depot,³⁴ but this project foundered for reasons unknown. It was next proposed that they should take them from his room on the third floor of the College in the east, or Athenaeum, wing.³⁵ This second scheme also came to nothing for, on the morning of the 30th the wily Harrington remained behind a locked door taking no breakfast. The raiders regrouped for another try at mid-day.

As noon approached the sham party assigned Joseph Beale to guard Harrington's locked door, for it was strongly suspected that the Exhibition group would make an attempt on the programs. Beale, being hungry and not at all certain of his ability to cope with an emergency, reassigned the uncomfortable job to George Hazel³⁶ and went to dinner. Very shortly after twelve o'clock, while most of the students were at dinner in their respective boarding houses, the raiding party struck.

In the third floor hall Hazel accosted the five and made a pretense of barring their way, but was easily put aside and then held by Frazer so that the alarm might not be spread. Hazel asked what the group intended, and Frazer answered that they were going to have some fun. Roup having brought a hatchet with a broken handle, now handed it to Miles and an attempt was made to pry open Harrington's door. The hatchet proved useless and Miles next tried to pick the lock with Smith's small pocket knife and with a piece of wire brought for that purpose. The knife and wire failing,

³⁴ Newark's depot, serving the Philadelphia, Wilmington & Baltimore R. R., stood on South College Avenue (then, Depot Street) on the site of the present Penna. R. R. Station.

³⁵ Students roomed in the College building but boarded at various places in the village. Rooms were assigned on all three floors of the College and allotment seems to have been arbitrary with no attempt, on the part of the administration, at an alphabetical arrangement. Harrington, according to the *Catalogue* of 1855-56, occupied room # 24 with one other student. Mitchell, in his testimony on May 21, places Harrington's room on the third floor in the east wing.

³⁶ George N. Hazel, Smyrna, entered Sept., 1857.

and Hazel fleeing to spread the alarm eastward along Main Street, the party lost patience and made haste to kick in the door. In the room Miles began to search a chest of drawers, but one of the others soon found the shams in Harrington's trunk which he had broken open. Following Frazer's lead, the four helped themselves to crisp programs packed in the trunk's tray and bottom and dispersed to burn them.

It took Hazel only a few minutes to alert students at various boarding houses along Main Street. He shortly burst into the dining room in the house of George Platt³⁷ where Nicholas Clark, Thomas Craven, Isaac Weaver, Harrington, Beale and Roach had just seated themselves. Roach apparently had known nothing of the raid, or, knowing, had not been invited to participate. Hearing Hazel's news he was quickly up and out of the house. Roach overtook Martin Jones who was on the way back to his chamber. Calling out the news John went rapidly on toward the College. The party at dinner rose up and followed Roach. Isaac Weaver, expelled from school by faculty action the day before,³⁸ ran from the Platt house laughing and calling, "Come boys, we will have them."³⁹ Harrington caught up with Roach and, led by these two, the group quickly covered the half mile to the College.

While Hazel warned of the raid, the burning of programs went forward in the dormitory. Mitchell and Miles headed for the latter's room in the west wing, but upon arriving there found that Miles had dropped his keys in Harrington's room. They then hurried down to Anthony Higgins' room directly below on the

³⁷ A resident of Newark and one of the original members of the Board of Trustees, George Platt took boys to board in his home on the north side of Main Street at the head of the present Academy Street. Ms. map, *Village of Newark, 1858* in the University Library. Fifteen or more students were boarded in the Platt house at the time of the murder. D. P. Brown, "Weaver's Case," *Forensic Speeches of David Paul Brown* (Phila. 1873), 380.

³⁸ On February 8, it was decided that Weaver, who had 27 unexcused absences, was, with several other offenders, to be admonished by the President and a letter written to his parents. *Faculty Minutes*, Feb. 8, 1858. The admonishment made no lasting impression on Weaver and on March 29, it was recorded that "... the conduct and progress in study of the following students do not justify their longer connection with this institution Weaver, Cooch, Reynolds 2nd, Jennan, Moore, Miller and Wright and that therefore the President be authorized to request their parents or guardians to remove them without the odium of a public dismissal." *Faculty Minutes*, March 29, 1858.

³⁹ Nicholas W. Clark, *Delaware State Journal*, May 21, 1858.

second or main floor. There the stove was speedily filled with shams and the pair made frantic efforts to encourage a fire.⁴⁰ Having more programs than could be quickly burned in Higgins' stove, the two hastened on through a small chamber separating Higgins' room from Roach's and proceeded to fill and light the stove in the latter. Hard upon the heels of Mitchell and Miles came Frazer who stopped momentarily in his own room and then ran on to Miles'. Finding Miles' room locked, and hearing the others below, Frazer ran down to Roach's room where he added some shams to the filled stove and then joined the others in Higgins' room.

George Smith gathered as many of the programs as he could carry and went to his room for matches, intending to destroy his booty in the safety of solitude on the banks of White Clay Creek across a meadow north of the College.

Roup took his shams and followed the rest to Higgins' room where he barricaded the door with a trunk before adding to the smouldering mass in the stove. To make certain that the programs burned, Roup poured igniting fluid over them. Hearing noise, first in the east wing and then overhead, and rightly suspecting that the sham party was in the building, the four called from Higgins' window to Smith then leaving the building by a back door under the oratory. Smith obligingly re-entered the building to bolster defenses in Higgins' room and the trunk was once again set at the door. Smith noted that Roup had armed himself with a stick and, fearing violence, relieved him of it at once.

The group from the boarding houses, headed by Roach and Harrington, had raced for the latter's room. Weaver, who followed the crowd to the College, did not go at once to Harrington's room in the east wing, but stopped briefly in his own chamber in the central portion of the building. When Weaver emerged from his room, making haste to join the crowd as it erupted from the east wing, Martin Jones noted that he, with a melodramatic flourish, held a dagger point upward above his head. Weaver joined the group which stopped momentarily in several rooms, and then fol-

⁴⁰ Stoves were, of course, a necessary evil in the dormitory rooms. For these fuel was furnished by the College at cost. *Catalogue*, 1855-56, 27. Igniting fluid was commonly used to start the fires and there was constant danger that a moment's carelessness might end in a general conflagration.

lowed downstairs. Jones saw no more of Weaver until the fray had ended.⁴¹

Samuel Freeman, standing at the door of his room in the west wing, also noted that Weaver brought up the rear of the crowd with a dirk or knife in his hand.⁴² Freeman saw the door to Miles' room broken open, and then his own, and remembered later that Weaver was there to help kick the door in. Finding neither programs nor pilferers, the crowd raced on down to Higgins' room. To the best of Freeman's recollection later on, Weaver followed the crowd down to the main floor. At the trial Clark supported Freeman's memory, testifying that Weaver had been at his heels as they all descended to the main floor.⁴³

The party with mixed sympathies arrived before Higgins' door as Smith, inside, was about to fling Roup's stick out of the window. The sham faction clamored vigorously for entry. Frazer, believing that the programs must now be burned beyond rescue, put aside the barricade and the crowd, led still by Harrington and Roach with Giles a close third, burst in. Harrington brandished a washstand leg which one of the raiders had dropped in his room. Smith took it from him and, standing in the middle of the room with a stick in each hand, defied the intruders repeating, "We have the programs and you can't have them."⁴⁴

In the doorway Roach half turned and began to contest hotly entry by those of the sham party, protesting to Harrington especially that he must not retrieve any of the programs. Harrington eluded Roach and, reaching the stove on the far side of the room, knocked off the lid and threw a handfull of burning programs toward his confederates in the doorway. He pulled another bunch of programs from the stove and, dropping to one knee, commenced to snuff the fire and stuff the salvaged shams into his pockets. Roach was upon him at once, shouting that he should let the programs alone, taking him by the left hand and attempting to drag him from the stove. As the two seemed then at the point of violence, Frazer leapt between, restraining Roach with his left hand and Harrington with his right. Frazer was at once seized from

⁴¹ Martin Jones, May 17, 1858.

⁴² Samuel T. Freeman, May 18, 1858.

⁴³ Nicholas W. Clark, May 17, 1858.

⁴⁴ Eugene Mitchell, *Delaware State Journal*, May 21, 1858.

behind and thrown down across the bed by Hazel who was intent upon avenging the injury done him earlier outside Harrington's door. Miles, who had been anxiously eyeing his high strung cousin, chanced to look for a moment toward the door and there remarked Weaver about two feet within the room and about four or six feet from Roach.⁴⁵

Miles noticed nothing menacing about Weaver other than that he looked angry as did some others in the room. Roach's further activities quickly reclaimed his attention. The latter had busied himself for the moment in an attempt to take some programs from Clark and was then suddenly assailed by Thomas Giles who attempted to strike him. Miles stepped in and caught the blow. At this point Roup interfered and Miles threatened to black his eye. Roup, having taken a painful blow, left the room for several moments to recover. Giles and Miles next grappled briefly until the former broke away and aimed a vigorous blow at Roach's nose.

The scene during these five to ten minutes, was one of great confusion. Barely fifteen feet square, the chamber was filled with the clamor of some twenty young men whose tempers ranged from the earnestness of Roach and Harrington and the marked belligerence of Giles and Miles, to the detachment of Eugene Mitchell who was content merely to look on. To confound matters, the flaming programs scattered across the floor had set fire to the carpet and to the contents of an overturned can of igniting fluid. Smoke soon filled the room and frightened boys ceased hostilities to beat the blaze with jackets or whatever came first to hand. Latecomers entered the chamber and helped to subdue the fire. Rising from the bed where he had been thrown, Frazer busied himself with fighting the fire. Jones tossed the fluid can at Miles and then, with another boy succeeded in dumping the dangerous article out of the window.

In the confusion, Mitchell did not see Giles strike Roach, but did suddenly notice that the latter, where he stood in the middle of the room, was bloody. Dumbfounded, he saw blood gush from Roach's neck above the collar, and then spout and gush again. Roach tried to speak to Mitchell, but could utter only, "M-m-m-m-mich,"⁴⁶ moving past him toward the door.

⁴⁵ Adam C. Miles, May 17, 1858.

⁴⁶ Eugene Mitchell, *Delaware State Journal*, May 21, 1858.

Smith, busy extinguishing the blaze, had turned his back on the melee. Looking around again he was suddenly aware that Roach was no longer in the room. Surprised that the most ambitious suppressor of the programs had suddenly disappeared, Smith called out, "Where is Roach?"⁴⁷ and set out to find him. In this same moment Miles, who had been smothering the flames with a washstand drawer, remarked that there was blood on the floor. At the doorway and in the passage, Smith found bloody splatterings. The trail led to Roach, wan and slumped against the building's doorway in a spreading pool of blood.⁴⁸ Numbed, Smith returned to the room where the fire was now out. In the room he said, "Boys, I'm afraid Roach is dying."⁴⁹ As Smith was making this announcement, Giles came upon the bleeding form in the doorway and, thinking of the blow he had given Roach, declared in the hearing of several, "I did it Johnny Roach, and can do it again." While he spoke Giles saw that Roach was bleeding from the neck, not the nose, and hastened to qualify his statement saying, "I did not do *that*."⁵⁰

While none within the room saw Roach leave, he was observed by several along the passage and in the entry. Roup, who had retired from the room to recover from the effects of Miles' blow, returned almost immediately and met Roach who muttered either, "Some damned fool has stabbed me," or, "The damned fool has stabbed me."⁵¹ Roup went to fetch a doctor.

Sam Freeman had taken no part in the conflict, but had followed the crowd down to Higgins' room. Standing hesitant at the bottom of the stairs, he saw Roach making his way along the entry. He was bleeding freely and Sam thought he said, "Some of the fools have stabbed me."⁵² Like Roup, however, Freeman was later not sure whether Roach had said, "some," or, "one." Roach asked Freeman to go for a doctor. Thomas Craven and Joseph Cooch⁵³ recalled meeting Roach as he made his exit from Higgins' room. The latter assumed that Roach had a nosebleed.

⁴⁷ George G. Smith, *Delaware State Journal*, May 21, 1858.

⁴⁸ "The stains of poor Roach's life blood were to be seen on the stairway fully ten years later." F. A. Cooch, *Little Known History of Newark, Delaware and its Environs*. (Newark, 1936), 119.

⁴⁹ Eugene Mitchell, *Delaware State Journal*, May 21, 1858.

⁵⁰ *Delaware Republican*, April 8, 1858.

⁵¹ Joseph Roup, *Delaware State Journal*, May 21, 1858.

⁵² Samuel T. Freeman, *Delaware State Journal*, May 21, 1858.

⁵³ Thomas J. Craven, New Castle County. Joseph W. Cooch, Newark.

Since eleven o'clock the Trustees, with only nine of the thirty-one members present, had been meeting in the President's office around the corner from Higgins' room. Minutes of the previous meeting were accepted as read by Secretary George G. Evans, and excuses of some absentees were received. President Newlin⁵⁴ then, in behalf of the Junior and Sophomore classes, applied to the Board for an appropriation of twenty-five dollars, ". . . towards defraying expenses incurred for a band of music at their exhibition to be held this evening."⁵⁵ The appropriation was approved and George G. Smith gave his signed receipt for the sum to Treasurer Rathmell Wilson.⁵⁶

Shortly after twelve o'clock the Board was very much aware of a pounding of feet on the stairs and in the halls, and a shouting and tumult throughout the building. The disturbance was tolerated until it grew too loud to be further ignored and President Newlin, excusing himself, went to quiet the students. He was quickly back and, shaken, called for Doctor James Couper to step immediately to the front portico. The rest of the Board followed.

Dr. Couper found Roach in much the same position as when Smith had seen him moments before. He had slipped down a little and lay just inside the door, clothes and boots now saturated with blood. The boy's cravat was gone and the neckband of his shirt was slashed on the right side. Word spread quickly through the quiet village and a general rush to the scene brought a shocked crowd of towns people, faculty, and others of the student body from both the College and Academy to edge soberly up the building's broad steps.⁵⁷

As he knelt beside the unconscious boy, Couper saw that death must come. A wound about one inch in diameter had been inflicted in the triangular area between the collar bone, the shoulder, and

⁵⁴ Rev. Ellis James Newlin, Alexandria, Va., chosen on Oct. 16, 1856 as the College's ninth President to succeed President Daniel Kirkwood.

⁵⁵ *Minutes of the Board of Trustees*, March 30, 1858. One of the minor mysteries arising out of this dark day was the final disposition of the appropriated sum. The receipt that Smith gave Wilson is extant as #7945 in the *Evans Papers*, and the transaction is recorded in the Board of Trustees' *Treasurer's Ledger* (1833-1879) Mar. 30, 1858. Subsequent pages fail to show that Smith refunded the money.

⁵⁶ Rathmell Wilson, longtime member of the Board of Trustees and President of the College during its suspension, 1859-70.

⁵⁷ *Delaware Gazette*, April 2, 1858.

the neck. It was diagonal across the neck and a little downward.⁵⁸ The cut was about two inches deep and, while the carotid artery was not entirely severed, the internal jugular vein was cut in two. Couper put his finger into the wound to stanch the already slackening flow, but knew that Roach had lost too much blood.

Recovering somewhat from their initial shock, several members of the Board began to inquire into the reason for Roach's sad condition. Rathmell Wilson and George Evans asked Jones what he knew of a knife. Jones answered that he had seen Weaver with a dirk and was at once requested to show the way to Weaver's chamber. There, fifteen or twenty minutes after Roach was discovered, the three found a sheathed knife half visible under some clothing in a portmanteau. The weapon was a bowie knife, described as ". . . about 14 inches long; it is a dangerous looking weapon, such as no boy should be allowed to carry."⁵⁹ Wilson picked it up and, at this juncture in the events of the 30th, an especially vital piece of information was rendered ineffectual. He tried to pull the blade from its sheath and, failing, gave the weapon to Evans. Noticing almost immediately that Evans' left hand was bloody from contact with Roach, Wilson retrieved the knife and wiped it free of blood. The damage had been done.

With some difficulty Wilson drew the blade; it came out harder this first time than at any time thereafter.⁶⁰ The three saw nothing on the blade that they could definitely identify as blood, but thought they saw a stain which could have been blood. They noticed that the point had been turned slightly and that a bit of fuzz clung to the burr as though it had been recently wiped with a cloth or towel. A basin of dirty water was nearby and in it was a towel bearing a red spot about one inch in diameter which might have been blood.⁶¹

After a brief examination of the room, Wilson suggested that Evans fetch the magistrate, for it appeared that the knife's owner must be the guilty party. Evans departed and with him young Jones. Wilson replaced the knife in its original resting place and concealed himself to see if any came to claim it.

⁵⁸ Dr. James P. Couper, *Delaware State Journal*, May 21, 1858.

⁵⁹ *Delaware Gazette*, April 6, 1858.

⁶⁰ George G. Evans, May 18, 1858.

⁶¹ Rathmell Wilson, May 17, 1858.

Moments later Wilson saw Weaver enter the adjoining chamber,⁶² pick up a pitcher and enter his own room to fill it with water. Wilson remained a very few minutes after Weaver left, and then sent for John C. Clark, another of the Board. Clark did not wish to remain in the room while Wilson attended to matters below so, leaving the knife, the pair descended to have Weaver arrested. The knife lay unguarded for the next hour.

While Weaver's room was being investigated, Roach was nearing his end on the portico. As Dr. Couper ministered to Roach, Weaver appeared in the group gathered around. Miles remembered that Isaac held a glass of water; Frazer thought that he carried a pitcher. Martin Jones, standing close to Roach as he lay, heard Weaver ask sorrowfully, "Roach are you dead?"⁶³

Professor Edward Porter⁶⁴ had joined Dr. Couper beside the unconscious Roach. Taking the boy's hand, Porter found the pulse barely discernible but, upon Couper's administering some brandy, Roach seemed to revive, muttering, "Oh God!" and struggling weakly.⁶⁵

Dr. Couper cautioned against exciting the boy, but asked Porter to call him by name; persons in the crowd advised him to ask who had done the deed. Porter complied saying, "Mr. Roach who did it?" Roach said, "Sir?" Porter repeated his question and Roach answered weakly, "Harrington." Porter could not believe what he had heard and remarked in astonishment, "Harrington?" To this Roach replied, "Yes, Harrington did it." Unbelieving still, Porter asked, "Mr. Roach, what did he do to you?" The reply was, "Harrington stabbed me." Porter again asked, "Who did it?", and Roach answered, "Harrington." Porter next said, "Can you forgive it?", and Roach answered, "No." Porter insisted, "Oh! Mr. Roach you must forgive it, can't you do it?" John Roach's final word was, "No."⁶⁶

⁶² The two rooms, like Higgins' and Roach's, seem to have been joined by a short passage.

⁶³ Martin P. Jones, *Delaware State Journal*, May 21, 1858.

⁶⁴ Edward D. Porter, professor of "Natural Philosophy" and civil engineering, had taught at the College for about seven years. The last piece of business that the Board accomplished on Mar. 30, was approval of the appointment of Porter as Principal of the Academy. *Trustees' Minutes*, Mar. 30, 1858.

⁶⁵ Edward D. Porter, *Delaware State Journal*, May 21, 1858.

⁶⁶ *Ibid.*

By one-thirty Roach was dead. Dr. Couper had attended him for about an hour and he later guessed that Porter had spoken to Roach before the end of the first half hour.⁶⁷ Couper claimed that he was wholly occupied with Roach's weakening condition and took no note of the answers that the boy made to Porter's questions. During the period Dr. Couper had been asked repeatedly by those around him whether Roach could live. He had answered "No," each time. Later he thought that he must have been so questioned during Roach's consciousness, but could not tell if the boy had heard.⁶⁸

When Roach had expired, Justice of the Peace John Whann called for a coroner's inquest over the body and the oratory, festively decorated for the evening's affair, now received the dead boy and a sombre jury of fourteen persons of the town.

As the hearing began, Whann dispatched deputy constable George Benesole to take several persons into custody, among them Weaver who was by now fairly well indicted by hearsay. Benesole inquired after Weaver in the village and at length found him in the home of Squire Banes. The constable then escorted Weaver to the College to await questioning.

Within the oratory some twenty-five witnesses were called and excitedly told conflicting stories implicating Harrington, Giles and Weaver. Of these, Harrington was represented as Roach's chief adversary in the struggle for the programs since the two had been seen to wrestle together just before the stabbing. Roach's strange insistence to Porter that Harrington had done the deed seemed incredible but, nevertheless, brought that young man further under the shadow of suspicion. Other witnesses told that Giles had struck Roach, and there were those who had heard him boast that he had drawn blood and could do so again. It was Weaver, however, who seemed the blackest villain, for he had been seen by several brandishing a knife in the halls and had been noted just inside the room by Miles, although the latter admitted that he had not seen a knife. Weaver became more strongly suspect as the stories of Hudders, the village pharmacist, and of Samuel Freeman were related.

Robert G. Hudders told that he first knew of the mishap when

⁶⁷ Dr. James Couper, *Delaware State Journal*, May 21, 1858.

⁶⁸ *Ibid.*

Weaver appeared in his shop,⁶⁹ out of breath and very much excited, saying that Roach had gotten his throat cut and begging him to make haste to the College. Hudders had responded to the call at once, stopping only to gather a few supplies with which to meet the emergency. When he arrived at the College the druggist found Drs. Couper and Ferris doing what little they could for Roach. Turning away Hudders met Weaver who asked him if he thought Roach would die. Hudders told the inquest that he had been unable to give Weaver any reason to hope, at which the latter said to him something very like, "My God, can't you do something for him?"⁷⁰ Hudders recounted that he then asked who had done the deed. Weaver answered that he believed he had, adding that the knife was in his chamber and asking him to retrieve it. When Hudders declined, Weaver asked him to step down to the first floor and in privacy begged him to say what he would do in a similar situation. The druggist had known and respected the boy for some time and now, feeling sorry for him, advised that he had better leave town on the train then due. Weaver had said that he would do so, and would remain in Elkton awaiting Hudders' telegram which was to say whether Roach was still living.

Samuel Freeman was questioned in the oratory and revealed that he had not only seen Weaver, knife in hand, start downstairs with the crowd, but, while standing at the bottom of the stair moments later, had seen Roach in his distress and then beheld Weaver hurrying furtively back up the stairs, one hand concealed beneath his coat. Freeman alleged that as Weaver passed he remarked in a confidential manner, "Don't say anything about it."⁷¹ In the same moment, Weaver's coat, agitated by his rapid ascent, was lifted and Freeman was almost sure that he recognized, underneath, the hilt of a knife.

The knife itself was next brought forward and minutely examined. It was seen now to have a bright red spot on the hilt in the angle between the blade and the guard. The spot was a little larger than a pinhead and not yet dry. Rathmell Wilson felt certain that there had been no spot on the weapon when it was first discovered

⁶⁹ The ms. map of Newark cited previously shows Hudders' shop on the present Academy Street opposite the Academy buildings.

⁷⁰ R. G. Hudders, *Delaware Republican*, April 8, 1858.

⁷¹ Samuel T. Freeman, *Delaware State Journal*, May 22, 1858.

in Weaver's room, but, that Evans had gotten blood from his hand on the hilt and guard. Evans was emphatically certain that he had not gotten any blood on the knife. All agreed that the paper lining of the sheath seemed stained where it was supposed that the blade, hastily sheathed, must have pierced it. This supposed stain was thought to accord with the difficulty which Wilson had experienced in first pulling the knife from its case.

Weaver was shown the weapon and readily admitted ownership saying he had carried it as a prop, dropping it at the door of Higgins' room, and picking it up again a few minutes later to return with it to his room.

By mid-afternoon the jury returned a verdict that "... J. Edward Roach came to his death by a bowie knife in the hands of one of the three following persons, viz: J. [sic] H. Weaver, Samuel M. Harrington, Jr., and T. B. Giles."⁷² The remains of poor Roach were then, by invitation, taken to the house of George Platt, there to await transportation to Baltimore on the following morning. The Trustees went halfheartedly to luncheon at the Hotel before resuming their meeting.⁷³

The Exhibition was, of course, cancelled and those who had journeyed to town for the occasion now prepared to return to their homes. It was said that Roach's sister was in the village on this day; indeed the press, with obvious relish for the situation's pathos, reported that she had come to the College to witness his oration and found her brother a corpse.⁷⁴ The Board of Trustees re-assembled late in the afternoon and learned that a hearing to determine bail had been set for Monday, April 5 in the New Castle courthouse before Judge Gilpin. The Board had no heart for further business and, after passing a resolution of regret and sympathy suitable to the unhappy day, adjourned to meet again in two weeks.⁷⁵

⁷² *Delaware State Journal*, April 2, 1858.

⁷³ The Board was indebted to George Ortlip of the Deer Park Hotel in the amount of \$11.00 for dinners and horse feed for the day. *Evans Papers*, # 7946.

⁷⁴ *Delaware Gazette*, April 2, 1858.

⁷⁵ "The Board met in the afternoon. The following resolution submitted by President Newlin was on motion adopted: Whereas one of the students of Delaware College, J. Edward Roach, met his death by a fatal blow, inflicted as is supposed by one of his fellow students: Therefore Resolved.—That the Board of Trustees regard the occurrence with profound regret; and hope that such a judicial investigation may be had in the case, as to secure the ends of justice. Resolved 2nd.—That

When the Board had adjourned there remained but two formalities with which to bring the unfortunate day to a close. A special meeting of the Delta Phi Society was called at 6 o'clock wherein it was moved that a committee composed of George Cruikshank,⁷⁶ Miles, Frazer, and Smith should accompany their dead brother to his grave. A second group was then named to drape the Hall⁷⁷ in mourning and to draw up a resolution expressive of the Society's grief. Finally, it was moved by Higgins that the Society in a body should attend the remains to the train on the following morning.⁷⁸ As they talked to each other this evening, the dead boy's friends remembered that he had more than once envisioned a violent end for himself and had spoken of it to close acquaintances. They recalled that ". . . on the morning of that day he took from his coat a badge which he had worn for several months and gave it unsought to its owner, with the significant remark, "I shall never want it again." "⁷⁹ It seemed more than a coincidence to them that Roach was to have spoken that very evening upon the theme "Departed Glory," and that he had at first prepared a talk based upon the phrase "He has fought his last battle!"⁸⁰ Sometime in that evening, Weaver, Harrington and Giles were committed to the jail at New Castle.

On Wednesday morning President Newlin conducted a brief service over Roach in Mr. Platt's parlor, after which some of the Trustees, together with most of the faculty and students and many sympathetic persons of the town, escorted the body down Main and Depot Streets to the railroad station where it was put aboard the 10:30 a.m. train for Baltimore. As the regular two week holiday had now begun, out-of-town students dispersed to their homes, leaving the College to lick its extensive wound while awaiting Monday's hearing.

Unmeasured damage had been done the College by Roach's

we express our unfeigned sympathy with the relatives and friends of the deceased, and commend them, to the kind care of the great Parent of all." *Minutes of the Board of Trustees*, Mar. 30, 1858.

⁷⁶ George W. Cruikshank, Cecilton, Md. Entered Sept., 1854, graduated, 1858.

⁷⁷ The Delta Phi Hall on the top floor at the extreme west end of the College's west wing.

⁷⁸ *Minutes of the Delta Phi Literary Society*, March 30, 1858.

⁷⁹ G. W. Cruikshank "Eulogy pronounced upon the life and character of J. Edward Roach . . .," 30. Bound with A. C. Heaton, *op. cit.*

⁸⁰ *Ibid.*, 31.

homicide and, although the administration kept up a bold front, there were certainly those who knew that the end was very near. The students, as they vacationed, must have been closely examined by parents anxious to know if the College was really competent to guide young minds. And the students, if they responded candidly, told of more than a little drunkenness, of firearms secreted and discharged within the College building, of at least one wounding with a pistol, of "an act of gross immorality," of vandalism, theft, mutilation and destruction of property, insubordination and inattention to lessons and classes which had been increasingly the order of the day over those last several years.⁸¹

Discipline in the 1850's seems to have grown lax or failed because there was no really secure structure upon which it might be hung. In 1851 the College fund had amounted to \$21,930 which was considered insufficient for the institution's maintenance. To supplement the meager endowment, it was proposed that transferable scholarship certificates valued at \$100 should be sold until the endowment was brought up to \$50,000, after which sales would cease for five years. The scheme worked more harm than good, for:

. . . it reduced the price of tuition to almost a nominal sum and allowed several students to attend upon the same scholarship. The tuition fee was the chief source . . . from which the college derived its sustenance. In a short time all the scholarships were sold and the money derived from them was utilized, while the number of students, nearly all of whom held scholarships, continued to increase, so that there were 165 students, whose tuition for the most part had been paid some time before.⁸²

In a desperate move in 1857, the Trustees had directed President Newlin to approach holders of scholarship certificates, persuading them to donate or sell the certificates to the institution. This failing, Newlin was to beg that the Academy be released from its obligation, or that the holder at least agree to send only one student at a time.⁸³

⁸¹ With the repetition and variation of these and other misdemeanors a harried faculty dealt regularly at weekly meetings. *Faculty Minutes*, 1852-1882. For an exposé of the incidence of drunkenness in the '50's see Reed, *op. cit.*, 44-48.

⁸² Powell, *op. cit.*, 114-115. The total of 165 students includes those enrolled in the Academy.

⁸³ *Ibid.* Among the Evans Papers dated prior to the murder are a number of orders to pay, usually in the amount of \$100. for "value received." It is possible that these are refunds on withdrawn scholarships.

Upon the death of Roach, scholarship certificates to the value of at least \$720 were redeemed by the College as its shocked public began to withdraw support.⁸⁴ Four months later, the entire assets of the College amounted to a distressing low of \$5,000, and its liabilities totaled \$1,752.27.⁸⁵

While the reverses suffered by the College were disheartening, the energies of its faculty and administration had not yet been exhausted. Even as the hearing of April 5-6 got under way, the school's third term was being advertised.⁸⁶ Two weeks later a letter to the *Weekly Republican* assured readers that "A good number of students are already on the ground. The prospects for the term are not discouraging. The number of students will be about the same as last year."⁸⁷

Few persons supposed that either Harrington or Giles had been responsible for Roach's death. The press, especially, was reluctant to believe that Harrington was implicated in the case. Three days after the murder the *Delaware Gazette* was faintly apologetic over the young man's detention, holding that:

It is as yet uncertain as to which of the assailants struck the blow, although vague rumors attributed it to Samuel M. Harrington, Jr., a son of the present Chancellor, and late Chief Justice of the State, a gentleman remarkable for the calmness of his temper and the best qualities of the heart. He and his family have the sincere sympathy of every citizen of the state.⁸⁸

Wilmington's *Journal* was, on that same day, of the opinion that:

Subsequent information elicited upon the unfortunate affair seems to establish, beyond peradventure, the entire innocence of Mr. Harrington. The whole affair was but a momentary scuffle, and the fatal blow was doubtless unpremeditated.⁸⁹

Harrington and Giles, from their cell in New Castle, published the following plea in several of the Wilmington newspapers:

⁸⁴ *Evans Papers*, Nos. 7949, 7956, 7957, 7960, 7962, 7963, 7987.

⁸⁵ *Trustees' Minutes*. July 6, 1858.

⁸⁶ "The third term of the present collegiate year of Delaware College and the Academy will commence on Wednesday, the fourteenth of April . . . and continue for the period of twelve weeks." *Delaware Gazette*, April 6, 1858.

⁸⁷ *Delaware Weekly Republican*, April 29, 1858.

⁸⁸ *Delaware Gazette*, April 2, 1858.

⁸⁹ *Delaware State Journal*, April 2, 1858.

A very imperfect account of this calamity having been published in the newspapers, the undersigned respectfully ask a suspension of public opinion for a few days. The case is under a thorough judicial examination before Chief Justice Gilpin.⁹⁰

On Monday morning, April 5, New Castle awoke to an unusual stir and excitement as carriages from the surrounding and outlying neighborhoods discharged persons whose interest in the murder ranged from idle curiosity to a strong determination that justice should be done. Groups gathered about the court house in the several hours before the hearing "giving vent to their feelings in the most expressive gestures."⁹¹ At eleven o'clock the court was at last convened, and at 11:20 the accused were ushered into the crowded courtroom, accompanied each by his counsel; Daniel M. Bates and Nathaniel B. Smithers for Harrington, and Joseph Comegys and James Booth for Giles, while George Rodney acted in that capacity for Weaver who was accompanied also by his father, Levi. In all, sixteen witnesses were called and examined on this day and at nightfall the case was postponed until Tuesday. On the second day, after seven or eight more witnesses were heard, it appeared certain that testimony offered against Harrington and Giles was insufficient to bring them to trial. It was thought that the former, on his knees by the stove in Higgins' room, could not have knifed Roach, a tall boy, in the neck. Witnesses had seen Giles strike Roach with his fist and nothing more. Roach's dying declarations given in answer to Prof. Porter's questions were not admitted as evidence by Gilpin for it could not be shown that the boy was aware of impending death; it was felt that unless Roach was aware of impending death, he was under no compulsion to adhere to the truth.⁹² Harrington and Giles were discharged.

⁹⁰ *Delaware Gazette*, April 6, 1858, and *Delaware Statesman*, April 6, 1858. Edward W. Gilpin had been appointed to the bench in the preceding year to succeed Samuel M. Harrington, Sr., as Chief Justice.

⁹¹ *Broadside Delaware Democrat Extra*, April 7, 1858.

⁹² Gilpin was taken to task by a segment of public opinion for this decision, but was upheld by his colleagues, the most articulate of these addressing a letter to the *Delaware Weekly Republican*, wherein it was stated that "... as a general rule, . . . nothing is evidence in a court of Justice, but that which is delivered by a witness *under oath*. One exception is this—that where a homicide has been committed, the *dying declarations* of the victim are received as evidence to charge the slayer, [which] is upon the principle—"that they are declarations made in extremity when the party is at the point of death, and when every hope of the

The case against Weaver seemed strong. He had been seen to carry a knife through the College halls just before the stabbing. He acknowledged that the weapon exhibited was his; that he had been given it as a Christmas present by his father. Weaver admitted carrying the knife to Higgins' room, but swore that he had carried it no farther. He had been seen inside the murder chamber although, to be sure, no one had noticed whether or not he held a knife. Finally, Weaver, it was claimed, had confessed his crime to Hudders and had next made preparations to flee the village. Judge Gilpin believed the young man to be so deeply implicated that he remanded him to prison to await trial at the May term of the court of *Oyer and Terminer* in New Castle. When the judge's decision was made known, "tears filled the eyes of young Weaver and his father, while feelings of mingled sorrow and gladness were depicted on many a countenance."⁹³

In the days that followed the College settled down uneasily to await the outcome of the affair. Resolutions of regret which had been voted at the special meeting of the Delta Phi on March 30 were duly published in the newspaper.⁹⁴ Dr. Couper, who had been pressed suddenly into attendance upon Roach in his last hour, now became the target of a brief but vicious running conflict in the *Delaware Republican*. A long letter to the editor on April 8 was signed by "C" who supposed that a want of knowledge on Couper's part was responsible for Roach's death. The letter outlined steps by which Roach might have been saved and called the doctor's performance ". . . a sad lesson to the young student, sufficient to stimulate him to become master of the anatomy of himself before he attempts to treat his fellow men." The anonymous critic was himself bitterly attacked in a letter which appeared April 15. This provoked a hot and lengthy reply on April 26. A last letter from a third party was printed on May 6 and supported Couper, labelling "C" a "Jack-knife" doctor.

world is gone; when every motive to falsehood is silenced, and the mind is induced by the most powerful considerations to speak the truth. A situation so awful is considered by the law, as creating an obligation equal to that which is imposed by a positive oath in a Court of Justice."'" *Delaware Weekly Republican*, April 15, 1858.

⁹³ *Delaware Democrat Extra*, April 7, 1858.

⁹⁴ *Delaware Weekly Republican*, April 8, 1858. Also in the *Baltimore Weekly Sun* and the *Somerset [Md.] Union*.

While the controversy over Dr. Couper's abilities was airing, the College opened its doors for the third and final term of the year. On the day following, Thursday, April 15, the Trustees met, ostensibly to complete the interrupted meeting of March 30. Several new matters of expediency had now been added to the agenda. Of these, the most important was consideration of a statement designed to forestall charges that administrative carelessness or neglect had contributed to the death of Roach. The statement, which had been drafted by the faculty during spring recess, made a brief report of the affair of March 30, quoted a section of the College *Laws* which forbade students to keep weapons of any kind,⁹⁵ and emphasized that a copy of the *Laws* was, as a matter of course, put into the hands of each boy. Lastly, the statement denied any knowledge, or even suspicion, that a deadly weapon had been concealed in the College.⁹⁶

When it had adopted the faculty's statement of non-complicity, the Board went on to give President Newlin a vote of confidence, resolving that:

. . . after due inquiry the Board express their opinion that the government of the College during the last year has been as efficient & practical as at any former period, that its results have been such as to produce good conduct & behavior on the part of the students generally, & the few exceptions were promptly met by dismissing or retiring the actors in them.⁹⁷

The Board further bolstered Newlin's position, resolving that his efforts "to elevate & establish Delaware College on a permanent basis, by lectures & otherwise," were "appreciated and approved by the board. . . ." ⁹⁸ Newlin was requested to continue his efforts in the year to come.

⁹⁵ *Laws*, 16.

⁹⁶ *Trustees' Minutes*, April 15, 1858. At a meeting of the Faculty on April 19, the statement was formally adopted and included in the *Minutes*.

⁹⁷ This statement was released to the press and appeared in the *Delaware State Journal*, April 20, 1858. Had the public been privy to the cumulative record of the disciplinary problem found in the Faculty *Minutes* of 1857/58, and in those of the several preceding years, the statement might have met with open-mouthed astonishment on several sides. There is reason to suspect that Newlin had been sidestepping the discipline issue, antagonizing a part of his faculty, at least, with an alleged high-handed manner in which he overrode faculty decisions in such matters. Charles E. Ferris, *Circular To The Members Of The Board Of Trustees Of Delaware College* (Newark, 1858).

⁹⁸ *Trustees' Minutes*, April 15, 1858.

A little more than a week later, on April 24, the Delta Phi Society held its first meeting of the new term, moving that Cruikshank should prepare a eulogy in memory of Roach, and that the Society in a body should attend, on the following day, a funeral sermon to be preached by President Newlin in "Brick Church."⁹⁹ The dead boy remained very much in his brothers' minds and, on May 1, the Society resolved that its Hall should be draped and that members would wear "the usual badge of mourning, for the space of three months."¹⁰⁰

On Thursday, May 13 at 10:15 in the morning, almost two weeks after the Society donned mourning in Roach's memory, Weaver was arraigned for trial. Judge Gilpin opened by asking Attorney General Fisher¹⁰¹ whether the State was ready to proceed with the trial. Upon Fisher's plea that an indisposition during the preceding night had left him unready to begin, the trial was postponed until Monday, the 17th. On the day following, Weaver was brought to the bar where his counsel, David P. Brown and George Rodney, entered a plea of not guilty and the boy was again remanded to the custody of Sheriff Thomas Ogle.

Monday morning found New Castle in a state of excitement surpassing in intensity that generated on the day of the preliminary hearing, for the case had by now been widely publicized and a false start on May 13 had served to whet the general appetite. The courthouse was so densely crowded that when the prisoner was led in at 10:15, an "immense crowd blocked every avenue of entrance,"¹⁰² and passage was cleared only with difficulty at the Court's command. When order was restored, the business of empanelling a jury got under way and continued until after eleven. As the trial commenced, Fisher apprised the jury that the State's charge against Weaver was murder in the first degree. He added that if evidence should prove insufficient to convict the boy on the first charge, the jury might then charge him with manslaughter.¹⁰³

⁹⁹ *Delta Phi Minutes*, April 24, 1858.

¹⁰⁰ *Ibid.*, May 1, 1858.

¹⁰¹ George P. Fisher, appointed Attorney General in 1855. Later, friend of Lincoln and his advisor on Delaware.

¹⁰² *Delaware State Journal*, May 21, 1858.

¹⁰³ *Laws of Delaware, Revised Code* (Dover, 1852) Chap. 127, Sec. 1, 471, prescribe capital punishment in the first case. In the second case, conviction carried a fine of "not less than \$400., nor more than \$4000.," and imprisonment for "not less than one, nor more than five years." *Ibid.*, Chap. 127, Sec. 5, 472.

Fisher defined the degrees of murder for the jury and explained the meaning of "malice aforethought." Eugene Mitchell was then called to the stand, the first of forty-three State's witnesses heard during the three tedious days.¹⁰⁴

Eyewitness testimony for the prosecution did not differ essentially from that offered in the April hearing although memories faltered over some details while in other instances recollections had grown a trifle more vivid. One new piece of material evidence threatened briefly to disrupt the train of information indicating Weaver as owner and wielder of the murder weapon. A second knife had been located in a woodbin in Higgins' room during a thorough examination of the murder scene. This pocket knife, however, was readily explained away as that which Smith had lent to Miles for use in picking the lock on Harrington's door; someone had carried it down to Higgins' room where Miles found it on the floor and put it out of harm's way just before the fray erupted.

New testimony by persons who had talked with Weaver during his weeks of confinement posed a greater threat to the defense. To the story that Weaver had confessed his guilt to Hudders was now added the account of Francis Bradley of Newark. Bradley told of visiting Weaver in jail. The prisoner had seemed anxious to learn the opinion of the people of Newark toward the case and Bradley obliged him reporting that most believed himself or Harrington guilty, but felt that neither had committed the crime intentionally. Weaver then remarked, "No, I did not do it intentionally."¹⁰⁵ Bradley, taken aback, cautioned the boy to be careful in what he said and Weaver had then altered the statement to something like, "I did not mean that, but that it *was not* done intentionally."¹⁰⁶

Upon the witness stand Hudders repeated his former testimony, adding a startling sequel. In the evening of March 30, just before being taken to jail in New Castle, Weaver was allowed by Constable Benesole to visit the druggist. There, in the rear of the shop out of Benesole's hearing, Weaver accused Hudders of misrepresenting him in the Coroner's inquest and pleaded with him to make future

¹⁰⁴ *Oyer and Terminer Docket* (New Castle Co., 1820), 83-4. Nine witnesses are listed for the defense.

¹⁰⁵ *Delaware State Journal*, May 21, 1858.

¹⁰⁶ *Ibid.*

testimony as "easy" as possible. Hudders also told of a visit to the boy in jail. Weaver, Hudders said, knew that his friend was required by law to post a bond of \$500. as security that he would appear in court. Hudders related that the prisoner had tried to dissuade him from his duty, promising that his father would pay the bond. In the stories of both Bradley and Hudders, Weaver had very much the appearance of a lonely and rather frightened boy probing for one friend in whom he might confide.

The prosecution next sought to establish a background of bad feeling between Weaver and Roach, examining Arnold Naudain¹⁰⁷ who related that in the week before Christmas the prisoner had neglected his Society duties and was lectured for it in meeting by Roach who urged an enforcement of rules in the case. Weaver was angered by Roach's zeal and later told Naudain that John Roach was a "scoundrel." Thomas Giles was questioned by Fisher and reported hearing Weaver call Roach a "damned rascal." Joseph Roup remembered that as the time of the Exhibition grew near Roach asked Weaver if he was to participate, offering to compose a speech for him. Weaver had replied that Roach was a "damned fool."

On Wednesday the courtroom was more crowded than it had been on either of the preceding days and chairs had to be set up in the aisles. David Paul Brown,¹⁰⁸ Weaver's counsel, mustered his little group of witnesses to the character of the boy. Most were of the opinion that while he had travelled in low company in Baltimore and in Newark, Weaver had not before been in serious difficulty. At three o'clock on Wednesday afternoon Court was convened for the last time to hear summing up speeches by Fisher and Brown.

The problematic murder weapon, together with the dying boy's accusation of Harrington—now given a hearing over the objections of Mr. Fisher—proved boons to the defense and insurmountable stumbling blocks for the prosecution; it could not be shown that Weaver's knife was the instrument with which Roach was stabbed,

¹⁰⁷ Arnold S. Naudain, Odessa, Del., entered Sept., 1857.

¹⁰⁸ David Paul Brown, lawyer, orator, dramatist. "In court he was preeminently histrionic and perhaps too fond of the orotund phraseology that characterized the old-school lawyer." John L. Haney, "David Paul Brown," *Dictionary of American Biography*, ed. Allen Johnson (New York, 1929), III, 112.

and the youth's dying assertions to Edward Porter must have aroused sufficient doubt in the jurors' minds so that they could not in conscience attribute the deed to Weaver. Weaver maintained that if there were indeed any trace of blood on the knife blade, it was that of a dog killed in Baltimore months before. No one thought to have the "blood" scientifically examined to discover whether it was animal or human, although such examinations were entirely possible in that day. Further, Trustees Evans and Wilson still could not agree in the matter of a supposed spot of blood on the knife's hilt and there was no concluding evidence to be gotten from them.

Brown was eloquent in his summary to the Court on Wednesday evening. There was, however, nothing more eloquent in Weaver's defense than the basic weaknesses in the prosecution's argument; it remained that no-one had seen Roach stabbed, that only one person had seen Weaver within Higgins' room, that Weaver had not been noted less than six feet from Roach and that he had not then been noticed to carry a knife. Brown cited Dr. Couper's report that the murder blow had been a downward stroke. Surely, he argued, Weaver, who was little more than five feet in height, could not have given Roach, a tall boy, such a stroke.

At eleven o'clock the jury was sent out to arrive at a verdict. A number of the more anxious spectators remained in the courtroom, while others gathered in the street outside or wandered through New Castle in the early spring night. At 12:50 the jury sent down word that a verdict had been agreed upon and a bell was rung signalling the Court to assemble. The prisoner was placed again at the bar and at 1:10 the judges were seated. A few moments later the jury foreman announced a verdict of "Not Guilty," which set off a great shout of applause "from nearly every person in the room, that shook the very walls of the court house, followed by three hearty cheers for the jury."¹⁰⁹ The crowd rushed to congratulate Weaver and the clamor was such that Sheriff Ogle was called upon to restore order. Shouts and cheers continued to echo in the street before the courthouse and through the darkened town.

After the jury had taken a late supper, they were called to the Sheriff's house and thanked by Weaver and his father. The group

¹⁰⁹ *Delaware Gazette*, May 21, 1858.

next adjourned to the Sheriff's office where they indulged in a little "ardent" before going to their homes.

The Court's verdict came as a shock to many of Newark's citizens who believed that it had been given without thorough consideration of all facts in the case. As Weaver's acquittal seemed to throw the shadow of suspicion back upon Harrington and Giles, a public meeting was gotten up on May 22, wherein ninety persons composed a set of resolutions declaring their studied conviction that Giles and Harrington were entirely innocent of the crime and that Roach could not have known who stabbed him.¹¹⁰

In the months following the trial, the business of the College went on as well as it might. Most persons connected with the institution must have determined to let the tragedy slip quietly into the past, but public memory of the event was sufficiently fresh and strong that it was thought expedient to publish the following announcement well in advance of commencement exercises in July:

Burlesque programs, it is probably needless to state, are not distributed on commencement occasions, and the public (which is cordially invited to attend) need be under no apprehensions of any disturbance to disappoint it.¹¹¹

In January of 1859 the Board of Trustees, in a solemn meeting, acknowledged the College's financial failure, accepting President Newlin's resignation and regretfully notifying instructors that their services would not be required after March 30, one year to the day after Roach's death.¹¹² The College was not to open its doors again for instruction until 1870.

Isaac Weaver spent one more day with Sheriff Ogle after the trial, and returned on Friday to the home of his father in Baltimore. Weaver's expulsion from College was without reprieve, although he remained a member of Delta Phi for the rest of his days. It had been rumored in late April that the boy was dropped from his

¹¹⁰ *Delaware Weekly Republican*, May 27, 1858. One other first hand record of public opinion in the case is preserved in a poll of four persons taken by Professor Elisha Conover in the years after his coming to Delaware in 1885. Three of the four felt that Weaver had done the deed. One, Calvin Cabbage of the class of 1882 believed that Harrington was responsible for Roach's death but was not prosecuted because his father was Chancellor of the State. Elisha Conover, *Notes on the Episode of March 30, 1858*. 4 p. ms in the University Library.

¹¹¹ *Delaware Weekly Republican*, June 10, 1858.

¹¹² *Trustees' Minutes*, Jan. 15, 1859.

Society, but this was publicly denied in an unsigned notice to the *Delaware Weekly Republican*.¹¹³ A movement to expel him from Society did finally get under way in early May when Smith introduced a motion that his continued membership was "considered as highly prejudiced to the interests of the Society."¹¹⁴ The resolution was tabled for a week and then, upon reconsideration, was "decided out of order by the President."¹¹⁵

Weaver is said to have died in Baltimore some years later when, in a factory explosion, he was wounded and "bled to death like poor Roach, his carotid artery having been severed."¹¹⁶

¹¹³ "I hear it reported that Weaver was expelled from the Society of which he was a member at college.—Allow me space to say that the report is false. He was and is still in good and regular standing in the Delta Phi Society. Neither was he expelled from the College." *Delaware Weekly Republican*, April 29, 1858. There is no evidence to support the writer's last comment; Weaver's expulsion from College on March 29 was final.

¹¹⁴ *Delta Phi Minutes*, May 29, 1858.

¹¹⁵ *Ibid.*, June 5, 1858.

¹¹⁶ Handy and Vollandigham, 52.