

History on Trial
Episode 1
The People v. Levi Weeks
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Introduction

Welcome to History on Trial. I'm your host, Mira Hayward. Every episode, we'll go behind the scenes of a famous trial from American history. We'll meet the real people who make up the legal system, from victims and defendants to lawyers and judges. We'll follow their stories as they duke it out in the courtrooms of the past, and learn how their cases irrevocably shaped the present. We'll watch the law as it evolves along with the country, or as it fails to do so. Every trial is a battle, and what we choose to fight over – and how we choose to do it – can be revealing. Trial by trial, we'll gain new insight into the story of America.

This week: The People v. Levi Weeks.

Prologue

On a cold January morning in Manhattan, a crowd gathered to watch something strange.

The spot where they stood would one day become SoHo, the fashionable New York City neighborhood filled with clothing stores and expensive lofts, but on this day, January 2nd, 1800, the area was a sprawling wildland called Lispenard's Meadow. Nestled between the settled southern tip of Manhattan and Greenwich Village, the meadow was more often the site of courting couples or small hunting parties, rather than large crowds.¹ But today was different. Today, at a well in the southwest corner of the meadow, something was happening. Half a dozen men were straining to lift a makeshift net and its heavy cargo from the well. As they heaved and grunted, their burden slowly rose into view; a flash of white fabric, a mass of dark hair, two pale, bare feet. It was a woman, long dead. An onlooker ran to fetch the police.

When the constable arrived, he found the woman's body laid out on a plank, her head at an odd angle. The men who had lifted her out explained how they had found her. The woman, whose name was Giulielma Sands—known to all as Elma—had been missing for nearly two weeks. Since December 22nd, not a trace of Elma had been seen, until her

¹ Paul Collins, *Duel With The Devil: The True Story of How Alexander Hamilton and Aaron Burr Teamed Up to Take on America's First Sensational Murder Mystery* (Crown Publishers: New York, 2013), 45-46. Note that all Collins citations are taken from an electronic version of the book, and page number may vary by user's settings.

muff – a tube of fabric worn as a hand warmer – had turned up in the well. When Elma’s landlord, Eli Ring, and neighbor, Joseph Watkins, heard of the discovery, they raced to the meadow. Sounding the well with poles, they felt the body.²

Now, with the question of where Elma had gone tragically answered, a new question arose: how had she ended up in the well? Someone in the crowd thought they knew: “Levi Weeks is to blame. He’s who she was last with,” a man called out to the constable.³ Levi Weeks, the crowd quickly learned, was a fellow boardinghouse resident of Elma’s, and the two were rumored to be romantically involved. Seizing the lead, the constable and a group of men set out to locate Levi. They found the young carpenter at his workshop. When the constable tapped him on the shoulder, Levi turned, startled. He saw the angry, confused faces of the men, and burst into speech. “It is too hard–” he started, before pausing. Then: “Is it the Manhattan Well she was found in?”⁴ It was.

The men shared a look. How could he have known that Elma was found in a well? How could he have known it was Manhattan Well in particular? None of them had mentioned it. Levi was placed under arrest.

It didn’t take long for word to spread through New York City that a beautiful young woman was dead, and that a handsome young man was under arrest for her murder. It was said that Levi and Elma had been courting, and planned to marry. But something had gone terribly wrong. People spoke of the case in the streets and journalists wrote of it in the papers. One poet, Philip Freneau, even wrote a poem about it:

*[if] “Thou, injured ELMA, had not fallen a prey/ to fierce revenge, that seized thy life away/ not through the glooms of conscious night been led/ to find a funeral for a nuptial bed, / when by the power of midnight fiends you fell, / plunged in the abyss of Manhattan-well...”*⁵

But the media frenzy was only beginning. Soon, Levi Weeks would go to trial, and thanks to his family connections, two of the city’s most prominent lawyers would be defending him. Their names? Aaron Burr and Alexander Hamilton.

² Collins, *Duel With The Devil*, 12.

³ Collins, *Duel With The Devil*, 92.

⁴ William Coleman, *Report of the Trial of Levi Weeks, On an Indictment for the Murder of Gulielma Sands, on Monday the Thirty-First Day of March, and Tuesday the First Day of April, 1800. Taken in Short Hand by the Clerk of the Court* (New York: John Furman, 1800), Testimony of James W. Lent, 58. <https://quod.lib.umich.edu/e/evans/N28782.0001.001?rgn=main;view=fulltext>

⁵ Philip Morin Freneau, “The Reward of Innocence,” in *A Collection of Poems, on American Affairs, and a Variety of Other Subjects, Chiefly Moral and Political; Written Between the Year 1797 and the Present Time*. Two vols. Vol. 1. (New York: David Longworth, 1815), p. 113.

In fact, if you're familiar with the musical *Hamilton*, the name "Levi Weeks" might ring a bell – the case gets a mention in the song "Non-Stop," when Alexander Hamilton sings "This is the first murder trial of our brand-new nation/ the liberty behind deliberation...I intend to prove beyond a shadow of a doubt...Our client Levi Weeks is innocent."⁶

The song isn't entirely historically accurate – Levi Weeks's trial wasn't actually the first murder trial in American history, but it *is* the first murder trial that we have a complete transcript from.

And that transcript, published only weeks after the trial, gives us some amazing insights. It lets us see the American legal system in its earliest days, as it struggled to figure out just how trials should work. And it also reveals the incredible parallels between people two hundred years ago and people today – our shared desire for justice, our interest in the darker sides of human nature, our determination to get to the bottom of things. But most of all, the transcript provides a riveting portrait of one of the juiciest, most shocking trials of the early 19th century. Because the story of Levi and Elma may have seemed like a straightforward one of love gone very wrong, but as everyone would soon learn, this case was anything but simple.

Act I

On January 3rd, the day after the discovery of Elma's body, the physicians Benjamin Prince and William McIntosh conducted the post-mortem examination. Elma was long dead – the state of decomposition made it clear that the body had been in the well for quite some time, probably since the night she went missing—so the doctors didn't expect to find much. The most pressing question was whether Elma was pregnant or not – newspapers were already speculating that an unplanned pregnancy had been Levi's motive for murder. But Prince and McIntosh found no evidence of pregnancy. They found barely anything on the body at all, only some slight bruising and scraping on the face and knees, but decomposition made it hard to determine when or how Elma had incurred these small injuries. Despite the lack of evidence, however, the city coroner announced a verdict of murder. He likely did so to avoid public outrage – New Yorkers had rioted in the past over what they saw as miscarriages of justice, and a finding of "unknown cause of death" might have sent the city over the edge.⁷

⁶ Lin-Manuel Miranda, "Non-Stop," track #23 on *Hamilton (Original Broadway Cast Recording)*, Atlantic, 2015.

⁷ For details of the inquest and autopsy, see Collins, *Duel with the Devil*, ch. 6, "Some Person or Persons as Yet Unknown." On the divisive ruling, see Collins, 249. Examples of contemporary rioting include the Harry Bedlow case and the riots around Mrs. Murphy's brothel.

And the public was about to get even more invested in the case. After the inquest, Elma's body was released to Catherine and Eli Ring. Catherine and Elma were related, and the Rings had been happy to give Elma a spot in their boarding house when she arrived in the city from upstate New York in 1796. Now, they opened their doors for her body. The family was Quaker, and their funeral practices were normally simple and private, but the Rings decided that such a horrifying death warranted something different. And so they set Elma's body in their living room, inviting neighbors in to mourn for her and bear witness to the evil done. Two days later, on Monday the 6th, the body was readied for burial, slipped into a simple wooden coffin, and carried from the home. But as the coffin traveled through the streets, the Rings, still reeling, were struck by an idea. It wasn't enough for their neighbors to see Elma, they thought – the whole city needed to understand the depths of the tragedy. The funeral procession came to a halt, and the coffin was set down, the lid cracked open. Elma's pale face and unseeing eyes peered out. A crowd began to gather, soon numbering in the thousands, all shocked by sight: death was not unknown in this disease-ridden, poverty-stricken city, but something about the vision of this dead young woman, taken too soon, laid bare for all to see, struck a chord with New Yorkers. Levi Weeks, they said, needed to pay.⁸

As the public gawked at Elma's corpse, Levi Weeks languished in jail. Though conditions were wretched in Bridewell Jail, Levi was luckier than most of the inmates: he had a powerful brother, who was working tirelessly on his defense. Ezra Weeks was one of the city's most prominent contractors, with no shortage of funds or influential connections. One of those connections was Alexander Hamilton, who just so happened to owe Ezra Weeks thousands of dollars for construction done on Hamilton's summer home in Harlem Heights.⁹ So of course Hamilton would be happy to help Ezra's younger brother with his legal troubles.

Ezra had a connection to Hamilton's long time frenemy, Aaron Burr, as well. In 1799, Burr had presided over the creation of the Manhattan Company, a company with the stated goal of providing fresh water to New York City. But the Manhattan Company was much more than a simple utility – because of clever corporate organization, the Company could also function as a bank of sorts, which Burr and his Republican colleagues could use to fund political candidates. To maximize the money the bank brought in, though, the Company needed to actually build water infrastructure, and so they had hired Ezra Weeks to build and lay wooden pipes to carry fresh water into the city. This fresh water came from wells dug in Lispenard's Meadow, including the well that Elma Sands's body was found in. Having a dead body turn up in your company's well is bad publicity, and Burr wanted to control the narrative. There was no better way

⁸ Collins, *Duel with the Devil*, 116, 119-121.

⁹ Collins, *Duel with the Devil*, 131.

to do this than to serve as Levi Weeks's attorney. Plus, Burr could use the work. Like Hamilton, he was deeply in debt.¹⁰

Rounding out Levi's defense team was H. Brockholst Livingston, a political ally of Burr's and a member of the Manhattan Company board. He was one of the top lawyers in the city, known for his sharp mind and quick temper.

Hamilton, Burr, and Livingston quickly got to work, getting Levi out on bail, and gathering evidence for his defense. They would have to work hard – they were up against an ambitious young prosecutor with something to prove. Cadwallader Colden, the assistant attorney general, had recently suffered a major legal humiliation, at the hands of none other than Brockholst Livingston. In October 1799, a man named John Pastano had been convicted of the brutal murder of his landlord, Mary Castro. The jury had taken only minutes to sentence Pastano to death, unconvinced by Livingston's assertions that Pastano was not responsible because he was insane. After all, insanity was not, at that time, a legal defense. But as Livingston had predicted, Pastano's insanity won him sympathy – the New York State Legislature and Governor John Jay, having reviewed the facts of the case, found that, quote, “at the time of the commission of the act aforesaid he was insane, and is therefore a proper object of mercy.”¹¹

As an aside, the Pastano story is wild. Both his guilt and his mental instability are pretty well established – take, for example, the story of his capture, which came when Pastano was spotted at a public water pump holding his hat – which he had filled with his victim's blood. The police came quickly, and, as they arrested Pastano, he protested clumsily in English, his second language: “Why you catch me? Me not do it.” Which would be a lot more convincing if he wasn't holding a hat full of blood.¹²

But in any case, Pastano was pardoned, his sentence commuted, and he was deported to his home country of Portugal. Many believed Pastano should never have been charged at all, given his insanity.¹³ It was a devastating reversal for the attorney general's office, and Colden was determined to not let it happen again.

¹⁰ Collins, *Duel with the Devil*, 113, 118, 133-137.

¹¹ Collins, *Duel with the Devil*, 148, citing “An Act to pardon John Pastano” from Henry Mill Hurd, et al., *The Institutional Care of the Insane in the United States and Canada* (Baltimore: Johns Hopkins Press, 1916), 4 vols., vol. 1, 325.

¹² Collins, *Duel with the Devil*, 115, citing *New York Gazette*, 25 November 1799.

¹³ Collins, *Duel with the Devil*, 170. For jury requirements: Albert W. Alschuler and Andrew G. Deiss, “Brief History of the Criminal Jury in the United States,” in *University of Chicago Law Review* 61, no. 3 (1994), 879. For wage comparison: Stanley Lebergott, “Wage Trends, 1800-1900,” in *Trends in the American Economy in the Nineteenth Century: A Report of the National Bureau of Economic Research* (Princeton, N.J.: Princeton University Press, 1960), 462.

Colden also carried the weight of public opinion on his back – the story of Elma Sands’s murder had traveled the whole Eastern Seaboard, and it seemed like no one spoke of anything else. When the trial began on March 31st, 1800, hundreds of angry citizens flocked to watch the proceedings at City Hall, packing the hallways and spilling out onto the street. And they were all convinced of one thing: Levi Weeks’s guilt. Colden could not fail his public – as I mentioned before, New Yorkers loved nothing more than rioting over legal matters, and Colden needed to maintain the peace at any cost. So he had prepared tirelessly, tracking down and interviewing witnesses, establishing timelines, and conducting research. When he entered the courtroom that morning, he was confident in his case – and in Levi Weeks’ guilt. All he had to do now was convince the jury.

Act II

At 10 AM on March 31st, court clerk William Coleman called the court to order, with the Right Honorable John Lansing presiding as judge.

A jury was quickly selected, made up mainly of local merchants – at the time, jurors had to be tax-paying, landowning men between the ages of 21 and 60, with property worth at least \$250, the equivalent of a year’s salary for a common man. As Paul Collins puts it in his wonderful book on the trial, *Duel with the Devil*, “the jury box was what women and the poor faced, not what they sat in.”¹⁴

With the jury seated, Cadwallader Colden took to his feet to deliver his opening argument. He knew that his high-profile opponents were drawing attention, so he addressed them head on. While the defendant might have clever lawyers, he told the jury, he had something more important: the truth. And what was that truth? Here, Colden laid out his theory of the case, one that had been echoed in newspapers across the region for the past few months: Levi Weeks was a player. He was handsome, as everyone in the court could see, and charming, and he was fickle in his attentions. He liked to flirt with the women in his boarding house, and he had eventually fixed his sights on the naive, innocent Elma Sands. “We expect to prove to you that the prisoner won her affections,” Colden declared, “and that her virtue fell a sacrifice to his assiduity.” Once he had gotten what he wanted from Elma Sands, Colden continued, Levi grew tired of her clinginess and affection, and made a plan to shake her off, for good – quote, “after a long period of criminal intercourse between them, he deluded her from the house of her protector under a pretense of marrying her, carried her away to a well in the suburbs of this city, and there murdered her.” Here, Colden dramatically paused and seemed to lose himself, then turned to the jury and said, “No wonder,

¹⁴ Collins, *Duel with the Devil*, 170.

gentlemen, that my mind shudders at this picture, and requires a moment to recollect itself.”¹⁵

He then laid out for the jury the path he would take to prove Weeks’s guilt - a path that would now begin with the testimony of Levi and Elma’s landlords, Catherine and Eli Ring.

Catherine Ring was now called to the stand. A pale, blue-eyed woman in her late twenties with auburn hair tucked under a lace cap, Catherine was a respectable Quaker woman, a good person for Colden to begin his case with. Unfortunately for the prosecutor, things got off to a rocky start.

Much of Catherine Ring’s testimony had to do with things she had been told by Elma Sands. Because Elma Sands had not made these statements under oath, and because she could not now testify to them in court, being dead, anything Catherine reported Elma as having said was pure hearsay, and thus inadmissible. When Hamilton objected on these grounds, Colden tried to argue that these statements were allowed because they showed Elma’s state of mind. To support this argument, he cited several legal cases. But here was the strange thing about being a lawyer in early America – the country was too young to have legal precedents of its own. So lawyers had to rely on British cases – one vestige of colonial rule that they still could not shake. Colden had a few relevant British examples, but unfortunately, he was up against seasoned lawyers – Burr and Livingston quickly replied that, of the cases Colden had cited, one argued against hearsay being admitted in this fashion, and the other came from the Scottish court, which had an entirely different legal system. Oops! The court quickly ruled against allowing the testimony.¹⁶

Colden recovered, guiding Catherine instead through her impressions of Elma and Levi’s relationship. It had begun, Catherine said, when Levi’s previous love interest, another boarder named Margaret, went off to the country to escape the yellow fever epidemic in the city. Catherine herself soon did the same. Upon her return to Manhattan six weeks later, she observed, quote “an appearance of mutual attachment” between Levi and Elma.¹⁷ After covering the events of the night of Elma’s disappearance, December 22nd, Colden led Catherine through the following days, during which, she said, she observed Levi acting strangely.

¹⁵ Coleman, *Trial of Levi Weeks*, 13.

¹⁶ Coleman, *Trial of Levi Weeks*, 19-20. For the lack of American precedent, see Collins, *Duel with the Devil*, 188.

¹⁷ Coleman, *Trial of Levi Weeks*, 20.

On Tuesday the 24th, Catherine told the court, she decided to confront Levi with something Elma had told Catherine on the day of her disappearance: that she and Levi were to be married that very night. Levi had been shocked by Catherine's revelation: "I had not proceeded much further," Catherine testified, "before he turned pale; trembled to a great degree; was much agitated, and began to cry, clasping his hands together, [he] cried out, I'm ruined—I'm ruined—I'm undone forever, unless she appears to clear me."¹⁸

Catherine's suspicions only deepened on Thursday the 26th, when, during a discussion amongst boarders over Elma's fate, Levi declared, "Mrs. Ring, it's my firm belief she's now in eternity."¹⁹ How could he know that? Levi explained that he believed Elma had committed suicide – the whole house knew that she was frequently in poor health, and had more than once said that she wished to die. But in Catherine's opinion, these were only the melodramatic statements of an impressionable young woman. Her suspicions were not assuaged.²⁰

Now it was Hamilton's turn to cross-examine.²¹ He went easy on Catherine, only asking her general questions about Levi's character and behavior, all of which she agreed were, quote, "very good."²² He also asked a peculiar question about whether Elma's bedroom shared a wall with the bedroom of their neighbor, Joseph Watkins – it did, Catherine said, but Hamilton moved on before explaining why he cared. Catherine was dismissed.²³

Eli Ring, Catherine's husband, picked up the story. He had once heard noise in a vacant room he said, and in the morning had found the bed rumpled and Elma's clothes from the previous day scattered through the room. The only people in the house that night had been himself, Elma, Levi, and Levi's young apprentice.²⁴

Despite the seemingly damning nature of Eli's testimony, Hamilton didn't press him much on cross, only asking him whether or not he "knew" that Levi and Elma had been in bed together; Eli said he did not. As in Catherine's cross examination, Hamilton asked Eli about their neighbor, Joseph Watkins – was he a clever man and a good

¹⁸ Coleman, *Trial of Levi Weeks*, 30.

¹⁹ Coleman, *Trial of Levi Weeks*, 31.

²⁰ Coleman, *Trial of Levi Weeks*, 32-33.

²¹ NB: Coleman's transcript is somewhat ambiguous on which defense attorney is speaking, but Paul Collins argues, compellingly, that Hamilton was lead attorney, based on several corroborating accounts, and the fact that Burr and Livingston are almost always referenced by name in Coleman's transcript. Thus, he assumes Hamilton is the "default identity of the defense" and that any reference to "prisoner's counsel" means Hamilton. I have used the same assumption in this script. For more on this, see Collins, *Duel with the Devil*, "Notes" for Ch. 12, "By the Hollow Stair," fn. 38.

²² Coleman, *Trial of Levi Weeks*, 34.

²³ Coleman, *Trial of Levi Weeks*, 35.

²⁴ Coleman, *Trial of Levi Weeks*, 39.

neighbor, Hamilton asked? Yes, Eli replied. And what was the wall between the Rings' and Watkins' houses made of? Wood and plaster, Eli said.²⁵ Again, Hamilton did not explain himself. He moved on, asking Eli if he had ever threatened Levi Weeks. Eli denied it, saying, "I never threatened him that I know of— I had a conversation with him, in which he asked me if I had not said certain things about him, respecting Elma being missing, and he said if I told such things of him he would tell of me and Croucher." Before Hamilton could ask what things Levi could tell about Eli and Croucher, Colden jumped in with a question.²⁶

Unlike trials today, where who can ask questions and when is tightly regulated, things were looser in the early 19th century. The transcript is littered with examples of opposing attorneys, the judge, and even jurors jumping in mid-examination to ask the witness something. Colden's clever interjection here changed the subject, and Hamilton did not return to it, wrapping up his cross-examination shortly after.

The next three witnesses were all fellow boarders at the Rings: the first said she had not seen any relationship between Levi and Elma, the second said he had, and the third, Richard Croucher, shocked the court by declaring that he had not only seen Levi spend two nights in Elma's room, but, quote "once too at a time when they were less cautious than usual, I saw them in a *very intimate* situation."²⁷ Unlike the previous witnesses, who had only insinuated or guessed at a romantic relationship between Levi and Elma, Croucher had actually seen it.

But Hamilton had some questions about Croucher's credibility. On cross, he got Croucher to admit that he and Levi had once argued – and the argument had started over Elma. Croucher said he had once surprised Elma while running up the stairs, and Elma had fainted. Levi appeared and angrily declared that this was not the first time Croucher had insulted Elma. Croucher, in turn, called Levi an "impertinent puppy" which is one of the sickest burns in history. So Levi apologized to Croucher. Despite this run in, Croucher claimed to "bear [Levi] no malice," but added that "I despise every man who does not behave in character."²⁸ After questioning Croucher about his own whereabouts on the night of the murder – a birthday party, Croucher said – Hamilton let him go.²⁹

Now that Colden had established a potential motive for Levi – the desire to get rid of an unwanted lover – he needed to establish opportunity. Levi had a relatively strong alibi for the night of the disappearance. He had been at his brother's house in the early

²⁵ Coleman, *Trial of Levi Weeks*, 40.

²⁶ Coleman, *Trial of Levi Weeks*, 41.

²⁷ Coleman, *Trial of Levi Weeks*, 42-43.

²⁸ Coleman, *Trial of Levi Weeks*, 44.

²⁹ Coleman, *Trial of Levi Weeks*, 44.

evening, then returned to the Ring house around 8 pm. 30 minutes later, he had returned to his brother's house, according to the testimony of Ezra, his wife, and his apprentice. The Rings next saw him around 10pm. Assuming that the Weeks household was being truthful, that gave Levi only 30 minutes to kill Elma— who had been at the Ring house until at least 8—and put her body in the well.³⁰ How could he have pulled it off? Colden had a theory about that, and it involved a sleigh. He now called Susannah Broad to the stand.

Mrs. Broad was an elderly woman who lived across the street from Ezra Weeks. She testified that on the night of Elma's disappearance, she had heard a gate open and a sleigh come out. The sleigh, unusually, had no bells – bells were a crucial safety device, giving pedestrians warning to get out of the way, so a sleigh traveling without them caught her attention. Why was the sleigh trying to hide?³¹ The relevance of Broad's testimony soon became clear; with his subsequent witnesses, who all testified to seeing a sleigh similar in appearance to Ezra's near Greenwich Street, where the Ring boarding house was, and then traveling up Broadway, in the direction of the Manhattan Well, Colden painted a picture of how Levi could have committed the crime.³² By borrowing his brother's sleigh, Levi could have traveled back to Greenwich Street, picked up Elma, and traveled to the well relatively quickly. In fact, Colden had timed it – in a thoroughly CSI-sounding move, he'd hired a man to drive a horse from the Ring house to the Manhattan Well and then to Ezra's house – the man reported back that he had made the trip in only 15 minutes, without going faster than a trot.³³

With both motive and opportunity now established, Colden began introducing witnesses who lived near the Manhattan Well. Several of these witnesses had heard a woman crying out on that December night.³⁴

Altogether, Colden had called nearly 20 witnesses. It was 1:30 AM. And he hadn't yet rested his case. The crowd was exhausted. Most of them had expected a traditionally speedy trial – the average length of a murder case in England, at the time, was only 30 minutes³⁵ The defense called for an adjournment. Judge Lansing wanted to continue, but the jurors, who had now been watching proceedings for more than fifteen hours, needed a break. Lansing agreed to the adjournment. But he wasn't about to let the jurors

³⁰ For Weeks' whereabouts: Coleman, *Trial of Levi Weeks*, 41 (Testimony of Elias Ring), 70 (Demas Mead), 84 (John B. Combs), 85-87 (Ezra and Elizabeth Weeks). For Sands' whereabouts: Coleman, *Trial of Levi Weeks*, 23 (Catherine Ring).

³¹ Coleman, *Trial of Levi Weeks*, 46.

³² Coleman, *Trial of Levi Weeks*, 47-50.

³³ Coleman, *Trial of Levi Weeks*, 62.

³⁴ Coleman, *Trial of Levi Weeks*, 50-52.

³⁵ John H. Langbein, *The Origins of Adversary Criminal Trial* (New York: Oxford University Press, 2005), 17, and Clive Emsley, Tim Hitchcock and Robert Shoemaker, "Trial Procedures" from *Old Bailey Proceedings Online*, March 2018. <https://www.oldbaileyonline.org/static/Trial-procedures.jsp>

go home, where they could be influenced by friends, family, and public opinion. He ordered that they be sequestered, or, in other words, kept away from the public. Unfortunately, at 1:30 in the morning, no inn in the city was open to new customers. So the jurors were taken to the second floor of city hall, where they passed an uncomfortable night in the drafty portrait hall, huddled on the cold floor.³⁶

At 10 AM the next morning, the trial resumed. After several more witnesses, Colden wrapped his case up by addressing what he was sure was a pressing concern for the jury: the circumstantial nature of the case. Colden had no witness who could definitely place Levi and Elma together after 8PM on the night of Elma's disappearance, no smoking gun. But, citing John Morgan's influential book *Essays Upon the Law of Evidence*, Colden argued that circumstantial evidence could be just as, if not more powerful than eyewitness testimony: "a positive allegation," he read aloud, "may be founded in mistake, or what is too common, in the perjury of the witness; but circumstances cannot lie."³⁷

Brick by testimonial brick, Colden had painstakingly built up a circumstantial wall of guilt around Levi Weeks. Now it was up to the defense to try to knock it down. And to do that, they had a very special weapon up their sleeve: a witness with a secret to share.

Act III

Aaron Burr now rose to deliver the defense's opening argument. Methodically, he broke down the prosecution's case, promising the jurors that the defense would rebut Colden's arguments on every point. "In cases depending on a chain of circumstances," Burr said, "all the fabric must hang together or the whole must tumble down."³⁸ The prosecution's case was based on assumptions, Burr's opening implied, and all of those assumptions were about to be challenged.

Assumption #1: Levi Weeks had taken a sleigh from his brother's home on the night of the murder.

The defense had actually gone a long way towards disproving this assumption during the prosecution's own case. The linchpin of Colden's argument was the testimony of Susannah Broad, Ezra Weeks's neighbor who said she had seen a sleigh furtively slip out of Weeks's yard on the night in question. Without this evidence of Levi having access to a sleigh, the testimony of the other witnesses to a sleigh driving from Greenwich Street

³⁶ Coleman, 53-54. Collins, 221-225, citing *A Brief Narrative of the Trial for the Bloody and Mysterious Murder of the Unfortunate Young Woman in the Famous Manhattan Well*, ed. David Longworth (New York: David Longworth, 1800), 13.

³⁷ Coleman, *Trial of Levi Weeks*, 63, citing Morgan's *Essay*, p. 208, edition unknown.

³⁸ Coleman, *Trial of Levi Weeks*, 67.

up Broadway were irrelevant. And on cross, Hamilton had raised serious questions about Susannah Broad's memory:

Q.

When was this, what month was it?

A.

I don't know the month, I know it was so.

Q.

Was it after Christmas or before Christmas?

A.

It was after I believe, it was in January.

Q.

That you are sure of, it was in January you say?

A.

Yes; I am sure it was in January.³⁹

The night in question was December 22nd.

So Susannah Broad's testimony was suspect. And there was about to be another blow to Colden's sleigh theory. The defense called Demas Mead to the stand.

Demas Mead was Ezra Weeks' apprentice. He lived with the Weeks family, and among other duties, was tasked with looking after Ezra's horse and sleigh. On December 22nd, he was certain that he had locked the gate around 7:30pm and then put the key on either the mantelpiece of the room he slept in, or in his pocket, just as he did every night. Unlike Susannah Broad, he was a confident and reliable witness; when a juror asked him: "was this a weekday or a Sunday?" Demas quickly and correctly answered, "On Sunday."⁴⁰ Further, he testified that the horse's harness had bells tied to it, that those bells would take some time to remove, and that setting up the horse and the sleigh for a journey took some ten to fifteen minutes. It was looking less and less likely that Levi Weeks could have taken his brother's sleigh, leaving him with little opportunity to commit the murder.⁴¹

³⁹ Coleman, *Trial of Levi Weeks*, 47.

⁴⁰ Coleman, *Trial of Levi Weeks*, 68.

⁴¹ Coleman, *Trial of Levi Weeks*, 68-70.

One assumption down. On to the next.

When Levi Weeks was arrested, he had asked if Elma had been found in the Manhattan Well. But no one in the arresting party had mentioned the well.

Assumption #2: Levi Weeks had no way of knowing the body's location - besides being the murderer.

The next defense witness would put this assumption to rest. Lorena Forrest, a neighbor of Levi Weeks who ran a grocery store with her husband, testified that at one o'clock on January 2nd, the day Elma's body was found, Levi had visited her store. Mrs. Forrest had updated him on something she'd just heard from Mrs. Ring: Elma's muff had been found in a well near Bayard's Lane.⁴² An hour later, Levi went to lunch at Ezra's house and shared this news with his brother; Ezra testified that upon hearing this, he told Levi "I suppose it must be Manhattan Well."⁴³ Thus, when Levi was arrested later that afternoon, his question of "Is it the Manhattan Well she was found in?" was not a slip of the tongue, an inadvertent admission of guilt, but a natural follow up to the information he had heard earlier in the day.

Two assumptions down. Now it was time for the big one, the foundation upon which months of gossip, news, and the very trial itself were based:

Assumption #3: Levi Weeks and Elma Sands were romantically involved, giving him motive to murder to her.

For the prosecution, Cadwallader Colden had elicited testimony from Eli and Catherine Ring about a romantic relationship between Levi and Elma. In cross-examining the Rings, Hamilton hadn't achieved much in shaking them from their stories. But he had, if you'll remember, asked them strange questions about their neighbor Joseph Watkins and his house. And now the defense was calling Joseph Watkins to the stand. Watkins had been among the party who helped recover Elma's body from the well, but the story of the discovery had been thoroughly covered by the prosecution. What could he add now?

Hamilton dove right in: "Do you remember anything in the conduct of Mr. Ring that led you to suspicions of improper conduct between him and Elma?" he asked.⁴⁴

⁴² Coleman, *Trial of Levi Weeks*, 70.

⁴³ Coleman, *Trial of Levi Weeks*, 87.

⁴⁴ Coleman, *Trial of Levi Weeks*, 71.

Shock rippled through the courtroom. Mr. Ring? Eli? Elma's landlord, who had testified only the day before to hearing a couple in an empty room and finding Elma's discarded clothing there in the morning? That Mr. Ring?

Yes, him. And Watkins had in fact noticed many things in Mr. Ring's conduct to make him suspicious. Namely, in the middle of September, when Catherine Ring had been away in the country, he had heard noise coming through his bedroom wall – a wall shared, per Catherine Ring's own testimony, with Elma's bedroom. He heard the sound of a bed moving. The noise was so loud and lasted so long that it woke him up. He heard a woman's voice. He heard a man's voice. And this man's voice, he was certain, was not Levi Weeks'. Levi had a low, soft-pitched voice. Eli Ring, by contrast, had a high-pitched voice. Joseph turned to his wife on that September night and said, "It is Ring's voice...that girl will be ruined."⁴⁵

He heard the same noises at least eight times, possibly more, throughout September and October. Then, at the same time that Catherine Ring returned to the city, the noises stopped.⁴⁶

Watkins' testimony was stunning. The entire foundation of the prosecution's case, of the public's suspicion, was the supposed relationship between Elma and Levi. But what if that relationship never existed? What if Elma had instead, or additionally, been engaged in an affair with Eli Ring?

This revelation might seem like it served the prosecution: jealousy of Elma's relationship with Eli Ring could have given Levi a stronger motive to kill Elma. But Watkins' testimony benefitted the defense even more, because it discredited the Rings. Their testimony had been key to establishing the relationship between Levi and Elma. But now it seemed that they might have had ulterior motives.

The rest of Watkins' testimony, and that of his daughter, who also testified, further complicated the prosecution narrative. During their testimony, Eli and Catherine Ring had implied that they had suspected Levi from the moment of Elma's disappearance. But the Watkinses both said that the couple had had nothing but good things to say about Levi, and had never mentioned a relationship between Levi and Elma – up until the inquest, that was.⁴⁷ The Rings weren't even the ones who had first drawn attention to Levi as a suspect, it turned out. That dubious honor went to someone else: Richard Croucher.

⁴⁵ Coleman, *Trial of Levi Weeks*, 72.

⁴⁶ Coleman, *Trial of Levi Weeks*, 73.

⁴⁷ Coleman, *Trial of Levi Weeks*, 73-74 (Testimony of Joseph Watkins), 74 (Elizabeth Watkins).

Croucher was the same tenant who had once gotten into a fight with Levi and called him an impertinent puppy. A British immigrant and cloth merchant, Croucher had a poor reputation with his neighbors, given his habit of dropping by unannounced at meal times and overstaying his welcome, but his behavior after Elma's disappearance had been particularly galling. A neighbor named Hugh McDougall testified that on the day Elma's body was found, Croucher was, quote, "extremely busy among the crowd to spread improper insinuations and prejudices against the prisoner, who was then taken." Croucher didn't stop there, dropping by McDougall's house a week before the trial and telling McDougall, quote, "the thing has all come out, the thing is settled, there is point blank proof," to which McDougall replied that he, quote, "thought it wrong and highly improper that [Croucher] should persecute Weeks in such a manner when he had a difference with him; that for my own part, I wanted some further evidence before [I] should condemn the man."⁴⁸

Croucher's crusade was not limited to McDougall - several shopkeepers now testified to bizarre incidents where Croucher walked into their stores, announced that Levi Weeks was guilty, and then walked out, without buying anything. His sole purpose, it seemed, was to turn the public against Levi Weeks.⁴⁹

And the Rings had been fully complicit in this campaign. Further defense witnesses confirmed what the Watkinses had said: that, despite the Rings claiming to have immediately suspected Levi of murdering Elma, the couple had both spoken warmly about Levi's comforting presence in the days after the disappearance, and further, that Eli Ring had organized a search of the waterfront, believing that Elma had committed suicide.⁵⁰ But only weeks later, Eli Ring was heard saying that if he encountered Levi Weeks in a dark alley, he wouldn't hesitate to shoot him, so certain was he of Levi's guilt.⁵¹

What had caused this abrupt about face? Again, Joseph Watkins provided an answer. The only person besides his wife that he had told of the possible affair between Eli Ring and Elma Sands, he revealed, was Richard Croucher. And he had told Croucher about it at the inquest, the event after which the Rings had suddenly begun accusing Levi. Could Croucher have blackmailed Eli Ring into pinning the blame on Levi Weeks by threatening to reveal his affair?

But why would Croucher want to do this? He didn't like Levi, sure, but that seemed like a thin reason to accuse a man of murder. Why was he so desperate for someone, anyone,

⁴⁸ Coleman, *Trial of Levi Weeks*, 82-83.

⁴⁹ Coleman, *Trial of Levi Weeks*, 80 (Testimony of David Forrest), 82 (William Dustan).

⁵⁰ Coleman, *Trial of Levi Weeks*, 75 (Capt. A. Rutgers), and Collins, *Duel with the Devil*, 75-78.

⁵¹ Coleman, *Trial of Levi Weeks*, 82 (Ezra Lacey).

to take the blame for the crime? After all, he had a strong alibi for the night of the murder, a birthday party at one Ann Ashmore's house.

The defense didn't have any real dirt on Croucher, but his suspicious behavior, and the shocking evidence about the Rings, were certainly damaging to the prosecution case. And that was on top of all of the other gaps beginning to appear in Colden's assumptions. Satisfied that they had done enough, the defense rested, with Burr reading a quote from Matthew Hale's foundational legal text, *History of the Pleas of the Crown*, to conclude: quote, "in some cases, presumptive evidences go far to prove a person guilty, tho' there be no express proof of the fact to be committed by him, but then it must be warily pressed, for it is better that five guilty persons should escape unpunished, than one innocent man should die."⁵²

It was now 2:30 AM. The jury, running on a poor night's sleep, and forced to focus for more than 16 hours, were exhausted. So too was Cadwallader Colden, who stated that he had not slept in 44 hours, and begged for an adjournment before closing arguments. But Judge Lansing refused, saying that the jurors could not be made to sleep another night in City Hall. The defense quickly chimed in, saying that they were happy to forego closing arguments, and begin jury deliberations right away. Judge Lansing agreed. No closing arguments would be made. It was a blow to Colden – he had no real chance to rebut the defense case – and what came next would be worse.⁵³

Judge Lansing now instructed the jury on their duty, quote: "to find the prisoner guilty if in their consciences they believed him so from the evidence—and to acquit him if they thought him innocent."⁵⁴ He didn't talk about the concept of "beyond a reasonable doubt," which most of us are familiar with today – this was a relatively new legal idea at the time which had only just begun to appear in trials – but the idea of "innocent until proven guilty" was well established.⁵⁵ Legal authorities of the time constantly stressed the same point that Burr had made earlier: it was better to find a guilty man innocent than sentence an innocent man to death.⁵⁶ Which might explain Judge Lansing's shocking final declaration to the jurors: in the opinion of the court, he said, "the proof was insufficient to warrant a verdict against the prisoner."⁵⁷

⁵² Coleman, *Trial of Levi Weeks*, 94, citing Hale's *Pleas of the Crown* v. II, p. 289-290, edition unknown.

⁵³ Coleman, *Trial of Levi Weeks*, 94-95.

⁵⁴ Coleman, *Trial of Levi Weeks*, 96.

⁵⁵ Collins, *Duel With The Devil*, 247, and Langbein, *Origins of Adversary Criminal Trial*, 33.

⁵⁶ See, for example, William Blackstone, *Commentaries on the Laws of England*, "it is better that ten guilty persons escape, than that one innocent suffer", Benjamin Franklin, letter to Benjamin Vaughan, 14 March 1785: "it is better 100 guilty Persons should escape than that one innocent Person should suffer," and John Adams, in his argument for the defense at the Boston Massacre Trial: "[w]here you are doubtful never act: that is, if you doubt of the prisoner's guilt, never declare him guilty; that is always the rule, especially in cases of life." <https://founders.archives.gov/documents/Adams/05-03-02-0001-0004-0016>

⁵⁷ Coleman, 97.

From his seat, Colden could only pray that the jury disagreed. He wouldn't have to wait long to find out: the jury filed out, only to return less than five minutes later with a verdict. In the case of the murder of Elma Sands, they declared, Levi Weeks was found NOT GUILTY.

Act IV

The not guilty verdict came as a shock to many New Yorkers, but the newspapers- who only days earlier had been calling for Levi's execution – quickly changed their tune after the verdict came down. “By evidence of the facts alone,” went an article in the *New-York Daily Advertiser* on April 2nd, “is this young man's innocence completely established. Not a single doubt remains on the mind of any person who was present at the trial.”⁵⁸ And soon, even those New Yorkers who hadn't managed to cram into the courtroom could experience the trial for themselves, because an unprecedented publication was about to hit the shelves. On April 14th, a ninety-nine page pamphlet went on sale, called *A Report of the Trial of Levi Weeks: On an Indictment for the Murder of Gulielma Sands, on Monday the Thirty-First Day of March and Tuesday the First Day of April, 1800. Taken in Short Hand by a Clerk of the Court*. Despite its less than catchy title, the pamphlet was a hit, mainly because of its revolutionary contents: for the first time in US history, a full transcript of a murder trial had been published. William Coleman, the court clerk, had captured the trial in vivid detail, including not just the words spoken by lawyers but their actions, too.

When Lin-Manuel Miranda described Levi Weeks's trial as “the first murder trial,” in *Hamilton*, he was only slightly off – Levi Weeks's trial was not the first murder trial, but it *is* the first fully documented murder trial in American history. Never before had such a complete account been captured and published. There were two innovations that allowed for this new kind of text : The first was the rise of shorthand, a system of coded writing that allows users to quickly and accurately capture dialogue as it happens. The second was the rise of the adversarial trial system. In previous centuries, when trials lasted only a matter of minutes, and rarely involved much testimony or conflict, a transcript would have been pretty boring. But now drama was baked into the judicial process itself, guaranteeing a riveting read.⁵⁹

The transcript is also an invaluable historical and legal resource. In 1800, America was still in its infancy, and so were its institutions. The legal system was still, clumsily, defining itself. You can see that throughout the transcript: when Colden struggles to find legal precedents to admit hearsay; when the jurors jump in to ask questions; when the

⁵⁸ *New-York Daily Advertiser*, 2 April 1800.

⁵⁹ Collins, *Duel With The Devil*, 281-283.

court is completely unprepared for a trial lasting two days. These problems weren't unique to America; in Britain, too, the legal system had been radically changing in the past decades. On both sides of the Atlantic, the trial process was evolving into the adversarial system we know today. Lawyers became more important to the trial process, the rights of the defendant changed, and so did the role of the judge. The transcript of the trial of Levi Weeks lets us see these changes in action, transporting us into the moment when our modern trial system was born.⁶⁰

It also lets us discover surprising similarities between early-19th century Americans and ourselves. The public's obsession with the Levi Weeks case feels familiar: a beautiful young woman killed in mysterious circumstances, perhaps by the man she loved, is a classic of the true crime genre. Writing about this cultural obsession, which is commonly called 'the dead girl' trope, the author Alex Segura describes an archetypal TV example: "the camera pans to capture the victim's face for the first time – a young, beautiful, virginal woman—slight, superficial wounds on her angelic, sleepy face."⁶¹ This is almost exactly the scene that a pedestrian, walking along Greenwich Street in 1800, would have seen when they stumbled upon Elma Sands's displayed body. The film writer Meg Shields, exploring how this trend dehumanizes victims, writes: "the beautiful young dead girl...is not allowed to exist as a complex, three-dimensional person with flaws, sins, and jagged edges. Instead, especially in America, she's held up as a symbol-du-jour of innocence lost."⁶² This narrative is identical to the one that played out at Elma's trial, with the prosecutor describing Elma in his opening as "a young girl, who till her fatal acquaintance with the prisoner, was virtuous and modest."⁶³ Burr didn't cite the "dead girl trope" in his opening, obviously, but he came close, describing how the public's obsession with the case led to Levi's prosecution: "We have witnessed the extraordinary means which have been adopted to enflame the public passions and to direct the fury of popular resentment against the prisoner. Why has the body been exposed for days in the public streets in a manner the most indecent and shocking?—to attract the curiosity and arouse the feelings of numberless spectators. Such dreadful scenes speak powerfully to the passions: they petrify the mind with horror—congeal the blood within our veins—and excite the human bosom with irresistible, but undefinable emotions."⁶⁴ As Burr's speech reminds us, tropes don't just exist in books or on TV – they are derived from real cultural trends, and have real life consequences.

⁶⁰ For a longer discussion on the evolution of the criminal trial during this period, see Langbein, *The Origins of Adversary Criminal Trial*.

⁶¹ Alex Segura, "Inverting—and Avoiding—the 'Dead Girl' Trope," *CrimeReads*, 5 August 2019, <https://crimereads.com/inverting-and-avoiding-the-dead-girl-trope/>.

⁶² Meg Shields, "Unpacking the 'Dead Girl' Trope," *Film School Rejects*, 12 September 2022, <https://filmschoolrejects.com/the-dead-girl-trope/>.

⁶³ Coleman, *Trial of Levi Weeks*, 13.

⁶⁴ Coleman, *Trial of Levi Weeks*, 65.

So let's step back from the theoretical, and return to the real people at the heart of this trial. What were the consequences for them?

First up, Levi Weeks. Despite being found not guilty, Levi knew that people were still suspicious of him, and after several years, he left New York, first for his parents' home in Massachusetts. Finding small town life there too sleepy, he headed next to Natchez, the capital of the Mississippi Territory. A booming frontier town, it was the perfect place for Levi to reinvent himself. Drawing on the carpentry and contracting skills he had learned from Ezra, Levi became an architect. His first client was a good friend of Aaron Burr's, for whom Levi built a mansion called Auburn, which today is on the national registry of historic places. Levi married and had four children, before dying in 1819.

Ezra Weeks continued to prosper as a developer in the years after the trial.

Cadwallader Colden, despite his failure to secure a conviction, also found success: after returning to private practice, he became the mayor of New York City in 1818.

William Coleman, the court clerk, became famous as the editor of the New York *Evening Post*.

Brockholst Livingston, the third defense attorney, went on to be appointed to the Supreme Court by President Thomas Jefferson, serving from 1807 to 1823.

But not everyone involved in the trial had such a happy ending.

Judge John Lansing, despite a long career on the New York Supreme Court, is today best remembered for his mysterious disappearance. On December 12, 1829, Lansing left his hotel room in Manhattan to mail a letter, and was never seen again. The case is still unsolved, though rumors swirled that Lansing had been killed by political opponents.

Eli Ring, saddled with a boardinghouse best known for hosting a murder victim who he may have had an affair with, lost his house within a year of the trial. He soon went bankrupt, and turned to alcohol. He was kicked out by the Quakers for his excessive drinking; in disgrace, Eli moved his family to Alabama. But his new start in the South did not go as smoothly as Levi's had – he ended up dying of yellow fever. Catherine moved her surviving family members to upstate New York, where they lived in relative anonymity for the rest of their lives.⁶⁵

⁶⁵ See Collins, *Duel with the Devil*: Levi Weeks, 315-319; Ezra Weeks, 313; Cadwallader Colden, 313-314; William Coleman, 312-313; Brockholst Livingston, 314; Judge John Lansing, 310; Elias and Catherine Ring, 311.

And of course, there's the tragic fate of Aaron Burr and Alexander Hamilton, which we'll come back to in a minute.

What about the well? The Manhattan Well had already been largely out of use by 1800, and after the murder it was completely abandoned. Lispenard's Meadow was soon developed and built over, and for the next two hundred years the well's location was forgotten and then rediscovered several times. Today, a clothing store rests on the remains of the well, at 129 Spring Street in New York City.

The Manhattan Company survived much longer than its first, ill-fated well – you're likely familiar with its modern incarnation: J.P. Morgan Chase, or, as it was once known, Chase Manhattan Bank.

There is, of course, no closure for one trial participant: we still don't know who killed Elma Sands. We likely never will. But theories are out there, and there's one, advanced by Paul Collins, that I think deserves particular attention.

Remember Richard Croucher? The meddling boarding house resident who was so involved in spreading accusations against Levi? In the trial, the defense hadn't tried to explain *why* Croucher had accused Levi, or even put Croucher forward as a suspect; after all, he had an alibi for the night of Elma's disappearance. Or did he? The birthday party Croucher claimed to be at that night was hosted by Ann Ashmore, who, it turns out, ran a brandy distillery out of her house. The parties she hosted there were notoriously drunken affairs. In fact, at the trial, fellow attendees at the party couldn't even consistently remember what day of the month they were supposed to have seen Croucher at the party.⁶⁶

A shaky alibi doesn't imply guilt, of course, but there's more. Unbeknownst to any of his New York City acquaintances, Croucher's testimony at Levi's trial wasn't his first appearance in a courtroom. In 1797, in his home country of England, Croucher had appeared at the Old Bailey: this time as a defendant, accused of stealing a pair of boots. At his trial, neighbors testified that Croucher, though once a respectable merchant, now behaved so erratically and violently that he was widely known as Mad Croucher. Due to his abuse, his wife and daughters had received an order of protection against him. He once threatened to shoot a neighbor. Drinking seemed to trigger his rages, which was unfortunate, because he drank heavily and often. Croucher was found not guilty of the theft, but his reputation was clearly damaged by the testimony, and he fled to America,

⁶⁶ Coleman, *Trial of Levi Weeks*, 92.

where he eventually washed up on the steps of Eli and Catherine Ring's boarding house.⁶⁷

And three weeks after the Weeks verdict, Croucher would lapse into his old, despicable ways, and commit a horrible crime. On April 23rd, Croucher lured Margaret Miller, his thirteen-year-old stepdaughter from his second marriage, into his room at the Ring house, on the pretense of needing her help to clean it. Once he had Margaret in the room, he seized her, and threatened: *if you scream, I will kill you*. Then he brutally raped her. Margaret was so badly hurt that she could barely walk home the next day. The abuse continued for weeks.⁶⁸

Two months later, Richard Croucher was back in the courtroom at City Hall, charged with rape. In an eerie echo of the Weeks trial, the prosecutor was Cadwallader Colden and the defense attorney was Brockholst Livingston. But this time, aided by the brave testimony of Margaret Miller, and despite Livingston's disgusting efforts to portray the thirteen-year-old victim as an eager and consenting party, Colden prevailed, and Richard Croucher was sentenced to a life of hard labor.⁶⁹

He got out only three years later, after a pardon from the governor, on the condition that he left the country. Croucher, of course, did not obey, and instead snuck off to Virginia, where he resumed a life of crime. His exact fate is unknown, but one of Alexander Hamilton's sons recorded that Croucher did eventually return to England where, unsurprisingly, he met his end on the gallows, executed for yet another heinous crime.⁷⁰

So Richard Croucher had no real alibi for the night of Elma's disappearance. He had a pattern of violent behavior, particularly against women. And he, for some reason, seemed dead set on pinning Elma's murder on Levi.

Of course, this case against Richard Croucher is just as circumstantial as the one against Levi Weeks. We will likely never find out what happened to Elma Sands that night at the Manhattan Well, never know the full story of her short life and tragic death. But thanks to court clerk William Coleman, we know what happened at the trial of Levi Weeks, giving us an amazing window into justice in early America.

⁶⁷ Collins, *Duel With The Devil*, 296, and transcript of trial of Richard David Crutcher, otherwise Croucher, 20 September 1797, from *Proceedings of the Old Bailey*, case reference t17970920-59, https://www.oldbaileyonline.org/browse.jsp?id=t17970920-59&div=t17970920-59&terms=richard_david_crutcher#highlight.

⁶⁸ Collins, *Duel With The Devil*, 296-300, citing *Report on the Trial of Richard D. Croucher: On an Indictment for Rape on Margaret Miller; on Tuesday, the 8th Day of July 1800* (New York: George Forman, 1800) <https://quod.lib.umich.edu/e/evans/N28783.0001.001/1:4?rgn=div1;view=fulltext>.

⁶⁹ Collins, *Duel With The Devil*, 298-301.

⁷⁰ Collins, *Duel With The Devil*, 311-312, from Henry Cabot Lodge, *Alexander Hamilton* (Boston: Houghton Mifflin, 1883), 243.

That's the story of the People v. Levi Weeks. Stay with me after the break for a little more on Hamilton, Burr, and the strange practice of socially sanctioned murder.

Epilogue

While we will never know for certain whether or not Levi Weeks was a murderer, there is no doubt that several once and future killers were present in the courtroom during his trial. And I'm not just talking about Richard Croucher – one of the strangest facts about this case is how many of the *lawyers* and *court officials* involved killed people in the years before and after the trial.

Most obviously, there's Aaron Burr. Four years after Levi Weeks's trial, Burr and Alexander Hamilton faced one another, pistols in hand, on the banks of the Hudson River in Weehawken, New Jersey. Despite their excellent teamwork on the Weeks trial, the animosity between the two men had only grown, and they had finally decided to settle their differences via duel. It would prove tragic for both men: Burr fatally shot Hamilton, killing not just his enemy but also his own reputation in the process.

And Burr was not the only one with a dueling death on his conscience: In 1799, Brockholst Livingston made a joke about a political rival, James Jones, in a newspaper editorial. Jones responded by physically attacking Livingston in the street while he was walking with his wife and children. Livingston challenged Jones to a duel, and killed him with a single shot. Livingston was not arrested.⁷¹

Court Clerk William Coleman also killed someone in a duel. In early 1804, he shot the New York harbormaster, Captain Jeremiah Thompson, in a duel held in the middle of a snowstorm.⁷²

In the minds of most early Americans, these deaths were not truly murders. Dueling was extremely common at the time. The historian Joanne Freeman, who has written extensively on the role of violence in American politics, records at least 10 other duels taking place near New York City just in the time period around the Burr-Hamilton duel. Duels were used to resolve personal grievances, political squabbles, matters of honor, and more. Certain words alone were enough to spark a duel – words like “rascal,”

⁷¹ Collins, *Duel With The Devil*, 153-154.

⁷² Collins, *Duel With The Devil*, 309.

“scoundrel,” or even “puppy,” the insult Richard Croucher used on Levi Weeks.⁷³ Seriously, several major duels were fought over men calling each other puppies.⁷⁴

There are some obvious differences between duels and the murder of Elma Sands, of course – Elma was an unwitting victim, not a willing participant. But to my mind, the line drawn between these dueling deaths and other crimes is a blurry one. How do we determine when it’s acceptable to take a life?

For many Americans, the answer to that question would change after the Burr-Hamilton duel. The public was outraged and horrified over this senseless loss of life. The pall of the killing would haunt Burr for the rest of his life, and though he was vice-president at the time, he would never achieve his long-hoped-for dream of the presidency. He died in 1836, broke and alone.

However, dueling would not disappear from American culture permanently. It would take the traumatizing bloodshed of the Civil War for the public appetite for dueling to finally wane.⁷⁵ Today, dueling is illegal in most US states, and prosecuted as murder or assault. But in early New York, it was not uncommon to find an alleged murderer being defended in court by a confirmed killer.

Thank you for listening to History on Trial. The main sources for this episode were William Coleman’s trial transcript, and Paul Collins’s excellent book *Duel With The Devil: The True Story of How Alexander Hamilton and Aaron Burr Teamed Up to Take on America’s First Sensational Murder Mystery*. For a full bibliography as well as a transcript of this episode with citations, please visit historyontrialpodcast.com.

Note: many spellings of names are inconsistent throughout historical documents. I have standardized them in this script for consistency, usually deferring to the spelling most often used in the record.

⁷³Joanne Freeman, “Unearthing the connection between politics and history with Joanne B. Freeman,” interviewed by Chris Hayes, *Why Is This Happening?*, 11 December 2018, <https://www.nbcnews.com/think/opinion/unearthing-connection-between-politics-history-joanne-b-freeman-podcast-transcript-ncna946711>

⁷⁴ US Senator Thomas Hart Benton killed attorney Charles Lucas in a duel sparked by Benton’s calling Lucas a puppy – see William Montgomery Meigs, *The Life of Thomas Hart Benton* (Philadelphia: J.B. Lippincott Co, 1904), ch. 8, “The Lucas Duels,” 104-116 (puppy reference on p. 107).

⁷⁵ “Politics and Pistols: Dueling in America,” *History Detectives*, PBS, <https://www.pbs.org/opb/historydetectives/feature/politics-and-pistols-dueling-in-america/>