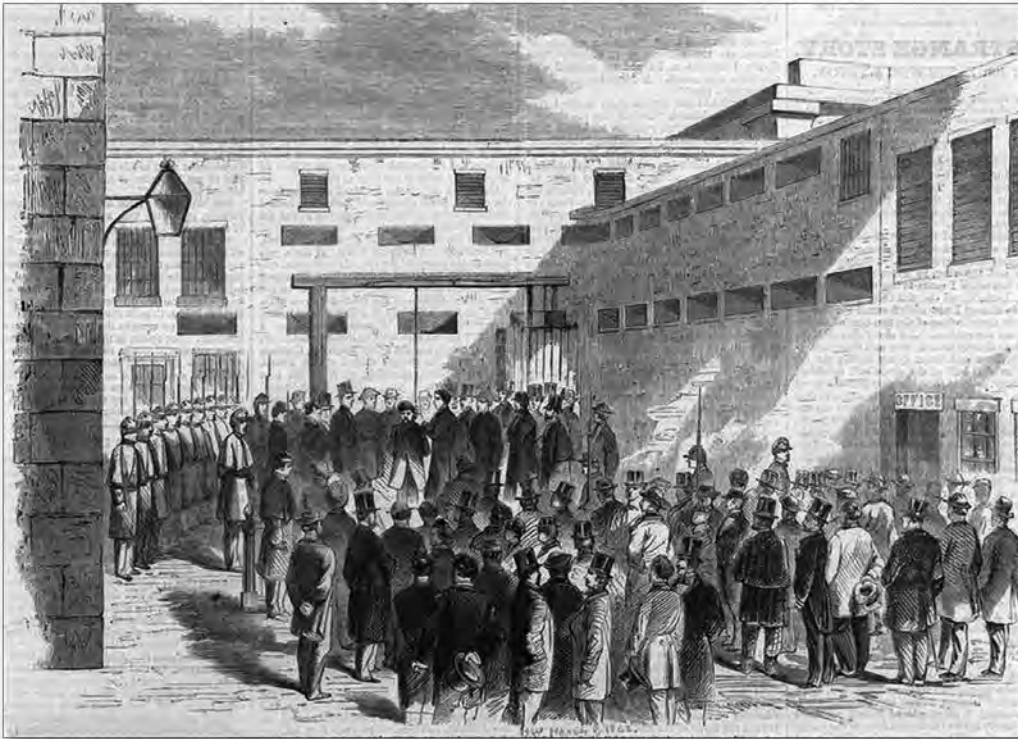


The Notorious Case of James Stephens

BY HUGH E. O'ROURKE, PH.D.



The trial of James Stephens from County Cavan was one of the most sensational New York murder trials in the decades before the Civil War. The notorious case involved the murder of Stephens' wife by poisoning, the attempted rape of her niece, a revenge shooting of Stephens by the victim's nephew, a death sentence, an escape from death row and finally the execution of James Stephens for his crime. Both the prosecution and defense had the best lawyers available, and the case was heard before Judge James I. Roosevelt.¹ In an era before electronic media the case gained the attention of all print media, and every step of it was reported in great detail from the first accusations to the execution of Stephens in the Tombs. The nineteen-day trial drew huge crowds and was the talk of the city.

Spousal murder most frequently is a crime of passion and is most often committed with little

premeditation. Anger and alcohol are often present in these crimes. Domestic violence is and has always been a problem. Women are still more likely to be killed by their spouse than a stranger. Recent statistics reveal the 41 percent of female victims were murdered by their husbands.²

Whether or not domestic violence was more common in the nineteenth-century Irish community is difficult to determine as few records are available. Several cases of Irish immigrant men murdering their wives have been recorded. A typical case was the murder by Edward Coleman of his wife on July 28, 1838. Coleman, an immigrant resident of the Five Points, was embroiled in an argument with his wife on the corner of Broadway and Walker Street. The argument culminated with his slitting her throat with a razor. After the attack he remained on the scene and confessed to the murder. Coleman was the first man to be executed in the new City Prison which would soon be called "The Tombs."³

Illustration:

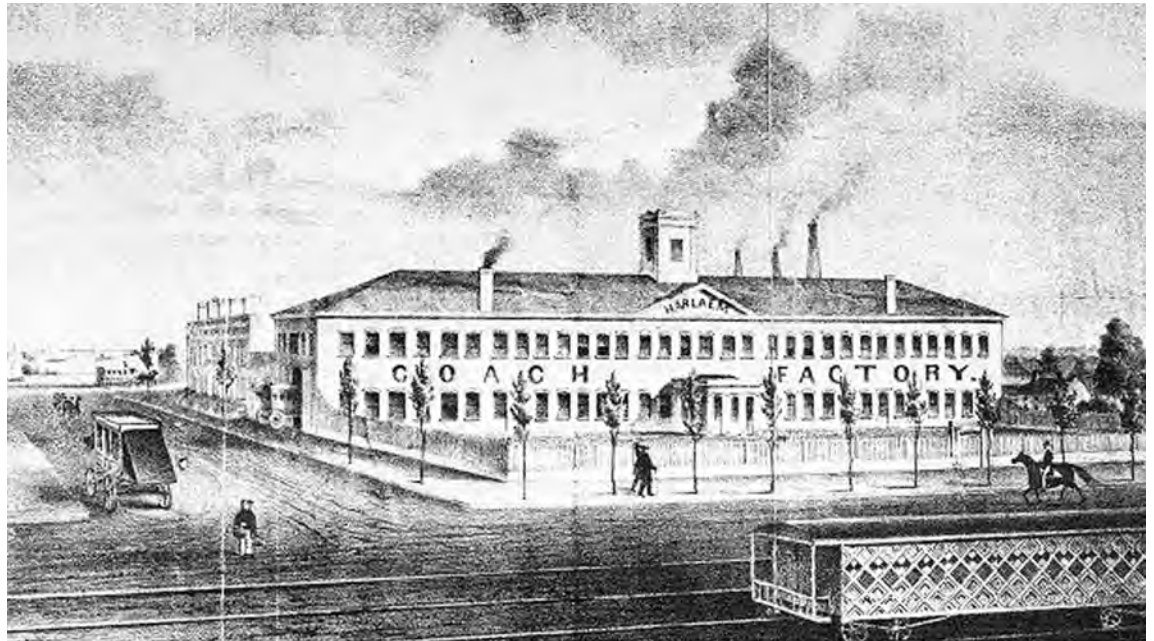
An execution by hanging in the Tombs courtyard early in the 1860s, as represented in Harper's Weekly Magazine. Hangings, such as that of Stevens in February 1860, were not public events, but public officials were invited to attend. Courtesy of New York Public Library.

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STEPHENS' BACKGROUND

James Stephens immigrated to New York from Bellurbet, County Cavan in 1850 with his wife. Irish emigration was at its peak during the years

had settled. He was earning an estimated two dollars and fifty cents a day in an era when the unskilled Irish laborer would earn no more than one dollar. James Stephens was decidedly a mem-

**Illustration:**

John Stephenson started his car company in May 1831 at 667 Broadway. It prospered, despite setbacks, during most of the century. By the 1840s his factory was on Twenty-Seventh Street, between Madison Avenue and Fourth Avenue. By the late 1850s he employed some two-hundred workers and produced close to three-hundred omnibuses a year.

of the Great Famine, and he was one of the tens of thousands arriving in New York during that period. He was, however, a minority member of the great Irish immigration. While the majority of the Irish immigrants were impoverished Catholic small farmers and their children, James Stephens was a Methodist and apparently a trained mechanic who found work in Stephenson's Omnibus and Carriage factory on East Twenty-Seventh Street and Fourth Avenue. At the time of the trial he was a foreman in the factory. The owner of the company, John Stephenson, also worshipped at the Twenty-Seventh Street Methodist Church with Stephens and his family. Stephenson was an Ulster immigrant himself, and perhaps James Stephens obtained employment as a result of religious and ethnic contacts.⁴

In 1858 James Stephens was living at 166 East Twenty-Seventh Street in a three-story house with two other tenants. Each tenant occupied a single floor. Stephens' apartment contained two bedrooms, a kitchen, and a sitting room. These arrangements were far from the overcrowded tenements of lower Manhattan and the teaming Five Points where so many of the famine immigrants

ber of what then would be considered the New York City middle class of his day.

At age twenty-three, James Stephens married Sophia Bell, thirty-six, in Bellurbet, and soon after immigrated to New York. Sophia was the sister of Charles Bell, a farmer and a widower with three children. She lived in her brother's house and assisted in caring for her nieces, Sophia, Fanny, and nephew, Robert. The sixteen-year-old niece, Sophia, ordinarily would have seemed a more likely match for James, considering the age differences, than the aunt, Sophia. The records do not offer an explanation of the unusual arrangement.⁵

HER DEATH BRINGS TURMOIL

Sophia Stephens was described as a "stout" and a "large fleshy" woman. She had lost her front teeth before leaving Ireland with her husband. Apparently, her early married life with James was without conflict, and they had a daughter, Isabella Jane or Bella, in 1851 or 1852. Sophia stayed at home and cared for the child and the household.

Sophia Stephens' two nieces also immigrated to New York, Fanny in 1856 at age fifteen and



Sophia Bell in 1857 at seventeen. As had long been the custom, the girls were greeted by their New York Irish relations and both moved into the East Twenty-Seven Street home of James and Sophia Stephens. Both young women found employment as seamstresses. Their lives were apparently typical of new Irish immigrants. They were active in the Twenty-Seventh Street Methodist Church—and they were not without young suitors.

The family was thrown into turmoil with the death of Sophia Stephens on September 23, 1857. She had fallen ill during the week before her death. Her illness was marked by violent vomiting and abdominal pain. She was visited in her home by two physicians who unfortunately were unable to save her. Sophia was buried without autopsy in Greenwood Cemetery.

Perhaps this case would have been lost to history had not the youngest Bell sibling, Robert, immigrated to New York in July 3, 1858 at age twenty-two. On September 14 he armed himself with a revolver and waited for James Stephens near the carriage factory. When Stephens appeared, Bell fired—but missed hitting Stephens. Unfortunately for young Bell, off-duty Patrolman George Armstrong was in the area and arrested him. Robert Bell justified his actions by informing the officer that James Stephens had poisoned Sophia and attempted to rape his sister.

The *New York Times* report of his arraignment before Judge Welsh described an unusual story that would place the court's attention on the victim rather than the accused. In the paper's account Robert Bell was described as having "...solemn earnestness of purpose and the quiet, modest and unassuming appearance of his two sisters, who appeared in Court with him, [which]

at once turned the current of sympathy in his favor."⁶ Bell acknowledged shooting at Stephens after receiving a report that the victim had seduced his sister, Sophia Bell, and poisoned his wife to get her out of the way. Robert Bell was bailed out by Samuel Cardwell, who was engaged to Sophia Bell.

The sisters later appeared at City Hall Police Court and made affidavits that James Stephens had often beaten his wife and told the girls that it was his intention to be rid of her. The Bell sisters reported that Stephens was embarrassed by his



wife's appearance and refused to walk or be seen with her. He believed that people were laughing at him and referred to his wife as his mother.⁷

Apparently, Stephens was also infatuated with the younger Sophia, who swore to the court that Stephens attempted to rape her before the death of his wife. Sophia also later alleged that Stephens proposed marriage to her a month after his wife's death. The court refused bail, and James Stephens was sent to the Tombs to await trial. A coroner's investigation into the circumstances of the death of Sophia Stephens led to the exhuming of her body on September 23, 1858, one year to the day of her death. An autopsy found the presence of arsenic in the body. Robert Bell was not indicted for shooting at James Stephens.

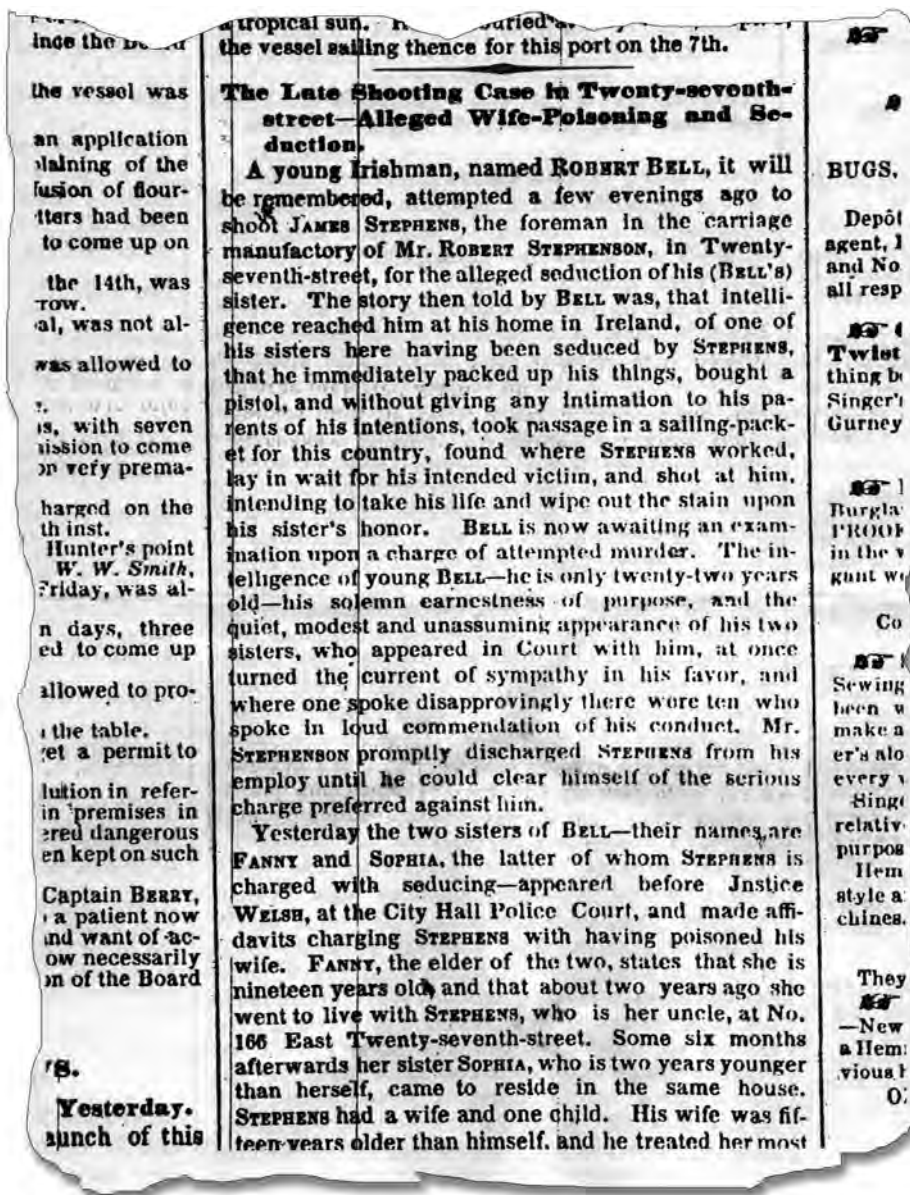
THE TRIAL BEGINS

The murder trial was held in the Court of Oyer and Terminer before Judge James I. Roosevelt. The defense team included the former Attorney General Cushing, Daniel Ullmann, and J. W. Ashmead.⁸ It is uncertain how James Stephens afforded this high-quality and undoubtedly expensive legal team. James Stephens' employer, John Stephenson, denied assisting in the defense

Illustrations:

(top) Entrance to Brooklyn's Greenwood Cemetery as represented in a nineteenth-century drawing. Sophia Stevens was buried there in 1857. Courtesy of New York Public Library.

(bottom) The Tombs, or Halls of Justice, as they appeared early in the 1860s. Built over the Collect Pond, some floors and walls were constantly wet. Special cells were designated for death-sentence inmates. Courtesy of New York Public Library.



*Illustration:
Part of proceedings
leading to the trial of
James Stephens as
reported in
the New York Times for
September 22, 1858.*

expenses, and members of the defendant's church also denied raising funds for the trial. The District Attorney Nelson J. Waterbury assisted by Chauncey Shaffer and Nathan Nesbit represented the people of the State of New York.

The trial opened with testimony from two physicians who tended the deceased in her last days. Doctors Jesiah Cadmus and Iremonger diagnosed an inflammation of the stomach and prescribed a variety of useless treatments to alleviate the symptoms of her distress. Interestingly, Dr. Iremonger, who described the illness as "bilious colic," had prescribed "lager beer" as a treatment. Both stated that James Stephens did not

want them back for more treatments after they visited his wife. The Bell sisters who lived with the Stephens family testified to caring for the deceased as best they could for this unknown illness. Fanny testified to James Stephens administering some unknown powders and a laudanum and brandy mixture to his wife.⁹

On the fifth day of the trial, druggist Michael Flynn testified to selling James Stephens one-half ounce of arsenic on one occasion and one ounce on another occasion. Both purchases were made before the death of Mrs. Stephens. Flynn recalled the defendant as stating that he needed the arsenic to control rats in his home.

Apparently, arsenic was freely sold for this purpose. The prosecution then presented Doctor James R. Wood who testified concerning his autopsy of the disinterred body of Sophia Stephens. He stated that the cause of death was arsenic poisoning.¹⁰

Fanny and Sophia Bell testified that they saw James Stephens surreptitiously administer an unknown white powder to his wife which intensified her illness. His wife would often refuse his medication, but he would force her to take his powders which always caused her greater distress.

An anonymous letter was offered into evidence by the prosecution. The letter was sent to Sophia Bell's fiancé, Samuel Cardwell. The letter reported that Sophia was less than chaste and warned Cardwell not to marry her. When Sophia was examined by the District Attorney, she identified the letter as being in the handwriting of the infatuated James Stephens.

THE DEFENSE AND A REBUTTAL

The defense offered a vigorous counterattack. In order to create "reasonable doubt" in the minds of the jurors, the defense suggested that perhaps one of the Bell nieces was involved in the poisoning. Fanny Bell was suggested as the possible person who poisoned Mrs. Stephens. The victim's young daughter, Isabella, was called as a witness and she testified that Fanny had administered "powders" to her mother. She also testified that Fanny and her mother had quarreled and Fanny had called her mother a liar.

The Hannah family became the backbone of the defense. Susan Hannah, the sister of the defendant, testified that the deceased had recurring medical problems which included symptoms similar to those that plagued her in her last days. She suggested that her death was from natural causes. She also testified that her husband, James, had bought arsenic from Michael Flynn, the druggist, to control rats in her cellar which were eating her store of butter and cheese. Both Isabella Bennett, Susan Hannah's daughter and the niece of the defendant, also testified that the Bell sisters were less than kind to the dying victim and perhaps they were involved in her death. Even the distinguished John Stephenson, owner of the omnibus factory and member of the Twenty-Seventh Street Methodist Church also

testified to the good conduct of the defendant. He also implied that Sophia Bell may have been too intimate with the defendant. He testified that she often sat on the male side of church with the defendant and sometimes left church before the end of services with the defendant. He also suggested that Sophia had been drunk at a church picnic. Finally, the defense called Dr. Thomas Finnell who testified that a variety of illnesses had similar symptoms to arsenic poisoning and perhaps Sophia Stephens had died of natural causes and not homicide.

The prosecution rebutted defense claims. The District Attorney recalled the druggist, Michael Flynn, who denied that he ever sold James Hannah arsenic. A parade of members of the Twenty-Seventh Street Methodist Church vouched for the good character of the Bell sisters. Finally, Jane Harvey was called to the stand to rebut the story of James Hannah's buying arsenic to control rats in his cellar where he stored cheese and butter. Harvey stated that she lived in the apartment house with the Hannah family on Avenue A and East Twenty-Third Street. The cellar of that house was often flooded, she stated, and no one could keep anything in the cellar. Furthermore, she said the Hannah family never had a supply of provisions and she never saw the Hannah family with more than a quarter pound of butter. In fact the family was known for constantly borrowing food from the other tenants in the house. She concluded by saying that the Hannah family borrowed most of their food from her.

INSTRUCTIONS AND A VERDICT

On March 26, 1859 Judge Roosevelt instructed the jury before sending them to their deliberations. Interestingly, the judge commented on the background of the victim and the accused. He referred to their origins, "...living in one of the interior northern counties of Ireland, settled mostly—I mention the circumstances as accounting for one of the features of the case—by persons of Scotch and English extraction."¹¹ He seemed to be implying that it was important to note that participants in the case were not the usual Irish Catholic peasants flocking to New York at the time.

The jury deliberated for less than a day and

returned a guilty verdict. The defense moved for a new trial because of alleged jury tampering, and the prosecution moved to charge the defendant's relatives, the Hannah family, with perjury for their testimony in the trial. Judge Roosevelt denied both motions.¹² On March 31, a sentence of death was passed on James Stephens. Such was the crush at the courthouse that deputy Superintendent of Police Carpenter sent twenty-five police officers to control the crowd. On June 29, 1859 defense attorney J. W. Ashmead appealed to the New York State Court of Appeals for a new trial. He argued that thirty-five errors were committed during the course of the trial. On October 5 the court ruled against the request for a new trial and the death penalty was reaffirmed. Since the date of execution had passed due to the lengthy appeals, the Supreme Court of the New York met On December 13 to re-sentence James Stephens. Fighting for his client to the last, J. W. Ashmead introduced new evidence to justify a retrial. He presented an affidavit from Thomas V. Anderson, the janitor of Bellevue Hospital, who claimed that the room where the deceased was held prior to autopsy was contaminated due to an explosion of unknown chemicals and that fumes from arsenic were found throughout the building. Ashmead suggested that the arsenic found on body was a result of this contamination. Counsel also cited an English case, "Smethurst," in which the defendant was released due to unreliable scientific evidence. The court refused the defense motions and set February 3, 1860 as the date of execution.¹³

TO ESCAPE HIS DEATH

During these last desperate attempts to save the defendant from the gallows, Stephens was held in the City Prison. (The prison opened in 1838 as a jail-courthouse with the official title of "Halls of Justice." The design may have been inspired by an Egyptian mausoleum, but inmates soon called it the "Tombs." Adding to its problems was a dampness problem. The building was constructed on landfill that covered the Collect Pond, and soon the building sank, cracking the foundation. Water frequently filled the basement, creating an unhealthy atmosphere. Executions by hanging

were conducted in the Tombs from its opening in 1838 to 1890 when the State on New York took over the responsibility for capital punishment.)¹⁴

James Stephens was not to go gently to the gallows. On January 30 he and another prisoner, Felix Sanchez, who had been convicted of killing his father-in-law attempted an escape. The prisoners were in adjacent cells on death row and could communicate with each other. Their plan was to kill the night watchmen, Findley and Cunningham, take their keys, and to flee the prison. To this end Stephens obtained two revolvers to carry out the plan. It is still uncertain as to how the two revolvers were smuggled into the prison. However, the warden, Charles Sutton received information of the plot and, with Sheriff Kelly, visited Stephens in his cell. Stephens refused to be searched and resisted violently. Eventually, he was overpowered and searched. The warden found a loaded Allen six-barreled revolver in the cell. Sanchez's cell was also searched and another revolver was found.¹⁵

The *New York Times* later reported that Felix Sanchez informed Warden Sutton of the plan. Stephens had obtained the revolvers from friends and convinced Sanchez to enter the escape plot. However, Sanchez had second thoughts and revealed the plan to the warden. Sanchez said that his revolver was given to him in his cell by a friend of Stephens. The plan called for Sanchez to shoot watchman Findley when he brought him his meal. With the keys he would free Stephens and escape. Three carriages were to be waiting outside the prison. One would be for each of the two prisoners and the third would be used to confuse anyone trying to follow. How the revolvers came into Stephens' possession, and who was to help him once he got out of the prison, were never explained. One might suspect that the rich John Stephenson might have been involved. During James Stephens' last week, Stephenson went to Judge Roosevelt and tried to get him to delay the execution. He brought what was claimed to be an example of Stephens's handwriting, which supposedly was different from the letter written to Sophia Bell's fiancé warning him not to marry Sophia. The judge refused to intervene. Obviously Stephens had influential

friends on the outside who assisted him in the very expensive trial and the escape attempt.

Stephens' last hope was for a commutation of the sentence to life imprisonment. Stephens used the services of his spiritual advisor, the Reverend Halsey Knapp, to communicate with Governor Edwin D. Morgan in requesting consideration. Unfortunately the Governor replied that "...the crime of poisoning necessarily involves deliberation, and should be punished by death so long as any crime is so punished. The only question then is: Did the prisoner administer poison to the deceased? And I am compelled to say that I believe Mrs. Stephens died by poison and that poison was administered by James Stephens, her husband."¹⁶ All hope for escape or intervention was now lost. Execution would take place on the morning of February 3, 1860.

On his last day he was visited by his sister Susan Hannah and her daughters. However, his daughter Isabella was deemed too young for this final visit. Stephens was also visited by Governor Oliver, who was in charge of the prison. Oliver was also a member of the Twenty-Seventh Street Methodist Church and knew Stephens before entering the prison. Oliver recalled that Stephens never admitted that he was guilty, but "never not once asserted that he was innocent." Stephens made a strange request of Governor Oliver; he requested that the Governor ask Fanny and Sophia Bell to visit him. He also stated that he would "unburden" himself at this final meeting. However, despite the Governor Oliver's best efforts the Bell sisters refused, fearing violence at Stephens' hands. It would have been interesting to know if he would have confessed to the murder of his wife at such a meeting.¹⁷

Reverend Halsey Knapp and a prison chaplain, Reverend Mr. Skinner, spent his last morning with the condemned man praying and singing hymns. Reverend Knapp recalled that Stephens was at peace with himself and was ready for the end. Stephens believed that he would be pardoned by his Redeemer and forgave those who expressed ill will toward him. Yet he refused to confess killing his wife and held that he did not know how his wife was poisoned. Governor Oliver implored Stephens not to go to his death falsely denying his guilt. "Stephens, you profess in

the forgiveness of God, but let me warn you, if you are guilty, to make a full confession. Do not for the purpose of 'dying game' as the world has it, enter the presence of your Creator with a lie in your heart. Do not expect God's forgiveness unless you make this confession of your sin before the community whose laws you have broken."¹⁸ Stephens refused to reply to the Governor.

At 9:30AM on February 3, Stephens walked to the gallows which had been erected in the courtyard of the prison. Present for the execution were many of the leaders of the criminal justice system of the day. Stephens was also visited again in his cell by Reverend Knapp and Reverend Mr. Camp, who is also referred to as a prison chaplain. Reverend Camp urged his to confess his guilt, but Stephens replied, "That is no way to talk to a dying man, Sir." He also refused to say where he got the revolvers that were to be used in the abortive escape.

He was taken to the gallows and prepared for hanging. Sheriff Kelly asked him if he had any last words. Stephens replied that he believed that he would be saved by the blood of the Redeemer and that he was prepared to die. At that moment Reverend Knapp again called to him, "James, for God's sake if you have one word to say it now. If you are guilty confess it; you salvation depends on it." Stephens replied, "I am an innocent; Redeemer save me." He then turned to the Sheriff and said "Be quick, be quick." Unfortunately, the executioner botched the job and Stephens was slowly hanged as death did not occur for at least eight minutes. The sickening spectacle involved several minutes of struggling movement and gurgling sounds.¹⁹

Again, his employer came to Stephens' assistance for the last time. The body was given to four workmen from John Stephenson's coach factory. Stephenson also provided a rosewood coffin with a silver plate with the deceased's name on it. James Stephens was then buried in Greenwood cemetery, next to his wife.

Ever loyal to his employee and fellow Methodist, James Stephenson wrote a letter after the execution to the editor of the *New York Times*. Under the heading "Stephens a Martyr," Stephenson discussed the escape plan which he described as a suicide plan. Allegedly a "friend" of Stephens smuggled in the revolver for Stephens

to kill himself. When Stephens could not bring himself to committing suicide, the escape plan was developed, again by a “friend.” Apparently, Stephens did not enter into the escape plan, and fellow prisoner Sanchez, wishing to curry favor with the Warden, informed on Stephens.

Stephenson met with Stephens just before his execution and discussed caring for his daughter Isabella. Stephens gave Stephenson his watch and his wife’s wedding ring. Finally, Stephenson wrote that Stephens’ last words to him were, “Mr. Stephenson, I am an innocent of my wife’s death.” John Stephenson’s letter to the editor concludes that he carefully examined all aspects of the case and “...that the man was put to death for a crime he did not commit.”²⁰

In reviewing the existing court proceedings it would appear that James Stephens was well defended by an extremely competent team of attorneys. In general the evidence against him was considerable, and the jury reached an appropriate verdict. Unfortunately, capital punishment was used too frequently in that era and Stephens paid the ultimate penalty. It is still interesting to consider who supported Stephens during the trial and the appeals. Despite their denials, John Stephenson and perhaps some of the members of the Twenty-Seventh Street Methodist Church are the most likely candidates.

Notes

- 1 James I. Roosevelt (1795-1875) was the grand-uncle of President Theodore Roosevelt.
- 2 Rebecca Emerson Dobash and Russell Dobash, “The ‘appropriate’ victims of marital violence” in *Violence Against Women*, edited by Raquel K. Bergen, Jeffrey L. Edleson, and Claire M. Renczetti. (Boston: Allyn and Bacon), pp.168–183.
- 3 From the website of the New York Correction History Society, www.correctionhistory.org
- 4 John Stephenson (1809–1893) employed 200 workers in the manufacture of horse drawn street cars at the East 27 Street plant. The rapid growth of horse drawn transport to move the booming population was at it height. The plant produced 300 omnibuses a year in 1857. He also made railroad cars and later electric streetcars.
- 5 *New York Times*, March 26, 1859, p. 8.
- 6 *New York Times*, September 22, 1858, p. 5.
- 7 *New York Times*, February 4, 1860, p. 2.
- 8 The New York papers of the time often failed to use the first names of people important to the story. The former Attorney General was probably Caleb Cushing, U.S. Attorney General from 1853 to 1857.
- 9 Laudanum was a popular drug during the nineteenth century. It was an opium-based painkiller prescribed for everything from headaches to tuberculosis
- 10 *New York Times*, March 12, 1857, p. 2.
- 11 *New York Times*, March 26, 1859, p. 8.
- 12 *New York Times*, March 28, 1859, p.2
- 13 *New York Times*, June 30, 1859, p.5, October 6, 1859, p. 2, Dec 14, 1859, p. 2.
- 14 From the website of the New York Correction History Society, www.correctionhistory.org
- 15 *New York Times*, January 31, 1860, p. 5
- 16 *New York Times*, February 2, 1860, p. 8.
- 17 *New York Times*, February 3 1860, p. 8.
- 18 *New York Times*, February 3, 1860, p. 8.
- 19 *New York Times*, February 4, 1860, p. 2.
- 20 *New York Times*, February 13, 1860, p. 3.