

GENESEE COUNTRY SCRAPBOOK

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MAJOR WHEELER CHAPIN CASE

A TRIBUTE TO THE SOCIETY'S LATE CURATOR

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Major Wheeler Chapin Case on His 87th Birthday

Major Wheeler Chapin Case

A TRIBUTE TO THE SOCIETY'S LATE CURATOR

By HILDEGARDE WHITIN WATSON

Major Wheeler Chapin Case was born in Auburn, N. Y., on February 21, 1870.

For thirty-five years of his life he was a newspaper man, at first acting as city editor on the "Auburn Daily Advertiser", then as a reporter for an Albany newspaper. He was correspondent for the "Advertiser Journal" of Auburn and the "Rochester Herald" during the Texas Campaign in 1916.

He writes in the "Herald":

"The nights are grand here, when it does not rain, but it is best not to burn a lamp if you sit out of doors. The light attracts a variety of bugs of unheard of ancestry and horrible variety and size.

Mud Conquers Motors

"All up and down the country one comes upon misshapen monsters, mud crusted, weed grown. Investigation proves these to be motor trucks . . ."

But the Major's feeling for the picturesque meant to him more than these discomforts. Of Camp Whitman, where he was an aide to General Wilson, he wrote as follows:

"The scene is an impressive one. The evening is quiet all over the wide valley in which the camp lies. The canvas roofs of the streets of the tent town stand out against the green valley. The sunset colors are fading from the western sky. Thousands of men in each regimental camp stand rigidly at attention with faces turned to the flag . . . the men are a bit awed by the realization of a mysterious power about them and there is a tightening in their throats—"

When the "Rochester Herald" was sold in 1926 to the Democrat & Chronicle, he became a feature writer. The articles he submitted were usually illustrated with his own pen and ink sketches, three of which are reproduced here.

In 1927, as Capt. Wheeler C. Case, he began writing an historical series exclusively for the "Times Union".

In 1935 he became advisor to the Monroe County Park Commission. An editor of the "Democrat & Chronicle" tells us that he worked with survey parties on their project and also assisted in laying out many of the park bridle paths.

Major Case was on active service in the army for a total of six years.

In 1891 he joined the National Guard. During the Spanish American War from May 1 to Dec. 5, 1898, he was stationed at Camp Black and Algiers. The privations were serious there. Here is a letter to the editor written in 1948:

"Remember how we rolled up our canvas and marched by trail and train and ferry to Hoboken, New Jersey whence they shipped us down to Falls Church, Va. . . . where we baked in red clay for months . . . and eventually shipped to Middletown, Pa. to freeze to the ground nights?"

"We never got to Cuba, but we left a lot of good men settled down in hospitals, cemeteries, hither and yon. And somebody wrote a song about it as follows:

"'In '98 we marched away, to
Hempstead Plains;

"'On fair Virginia's wooded shores
we left remains'"

In 1917 he was made a captain in the 108th Infantry, 27th Division, and went overseas. His regiment was attached to the British Army, and he was placed in charge of supplies and ammunition. The major, as we knew him later, so often was heard to praise the British commissary. Somehow, he said, they managed at all times, often in the midst of intense fighting, to serve excellent hot food to the men.

During his 19 months abroad, the 108th Infantry took part in the following battles:

In Belgium, the Dieckenbusch Lake Sector, Mont Kemmel (near Vierstraat), the Vierstraat Ridge, the La Salle River, the East Poperinghe Line.

In Germany, the Hindenburg Line.

In France, Saint Souplet, the Meuse-Argonne region, Saint Mihiel.

For some 35 years he was associated with the Rochester Historical Society, first when it was located on Lake Avenue and then, as curator, at 485 East Avenue, its present headquarters.

In 1954 the Society planned for him a trip to Scotland where he had wanted all his life to see the birthplaces and graves of his ancestors. He was then 84 years old and travelled alone. A man of vigorous health and stunning carriage, his figure was a pleasure to look upon. He brought back with him a romantic little diary with sketches of his trip.

He visited St. John's Church in the old town of Paignton where an ancestor, Samuel Chapin, was christened in 1592. He wrote:

"Mrs. Trelawny Ross, daughter of a former rector, was bustling about with a silver heaved cane.

"When I wrote my name on the visitor's book, she at once noticed my middle name, Chapin, and said 'How Come?' I said 'I'm a grandson, sev-

eral removed'. At that she grabbed my wrist, thumped her cane on the floor, and said 'Come on'—

"I was beginning to get scared . . . She unlocked several doors and finally pointed with her cane to a great stained glass window bearing a tablet that read:

PRESENTED BY THE CHAPIN FAMILY ASSOCIATION OF AMERICA

"I acted properly impressed, and assured her that the Americans were honored by the Paignton folks who had accepted the gift.

"A dozen years ago, while driving down to Boston, I stopped off in Springfield, Mass., to examine a great bronze statue of Samuel Chapin, the city's founder, erected several years ago, on the City Library lawn by the Chapins of America. The sculptor was St. Gaudens. My sister posed me in front of the statue and took a snap-shot. Last fall on my return from my visit to Britain I sent prints of that snap to Mrs. Ross, and to the landlord of my Paignton hotel, Mr. Christmas."

In Scotland the Major's "imagination" as he said, "ran wild"—

"At Peterborough I changed to a burgh. All the way from York to the Midlothian train bound for Edinburgh Scottish Border I dreamed of Border Battles and Pixies and Moss Troups. We recollected that those same grey rocks and purple moorlands had once sheltered the Picts not so long ago as they sat cross-legged in the heather listening to the hum of the bees that made their honey wine—

"And those same Picts could gaze southward towards camp fires and an occasional gleam of sunlight on a brass shield that marked the northern limits

of the Roman World. The Roman Legions never got close enough to the Border to attempt taming the north side of it.

"My seat mate said this part of Scotland was once a part of Wales. He reminded me that when the Romans reached Britain they found it filled with Pictish and Welsh tribes. Here I perked up and said I could claim Pictish blood as my grandmother three generations back was a Ferguson and claimed kin to old Fergus who drove the Danes out of Scotland.

"It was wonderful while in Edinburgh to get back to that cozy hotel after a day of sight seeing, in time for tea. You'd ankle into the lounge and sink into a great stuffed chair by a cheery grate fire, and the maid would fetch you a big tray with your tea and tart and jam and cheese and a great cut of cake with nuts and raisins in it. Then all you'd have to do was to rear back in that easy chair—and have a smoke to yourself and read the papers. It was just like being at home".

The Major's love of genealogy and

history at last found a fulfillment in the long-desired happiness of a visit to his own Scotland—and England.

"London," he said, "covers a lot of ground. We were still riding through its western limits when I noticed a sign 'Turcenham' where a lane led down to a waterway.

"'Turcenham' was the name of a song my Mother used to sing as she busied herself about her housework. She knew a lot of old country songs—her family was of Massachusetts, Rhode Island and New Jersey stock.

"I had always imagined that Turcenham Ferry was in a remote, country district. Maybe it was once. Now London is spread all around it. A boat man starts that song with a rollicking call:

"Oh-hoy-eo, Ho-y-o who's for the ferry?

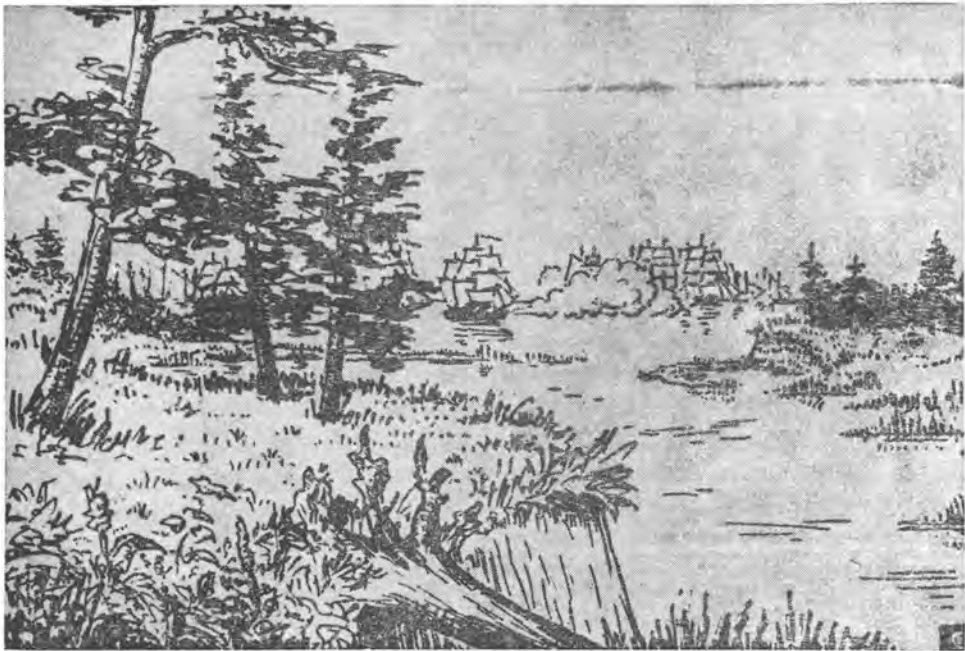
"The briars are in bud and the sun's going down"

For so strong and active a man Major Case's last illness—really his first—was

(Continued on Page 20)



Hardships of Pioneer Farming—Drawing by Major Case



Another sketch by Major Case—The naval engagement off the mouth of the Genesee, Sept. 11, 1813, as drawn from imagination.



Humorous Drawing—Early Days Along the Mohawk



The St. Gaudens Statue of Samuel Chapin in Springfield, Massachusetts, Photographed With a Chapin Descendant.



Watercolor sketch by the major of "the Arms of Thomas Case of West Chester, granted in the 21st year of the reign of Elizabeth I. From this Thomas Case, the family of the Red Hazels of Lancashire claim descent. The arms: 'He bareth ar argent, pm a bend engrailed gules, cotised sable, three round buckles or.'"



Encampment of Third Infantry at Pharr, Texas, in 1916.

The County Historical Markers

In the Summer of 1959 the County of Monroe erected historical markers at various sites in Rochester and in the towns and villages of the county. The county has announced its intention of adding to these historical markers as funds become available. This fulfills a long-sought objective of the Rochester

Historical Society, the city and county historians' offices, and other individuals and groups interested in local history. Sites were chosen and inscriptions written by the County Historian's office.

A list of the markers and their locations follows.

INSCRIPTION

SEMINARY—1845

Built for Celestia Bloss
Author, teacher-principal of Clover Street Seminary. It reopened in 1874 as St. Mark's School for Boys.

B. T. ROBERTS

Founded Chili Seminary in 1866. His life of service is honored in the name of Roberts Wesleyan College Chartered in 1949.

JOSEPH MORGAN

Revolutionary War Captain
First settler in Chili in 1792. Supplied seed grain to whole region and set out one of first orchards.

LEWIS SWIFT

Widely known astronomer, discoverer of 12 comets and over 1,200 nebulae, was born here in 1820.

HARRIS SEED FARM

1879

Founded by Joseph Harris, Editor and Owner of the "Genesee Farmer" 1856-1865.

TOWN OF GATES

Named in 1813

Last remnant of old Town of Northampton.

LOCATION

BRIGHTON

On the property of Joseph C. Wilson, 1550 Clover Street

CHILI

On the north side of Buffalo Road—opposite Roberts Homestead, 4291 Buffalo Road

Morgan Road Cemetery. West side of Scottsville Road. 1 mile south of Morgan Road, south of N.Y. State Thruway.

CLARKSON

On the property of Laurence Wright, 8265 Ridge Road West.

GATES

Joseph Harris Company, 3670 Buffalo Road, near entrance.

Gates Town Hall, 1548 Buffalo Road, southwest corner of lawn.

INSCRIPTION

OLD RIDGE ROAD

Molded by the great glacier and long an Indian trail. Traveled by pioneers' oxcarts, covered wagons, stagecoaches. Town of Greece founded 1822.

TOWN OF HAMLIN

1853

First named Union

Renamed Hamlin in 1861 for Vice President Hannibal Hamlin.

FORT DES SABLES

A French trading post built by Joncaire near this site in 1717 as a Seneca link to New France, aroused British ire.

HOSEA ROGERS

Pioneer and Lake Captain

Born at Carthage 1812. Settled here 1832. Built this home 1852. Died here in 1904.

MENDON ACADEMY

Incorporated 1836

Acquired by Mendon School District No. 2, Jan. 3, 1839. Closed as school and sold to Fire District, 1950.

SITE OF HOME

of Alexander Milliner

Drummer Boy in Bodyguard of George Washington. Later, soldier in Revolutionary War.

First settlement in the

TOWN OF PARMA

Bezaleel Atchinson and family came in 1796. He erected a log house and first schoolhouse here.

SURVEYED 1796

By Joseph Colt and named Braddocks Bay Township. Five families led by Benj. Weeks survived extreme hardships that first year.

LOCATION

GREECE

Greece Town Hall, 2505 Ridge Road West, near the east driveway.

HAMLIN

On the property of Perry T. Mercer, on the east side of Lake Road, south of Route 18.

IRONDEQUOIT

On the north side of Culver Road overlooking the lake at Sea Breeze.

On the property of Polly M. R. Hunt, at 2689 St. Paul Boulevard.

MENDON

On the east side of Ionia-Mendon Road in the Village of Mendon, in front of the Fire Hall.

OGDEN

On the northeast corner of Canal Road and Adams Basin Road.

PARMA

On the east side of Hill Road, at the bend south of Burritt Road.

On the north side of Curtis Road near Manitou Road.

INSCRIPTION

PIONEER SITE

Jonathan Underwood of Vermont settled here in 1805. The First Baptist Church was erected nearby in 1830.

PENFIELD—1810

Named for Daniel Penfield, original proprietor. First town meeting was held April 2, 1811 in early schoolhouse here.

THE FALLS

Of Irondequoit Creek dropped 90 feet in a mile. Called "Sgoh-sa-is-thah" by the Indians, later gave power to many mills.

GLOVER PERRIN

Built Perinton's first log cabin here in 1790. His brother Jesse in 1791 cleared land to the west used for cemetery.

FULLAM'S BASIN

Early rival of Fairport named for Elisha Fullam. From this settlement Erie Canal passengers often took stage to Rochester.

CARTERSVILLE

An active shipping port on the Erie Canal. Horses were changed here in era of the towpath.

EARLY CHURCH

First Congregational Church of Riga. Church society started 1806. Building erected 1823, copy of Hinsdale, Mass. church.

HOTEL CREEK

28 settlers spent winter, 1806, in surveyor's cabin called "The Hotel." First Riga home, 1806, by Elihu Church, owner of this land.

LOCATION

VILLAGE OF HILTON

On the property of Robert Trombeth, 286 South Ave., Hilton.

PENFIELD

On the south side of Penfield Road, west of Five Mile Line Road, on the property of Frank Hill.

On the east side of Washington Road, south of bridge.

PERINTON

On the south side of Ayrault Road, near No. 723.

On the north side of Church Street, east of the Canal, Fairport Village.

PITTSFORD

On the east side of East Street, near Jefferson Road.

RIGA

On the south side of Riga Center Road at Churchville Road, Riga Center.

On Luffman Farms, south side of Chili-Riga Center Road, East of Riga Center.

INSCRIPTION

BAPTIST COLONY

1804

Sixteen families from Connecticut settled here. First town meeting of Rush was held here, 1818.

SITE OF

Baptist College 1834, Collegiate Inst. 1842, State Normal School est. 1866, Teachers Coll. 1942, State Univ. Coll. of Education 1959.

MILL SITE

Caleb Lyon, pioneer, built the first sawmill near here in 1806. He formed a settlement and projected a harbor at Nine Mile Point.

RAWSON HARMON II

Founded Agricultural School here in 1846. Won first prize at first World's Fair in London 1851, for wheat grown here.

NURSERY OFFICE

Designed by A. J. Davis in the Gothic Style, 1855 for Ellwanger and Barry the nurserymen who made Rochester the Flower City.

WAR OF 1812

Genesee Militiamen under Capt. Francis Brown blocked landing by British Fleet under Commodore Yeo at this site, May 14, 1814.

ELY HOUSE—1837

Designed by Hugh Hastings for Hervey Ely in Greek Temple style with wings. Occupied by Howard Osgood 1871-1905 and D.A.R. 1920.

1835 HOUSE

Home of Benjamin Campbell, merchant-miller; later of Frederick Whittlesey, jurist. Headquarters, Landmark Society.

LOCATION

RUSH

On the south side of Rush-West Rush Road, in front of No. 941.

SWEDEN

On the grounds of State University College of Education, Brockport, New York, near front entrance.

WEBSTER

On the north side of Lake Road at intersection of Four-Mile Creek, East of Nine Mile Point.

WHEATLAND

On the south side of North Road, west of Wheatland Center Road in front of Blue Pond Farms.

CITY OF ROCHESTER

In front of the building on the property of Ellwanger & Barry Realty Co., 668 Mt. Hope Avenue.

Ontario Beach Park, overlooking river and lake.

CITY OF ROCHESTER

On the front lawn of the Ely House (D.A.R. House), Livingston Park, corner of Troup Street.

On the east lawn of Campbell-Whittlesey House, corner Troup and Fitzhugh Streets.

The Incredible Trial of Dr. Joseph Biegler

BY ANDREW D. WOLFE

On that bleak December day in 1907 as he lay dying, full of years and honors, what thoughts and scenes pressed into the memory of the distinguished physician?

The next day the Rochester newspapers would record the passing of Dr. Joseph A. Biegler, founder of the Highland Hospital, internationally-known homeopathic physician, friend and confidante of his city's most prominent men, saviour of New Orleans during the cholera epidemic of 1863.

Did the stern old man think of the honors which had been heaped upon him or of the fine new hospital on South Avenue which had been his dream, his personal achievement and would be his monument?

Or did he perhaps think back to the January a half century before when the decision of a Monroe County jury publicly labelled him a perjurer and a dishonest schemer? Did he see himself, a young physician just a year out of medical school, seated in the witness chair in the courtroom of the old Monroe County courthouse? Did he sense again the feeling of bottomless defeat as a brilliant lawyer twisted and distorted every word of his testimony, and literally proved to the satisfaction of twelve jurors that black was white?

Did the honored physician, dying at 75, relive the horror of that other trial at which his father was proven a vicious old lecher and sent to Auburn prison

for arranging a fatal abortion for his teen-age lover?

Did he think of those strange meetings at which John A. Robertson, a leading banker and the comptroller of the City of Rochester, asked him for poison to murder his wife?

No fledgling doctor could have received more devastating blows at the outset of his career. No one could have overcome more brilliantly or more courageously such shattering misadventures.

Did the noted physician dying in 1907 think of his father and wonder what that peculiar personality would have thought of the career of his son?

For it was Dr. Joseph Biegler Sr., emigrant Alsatian physician, bon vivant, womanizer, and twice a convict who set in motion the train of events leading to his son's early disaster.

The family's original home had been in the Alsace. It was here that the younger Dr. Biegler was born in 1832, and it was here that his father apparently received his initial medical training. It was said that the elder Biegler studied at one time under Samuel Christian Friedrich Hahnemann, founder of the homeopathic school of medicine. In any case, the family moved to London in 1834, and to the United States in 1842. The mother died in London, and it seems that the family consisted of the father, the son and a sister, Sophia, when they came on to Monroe County after a brief stay in New York City.

Despite a crude, violent personality,

the elder Biegler was able to sell himself to the community and quickly gained considerable success as a physician. He was in practice at times with some of the city's best-known medical men, and was able to afford a substantial home in Clinton Ave. S.

Some years after moving to Rochester, probably about 1850, he came afoul of the law in some unrecorded manner and spent a short time in prison.

He did not remarry, but consoled himself with a variety of women, so openly that lurid stories of the middle-aged Alsatian's romances were to be told at the time of his trial in 1857. Curiously, however, he seems to have retained a certain amount of respectability and was on friendly terms with many of the city's most notable business leaders and their families.

It was not until 1856, that he again got into serious trouble. By this time his son was a student at the Medical College of the University of Pennsylvania and achieving a brilliant record. The middle-aged doctor's troubles stemmed from a liaison with a 17-year-old-girl named Emilie Murr. She was described later as "a girl above medium size, dark hair and eyes, wearing her hair waving upon her forehead."

The tough old Alsatian arranged for clandestine meetings with her at the home of a friend, and she became his mistress. In the course of events she became pregnant. Hardly exhibiting much sense of ethics, medical or otherwise, the old man arranged for an abortion to be performed by an acquaintance in Buffalo.

Poor Emilie Murr died, and on a horrifying evening in December, 1856, Sophie Biegler, then in her teens, learned her father had been arrested for murder for his part in bringing about Emilie's

death. The elder Biegler was taken to Buffalo, tried, convicted and sentenced to a term in Auburn prison.

All this was but a prelude to the fantastic trial of John A. Robertson in which the younger Biegler was to play a central role. The old man and his amorous activities were to be the most effective weapon in Robertson's defense.

And it was Robertson's effort to aid the senior Biegler in securing a retrial which brought about his connection with Biegler's son and ultimately led to his own trial.

Although a century has passed, it is possible from the newspaper accounts to reconstruct to a degree Robertson's personality and character.

At this period he was in his middle 40's, a hard-boiled, hard-living banker-politician who like Biegler seemed to be able to hold the friendship of the community's "best people." This was due perhaps to his wife, a well-liked Southern woman who had been crippled in a carriage accident in the fall of 1856. Robertson was cashier of the Eagle Bank, one of the city's leading financial institutions. As cashier he was the active manager of the bank. He also held the post of comptroller of the City of Rochester.

He was a man who lived by his wits, and was counted a power in the community.

At the time of the senior Biegler's trial Robertson showed himself most friendly toward the doctor's family, and advanced money toward the cost of the physician's unsuccessful defense. Later, he provided some \$2,500 or \$2,600 to help the doctor seek a new trial. And there are inferences that he sought to enlist political influence on behalf of the Dr. Biegler.

He therefore had considerable leverage with the Biegler family when he called on the younger Dr. Biegler one evening in August of 1857. The young doctor had been in practice for less than a year, and he knew well the debts, financial and otherwise, which the Bieglers owed to the distinguished Mr. Robertson. And the shock must have been tremendous as Robertson gradually made clear that he wished young Dr. Biegler's help in murdering his own wife.

When Robertson actually went on trial early in 1858, on the charge of attempting her murder, the district attorney observed that "it may be said there are many improbabilities in this case."

That so noted a person as Robertson should go on public trial for plotting the murder of his wife was in itself improbable, but the curious circumstances surrounding his plot were even more improbable.

In the course of the trial Biegler testified that Robertson asked him for a poison which would do away with Mrs. Robertson. "Nothing violent," Robertson specified, and nothing which would attract much attention. Mrs. Robertson had been poorly since a carriage accident in the Fall of 1856, and nobody expected her to live much longer.

Robertson was impatient, and records were to show that his affections were directed toward a daughter of Romanta Hart, one of the country's best known businessmen.

But he hadn't reckoned on the mettle of the young physician, who was a very different sort from his father.

But even at that, the young doctor must have felt a bit of temptation as he listened to the older man tell of his wife's

illness and of her "sullen and commanding" personality. Life with his invalid wife, Robertson said, was a "perfect hell."

The interview lasted more than an hour. Dr. Biegler did not commit himself, but he did agree to talk about it on another evening.

By the time that evening arrived, the young physician had taken his problem to the police. And the next time that Robertson came to the Biegler home in Clinton Ave. S. Chief of Police Wilson Oviatt and Alexander McLean, a detective, were on hand to listen to the conversation.

Chief Oviatt lurked at the head of the stairs, while McLean had been hidden in a clothes press. Both heard Robertson again recite his strange attempt to justify himself by claiming that several years before his wife had made a trip in the company of another man. He asked again for a chemical which would end her suffering and free him.

Dr. Biegler heard him out, and voiced a few vaguely sympathetic statements. But again he did not commit himself, and another meeting was arranged.

This time it was arranged to have another witness, in addition to the police, an architect by the name of Henry Searl. Searl went them one better, and actually hid himself in the parlor, under a sofa.

Robertson came and made another lengthy plea to Biegler for the poison he wanted.

"No violence," he specified, "simply help nature along."

Biegler is supposed to have replied: "When you first proposed this to me, it staggered me. Ain't there some other way?"

"Joseph," Robertson is said to have replied, "there ain't any danger. Let me have the medicine."

Once again Biegler put off the older man.

The next step was up to the police, and they were not long in acting.

On a day late in August residents of Monroe County and the surrounding territory were shocked to read in the newspapers that John A. Robertson, comptroller of the city, had been arrested on a charge of plotting the murder of his wife. And the evidence was to be supplied by no less a personage than the chief of police, backed up by other trustworthy witnesses.

By every standard, John Robertson was as good as convicted.

But Robertson didn't go down as easily as that. The result was one of the most fantastic trials ever carried out in Monroe County.

The astonishing case of John A. Robertson did not come to trial until January, 1858. The excitement was intense, and a large crowd swarmed about the old Monroe County courthouse in Rochester.

Because of the high political place of the defendant and because it was clear he was planning to make a fight of it, no less a personage than Lyman Tremain, Attorney General of the State of New York, had come on from Albany to direct District Attorney Calvin Huson in planning the prosecution's case.

Robertson had assembled a battery of legal talent which included J. H. Martindale, later also to become State Attorney General, Selah Matthews, a leading local attorney, and Alfred Ely, who was to become a Congressman and gained left-handed fame by being cap-

tured by the Confederates while watching the Battle of Bull Run as a spectator.

The courtroom maneuvers which this trio were to carry off in the ensuing 10 days of the trial were to amount to a display of courtroom sleight-of-hand probably never equalled in a Monroe County court.

They started with formidable disadvantages.

Tremain, who was an opponent of major calibre, focused his case on reams of testimony from the three witnesses who, in addition to Biegler, claimed to have heard Robertson ask for something to end the life of his wife.

From these three men Tremain drew extensive testimony about the several visits Robertson had made to Biegler's home in Clinton Ave. S. to plead for the poison.

Each of these men, in addition to young Dr. Biegler, gave great amounts of detailed evidence on the meetings.

The witnesses' stories dovetailed perfectly.

They also related Robertson's tale of how, years before, his wife had wronged him by traveling with another man, staying away all Summer and writing him only occasionally. This was put forward by Robertson, the witnesses said, as a major reason for his attitude toward his wife.

Also introduced was testimony linking Robertson with a person referred to chastely by the newspapers as "a daughter of Romanta Hart," who was a leading businessman and the ancestor of many noted present day Monroe County families. It was suggested that an affair with Mr. Hart's daughter was the reason Robertson wished to have his wife put out of the way.

A major point in the testimony was Robertson's story of a fight with his wife which occurred following the grand opening of the old Osborne House Hotel. It was suggested that Robertson enjoyed the company of Miss Hart on this occasion, but nothing more specific got into the newspapers.

This "daughter of Romanta Hart" remains a mysterious figure in the trial, never referred to openly by name, but somehow enmeshed in the problems of the Bieglers and Robertson.

The witnesses against Robertson also told of lengthy discussions between Dr. Biegler and Robertson about the various types of medicine or poison which could be used to bring on Mrs. Robertson's death. It was repeated that he specified "nothing violent," but wanted results "within 70 days." Why 70 days is something also never satisfactorily explained.

While all this testimony was being piled up against Robertson, the defense made continuous sallies in cross-examination, but from the old records of the trial they seemed to make little progress in shaking the stories of the witnesses.

To all intents and purposes Robertson's goose was cooked. The witnesses were reliable men, their stories coincided in all important details.

It was not until the cross-examination of young Dr. Biegler that the tactics of the defense became clear. Suddenly, the defense became the prosecution, and the closing days of the trial read like a novel.

"We not only wish to impeach Joseph Biegler," said Martindale, opening the defense, "but to show that he is the author of a deliberately conceived conspiracy against the defendant, and that he is at the same time seeking vengeance against Mr. Hart." Actually, the attorney

also was planning to try the elder Dr. Biegler in absentia.

Martindale began by sailing into Joseph Biegler, asking him round after round of questions designed to show that the latter blamed Robertson for his father's predicament. He also suggested that conviction of Robertson would remove the necessity of paying back the \$2,500 loaned by Robertson to the elder Biegler.

By innuendo, by careful choice of questions, and by playing on the sense of outrage obviously felt by the young Biegler, he conjured up an effective imaginary plot. He suggested that Joseph Biegler wished to prove that Robertson, not his father, had seduced Emilie Murr and sent her to her death in Buffalo.

Martindale later proved, incidentally, that this could not have been so, but he left the idea in the jurors' minds that the plan could have occurred to the young physician.

He asked Joseph Biegler if he had not said that "Mr. Romanta Hart was as mean as Mr. Robertson," and that "I could ruin his reputation through his daughter." Biegler denied this, but obviously a point had been made with the jurors.

Martindale also brought out many of the distasteful details of the old Dr. Biegler's love affairs, coloring the opinions of the jurors. In the course of this testimony it was revealed that Mayor Keeler had visited Dr. Biegler in Auburn Prison. The reason for the visit was never given, and it, too, remains one of the intriguing questions of the case.

Having blackened the characters of the elder and younger Bieglers, the defense then scored a sensation by putting on the stand the very woman who was the object of the murder conspiracy, Mrs. Mary Elizabeth Robertson.

Mrs. Robertson, despite the quarrels with her husband, nevertheless testified that "during the whole of our married life our relations have been pleasant, kind, and affectionate in every respect." She said that the "attitudes" of the husband being tried for trying to kill her were "of that tender, careful kind that very few women have received."

Finally, Martindale and his aides set out to smash the testimony of Police Chief Wilson Oviatt and the other two men who had overheard Robertson ask Biegler for poison.

Searl, the architect, provided just the material Martindale wanted. He submitted to a courthouse test in which he failed to recognize the voice of a good friend, this supposedly proving that he could not have recognized the voice of Robertson.

Even Dr. Chester Dewey of the University of Rochester, an awesome figure and the area's leading scientist, went on the stand to tell at what time the sun had set on the date of one of the meetings between Biegler and Robertson. This in itself meant little, but Martindale tried to use it to prove that it was too dark for Chief Oviatt to have recognized Robertson when he peered through a crack in a door.

The defense case was a wild tapestry of argument and falsehood, but it was shrewdly conceived. We can imagine that Robertson, a self-assured man of the world, made a more sympathetic witness than the intense Joseph Biegler, who sat and fumed as the defense attorneys successfully depicted him as the planner of a completely imaginary conspiracy.

Even Lyman Tremain, the state attorney general, who handled the prosecution, seems to have been flustered by the daring and ingenuity of the defense. His

summing up was defensive. Instead of driving home the powerful evidence against Robertson, he said almost plaintively that the jury would make a serious miscarriage of justice if they didn't convict.

The jury went out at 10:15 on a cold January morning. By three they came back with their verdict. Robertson was declared not guilty.

At the same time, by implication, the jury was saying that Dr. Joseph Biegler, only a few months out of medical school, was a liar and a perjurer. He had been branded publicly as the dishonest son of a criminal father.

This was enough to have blighted anyone's career. But the young man was made of sterner stuff. He served effectively in the Civil War, and came back to Monroe County to begin a practice which carried him to the top of his profession and a national reputation.

When he died in 1907, he was mourned as one of the community's leading figures and apparently everyone had forgotten about the trial in 1858.

And Robertson? It is significant that he never tried to sue the younger Biegler for libel.

Just a few years later he fled the city, absconding with Mt. Hope cemetery funds entrusted to his safekeeping.

Romanta Hart lived to 1877, and died as a leading citizen. He had two daughters, Emeline and Helen. Family records and recollections fail to indicate which of the two might have been the mysterious lady of the Robertson-Biegler case. Her age suggests that it might have been Helen, who never married and lived until 1908, a year after Biegler's death. But the positive identification of the "daughter of Romanta Hart" remains one of the many unanswered questions of the case.

A Rochesterian with Perry in Japan

BY ANNIE OLMSTEAD PEET

William B. Draper had a great honor conferred upon him when he was asked by Commodore Matthew Calbraith Perry to accompany him as first telegraph operator on his expedition to Japan in 1852.

Artists, writers and scientists clamored to go, but, as Commodore Perry said, it was not a scientific, but a naval and diplomatic expedition. The recently introduced smoke-belching steamboats which made up his squadron made an impressive display of might as they entered against tide and wind the harbor of Tokyo on July 8, 1853.

Perry's real mission, of course, was to obtain coaling facilities and to open Japan to friendly trade with the United States. When the treaty was made, gifts were exchanged to bind the bargain. Among the presents Perry took were twelve miles of telegraph wire, poles and two magnetic-telegraph instruments. He needed telegraph operators to show the Emperor how the telegraph worked, and William Draper, born in Rochester in 1830, was one of the two men chosen.

William Draper's father, Henry Draper, an ensign in the War of 1812, came to Rochester from Brookfield, Massachusetts, in 1817 and located on a farm south of the village. Here William, one of ten children, was born. Morse received his patent for magnetic-telegraph in 1840 when young William was ten years old. In all probability he and his brother John learned the Morse Code and how to operate in the telegraph office situated at that time in the cellar of Congress Hall on Central Avenue. John Draper

earned some distinction, too, as he set up the first telegraph between Chicago and Milwaukee.

Upon William's return from Japan he had his picture taken wearing some of the clothing and carrying the parasol and opium pipe he had found in the Orient. He planned to return to Japan at the solicitation of the Emperor to construct telegraph lines throughout the empire, but he died in Washington in 1857, a young man of only twenty-seven.

We know he brought back among his curios some paintings, for in a Rochester newspaper of March 13, 1855, is this item:

"Our young townsman William B. Draper, who was attached to the Japanese Expedition under Commodore Perry is now in the city on a visit to friends. He went out with the squadron to exhibit the magnetic-telegraph to the Emperor of Japan and returned on the store ship 'Lexington'. Mr. Draper gives a very interesting account of what he saw and few had a better opportunity than he to see the people and learn their manners and customs. He was on shore more than any man in the squadron having constructed a mile of telegraph and operated the same for the amusement and instruction of the Emperor.

We commenced this paragraph to say that we have seen a number of Japanese paintings which Mr. Draper brought home with him. They are sketches of scenes in Japan and though they do not evince great artistic skill yet they give a good idea of the scenery of Japan and

the costumes of the people. We understand that an artist yesterday daguerreotyped these paintings with what success we have not learned. Mr. Draper contemplates a return to Japan next fall."

This short article is full of interest. For one thing, Japanese art was not appreciated by the newspaper man in Rochester! This is understandable for these Japanese pictures were probably among the first ever seen in Western New York. Japanese art was almost unknown to the Western world previous to the London International Exhibition of 1862. Before this date Japan was absolutely unrepresented in the European museums and art galleries. As this was seven years after Mr. Draper brought the paintings here it is quite safe to say that this was the first Japanese art seen in this locality.

"The Expedition of an American Squadron under Commodore M. C. Perry" was published in 1856. It is a very detailed account and contains many illustrations. Among the lithographs is a picture of the gifts Perry brought to the Emperor and other dignitaries.

The list of the gifts is curious. It includes such things as a lorgnette, a box of perfumes, a bushel of Irish potatoes, four volumes of Audubon's "Birds of America", a clock, a printing press, and a quarter-size locomotive.

The most popular of the gifts were the Colt revolvers—every body wanted one! To quote from the book:

"The presents having been formally delivered, the various officers and work-

men were engaged in unpacking and arranging them for exhibition. The telegraph apparatus under direction of Draper and Williams was soon in working order, the wires extending nearly a mile in a straight line, one end at the treaty house and another at the building expressly allotted for the purpose.

At first the telegraph instrument was too mysterious to attract their attention. The onlookers were amazed to find that, no matter how fast they might run from one end of the line to the other the message would be waiting for them when they arrived. A piece of level land was assigned for laying down the circular tract of the little locomotive and tender.

The Japanese watched with an innocent and childlike delight, taking out writing materials, India ink and hair pencils which they carried in the left breast of their loose robes and made notes and sketches. People would gather and eagerly beseech the operators to work the telegraph and watch with unabated interest the sending and receiving of messages in Japanese, Dutch and English. Nor did the railway excite less interest. The dignified mandarin whirled around the circular tract at twenty miles an hour on the little engine—giggling with joy."

William Draper's short life was full of adventure, both in Japan and China and other places the squadron visited. Not the least of his pleasures must have been the telling to his friends and family of his exploits during those two years and a half in the Orient.



William Draper in Oriental Dress.



Plate believed similar to "Devil
Plate" of Irondequoit Bay.

This fragment was found at the mouth of the Muskingum River in
Ohio. Probable full text given below

L'AN 1749 DV REGNE DE **LOVIS XV ROY**
DE FRANCE NOVS CELORON COMMANDANT D'VN
DETACHMENT ENVOIE PAR MONSIEVR LE MIS
DE LA GALISSONIERE, COMMANDANT GENERAL
DE LA NOUVELLE FRANCE POVR RETABLIR
LA TRANQVILLITE DANS QUELQUES VILLAGES
SAUVAGES DE CES CANTONS AVONS ENTERRE
CETTE PLAQUE A L'ENTREE DE LA RIVIERE YENANGUE
KOUAN LE 15 AOUT PRES DE LA RIVIERE OYO
AUTREMENT BELLE RIVIERE, POVR C
MONVMENT DV RENOVVELLEMENT DE POSSESSION
QUE NOVS AVONS PRIS DE LA DITTE
RIVIERE OYO, ET DE TOVTES CELLES QUI
Y TOMBENT, ET DE TOVTES LES TERRES
DES DEUX COTES JUSQUE AVX SOURCES
DES DITTES RIVIERES AINSI QU'EN ONT
JOVY OV DV JOVIR LES PRECEDENS ROYS
DE FRANCE, ET QU'ILS S'Y SONT MAINTENVS
PAR LES ARMES ET PAR LES TRAITTES,
SPECIALEMENT PAR CEUX DE RISVVICK
D'UTRECHT ET D'AIK LA CHAPELLE

The "Devil Plate" of Irondequoit Bay

BY GEORGE SELDEN

In wake of the State of New York's Year of History considerable interest has developed concerning that most important event, the Campaign of the Marquis de Denonville against the Seneca Indians in 1687.

Had this been successful, France would probably have dominated North America. The Counties of Ontario and Monroe have now placed markers along the route taken by the French Army so the revived interest was most timely.

What we know about this campaign is due to George H. Harris, who is our most important authority on local history. In 1880 he was engaged in business for Abelard Reynolds as manager of the Reynolds Arcade. At this time the Rome, Watertown and Ogdensburg Railroad was laying its tracks across the open end of Irondequoit Bay. Harris at every opportunity would visit the work knowing that the site of Denonville's fort might be uncovered.

This was a stockade of 2,000 posts to protect boats and supplies while Denonville was destroying the Seneca town and, what was more important, their corn in the field as well as in storage. This blow was a crime against the Great Spirit of all life and not in the ethics of Indian warfare.

It was a happy day for Harris when he found men and teams cutting down a twenty foot high sand hill 1,500 rods from the eastern end of the sand bar, now called Oklahoma after "Oklahoma Bill" Kassow, who ran a saloon there. As the track had to be elevated above the late level, there was a lot of work,

and the shifting Irondequoit Bay outlet was fixed at the middle of the bar. In 1892 Lake Ontario flexed its muscles and sent waves across the tracks and drove three schooners ashore. To curb the lake the railroad dumped many huge granite blocks along the tracks which are now credited to nature.

To quote Mr. Harris on the fort site: "Several small mounds were scattered over the ground and many graves were discovered, one marked by a tablet of iron bearing an inscription in some unknown language, which is said to have been neither Spanish, Dutch nor French."

Later he states that under some 12 to 18 inch button wood trees there were found iron bullets, completely oxidized gun barrels, iron and stone tomahawks, flint arrowheads, etc.

This challenges us. Who was the occupant of the grave with the iron tombstone? On talking with Felix Drake, a farmer of Webster, I learned that he had driven his father's team in the grading for the tracks. He was interested in the finding of the site of the fort, had seen the plate. He thought it was lead, but couldn't read a word on it. It was not large. Inquiring of a relative who also was working there revealed that there was a date on it. Further investigation was hopeless so I abandoned it.

When I read the account of the Denonville Campaign, the item interested me as there are no iron bullets. Let me say iron balls are used as shrapnel for cannon. Bullets of iron could not be cast sufficiently regular to be used in muskets. They would stick and could

not be removed by the use of a worm. Lead shot are soft enough to form a fit in the barrel while being driven in by the ramrod. This caused me to question the hearsay that the plate was iron. Also iron would not last if buried. So I offer the following explanation.

It is July in the year 1749. The lake in in a tranquil mood and gently laps at the sandy beach of Irondequoit. Nature has long since obliterated the scars of war by covering the ashes of Denonville's stockade with sand and trees. A peace as delicate as a spider's web had hung over the wilderness and now it had ended. That night the Indians would know a new war faced them.

Irondequoit Bay was a popular fishing area for the Senecas, and Plum Orchard point, across the bay from Glen Haven, was where they camped. It was the Irondequoit Landing or the entrance to the Seneca Nation. It was here that the great explorer Robert LaSalle came in his search for the way to China. In Sullivan's Campaign in the Revolution, a force of the British Provincial Rangers camped here. The map of Father Pierre Raffiex shows it and a trail to the Seneca town at Victor. Among the ashes of the Indian fires we find many fish vertebra over an inch in diameter, probably from huge sturgeon. The Seventh Nation of the former Five Nations, the League of the Iroquois, were here, The People of Many Rivers, the Missinaguas of the Rice Lake region in Canada. For years the Senecas had tried to destroy them to get their rich beaver lands, as beavers were getting scarce in their lands. This war was an endless slaughter of the Seneca warriors, and so "If you can't beat them, join them."

Peace was made, and the brothers

from Canada came in a swarm in their birch bark canoes, the aristocrat of Indian means of travel. In 1642 these canoes had enabled the Hurons to attack the Seneca fishermen in Irondequoit Bay, while the early morning mists concealed them. Killing twenty and taking two prisoners they fled, easily distancing their pursuers who used heavy crude elm bark canoes.

One can imagine these canoes from the following incident. The Colonies planned an attack on Canada with the Iroquois and the Rangers. The Indians went to Lake Champlain and built the elm canoes, but the expedition fell thru when the Rangers arrived and declined to travel in them.

The sun had started to sink closing a perfect day when some Indians near the outlet saw a huge fleet of canoes filled with Frenchmen and Indians. There were a total of 246 men, of these 30 were Indians, 15 Abenakis from Maine and 15 Iroquois, as well as Mohawk converts from the Montreal mission in 23 canoes under the command of Captain Celeron de Bienville and Father Bonnevilles, both of whom kept a detailed daily record. The purpose of this expedition was to scare the English out of the Ohio Valley as well as to awe the Indians. The plan originated with the Governor of New France, Galissoniere, who begged the King to send ten thousand peasants to settle the Ohio Country and form an empire from New Orleans to Quebec. Nothing had been said in the last treaty between England and France as to what the boundaries were to be in America, so the diplomats left the way open to another war. The two half brothers of George Washington applied to the English King for a land grant of a half million acres on the upper Ohio River, which was granted. The French

Governor did the only thing his meagre resources afforded. He made a bluff with fanfare. Celeron was to be sent to the Ohio Country with a number of lead plates to be buried there, warning the English it was French property and to keep out. It was about as potent as setting out "no hunting" signs today.

To make sure the trespassers saw the plates he ordered a tin sign to be nailed to the trees at whose feet the possession plates were buried. This was to be done at the mouths of the rivers flowing into the Ohio. Most, if not all of these plates have been found, generally by boys swimming.

The tin signs succumbed to the Indians' love of tin to line the bowls of their wooden pipes so that they would not smoke the tobacco and the pipe at the same time.

Celeron found the beach an ideal spot for unloading. The canoes were too tender to be beached and must be unloaded while floating. From them came several packages carefully wrapped. As they did not contain food, nobody paid much attention to them. These were the precious plates, the objective of the expedition. They apparently were about eleven by seven inches in size, and probably were carried in several canoes to lessen the danger of loss. Nowhere is there any mention of the number of them. It is quite likely that they aroused the curiosity of the watching Indians. The situation was tense. Here were the French intruding into English territory, bringing with them the hated Mohawks, traitors to the League of the Iroquois. Their ancestors had helped the French in their attempt to destroy the Senecas. Father Bonnecamp in his journal admits sneaking past Fort Oswego as they had no desire to meet the English. However,

the size of the French force commanded respect from the Senecas, and they had Chabert Joncaire with them, who here, as later in their mission, kept peace with the Senecas. He was a Seneca and called them affectionately "our sons."

His father, a French officer, had traded among them and later settled at Niagara. He had worked to get the Senecas away from the English. Chabert's mother was a Seneca, and this made him one of them. There is no record of what happened. In vol. 5, Penn. Colonial Records, Pg. 508, we find, that Gov. Clinton (N.Y.), sent to Gov. Hamilton (Penn.), Jan. 29, 1751, "A copy of an inscription of a plate stolen from the French (Joncaire) in the Seneca country as they were going to the Ohio."

We can imagine about what happened. This is quite in accord with Indian etiquette, that as Celeron was not a house guest he could be robbed. So some brave started a fight and as the scuffle became general, their confederates stole some of the plates and ran for the woods, dropping one as they went. On examination of the loot they were puzzled by the mass of letters which meant nothing to them. Perhaps they recalled that the Jesuits, before the English drove them out, could make marks which would talk to another priest. But these would not make a sound even to the medicine men. They were in awe of them. Later they heard from relatives living in the Ohio Country that the French had buried such plates there.

Now filled with alarm, they sent one of the stolen plates to the Indian agent, then Colonel William Johnson. This was a year and a half after the theft. On Dec. 4, 1750, at Mount Johnson on the Mohawk Col. Johnson met at a council requested by the Iroquois. At that time

a Cayuga Sachem gave him this plate—"a piece of writing" he called it. As it had aroused a great fear among all his people, he begged for a full explanation of its meaning. To Johnson it meant war—that the French would fight for possession of the Ohio Valley. Johnson, always the master of the situation, replied to the Iroquois in a language they could understand as they lived in a world of superstition and evil spirits. He said it was the work of the "Devil," a "Devil Plate" he called it, not once but several times in his harangue. It was a device of the French to destroy the Indians, to take away their land and bring evil spirits. The Indians left for home with pledges of loyalty to the English, and the plate Johnson forwarded to Gov. Clinton in New York. The latter sent it to the Board of Trade in London, which handled Colonial affairs. The plate helped Johnson strengthen his hold on the Iroquois as the cold war raged on the frontiers for two years while the French and English diplomats bowed to each other. Then luck favored Johnson, who with no military experience, was with his Iroquois in a force under General Lyman advancing against the French at Crown Point.

MAJOR WHEELER CHAPIN CASE

(Continued from Page 3)

the hardest experience for him to bear, but he remained stoical and full of cheer to the end. During that time he made another friend: John Larkin, his roommate at "The Pillars" on Sibley Place where the Major on September 22, 1959, died. Mr. Larkin did everything possible for his friend, whom he so admired and loved.

"He was the greatest man I ever met. I never heard him complain or say an

The French didn't wait, but advanced and defeated a scouting party. The French Indians declined to attack Fort Lyman as it was defended with cannon, and turned on Johnson, who was camped at the foot of Lake George. The latter had the bright idea of building a breast-work of his boats, wagons and tree trunks.

All day the fight raged. Johnson was wounded and carried away. General Lyman, who joined the battle, seeing a moment's advantage, charged, and routed the French. Johnson's report of the battle resulted in his being made a baronet and receiving a 5,000 pound reward. Lyman, who won the fight, got nothing.

That there may be more of these Celeron plates in this area is possible. Some years ago a Mr. Barry of the Barry Bros. Market on Boughton Hill told the writer that while plowing a mile and a half southeast of Boughton Hill he turned up a thin lead plate with letters on it. With his hands he indicated the approximate size, which would check.

He put it on the fence by the road intending to take it home, but forgot it. A total of eight are known to have been buried by Celeron, and this would make three more, a total of 11.

unkind thing about anyone". Well, after all, what greater tribute could any one have than in these words of Mr. Larkin's.

We would like to send our sympathy to the members of the Old Guard and Commander Meredith, Major Case's friend of many years—

"Happy is the man that findeth wisdom; His ways are ways of pleasantness and his paths are peace".

