

Testimony of Peter Guidinger

Peter Guidinger Junior, Sworn for the defendant and testified as follows

ATTORNEY: We renew the request, by these witnesses to prove, through conversations, that a sister in Germany, sister of the defendant had two idiotic children, to have the ruling of the Court in regard to it.

BY THE COURT: "You do not claim to prove by him that he has personal knowledge?"

ATTORNEY: "Only to prove the same as we offered by Mary Feldmann (Guidinger)

BY THE COURT: "The same ruling."

EXCEPTION TAKEN.

Q. You are the son of the defendant, Peter Guidinger?

A. Yes sir

Q. You live on the farm, at home?

A. Yes sir

Q. About how old are you?

A. Thirty two years old

Q. Not married?

A. No sir

Q. Mary and Regina living in the same house with you?

A. Yes sir

Q. Any others?

A. My youngest brother (Claudius)

Q. About how old is he?

A. About Eighteen

Q. What is the condition of his mind and body?

A. He is – he cannot help himself.

Q. Has he ever been able to?

A. No, he has not been

Q. Not able to take care of himself in any way?

A. No sir

Q. How about his mind?

A. It is poor.

Q. Has it always been?

A. Yes sir

Q. Now about your uncle John (Guidinger) do you recollect him?

A. I've never seen him

Q. Your father's brother?

A. I never seen him

Q. He has never been down to your place?

A. Not while I was home

Q. Now about your father, do you recollect the day he shot Niers, or that you heard he shot him?

A. Yes sir

Q. Where were you that day?

A. I was home that day.

Q. What time did he go away in the morning?

A. He left home I think about 8 o'clock (am)

Q. Did you see him again that day?

A. I seen him at 8 o'clock that night

Q. Where?

A. At the Mequon School house

Q. Do you know of your own knowledge as to what he told, what he had been doing that day after leaving-of your own knowledge. Did you remain at home or go away?

A. I was called away at 2o'clock to go over and take the team home.

Q. Where?

A. Feldmannn's

Q. Your sister is Mrs. Feldmannn?

A. Yes sir

Q. Then did you see him again before you saw him at the schoolhouse?

A. No sir

Q. Where is that schoolhouse?

A. At Mequon

Q. Near Mequon corners?

A. Yes sir

Q. Five miles from your house?

A. Yes sir

Q. Do you know whether your father had purchased a ticket at the depot station-Mequon to go to Port Washington?

A. That is what the agent told me.

Q. Did you see the ticket-have you seen it?

A. The agent gave the ticket to me.

Q. Why did he give it to you?

A. He said, "Here is the ticket-it is not necessary that you pay money-here is a ticket"

Q. How was that?

A. He said, "Because your father bought his ticket here.

Q. Your father had not kept the ticket but had returned it to the agent?

A. Yes sir

Q. Have got the ticket now?

A. I used it

Q. Was the ticket to Port Washington and return, or simply to Port Washington?

A. To Port Washington

Q. That is all?

A. Yes sir

Q. Did you go over when you were informed-did you go over immediately?

A. Yes sir

Q. Did you see your father then?

A. No sir

Q. Did you know where he was?

A. My sister told me he had gone down to the depot.

Q. Now, did you see your father that evening about 8 o'clock?

A. Yes sir

Q. Did you talk with your father; did you ask him why he shot Niers?

A. No sir

Q. When was the first time after the shooting that you talked with him?

A. After they had tried him

Q. Down at Mequon?

A. Yes sir

Q. Then what did he say was the reason why?

A. I didn't talk to him-he told me he wanted me to go over to the store to buy a pipe and tobacco.

Q. Then?

A. I bid him good bye

Q. Then did you talk with him about why he shot?

A. No sir

Q. When was the first time that you did talk with him as to the reason why?

A. When we talked up here, Monday

Q. Did he think he was to have an examination again before Schwin?

A. Yes sir

Q. Then what did he say?

A. I come up here on the morning train-me and my brother in law; we went in to see him. Monday I went in, called him by name; he says, tell him he couldn't see me. I should go up and tell sister to come down.

Q. Did you ask why he shot Niers?

A. No sir

Q. Did you hear anybody ask him why he shot Niers?

A. No sir

Q. Did he ever tell you why?

A. He told me once.

Q. When was that?

A. Not since that happened.

Q. Why did he tell you?

A. He didn't tell me that time

Q. He did not?

A. He told me the reason why before this happened

Q. What did he tell you then

A. He told me, "when a man live 27 years by a man and run him down like that"

Q. Then what did he tell you, anything more

A. No

Q. Did he say that was the reason why he shot him that was before he shot him?

A. Yes sir

Q. Then he didn't tell you the reason why he shot?

A. No

Q. Only before he spoke against Niers?

A. Yes sir

Q. Again I ask, was this, that is, this-did he tell you after he shot at anytime why he shot Niers?

A. No sir

Q. But before he had spoken against Niers?

A. Yes sir

Q. To you?

A. Yes sir

Q. He spoke about his living 27 years with him and then running him down so?

A. Yes sir

Q. Did he seem to be angry?

A. He was, appeared to be awfully mad

Q. Angry?

A. He was excited

Q. Wrought up? Stirred up?

A. Yes sir

Q. How long before the shooting was this?

A. That was the night before this

Q. Did he remain at home from the time of your mother's death until he was brought up here?

A. Yes sir

Q. Well, now, how did he act in his mind, around the house, during that time, if you remember?

A. He acted as if he wasn't feeling good over this

Q. He did not?

A. Yes sir

Q. What---did he talk much about anything, or did he keep his own mind?

A. He kept his own mind

Q. Did he converse about general subjects in farming, horses, and neighbors?

A. No sir

Q. Relations and friends, did he talk much about them?

A. No sir

Q. Where did he keep himself most of the time during these 3-weeks that occurred after your mother's death?

A. I couldn't tell

Q. What was he doing?

A. Out on the farm, working

Q. When you did see him where was he generally?

A. Sitting at the table, eating

Q. When he came

A. Yes sir

Q. Do you sleep as usual yourself?

A. Not very often

Q. Don't you know how it was with your father about being broken of rest?

A. No sir

Q. How near to you did he sleep?

A. In another room

Q. Alone, by himself?

A. Yes sir

Q. Did you often see him during that time out round the barnyard?

A. No sir

Q. With the stock?

A. No sir

Q. Was you yourself very busy during that time?

A. Yes sir

Q. After your mother's death, were you at the burial of your mother, the funeral?

A. Yes sir

Q. Do you remember what your father said at the time she was to be buried?

A. I wasn't present at that time when he told my sisters that we should leave mother at home.

Q. Did you hear him say that they should leave your mothers remains in the house?

A. No, I didn't hear that

Q. You only heard that it was said?

A. Yes sir

Q. Did he go to the funeral?

A. No sir

Q. Did he remain at home?

A. Yes sir

Q. Now do you remember, Peter, about being in the cell or in the jail Monday, a few minutes with me the next morning, was it?

A. No sir

Q. You was not?

A. No sir

Q. You wasn't up Tuesday, you was Monday?

A. Yes sir

Q. Well, Monday morning did you see your father in the jail?

A. Yes sir

Q. Did you have a talk with him then about what he was going to do, how much did he say about being taken before Schwin?

A. I wasn't talking to him

Q. He was going to be taken before Schwin?

A. I couldn't tell

Q. Didn't you talk to him?

A. I talked to him

Q. Did you talk that morning anything about being defended, or about doing something to take care of himself?

A. No sir

Q. Did Feldmann talk with him about it, your (brother in law)?

A. I couldn't tell

Q. Were your three sisters here that morning?

A. No sir

Q. Were you standing with Mr. Feldmann on the corner that morning, when he went down with the Sheriff to take him out?

A. Yes sir

Q. To the Union House-did you notice anything unusual in his appearance when he came out?

A. I wasn't present at the time

Q. At first, when you met him at Mequon, he was disposed not to do anything in his own behalf: to plead guilty, was he?

A. Yes sir

Q. When you came up here was he so disposed to plead guilty at first afterward did you children prevail on him to make a defense?

A. Yes sir

Q. He finally consented to do it?

A. Not in my presence

Q. You don't remember that?

A. No

Q. Have you talked with him in the cell about it?

A. Yes sir

Q. What did he say now about being defended?

A. He said he didn't care about being defended, he would declare himself guilty

Q. Still insisted that he is guilty?

A. Yes sir

Q. Did you tell him what the effect was-what it would do to him?

A. No sir

Q. Does he know?

A. He knows

Q. What does he say is going to be done with him?

A. He would have to be punished for it

Q. What kind of punishment?

A. Depends on how the law will turn out

Q. Did he say anything about State prison for life?

A. Not to me

Q. He hasn't inclined to talk with you a great deal about that?

A. No sir

Q. Have you always lived at home?

A. I have been off some years

Q. When did you return, go back?

A. In 1875

Q. You have been back 10 years?

A. Yes sir

Q. On the farm all the time?

A. Yes sir

Q. Who had control of the farm during all that time?

A. Father

Q. Entirely?

A. Yes sir

Q. Did you always speak to him, to do as he advised?

A. Yes sir

Q. Have you ever done anything else only to do what he told you?

A. I sometimes had my own way, the way I think best

Q. He was satisfied with that?

A. Yes sir

CROSS EXAMINATION

Q. You said it was the night before Niers was shot that your father said that it was mean for a man to live with him 27 years and then run him down like that the night before?

A. Yes sir

Q. Where was it that you had this talk with him?

A. At our barn yard

Q. What else did he say about it?

A. He told me to go to the city the next day

Q. What for?

A. To take some sheep to the city; I ask him to leave them alone until market: He say no, go to the city tomorrow

Q. Were the sheep fat?

A. Yes sir

Q. In good condition to sell?

A. Yes sir

Q. Did he talk about the chances of getting a good price?

A. No sir

Q. Did he tell you how many to take?

A. No

Q. What did he say was the reason why Niers was mean-what did your father say the reason was why Niers was mean?

A. He didn't have any particular reasons

Q. Did he say anything about money-not paying his board?

A. No sir, he said that night I should buy him a revolver. I asked what he wanted to do with it. He said I want to fix him

Q. Who?

A. Niers

Q. Was this-was this at the time he said that Niers was mean to treat him so after living there 27 years?

A. Yes sir

Q. Your father is a man of very quick temper?

A. No sir

Q. Doesn't he get angry quite easy?

A. No sir

Q. When he does get angry he is awful angry, isn't he?

A. No sir

Q. Do you understand what I mean?

A. I do

Q. What did your father say to you when he said he would fix him-that he wanted a revolver for the purpose of fixing him, did he say why he wanted to fix him?

A. Yes sir

Q. Why was it?

A. He said because he lived 27 years by a man-I couldn't tell what it is in English-and trouble a man like that plague a man like that

Q. Can you say in English what your father said?

A. Yes sir

Q. Say it

A. He said if I would go to the city I should buy a revolver, I asked him what he wanted to do; he said I will fix that old fellow tomorrow. I told him he should leave that alone.

Q. The reason why?

A. Because he lived so long by him and trouble a man like that

Q. Did you go to Milwaukee?

A. Yes sir

Q. Did you get the revolver

A. No sir

Q. Do you know of his getting one?

A. I didn't know till I came home.

OBJECTED TO

BY THE COURT: "I presume that is not very material anyway. *EXCEPTION*

Q. During the harvesting grain, did your father exercise control, give directions what should be done?

A. Yes sir

Q. For the last year?

A. Yes sir

Q. The year before?

A. He did too

Q. Did he in the spring, last spring, give directions in regard to sowing?

A. Yes sir

Q. Do you remember of his saying something to you about picking up those stone along about the last part of May?

A. No sir

Q. In your working upon the farm all the while your father was on the farm with you, you are acting under his directions?

A. Yes sir

Q. You stated you got a ticket of the agent in Mequon that your father had returned?

A. Yes sir

Q. Do you know why he returned that?

A. Because he was taken up

Q. Do you know whether he did that of his own mind?

A. I couldn't tell

Q. Do you know whether he got the money back that he paid on the ticket?

A. I believe not

Q. You don't know?

A. I do not know

Q. Now, when your father went over to Seifert's to get this pipe and tobacco, was that after he had been informed that he would have to go to jail?

A. Yes sir

Q. Do you know why he got it? Did he say anything about getting-did your father say anything about getting it?

A. Yes sir, I follow him

Q. Why did he say he was going to get it?

A. Because he wanted to smoke

Q. Where did he want to smoke?

A. He wanted to smoke

Q. Then did he say something about preparing to have it after he went to jail?

A. He didn't say anything to me about that

RE-DIRECT EXAMINATION

Q. In reference to this point in the conversation the night before when he talked to you about the sheep, you thought best to go to Mequon or Cedarburg market; which?

A. Yes sir

Q. With sheep-do better-did you obey him and take the sheep to Milwaukee? Did you do as he wanted?

A. Yes sir

Q. Did you sell them?

A. Yes sir

Q. At the time he said to you that he wanted a revolver he wanted to fix the old man Niers did he?

A. Yes sir

Q. Because he had lived with him 27 years and made so much trouble?

A. Yes sir

Q. Did he say anything about Niers having killed your mother?

A. No sir

Q. About his being the cause of her death?

A. Yes sir

Q. That is the way he spoke about it, that he caused so much trouble by your mother's death?

A. Yes sir

Q. Didn't you buy him a revolver?

A. No sir

RE-CROSS EXAMINATION

Q. Was this the same time that he said this man was mean that lived 27 years with him?

A. Yes sir

Q. That your father said he had killed your mother?

A. Not at that time

Q. When was it that your father said that?

A. Some days before

Q. Do you know anything about your father having made a will?

A. Yes sir

Q. You are the son that gets the farm?

A. I should have it

Q. You should have it?

A. Yes sir

Q. Your father told you this?

A. No sir

Q. You are the one that your father directed the will to be given to?

A. Yes sir

Q. The oldest son at home?

A. Yes sir

Q. The oldest?

A. The oldest son at home.

This ends Peter Guidinger (2) testimony