

## *William Woods and Henry W. Miller*

ARKANSAS FEDERAL

**J**OHAN HANTZ, JR., had been away from home about two months when his father received a letter from the young man's companion, William Woods, saying that John had disappeared and that he was returning to their home in Kinsley, Kansas, without him.

The two youths left home in October, 1877, for a hunting trip into the Indian Territory. The letter from Woods described their travels and said that the last seen of John was at a camp they made near the reservation of the Cherokee Nation on the Verdigris River.

After leaving Kinsley, the two youths, equipped with a two-horse wagon and camping outfit, several dogs, and a riding pony, drove to Troy, Kansas, where they met a stranger, Henry W. Miller, who joined the expedition and shared expenses.

From Troy the three went into the Indian Territory, hunting along the way. Early in November they reached the Verdigris River and made camp in a sheltered hollow near the water.

After a short stay they went on to Fayetteville, where John sold his pony for \$30 to raise money to help finance his share of the rest of the trip. From Fayetteville the three continued on to Mulberry Creek hunting grounds before turning north for the return journey.

On the way back, they made for their camp on the Verdigris River and planned to stay there several days. They arrived the day after Thanksgiving. The third day Hantz and Miller, each carrying a gun and a hatchet, went out to lay a trap line.

They had not returned at dusk. Woods began to worry. He built a fire and fired his shotgun at intervals to guide them to camp. Miller came in after dark. He had lost his way. He inquired for Hantz and was told that he had not returned. He said he left him under a pecan tree gathering nuts and that the youth told him to go into camp and he would follow presently.

All night the guns were fired from time to time and the fire was kept burning, but John did not come. They waited until nearly noon next day without any sign of their companion. They then decided to break camp, fearing that John had been attacked by Indians.

They drove to Coffeeville, where they separated to return to their homes. Woods told Miller he would write Hantz's family before starting to Kinsley, and the description of the party's movements outlined above was contained in that letter.

Upon his arrival in Kinsley, Woods turned over to the elder Hantz a number of things that had belonged to John, including a six-shooter, a pair of field glasses, various personal articles, and a trunk full of clothes. He confirmed the story he told in the letter and discussed the disappearance fully and frankly.

The elder Hantz decided to send two of his sons to the place where Woods last saw John on the Verdigris River in the hope that they might find the body. They reached the camp and after thirteen days' searching discovered a body. They sent for their father, and when he arrived a careful examination convinced them that the body was not John's.

The following March the Hantz family received word that another body had been found on the banks of the Verdigris, and for a second time Hantz and his sons set out toward Indian Territory.

The body was lying across a log on the edge of the river, face down in the water, with the feet on the bank. It was decomposed, and part of the nose and upper lip had been eaten away. The left arm was broken and the left jawbone was unhinged. Holes in the back of the head appeared to have been made by buckshot, which apparently passed through the skull from back to front.

It was said by others that the body was in such bad condition that it could not be identified, but John Hantz, Sr., was convinced by the physique and the absence of several teeth on each side of the lower jaw that it was the body of his son. He said the teeth had been extracted before John started on the hunting trip.

A knife found near the body was identified as John's, and Woods said that a cap found on the head was his own. Soon after this identification, various stories began to circulate concerning hunting parties that had seen Woods, Miller, and Hantz passing through the countryside; and as a result of the tenor of these tales, Woods and Miller were arrested.

Woods was taken at his home, and Miller, who lived in Troy, was found to have left in a covered wagon for the Far West a few hours before the sheriff arrived at his home. He was overtaken eighteen miles from Troy, and a search of his clothing disclosed a watch that had belonged to young Hantz.

Further investigation created a dangerous net of circumstantial evidence against the pair, and when they came to trial practically the only thing in their favor seemed to be that they both told exactly the same stories, even to small details, and that new matter with which they were confronted by the authorities from time to time during the examination elicited similar frank replies from both men. In no respect did their stories differ.

After a motion for separate trials was denied on the ground that such a proceeding would waste too much time, the case got under way.

The prosecution contended that the defendants had murdered Hantz to rob him of the little money he had. The murder occurred, the prosecution said, about the time another party, led by Arnold Louther and including T. M. Smith and Len Morrow, was camped near the youths on the Verdigris.

Evidence to support this theory rested upon the testimony of these three men and Louther's son, C. C. Louther, who had a homestead about ten miles from where the men camped in what was known as Commodore Hollow.

The Louthers and their friends were unable to remember the date of their hunting expedition and could only agree that it was after the first of November and before the twentieth. They were sure, however, that it was not after the twentieth, because young Louther's wife gave birth to a

child on that date. Young Louther had not gone on the trip, because he wanted to stay at home with his wife.

They said the camp site at Commodore Hollow was occupied by three men the day they arrived, so that they had to go 150 yards to set up their own tents. That night they visited the strangers and talked by the camp fire several hours before going to bed. Louther and Morrow identified two of the men at the camp fire as the two defendants, but Smith said he did not remember them.

During the night, Louther said, he heard shots from the vicinity of the strangers' camp. Morrow and Smith, however, testified that they heard nothing.

Morrow, who had brought the Louthers' camping outfit to the river with his team, started home next morning after his party had set out to hunt. He said he passed the strangers' camp and saw only Woods, who stopped him and gave him a slut hound. On the way home the dog jumped out of the wagon and disappeared. Arnold Louther testified that he found a slut hound near the river next day and that the dog stayed near by several days howling and barking.

Louther and Smith said that, when they returned to their own camp the first day after their arrival, they discovered that the strangers' camp was deserted and there was no sign of the three hunters.

Morrow testified that about a week later he met Woods and Miller on the road near Coffeenville. C. C. Louther was with him, he said, and offered to buy several wolfskins Woods and Miller had with them, but the offer was refused. Again there was disagreement as to the exact date.

When Miller testified in his own defense, he told the same story Woods related on his return to Kinsley. He remembered meeting the other party in the hollow and described the evening discussion around the camp fire. He also confirmed the story of the gift of a dog to Morrow.

He told of the sale of Hantz's horse; and Amos Walter, the man who bought it, testified to the transaction, identifying the defendants as two of the men present at the sale, and he described the third—John Hantz, Jr.

Miller then told of the subsequent meeting with Morrow

on the road to Coffeerville. He set the date about three weeks later than Morrow and contradicted the latter's statement that C. C. Louthier had been present. He recalled no conversation concerning wolfskins, but said he had asked about the dog and Morrow replied that it had run away.

The prosecution made much of the fact that Miller had young Hantz's watch when arrested. He explained, however, that it had been the only watch in the party, and that Hantz had turned it over to him, saying that he often forgot to wind it and it had best be kept going regularly.

Later, Miller testified, he sold John a revolver on credit and was told to keep the watch for security. This revolver was among the articles belonging to young Hantz that Woods returned to the youth's father. Miller testified that Woods and Hantz were short of money and that with the cash raised by selling the pony, young Hantz had bought food, boots, blankets, and whiskey and had between \$12 and \$15 left. There had been no quarrels, Miller said, and finances were settled every Saturday night. John and Woods each owed him \$5.00 at the time of the last settlement.

Miller had returned to his home in December and stayed until April, when he started west in the covered wagon. The county attorney at Troy and a doctor, T. C. Lee, both testified that everyone in Troy knew of Miller's plans to go west and that he was a peaceful and respected member of the community. A number of persons also testified as to Woods's good character.

When all the evidence was finally before the jury, the prosecution declined to make the opening argument; and the defense, under protest, was ordered to present its argument, to which the prosecution replied.

The jury returned a verdict of guilty. Both men were sentenced to be hanged April 19, 1889, and a motion for a new trial was denied.

The condemned men were so insistent in their pleas of innocence that the case finally came to the attention of the Department of Justice in Washington. William H. H. Miller, Attorney-General in the cabinet of President Harrison, made a thorough investigation and recommended a par-

don for both men because they had been sentenced "against the law and evidence."

President Harrison pardoned Woods April 8, 1889, but not Miller. The latter's sentence was commuted to life imprisonment without any explanation other than the statement that "there are circumstances in this case which make me unwilling to confirm the death sentence."

Miller stayed in prison fifteen years. Finally, he wrote Attorney-General Philander Knox, again protesting his innocence. Knox began a new investigation and reported that the former Attorney-General, Mr. Miller, had voluntarily brought the matter up, and urged further inquiry. Knox became convinced of Miller's innocence and recommended his pardon to President Roosevelt, saying: "I believe Miller should have been pardoned when Woods was pardoned. After a careful consideration of the entire case, it is my deliberate opinion that both Woods and Miller are absolutely innocent of the murder of Hantz, and that Miller has now suffered for nearly fifteen years for a crime which he did not commit."

Miller was pardoned November 10, 1902, having lost his best years through the credulity of a jury and the unexplained failure of Attorney-General Miller to recommend his pardon when Woods was pardoned.

THIS was a conviction on circumstantial evidence alone. On reading the report of the United States Attorney-General, it seems incredible that a jury anywhere could have found these men guilty on the evidence presented. The desire of the Hantz family for vengeance upon someone may have been a contributing factor; again, the verdict may have turned on personal or fortuitous circumstances which the printed record does not disclose. Only by sheer good luck were the men spared hanging. It is strange that so positive a conclusion as that of Attorney-General Knox, to the effect that Miller was "absolutely innocent of the murder of Hantz," should leave the community and the Government unmoved, and that mere pardon, after fifteen years, for an uncom-

mitted crime, should be deemed a sufficient compensation for Miller's sufferings. The records do not show what became of Miller, but that the life of this perfectly respectable young American was seriously impaired, if not ruined, can hardly be doubted. It is not easy to understand why Woods should have been pardoned and not Miller, but there is the record. Possibly, Miller did not have as energetic a group of friends, or was himself less aggressive in asserting his innocence and demanding another investigation. Inertia is often to blame for the failure to right manifest wrongs. Perhaps it ought to be appreciated that he was at least not subjected to the horror of serving out his life sentence in a Federal penitentiary. A jury's verdict is often a difficult, if not insurmountable, obstacle to overcome on the road to justice.

#### BIBLIOGRAPHY

1. *United States Attorney General's Report, 1903*, pp. 52-59.
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