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Book Reviews

Book Review: The Strange Case of Dr. Paul Schœppe

Robert E. Rains*

Podvia, Mark W. *The Strange Case of Dr. Paul Schœppe*, Foreword by William E. Butler. Clark, New Jersey: Talbot Publishing, [2022]. xv, 147 p. Paperback. \$24.95. ISBN 13: 978-1-616-19675-2/10: 1-61619-675-0.

“Maria Steinnecke, a wealthy spinster, died in Carlisle, Pennsylvania, on January 28, 1869.”¹ With this simple declaratory sentence, Mark W. Podvia, a retired University Librarian of the West Virginia University College of Law and member of the emeritus faculty of Penn State Dickinson Law, begins his complex and intriguing narrative of a murder case in small town America that twice went to trial with a related estate contest in Baltimore, riveted the country for several years, involved representatives of the Prussian government, and was twice the subject of new laws enacted by the Pennsylvania General Assembly, one of which eventually changed how death penalty appeals are handled by the Pennsylvania Supreme Court.

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1. According to the *Carlisle Herald*, her estate was valued between \$40,000 and \$50,000. Using the Consumer Price Index, in 2023 dollars, the value would be roughly \$1,100,000. Ian Webster, *CPI Inflation Calculator*, IN2013DOLLARS.COM, <https://bit.ly/3ycKo2D> [<https://perma.cc/KM4F-YQKG>] (last visited Mar. 5, 2023).

Podvia's scrupulous account relies extensively on contemporaneous documents, giving a flavor of law and society of more than a century and a half ago. *The Strange Case of Dr. Paul Schœppe* raises at least as many questions as it answers. Among them: Who exactly were the key players? What was their relationship to each other? Were they engaged to be married? How and why did Maria Steinnecke die? Was a murder committed? Did anti-German prejudice taint the legal proceedings?

Carlisle, Pennsylvania, then as now, was the county seat of Cumberland County. According to the 1870 census, Carlisle had a population of 6,630, and Cumberland County's population was 43,898.

Both the deceased and her doctor were relative newcomers to Carlisle at the time the critical events took place. By his own account, Dr. Schœppe was born near Hanover (Germany, not Pennsylvania) in 1842. He graduated from the University of Berlin. Leaving Berlin in June 1868, he arrived in the United States some two weeks later and came to Carlisle, where his father was a German Lutheran minister. Dr. Schœppe "spoke English with a decidedly German accent." He would have been approximately 26 or 27 years old at the time of Miss² Steinnecke's death.

Miss Steinnecke was born in Carlisle in 1799. Shortly after her birth, her father died, and her mother moved with her to Baltimore. She was a longtime resident of that city. Miss Steinnecke visited Carlisle in early August 1868, when she became ill and consulted Dr. Schœppe. She returned to Baltimore in October 1868 but came back to Carlisle on January 19, 1869, moving into the Mansion House Hotel. She was reportedly in her usual health until January 27, although she had been in the company of Dr. Schœppe during this January visit. On January 27, Dr. Schœppe attended her at the Mansion House several times. Miss Steinnecke had the chambermaid bring a spoon so that Dr. Schœppe could "give her something to throw heaviness off her breast." The next day, Miss Steinnecke died. She would have been approximately 70 years old at the time of her death.

Events moved quickly after the discovery of Miss Steinnecke's death. As best as can be determined, the chronology of key facts is as follows:

Jan. 28, 1869: Miss Steinnecke dies.

Jan. 28, 1869: Miss Steinnecke's body is taken to Baltimore.

2. The title "Ms." was not in use in the 19th century, and contemporary accounts refer to Steinnecke as "Miss."

Jan. 29, 1869: Dr. Schœppe presents a check, “which smacked very strongly of forgery,” at a Carlisle bank purporting to be drawn by Miss Steinnecke and made out to him in the amount of \$50.³

Jan. 29, 1869: Dr. Schœppe, John Rheem (a family friend of the Steinneckes), and Attorney W. H. Miller examine Miss Steinnecke’s papers and discover her will, dated Nov. 17, 1868, written in Baltimore, and leaving her estate primarily to various educational and religious entities, with no bequest to Dr. Schœppe.

Feb. 1, 1869: The Steinnecke will of Nov. 17, 1868, is admitted to probate in Baltimore. Immediately, Dr. Schœppe’s attorney presents a later-dated will to the Baltimore Orphans’ Court, purporting to be that of Miss Steinnecke but admittedly in Dr. Schœppe’s handwriting and attested to by Dr. Schœppe and his father, devising her entire estate to Dr. Schœppe and making him the sole executor. The Baltimore court immediately suspends proceedings on the first will and appoints one of the executors of the first will as receiver of the deceased’s estate.

Feb. 10, 1869: Drs. Conrad and Aiken perform an autopsy on Miss Steinnecke’s disinterred body. They find no natural cause of death, but Dr. Aiken’s later analysis of matter taken from the stomach and intestines indicates the presence of hydrocyanic (prussic) acid.⁴ He concludes that “death was consequent on the action of prussic acid.”

Feb. 12, 1869: The *Carlisle Herald* reports that a paper has been found dated Jan. 14, 1869, by which Dr. Schœppe claimed that Miss Steinnecke had paid him \$1,000 of a promised \$5,000 for a provision in a contract for marriage under which she would retain “entire control, possession and right to her own estate personal and real and to the management of the same.”⁵ The paper was signed “P. Schoeppe.”

Feb. 16, 1869: A warrant is issued for the arrest of Dr. Schœppe, upon which he is arrested and taken to the county prison.

From this point forward, matters proceeded on two tracks: a wills/estate contest in Baltimore and criminal proceedings in Pennsylvania. In Baltimore, the executors under the original will filed an

3. Roughly \$1,100 in current value. Ian Webster, *CPI Inflation Calculator*, IN2013DOLLARS.COM, <https://bit.ly/41L9a7J> [<https://perma.cc/AP56-D6C6>] (last visited Mar. 5, 2023).

4. In the contemporary accounts, “Prussic” is sometimes capitalized and sometimes not.

5. Absent such a contract, at common law a married woman would have been a “*femme covert*” and her husband would have had absolute control over all of her property.

answer to Dr. Schœppe's petition to admit the second will, citing, among other issues, that Miss Steinnecke was in her usual health until the day before she died; that Dr. Schœppe had attended her; that eminent physicians could find no natural cause for her death; that, when her original will was found, Dr. Schœppe made no mention of a later will; and that the signature on the second will did not appear to be that of Miss Steinnecke. The Baltimore court suspended further proceedings on the wills pending the outcome of the criminal case.

In the Cumberland County Court, Judge James H. Graham held a preliminary hearing on bail on February 23, 1869. Several people from the Mansion House testified, including the proprietor, fellow boarders, and a chambermaid. They all agreed as to Miss Steinnecke's healthful condition up until the day before she died and Dr. Schœppe's frequent attendance upon her. Dr. Herman, who had assisted Dr. Schœppe on the day Miss Steinnecke died, testified as to her condition and Dr. Schœppe's actions—or lack thereof—to save her. Dr. C.M. Worthington testified that Dr. Schœppe had purchased medical Prussic acid from him sometime before January 19.

The depositions of five Baltimore residents, including three doctors, were entered into evidence. Dr. Ridgely, who had observed the autopsy, "could not state the cause of Miss Steinnecke's death." Dr. Conrad gave details of his performance of the autopsy. Dr. Aiken, who was additionally a professor of chemistry at the University of Maryland, had performed the tests that indicated the presence of Prussic acid in Miss Steinnecke's stomach and intestines. He concluded:

Therefore, from facts observed, I deduce my conclusions, which may or may not be correct; that death was consequent on the action of prussic acid, is a mere conclusion deduced from the facts I have given. My opinion is based upon the known properties of prussic acid, which permits me to assume as a legitimate conclusion, that the presence of a small quantity found in the stomach ten days after death, represents a much larger, though unknown quantity, at the time of death.

Unsurprisingly, Judge Graham ordered Dr. Schœppe to remain in prison and await his trial.

Dr. Schœppe's criminal trial commenced on May 24, 1869, with Judge Graham again presiding. Many of the witnesses from the preliminary hearing repeated their testimony at the trial. The Carlisle teller who cashed the \$50 check—which had purportedly been

signed by Miss Steinnecke and made out to Dr. Schœppe—the day after Miss Steinnecke died testified that he had questioned Dr. Schœppe about the signature before he paid the check. Exactly why the teller paid Dr. Schœppe when he did not believe her signature was genuine was not explained, but perhaps the teller was simply intimidated in dealing with a medical professional. Significantly, Dr. Schœppe had presented another check purportedly signed by Miss Steinnecke the day before her death, this one for \$180, to a bank in Baltimore that refused to pay it on the grounds that it appeared to be a forgery.

The key testimony was that offered by medical witnesses on both sides. For the Commonwealth, Dr. Herman testified that death was not by natural causes, but by “the compounding of Prussic acid and morphine.” Dr. Dale testified that the cause of death was “opium or some of its preparations.” Three other physicians for the Commonwealth agreed, but a fourth stated that although death was not by natural causes and although Miss Steinnecke had received both Prussic acid and morphia, “I cannot say unconditionally that they caused her death.”

The defense’s doctors attacked the autopsy. Dr. Coudrey said that the autopsy should have examined the kidneys. Dr. Himes opined that the Prussic acid found in the stomach could have been produced by harmless substances there. Dr. Wormley concurred and further stated that death by Prussic acid is usually quick, not drawn out as in this case. Dr. Robinson suggested that death might have been caused by uremia, which would not have shown up on the autopsy.

In rebuttal for the Commonwealth, Dr. Herron, a druggist, testified that he had sold Prussic acid to Dr. Schœppe on January 23.

In closing argument for the Commonwealth, prosecutor William Shearer contended that poisoning “was a late German importation,” but was “not common in America.” (Query: Even if true, which apparently it was not,⁶ should this assertion have been grounds for a mistrial?) The defense argued that there was no evidence that Prussic acid or morphia (opium) was found, nor evidence that poison was given.

6. There was a “starving time” at the Jamestown colony in 1609–10. Clearly, ratsbane (arsenic) was already a well-known poison and was present in Jamestown to control the rat population. One theory for the deaths is that many Jamestown residents were poisoned with arsenic, accidentally or otherwise. See *Death at Jamestown: Clues and Evidence*, PBS (May 28, 2014), <https://bit.ly/3jWoA7V> [<https://perma.cc/P4WH-D8QW>]; see also THOMAS M. McDADE, *THE ANNALS OF MURDER: A BIBLIOGRAPHY OF BOOKS AND PAMPHLETS ON AMERICAN MURDERS FROM COLONIAL TIMES TO 1900* (1961).

After four hours of deliberation, the jury convicted Dr. Schœppe of first-degree murder. On August 20, Judge Graham denied the defense's motion for a new trial and decreed that Dr. Schœppe "be hanged by the neck until you are dead." On that same day, the judge sentenced another convicted murderer, Adam Titus, to death by hanging.

Under court rules then in place, Dr. Schœppe petitioned the Chief Justice of the Pennsylvania Supreme Court for *allocatur* (review), and, after consulting with two of his colleagues on the bench, the Chief Justice denied review.

In the ordinary course of events, this would have been the end of the line for Dr. Schœppe. But the case had generated much publicity and was reported not only locally and in Baltimore but in the *Philadelphia Inquirer* and the *New York Times*. A public outcry ensued, involving such disparate groups as the Medico-Legal Society of the City of New York, the Allegheny County Medical Society, the German Legal Aid Society of New York City, etc. "German-Americans throughout the United States rallied to his aid." As a result of these pressures, Dr. Schœppe's representatives were given the right to argue for a pardon before the state attorney general and Governor Geary. But, after consideration, the governor signed death warrants for both Dr. Schœppe and Adam Titus, setting the date of both executions as December 22, 1869. Again, this should have been the end, but it was not.

Under even more pressure, the Prussian Minister to the United States, Baron von Gerolt, met with Gov. Geary to plead Dr. Schœppe's case. It worked. The attorney general prepared to issue a writ of error, and, less than two weeks before the scheduled hanging, the governor took action to withdraw the death warrant for Dr. Schœppe. The attorney general and defense counsel jointly petitioned the Supreme Court for *allocatur*. But, for a second time, the Supreme Court denied review, despite the fact that the pro-Schœppe forces had persuaded the General Assembly to enact a law providing for such review. The Court found that the new law only applied prospectively.⁷

In what can only be considered actual "gallows humor," a number of people in Carlisle petitioned to delay the hanging of Adam Titus. The *Daily Evening Bulletin* accused the petitioners, possibly with tongue in cheek, of wanting the "grand ante-Christmas treat" of a double execution. Nevertheless, Titus alone was hanged on December 23.

7. *Schoeppe v. Commonwealth*, 65 Pa. 51, 56–58 (1870).

In yet another twist and turn, *The Baltimore Sun* published a letter on January 10, 1870, from eminent Prussian Professor Rudolph Gneist, asserting that Paul Schœppe was a well-known dangerous criminal in Prussia who had done time for grand larceny and counterfeiting. Naturally, Dr. Schœppe denied that he was that person. Then, in February, *The Baltimore Sun* reliably reported that Schœppe was not a medical doctor at all but had been a student of theology. In what might be akin to a “Hail Mary pass,” Schœppe released all claims to Miss Steinnecke’s estate and directed her monies to various charitable enterprises.

Under continued political pressure, in March 1872, the General Assembly passed a second law, this one specifically authorizing the Cumberland County Court to set aside the judgment in the *Schœppe* case and consider a motion for a new trial!⁸ (Query: Did this special law for Schœppe have anything to do with the adoption the following year of Article III, Section 32, of the Pennsylvania Constitution generally prohibiting private laws?)

Schœppe did in fact get a second trial in August 1872 before a new judge, Benjamin F. Junkin. Podvia’s *The Strange Case of Dr. Paul Schœppe* describes that trial and how it ended, as well as still more revelations regarding Schœppe. But far be it from this reviewer to act as a spoiler. You, dear reader, are encouraged to beg, borrow, buy, but not steal, a copy of this fascinating book and learn the denouement for yourself.

Podvia ends his narrative with a brief final chapter addressing the fundamental question: “Was Justice Done?” He makes cogent arguments for his position on that question, but you, dear reader, can draw your own conclusions.

8. One might well argue that the insistence of the General Assembly to a review by the Pennsylvania Supreme Court on the merits of Schœppe’s death penalty sentence was the distant precursor of today’s rule that, “A sentence of death shall be subject to automatic review by the Supreme Court of Pennsylvania pursuant to its rules.” 42 PA. CONS. STAT. § 9711(h)(1) (2023).
