

MONTGOMERY DIES AT AUBURN.
Montgomery Murder of 1901 Happened Here.
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HAD BEEN IN FAILING HEALTH FROM BRIGHT'S DISEASE.

His Imprisonment Told on Him and Finally Wore Him Out.

Buried at Home

Harvey D. Montgomery died in the prison hospital at Auburn, Sunday Night, May 5th, aged 65 years. His Daughter, Mrs. Dell M. Simonson, who lives on the Montgomery Homestead at Hobart, received a telegram announcing his death Monday morning, and telling her that she might take charge of the body if she so desired. Mrs. Simonson immediately telegraphed back to have the body embalmed and sent to Hobart. Funeral services were held from the Montgomery Homestead Thursday. His former pastor, Rev. A. E. Lord, officiated. He leaves beside his daughter, one son, George, who is clerk at Pocantico Inn, Margaretville.

Montgomery was serving a life sentence at Auburn and had been there a little over three years. He was convicted of the murder of his wife, Amelia B. Montgomery, at Delhi, June 2, 1902, and sentenced by Judge Sewell to be electrocuted. An appeal was taken, a new trial granted and change of venue ordered. Montgomery was taken from Delhi to Cooperstown in March, 1904, found guilty of murder in the second degree and sentenced by Judge Miller to Auburn for life.

Mrs. Amelia Brown Montgomery was shot on the night of March 30th, 1901 by a gun in the hands of her husband, Harvey D. Montgomery, as she lay in bed. The shooting was never denied but Montgomery always claimed to the day he died that the shooting was an accidental. That he was attacked with a fainting spell as he was going to the window to frighten away thieves from his pig pens and as he fell the gun discharged. The motive claimed by the prosecution was that Montgomery shot his wife to obtain her money which amounted, it is said, to about \$10,000. The case was strongly contested on both sides. Montgomery bared up wonderfully well during his long confinement in jail and during the long trials, but after his sentence the second time and his incarceration in prison for life, his spirit broke and he began to fail, though he never gave up hope that someday he might get a new trial. Below is given an extract of a letter written a few months before his death:

"I have been trying for over two years to get some lawyer to try to get a third trial for me but I can't get anyone to do it.

At Coopertown I wanted to subpoena about forty more witnesses but I could not get it done. Then I wanted the bedstead, springs and mattress that my wife and I had slept on a part of that last fatal night, as well as all winter. I wished to take the old gun and to demonstrate right there inside the rail of the court, before the jury and the witnesses every position that I could recall having been in up to the time I was taken with a rush of blood to my head that soon rendered me unconscious. Then I wished to show them from that last position how very easily the gun could have been accidentally discharged as it was discharged, and have it been at a slant of from 30 to 60 degrees, and how it could not have been any other way, but my attorneys would not allow me to."

"I ought to have been put on the stand so I could explain all those mole hills of circumstances that were many of them as harmless as a flight of birds, others as false as lying tongues could make them.

"If I had a chance I could explain all the mole hills of circumstance that were got together to convict me with. But I don't know as it would do much good for me to while I am in prison. Anything I might say would be sure to be ridiculed."

H. D. Montgomery

Up to the time of his arrest on the charge of murdering his wife, Montgomery was a man of influence and standing in the community. He owned several large farms and conducted a big business. The most that could be said against him was that he was a man of violent temper. Public opinion was strongly against him at the time and continued so strong that his attorneys used that as an argument in securing a change of venue. Still he had many friends who stood by him through it all.